

PLANNING BOARD MINUTES

September 17, 2008

ROLL CALL:

Phil LoChiatto, Chairman – Present

Rick Okerman, Secretary – Present

Ruth-Ellen Post, Regular Member – Present

Louis Hersch, Alternate Member – Excused

Sy Wrenn, Alternate Member – Not Seated

Galen Stearns, Selectmen Alternate – Excused

Nancy Prendergast, Vice Chairman – Present

Walter Kolodziej, Regular Member – Present

Pam Skinner, Regular Member – Present

Kristi St. Laurent, Alternate Member – Not Seated

Bruce Breton, Selectmen Member – Present

STAFF:

Al Turner, Director of Planning and Development – Present

Mr. LoChiatto opened the meeting at 7:00 pm. The Board stood and recited the Pledge of Allegiance.

MINUTES:

- Ms. Prendergast motioned to approve the September 10 minutes as amended. Ms. Post seconded. Passed 6-0-1. Mr. LoChiatto abstained;
- Board discussion regarding changes to the September 10 site walk minutes.

CORRESPONDENCE:

- Letter from Tokanel Builders requesting a final bond release and town acceptance for Fletcher Ext. The request has been sent to the fire chief and highway agent for their review and input;
- Letter from Margaret Crisler requesting a letter of support for the application for I-93 CTAP funding. Ms. Post further discussed the Windham Economic Development Committee actions regarding CTAP funding and looking for Planning Board support;
- Letter to Robert Peterson regarding Field Road flooding;
- Letter from Attorney Bruce Marshall regarding Meadowcroft Development. Board discussion that this applicant needs to apply for public hearing, Mr. Turner to notify the applicant, a meeting is scheduled for the 24th of September for a shortened road, and the applicant needs to get the application going and can discuss it at the meeting on the 24th;
- Letter from NH DES regarding Alteration of Terrain File for Ledge Road Business Park;
- Letter from David Sullivan regarding a 50' right-of-way off Ironwood Road. Board discussion that the road has not been accepted as yet, and make the change as a minor site plan at the next available meeting;
- Abutter notification from the Town of Goffstown regarding a new tower;
- Town and City publication.

OLD/NEW BUSINESS:

- Board discussion that the Dunkin Donuts applicant asked at the site walk if they could begin working on the site before approval. Board discussion with Chris Nickerson, Herbert Associates, as to why they want to start site work and whether or not it is allowed by our ordinances. Mr. Turner stated he can research whether site work can be done once a plan has come before the Board and will give his findings at the next meeting;
- Peter Griffin, Windham resident and President of NH Railroad Revitalization Association, distributed and discussed the I-93 Transit Investment Study, a rail system would help economic development in Windham, the reasons to connect to Boston and Manchester by rail, it is a regional study with Massachusetts, and would like the Board to evaluate the study. Board discussion

regarding reviewing the study, Mr. Griffin would like a response within a month, and a meeting was scheduled for October 8 to discuss this further.

Mr. Kolodziej motioned to move the Site Plan and Subdivision Regulation Changes to the end of the agenda. Mr. Breton seconded. Passed 7-0.

LIAISON REPORT:

Charlie McMahon, Selectmen and State Representative: Discussed the surplus properties because of the Rt 111 and Rt 93 changes, putting a road between the Bohne property and Semi Conductor, consider a request to the DOT for traffic lights at that location, and there is a timing issue. Peter Zohdi showed and explained the road on a map, it will help Delahuntys, the Bohne property, Semi Conductor, and the golf course. Mr. Turner stated a previous Planning Board had discussed a road from Range Road to this set of lights. Board discussion with Mr. McMahon regarding the next step, a meeting with Mr. Stamos from the DOT would be appropriate, the lands are up for auction, invite Mr. Stamos to a Planning Board meeting to discuss the traffic light, would the state allow a light at that location, and it is a Planning Board and Selectmen issue.

PUBLIC MATTERS:

Mr. LoChiatto explained that tonight's meeting is a public discussion and no decisions will be made. Mr. LoChiatto asked the Board if he should recuse himself. One member said yes he should recuse himself, and five said no.

Potential Zoning Map Changes

1. Clark Farm North – Rural to Neighborhood Business and Residence B

Mr. Turner showed the area on maps and explained the abutting areas, the area has been identified as part of the Master Plan, this was discussed last year, use a mix of Neighborhood Business in the front of the property and Residence B to the back with a buffer, the setback and building areas for Village Center and Neighborhood Business was compared. Mr. Turner explained the abutting property's zoning. Board discussion where to split the zoning on the lot, nothing has changed from last year, defeated twice for rezoning, the neighbors would want to know what's going in there, and it is part of the Master Plan.

Chris Nickerson, Herbert Associates, stated they support the Board in wanting to rezone, the property has a large portion of frontage, he showed the area businesses, and keep the back portion of the land as Rural zoned. Board discussion regarding small businesses are allowed, Residence B allows multi-family homes, what is the best proportion of the land? Peter Zohdi, Herbert Associates, stated his client does not object if it is Residence B. Board discussion regarding the proportion of each zone, buffer depth between zones, and access to the property.

Public comment from Melvyn Greenberg, 2 Shamrock Road; Richard Teixeira, 18 Galway Road; Sal Basile, 10 Galway Road; Marc Sneider, 5 Galway Road; Heath Partington, 17 Galway Road; Les Scott, 4 Shamrock Road; Jim MacDonald, 14 Clarke Farm Road; John Lucidi, 16 Clarke Farm Road; Len Zachas, 22 Faith Road; and Mike Biery, 6 Shamrock Road. Comments included that the abutters were informed at the last minute, it has been voted down twice, why is the Board considering this? Mr. LoChiatto did not recuse himself, work with the neighbors, not a great demand for small business in this area, want to keep the area residential, there will be more accidents, stores are empty at Cobbetts Pond Plaza, Windham modeled after Wellesley and Wellesley does not have businesses, a neighborhood committee has been formed, letters were submitted in opposition to the rezoning, it is not a gateway to Windham, there are no detail plans of what will be built there, don't know what is being discussed, the owner could meet with the committee, the committee has existed for 6 months, Tracy Partington is the

president, and the property was purchased as Residential, Windham is a great community, what are the benefits to the rezoning, doesn't look forward to Rt 111 to be developed, respect the vote of the Town and not rezone the property, and development could change the drainage.

Board responses were that it is in the Master Plan, it was not a last minute idea to notify the abutters, not required to notify abutters, this is brought forward from last year, what would the neighbors like to see, over 50 residential houses are part of the Neighborhood of West Windham Committee, and hearing two things from the abutters: 1) no development; or 2) what are the plans?

Mr. Zohdi stated he would get together with the Neighborhood Committee and the Planning Board to discuss the proposal, and wants to work with the neighbors. Board discussion that Mr. Zohdi should meet with the Neighborhood Committee and set up a meeting.

2. NH DOT Park and Ride – Business Technology to Retail

Mr. Turner showed an aerial photograph of the area, he explained the uses and zones, the uncertainty of Rt 93 has kept development away from this area, there is a proposal for a retail development, may go for a variance, across the street was looked at by Lowes but defeated by the voters, where should the Retail zone stop. Board discussion regarding would this hamper the decision of not rezoning the Lowes property, Wall Street is the dividing line for the zoning, only one business in seven years has used the Business Technology District zone, and the uncertainty of Rt 93 parcel takings kept businesses away.

Mr. Zohdi stated they are going to request a variance to put a commercial building, offices, and a pharmacy. Mr. Turner stated that you don't want to develop the Town through the use of variances. Mr. Zohdi discussed changing the first 600' from Rt 111 to be zoned Commercial. Board discussion about moving it to public hearing, keep everything north of the highway Business Technology, Mr. Zohdi was asked to bring a map with the zoning details and the new highway, the Wall Street Corridor study is funded, RPC says the study is about to start, and discuss at the next zoning meeting.

3. Industrial Drive – Residential A to Limited Industrial

Mr. Turner showed the areas on a map and described the potential zoning change, and it's an industrial park with some Rural zoning. Board discussion of being in support of this change. Public comment from Kristi St. Laurent, 32 Range Road; Alan Kachanian, 6 Maple Street: Comments includes is Industrial zoning appropriate or is there another zone that would be better, a gas station could go there, retail or professional or medical services would be better, this is a gateway to the Town, Commercial and Retail zones are more tax positive, and the current buildings are office buildings, more tax base is needed, Rt 28 is our business area, rezone the whole Range Road, and there are a couple of homes that are historical. Board discussion there are not any hotels in Windham, and there is some vacant Commercial property. Mr. Turner read the uses allowed in the Business Technology District, and everything there now would be allowed. Board discussion regarding keeping Limited Industrial and extending it to the boundary of the church property.

4. North of Gordon Mt Road along Rt 28 and a few land locked parcels – Rural to Multi-Family

Mr. Turner distributed maps to the Board members, it is the property just north of the Villages of Windham on Rt 28, the two parcels are in the midst of conservation land, it was a petition last year that did not go forward because there wasn't enough time to review the change, and the land is currently zoned Rural. Board discussion regarding access to the back lands.

Mr. Nickerson stated it is a Planning Board initiative, he showed a map of the area and discussed the zoning, and have the front 700' be Neighborhood Business District and the back become multi-family.

Board discussed the abutting properties.

Public comment from Mike Salvo, 137 Route 38, stated his concern with access, why not make the first 400' on the whole road Neighborhood Business, there should be common driveways, and does not object to the rezoning.

Board discussion regarding the Rt 28 overlay district, the wetland or lot line could be the divider, it makes sense to have Neighbor Business along Rt 28 with Residence B to the back, premature to rezone the landlocked pieces, currently it is spot zoned, Conservation Commission tried to buy the landlocked pieces, and 600-700' from the centerline of Rt 28 will be Neighborhood Business District. Mr. Nickerson stated they would like the first 650' from the centerline on lot 8-B-6200 will be Neighborhood Business, and he will submit a letter with the proposed changes.

Board discussion regarding the remainder of the zoning changes to be discussed, a resident of Lowell Road has asked to change their zoning, and Mr. Turner will notify the abutters.

Board discussion regarding a conclusion is needed from the site walk at Ludlow Road, open space needs to be open non-developed lot, and the land is a wildlife corridor. Mr. LoChiatto read the open space regulations. Board discussion regarding manicured lawn. Mr. Nickerson stated that the neighbors want to loam and seed the lot, and he get that done that next week. Board discussion regarding loam and seed. Mr. Kolodziej motioned that the open space parcel abutting 7 Ludlow Road be loamed and seeded in the very near future with 6" of loam in consideration of Town requirements. Mr. Breton seconded. Passed 6-0-1. Ms. Skinner opposed.

Board discussion regarding collecting the impact fees at the time of issuance of a building permit is in violation of our ordinance, and the notes should not be placed on the plan. Mr. Turner stated the ordinance says on or before the time of Certificate of Occupancy. Board discussion regarding when other plans have paid. Mr. Turner stated the applicant put the note on the plan not him, the old ordinance said at building permit issuance, and to change the notes on the previous plans would require a public hearing.

Mr. Kolodziej motioned to adjourn. Mr. Breton seconded. Passed 7-0. Meeting adjourned at 10:20 pm.

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