



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
October 3, 2012

Board Members:

Margaret Crisler, Chairman – Present
Ruth-Ellen Post, Vice Chairman– Excused
Pam Skinner, Member – Present
Kristi St. Laurent, Member – Present
Jonathan Sycamore, Member – Excused
Lee Maloney, Alternate Member – Excused

Carolyn Webber, Member – Present
Ross McLeod, Selectman Alternate –Excused
Kathleen DiFruscia, Selectman, Member – Arrived at 7:12 pm
Sy Wrenn, Alternate Member – Excused
Vanessa Nysten, Alternate Member – Present

Staff:

Elizabeth Wood, Community Planner
Nancy Prendergast, ZBA/Code Enforcement Administrator
Cathy Pinette, Planning Board Minute Taker

Call to Order/Attendance/Pledge of Allegiance

Chairman Crisler called the meeting to order at 7:03 pm, followed by the Pledge of Allegiance and attendance.

The Chairman appointed Ms. Nysten to sit for Mr. Sycamore.

2013 Town Meeting Workshop: Sign Ordinance (Section 706.6, 706.7, & 706.8)

- The Chair stated Ms. Prendergast, Ms. Webber and she have worked on the Sign Ordinance.
- Ms. Prendergast addressed the subcommittees and the discussions were about temporary signs, “coming soon” signs and sign specifications by district.
- Section 706.6.2.4– was changed to say “30 consecutive days” instead of 15 with a 15 day renewal.
- Section 706.7.3 – added language to allow “coming soon” or “re-opening”
- Ms. St. Laurent stated if there is no sign already they would need to follow the 24” size. Ms. Prendergast suggested adding Section 706.7.8 giving a suggestion of the sign size. The Board consensus was 32 sq ft. Ms. Prendergast suggested under “unlighted temporary signs” to add “or similar signs”

Ms. DiFruscia arrived at 7:15 pm.

- Section 706.2.7 – Language was added that there is no fee for non-profits. She stated the Board of Selectmen decides the fees. The Chair expressed concern that non-profits needed to get a permit with the owner’s signature. If it is state owned property Ms. Prendergast does not have jurisdiction.
- Section 706.8 – There is a conflict on the chart with regards to Changeable Copy in Commercial Districts and Footnote C. The reference to Changeable Copy will be removed in the Commercial District.
- Ms. DiFruscia asked if the sections will be renumbered and Ms. Prendergast stated yes.
- There was a discussion by the Board and staff regarding seasonal agricultural signs in regards to farm stands. It was determined that seasonal agricultural signs have a broad definition and farm stands were included.

The Chairman opened the Hearing to the public at 7:20 pm.

- Mr. Tom Case stated what is being proposed is very good.

Public comment was closed at 7:21 pm.

The Chairman entertained a motion.

Ms. Webber motioned to move the Sign Ordinance Changes to Public Hearing, seconded by Ms. DiFruscia. Motion passed 6 – 0.

Questions for Planning Board from Tom Case

The Chairman stated the Board had questions from resident Tom Case. Ms. Wood, Ms. Scott and the Chair have worked on these questions.

- Mr. Tom case addressed the Board. He stated he has a list he sent to the Board and he will go over a few of his concerns. The Zoning map is his main concern. He has spoken to staff about errors and stated they should be corrected. It has to reflect what the ordinance says. He spoke to the words “Residential” and Residence”. Ms. Wood stated that staff is working on that in the ordinance and it will go to Town Meeting. Mr. Case stated that Commercial A needs to be corrected as it now states “Business Commercial A” and “Commercial A”. The Chairman stated that staff is working on that. Mr. Case suggested that “Business Commercial A” be defined in the definition section to include “Commercial A” and “Business Commercial A”.

- Mr. Case asked why this wasn't addressed in May when he brought it into the Department. Ms. Wood stated they have been working on it and it will be ready for Town Vote in March. It can't be changed now.
- Mr. Case addressed the rezoned lot on Lowell Road that occurred a couple of years ago to Neighborhood Business District. He stated this is now a non-conforming lot. It is in the Bear Hill Ext. subdivision. The house is now zoned Neighborhood Business. The Chair stated it should be looked into. Mr. Case stated if you look at the deed there is a covenant with open space for Bear Hill. Ms. St. Laurent stated that when this was changed they were looking at more business places in town and the abutters were notified. Mr. Case stated that open space is not allowed in the Neighborhood Business District. The Chair asked Ms. Wood to look at this property and speak to the owner and see that it is taken care of.
- Mr. Case addressed section 300 of the Zoning Ordinance. He stated that the order of the list is not as it appears in the Zoning. For example, Business Commercial A is at the beginning and Commercial B is at the end. Cobbett's Pond is also referenced incorrectly. The Chair agreed with Mr. Case. Mr. Case stated that the listing for the WFH District is also missing from this Section. Ms. Wood stated that WFH District needs to be added in. Ms. Wood stated that the Chair, Ms. Scott and she discussed the order of the list. She stated re-ordering them is not done as easily as it sounds. She said Attorney Campbell said it cannot be done without going to Town Meeting. It would have to go through workshops, Town Meeting and the Warrant. It cannot be done by staff. She stated Ms. Scott knows more about this as she has been dealing with it and Mr. Case should speak to Ms. Scott about it. Mr. Case stated he knew it had to go to Town Meeting and he will work on it and give it to the Department.
- Mr. Case spoke to the Gateway Commercial Zone and stated that if the requirements differ with the Ordinance the Gateway Commercial Zone takes precedence. The Chair stated that was a point well taken and Ms. Wood is working on language for that.
- Mr. e Case spoke to the two lots behind Dinsmore Realty and behind the Castle wall that are zoned Gateway Commercial and are houses and they should be zoned accordingly and not Gateway Commercial. The Chair stated she didn't think that was the intent and that will be looked at,
- Mr. Case stated the Willows of Windham is zoned Neighborhood Business and it is elderly housing. Elderly housing is not allowed in that Zone. Maybe the Board should consider rezoning that to Res A, B or C. The Chair stated that will be looked at.
- Mr. Case stated in the Site Plan Regulations, 674.3.3, which the Town can allow for site plans except for single family and duplex and somewhere in there open space subdivision was thrown in. He questions the legality of that and will speak to site plans at the correct time.

2013 Town Meeting Workshops (cont.)

Multizone Parcel Rezone

- Ms. Wood addressed the Board and the audience. She stated if you were a property owner or abutter that received a letter from the Department and were in attendance that she thanked them for coming in. The Department started the process last year and was just finishing up. She explained what multizone properties were. Zoning lines sometimes cut through property lines. She stated it makes sense to be in one zone in most cases but not in every case. We went through approx. fifty properties. They are not looking to do any major changes, just clean up the zoning on these lots. The subcommittee recommended some rezoning of these parcels to the Planning Board and they may go to Town Meeting. She stated Rural and Residential District A would be affected, they are very similar and single family homes. She explained the difference between the two districts. She stated there is a misconception about rural having animals but you can have these in any area if you met the requirements.
-
- Ms. Webber asked if there was a difference in taxes for the Rural and Residential A zones. Ms. Wood stated she has a letter from the Assessor based on zoning and there would be no tax impact.

The Chair opened the public comment period.

- Mr. John Muldoon, 9 3-Edgewood Rd., addressed the Board. He stated he was most interested in Map 4 (53, 49, 41 Range Rd. Properties), which was not addressed yet. He abuts the property that is now the Golf Course. Ms. Wood stated that the reason Map 4 was on the list was not because they were rezoning. The Planning Board had examined these before and the public was very firm not to rezone these properties. The subcommittee also recommended not to rezone these parcels. Mr. Muldoon stated he did not want the parcels on Map 4 (53, 49, 41 Range Rd.) rezoned. Mr. Muldoon's request is to make certain that these parcels remain as multi-zone PBT and Residential A.
- Mr. Robert Wright, 3 Lakewood Rd addressed the Board. He stated his property also abuts the Golf Course Parcel. He asked what the buffer was. There was discussion about the buffer being 50 feet or 100 feet. He is against any changes on the zoning on these parcels (53, 49, 41 Range Rd.). He questioned what could go in a 50 foot buffer. Ms. St. Laurent stated the new applicant would have to have a vegetated buffer to shield the residential lots if the building or parking area was within 100 ft of the residential zone.
- Mr. Tom Case stated that both gentlemen who spoke previously had lots that were residential and abut-the residential the portion of the 53 Range Rd parcel and the setbacks will be different.
- Mr. Muldoon asked if a commercial building was built toward the front, could they also build residential in the back? Ms. Nysten stated that it's her understanding that they could do residential in the back and Professional Business and Technology uses toward the front and thinks that

would be considered mixed use. The Chair stated the intent was to give Woodvue Rd. and other residential streets a buffer from the commercial on Range Rd.

- Mr. Wright wants to leave it like it is. He stated the Board should not do any zoning changes near Rt. 111, Rt. 111A or the 93 corridor until we know what will happen with traffic. Traffic often gets backed up and could become worse.
- Mr. Tom Dreyer, 1 Fletcher Rd. (formerly 63 Marblehead Rd.), addressed the Board. He stated that all of Fletcher Road is going to be designated Rural. He thinks it should be Residential. The Chair stated the recommendation is to make it Residential A. Mr. Dreyer stated everything on Fletcher is Rural. The Chair asked Mr. Dreyer if he had a preference. Mr. Dreyer stated no. He asked if anyone is vulnerable to have something become non-conforming due to the changes. Ms. Wood replied no, that would be grandfathered. Mr. Dreyer stated there is an open space near lot near his property and asked if there was a zoning district for conservation or open space. The Chair stated that Ms. Wood and Ms. Skinner are working on that. Ms. Skinner stated if it is open space it is in the covenant, and will remain as open space whether it is classified as a Rural district or not.
- Ms. Susan Assetta, 31 Marblehead, addressed the Board. She stated that her driveway was an easement over someone else's land to get to Marblehead but her property is on Osgood. She would like to be rural as Osgood is all rural.
- Mr. Guy Asetta, 31 Marblehead, addressed the Board. He stated they might want to put a driveway on someday and would like to stay rural the same as Osgood. He asked who owned the open space. Ms. Wood explained about open space parcels.
- Mr. Michael Burke, 3 Searles Rd., addressed the Board. He stated he believes 43 Range Rd is in the Business Technology District. There is a small home there that is aggressively being pursued to be a Dunkin Donuts. He does not want that parcel to be rezoned. The Chair stated that parcel is not scheduled to be rezoned to Commercial A. Mr. Burke does not want it to be rezoned. He wants it to remain PBT
- Ms. James Bolan, 177 Range Rd addressed the Board. He asked about the maps. Ms. Woods showed Mr. Bolan Residential A and Rural on the maps. She stated most of Mr. Bolan's parcel was Residential A. Mr. Bolan stated he would like to be rural.
- Mr. Sean Gutman, 175 Range Rd., addressed the Board. He stated most of his questions had been answered by previous people. He would like to be rural and match Mr. Bolan's property.
- Mr. Tom Case addressed the Board. He stated there was an asterisk next to 4 Fletcher. It was recommended to be rezoned to rural. Ms. DiFruscia stated that 2 parcels were zoned Residential and all the others on Fletcher were rural. Ms. Wood said that that this parcel was not multi-zoned, but it made sense to change to Rural to conform to the neighborhood.

- Ms. Nysten asked Mr. Bolan if he had a reason he wanted to be rural Mr. Bolan explained his reason.
- The Chair recommended that the Board change the parcels to what the resident's wanted and to approve the subcommittee's recommendations.
- Ms. Wood stated she had two calls regarding changes. Mr. Dennis Rogers, 33 Rockingham Rd stated he supported the subcommittee's recommendations on Map 3 (Salem Rd. Property) and he abuts the Salem Rd Property. Ms, Wood also received a call regarding Map 4 (53, 49, 41 Range Rd. Properties) and as an abutter stated they didn't want it rezoned.
- The Chair recommended that the 175, 177, 173 Range Rd. properties be changed to rural.

The Chair entertained a motion.

Ms. Webber motioned to change from Residential A and Rural to Rural for 173, 175 and 177 Range Rd and move to Public Hearing, seconded by Ms. DiFruscia. Motion passed 6 – 0.

Ms. Nysten motioned to change 31 Marblehead Rd from Residential A & Rural to Rural and move to Public Hearing, seconded by Ms. Webber. Motion passed 6 – 0.

Ms. DiFruscia motioned to accept the subcommittees recommendations on all other lots and move to Public Hearing, seconded by Ms. Webber. Motion passed 6 – 0.

Ms. Skinner left the meeting at 9:00 pm.

The Board took a recess at 9:00 pm and was back in session at 9:07 pm.

Workforce Housing Overlay District (Section 619.6.6 & 619.6.7 & 619.7.5 & 619.7.2.1)

- Ms. Wood stated that the Board having gone through two WFH applications and having a WFH Ordinance in place in the past year, certain points have come to their attention for needing changes which is common for any new Ordinance. One is the time limit for financial hardship. The RSA stated the Board should designate a period of not less than 30 days. This has been added in section 619.6.6. The Chair, Ms. Scott and Ms. Wood have worked on this. Also, Added new and existing language "619.6.7 all other" procedures and criteria outlined in NH RSA 674:60(III) regarding conditions and restrictions of the approval will be followed.
- Section 619.7.5 – Ms. Wood stated the draft does not have any changes but to address the Chair's concerns it is before the Board. The concern was WFH units might not be as competitively pleasing as the other market rate units. A lot of times the developer does not know who wants to build what, so they cannot show the floor plans during the application. The question is how they preserve the integrity of the development. The Chair stated if it is a single family lot we don't need elevations

and floor plans and would like to add that. This could be added to Section 619.7.5.2. The Chair feels very strongly about adding this.

Board/Staff Questions/Concerns

- How would the Building Inspector know what is aesthetically pleasing? Comparing it to other houses in the subdivision as the developer would not want to bring property values down.
- Discussion regarding WFH and all houses having floor plans. Which houses need them and which don't? Making sure that some houses are not big and some small. This added section would take care of that.
- Section 619.7.5.2 – Ms. Nysten asked if the Chair was saying that if it is a single family WFH subdivision, the Board shouldn't be requiring representative floor plans and elevations?. Ms. DiFruscia stated that in a subdivision people would be buying lots and building. If a developer was doing all the units then elevations and floor plans would need to be consistent. Ms. Nysten stated the Ordinance says the units have to be similar. Ms. St Laurent stated these are the rules and if a developer wants to build WFH in order to get more density but is concerned about the restrictions they can do open space subdivision instead.
- Mr. Tom Case addressed the Board. He stated that looking at the WFH Ordinance it is for multiple houses on one lot. It does not address single family lots. He suggested possibly changing Rural Zone to allow that. He questioned why we have single family attached and duplexes and also multifamily as being 5 or more. The Chair said that in Res B and C, more than one unit is allowed per lot.
- The Board further discussed WFH. Ms. St. Laurent stated the Board needed to look at what a representative floor plan is. She would like the size, number of bathrooms, bedrooms, garage, etc. It's important that the WFH units are compatible in size and architectural style. She stated by having the elevations it gives the Board and staff the tools needed to assure compliance with what was presented to and approved by the Board. The Chair stated that staff would need a checklist to keep track. What is being discussed is that if a developer wants more density, they would need to provide the representative plans for the project. That is what is currently required in the existing WFH Ordinance. The consensus is to leave it as it is in the WFH Ordinance. Ms. DiFruscia questioned if you could require a developer to supply floor plans in the case of WFH. Ms. Wood stated Attorney Campbell looked at this last year and approved it but she will check with him again.
- Section 619.7.2.1 – The Chair stated this was changed to 10 acres from 5. The Board consensus was to make it 10 acres.

The Chair entertained a motion.

Ms. Webber motioned to move to public hearing the changes in Workforce Housing Overlay

District (Sections 619.6.6- & 619.6.7 & 619.7.2.1), seconded by Ms. DiFruscia. Motion passed 5 – 0.

Ms. DiFruscia left the meeting at 9:40 pm.

Open Space Ordinance (Sections 611.2.2 & 611.5.4.1 & 611.6.2 & 611.6.3)

- Ms. Wood stated she had worked on this section with Julie LaBranche, Senior Planner at the RPC. The Board had decided they would revisit this Ordinance this year and do clean up issues. Looking at yield plans it wasn't quite clear in the Ordinance and there have been two changes made. Section 611.2.2 and 611.5.4.1. In 2011 the road standards were changed and open space road standards became more restrictive. The best recommendation was to remove Section 611.6.2 611.6.3 and add new language to 611.6.2. Ms. LaBranche was concerned with having a developer provide both an open space plan and yield plan as it would be an additional cost. Ms. Wood stated she would take this information to the Fire Chief, Police Chief and Conservation.
- The Chair asked the Board what their thoughts were on reducing road width for open space subdivisions to 18". Ms. Nysten questioned what it was now and if there would be adequate turning space for fire trucks. Ms. Wood stated it was currently 24" 22 to 26 ft. and she would also take this to the Road Agent. Ms. Nysten asked if there is a way of having a yield plan requirement that is not so extensive. Ms. Wood stated not really because there's wetland and WWPD factors, and it would be very easy to manipulate the plan to look like more lots are permitted. Section 611.6 was amended to address Roads and Cul-de-sac regulations. The Board's consensus was to explore this option more.
- Ms. Wood stated that two other Sections were recommended for amendment to provide incentives to developers. Building Coverage and Floor Area per dwelling. Floor space was proposed to reduce to 750s.f. from 1000 s.f. in the rural District. The Chair does not recommend that. The other section addresses increasing the allowed lot coverage from 20% to 60%. The Chair stated she is also not recommending 60% coverage in building lot coverage. Ms. Webber thinks it is good to have an option with less floor space. Ms. Nysten asked if the Board would consider going from 20% to 30% in building coverage. Ms. St. Laurent thinks possibly increasing from 20% to 40% would be good. The Chair would like to explore this with Conservation. The consensus of the Board was to put off the Public Hearing until they had input from the Police Chief, Fire Chief and Conservation.
- The Boards consensus was to accept the changes in the Yield Plans and Roads and Cul-de-sacs.

Devlin Subdivision-Trail Easement Language

- Ms. Wood stated that a condition of approval was that Attorney Campbell reviews the trail easement language and there are pieces he needs clarified by the Board. It was clear that the easement was for non motorized and passive recreations. The questions were whether dogs and horses were allowed. Ms. Wood received a letter from the applicant today. The applicant is

stating dogs on leashes are allowed but not horses. Ms. Wood watched the video and bicycles were not in the motion. Ms. Nysten stated that she thought the applicant stated bicycles were okay and the Chair agreed with Ms. Nysten. The Chair stated they usually made an exception for motorized wheelchairs. Ms. Wood will send the information to Attorney Campbell and check with the applicant about motorized wheelchairs.

The Chair entertained a motion.

Ms. Webber motioned to allow pedestrians, bicycles, dogs on leashes and motorized wheelchairs to be permitted to access the walking trail within the 10” wide trail easement that runs through Lot 1-C- 2550, seconded by Ms. Nysten. Motion passed 4– 0.

Meeting Minutes Review and Approve

August 29, 2012

Ms. Webber motioned to accept the amended minutes of August 29, 2012 as amended, seconded by Ms. Nysten. Motion passed 4 – 0.

September 5, 2012

Ms. Webber motioned to accept the amended minutes of September 5, 2012 made by Ms. Nysten, seconded by Ms. St. Laurent. Motion passed 4 – 0.

September 18, 2012

Continued to next meeting

Liaison Reports

Village Center District Committee

- Ms. St. Laurent stated that the Village Center District Committee started meeting with the landowners. They are divided into 3 areas. They had their first meeting with the first set of landowners and it was very interesting.

Old/New Business

- The Chair stated that the meeting on the 17th had a full agenda and she asked if the Board could meet at 6:00 pm. The Consensus if the Board was to meet at 6:00 pm on the 17th. Ms. Wood will email the Board the change of time.
- The Chair stated there were law lectures coming up if anyone would like to attend. Ms. Wood stated the board should notify Mimi.

Member Binder Update

Updated Planning Board Member List (Tab 1)
Land Use Law Update (Tab 16)

Adjournment

The Chair entertained a motion to adjourn.

Ms. Webber motioned to adjourn, seconded by Ms. Nysten. Motion passed 4 – 0.

Meeting adjourned at 10:15 pm.

These minutes were approved 1/2/13 with edits and respectfully submitted by Cathy Pinette, Planning Board Minute Taker.