



OLD VALUES - NEW HORIZONS

## COMMUNITY DEVELOPMENT

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### **Planning Board FINAL Minutes Wednesday, August 12, 2015 7:00pm @ Community Development Department**

Mr. Alan Carpenter, Chairman- present  
Ms. Kristi St. Laurent, member-present  
Mr. Joel Desilets, Selectman- present (on the phone, left the meeting via telephone at 10:30 pm)  
Ms. Margaret Crisler, member-present (left at 9:10 pm)  
Ms. Kathleen DiFrusia, alternate member- present (seated for Dan Guttman until he arrived at 7:10 pm, then became the alternate for Ms. Crisler at 9:10 pm)  
Mr. Matthew Rounds, alternate member- present (seated for Ruth-Ellen Post)  
Mr. Dave Oliver, alternate member- present (arrived at 7:35 pm)  
Ross McLeod, alternate Board of Selectmen member - excused  
Ruth Ellen Post, member – excused  
Mr. Paul Gosselin, Vice-Chairman-present  
Mr. Dan Guttman, member (arrived at 7:10 pm)  
Mr. Gabe Toubia, alternate member- excused

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

The meeting was called to order at 7:00 pm.

#### **2016 Town Meeting Workshop**

##### Market Square Overlay District

Chairman Carpenter presented the letter written by Mr. Ed Gallagher, WEDC Chair.

Mr. Al Letizio, WEDC Vice Chair, addressed the Board regarding the Market Square District Overlay.

Chairman Carpenter asked the Board if they had comments, thoughts, or suggestions regarding the proposal. Chairman Carpenter had three concerns. Section 620.5.3: Chairman Carpenter suggested a road standard of 75 feet; that would be an increase of 25 feet as the current number is 50 feet. Perhaps the traffic flow would warrant such a change. The Board is in agreement that 75 feet would be appropriate.

Section 620.3.4 Chairman Carpenter asked if a border of space would be necessary around the entire district. Is a setback from the lot line needed? Mr. Gosselin stated that there may not be a need to codify this at this juncture. Ms. St. Laurent added that, within the Workforce housing ordinance, the buffers are different within the district and on the periphery of the district. There is no telling how the property will evolve over time (wetlands, open space, etc...) Ms. Crisler stated that there is a lot of wetlands in this area. The WWPD was also brought up by Mr. Gosselin prior to her comments. Mr. Desilets is in agreement with Mr. Gosselin. The Board is proposing a 50 foot buffer around the entire perimeter of the district boundaries.

Section 620.3.7 Chairman Carpenter was asking if 10,000 sq. ft. of open space is adequate. Mr. Gosselin asked if the District Overlay could be “triggered” in such a way. Ms. DiFrusia asked where these 50 contiguous acres may be. Mr. Letizio spoke for the EDC; the plan was made to try to avoid an

“incongruous” situation. Mr. Desilets also stated that this space would be approximately double the size of Market Square in Lynnfield; he does not see too much risk in committing 10,000 sq. ft. as a minimum open space. Mr. Letizio suggested that an incentive could be added for the developer to increase the open space from 10,000 sq. ft. Chairman Carpenter proposed the following language: “Each central developed area shall have its own common area for public use which shall be a minimum of 10,000 square feet.”

Chairman Carpenter also brought up the idea of signs and suggested not linking it to what is allowed in PBT. Visibility and signage is very important to retail. At the Merrimac Outlets, the signage does not coincide with the actual location of stores along the backs of the buildings; this might be confusing and may want to be avoided. Ms. Crisler is concerned about the image and “classiness” of the district. Mr. Guttman brought up signage on 93 South as the new exit comes up very quickly after the weigh station. No signage can be seen from 93 North prior to taking the exit. Mr. Gosselin brought up that industrial and retail signage exist in more affluent districts, like Bedford, NH and Andover, MA, and it is not necessarily a negative to living there. Mr. Rounds stated that he did not know if there was a way to aesthetically mandate “classy” signage.

Ms. Crisler stated that this proposal may be too far afield from the original proposal. Chairman Carpenter stated that this is more of a “regional draw”, not just for people of Windham. Ms. St. Laurent stated that this is not “just for Windham” but it will be for others as well.

Under Section 706, Chairman Carpenter proposed that there not be specific signage regulations but that it will be determined as part of the site plan application process; the Planning Board will exercise great discretion in sign design and review through the design review regulations.

Next, there was a discussion, not about any particular point or item around signage, yet, it was around what types of retailers might be attracted to these standards and regulations. Per the WEDC, 25,000 sq. ft. was a standard that was chosen with great care, consideration and knowledge.

Ms. DiFruscia brought up Section 620.3.6 in terms of a vision statement. Should ratios of use be considered to preserve the envisioned use? Ms. DiFruscia has a concern that the spirit and intent of the ordinance is not always honored. Mr. Desilets brought up that, many times, the developer often understands what will sell.

Mr. Ralph Valentine addressed the Board as part of the Windham Economic Development Committee. Mr. Valentine’s concern was around the maximum square footage of 25,000 sq. ft. and whether or not a variance was needed if an individual proposal exceeded 25,000 sq. ft. and the proposed language of a conditional use permit was removed. The answer is yes.

Open Space, trails, bike lanes connecting to other properties, community meeting space and alternative energy, are all proposals that could be added and requirements for the conditional use permit.

Under Section 620.3.7, the word “contiguous” should be added before 10,000 sq. ft. Ms. DiFruscia asked about the language under 620.2.10 regarding residential limitations that it should be “up to” 10% of the total. Additionally, Ms. DiFruscia also specifically asked, per Ms. Ruth-Ellen Post’s suggestion, that gas stations be excluded. The Board decided that it might be better to included what is allowed rather than what is not allowed.

Ms. DiFruscia would like to hear from the property owners in a concrete way, either in writing or before the Board, to get their opinions about the Overlay District. Mr. Letizio stated he has been in contact with the property owners, as has Laura Scott. They have raised no objection.

Mr. Guttman returned to the issue around hazardous materials and listing them not as an allowed use in the district. Ms. Laura Scott pointed out that the Watershed District, which these properties are located in, restricts these uses.

Mr. Gosselin made a motion to move the Market Square Overlay District, as amended, to Public Hearing, to be held on September 9<sup>th</sup>. Mr. Desilets seconded.

Ms. Crisler took the opportunity to state her concerns; she stated that the Planning Board may be premature on this. Mr. Guttman spoke to a proposed developer and whether or not time and energy would be put into a proposal that may or may not be successful.

A suggestion was made that the WEDC put out an RFP be put out to see what interest there was from developer before any rezoning was done. Ms. Scott pointed out that she felt it would be inappropriate for a town Committee or staff to put out a proposal for land development when the land is privately owned. Mr. Desilets agrees that it is not appropriate for the Board, or the Town, to reach out to developers. Mr. Rounds was concerned about favoritism towards one developer or another.

Mr. Oliver asked about the “Windham centric” vs. the “regional centric” approach.

Vote 5-2. Motion carries with Mr. Guttman and Ms. Crisler in opposition.

#### Professional, Business & Technology District (Section 614.2.10)

Mr. Gosselin did discuss the genesis of these changes. Mr. Gosselin actually stated the percentage change for retail should be 40% and not 43% as proposed.

Ms. St. Laurent is not in favor of the changes presented. Mr. Guttman is not in favor either as proposed.

Mr. Rounds asked what the original intent of the ordinance was. The intent was to allow some retail space along with the manufacturing. Mr. Rounds is not in favor. Ms. DiFrusia is also not in favor.

Mr. Desilets is in favor of the changes. Chairman Carpenter is in favor of crossing out the term “manufactured or assembled on site”. He would not increase the number to 43% but decrease it to 10%.

The discussion was opened to the public.

Mr. Karl Dubay, from the Dubay Group, addressed the Board. Mr. Dubay proposed adding the word “offered” before the word manufactured and proposed the number be decreased to 20%. Instead of “building’s total area” amend to the “total area of the project”.

Chairman Carpenter proposed the following changes: retail sales and of merchandise “offered” provided that the sales area is limited to no more than 15% of the project’s total square footage. No retail tenant can be

larger than 15,000 sq. ft. Chairman Carpenter polled the Board to see how they were feeling about the percentages and the total square footage.

Mr. Desilets made a motion to go with 20% and 15,000 sq. ft. maximum to the language. Mr. Gosselin seconded. Discussion: Chairman Carpenter feels as if 20% is too high; it may start to look more like retail.

Vote 2-5 on the motion. Motion does not carry with Mr. St. Laurent, Mr. Guttman, Mr. Carpenter, Ms. DiFruscia and Mr. Rounds voting in opposition.

Mr. Rounds made a motion to go with 15% and 15,000 sq. ft. in the language and to add the words “offered”. Seconded by Mr. Guttman. Vote 7-0. Motion carries. A motion was made to carry proposal, as amended, to public hearing by Mr. Gosselin. Seconded by Mr. Guttman. Vote 7-0 Motion carries.

### **2015 Master Plan Phase II Workshop - Energy Chapter**

Mr. Kovacs addressed the Board representing The Windham Local Energy Committee (WEDC) in reference to their Master Plan Chapter on Energy. As expected, transportation is the largest use of energy followed by space heating. Neelima Gogumalla also addressed the Board representing the Committee. The Committee has started an initiative for municipal offices and districts to be part of this consortium to purchase this energy. Per the discussion, Mr. Guttman stands by his amendment to encourage individual homeowner incentives to buy collectively as municipal offices and schools do. The Board was full of thanks and praise for the Committee’s work on this chapter. Ms. St. Laurent would like to see the word “survey” added to the shaded box after the words “master plan” at the bottom of pg. 5. Ms. St. Laurent also discussed the “duplicate miles” traveled by both school busses and private cars.

**Ms. Gosselin made a motion to move the Energy Chapter forward to Public Hearing. Seconded by Ms. DiFruscia. Vote 7-0. Motion carries.**

### **2015 Master Plan Phase I Workshops**

- Vision & Goals Chapter

Mr. Carpenter has several edits to propose but would like the Board to discuss them at a later meeting.

The Board agreed to continue the workshop to another date.

### **2015 Master Plan Phase II Workshop –Demographics**

The Board agreed to continue the workshop to another date.

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

- June 17, 2015

Top of pg. 2- Invasive species

Top of pg. 3- Andrea Alexander’s comments, Ms. Rice and Board members clarified, Ms. Alexander’s name needs to go in front of the “not in favor of the proposal”,

Pg. 5- Road length, concern was around feet, not sq. ft.

On Pg. 5 Mr. Gosselin “two distinct areas that...” and it trails off.

The Board feels as if the Board may need to be examined.

Pg. 6 Ms. Post’s motion made need clarification

Pg. 6 and Pg. 2 Mr. S. (who is this?)

The Board requested Staff to review the tape in several sections and continue review of the minutes until a later date.

Mr. Desilets excused himself at this time.

**Adjournment**

A motion to adjourn was made by Mr. Gosselin. Ms. DiFrusia seconded. Vote 6-0. The meeting ended at 10:30 pm.

Submitted by Anitra Brodeur, Laura Scott, edits also provided by Elizabeth Wood