



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

PO Box 120, Windham, New Hampshire 03087

(603) 432-3806 / Fax (603) 432-7362

www.WindhamNewHampshire.com

Planning Board Minutes V-2

April 4, 2012

Board Members:

Margaret Crisler, Chairwoman – Present
Ruth-Ellen Post, Vice-Chair– Excused
Pam Skinner, Member, Member – Excused
Kristi St. Laurent, Member – Seated at 7:10 pm
Jonathan Sycamore, Member – Present
Lee Maloney, Alternate Member – Present

Carolyn Webber, Member - Present
Ross McLeod, Selectman Member – Excused
Kathleen DiFruscia, Selectman Alternate - Present
Sy Wrenn, Alternate Member – Present
Vanessa Nysten, Alternate Member - Present

Staff:

Laura Scott, Community Development Director
Cathy Pinette – Planning Board Minute Taker

Call to Order/Attendance/Pledge of Allegiance:

Chairwoman Crisler called the meeting to order at 7:04 pm followed by the Pledge of Allegiance and attendance.

Ms. Nysten was appointed to sit for Ms. Post. Mr. Wrenn was appointed to sit for Ms. Skinner.

Design Review Regulation Workshop

Chairwoman Crisler stated that we were to continue at where the Board had left off, finish, and make a determination whether to set up a committee. The tentative Public Hearing would be scheduled for May 2nd.

Ms. Karen Fitzgerald reviewed the incorporated changes to the latest draft which included:

- The “should” or “shall” wording
- We will be starting at Section 705

Board comments/questions include:

- Ms. Nysten said that there was a change that was not supposed to be made on Section 703.1, Scale and Massing. The first paragraph was to be eliminated and the second paragraph was to stay, so just switch the two. It was agreed upon and the minutes reflect this. Ms. Fitzgerald agreed.
- Ms. Webber said that on Section 502.3, Parking, the sentence should read “Parking lots should be screened from the public street “with landscaping”. This will be added.

- Ms. Nysten commented that on what used to be Section 704.4, Building Height and Roof Design. Regarding flat roofs on single story buildings, she stated that if you had a large building like Shaws, it would be difficult to put a pitched roof on a single story. She thinks what the Board was trying to say was that on a huge building that was not realistic. Shaws has a parapet roof on the sides to obstruct seeing the mechanicals. She suggested wording to the effect that flat roofs on single story buildings shall not be used unless the building is so large that a conventional roof pitch would cause the roof to exceed the maximum building height. In this case a simulated roof shall be placed on all sides visible to the public.

Ms. St. Laurent arrived at 7:10 pm.

Chairman Crisler asked for comments from the Board on this point.

- Ms. Scott stated that the height regulations are measured for inhabitable space and otherwise, there is no height restriction for structures in Zoning.
- Ms. Fitzgerald stated she is not sure that “false roofs” should be integrated into designs.
- Ms. DiFruscia believed that as written, Section 704.4 accommodates this issue. Ms. Fitzgerald agrees and states Section 704.10 also addresses flat roofs and design.
- Mr. Wrenn stated in previous discussions the fact that most mechanical equipment goes on flat roofs and that was addressed. Chairwoman Crisler points to Section 704.7 which discouraged flat roofs.
- Chairman Crisler asked the Board if they wanted to leave "flat roofs shall not to be used" or do they want to add it back in. There was discussion on this.
- Ms. St. Laurent stated we have ways to address this with Section 704.10 and Section 704.2. She feels that we have enough language in there.
- Chairwoman Crisler asked what the Board wanted to do.
- Ms. Fitzgerald suggested we could say that flat roofs are discouraged. Chairwoman Crisler and Ms. Fitzgerald said we would add the wording “Flat roof single story buildings are discouraged. Building scale and roof detail should be appropriate to building scale.”
- Section 705.4 – Add an ‘s’ onto the word “section”. Mr. Wrenn suggested we be more flexible with the depth. The consensus was to take out ”shall be at least 20 feet in depth measured from the face of the façade” and add “ should be at an adequate depth to provide visual relief to address the mass of the building”.
- Section 706.3 and Section 706.4 – Discussion around the “25%”. Ms. St. Laurent thought it was pretty restrictive.

Chairwoman Crisler opened the discussion to the public.

Mr. Ralph Valentine, speaking on behalf of the WEDC, spoke regarding the percentages in Section 706.3 and Section 7.06.4.

- Chairwoman Crisler wanted to add unfinished concrete blocks shall not be used on a façade facing a public right of way or open space. We will take out the percentages.
- It was decided to delete in Section 706.4 the sentence “these finishes are limited to no more than 25% of the façade and facing a public right-of-way or open space.”
- Section 706.6 – Ms. St Laurent would like to strike as we have 706.1. Discussion by the Board and it was the decision was to delete this section.

- Section 707 - Mr. Valentine spoke to these sections regarding colors. He has some proposed language. He talked about “bright colors” and, conflicting sections.
- Section 707.3 – Consensus of the Board was to take out this section. The Board agreed to use the WEDC language provided by Mr. Valentine.
- Section 707.3.1 – Remove “in areas that total more than 20 percent of the building shell that is visible from the public including rights-of-way, or adjacent properties”. Also remove the wording “but not bright colors”
- Section 707.3.2 Remove “for up to 20 percent of the façade surfaces that are visible from the public or adjacent properties”. Also remove the wording “but not bright colors”
- Section 707.3.3 – Remove “Use accent colors for not more than 10 percent of any building façade that is visible from public and adjacent properties” and substitute “the following colors are recommended for accent colors”. Also remove the wording “but not bright colors”
- Section 708.1 Chairman Crisler requested “shall” be changed to “should”, and after the word divided we should add “where appropriate to design of building”.
- Section 709.3 Mr. Valentine addressed this Section. Ms. Scott spoke about the sign ordinance. The Board discussed and it was decided to add at the end of the sentence “the street number shall be added to the door or building as defined in the sign ordinance”.
- Section 710.5. Mr. Wrenn asked why we were discouraging this. Ms. Fitzgerald stated that the Board had discussed this.
- Mr. Valentine spoke to the benefits of uplighting.
- Ms DiFruscia felt it was beneficial to public safety.
- Chairwoman Crisler felt that “dark sky friendly” contradicted in some sections. Ms. St. Laurent would like it in parking areas.
- Ms. Scott stated that some applicants were using uplighting on buildings so that they didn’t need as many free standing light poles as this provided enough site lighting.
- Mr. Wrenn suggested adding upright flood lights may be used to illuminate building features and landscaping elements in Section 710.3.
- Mr. Sycamore stated there might be some places you would like uplighting. Chairman Crisler suggested adding that language as an exception in Section 710.3.
- Ms. Scott stated they could take out “dark sky friendly” in Section 710.3. It was decided to remove it.
- Section 710.5 and Section 710.6 were agreed to be eliminated.

Gerald Lewis, Chief of Police addressed the Board. (CPTED) is a multi-disciplinary approach to deterring criminal behavior through environmental design.

- Section 502.3 Parking. He is concerned about isolated vehicles, people traveling to and from their cars and the lack of natural surveillance. Do not want to isolate people or cars. Should have a majority of parking in the front to act as a deterrent. There will be instances where it is not feasible to park out front and the Chief wants to work with that.
- Section 502.4 Plantings. Need to minimize the obstructions of the views. The police need to see inside the building and get a quick snapshot of what is happening in and around the business. Large planting impedes the officer’s view.
- Section 710 Lighting. He feels the lighting provisions are acceptable.

- Chief Lewis' other suggestions included, access management, no large shrubbery, and plowing can cause obstructions with high snow banks. Chief Lewis encouraged the Board to look at these issues.

Boards comments/questions include:

- Chairwoman Crisler asked about islands and trees. Chief Lewis stated they are acceptable with the lower limbs cut out.
- Mr. Sycamore stated that in some cities, such as in Lexington, parking is in the back. Chief Lewis recommends access management so that vehicles can move from one business to another through shared parking and access ways.
- Chairwoman Crisler asked Chief Lewis for more information regarding CPTED. Chief Lewis' long term goal is to have an officer participate in this program. Chief Lewis will send Ms. Scott a link for distribution to the Board. Ms. Scott stated that Chief Lewis does see all plans submitted for Planning Board approval through the TRC process and expresses his concerns with parking or access at that time

Mr. Ralph Valentine, WEDC addressed the Board.

- Section 503.2.7 – Mr. Valentine expressed concern regarding loading docks and the requirement to shield them from the public and street view with fences, landscaping or walls.
- Section 504.2.7 – Mr. Valentine stated that there should not be a minimum because you have different percents for parking, buffers, etc. Ms. Fitzgerald stated that the landscaping section does say that safety is an issue. Parking lot access is good and we have that. Mr. Valentine stated that the Stove Shop has very nice landscaping and a buffer.
- Section 709 conflicts with Section 502.3. Mr. Valentine and the WEDC would like to look at this and Chief Lewis to catch any screening issue contradictions.

Board comments/questions include:

- Chairwoman Crisler said to take out “fences, landscaping, or walls shall be used to screen these areas” from Section 503.27.
- Ms. DiFruscia stated in regards to what Chief Lewis said regarding public safety in Section 504.26 screening all parking areas visible from the street should be landscaped with walls, fencing, etc. that does not impair visibility from the street.
- Section 504.27 – It was decided to take out “within parking lot” after the word “Landscaping” in the first sentence.
- Ms. Scott said that we should see the CPTED document before we reference it in the Regulations in case there are areas of conflict.
- Ms. Nysten had some concerns about removing the screening. She felt that the trees at Shaws and the Post Office added character to the site and would hate to see developers take all the trees down. We need to have a balance. It also softens commercial buildings.
- Chairwoman Crisler accepted Mr. Valentine's offer of the WEDC. It was the consensus of the Board to do this. Chairwoman Crisler would like comments from the WEDC by April 25th.
- Ms. Nysten asked that the WEDC possibly add something as to soften the parking lot when there is parking in front of a business/building. She feels we need to have a buffer.
- May 2nd there will be another workshop. We will have a revised packet. A decision will be made regarding forming a sub-committee.

April 4, 2012 Approved Planning Board Minutes V-2

- Chairwoman Crisler asked Ms. Scott for a checklist for applicants. Ms. Scott stated that the Site Plan applications would be revised if and when the Board adopts the Regulations and the checklist would be part of the application.
- Ms. Nysten asked if legal counsel should look at the document before completion. Ms. Scott stated that would happen prior to the Planning Board hearing so that he is reviewing the final document.
- Chairwoman Crisler thanked Ms. Fitzgerald for her work on the Design Regulations.

The Board took a 5 minute recess at 9:35 pm

NH DOT Comments

Re-Classification of State Roads

- Ms. Scott has a request from the BOS for the PB to give input. It's on the Selectmen's agenda for April 30th. Ms. Scott reviewed the maps for the proposed road changes. With all of the Rt. 93 work, sections of Indian Rock Rd. and Range Road will be relocated and or not under state control anymore. Does PB have any suggestions for the roads as well as possible names. BOS already brought up that the State should upgrade/repair roads before turning them over to the Town. PB could reinforce that.

Board comments/questions include:

- Ms. DiFruscia asked Ms. Scott for clarification on the proposed Range Road access. She was concerned about existing businesses. Ms. Scott explained the proposed access.
- Ms. Crisler explained that when the State turns over the existing roads to the Town, the Town will then be responsible for maintaining those roads so they should be in pristine condition when turned over to the Town.
- Ms. Nysten heard that range Road would be a one way. Ms. Scott had not heard that. Ms. St. Laurent heard that from the Windham Restaurant, it would be a right turn only so that would limit access. Ms. Scott will have concerns about limited access/movement addressed.
- Chairwoman Crisler asked Ms. Scott of the intersections on Range and Indian Rock would have traffic lights. There was a discussion regarding traffic lights on the maps. Where will there be traffic lights? PB needs clarification on traffic lights from DOT. Ms. Scott will get this clarified.
- Ms. Scott said that DOT has been working with existing businesses regarding things such as traffic and drainage.
- Ms. Webber recommends that the existing Range Road be two way because she would like two way access to the existing businesses there.
- Ms. St. Laurent said that there is no traffic light at McDonalds on the map.
- Mr. Wrenn said that all lights should be coordinated to ensure smooth traffic flow.
- Ms. Webber is concerned about the impact of existing businesses and the access to these places on Range Road.
- Ms. Crisler suggested the existing Range Road should retain its name, and the BOS should rename the new section of Range Road utilizing the names on the historical name list. The list is generated by the HDC/HC that Ms. Scott will provide to the Selectmen.
- Ms. Webber is unclear why the Town needs the new section of Range Rd. DOT needs to finish one project before spending millions on a new road.

- Board has concerns about how existing businesses on Indian Rock Rd. would be impacted when it's no longer a through street. Ms. Scott explained that the cul-de-sac section does not have retail businesses that depend on traffic.
- The Board recommended renaming the existing section of Indian Rock Rd. and retaining the Indian Rock Rd. name for the new section of Indian Rock Rd. in order to keep the name more consistent as you travel down Rt. 111.
- Ms. Webber will look up the name for the Cobbett's Pond Rock for a possible street name for the existing section of Indian Rock Rd.

Proposed Sidewalk Maintenance Agreement

- Ms. Scott has a request from the Board of Selectmen for input on the documentation relative to the DOT proposed Sidewalk Maintenance Agreement.
- Ms. DiFruscia would like to know the impact on the local businesses.
- Mr. Sycamore would like to know the financial figure of this impact.
- Ms. DiFruscia questioned liability issues with the sidewalks.
- Ms. St. Laurent stated that the community survey reflected that residents wanted sidewalks, it is a draw for new businesses, and it was a great idea.
- Ms. Nysten agreed with Ms. St. Laurent adding that it is good for business with foot traffic, employee walking and walking to other local businesses.
- Mr. Sycamore agreed with Ms. St. Laurent and Ms. Nysten stating it was good for economic development.
- Mr. Wrenn agreed with Ms. St. Laurent but he stated there is also the maintenance issue.
- Ms. Webber stated she was not sure if it was feasible.
- Chairwoman Crisler stated that if we want to have pedestrians crossing 111, we need a sidewalk.
- Ms. Scott will recommend to the BOS: Maintenance and cost, potential liability, community survey states residents want sidewalks, and it may help economic development.
- The majority of the Board was in favor of accepting the sidewalks.

March Staff Reports

Ms Scott and Ms. Wood had provided their monthly updates to the Board for their review.

Member Binder Updates

Updates for Table of Contents, Member List (Tab #1), and Site Plan Regulations (Tab #7) were provided to the Board members for updating their member binders. The revised Zoning Ordinance, Map, and Board applications will be forthcoming.

Other Board Comments/Committee Meeting Invitations

- Chairwoman Crisler stated that Mr. Thorndike's presentation will be moved to May 30th. The WEDC will be invited to the May 30th meeting.
- Chairwoman Crisler suggested that we do an extra workshop meeting once per month.
- Ms. DiFruscia suggested we limit time we spend on the workshop issues. Chairwoman Crisler stated we should have just one topic.
- Ms. DiFruscia was excused at 10:30 pm.

- Discussion regarding meeting on April 25th. Ms. Scott will email everyone to see if they can attend.

Meeting Minutes Review and Approval:

- February 1, 2012
- Motion to accept the amended Minutes of February 1, 2012 by Ms. Nysten, seconded by Ms. Webber. Approved 6-0

- March 21, 2012
- Motion to accept the amended Minutes of March 21, 2012 by Mr. Wrenn, seconded by Ms. Webber. Approved 6-0

Old/New Business

- Ms. St. Laurent spoke about timber harvesting and had a fact sheet on NH Harvesting Laws. She asked how this would relate to the town and what has been going on at various sites in Town. Ms Scott stated that at the Shaw's site, NHDOT was notified of the timber harvesting, as was NH DRA. The B&C Landscaping site is in the same situation. Both NH DOT and NHDRA have been notified and she is working on code enforcement actions at that site.
- Chairwoman Crisler spoke in regards to legal matters. It was asked that if the item was not confidential that they should be labeled as such by Town Counsel. Chairwoman Crisler asked that all non-public legal copies be placed in an envelope for each Planning Board member and marked confidential and placed at the member's chair or in their packet.
- Chairman Crisler stated that the Board will decide what memos regarding cases are made available to the public and what will remain non-public.
- Ms. Nysten stated that the minutes for March 7th needed to be look at, Ms Scott stated they would need to be reconsidered. This will be added to an upcoming meeting agenda. Ms. Nysten stated we shouldn't approve final minutes until we look at the changes made in them first.

Motion to adjourn was made by Mr. Wrenn and seconded by Ms. Webber. Meeting adjourned at 11:00 pm.

These minutes were approved 5/9/12 and respectfully submitted by Cathy Pinette, Planning Board Minute Taker.