



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

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Planning Board Minutes 11/10/10

Roll Call Planning Board:

Phil LoChiatto – Chairman - Present	Bruce Breton – Selectman Member - Present
Kristi St. Laurent – Member - Present	Lee Maloney – Alternate - Excused
Pam Skinner – Member - Present	Louis Hersch – Alternate - Excused
Rick Okerman – Member – Excused	Sy Wrenn – Alternate - Present
Ruth-Ellen Post – Member - Present	Ross McLeod, Selectman Alternate Member - Excused
Bruce Richardson – Member - Present	

Staff:

Laura Scott, Community Development Director – Present
Elizabeth Wood, Community Planner - Excused
Tracey Mulder, Planning Assistant – Excused

Sy Wrenn is seated for Rick Okerman.

Chair LoChiatto opened at 6:05PM followed by the Pledge of Allegiance.

Election of Planning Board Vice Chairman

Chair LoChiatto asked the Board for recommendations for a Vice Chair. Mr. Breton asked the Chair to table this discussion and election until Mr. Okerman arrives .

Community Development Director's Report

Ms. Scott presented her report to the Board.

Meeting Minutes Review and Approve

Mr. Richardson motioned to approve the meeting minutes of October 6, 2010 as written. Second by Ms. Post. Motion passed 6-0-1, Mr. Wrenn abstained.

Mr. Breton motioned to approve the October 13, 2010 meeting minutes as amended. Second by Mr. Richardson. Motion passed 5-0-2, Mr. LoChiatto and Mr. Wrenn abstained

Mr. Richardson motioned to approve the October 20, 2010 as amended. Second by Ms. Skinner. Motion passed 6-0-1, Mr. Wrenn Abstaining.

Ms. Skinner motioned to approve the meeting minutes of October 27, 2010 as amended. Second by Mr. Breton. Motion passed 6-0-1, Mr. Wrenn abstaining.

Chair LoChiatto said that at the October 27th meeting, the Board was supposed to discuss the proposed zoning map. However, the Board and the public were not provided copies of the maps needed to discuss the proposed zoning changes. Chair LoChiatto was asked to write a letter on behalf of the Board to Mr. Sullivan expressing their displeasure at not receiving the proper zoning maps from the Town's IT/GIS Director. Chair LoChiatto met with Mr. Sullivan, the Town Administrator, and came to an understanding of why the maps were not provided initially, and he pointed out that Mr. DeLong did provide the necessary maps for tonight's meeting.

2011 Town Meeting Workshops Non-residential Zoning Map

Ms. Scott stated for the Board that the working group members for the proposed zoning changes were made up of two Economic Development Committee members, two Planning Board members and herself. The working group was charged with recommending zoning map changes to the Planning. The working group members looked at the Town and Zoning as a whole and made recommendations. Ms. Scott said there are 5 (five) parcels proposed to be changed to Neighborhood Business, 11 (eleven) to Commercial A and 1 (one) to Limited Industrial. Ms. Scott said initially, the members did not look at individual ownership of parcels or what they are currently being used for but mainly looked at to see if the existing zoning made sense for the Town and if not, recommend a change. After making recommendations to the zoning, they looked at what was existing on the site and who owned it. After this review, they did removed a Town owned piece of conservation land a school land.

Ms. Scott also said that neither landowners nor developers were involved in the process other than the owner of Castleton because they were proposing to remove the Commercial B District entirely.

Ms. Scott said they tried to display graphically on the map a numbering system showing the proposed parcel changes, along with acreage and current zoning.

In addition, Ms. Scott asked the Board to consider Mr. Wolf's proposed rezoning on Rt. 28, which was presented at a previous meeting. Ms. Scott said that if the Board did not support Mr. Wolf's proposal, then he would need to know at tonight's meeting in so he could have the option of putting together a citizen's petition.

Ms. Scott said that the only changes directly linking the zoning map to the language changes in the ordinance is the deletion of the Commercial B zone.

The Board reviewed the proposed zoning changes on the map and Chair LoChiatto asked if there was a certain methodology used. Ms. Scott said she looked at the main corridors, amount of traffic and type of development and the surrounding area.

Ms. Scott went over the proposed list of zoning changes represented on the map noting that along Rt. 111 there is a lot of traffic, and since it is a major corridor there are many opportunities for neighborhood types of businesses. Ms. Scott said the working group looked at the area across from Wall Street and the new CVS and since it is now split between Residence A and Rural they proposed to change it all to Commercial A. She also noted that most of this land is wet and the developable land is along Rt. 111.

Ms. Scott said Castleton and land owned by DOT are the only two areas that are zoned Residential B and they are proposing to change this to Commercial A.

Ms. Scott continued to review the proposed zoning changes on the map and explained the rationale behind the changes.

Chair LoChiatto said the initial process by the work group was great but since the zoning map is not exact he wonder if it behooves the Board to wait and continue this discussion at another meeting. Ms. Scott said that it would be beneficial to her to know what proposed zoning changes the Board supports or what they do not support.

Mr. Richardson said the work group reviewed the Town zoning through a common sense perspective and since Rt. 111 and Rt. 28 are major thoroughfares and mostly developed, it made sense to change some parcels to Neighborhood Business or Commercial A.

Ruth Ellen said commons sense is great but she would like to know to the extent the work group looked at the Town's Master Plan and what support they found from the plan that is compatible with the proposed zoning changes.

Ms. Scott said the focus group was attempting to create economic opportunities and trying to stay with the character of the Town. They tried to stay on the two main corridors in Town that is Rt. 111 and Rt. 28. She said they looked at the Master Plan and the current Zoning map and language to determine what made sense to change.

Chair LoChiatto opened the workshop to the public.

Ms. Betty Dunn, Woodvue Road, addressed the Board regarding the area known as Clark Farm North. Ms. Dunn read the zoning language for the Ordinance of Neighborhood Business into the record saying that a Neighborhood Business District is solely for neighborhood businesses that provide goods and services for the residents of that particular area. She went on to say if this proposed zoning is adopted then it changes the Clark Farm North area to another Commercial District, in her opinion.

Mr. Richardson said that Ms. Dunn discussed parcel 1 on the map, and abutting parcel 1, there are three or more neighborhood businesses. He went on to say around Waterhouse store and Windham Depot there are several businesses, such as the Bingo Hall that are not just utilized by residents of that area but by a larger majority of the population and this shows that not all neighborhood businesses are sustained by the local residents. Ms. Dunn said that she agreed but pointed out that they are still stand-alone businesses. Ms. Dunn said that changing the zoning in these areas is taking it from a normal growth progression to a large commercial area. Mr. Richardson said this is a reasonable expectation and high traffic areas need services and it makes sense as a natural expansion because services are needed to accommodate the volume of cars that pass through.

Mr. Heath Partington, 17 Gallway Road had general comment and said it is hard to watch meetings online and it is hard due to the length of the meetings. It seems like the agenda items the Planning Board is considering for Town Meeting have been reduced significantly but he believes it should be reduced even more to make the meetings more manageable. He said he thinks it is difficult for the Board to make decisions because they are too tired toward the end of the meeting. Chair LoChiatto

said items would naturally fall off due to the nature of the time they will take to review and revise. Mr. Partington said he is worried the ballot for the Town vote will be enormous and does not think Windham will be harmed if all the changes to the Ordinances are not done this year.

Mr. Partington raised his concerns about items 2 and 4 on the proposed rezoning map and does not see a need to rezone these areas from Rural to Neighborhood Business. In addition, he does not subscribe to the notion that Rt. 111 needs to have businesses all along the highway and does not see the need for expansion.

Mr. Partington said the work group is comprised of Town businessman and Ms. Scott, which he sees as biased. Chair LoChiatto thought Mr. Partington needed to be fair to the process and went onto explain that the process the Board undertakes to manage these Ordinance changes by taking items and dividing them up into small groups to be addressed in a substantial way. Then the individual groups bring their proposed changes to the meeting to discuss and for this particular agenda item this is the first time this is being presented to the Board and the public. Mr. Breton said the work group that worked on the proposed zoning changes are the most educated on the properties in Town.

Ms. Campiola, West Shore Road, said she is concerned about the quality of water on Canobie Lake. She is on the Canobie Lake Protection Association and is concerned about impervious surfaces developed in the areas surrounding Canobie Lake. She wants the Board to understand the Canobie is the water source for Salem and unlike Cobbetts Pond, it does not have a Watershed Protection Ordinance. Because of this, she is opposed to changing items #6, #15, #16, to Commercial A. She said it would be detrimental to allow parking spaces, gasoline stations and repair shops in these areas because it would not be protecting our water sources.

Ms. Scott addressed the Board about the difference between Commercial A and B saying more uses are allowed in Commercial A. Ms. Scott addressed Ms. Campiola's concerns saying that items #15 and #16 are currently zoned as Commercial B and items #6 is a split zone between Rural and Residence A and the Cobbetts Pond Watershed Protection Ordinance still applies on these lots if they fall under the Ordinance, regardless of their underlying zone.

Mr. Robert Young, Route 111, addressed the Board and said he is excited to see business in the Clark Farm area. In addition, he said because of the amount of vehicles on Rt. 111 this is an ideal area for businesses. He added that he had his house on the market and there was very little interest because of the location of his home on Rt. 111. Therefore, as someone who lives in the area he likes the idea or rezoning Clark Farm North to Neighborhood Business.

Chair LoChiatto closed the workshop to the public.

Ms. Post commented that it is important for the Board progresses through these discussions closely and accurately to help the public understand the combination of changes and the placement of the proposed zones and also the redefinition of Neighborhood Business District.

Mr. Breton said although there is a change to Neighborhood Business District, he thinks they are minimal in the definition sense.

Ms. Post said she respectfully disagreed with Mr. Breton and how the opening definition is worded it takes away most of the original intent of keeping its neighborhood focus and opens the area for broader traffic consumption.

Chair LoChiatto said it will be difficult to keep the definition separate from the proposed zoning changes and he shares Ms Post's concerns. However, the changes to the definition are an improvement.

Mr. Richardson said he was a member of the work group and did not intended to change the overall view or use of the district but to try to clean up the language and make it more accurate.

Chair LoChiatto said the definition was compatible with residential development and the proposed language ensures compatibility in size, architecture and density in the District.

Ms. St. Laurent said she has comments on several of the lots along Rt. 28 because it appears as though they are sandwiching the parcels of well-established homes between two Commercial A Districts, which is a high intensity use and reaching too much into the backyards of the residents.

Chair LoChiatto said he understands but some of the rezoning areas where they are proposing commercial areas still need to be reviewed based on the constraints such as wetlands, WWPD.

The Board decided to eliminate lots #2 and #4 from rezoning due to wetland issues. Lot #12 will remain Residence B and the remaining items will need to be revisited at the next workshop.

Mr. Sheldon Wolff addressed the Board outlining his proposed changes for Rt. 28 saying that the Master Plan states one of its goals is to ensure an adequate number of job opportunities for Windham residents. Because of the growth, we need more goods and services in Town and he thinks the properties he is suggesting to rezone can be utilized in this way. Mr. Wolf said that having more businesses in Town does not put a strain on the school system nor the Fire or Police Departments.

Mr. Wolff's proposal is for the 14 parcels that border Derry and Windham and he thinks these parcels would best suited for commercial development than perhaps Rt. 111. In addition, the landowners are in favor of the zoning change as well.

Chair LoChiatto asked if the proposed lots are currently Neighborhood Business and Mr. Wolf responded yes.

Chair LoChiatto wants to know if the Board wants to see more information on this proposal in order to be included into the proposed changes.

Mr. Breton said Mr. Wolff has done a lot of work and many of the properties have been on the market for a long time and he suggested to continue discussion and have Ms. Scott include these proposed changes on the rezoning map for the Board.

Ms. Scott said the deadline to submit a Citizen's petition is December 8, and if the Board isn't going to propose the changes then Mr. Wolf is running out of time for a Citizen's Petition.

Chair LoChiatto said in order to make an informed decision, they need to see the proposed changes on the map. Ms. Scott said she would incorporate Mr. Wolfs' proposed zoning changes so the Board can determine if they would like to move forward.

The Board felt that Mr. Wolff had done a lot of work and they appreciated his participation in the Planning Board process but did not feel that this was something that they could take on this year due to the other Zoning items already on their plate. The Board encouraged Mr. Wolff to submit his proposal as a citizens petition and work with Ms. Scott on the process.

Mr. Breton motioned to appoint Rick Okerman as Vice-Chair until the March 2011 election. Second by Mr. Richardson. Motion passed 7-0.

Motion by Ms. Skinner to move the non-residential zoning district workshop agenda item to after the public hearings. Second by Mr. Breton. Motion passed 7-0.

7:00 pm Public Hearings:

***Please note that the following application, originally scheduled for November 10th, has been postponed until the November 17th Planning Board Meeting: Case #2010-33 Subdivision Application/55 and 65 London Bridge Rd (14-B-2300 & 14-B-2400).**

Public Hearings for Zoning Amendments for the 2011 Town Meeting:

Workforce Housing Overlay District

Mr. Richardson read the Workforce Housing Overlay District into the record.

Add a new Overlay District to allow for Workforce Housing, in accordance with NH RSA 674:58-674-61 and consistent with NH RSA 672:1(III-e), as an innovative land use ordinance under 674:21 and would be applicable in the Rural, Residential B, Residential C, and Village Center Districts. The Ordinance lays out the applicable definitions used in the Ordinance, the procedure and requirements for Planning Board applications (conceptual, design review, and final), conditions of approval, development standards (density, dwelling units, frontage/setback/yard requirements, layout, roads, water and wastewater treatment systems), and how appeals are made. As part of the Ordinance, the density is based on NH DES Env-Wq 1000; Conditional Use Permits are used by the Planning Board to authorize development that would otherwise not be allowed under a particular site per the Zoning Ordinance, Site Plan Review, or Subdivision regulations if certain criteria are met; a 30 year affordability requirement for Workforce Housing units is required; flexible setbacks within the development; and a minimum of 35% Workforce Housing units in a mixed income development.

Ms. Scott indicated this is the same Ordinance that was proposed last year except it been to the Town's attorney, Bernard Campbell, for legal review. She went on to say the three major changes to the Ordinance are:

1. Amended 616.3 Applicability to allow for Single family (detached) and duplex in the Rural District (6163.4) and to delete Residential A;
2. Deleted the provision for impact fees to be waived; and

3. Increased the Density (616.7.1.2) from a minimum of 25% to 35% Workforce Housing units in a mixed income development, as well as included a waiver provision to lower this percentage with financial justification.

Ms. Scott note the suggested changes from Attorney Campbell as follows:

1. The numbering system will need revision throughout the document since Section 616 already exists in the Cobbetts Pond Watershed Ordinance.
2. The removal of multifamily uses from rural area, limits multifamily to only the Residential B, Residential C and the Village Center District. This is because WFH needs to be offered in a majority of all residential districts to be valid, including Rural, and wants to ensure the Board is offering a reasonable opportunity in all residential areas.
3. A minor grammatical error in Section 616.5.3.4.

Chair LoChiatto noted that this has come before the Board once already for a workshop but this is the first public hearing.

Ms. Scott said included in the Board's packet is the FY 2010 Workforce Housing Purchase and Rent Limits, which is the basis for income limit qualifications for Workforce Housing.

Chair LoChiatto asked what the reasoning behind removing multifamily out of the Rural District and Ms. Scott said last year Ms. Prendergrast felt this was one of the reasons is the Ordinance did not pass Town Vote.

Ms. Post indicated she thought with the proposed Ordinance the Board was offering a reasonable opportunity for Workforce Housing. She said she is unclear as to why Residential A was removed.

Chair LoChiatto opened the workshop to the public.

Ms. Albert Aeed addressed the Board saying that he is please this is being brought before the Board again. He believes the Board acted in good faith last year and thought the Board reached a fair compromise, especially with Residential A. He has no objections to any of the changes proposed. In addition, he said he does not want to see parcels of land omitted from providing Workforce Housing that have no affect on Cobbetts Pond.

Ms. Carol Pynn, addressed the Board saying she has a concern with the Village Center District and did not realize multifamily would be allowed there. She wonders what it will look like and is concerned with the appearance.

Ms. Post said multifamily is allowed under current zoning in the Village Center District.

Ms. Pynn asked if there would be a design review for any development.

Ms. Scott said Workforce Housing Ordinance does have a design component focusing on compatibility with surrounding properties, architectural style and mixed development.

Ms. Pynn said this she is continually disappointed that no one seems to listen to the Historic District Commission for design review and building continues even though the Historic District is in opposition.

Chair LoChiatto closed the Workforce Housing Ordinance to the public.

Chair LoChiatto asked the Board if they would like to move Workforce Housing Ordinance to Town Warrant.

Ms. Scott said the addition of the Cobbetts Pond Watershed Protection Ordinance as an Overlay that the Planning Board cannot grant a Conditional Use Permit for is minor but it is up to the Board to determine if they think this needs an additional hearing.

The Board decided this would not require a second hearing.

Mr. Breton made a motion to move the Workforce Housing Overlay Ordinance as amended to Town Warrant with the changes of adding the Cobbetts Pond Watershed Ordinance, correcting typographical errors and the number sequence. Second by Mr. Okerman.

Discussion: Ms. Post said this needs to be on the ballot because the Town has a legal obligation and she does not have a problem supporting it but she would still like to understand why Residential A was removed.

Ms. St. Laurent she recalled Mr. Zohdi indicating there were very few lots available in Residential B for development and just keeping multi-family Workforce Housing for Residential B and C would not supply an adequate amount of opportunity. However, she has concerns as to what is being proposed is adequate for building multifamily housing and taking it out of Residential A district.

Mr. Richardson said the reason Residential A was removed is because there is sufficient opportunities in other districts. He went on to say the reason Ordinance was rejected last year is because the Residence A district for multifamily and the rural district for multifamily was included and removing these gives it a better chance to pass.

Ms. St. Laurent said the citizen's petition didn't pass either and Residence A was the only difference.

Motion passed 6-1-0, Ms. St. Laurent opposed.

Board took a recess at 8:55-9:05PM

Ms. Skinner and Ms. Post were excused from the meeting at 9:05. Mr. Wrenn was seated for Ms. Post.

Home-Based Day Care, Section 602.1.6.2

Mr. Richardson read the proposed ordinance into the record.

Delete the current 602.1.6.2 Family Day Care and add Section 602.1.10 Home-Based Day Care, which will contain definitions for "Family Group Day Care Home" and "Family Day Care Home" that are

consistent with State definitions; clarify that Home-Based Day Care is considered a Customary Home Occupation permitted by Conditional Use Permits; and outlines which Customary Home Occupation criteria must be followed. Add Section 603.1.8 to allow home-based day care in the Residence A District.

Ms. Scott said included in the Board's packet was the proposed language and Town Counsel's recommendations. Attorney Campbell came up with proposed language and formatting to make it clearer to understand but does not change the intent.

Ms. Scott read into the record the recommended changes for Section 602.1.10.

Chair LoChiatto opened to the public.

Ms. Dunn addressed the Board and said if you changed Section 602.1.10 it seems it would need a second hearing even if it does not change the intent.

Ms. Scott said it is changing the language but does not change the intent so she does not think it needs to go to a second hearing but it would not hurt if the Board thought this necessary.

Kimberlee Curtin addressed the Board asking about legal comments regarding requirements to get a license and Ms. Scott is sure Attorney Campbell did not look at the state legal license requirements. Ms. Curtin said that she is familiar with the state regulations and has never come across the language in Section 602.1.10 that indicates "In addition to the 6 children, up to 3 children attending a full day school program may also be cared for up to 5 hours per day on schooldays and all day during school holidays". Ms. Scott indicated that she took this language from the State licensing website but she will double check it.

Chair LoChiatto closed the hearing to the public.

Ms. St. Laurent made a motion to move Home Based Daycare Section 602.1.10 to second public hearing with wording as amended per suggestion by Town counsel. Second by Mr. Okerman. Motion passed 6-0.

Agricultural Uses and Regulations

Chair LoChiatto read the proposed ordinance into the record.

Amend Section 200 Definitions to add a definition of "Agriculture" and delete the definition "Piggeries and Mike Farms". Amend Section 601 Wetland and Watershed Protection District to clarify that agriculture is an allowed use when done in accordance with certain practices. Amend Section 602 Rural District by deleting Section 602.1.1.1 and Section 602.1.8; clarifying that agriculture is an allowed use in WWPB and as an accessory use to a residence when done in accordance with certain practices; and add Section 602.2.6 to state that that Site Plan Review is required if "Farm, Agriculture, Farming" is the primary use of the property. Amend Section 603 Residence District A, B, and C that agriculture, as an accessory use to a residential use, is allowed when done in accordance with certain practices. Amend Section 604 Neighborhood business district to add Section 604.1.10 to state that Site Plan

Review is required is “Farm, Agriculture, Farming” is the primary use of the property. Delete 711 and add regulations and requirements for “Roadside Farm Stands”.

Ms. Scott noted that she sent changes to Teresa Walker, a Planner at Rockingham Planning Commission and she suggested a few changes.

Chair LoChiatto asked about the suggested space and housing guidelines for fully mature farm animals.

Ms. Scott said a sentence should be included that outlines the setback for farming structures for their district.

Mr. Wrenn says the chart tells the setback in the zoning areas already.

Mr. Richardson questioned agriculture in the WWPD and Ms. Scott said it is currently allowed in the WWPD. Mr. Richardson said just because it is allowed does not mean it should be in his opinion because by allowing it the surface of the land could be changed defeating the purpose of the WWPD. Chair LoChiatto said allowing agricultural in the WWPD, as it is proposed, better regulates the allowed uses because there are currently no agricultural best management practices for the WWPD.

Chair LoChiatto opened the hearing to the public.

Heath Partington addressed the Board stating that the zoning Board are sexist when it comes to their chickens and they do not like roosters because they are too noisy and hens are preferred.

Ms. St. Laurent questioned setbacks and would like to see the term clarified. Chair LoChiatto thought the wording could reference setbacks to the property line as shown in the Best Management Practices.

Chair LoChiatto closed the hearing the to public.

Ms. Scott asked if the Board wants to use the NH State definition for agriculture or did they want to come up with their own language for the Ordinance. The Board agreed to use the State definition.

Motion by Mr. Wrenn to move Agricultural Uses and Regulations to a second public hearing as amended. Second by Ms. St. Laurent. Motion passed 6-0.

Section 701.3 Commercial Antenna Structures and Section 200 Definitions

Amend Section 701.3 to clarify that commercial antenna structures are only allowed in Commercial A, Limited Industrial, and the Professional, Business, and Technology Zoning Districts; be consistent with the terminology within the Section to reference “commercial antenna structure”; and Amend Section 200 to add a definition of “commercial antenna structure”.

Ms. Scott addressed the Board noting that the proposed antenna definition implied that it would include home antenna structures and should have been for commercial antenna structures and she has rewritten the definition. Ms. Scott read her newly written definition to the Board.

The Board discussed deleting Section 701.3.3 regarding Guy Wires as they do not seem to be an issue.

Chair LoChiatto opened the proposed ordinance for Commercial Antenna Structures to the public.

Ms. Dunn addressed the Board wants to know why the Board does not want more than one structure or antenna on a lot and why they need to be at least 4000 ft. apart. Mr. Richardson said they co-locate the antennas so it is not necessary to have more than one per lot.

Chair LoChiatto said the purpose of this Ordinance is to clean up the definition of commercial structure and clean up the height regulations not create an entire cell tower ordinance.

Chair LoChiatto closed the Commercial Antenna Structure Ordinance to the public.

Motion by Mr. Richardson to move Commercial Antenna Structures to second public hearing as amended to strike Section 701.1.3 and add a new definition of commercial antenna structure. Second by Mr. Wrenn. Motion passed 6-0.

Motion by Mr. Richardson to waive bylaws to hear new business after 10PM. Second by Mr. Wrenn. Motion passed 6-0.

Non-Residential Zoning Districts

Chair would like to finish with the proposed nonresidential language and start with page 8 Section 606, Limited Industrial District.

Ms. Scott said the changes made in the Ordinance were based on the last workshop. Also included she included in the packet the current chart showing the existing zoning and emailed to the Board the proposed chart reflecting the zoning changes.

Ms. Scott went reviewed the proposed changes beginning with page 8 of the proposed Ordinance.

Chair LoChiatto requested that Ms. Scott show the deleted language in Section 601.2.2 along with the new language.

Mr. Richardson thought that perhaps Section 612.7 should indicate that a Site Plan review is not required by rewording the language.

Ms. St. Laurent said she is concerned about the addition of retail drive through businesses everywhere except the Village Center District and Neighborhood Business District. In addition, she believes these areas would be a good place for medical buildings. She went on to say the Professional Business and Technology District and Industrial may be better for suited for warehouse types of businesses.

Mr. Richardson said "no drive throughs" allowed in the Village Center District is meant for eating and drinking establishments and he thinks that it could be for other uses such as banking or pharmacies.

The Board discussed the changes on Rt. 111 and how the district would look if these allowed uses were put in the ordinance.

Chair LoChiatto opened the non-residential zoning ordinance workshop to the public.

Mr. Arthur Klemm, 24 Emerson Rd. addressed the Board and wondered if the proposed changes were shown on the zoning map. Ms. Scott said that no there would not be a map because it was changing the language only. He wanted to know if it showed, where a gas station would be allowed to locate and Ms. Scott said she did not have a map where gas stations could go based on the new zoning. He wanted to know if we knew where the aquifers were and Ms. Scott said that was hard to determine. Mr. Klemm said that the zoning came about because of changes to Rt. 111 and the NH DOT came to town and asked the Town to look at the land by Rt. 111 and I 93. Mr. Klemm asked the Board to give thoughtful consideration to the changes proposed because he is concerned that Windham will look similar to Rt. 28 in Salem, NH.

Mr. Partington addressed the Board and said they are taking on too many Town Meeting items this year and asked to have the Board focus on a limited set of items in order to fully address the issues. He went on to say that even though the State of NH owns the property by the driving range that is zoned Professional Business and Technology he said that citizens of Windham do not want to have the definition changed and by allowing gas stations in this district the Board is allowing something the Town has already voted down once. Mr. Partington said that changing the definition rather than rezoning this parcel of land is a backdoor way to accomplish the same thing and contrary to what the citizens want in Town.

Ms. Dunn wondered who is on the committee who made the recommendations for the proposed zoning changes. Ms. Scott noted the working group members.

Ms. Dunn said she has reviewed these changes and is amazed at the scope of the changes because it is a basic overhaul of the Town and this is unsettling to her. She referred back to her previous discussion about the Neighborhood District and disagrees with Mr. Breton because she believes it is changing the direction the Town should be taking. The Neighborhood Business District concept was to serve the neighborhood and not be a general commercial district. She thinks adding gasoline to the Gateway District is not going to be possible due to Cobbett's Pond and because it will change the nature of the district. She went on to say if retail is allowed in the Professional Business and Technology District, the Town will be allowing any big box, high traffic use that the Town is trying to avoid in this area. She wonders why the Board would propose these changes when in the past voters have said no to these types of changes.

Mr. Richardson said when the looked at the Professional Business and Technology they did not look at isolated properties. His concern was that the Professional Business and Technology District has not been developed. He also believes there is flexibility in what the focus group has suggested. He thinks the zoning should be reviewed in a collaborative way and makes changes that make sense for the town. He thinks that looking at a particular lot was too small of a focus for the group and they looked at the Town as whole to make these recommendations for underdeveloped land that should be developed for commercial use.

Chair LoChiatto said he agrees with Mr. Richardson that the workshop should be viewed as a collaborative effort not as a finger pointing exercise.

Ms. Dunn said the Professional Business and Technology District was for very specific professional businesses and not for commercial use and that is the historical reason and also the reason behind the percentages used in the current ordinance. And, the goal was to provide businesses where people could support themselves.

Mr. Breton asked Ms. Dunn if she could tell how many building permits have been pulled for the Professional Business and Technology District and Ms. Dunn did not know the answer. Mr. Breton stated that it is only one in almost 10 years and this is because there is something wrong with the District. Ms. Dunn disagreed with Mr. Breton and said the reason is because of construction and uncertainty about the 111 bypass and the economic climate and some of the land has been held by the state and there has been political maneuvering over this land.

Chair LoChiatto said it would take an outside analysis to know why the Professional Business and Technology District does not have thriving businesses.

Ms. Dunn says we have an opportunity right now to make development in Windham different and more upscale than other Towns.

Mr. Breton said that he would like to move this to discussion to another workshop.

Mr. Wrenn said the Professional Business and Technology District should have development, but has not, and the work group is trying to encourage development by expanding the potential uses of this area. He thinks the zoning needs to be changed to encourage development.

Chair LoChiatto and Mr. Wrenn had a discussion about the infrastructure needed in the Business and Technology District in order to attract businesses. Ms. Scott summarized the changes:

Professional Business and Technology District:

1. Section 614.2.2 to add the language "Medical or Dental Laboratories or Medical Institutions"
2. Section 614.2.10 Retail sales of merchandise would have to be an an 'accessory use' to the primary use.
3. Section 614.2.12 add 'no drive-throughs' allowed.
4. Delete Section 614.2.13.

Village Center District:

1. Section the Board decided to correct typographical errors and clean up language

In the Gateway District:

1. Remove gasoline stations from Section 603.3.2.9

Ms. Scott noted the reason why she changed the Neighborhood Business definition and the rationale why.

Ms. Dunn said if it is neighborhood business then what is the limitation and the difference between Neighborhood Business and Commercial. Mr. Richardson responded that compatibility with the residential homes in the area is the difference. Ms. Dunn says who decides what is compatible because there are many variations.

Motion by Mr. Breton to move Non-Commercial Zoning to the next workshop. Second by Mr. Richardson. Motion passed 6-0.

Motion by Mr. Breton to adjourn. Second by Mr. Richardson. Motion passed 6-0.