

PLANNING BOARD MINUTES
December 21, 2005

ROLL CALL:

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

Ross McLeod, Vice Chairman – Present
Walter Kolodziej, Regular Member – Present (late)
Pam Skinner, Regular Member – Excused
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 7:10 pm. The meeting is a public discussion not a hearing because of posting error. Public hearing on the posted matters will be scheduled for January 11; no Board decision will be made on these matters tonight.

PUBLIC MATTERS:

Citizens Petitions.

Petition by David De Vries and others, to request the Zoning Map of the Town of Windham be amended by rezoning lot 17-J-70 from Commercial B to Residential A. The purpose of the change is to make 17-J-70 conform to its current use. (90 Indian Rock Road).

Mr. DeVries gave an overview of the map change. Mr. Bud Sweetser spoke in support of this change. Mr. McLeod motioned to move to January 11 for public hearing. Mrs. Crisler seconded. Passed 4-0.

Petition by Richard Peabody and others to request that the Zoning Ordinance of the Town of Windham be amended such that the zoning classification of the Tax Map Lot 11-C-800 (a parcel containing approximately twenty nine acres situated at the intersection of Wall Street and New Hampshire Route 111 (Indian Rock Road) be changed from Professional Business and Technology to Business Commercial A.

Attorney Ray Demonte, Jim Gove, and Wayne Morill discussed the site, requesting a Planning Board recommendation for changing the site to Commercial A District, noting that it was zoned commercial prior to the new Master Plan, it is sitting in current use, Rt 93 and Rt 111 improvements displace numerous current businesses, commercial development will bring \$300,000 to \$350,000 in new tax revenue, a “ripple effect” on neighboring parcels unlikely due to segregated nature of the parcel, wetlands on this parcel are “low quality wetlands.” No action is being taken because meeting has been changed to a public discussion.

Mr. Kolodziej joined the Board, Ms. Gogumalla and Mr. Okerman replaced Mr. LoChiatto and Ms. Skinner, respectively.

Public comment from Bud Sweetser, 20 West Shore Road, Cobbetts Pond Association: Asked the Board not to support this petition and will speak at greater length at the January 11 hearing.

Brian Potvin, Rizzo Associates: Discussed environmental practices for the site: numerous wetland issues (both on site and impacting nearby Cobbetts Pond) but they are “low-quality” wetlands, will install sophisticated state-of-the-art systems to control run-off and reduce negative impacts.

Public comment continued with Carol Pynn, 19 Cobbetts Pond Road: Concerned with traffic impact to Cobbetts Road when people travel that way to avoid the Route 111 traffic lights.

Mr. McLeod motioned to move the petition to January 11 for public hearing. Mr. Kolodziej seconded. Passed 7-0.

Proposed Map Amendments.

Amendment # 1: Amend Zoning District Map by moving the Limited Industrial District Line away

from the residences on Meeting House Road to their rear property line. This map amendment would affect lots 11-A-1, 11-A-2, 11-A-3, 11-A-4, 11-A-5, 11-A-6 and 11-A-50. The Limited Industrial District would include all of lot 11-A-50 and 11-A-1.

Mr. Turner: Move the zone lines to be in line with the lot lines. Public comment from Russ Wilder regarding possible impact on the abutting Limited Industrial District lot. It was noted that it is not a problem. Mr. McLeod motioned to move Map Amendment #1 to January 11 to 7:00 pm for public hearing. Ms. Post seconded. Passed 7-0.

Amendment # 2: Amend Zoning District Map by rezoning lot 11-A- 450 from Rural to the Village Center District. The lot is located at the northeast corner of the intersection of Hardwood Road and Route 111.

Ms. Hebert: Homeowner requested rezoning, only home on this stretch of land that is not Village Center District, natural vegetated buffer will be maintained. Ms. Prendergast reviewed a letter from Karla Doukas and Troy Heath.

Public comment from Carol Pynn, 19 Cobbetts Pond Road: The house is on the Windham historic list; she believes this change will help assure the preservation of the home and supports it.

Steve Christensen, 4 Hardwood Road: Questioned abutter notification, previous Planning Boards had stated they would not touch Hardwood Road, Village Center District will now wrap around his property, expected homes as neighbors not restaurants, his property value may go down, fearful for traffic increases and parking implications, speeding on Hardwood Road, narrow Hardwood Road to slow traffic speeds, wide range of future uses of the home merit careful looking into, protective covenants exist which may limit many uses, no public gain for this change, asked for careful consideration, asked to enforce buffers, concerned about domino effect, would like to see it developed well. Discussion: Protest petition procedures, preserving historic home, buffers, covenants are purely private agreements, deed restriction information should be shared with the Historic District Commission.

Karla Doukas, 7 Hardwood Road: Zoning change opens the door to unforeseen commercial use, meaningless change if covenants restrict use to residential, moving the driveway removes potential hardship for variance, needs to be looked at more carefully and cautiously, opens the door for additional development, residential zoning might protect the historic property better, not sure of the benefit of the zoning change.

David Sheldon, 6 Hardwood Road: Concerns with road access, seems out of place from the process, evergreen buffers. Discussion: Voters will decide, protect the existing residents, current driveway is too close to the intersection for an access.

Ms. Doukas: Access and restricted rights, future changes for the Village Center District.

Mrs. Crisler motioned to move proposed Map Amendment #2 to the January 11 public hearing. Ms. Post seconded. Discussion: Move forward for information, no action until January 11 per Town Counsel's recommendation, discussion vs. hearing. Motion passed 6-1. Mr. McLeod opposed.

Discussion: Moving remainder of items to January 11, minor changes, renumbering.

Amendment #1: Amend Definitions.

Amend Section 200 Definitions: Accessory Building or Use by adding the symbol and word “/structures” after the word “building” wherever it appears.

Mr. Turner: Zoning changes, BOCA Code no longer in effect so definition of “structure” has changed, rename to Amendment #4, that which is built or constructed. Discussion: Hardcopy changes. Mrs.

Hebert: Read the definition from the building code. Discussions: Body of text, posting of text. Mr. McLeod motioned to move Amendment #1 definition of structure to public hearing at January 11 at 7:00 Mrs. Crisler seconded. Passed 7-0.

Mr. McLeod motioned to move Amendments #2 through 15 to public hearing on January 11 at 7:00 pm.

Mr. Kolodziej seconded. Passed 7-0.

Discussion: Other amendments moved to public hearing, Windham Building Code questions.

Mr. McLeod motioned to adjourn. Mrs. Crisler seconded. Passed 7-0. Meeting adjourned at 9:15 pm.

These minutes are in draft form and have not yet been reviewed and approved.

Respectfully submitted, Nancy Charland