



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

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**Planning Board Minutes**  
**January 9, 2013**

**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 – Present

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

**Staff:**

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

**Call to Order/Attendance/Pledge of Allegiance**

Chair Crisler called the meeting to order at 7:02 pm, followed by the Pledge of Allegiance and attendance and gave a brief synopsis of the agenda.

The Chair appointed Mr. Wrenn sit for Ms. Webber, Ms. Nysten to sit for Ms. Skinner, and Ms. Maloney to sit for Mr. Sycamore.

Ms. Post summarized the hearing notice for the 2013 Town Meeting Public Hearing. The Chair stated the details are available in the hearing notice and at the Community Development Office.

The Chair opened the hearing to the public.

**2013 Town Meeting Public Hearings**

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

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”, “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 professional...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”; Add Section 604.3 “Conditions of approval of permitted uses in the Neighborhood Business District shall be as provided in Section 606.2”.

Section 605.1 Business Commercial District A: reword Section 605.1; 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”, “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 606.1 Limited Industrial District: reword Section 606.1; delete “office buildings or banks” from Section 606.1.1; add “ Call Center”, “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 “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 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”.

- Ms. Scott stated this is the third public hearing on the proposed zoning ordinance amendments. The document was not sent to Legal Counsel for review because he already reviewed the December 5, 2012 public hearing draft. At the December 19, 2012 meeting the Board made changes to the proposed zoning ordinance which is reflected in Ms. Scott's memo dated December 21, 2012.

The Chair opened the hearing to the public at 7:07 PM, hearing no comments, the public portion was closed.

- Ms. Post stated she was told there was a typographical error in the hearing notice but the language that was posted was correct.

The Chair entertained a motion to move to Town Warrant.

**Ms. DiFruscia motioned to move Section 200 Definitions, Section 604.1 Neighborhood Business District, Section 605.1 Business Commercial District A, Section 606.1 Limited Industrial District, Section 614.2 Professional, Business and Technology District, and Section 618.2 Gateway Commercial District to Town Warrant, seconded by Ms. Post. Motion passed 7 – 0.**

### **2013 Town Meeting Education Outreach,**

- Ms. Scott stated based on outreach that the Board did last year, with staff assistance, they could write outreach articles on the proposed zoning amendments in advance of Town Meeting to help educate the public on the Board's zoning proposals. She had prepared the list of amendments with proposed staff and Board members listing each one for review and discussion and she provided this to the Board in their packets. Articles would be drafted by the Board members and sent by staff to the Windham Patch, Windham Independent, Salem Observer, and Pelham Windham News for publication.
- Mr. Wrenn stated the Village Center District Subcommittee is meeting on Monday and they will do four articles. They're trying to do a presentation with Ms. St. Laurent and Kelly from the Cable Department for local access TV to explain the Village Center District.
- Ms. DiFruscia suggested when bringing the Warrant article forwarded making sure the Board shows where these districts are and what is being changed. She suggested using the zoning maps as a visual for the public. Ms. Scott stated she is getting a map specific to the multi-family zoning, The Village Center District has maps, and the Community Development Department has zoning maps. Ms. DiFruscia suggested as articles are presented, maps can be put up. Ms. Scott stated the Board can have materials at the Deliberative Session but are not allowed at Town Meeting, but material can be left at Town Meeting. The Chair suggested when writing outreach articles, a graphic should be included. Ms. Scott stated that can be done. Ms. Post would like Ms. Scott to get maps for the Non-residential Zoning Districts. Ms. Scott stated the maps of the Multizone will be on the website, in the Community Development Office, and at Town Meeting. She will get a map for the Non-residential District for Ms. Post. The Chair also suggested posting at Town Hall. Ms. Scott will look into that.
- The Board members and Ms. Scott discussed each week's public outreach and Board members and staff assignments. This information can be found in Ms. Scott's memo of December 26, 2012 and upcoming dates and assigned Board members can be obtained at the Community Development Office.

- Ms. Nysten suggested the Board e-mail articles to each other for another set of eyes. The consensus of the Board was to do that. The final version will be sent to Ms. Scott for submittal to newspapers, town files, and the website.

## **Meeting Minutes – Review and Approve**

### **December 5, 2012**

**Ms. DiFruscia motioned to approve the December 5, 2012 draft minutes as suggested by Ms. Nysten and provided to the Board and staff, also including Ms. Maloney and Ms. Post's edits, seconded by Ms. Post. Motion passed 6 – 0 – 1 with the Chair abstaining.**

### **December 12, 2012**

The Board and staff discussed the December 12, 2012 minutes and provided some edits that will be brought back to the Board for approval.

### **December 19, 2012**

The December 19, 2012 minutes were postponed to a later date.

### **Public Hearing – Case # 2012-29 Final Major Site Plan Application**

Final Major Site Plan Application has been submitted by CMA Engineers, on behalf of El Hefni Educational Foundation for 39 Roulston Road (13-C-400), which is located in the Professional, Business, and Technology District and the WWPD District. The application is to build a 2-story 7,044 sqft math and science educational facility. Alternative energy, low impact designs, and green building construction and design will be used for the building and the site development. This application is subject to the Design Review Regulations. A waiver has been requested from Section 1308 of the Site Plan Regulations.

**Ms. Post read Case # 2012-29 Final Major Site Plan Application into the record.**

The Chair asked Ms. Scott if this application was complete and ready for acceptance. Ms. Scott stated yes.

The Chair entertained a motion.

**Ms. DiFruscia motioned to accept Case # 2012-29 Final Major Site Plan Application, seconded by Ms. Maloney. Motion passed 7 – 0.**

- Ms. Scott stated this was the final public hearing on this site plan. The applicant was here last year for a preliminary hearing. The application has been reviewed by KNA and comments were provided to the Board in a December 20 memo. The application was reviewed by the Design Review Subcommittee on November 26. The Design Review Subcommittee had no concerns or outstanding issues with the application. The Board was provided the November 26, 2012 draft

meeting minutes and Subcommittee meeting checklist. Ms. Scott has reviewed the December 17 revised submitted material and provided the Board with the outstanding items in her January 9, 2013 memo to the Board. Ms. Scott stated she had two additional items that the applicant needed to be made aware of. On sheet C-7 there is a typographical error with the acreage in that the acreage is incorrect and on page A-2 the design needs more detail what the materials are components and they need to be listed. This plan has been to the TRC.

- Mr. Phil Corbett, CMA Engineers, addressed the Board. He stated the application is to build a two-story, 7044 square-foot math and science educational facility. Alternative energy, low impact designs, and green building construction and design will be use for the building in the site development. He stated there are 29 acres zoned PBD and, the existing access is a gated dirt road but the proposed entrance would be further up the road for site distance, the lot is basically field where the building is going and will have solar energy. They will not be impacting within 100 feet of the buffer and have done high-intensity soil survey. He introduced Christine Ellis, Education Director, Joe Leone, the owner's representative, and Ms. Suzanne Wright, El-Hefini Education Foundation who were in the audience. He stated storm water features include a rain garden in the center of the driveway and indigenous shrubs and trees to treat storm water runoff. He stated this is a very well-drained site and that is the primary plan for storm water. There will also be some small under drains. They will be green components and solar, a well and new septic. They have access for overflow parking for event's that will only happen a couple of times a year. They will probably only have about 10 employees but they have additional parking spaces that they didn't pave and is a gravel surface.
- Ms. Maloney asked how many employees they would have and where they would park. Mr. Corbett stated they have one employee now and will have about six to start. Students are bused in. There are 15 parking spaces but they only need six. Ms. DiFruscia asked Mr. Corbett what the sign looked like. Mr. Corbett stated it was on the landscaping sheet of the plan and it was a real sign on a large boulder.
- Ms. Post questioned Mr. Corbett in regards to the waiver about what impervious reinforced turf was. Mr. Corbett stated the top is grass and then there's crushed gravel beneath it and it would accept the same amount of water as grass. Ms. Post asked what the square footage of the turf was. Mr. Corbett stated probably 6000 sq ft. There was a discussion regarding how that is plowed. Mr. Corbett stated normal plowing. There was a discussion of maintenance of this turf. Mr. Corbett stated it is maintained just like regular grass. Ms. Post questioned how many overflow parking spaces there were. Ms. Scott stated 23. Ms. Post questioned what the intended uses of the spaces were. Mr. Corbett stated special events, teacher's workshops, etc. and it would probably be less than six a year.
- Ms. St. Laurent stated in her school district when children go on field trips parents cannot ride the bus and have to take their own cars, she questioned parking for this. Mr. Corbett stated that he doesn't think parents would attend as this is an all day event. Ms. Wright addressed the Board. She stated the main objective is not just a typical field trip and they integrate their

program with the teacher's curriculum. It is not a traditional school and the teachers become the staff along with her staff.

- Ms. St. Laurent stated this was a two-story building and the Board was not supplied with any floor plans; the site plan regulations require site plans to be submitted. Ms. Wright stated they're trying to make the building a teaching tool. Downstairs will be the mechanicals but it will not be a typical mechanical room. This will be a place where children can see how solar, electrical, etc. work. She stated upstairs has classrooms. Ms. Scott stated Mr. Corbett submitted floor plans at the TRC review but since they were not sure about geothermal and how every room would be set up, there was a concern that the site plan would conflict with the building permit. The Police Department and Fire Department had no issue with that. Ms. St. Laurent stated her concern was that if the basement area was used, there was only one exit area which slopes down. She also didn't know where the elevator was, the garage doors, etc. Mr. Corbett stated he is comfortable the architect is meeting all life safety issues. Ms. Scott stated the Board could make a condition that when they submit for a building permit the floor plan come back to the Board for approval. Ms. St. Laurent questioned the current doorway on the plan stating it had no walkway and was not sure if it meets ADA regulations. Ms. Wright stated she has spoken to her architect numerous times and it is ADA compliant. Mr. Corbett stated the elevator and the entrance is ADA compliant.
- Ms. Maloney asked about landscaping plan and the rain garden. Mr. Corbett stated it was heavily landscaped, you could not walk through it, it is a very effective landscaping for water treatment and they will recycle the water with infiltration trenches and the rain garden. Ms. Maloney asked about snow storage. Mr. Corbett stated there is enough land to plow off into. Ms. St. Laurent asked about irrigation for landscaping. Mr. Corbett stated they believe the impervious surfaces are enough.
- Ms. DiFruscia asked if there was any outside classroom teaching. Ms. Wright stated yes, they are putting a tree circle seating section in, granite benches, tree benches and most natural items for this come from the land.
- The Chair asked about idling buses. Mr. Corbett stated children will be dropped off and there will be no idling buses. The Chair asked if the lighting was dark sky friendly. Mr. Corbett stated yes. The Chair asked if there are solar panels on the roof. Mr. Corbett stated yes, that information is on the last sheet of the plans. The Chair asked if there would be wind power. Mr. Corbett stated it is not planned for now.
- Ms. Nysten asked what the hours of operation and days were. Ms. Wright stated mostly Monday to Friday, regular school hours, unless they have a weekend teachers workshop.
- Mr. Wrenn questioned why they had two generator pads on the plan. Mr. Corbett stated that was a typo and the generated pad in the Northeast corner will be taken out.

- Mr. Corbett passed around the clapboard siding, shingle siding, and trim for the board to look at.
- The Chair asked about snow sliding off of the roof due to the pitch. Ms. Wright stated the architect did the plan with that in mind.
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- Ms. Nysten asked about the other access road and if it would be used and if there would be adequate lighting. Mr. Corbett stated he doesn't expect it to be used often, only for maintenance and garage access and not for public use.

The Chair opened the hearing to the public at 8:50 PM.

- Ms. Betty Dunn stated it was nice to see something that is so environmentally friendly coming to Town.

The public portion was closed at 8:52 PM

- Ms. Post asked in regards to the waiver, if there was any intention in the future to pave the overflow parking area. Ms. Wright stated she doesn't anticipate ever paving and wants it to look nice.

The Chair entertained a motion.

**Ms. DiFruscia motioned to grant a waiver to allow the proposed overflow parking to be located on reinforced turf as opposed to a paved impervious surface to accept up to 23 automobiles on an occasional basis for special events, seconded by Ms. Maloney. Motion passed 7 – 0.**

- Ms. Scott clarified the outstanding items for the Board which included items 1 – 5 in her memo dated January 2, 2013, plus no bus idling, the extra generator pad be removed on the plan, the acreage is corrected on the plan, more details of the components need to be listed on the plan, and the final floor plans be brought back to the Board. Ms. Scott stated that #2 of Mr. Keach's memo does not need to be a condition.
- There was a discussion by the Board on the missing floor plans. Ms. Scott suggested making the Board's review of the final floor plans a condition of approval and that will meet the requirements of the site plan regulations. Ms. Nysten asked who reviews the final floor plans before the Board will see them. Ms. Scott stated the fire department and building inspector see them and all the issues will be resolved and then submitted to the Board.

The Chair entertained a motion.

**Ms. Post moved to approve Case # 2012-29 Final Major Site Plan Application according to the following conditions: items 1 – 5 in Ms. Scott's memo dated January 2, 2013, plus no bus idling, the extra generator pad be removed on the plan, the acreage is corrected on the plan, more details of**

**the components need to be listed on the plan, and the final floor plans be brought back to the board, seconded by Ms. DiFruscia. Motion passed 7 – 0.**

The board praised the application and stated this application was an asset to the town.

### **Old/New Business**

- Ms. St. Laurent asked if the November 28 minutes have been approved. Ms. Scott stated they have been postponed to a later date.
- Ms. Scott stated there have been no citizens petitions brought forward for this year. She went over the upcoming meeting agendas.
- Ms. Nysten would like Ms. Scott to post the drive-through section of the site plans. She is concerned that there may be a lapse. If an application with a drive-through, came in before Town Meeting and the warrant language is posted, the applicant could use the proposed Warrant language for that application if it passes at Town Meeting. The Chair stated this was a good question to ask Attorney Campbell. Ms. Scott stated the Board had discussed this before and there is a site plan regulation hearing on February 20th and the hope is the board will accept the new site plan regulations then if we continue on this schedule.
- Ms. Nysten would like the Board to get all correspondence that come into the office from Attorney Campbell. Ms. DiFruscia stated this has been discussed before and the Board would like a copy. She thought the Board adopted a protocol to ensure all Board members have access to legal memos. The Chair does receive a copy of all legal memos and we need to ensure that the full Board always has access and in a timely manner. Recently, the full Board was not provided a legal memo. The Board would like Ms. Scott to send all legal communications to the full Board. The Chair directed Ms. Scott to send all correspondence from Attorney Campbell to the Board.

### **Adjournment**

The Chair entertained a motion.

**Ms. DiFruscia motioned to adjourn, seconded by Ms. Post. Motion passed 7 – 0.**

Meeting adjourned at 9:20 PM

These minutes are in draft form respectfully submitted for your approval by Cathy Pinette, Planning Board Minute Taker.