



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
December 19, 2012

Board Members:

Margaret Crisler, Chairman – Excused
Ruth-Ellen Post, Vice-Chairman– Present
Pam Skinner, Member – Present
Kristi St. Laurent, Member – Present
Jonathan Sycamore, Member – Excused
Lee Maloney, Alternate Member – Arrived at 6:15pm

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

Staff:

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

Call to Order/Attendance/Pledge of Allegiance

Vice Chair Post called the meeting to order at 6:10 pm, followed by the Pledge of Allegiance, a moment of silence for the Sandy Hook Elementary tragedy and attendance. The Vice Chair read the agenda for the evening.

The Vice Chair appointed Ms. Nysten to sit for Chairman Crisler and Mr. Wrenn to sit for Mr. Sycamore.

Ms. Maloney arrived at 6:15 PM.

Site Plan Regulations Workshop – Sections 700 and 1000

- Mr. Steve Keach of Keach Nordstrom Associates addressed the Board. A memo dated December 11, 2012 was included in the Board packet with the updated draft language for Section 700 and Section 1000 of the planned amendments to the Windham Site Plan Regulations.
- Section 701.1 .2 – the word “shall has been replaced with the word “should” in the text of the final sentence.
- Section 701.1 .3 – the final sentence has been edited to read: “no changes or modifications to approved lighting plans may occur without approval of the Planning Board”.

- Former Section 701.2.1, which provided for a definition of the term "solid waste" has been deleted from Section 700 and will be moved to Section 400 of the final document. Ms. Nysten questioned if we should leave the term "solid waste" in for the time being as the definitions might not be done. Ms. Scott stated that it has already been moved and will be discussed in a later workshop.
- A Board member asked about posting the proposed drive thru section of the Site Plan Regs. to avoid a lapse if an application with a drive thru comes in before Town Meeting. There is new drive thru provisions proposed on the warrant. Ms. Scott suggested waiting to post this section until all changes to the Site Plan Regs are completed and hopefully that would be done before Town Meeting. Ms. Scott also said that the Planning Board and staff can't approve an application with a drive thru until it passes Town Meeting. Further discussion was postponed to after presentation.
- Section 703.1.2 – the text of the section has been revised for clarity in regard to applicability of a requirement specifically screening unpaved surfaces from abutting residential zone properties. In addition, the minimum screening requirement has been increased from a minimum of 10 to 15 feet in those instances to better accommodate the full width of each of those screening options specified in subsections 703.1.2.1 and 703.1.2.2. Ms. Nysten questioned instances where proposed paved surfaces are located on a parcel that abuts residential property. The Vice Chair questioned if the paved area was not abutting the neighbor's property what would happen. Mr. Keach suggested in instances where proposed paved surfaces are situated on a non-residentially zoned parcel be added. Mr. Keach stated this was only applicable to nonresidential. Ms. Nysten suggested, "in instances where proposed paved surfaces are located on a parcel that abuts a residentially zoned parcel said paved surfaces shall be screened from abutting residential properties by either:" Ms. Nysten stated this also seems to conflict with Appendix A1. Mr. Keach explained to the Board the landscaping requirements under Subsection 1 and 2. He explained why he doesn't believe there's a conflict and said the more restrictive would apply.

Ms. Maloney was seated for Ms. Webber at 6:30 p.m.

- Section 703.2 .4 – replace the words "automobiles and/or automotive" with the term "motor vehicle or motor vehicles" in Subsection 703.2.4.9, 703.2.4.23 and 703.2.4.24. In addition, Subsection 703.2.4.12 was amended to delete reference to vehicular stacking requirements for drive-through facilities at fast food restaurants since design standards applicable to the same are now more specifically prescribed in the text of Section 702.2.3. Ms. Nysten didn't know if we should mention where we have retail sales we should say wholesale. The Board discussed retail and wholesale. The Vice Chair asked the Board if they were okay with taking out the word retail and the Board's consensus was yes.
- Section 705.2 .2 – replacing reference to Public Works with Windham Highway Department.
- Mr. Keach stated the next section was amended per the Community Development Department comments dated November 27.

- Former Section 1001.2 – deleted section based upon the understanding that local requirements for demonstration of contractor insurance coverage within the purview of the Highway Department and the Board of Selectmen, rather than the Planning Board and Community Development Department, and are administered as an integral part of permitting process for obtaining municipal approval to undertake construction within a public right-of-way. The Vice Chair questioned this section. Ms. Scott stated the Board of Selectmen and the Highway Agent have oversight over this.
- Section 1002.1 – reworded the final sentence for the purpose of clarifying circumstances for which the Planning Board may, at its option, require an applicant to post a performance guarantee as a precedent condition of site plan approval. Ms. Nysten stated what was in the regulations before was all-encompassing and now it is shortened. Mr. Keach stated it was now more simplified but still said the same thing.
- The Vice Chair stated she thinks it covers what Ms. Nysten was thinking and that we rely on the experts for numbers.
- Section 1002.2 – replace the term “Town Council” with the term “Community Development Department.
- Section 1002.4 – replaced the term “Planning Board” with the term “Board of Selectmen” at each of two locations.
- Section 1003.2 deleted the words " it's staff or" in the first sentence as requested.
- Section 1003.3 – added a final sentence requiring submission of an as-built drawing in the case of site plans for which design changes are proved during the course of construction.
- Mr. Keach stated the following comments received from municipal departments.
- Section 704.2 .1, per Chief Lewis’s comments, we are increasing the minimum design width of the street tree landscape from 15 to 20 feet in order to afford additional horizontal separation from street trees to be planted within the same and overhead utility lines generally situated at or about the limits of public right of ways. This additional landscape strip with can be provided without creating conflict with requirements of Section 703.1.2.
- Section 703.2.4.3 and Section 1003.2, per Jack McCartney’s comments a small typographical error was fixed.
- In Section 1003.1 Ms. DiFruscia suggested adding the word “schedule”.
- Ms. Nysten stated in Section 1001.3 it talks about the building inspector being satisfied and stated the building inspector is not involved in TRC, and would not be able to give builders input on the

property. Ms. Scott stated that is so that post approval people can access the site. Mr. Keach stated it was not a suggested item; it is a public safety issue.

- Ms. Nysten stated in Section 1002.2 where it was changed to Community Development Department it should say to the "Town". She stated Attorney Campbell gave recommendations on this. Ms. Scott stated this is the financial guarantees and they don't send them to Attorney Campbell to review.
- Ms. Nysten stated in Section 702.2.3 that it talks about drive-through's but does not mention pharmacies. Mr. Keach stated is the intent for any drive-through
- Ms. Nysten suggested in Section 701.5" by a licensed engineer" be added. Mr. Keach stated in Section 500 there is a checklist and that is where the whole set of plans needs to be stamped.
- The following edits will be made: Section 1003.1 add the word "schedule", Ms. Nysten's suggested edits will be e-mailed to Mr. Keach, Section 703.2.4 delete the word "retail", and on page 15 there is a numbering issue.
- Ms. Nysten stated Section 1003.3 talks about changes to plans and we have a Design Review subcommittee. This paragraph sounds like staff can just make a decision and that sounds contrary to design regulations. Mr. Keach stated this just shows how minor and major changes are dealt with. Ms. Scott stated that the section says, in the event the developer makes a change, that it is not adverse to the plan, staff can decide. It states it clearly states staff cannot adversely affect the outcome of the plan.

The Vice Chair opened the hearing to the public at 7:10 PM.

- Mr. Bob Young, 115 Haverhill Rd., Chair of the Economic Development Committee, speaking as Chair of the EDC, addressed the Board. He stated the EDC had suggestions and comments. He asked Mr. Ralph Valentine to address them. Mr. Ralph Valentine, Tello Road, and EDC member addressed the Board. He suggested on page 8 under parking, medical healthcare, that one parking space per 250 sq. ft. is not enough; he suggested one space for every 200 sq. ft. He asked if it is the intent of the Board that every plan that comes before the Board would require lighting plan and an erosion plan. Mr. Keach stated yes, unless they get a waiver. Mr. Valentine addressed Section 703.1.2 in regards to buffers. He asked if that would apply if you had three triplexes in a row. Mr. Keach stated anything that requires a site plan. Ms. Scott suggested the Board may want to change the wording to "residentially zoned". Mr. Keach stated there has to be a zoning district boundary for that Section to pertain.
- Mr. Paul Goslin, Castle Hill Rd, addressed the Board. He would like to clarify in Section 702.1.5 as he is concerned where it says "a sidewalk will be built or a sidewalk where it is". Mr. Keach stated that at the present time he is not aware of any future sidewalks. The intent is if the sidewalk is there, it is maintained or not destroyed during construction. The Vice Chair stated she would like this Section written into a more definitive way. She suggested "existing sidewalks that are to

be maintained and constructing sidewalks where known plans exist”. Mr. Goslin stated under Section 703.1.1 regarding pervious and impervious surfaces, it appears the Board is just stating the word “paved”. Mr. Keach stated that can be either pervious or impervious. Mr. Goslin stated in Section 703.1.4 that it speaks to having islands of green space for 20 or more parking spots. The Vice Chair and Ms. DiFruscia both stated a waiver could be requested. Mr. Goslin stated maybe it should say” should" not" shall". The Vice Chair stated the Board would take that under advisement. Mr. Goslin stated in Section 704.2.3 regarding trees, one shrub per parking space, the Board might want to change" shall" to" should". The Vice Chair stated the Board would take that under advisement. Mr. Goslin stated in Section 1001.1 it speaks to land clearing. His understanding is that Hampshire law allows you to clear your land. The Vice Chair stated the Board has discussed this and Mr. Keach can speak to that. Mr. Keach stated this Section is for a period of time freezing what you can do with the land after you apply for a site plan. There was discussion about clear cutting and certain laws apply. Mr. Goslin stated in regards to Section 1002.2 it states the Town is looking for a right to call the performance guarantee and he doesn't see anything that says the developer can fix the problem before the Town calls the bond. Mr. Keach stated calling the bond is mostly because the developer has not responded to the Town. Ms. Scott stated there are certain processes in place

- The Vice Chair suggested in Section 702.1.5 Re: sidewalks, the language be separated into two sections to say “Maintenance of existing sidewalks and where new ones are proposed”.
- Ms. St. Laurent questioned in Section 702.1.5 regarding the sidewalks, at the exit off of Route 93 that are proposed by the State, if the developer would be obligated to build a sidewalk there. Mr. Keach stated unless it was an active site plan from the State, the applicant might have to build it. The Vice Chair questioned if the language is clear that the applicant did not need to build sidewalks if the DOT was supposed to build them
- The Vice Chair polled the Board for changing the word" shall" to" should". The consensus of the Board was not to change it in Section 703.1.4.
- The consensus of the Board was to change Section 703.2.4.15 to one space per 200 sq. ft.
- Ms. St. Laurent stated in Section 904.4 (a) it deals with changes on the site plan. The old regulations stated the “Town Engineer” and now it says the Community Development Office. Ms. Scott stated this dealt with minor changes like a window because perhaps the electric room needed to go in that area. Ms. St. Laurent stated that there have been changes in retrospect that were major, maybe if it is a design change it could go to the Design Review Committee. The Board discussed minor, major, engineering and architectural changes. Mr. Keach stated in the remaining sections that are to be drafted, he suggests the Board have a specific line stating architectural changes should come back to the Planning Board or Design Review Committee. Mr. Keach stated his company is the engineering consultant and is not the authority on approvals; the Community Development Department does the approvals.

- Ms. Scott asked the Board if they needed to adopt the drive-through language. Ms. Scott stated Ms. St. Laurent and herself would be meeting with the Board two times in January and it might be better to adopt it all at once. The Vice Chair is concerned there are a lot of zoning changes proposed to take a liberal position on drive-through. She stated the Board needs to be clear they are addressing drive through's in a different manner. Ms. Scott suggested the Board could have a public hearing on drive-through's before Town Meeting. Ms. Nysten questioned if the applicant came before the Board between now and Town Meeting, what regulations they would follow. Ms. Scott stated the applicant would go with the current regulations and the Board would be covered because the Board can't approve anything that hasn't passed Town Meeting. A Board member said that last year we posted part of the site plans before Town Meeting per Atty. advice. The Board and Ms. Scott discussed adopting the drive-through regulations now or when the site plan regulations are done. The Vice Chair suggested posting the drive-through section. It was decided to leave it for the time being.

Ms. Nysten read Case #2012-08 into the record.

Public Hearing Minor Site Plan Case #2012-08

A Minor Site Plan Application has been submitted for 125 Indian Rock Road (Lot 12-A-532), which is located in the Gateway Commercial District, Cobbett's Pond and Canobie Lake Watershed District, and the Wetland and Watershed Protection District. The applicant, Karl Dubay, of The Dubay Group, on behalf of the property owner, Jeff Thompson, is proposing to modify the May 16, 2012 approved Major Site Plan regarding parking, landscaping, lighting, building design, and site design. A waiver has been requested from Section 1301 of the Site Plan Regulations to allow one less parking space than is required.

- Ms. Scott stated when she went to do a certificate of occupancy she noticed there were some items that were significantly different and needed to be brought back to the Board. The Board had in their packet a letter from Ms. Scott, a letter from Mr. Dubay, an e-mail from DOT and the plans.

The Vice Chair entertained a motion.

Ms. Skinner motioned to open the Public Hearing Minor Site Plan Case #2012-08, seconded by Ms. Maloney. Motion passed 7 – 0.

- Mr. Karl Dubay of the Dubay Group addressed the Board and handed pictures to the Board. He stated most plantings are in but had to move some around and there are two new generators with plantings where needed. He would like the numbers in his memo to correlate with the numbers on the plan regarding reducing parking spaces from 57 to 56 due to the updated configuration of the additional safety generator, additional related underground propane tanks, and dumpster enclosure.

The Vice Chair entertained a motion for a waiver for the parking spot.

Ms. DiFruscia motioned to grant the waiver to reduce the number of parking spaces from 57 to 56, due to the updated configuration of the additional safety generator, additional related underground propane tanks, and dumpster enclosure, seconded by Ms. Skinner. Motion passed 7 – 0.

- Mr. Dubay went over his memo to Ms. Scott dated December 8, 2012. These items included:
 1. Site plan: bollards/HVAC
 2. Landscape plan: a lawn area at the pickup window exit nosing and minor miscellaneous adjustments due to utilities and final configurations.
 3. Site plan lighting: additional wall-mounted fixtures, to wall-mounted lights adjusted in the rear for better balance, and emergency only safety lights on the generator circuit.
 4. Rear and side building elevations: miscellaneous window adjustments
- Mr. Wrenn questioned Mr. Dubay about the bollards/HVAC. Mr. Dubay stated due to minor adjustments per utility company requests, final MEP design/coordination with tenants, etc. Ms. DiFruscia asked if this was something the electrician thought was required. Mr. Dubay stated yes
- Mr. Dubay stated Mr. Thompson was requesting to place a lawn at the pickup window exit nosing, instead of the plantings at that location, to provide safer sightlines. He stated all plantings are essentially complete per the plan. The plan sketch has been adjusted for very minor miscellaneous adjustments due to utilities and final configurations. Ms. Scott stated sheet two shows the additional plantings that were put in. Ms. DiFruscia questioned if there was drainage in the lawn area for drainage. Mr. Dubay stated yes.
- Mr. Dubay stated in regard to the site lighting plan, the design is substantially the same with a few minor adjustments to accommodate field conditions. There are emergency only safety lights on the generator circuit, the additional wall-mounted fixtures were added in the rear for safety, and two wall-mounted lights were adjusted in the rear for better balance. He stated there are no changes to the front of the building and the window changes were in the back and are on sheet four of the plans. They added one window to the second floor office and remove two windows on the first floor due to gas location and a stairwell. Mr. Thompson stated that liberty utilities made them move the transformer so they could not let him put the windows in. The Vice Chairman asked Mr. Dubay if the chain-link fence was coming. Mr. Dubay stated yes.

The Vice Chair opened the hearing to the public at 9 PM, hearing no comments the public portion was closed.

- Mr. Wrenn questioned if the items that were missing would be installed. Ms. Scott stated yes. She stated the items for the café will not be put in until a tenant arrives, the I93 sign will not be going up, the tables will be put back, canopy will be installed by the tenant, and a safety fence will be installed. Mr. Wrenn stated that one or two of these items would have been considered a minor alteration but when there is as many as this it is good to know staff brought them back to the Board. He stated the architectural intent of the building has been As the Board approved.

The Vice Chair entertained a motion.

Ms. DiFruscia motioned to approve the minor site plan changes to the May 16, 2012 approved site plan as presented, seconded by Ms. Skinner. Motion passed 7 – 0.

Ms. Skinner left the meeting.

The Board took a recess at 9:05 PM and was back in session at 9:15 PM.

Financial Releases

Windham Meadows II

- Ms. Scott stated construction and landscaping have been completed and only minor roadwork is still remaining, including patching, sweeping, and crack filling. These roads and drainage structures are private and are owned and maintained by the condo association of the development. The developer has requested that the remaining cash financial guarantee plus any accrued interest be returned. Ms. Scott recommended the Planning Board recommend to the Board of Selectmen to release the remaining \$33,325 plus any accrued interest.

The Vice Chair entertained a motion.

Ms. DiFruscia motioned to recommend to the Board of Selectmen to release the remaining \$33,325 plus accrued interest for Windham Meadows II, seconded by Mr. Wrenn. Motion passed 6 – 0.

Mitchell Pond Trail Marker

- Ms. Scott stated in November 2002 the cash financial guarantee of \$1000 was put in place for the placement of a trail sign to be installed on Quail Run Road. An 8" x 8" x 8' grant post trail sign was installed on November 29, 2012 at the corner of Lot 3 – A – 559, which is where the walking trail easement to the Rail Trail is located. The developer was unaware that this item was still outstanding and requested that the financial guarantee used to pay for this work to be completed by his engineer, Edward Herbert Associates, with the remaining balance, plus any accrued interest to be returned to him. Ms. Scott is recommending that the Planning Board recommend to the Board of Selectmen that the Edward Herbert \$712.50 invoice be paid for out of the thousand dollar cash financial guarantee and the remaining balance plus any accrued interest to be returned to Robert Lee.

The Vice Chair entertained a motion.

Ms. DiFruscia motioned to recommend to the Board of Selectmen that the Edward Herbert \$712.50 invoice be paid for out of the thousand dollar cash financial guarantee and the remaining balance plus any accrued interest to be returned to Robert Lee, seconded by Mr. Wrenn. Motion passed 6 – 0.

The Vice Chair read a brief synopsis on Section 200 Definitions, Section 604.1 Neighborhood Business District, Section 605.1 Business Commercial District A, Section 617.1 Business Commercial District B, Section 606.1 Limited Industrial District, Section 614.2 Professional, Business and Technology District, Section 618.2 Gateway Commercial District, and Section 712 Governmental Installations. She stated this was the second public hearing.

2013 Town Meeting Public Hearings

Section 200 Definitions, Section 604.1 Neighborhood Business District, Section 605.1 Business Commercial District A, Section 617.1 Business Commercial District B, Section 606.1 Limited Industrial District, Section 614.2 Professional, Business and Technology District, Section 618.2 Gateway Commercial District, and Section 712 Governmental Installations

Section 200 Definitions: delete definitions for “Hotel, Inn, Motel, Tourist Court or Lodging House” and “Professional Occupation”; add definitions for “Bed & Breakfast”, “Call Center”, “Commercial Service Establishment”, “Hotel/Inn”, “Motel”, “Personal Service Establishment”, “Professional Offices”, “Retail Sales”, “Tattoo Shops”, and “Wholesales Sales”.

Section 604.1 Neighborhood Business District: amend Section 604.1.1 by deleting the existing restrictions on “Retail” and adding “..sales, which are contained within a building and are primarily for the shopping needs of the residents of the area.”; deleting “business or...and banks” from Section 604.1.2; deleting “..or other places for serving food within the structure....and drive throughs are not permitted” from Section 604.1.3; deleting 604.1.4, and adding “Commercial Service Establishments”, “Bed & Breakfasts”, “Banks and ATMs”, and “Personal Service Establishments as allowed uses; Add Section 604.2 “Unless associated with banking or pharmacy operations, no drive-thrus are allowed in the District”

Section 605.1 Business Commercial District A: delete Section 605.1.1 in its entirety; delete “or lodging houses” from Section 605.1.2; delete “..or other places for serving food. Drive throughs are not permitted” from Section 605.1.3; delete the existing Section 605.1.12 and insert “Retail and wholesale motor vehicle, trailer, boat, RV and manufactured housing sales utilizing outdoor display areas”; and adding “Call Centers”, “Retail Sales”, “Tattoo Shops”, “Accessory buildings and uses”, “Professional Offices”, “Personal Service Establishments”, “Banks and ATMs”, and “Commercial Service Establishments” as allowed uses; Add Section 605.3 “Drive-thrus are permitted in connection with any permitted use in Section 605.1”

Section 617.1 Business Commercial District B: delete existing language from Section 617.1.7

Section 606.1 Limited Industrial District: delete “office buildings or banks” from Section 606.1.1; add “ Call Center”, “Professional Offices”, “Funeral homes, mortuary or crematorium”, “Personal Service Establishments”, “Banks and ATMs” and “Commercial Service Establishments” as allowed uses; Add Section 606.3 Drive-thrus are permitted in connection with any permitted use in Section 606.1”

Section 614.2 Professional, Business and Technology District: amend Section 614.2.1 to read “Processional offices”; delete Section 614.2.12 and replace it with “Banks and ATMs”; add “Restaurants” and “Call Centers” as allowed uses; Add Section 614.4 “Unless associated with banking or pharmacy operations, no drive-thrus are allowed in the District”

Section 618.2 Gateway Commercial District: delete the list of permitted uses in Section 618.2; delete language in Section 618.2.2 and replace it with “Ben & Breakfast”; delete “Medical and” from Section 618.2.3; delete Section 618.2.4 and replace it with “Banks and ATMs”; delete “Banks ...and institutional” from Section 618.2.5; amend Section 618.2.7 to read “Personal Service Establishment”; add “Restaurant”, “Call Center”, and “Hotel/Inn” to allowed uses; Add Section 618.7 “Unless associated with banking or pharmacy operations, no drive-thrus are allowed in the District”.

Section 712 Governmental Installations: delete existing language and replace it with “Governmental installations shall be a permitted use in all districts and shall be subject to a public hearing by the Planning Board in accordance with RSA 674:54”.

The Vice Chair obtained a motion.

Mr. Wren motioned to open the public hearing on Section 200, seconded by Ms. Maloney. Motion passed 6 – 0.

- Ms. Scott stated in Section 614.2 Mr. Tom Case pointed out a typographical error with the word professional. This will be changed. She also stated that the suggested edits state that you can have a drive-through for a pharmacy within the Professional Business and Technology District but we do not allow retail in that District. She stated this document was not sent to legal counsel for review because he has already reviewed the December 5, 2012 public hearing draft. Ms. Nysten stated when the subcommittee met, Ms. Scott stated it wasn't necessary to list pharmacies because they were included in medical and dental as an accessory use. Ms. Scott stated you could have a pharmacy as an accessory use. The Vice Chair stated that she understands that pharmacies as a stand alone use are not allowed in this District. The Board discussed this. There was the consensus of the Board to remove the word pharmacy in Section 614.4.
- Ms. Nysten stated in Section 200 under the definition of motel it should say “without passing through a main registration area”. Under retail sales the last sentence was to read “or sexually oriented businesses”.

The Vice-Chairman opened the hearing to the public on Section 200.

- Mr. Bob Young, Chairman of the EDC, read a brief memo from the Committee that was voted on last week. They would like to delete “professional office” and replace it with “office”. The Committee also recommended removing the drive-through restrictions in the zoning and letting the site plan review deal with that. Ms. DiFruscia stated the Board spent a lot of time on this language. She thinks “professional” is too narrow and she agrees with removing it. Mr. Wrenn

agrees and is concerned with the word professional. Ms. Maloney questioned if the word professional would have to be taken out of any other sections. Ms. Scott stated yes.

- Mr. Karl Dubay suggested just using the word “office” and what it includes and what it doesn't include. He stated the word “pursuit” is in the definition and includes everything. The Board discussed changing the wording. Mr. Wrenn pointed out that he sees good business being denied because of the language.

Mr. Wrenn motioned to remove the word “professional” wherever it appears in the definitions and in the title of professional offices and change it to say “office”, seconded by Ms. DiFruscia. Motion passed 4 – 2.

- The Vice Chair stated also recommended from the EDC vote was to remove drive-through restrictions in zoning and let site plan review deal with that. Ms. Scott questioned if the EDC wanted drive-through's in all districts. Mr. Young stated yes and let the site plan review deal with that. Mr. Wrenn spoke in favor of drive-through's and thinks we should remove the restriction in zoning. Ms. Maloney suggested restricting it in the Neighborhood Business District.
- Mr. Wrenn motioned to allow drive-through's in all nonresidential districts. Ms. Maloney would like to modify Mr. Wrenn's motion to include all nonresidential districts except Neighborhood Business District.

Mr. Wrenn motioned to allow drive-through's in all nonresidential districts except the Neighborhood Business District, seconded by Ms. Maloney.

- Ms. Nysten stated her concern was that the whole Town would be open to fast food restaurants and the Board looked at trip generations and they are much higher than pharmacies. She thinks it would change the whole look of the Town. The Board discussed the number of drive-throughs currently in Town. Ms. Bev Donovan commented that the Board did not realize the number of drive-throughs we already had and they are becoming benign. The Vice Chair stated she is more comfortable having site plans deal with traffic studies, data, etc. Mr. Wrenn stated it was less discriminatory doing it through the site plan process. Ms. St. Laurent stated she has been on the Board for a few drive-throughs and she has seen the numbers and it doesn't always work out the way the Board was told. She would like to leave it the way it is.

Motion failed 2 – 4.

Neighborhood Business District section 604.1 .2

- The word “professional” will be taken out. Ms. Nysten suggested adding language stating “the conditions for approval for building in the Neighborhood Business District shall be as provided in Section 606.2”. This will be numbered section 604.3. The Board agreed. Ms. Scott stated proposed Section 604.1 .11 of the Neighborhood Business District will be renumbered to 604.1 .14 so that if this proposal and the multifamily proposal pass there is no conflict.

The Vice Chair opened the hearing to the public at 10:25 PM, hearing no comment the public portion was closed.

Business Commercial District A

- Ms. Scott stated the only change would be they would take out the word "professional". Ms. Nysten stated under 605.1 it should say as "provided" not "permitted".

The Vice Chair opened hearing to the public at 10:27 PM, hearing no, the public portion was closed.

Business Commercial B

- Ms. Scott suggested this be voted on separately so that it can be a stand-alone warrant article as the proposed changes are not tied to any of the other proposed amendments.

Limited Industrial District

- Ms. Scott stated she will make the language consistent with the other sections to include the language "subject to site plan approval"

The Vice Chair open the hearing to the public at 10:30 PM, hearing no comments the public portion was closed.

Professional Business and Technology District

- Ms. Scott stated the heading of the district will be corrected. In Section 614.2.1 the word "professional" will be taken out and in Section 614.4 the word "pharmacy" will be taken out.

The Vice Chair opened the hearing to the public at 10:32 PM, hearing no comments the public portion was closed.

Gateway Commercial District

In Section 618.2.3 the word "professional" will be taken out.

The Vice Chair opened the hearing to the public at 10:33 PM, hearing no comments the public portion was closed.

The Vice Chair entertained a motion

Ms. Maloney motioned to move Section 712 to warrant, seconded by Ms. DiFruscia. Motion passed 6 – 0.

Ms. Maloney motioned to move Business Commercial District B to warrant, seconded by Ms. DiFruscia. Motion passed 6 – 0.

- Ms. Scott suggested another hearing for the conditions of approval and removing pharmacy drive thrus in the PBT. Ms. Nysten questioned why the Board could not move everything to warrant The Board discussed this. Ms. Scott stated the Board could have a hearing on January 9 on the minor changes and substantial changes.

Ms. DiFruscia motioned to hold a third public hearing on the amended changes, seconded by Ms. Maloney. Motion passed 6 – 0.

Section 612 Village Center District

Delete the existing Section 612 and replace with new language including a Purpose Section; Uses Permitted which include: uses permitted in the Rural District, multi-unit housing structures, retail tenants sized no greater than 10,000 sq. ft. gross floor area per tenant, eating and drinking establishments including bakeries, personal services, offices, banks and pharmacies with attendant drive-thru facilities, medical clinics, schools, playgrounds, fitness centers, child day care and learning centers, civic and assembly facilities, funeral homes, inns, bed and breakfasts, assisted living facilities, adult day care facilities, mixed use facilities, parking facilities, biking facilities, pedestrian facilities, and utilities; Uses Prohibited include: drive-thrus (unless otherwise noted), new gas stations or auto motive repair facilities or garages, tattoo or body piercing services, automobile washing establishments, bulk or self storage facilities, animal kennels, and gaming and gambling facilities. A conditional use permit may be granted to modify the 10,000 sq. ft. gross floor size limitation up to a maximum of 15,000 gross sq. ft. if certain criteria are met. A conditional use permit may also be granted to allow up to 24 units in a multi-unit housing structure if certain criteria are met. Ordinance outlines development standards for buffers from residential zones, setbacks, parking facilities and driveways, road frontage requirements, existing buildings designated in the Cultural Resource List and Historic Resource List, public space, and lot sizing.

The Vice Chair stated this was the first public hearing on the Village Center District. The Vice Chair entertained a motion to open the hearing.

Mr. Wrenn motioned to open the hearing on the Village Center District, seconded by Ms. DiFruscia. Motion passed 6 – 0.

- Ms. Elizabeth Wood, Community Planner, stated there are a couple of items in the Board packages, a clear version of the proposed ordinance and another showing track changes from the December 5 workshop up until today. Also the Board asked staff to cross check Appendix A1 and Ms. Wood found two inconsistencies. The Board has been provided.
- Ms. Wood's comments included:

Proposed language

Minimum lot frontage in the draft ordinance proposal is detailed as " the road frontage requirements shall be 50 feet at the front lot line or have appropriate deeded access rights to a class 5 or better

road”, per Section 612.5.4.1.

Vs.

Table of requirements, Appendix A1

Minimum lot frontage in feet is 50 ft., per footnote (2), “said measurement shall be taken at a point fifty (50) feet from the nearest front lot line.

Proposed language

“Per section 612.5.2, “there shall be no front, side, or rear setback requirements”.

Vs.

Table of requirements, Appendix A1

Minimum side and rear setbacks are zero (0). Front setbacks are zero (0), “except 50 foot front yard setback on Route 111 right-of-way” per note 10.

- The Board discussed the proposed language in Attorney Campbell's comments from his letter dated December 19, 2012. Ms. Nysten stated she thinks the wording in section 612.5.4 suggests frontage on a private road is acceptable. Ms. Wood read from the New Hampshire statute book and she said it sounded like it can be deeded access to a lot. The Vice Chair stated access means frontage.
- Mr. Dubay stated he agrees with Attorney Campbell's note about road frontage because it doesn't allow this to occur through another RSA. He stated in The Village Center District the only way they are going to have someone develop or move in this area is through a deeded access easement. There are provisions in the RSA's that will allow what the Board is looking for. The Vice Chair asked Mr. Dubay to put that into writing for the Board. Mr. Dubay recommended having Attorney Campbell explained this in more detail to the Board. Ms. Nysten asked if in Appendix A1, note 2, if the Subcommittee was going to look into that. Mr. Dubay stated that he believes that is related and the Subcommittee can focus on that and anything else the Board would like.
- Mr. Wrenn suggested in regards to section 612.5.4, that the Subcommittee speak to Attorney Campbell regarding private roads. The ordinance is basically saying as long as the language is in accordance with the RSA the ordinance is covered. Ms. Wood stated she would check with Attorney Campbell regarding the language.
- The Board discussed road frontage. Mr. Wrenn stated the Committee's intent was frontage at the lot line. Mr. Dubay stated the existing ordinance says 50 feet at the lot line. Ms. Wood stated this is in every District and reflected in note 2. Ms. Nysten stated the ordinance says the front lot line. It was recommended by the Board that Mr. Wrenn and Ms. Wood speak to Attorney Campbell about Section 612.5.4 and Appendix A1, footnote 2, to get consistency between the two provisions, meet State law, and the spirit and intent of the ordinance.

- Ms. Wood stated there is also an inconsistency in Section 612.5.2 with note 10. The Vice Chair stated the Board needs language that saves the proposed ordinance. Mr. Wrenn stated it was by the Planning Board's direction that the Subcommittee change the ordinance to correlate with Appendix A1. Ms. St. Laurent suggested that if the Subcommittee is rewriting the whole Village Center ordinance it would seem they should rewrite Appendix A1. They want to bring development closer to the road with these setbacks that would not be possible. The Board talked about changing Appendix A1 to correlate with the proposed Village Center Ms. St. Laurent stated if the Board keeps the integrity of the ordinance and it doesn't correlate with Appendix A1, the Zoning Board of Adjustment would know the spirit and intent. Mr. Wrenn will speak to Attorney Campbell about the language. The Board discussed Attorney Campbell's other recommendations. Ms. Wood stated one of the changes was that the Board delete prohibited uses or give it a different heading. Mr. Wrenn suggested a different heading.
- The consensus of the board was to change the language regarding the Rural District per Attorney Campbell's memo of December 19, 2012.
- In Section 612.2.11 “in a dwelling unit” shall be removed. Ms. Nysten suggested this should be consistent with hotels and inns in Section 200.
- Ms. Nysten suggested that Section 606.2 conditions of approval be added. Mr. Wrenn thinks this would be a major change to figure out where it is applicable. The Vice Chair didn't think it was for The Village Center District. Ms. Maloney suggested Mr. Wrenn and Ms. Wood speak to Attorney Campbell about this language
- Ms. Wood stated the following issues were discussed by the Board this evening and will be taken care of. The goal is to make sure the ordinance passes this year, there are few edits made to the draft, there is a question on how to word Class V access roads, footnote 2, 2.1 and 10 in Appendix A-1 she will check with Attorney Campbell and the title will be changed,.

Adjournment

The Vice Chair entertained a motion.

Ms. DiFruscia motioned to adjourn, seconded by Ms. Maloney. Motion passed 6 – 0.

Meeting adjourned at 11:45 PM.

These minutes were approved 1/23/13 and respectfully submitted by Cathy Pinette, Planning Board Minute Taker.