



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 17, 2012

Board Members:

Margaret Crisler, Chairman – Present
Ruth-Ellen Post, Vice Chairman– Excused
Pam Skinner, Member – Present
Kristi St. Laurent, Member – Arrived at 6:30 pm
Jonathan Sycamore, Member – Excused
Lee Maloney, Alternate Member – Present

Carolyn Webber, Member – Present
Ross McLeod, Selectman Alternate – Arrived at 7:15 pm
Kathleen DiFruscia, Selectman, Member – Excused
Sy Wrenn, Alternate Member – Excused
Vanessa Nysten, Alternate Member – Present

Staff:

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

Call to Order/Attendance/Pledge of Allegiance

Chair Crisler called the meeting to order at 6:07 pm, followed by the Pledge of Allegiance and attendance. The Chair read the agenda for the evening.

The Chair appointed Ms. Nysten to sit for Mr. Sycamore and Ms. Maloney to sit for Ms. Post.

2013 Town Meeting Workshop

Multifamily

- Ms. Scott stated that this was the second workshop for the Multi Family Section of the Zoning Ordinance. She stated the chair and she worked on the suggested language and definitions. There was a question from the Board from the last Workshop regarding 6 dwellings per structure and she has clarified that and that is not a fire and building code issue.
- Section 200 – The Chair read the existing language and proposed language. The new language is proposing to define multi family and duplexes separately. Ms. Scott stated it is also to make clear that it is not an accessory unit.
- The Chair asked where duplexes are allowed in the Ordinance. Ms. Scott stated current Zoning states Residential B and the Village Center. They are not allowed in Rural and Residential A. Ms. Nysten stated there is no place that says explicitly where duplexes are allowed and stated that multi-family is defined as 2 or more units ~~is defined~~ in our Zoning Ordinance.

- Ms. Scott said that she didn't think to include where duplexes would go because the state defines multi-family as three or more dwelling units. Ms. Scott read RSA 674.43 and stated duplexes are not multifamily and 3 or more dwelling units require a site plan. The Chair stated that State law trumps local regulations. Ms. Scott stated that is why they came up with the definitions for duplex and multi-family. Ms. Nysten stated they should be concerned about what State definitions are so that the Board has the same definitions for commercial definition subcommittee work. Ms. Scott said that the state doesn't have as many commercial definitions. Ms. Skinner commented on existing duplexes that are grandfathered. .
- The Chair stated the definition makes sense. She stated accessory apartments are not considered duplexes. The Board should add duplexes to Residential B and C and possibly the Village Center District.
- Ms. Scott asked the Board if the proposed definitions were acceptable. The consensus of the Board was to add "residential" in front of "structure" to the proposed language, add "attached" before "dwelling units", and keep the word "structure" instead of "building" because Ms. Scott said that for this purpose, it doesn't matter if we use structure or building.
- Ms. Nysten would like definitions for "structure" and "building". Ms. Scott stated it was in the building code and she will have it for the next meeting. The Chair stated the definition can change per the building code. Ms. Scott stated there was a decision made that building and structure would reference the building code.
- Ms. Nysten stated that the words "trailer or mobile home" are no longer part of the multifamily definition. Ms. Scott stated that under State law they are not multi family and do not need to be included in the definitions.

Ms. St. Laurent arrived at 6:30 pm.

Section 602 Rural District

- The proposal is to eliminate Boarding Houses as a use. Ms. Webber stated they could be eliminating something that is a business for someone and that it should stay in. The Chair stated there is a zone for that use. Ms. Scott stated they are only allowed in Rural currently. The Chair stated they are detrimental to single family neighborhoods. Ms. Scott and the Chair felt that deleting this could upset some people. Ms. Skinner stated we have some of these units now. Ms. Nysten asked about bed and breakfast use and suggested they could propose boarding houses in the Neighborhood Business District. Ms. Scott stated they were working on multi family not businesses, and that boarding houses could go in neighborhood business district. Ms. Maloney asked about group homes. Ms. Scott stated group homes wouldn't fall under rooming or boarding houses and it would be a business. Ms. Webber stated ~~if~~ boarding houses should be allowed

somewhere. The consensus of the Board was to move it to the Neighborhood Business District and suggest to the Village District subcommittee to consider them there also.

Section 603

- Ms. Scott said that there is confusing language in section 603 and she and the Chair suggested Section 603.1.4 be deleted, and adding Section 603.3 to add multi family and now also duplexes as the Board discussed earlier in this meeting.
-
- Regarding 603.3, Ms. Nysten questioned if the new language would mean one duplex per lot and why wouldn't we allow more than one duplex per lot in the multi-family zones. If you have more than one duplex, would you need a site plan? The Chair stated that is correct. Ms. Nysten asked what if someone wanted to build 5 houses on a large lot. Ms. Scott stated that could be done for a triplex, under WFH or elderly housing. The Chair suggested this be put on the agenda for next year. Ms. Maloney would like to add to next year's agenda how many bedrooms per structure can be put on one lot for septic requirements.
- The consensus of the Board was to add duplexes in Residential B and C. Ms. Nysten asked Ms. Scott how the new proposed language would read. Ms. Scott said it's not going to change from the language on page two of the draft. Ms. Nysten believes we need to add where duplexes are proposed to be allowed. Ms. Scott said that she will add section 603.4 - Duplexes are allowed in the B and C districts. Ms. St. Laurent stated the proposed language needs to be clearer. The Board added "attached", "one", "a single" and "a" to section 603.3 for Multifamily structures. Ms. Scott will also add one Duplex structure is allowed on a single lot to Section 603.4.

. The Chair entertained a motion.

Ms. Skinner motioned to move to Public Hearing Multi Family Zoning revisions as amended, seconded by Ms. Maloney. Motion passed 6 – 0.

Capital Improvements Program (CIP)

- Mr. Rob Gustafson, Chair of the CIP, addressed the Board. In attendance from the CIP were Jennifer Simmons, Stephanie Wimmer, Neelima Gogumalla and Planning Board member Carolyn Webber.
- Mr. Gustafson gave the history of the Master Plan and CIP. He provided the Board with the CIP FY 2013 – 2020 Plan and also gave a PowerPoint presentation.

Mr. McLeod arrived at 7:15 pm.

- Ms. Wimmer spoke about the request for money to fund the schools to add capacity at the point of the Middle School. She also spoke about State Building Aid. There is a building fund moratorium right now but that might open up a little next year. We might be able to receive a

small amount of money depending if we are a priority based on need. Ms. Nysten questioned if State Building aid was needs based on the Town's socioeconomics or needs based on the school class sizes. Ms. Wimmer stated it will be both. There will be a list of ten factors that they'll look at in Concord. A building plan needs to be provided as well.

- Ms. Skinner stated she doesn't recall Current Use monies being part of the CIP in the past. Mr. Gustafson said it is just in there to show it is in a fund. The Chair stated conservation money should not be included. Ms. Scott explained what impact fees could be used for. The Board discussed removing the conservation money from the plan and notes. It was the consensus of the Board to remove the conservation money from the plan and put it back in if the Conservation Committee has a CIP request.

The Chair opened the Hearing to the public at 7:45 pm.

- Ms. Wimmer thanked Mr. Gustafson for his 6 year tenure as Chair of the CIP Committee.

The public comment portion was closed at 7:46 pm.

- Ms. St. Laurent asked what the CIP Committee's general sense was of 75 cents per thousand. Mr. Gustafson stated it was very subjective. They also had a fire engine in the plan for two years. Last year there were not as many requests by departments.
- There was an extensive discussion about impact fees.
- The Chair thanked Mr. Gustafson and the Committee for their extraordinary work.
- Mr. Gustafson clarified the Board's amendments.

The Chair entertained a motion.

Ms. Skinner motioned to adopt the CIP Plan as presented and amended, seconded by Ms. Webber. Motion passed 6 – 0 – 1 with Mr. McLeod abstaining.

- The Board took a short recess at 8:00 pm. During recess the CIP Committee voted on their minutes of October 1, 2012, as they were not meeting again.

Ms. Wimmer motioned to accept the minutes of October 1, 2012, seconded by Ms. Gogumalla, motion passed 4 – 0 – 1 with Mr. Gustafson abstaining.

The Board was back in session at 8:10 pm.

Site Plan Regulations Workshop

- Ms. Scott stated that the Board had in their packets the sections that Mr. Keach had worked on. Sections 700, 702 and 703 have been worked on. These sections have been reviewed by the

Board previously and amended. She stated that unless something was missing they would skip over those sections and they had new sections to go over this evening. The funding for Mr. Keach's contract runs out at the end of the year. After Town Meeting Ms. Scott and Ms. St. Laurent will work on this more. Police, Fire and Stormwater have commented and the Board received the comments by email.

- Ms. Nysten stated that the Board did the Design Regulations in May. She stated that this document conflicts with them. She also stated that the comments from Police, Fire and Stormwater have not been captured. Mr. Keach stated he would look at them.
- Mr. Keach addressed the Board. He stated that in Section 700 he has predominantly focused on pedestrian and vehicular access. He gave a presentation on Section 700.
- The Chair stated that the Board's objective is that they present a rural character and she is very vocal about her preference of being dark sky friendly. She would like to see some guidance in this Section to reflect that.
- Mr. Keach stated they can adopt the Illuminating Engineering Society Lighting Handbook supplement document into this Section. The consensus of the Board was to add that.
- Mr. Keach spoke about LED lighting. The Chair asked the Board if this should be regulatory driven or economically driven. The consensus of the Board was that it should be encouraged to use energy efficient or LED lighting. Mr. Keach asked the Board if they wanted to require a variety of lights and clarity and if they wanted to exclude high pressure sodium lights. He can amend to add metal halide light but metal halide light is not LED. The Board's consensus was to add LED clear white light to Section 701 per Mr. Keach's recommendation.
- Ms. Nysten asked in regards to section 701.2.1, Solid Waste, It says that waste storage areas will be a minimum of 20 feet from the property line. She thought there is a min 50 ft. buffer between commercial and residential. Should there be a provision if a waste storage area abuts a residential area. Ms. Scott stated there is an additional buffer as part of the Zoning for that and the zoning ordinance prevails.
- Mr. McLeod commented that in Sections 701.2.2.2 and 701.2.2.3. He suggested to replace "find" with "require" and replace "undue threat" with "environmental threat".
- Mr. Keach discussed Section 701.3 and there was no discussion from the Board.
- Mr. McLeod has some wordsmithing he will give to Ms. Scott for Section 701.6.
- Ms. Nysten stated she looked at the Ordinance and it doesn't speak to dumpsters. Ms. Scott stated that was Note 9 in Appendix A-1. Ms. Nysten said dumpster is not listed in Note 9. Ms. Scott said it says non-residential use, we don't list every non-residential use, and a dumpster is considered a non-residential use.

- Ms. Nysten questioned the edits Mr. McCartney emailed regarding Section 702. Mr. Keach stated he would speak to Mr. McCartney. Ms. Nysten asked about sidewalks and maintenance. Mr. Keach stated the Board had discussed this and there was no intention to put in sidewalks as the Board was split. The Chair stated Mr. Keach will talk to Mr. McCartney about this. The Board's consensus was to leave it in Section 702.1.5.
- Ms. Nysten asked about Section 702.2.2 and the comments from the Fire Chief. Mr. Keach stated the Fire Chief is part of the Technical Review Committee and if he wants 360 feet he can require that.
- Ms. Nysten stated in Section 703.1.4 that it was 50 parking spaces before. Mr. Keach stated he dropped it to 20 and his rationale was that it is part of the Design Review Regulations.
- Ms. Nysten stated she thought the total green spaces were 10%. Mr. Keach stated 5% is typical and it usually ends up with 7 – 8% when the site is finished.
- Mr. McLeod had some grammatical errors and editing in Section 702.2.4 and would like some wordsmithing on section 703.2.1.3. Mr. Keach stated the Board spent a lot of time on wording at the last workshop.
- Ms. Nysten questioned in Section 703.4.4 the note from the Fire Chief and asked if it should be more stringent for commercial. Mr. Keach stated that the amount of gravel was sufficient for most commercial uses except for a trucking company in which case it is their property and they would want to have more gravel.
- Ms. Nysten asked if track changes could be done with the documents. Mr. Keach he does not do track changes, but he e-mailed his changes to Ms. Scott. Ms. Scott gave her reason for not providing track changes and said she might be able to do track changes for the next version. Ms. Nysten explained to Mr. Keach that her concern stems from the fact that a section of the site plan regs was recently lost while Ms. Scott was reformatting. Mr. Keach said that he was not aware of that. Ms. Scott explained that she had cut a section but did not paste it.
- Mr. McLeod questioned the use of the words "horticultural standards". Mr. Keach explained why he used that language. Mr. McLeod suggested they add "generally acceptable horticultural standards", the Board agreed to add that language.
- Mr. McLeod commented on Section 704.1.2 and asked if they can have 6" instead of 4" as the Subdivision Regulations call for 6". The Board agreed.
- Ms. Maloney asked that they add "perennial" in front of grass in Section 704.1.2 and "perennial ornamental grass" to Section 704.2.3. The Board agreed.

- Ms. Nysten stated that regarding Landscaping Standards that there were comments from Police and Fire that they don't like street trees. Mr. Keach stated that the Board wanted the trees in the Regulations, but he would add "at no point should a tree be planted closer than 12 ft. to edge of pavement in Town ROW."
- 704.3 – Screening of unsightly features. Ms. Nysten asked if there is a conflict in any part of the Site Plan Regs with the Design Regulations, what will happen? Mr. Keach said that the more stringent regulation will apply.
- Mr. McLeod question the word "tributary" in section 705.1.3 and Ms. Nysten stated the Police Chief or highway agent also questioned that. Mr. Keach explained the definition as he was using it.
- Ms. Nysten stated in Section 705.2.2 that Public Safety had commented on that. Mr. Keach will add the language.
- Mr. McLeod questioned the language in 707.5. Ms. Keach stated that is FEMA language. Ms. Scott will check on that.
- The Board discussed moving the discussion of Appendix A-1 to October 23rd. The Board also discussed moving the Rules of Procedure Public Hearing to October 23rd.

The Chair entertained a motion.

Ms. Skinner motioned to open the Public Hearing on the Rules of Procedure, seconded by Mr. McLeod. Motion passed 7 – 0.

Ms. Webber motioned to continue the Public Hearing on the Rules of Procedure to October 23, 2012, seconded by Mr. McLeod. Motion passed 7 – 0.

Awning Sign Review & Approve – 33 Indian Rock Road

- Ms. Scott stated that all non residential awning signs come before the Board for approval. She provided a picture of the awning to the Board. The awning would be in the Village Green.
- Mr. McLeod stated most businesses there have an overhang over their business. Ms. Maloney stated that she would like to see something else come before the Board as it doesn't fit in. the Chair questioned how far out the awning went. Ms. Scott stated it was 30" deep and 75" long. The Chair stated the Board would like to have the applicant mark the building to show where it is. The Board also questioned the color of the awning as it wasn't clear in the picture. Ms. Scott will ask the applicant to mark the building and have him come before the Board on the 23rd.

Old/New Business

- The Chair stated they are having some issues having a quorum with the Non-Res Subcommittees meetings as Mr. Sycamore cannot attend and she would like to remove him until he is able to attend.

-

The Chair entertained a motion.

- **Ms. Skinner motioned to remove Mr. Sycamore from the Non Residential Zoning Subcommittee, seconded by Ms. St. Laurent. Motion passed 6 – 0 – 1 with Mr. McLeod abstaining.**

Adjournment

The Chair entertained a motion to adjourn.

Ms. Webber motioned to adjourn, seconded by Ms. Maloney. Motion passed 7 – 0.

Meeting adjourned at 9:50 pm.

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