

## PLANNING BOARD MINUTES

November 22, 2005

### ROLL CALL:

Nancy Prendergast, Chairman – Present  
Ruth-Ellen Post, Secretary – Present  
Phil LoChiatto, Regular Member – Present  
Neelima Gogumalla, Alternate – Present  
Rick Okerman, Alternate – Excused  
Alan Carpenter, Selectmen Alternate – Excused

Ross McLeod, Vice Chairman – Present  
Walter Kolodziej, Regular Member – Excused  
Pam Skinner, Regular Member – Present  
Steven Griffis, Alternate – Excused  
Margaret Crisler, Selectmen Member – Present

### STAFF:

Al Turner, Director of Planning and Development – Present  
Rebecca Hebert, Town Planner – Present

*Ms. Prendergast opened the meeting at 7:30 pm.*

### MINUTES:

- Discussion: Changes to the November 9 minutes. Staff will make the suggested changes and redistribute the minutes.

### CORRESPONDENCE:

- Notice of possible sale of town owned land on Dow Road lot 13-J-95 near Shadow Lake. The Selectman are requesting a recommendation would like comments back by December 14. The potential buyer owns 1 and 2 Dow Road and would like to use lot 13-J-95 for a parking area and shed. The lot formerly was to be part of a larger lot in Salem. Should 1 and 2 Dow Road be merged? Staff should look at the property before a final recommendation is made. Discussion is tabled to the next meeting.
- Reminder to send out directions to Derry for November 30 meeting;
- Letter from Dennis Roger regarding “Next to Nothing” site plan review. The issue has already been presented to the Planning Board and should not be discussed as correspondence. The applicant should come back before the Board for site plan approval.

### LIAISON REPORTS:

Selectmen, Mrs. Crisler: Board of Selectman discussed with the Conservation Commission the reopening of a portions Pine Hill Road and possible connections from Pine Hill Road to Jackman Ridge Road.

CIP, Mr. LoChiatto: Public hearing for CIP will be held on December 14.

### ZONING MAP CHANGES:

**1 Indian Rock Road, lot 11-A-450.** 1.514 acres. Rezone from Rural to Village Center District, The lot is located both on Route 111 and Hardwood Road, the house on the historic resource list, traffic on Hardwood Road, the lot should not be used to connect the Village Center roadways to Hardwood Road, Owner should look at the Village Center District Master Plan carefully and talk with Planning Board and/or staff before they file the petition, corner not suitable for residential, Planning Board will recommend this as a zoning map change but citizen will still need to file a petition.

Mr. LoChiatto motioned to accept this zoning request for a change to the Village Center District for public hearing on December 21 at 7:00 pm. Ms. Post seconded. Passed 6-1. Mr. McLeod opposed.

**179 Rockingham Road, lots 3-B-600, 601, and portions of lot 3-B-1200 and 650.** The lots were rezoned in 2001 from Rural to Neighborhood Business, lots are wet and do not have visibility from Route 28, applicant discussed using the land for garden style elderly apartments, driveway with a sign, Neighborhood Business District crosses through only a portion of the lots south of Northland Road, lots 3-B-650 and 3-B-1200 are protected open space and residential lots, should be changed back to Rural at a later date, the original intent for the neighborhood business district rezoning was to provide services

for new Spruce Pond neighborhood, there are uses that do not need visibility from Route 28. Planning Board does not support this change.

**90 Indian Rock Road, lot 17-J-70, 6/46 acres.** Request to rezone 90 Indian Rock Road from Business Commercial B to Residence A to be more consistent with the use of the land, the property will have 5 residential single family condominiums onsite.

Mr. LoChiato motioned to move this request for zoning change to Residence A to public hearing on December 21 at 7:00 pm. Mr. McLeod seconded. Passed 7-0.

**Meetinghouse Road, lots 11-A-1, 2, 3, 4, 5, 6.** The Limited Industrial District line is currently located 500 feet from a brook adjacent to Meetinghouse Road, this district line crosses through many of the residential lots along Meetinghouse Road, moving the Limited Industrial District line to edge of property line on 11-A-50 would allow the entire area of the lots on Meetinghouse to be rezoned to Rural District, lot 11-A-1 on the corner of Meetinghouse Road and Route 111 is being used as an office building this lot should be included within the Limited Industrial District.

Mr. McLeod motioned to schedule for public hearing on December 21 at 7:00 pm rezoning from Industrial to Rural as presented by staff. Mrs. Crisler seconded. Passed 7-0.

**Colonial Drive, lot 14-B-4900 and 4900C.** The multifamily units on lots 14-B-4900 & 4900C on Colonial Drive are in the Rural District, these lots should be rezoned to Residence B, Multifamily buildings are allowed in Residence B District, 16 condominium or condex units.

Mr. McLeod motioned to move rezoning to Residential B to public hearing on December 21 at 7:00 pm. Mr. LoChiato seconded. Passed 7-0.

**Lot across from Wall Street on Route 111 is located in both Rural and Residence A District.** Put off until next year, look at the topography and have the owner petition, might be an appropriate parcel to be in two zoning districts, zoned rural but surrounded by commercial uses, traffic from Route 111, a portion of the lot could be zoned Village Center.

**Route 111/Wall Street intersection, lot 11-C-800, +/- 29 acres.** Read Wall Street letter into the record regarding request to be rezoned from Professional Business and Technology District to Business Commercial A. Attorney Bronstein spoke and gave an overview of the request including tax benefits, surrounding commercial uses, availability of office space in the region, market for retail spaces. Discussion: Not in favor of the rezoning, traffic was one of the biggest concerns that came out of the Master Plan, feels the land has not been developed for Professional Business and Technology because the DOT has been “up in the air” regarding changes to Interstate 93, would not provide additional opportunities for Windham residents to work in Town, not consistent with the Master Plan or the current zoning, decide by the voters, there are tax negative benefits to this type of use.

### **Proposed Zoning Amendments**

**Amendment # 1:** Amendments to Section 200, definitions, clarifies the term building by also including the word structure, structures would include fencing over 6 feet tall, pools, sheds, tennis courts, a clarification to be more consistent with the Town’s building code, the word being defined should be bold and underlined. Amendments to Section 702 and 703 should be numbered amendments.

**Amendment #2:** Amendment to Section 601.4.9, Adds the word “structure” after “building” to the language in the WWPD.

**Amendment #3:** Amendment to Section 602.1.6.3 to clarify uses in the rural district that are not allowed as home occupations.

**Amendment #4:** Amend Section 606.1.3 by deleting “building materials salesroom”, this would not allow salesrooms for building materials in the Limited Industrial District, should limit the size of the salesroom, size of sales room should be under 500 sq. ft., change phrase to “building materials salesroom less than 500 sq. ft.”

**Amendment #5 and Amendment #6:** Amend sections of the ordinance to include “him/her”

**Amendment #7:** Amend Section 901.2 by deleting the words after annual and inserting the words “election of members”

**Amendment #8:** Amend Section 400 regarding the Continuance of Existing Uses by inserting a new Section 406 that gives criteria for the expansion of a non-conforming structure which is non-conforming based on the fact that the lot size does not conform to the existing lot size requirements. Attorney Campbell recommended the zoning change last year, limits maximum building/structure coverage on the lot.

**Amendment #9:** Amend Section 611.6.2.1 by adding criteria for reducing the size of the radius of a turnaround in the Open Space Residential Overlay District, criteria includes reducing the impacts to wetlands, WWPD, excessive fill or blasting, discussion regarding protection of significant stands of trees, subdivision and site plan regulations, typical Town road standards.

**Amendment #10:** Amend Section 611.6.2.2 by deleting allowance to reduce the right-of-way to forty feet (40’) in the Open Space Residential District. Discussion: should this be in the subdivision regulations, should the 50 foot right-of-way be required in the zoning regulations, Board decided to eliminate the 40 foot right-of-way in the zoning ordinance, open space subdivisions will need to comply with the Town road standards or request a waiver to the subdivision regulations that requires the 50 foot right-of-way.

Mr. McLeod motioned to move staff’s proposed zoning amendments, as amended by the Board tonight, to public hearing on December 21. Mrs. Crisler seconded. Passed 7-0.

Discussion: Proposed sign amendment to prohibit electronic changeable copy signs. Mrs. Crisler motioned to adopt Mr. McLeod’s proposed Section 706.5.18 to sign ordinance. “Section 706.5.18 Electronic readerboards and electronic changeable copy signs are prohibited.” Ms. Skinner seconded. Passed 7-0. Ms. Post motioned to move proposed ordinance Section 706.5.18 to public hearing on December 21. Mrs. Crisler seconded. Passed 7-0.

Ms. Skinner motioned to adjourn. Mr. McLeod seconded. Passed 7-0. Meeting adjourned at 11:05 pm.

These minutes are in draft form and have not yet been reviewed and approved.  
Respectfully submitted, Nancy Charland