



*OLD VALUES - NEW HORIZONS*  
**COMMUNITY DEVELOPMENT**

PO Box 120, Windham, New Hampshire 03087  
(603) 432-3806 / Fax (603) 432-7362

**Planning Board Minutes**  
**October 23, 2012**

**Board Members:**

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

Carolyn Webber, Member – Excused  
Ross McLeod, Selectman Alternate – Excused  
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 7:02 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.

**Awning Sign Review & Approve – 33 Indian Rock Road**

- Ms. Scott stated that the Board was provided pictures and information in their last meeting package. Mr. Patrick Conway, of Appletree Insurance is relocating his business to Windham. Per Zoning, the Planning Board has to approve his awning. Ms. Prendergast looked at the awning and it appears fine but still needs Planning Board approval. He would like to take his awning from his old location. The awning is burgundy with white letters. His business will be in the Village Green.
- The Chair stated the picture looks like the front is purple or blue and it was hard to tell the color. Mr. Patrick Conway addressed the Board. He stated the sign is uniform burgundy with white letters and the tree in the picture is red.
- Ms. Post asked Mr. Conway if a sign will be placed where all the other businesses have signs. Mr. Conway stated he already had a sign on the façade of the dentist building. At his other location there was runoff and the awning helped with that. He stated the new location at the Village Green had the same problem so the awning will be a good thing. Ms. Post stated some years back the

plaza started losing uniformity of colors and signs, but his sign is attractive. Mr. Conway stated there is a sign for his business but when people pull in, they go past the sign and do not know where his business is located. He stated the Salon in the plaza has the same colors and he will be conforming to that.

- Ms. St. Laurent asked Mr. Conway if he had the owner's permission. Mr. Conway stated yes. Ms. Scott stated the sign permit has already come into the office. Mr. Conway stated he would be having a grand opening that everyone would be invited to.

The Chair entertained a motion.

**Ms. Post motioned to approve the awning sign at 33 Indian Rock Road as submitted, seconded by Ms. Nysten. Motion passed 4 – 0.**

- **2013 Town Meeting Workshop - Appendix A-1**

- The Chair stated most of the amendments to Appendix A-1 were reformatting and making it easier to read.
- Ms. Scott stated Ms. Maloney and herself worked on Appendix A-1 to make it more user friendly for staff, the Board and applicants. The changes proposed by Ms. Scott and Ms. Maloney are to reformat the document, to clarify the intent of the language and to delete duplicate information contained in other sections of the Zoning Ordinance and/or Appendix A-1. At the 9/19 Planning Board Workshop, the first 2 pages were reviewed and the only changes, besides fixing a few typos, was to add Note 9 back into the document (now Note 7). They did not touch Soil Mapping or change the intent and moved some notes into the Table. Also, Ms. Prendergast suggested a note be put on page 2 for lots within the WFH Section 619, Open Space Section 611, and Older Person Development 610. Please refer to the zoning ordinance for lot sizes and development. The Board also asked Ms. Scott at their 9/19 Workshop to check with Fire and the Building Inspector regarding Note 5 (previously Note 4.1) regarding 40 ft. minimum distance between buildings and the Building code and Fire code say that there can 0' building separation but it is dependant on the type of construction material being used.
- Ms. Nysten stated Ms. Scott stated she has only corrected typos but she has also corrected errors such as incorrect dimensions, etc. Ms. Scott said that they were corrected as they were pointed out. The Chair compared the old Appendix A-1 and she stated there seems to be no changes.
- Ms. St. Laurent asked if in the Village District there was currently something that says if abutting a residential district there is a 50' buffer. Ms. Scott stated that there is a Note 6 of the existing ordinance Chart, but it does not apply to Village Center district. Ms. St. Laurent asked if the 50' setback on the ROW on Rt. 111 was DOT related or Village Center. Ms. Scott stated just Village Center.

- The Chair questioned Note 2, about removing the Residential B District. Ms. Scott stated that was talked about previously because private roads are allowed in more than just the Residential B. district. The Board discussed private roads. Ms. Post would like to be certain private roads are built to the same standard as public roads. Ms. Scott stated the change was just removing the wording “Residential B”.
- Ms. Nysten expressed concern about removing the Residence B language from Note 2. She watched a BOS meeting recently and there was a discussion about the Town not wanting to incur the expense of maintaining private roads. Also, Ms. Nysten thought that there were circumstances that in order to use private road frontage in calculations for building, a variance is needed. Ms. Scott replied no.
- Ms. Scott said that she removed Res B language from Note 2 so that it would apply everywhere that there’s a private road.
- Mr. Tom Case addressed the Board. Mr. Case explained how someone can build with only 50 feet of frontage on a private road and use the frontage for the driveway; he used Whispering Willows as an example. It may have received a variance. Ms. Nysten discussed with Mr. Case about his condo unit’s frontage. Mr. Case stated there is only 50’ of frontage for the condo units and he is in Residence B.
- The Board resumed discussing private roads frontage and fee simple by dwelling units. Ms. Scott stated the Town has condos in other Residential areas besides B. Ms. Scott agreed to speak to Attorney Campbell about the language.
- Ms. Post suggested the following language. “Frontage on a private road can only be included in calculating lot frontage requirements”. (Note 2). Replacing the 2<sup>nd</sup> sentence.
- Ms. Nysten was concerned about public safety standards being met on private roads. Ms. Scott stated they have to meet standards and will check with Attorney Campbell.
- Ms. Nysten also thinks this change to Note 2 could allow private roads to be built all over town having lots with 50 ft of frontage.
- Tom Case stated on the chart Residential B is explained in the notes.
- The Board discussed Ms. Prendergast’s request for a note regarding WFH, Housing for Older Persons and Open Space Subdivisions. The consensus of the Board was to add Ms. Prendergast’s suggestion as note 8 with a reference to the remainder of Appendix A.

### **Minimum Lot Area by Soil Type – Page 3**

- Note 1. “Wetlands of a lot shall not be computed as part of the lot area” will be left in.

- Note #4. The Chair asked why they were removing “On lots with slope type C or greater, driveway profiles of the first 100’ shall be provided (see Windham Subdivision Regulations as amended). Ms. Scott stated it was in the Subdivision Regulations Section 602.3. Ms. Nysten asked where it was in Section 602.3 as she felt the exact language was not reflected in the Regulations. Ms. Scott stated Police, Fire, Highway and the Community Development Office were working on the wording on the driveways at the Selectmen level. The Chair stated that until the Selectmen make an ordinance it should be left in. Ms. Post agreed.
- Note #5. Mr. Case questioned the 50,000 sq ft and the wording “shall contain 30,000 sq ft of contiguous”. Ms. St. Laurent stated she read that differently than Mr. Case. Ms. Scott stated that was existing language and was a long run on paragraph and Ms. Maloney and she made it more readable but didn’t take out any language.
- Ms. Scott spoke to the Soil Type Table and said that none of the numbers were changed, just reformatted. Ms. Nysten stated some numbers have changed. Ms. Scott stated they did not change any numbers. Ms. Nysten provided the Board with the seven changed numbers/soil types. The Chair asked Ms. Scott what happened to the soil types. Ms. Scott said that she didn’t know what happened.

#### **Appendix to Section 601.2.1 – Page 7**

- Ms. Scott stated they do not really need this section because everyone knows what a wetland is. Ms. Maloney and she were not sure why the definitions were in there as they are not referenced anywhere else. It is not necessary for WWPD, Section 601.2.1 does not exist, and existing definitions under 601.2 are sufficient. Ms. Nysten asked if it was supposed to be titled 601.2. Ms. Scott said that she didn’t know.
- The Chair stated they are definitions of bogs, marshes and swamps. She stated instead of modifying they probably added it as an appendix. Conservation should be consulted on this. The Chair stated that they could add it to Section 601.2 with the other definitions from Wetlands. Ms. Scott agreed to do this.
- Ms. Nysten questioned page 4 regarding “High Intensity Soil Maps for NH Standards by the Society of Northern New England (September 2002)”. She asked if Ms. Scott checked the document to make sure this is the correct language. Ms. Scott stated Ms. Maloney tracked the information and this is the document the ordinance is referencing. Ms. Nysten would like Ms. Scott to make sure this is the correct language. Ms. Scott said that she would check that.
- Ms. Nysten questioned the note on and wanted it noted that a Multifamily Town Meeting item will need to change. Ms. Scott stated that would be the next Public Hearing.
- Ms. Nysten asked a header be placed back on the soil type chart page to read “Minimum Lot Sizes by Soil Type”.

- The Chair polled the Board if they wanted another workshop on Appendix A-1. The consensus was yes.
- Ms. Scott reviewed the amendments the Board wanted. Ms. Scott asked if the Board wanted to do anything with the 40' separation. The Chair stated to leave it in there.
- Ms. Scott said that she would look into what happened with the soil type errors.
- Mr. Case stated in Residential B, page 1, he read the notes and having an additional 10' side and rear yard set backs are not good.
- Ms. Nysten commented that we now have duplexes defined and they will no longer be considered multifamily if the voters approve, and she asked where duplexes would fall on the chart. Ms. Scott stated the Board was working on that next week and we would add it to the chart. Ms. Scott stated it was a separate ballot question.

### **Rules of Procedure Public Hearing (Continued from 10/17/12)**

- The Chair stated she had a letter from Attorney Campbell on the Rules of Procedure. She reopened the hearing.

### **Section 2.8**

- The Chair questioned why Section 2.8 was in the Rules. Ms. Scott stated it is in the RSA. The Board consensus was to take it out.

### **Section 3.2**

- Edits are to stay in.

### **Section 3.3**

- Ms. Nysten asked if the Board wanted to consider adding “alternates may participate on a case by case basis”. Ms. Post stated alternates can fully participate until a motion is made. Ms. Nysten said that she was referring to after a motion is made. The Chair said that the Board could hold or rescind a motion to let an alternate speak when needed.

### **Section 3.5**

- The term “revised draft minutes” shall be put in instead of “minutes for reconsideration”.
- The Chair stated that according to Attorney Campbell’s letter he seems to think the Board is intending to review minutes online. The Board is not. She suggested adding “however, there will be no email discussion of either minutes or the proposed amendments. Ms. Post agrees with the

concept of the process but questioned if it was a discussion by sending an email with the proposed amendments.

- There Board discussed the draft minute review.
- Language was proposed to state “Board members may offer by email to the full Planning Board and clerk amendments/corrections that they will be proposing at a public meeting. The clerk will make such emails available for public review. Discussion of the draft minutes or revised draft minutes with the proposed amendments/corrections will only take place at a public meeting”. The consensus of the Board was to add that paragraph. The last paragraph of Section 3.5, page 3, will be deleted.
- The Board discussed that there are times that approved Board amendments to minutes are not reflected in the Approved Minutes. Ms. Post stated there is a process if the minutes are not what they should be and minutes can come back by motion for reconsideration.
- Ms. Nysten asked that Attorney Campbell be consulted. She stated that the LGC states that the Board can appoint one person to review and confirm that all Board approved changes have been made. The Board discussed Ms. Nysten’s request. The Board consensus was that errors would need to come back to the Board for reconsideration. Ms. Nysten would like the approved minutes emailed to her.

### **Section 5.5**

- Attorney Campbell to clarify what he means.

### **Section 5.4, Page 5**

- Attorney Campbell was concerned about the first and last sentence of this paragraph. Ms. Post suggested “the Board may reconsider any application regarding a decision”. Attorney Campbell to review language changes.

### **Section 5.9**

- Attorney Campbell recommended a language rewrite for clarity and grammatical purposes.

### **Section 3.5**

- Section 3.5 will need a public hearing and Atty. Campbell to review changes. Ms. Scott stated she will speak to Attorney Campbell about sending the approved minutes to one person. Ms. Nysten added to make sure that they are correct and avoid extra work for Ms. Devlin. The public hearing will be November 14<sup>th</sup>.

The Chair opened the Hearing to the public at 9:00 pm, hearing no comment, public comment was closed.

The Chair entertained a motion.

**Ms. Post motioned to repost for a Hearing with the changes, seconded by Ms. St., Laurent. Motion passed 4 – 0.**

### **Old/New Business**

- Ms. Scott stated there would be a joint meeting with Conservation on November 7<sup>th</sup> along with minutes and a map amendment workshop. It would be good if the Board also meet early November 14<sup>th</sup> as it was a very heavy agenda. The Board discussed the agenda for the 14<sup>th</sup>. Ms. Nysten stated the Rules of Procedure regarding Zoning relief is important. They will be on the agenda. The Board decided to meet at 6:00 pm.
- The Chair stated the annual LGC Conference is November 14<sup>th</sup> and 15<sup>th</sup>. The topic will be court updates and Legislature updates.

### **Adjournment**

The Chair entertained a motion.

**Ms. St. Laurent motioned to adjourn, seconded by Ms. Nysten. Motion passed 4 – 0.**

Meeting adjourned at 9:07 pm.

These minutes were approved on December 12, 2012 and respectfully submitted by Cathy Pinette, Planning Board Minute Taker.