

## PLANNING BOARD MINUTES

October 22, 2008

### ROLL CALL:

Phil LoChiatto, Chairman – Present	Nancy Prendergast, Vice Chairman – Present
Rick Okerman, Secretary – Present	Walter Kolodziej, Regular Member – Present
Ruth-Ellen Post, Regular Member – Present	Pam Skinner, Regular Member – Present
Louis Hersch, Alternate Member – Not Seated	Kristi St. Laurent, Alt Member – Not Seated
Sy Wrenn, Alternate Member – Not Seated	Bruce Breton, Selectmen Member – Present
Galen Stearns, Selectmen Alternate – Excused	

### 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.

### CORRESPONDENCE:

- Subdivision and Site Plan Regulations have been updated to reflect the changes in the stump burial zone and require the Planning Board's signatures;
- Letter to Attorney Campbell regarding expiration of a subdivision and his response from August, 2008;
- Letter from Herbert Associates regarding a potential zoning amendment to Clarke Farm North. Board discussion regarding the scheduling of zoning changes, when will the public hearings be, and the Meadowcroft Development test blast will be funded;
- Email from Tom Joyce requesting to meet with a Town representative regarding 9 Hancock Road lawn repair. Mr. Joyce will be going to the Selectmen's meeting;
- Letter from Marjorie Dastous, Bear Hill Road, regarding a definition change to the zoning ordinance for Customary Home Occupation. Board discussion regarding adding this topic to the discussions, how the home occupation is covered in the ordinance, and the sign ordinance needs to be looked at for multi-tenant temporary sign;
- Letter requesting the Carr bond, 20 Rockingham Road, be released. This has been referred to the Town attorney.
- Postcard regarding 33<sup>rd</sup> annual municipal law lecture series.

### OLD/NEW BUSINESS:

- Ledge Road discussion was continued to November 5.

Board reviewed the evening's agenda, move the Clark Farm rezoning to October 29 meeting, and discussing recreation impact fees after zoning is completed. Mr. Breton motioned to table Recreation Impact Fees to a date to be determined. Mr. Kolodziej seconded. Passed 7-0. Board discussion continued regarding moving the discussion of prioritizing the CTAP summary of recommendations to a future date.

### BOND:

- Common Man, 86 Range Road, new landscaping bond \$4,500. Mr. Breton motioned to accept the bond. Ms. Post seconded. Passed 7-0.

### PUBLIC MATTERS:

Rezone Wall Street, Park & Ride from Business Technology to Commercial

Peter Zohdi, Herbert Associates, distributed maps of the area, he stated he has gone to the Board of

Adjustment and received a variance for a CVS and a retail building, the area has not been developed with it's current zoning, he showed an area that could be changed to commercial, the State has taken some of the commercial land with the moving of Rt 111, there are 97 acres to be considered, and the existing Park and Ride is where the CVS and other building are being proposed.

Mr. Turner discussed the use variance and rezoning the property to commercial. Board discussion with Mr. Zohdi regarding limited curb cuts will be along Rt 111, the ownership of the land along where the new Rt 111 will be, where a new Park and Ride will be, changing the entire area to commercial would open it up to businesses the Town did not want, the Economic Development Committee is working on marketing strategies on getting low-impact business development, the unknown of the State taking land is scaring businesses away, what is the best use of the property, not to rezone across Wall Street from the Park and Ride, there have been 10 offers for the Delahuny building and the golf course that were subject to the change in the zoning, and should listen to the Town's vote from the past.

Charlie McMahon, State Representative and Selectman, reported from a meeting he attended regarding the Rt 93 plan exit 3, the State owns land valuable to Windham, Windham's taxes are increasing, down zoning the golf course has made it less valuable, we need economic development and zoning change, moving the highway closer to the pond has taken away valuable land from the Town, asked that the Board rezone areas to Commercial A, we need to broaden the tax base, and families will be forced out of Town because of high taxes.

Board discussion regarding the 2005 Master Plan and the local tax burden, our tax rate is going up, what is the imagined use of this land, Commercial A allows a lot of uses, lose the new Park and Ride area but gain where it was proposed, we should not panic, need to have a mix of zoning, there's no neighborhoods in this area, and rezone the Park and Ride parcel to Commercial A.

Mr. Kolodziej motioned to move to public hearing to rezone the Park and Ride, lots 11-C-701, 11-C-702, and 11-C-704 from Business Technology to Commercial Business A. Ms. Prendergast seconded. Passed 7-0.

Board discussion regarding the process, and rezone approximately 800' from the centerline of the proposed Rt 111. Mr. Breton motioned to rezone Wall Street 800' from the centerline running parallel of the proposed Rt 111 north, portions of lots 11-C-800, 11-C-350, 11-C-300, 11-C-125, 11-C-100 from Business Technology to Commercial Business A. Ms. Prendergast seconded. Failed 3-4. Ms. Skinner, Mr. Okerman, Mr. Kolodziej, and Ms. Post opposed.

Dennis Senibaldi, Selectmen, respectfully requested to allow the Board to bring this forward to a public hearing to allow the public to comment.

Public comment from Mr. Fineman, Pelham, asked how much tax income will be generated. Board discussion regarding when the Delahuny property and golf course will be discussed, a letter will be sent to ask this topic to be discussed, and it could be a citizen petition.

#### Rezone Industrial Drive off Roulston Road to Limited Industrial

Mr. Turner stated this was discussed at the last meeting but a motion was not made. Mr. Kolodziej motioned to move to public hearing to rezone Industrial Drive off Roulston Road from Residential to Limited Industrial. Mr. Okerman seconded. Passed 7-0.

#### Rezone Rt 28 just north of Gordon Mt Road – Mixed multi-family & Commercial

Board discussion that this was discussed last year but was tabled due to a lack of information. Chris Nickerson, Herbert Associates, stated the Board discussed this at a previous meeting, and he explained a map that showed the rezonings. Board discussion regarding the parcels that were rezoned last year, two parcels are landlocked but could discuss connection with the Villages of Windham, and there is a right to pass and repass to the landlocked land on an old logging road.

Public comment from Jeff Yanaco, owner of one of the landlocked parcels, stated he is in favor of the rezoning.

Mr. Kolodziej motioned to move to public hearing to rezone Rt 28 north of Gordon Mt Road: 1) lots 8-B-6100, 8-B-6150 and a portion of 8-B-3002 to Residence B; 2) portion of lot 3-B-3002 approximately 650' easterly of Rt 28 to Neighborhood Business; and 3) lot 8-B-6200 to Neighborhood Business. Mr. Breton seconded. Passed 7-0.

#### Rezone 42-52 Lowell Road from Residential to Business

Board discussion regarding the site walk on October 18, which parcels should be considered, set boundaries for the zone so it does not keep creeping, and a couple of businesses were granted by variance.

Mr. Breton motioned to move to public hearing to rezone parcels on Lowell Road lots 20-E-250, 20-E-251, 20-E-252, 20-E-260, 20-E-270, 20-E-275, 21-D-41, 21-D-42, 21-D-100, 21-D-101, 21-D-102 and portions of 21-D-105, and portions 21-D-107 to Business Commercial A. Mr. Kolodziej seconded. Passed 7-0.

#### Rezone Rt 111 and Mammoth Road, Waterhouse Convenient Store from Neighborhood Business to Commercial A

Mr. Turner showed the area on a map and discussed the abutting zones and the lots that want to be rezoned. Board discussion that the landscaping business is allowed by variance, it is a conforming lot, the Waterhouse lot is not conforming, some parcels have variances, which lots should or should not be rezoned, what is currently on the lots, and this change would bring Mr. Waterhouses' lot into conformance.

Public comment from Marc Sneider, 5 Galway Road; Jim MacDonald, 14 Clarke Farm Rd; Submitted a letter from several neighbors to the Board objecting to the change, this change would give a wide license to do anything they want such as a Papa Gino's or Hess Gas station, do not need rezone because of the variance, it is a densely residential area, Commercial has a lot more uses than Neighborhood Business, and should stay as Neighborhood Business as it fits the area. Mr. LoChiatto read the submitted letter into the record. Board discussion about going forward and getting the comments at a public hearing, the zoning works the way it is, not rezone the properties, not clear on the reason for the change, the change would allow the business to stay open later, and the Board will not move forward on this proposal.

#### Rezone Rt 111 and Londonbridge Road from Residential

Board discussion with Mr. Turner regarding a site walk was held on October 18, residents want a more clear vision of what it will be zoned to, what the zoning should be, retail businesses would need good access, which lots should be considered for rezoning, and change to Neighborhood Business.

Public input from Marc Sneider, 5 Galway Road asked what business would be included. Mr. LoChiatto read what is allowed in the Neighborhood Business District zoning.

Mr. Kolodziej motioned to move to public hearing to rezone Rt 111 and Londonbridge Road lots 14-B-2000, 14-B-2001, 14-B-2002, 14-B-2003, 14-B-2004, 14-B-2100, 14-B-2101 to Neighborhood Business. Mr. Breton seconded. Passed 7-0.

John Lucidi, 26 Clarke Farm Rd, stated his point was corrected as the motion was for Neighborhood Business.

Board discussion regarding the neighbors were in favor of having the zoning be Commercial A, it could be downgraded at the next meeting, Workforce Housing needs to be addressed, need Attorney Campbell to answer questions, and need to add the custom home occupation zoning change.

Marjorie Dastous discussed her ZBA denial for a pet grooming home occupation because pet grooming was not listed in the ordinance, other variance have been granted that were not listed in the ordinance, she had this business in North Carolina and you would not know that there was a business at her home, vote was 3-2 denied, she asked for rehearing, the ZBA had discussions that they did not know the true meaning of a home occupation, other towns do not list specific occupations, she read the definitions from Salem and Windham zoning ordinances, and many of the occupations in the Windham ordinance are out-of-date.

Board discussion to invite Attorney Campbell to next week's meeting at 7:00 pm to discuss workforce housing. Mr. Turner offered to write the home occupation ordinance draft. Board discussion regarding adding this topic the October 29 meeting,

Mr. Kolodziej motioned to adjourn. Ms. Skinner seconded. Passed 7-0. Meeting adjourned at 10:51 pm.

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