



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

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Planning Board
DRAFT - 1/5/11 Minutes

Roll Call:

Phil LoChiatto – Chairman – Present
Rick Okerman – Member – Present
Pam Skinner – Member – Excused
Ruth-Ellen Post – Member – Present
Kristi St. Laurent – Member – arrived 7:06
Bruce Richardson – Member – Present

Lee Maloney – Alternate – Arrived 7:07 pm
Sy Wren – Alternate – Excused
Louis Hersch – Alternate – Excused
Bruce Breton – Selectman Member – Present
Ross McLeod – Selectman Alternate – Excused

Staff:

Laura Scott – Community Development Directory – Present
Elizabeth Wood – Community Planner – Present
Mimi Kolodziej – Planning Assistant – Present

Lee Maloney is seated for Pam Skinner.

Public Hearing:

Case #2010-32 Minor Site Plan Application Lot 13-A-31

A Minor Site Plan Application has been submitted for 33 Rockingham Road (Lot 13-A-31), in the Commercial A District zone. The applicant Howard Shafman on behalf of the owner DJR Realty is proposing to modify an existing site plan to increase the number of employee parking spaces from 3 to 10; and to increase the maximum amount of cars to be placed on the property for sale from 26 to 57 cars. The applicant is also proposing to add an additional sign panel, sized 25" X 40", to the existing free-standing sign.

Rick Okerman read the application into the record.

Ms. Wood reminded the Board that a previous minor site change application had been presented earlier in the year. The applicant's business has been very successful over the year, and he would like to increase the number of spaces for cars on his lot, as well as increase the number of spots for employee parking. Some of the new parking spots will be on paved surface and some will be on unpaved surface.

Previously, Staff requested the applicant present his request to the Zoning Board of Adjustment for a variance to park on the unpaved area. On 10/12/10 the ZBA did not grant the variance, and on 11/30/10 they did not grant a request for an appeal. Our ordinances state that it is up to the Planning Board to determine what surface is an approved paved surface.

His sign proposal meets all the sign criteria in our ordinance.

Chair LoChiatto noted that it looked to him as though the increase of 31 cars, a 100% increase, is more than a Minor Site adjustment. Ms. Wood said that some of the cars would be for employee parking and as sale cars. which would not increase traffic. Chair LoChiatto recalled that the applicant's previous minor site application was from retail to cars, now it is another minor site application for 57 from 26

cars, and there may be another incremental minor site plan application to increase it even more. Ms. Wood said the nature of the business is not changing, and there are no paving or drainage modifications, which would make it a major site plan alteration.

Mr. Howard Shafman of Nu 2 U Cars explained that due to an increase in business he would like to put more cars out of site at the rear of his lot and hire more employees. Paving is not an option at this time. He expects to be in this location at the most 1.5 years, and bank funding is not likely. He is looking for display availability only.

Ms. Maloney asked about his reference in his application to servicing the cars. Mr. Shafman assured the Board that aside from brake and tire work, he does no engine work; no oil changes. He sends this work out to local business for about \$12,000 per month.

Chair LoChiatto asked the Board if they would like to accept the application. Ms. Maloney needed more questions answered. She asked about grading the back area. Mr. Shafman said there was no grading needed. Chair LoChiatto asked about the original site plan application. Mr. Shafman reviewed his original site plan and car parking positions. Chair LoChiatto asked the Board for a motion to accept the application.

Mr. Breton made a motion to accept Case #2010-32 a Minor Site Application for 33 Rockingham Road Lot 13-A-31. Seconded by Ms. Maloney.

Ms. Post expressed frustration that a successful business in town that would like to grow may not be able to be supported by our Town regulations. However, she does not see this as a minor site application due to the doubling of the number of cars requested. In addition, although the applicant is not requesting expansion of pavement, 704.2.5 requires it. It is not an option.

Ms. Wood noted that a major site plan would require a professional engineer study.

Chair LoChiatto said that it would also require drainage studies and more.

Ms. Post noted that the ZBA and the applicant were aware of 704.2.5 because of previous requests concerning it.

Motion failed: 1-6 Mr. Breton in favor. Mr. Richardson, Ms. Maloney, Chair LoChiatto, Ms. Post, Ms. St. Laurent, and Mr. Okerman opposed.

Chair LoChiatto suggested the applicant return with a major site application. The applicant can place on his lot the number of cars for which his site plan was originally approved. Ms. Post asked about considering his sign application. Chair LoChiatto suggested it return as a separate sign application.

Public Hearings for Zoning Amendments for the 2011 Town Meeting:

Section 708 Junkyards

This is the creation of a new ordinance. It provides for the regulation and licensing of junkyards under the authority granted by RSA 236:115 to municipalities. The ordinance includes a definitions section; regulates the location of junkyards; details fencing/screening requirements and; outlines the process for obtaining a junk yard license and for renewing a junk yard license. To obtain a junk yard license, the ordinance requires the applicant to receive a Certificate of Approval from the Zoning Board of Adjustment; to receive Site Plan Approval from the Planning Board and; to receive approval for a license from the Board of Selectman. A license is valid for a maximum of one (1) year and must be renewed every April 1st by the

Board of Selectman. A provision for appeals outlined as well as a provision for pre-existing junkyard uses and antique motor vehicle use.

Rick Okerman read the amendment into the record.

Ms. Wood explained that this is the 5th time the Board has considered this ordinance. Currently, the Town has no regulation for issuing a Junk Yard license, and the State mandates that all Towns are the authority to issue Junk Yard licenses. This is an attempt to provide guidelines and criteria to review an application, should one be presented.

Mr. Richardson asked Ms. Wood to review the changes since the 12/15/10 Public Hearing. Ms. Wood listed the few changes: The definition of junk was changed in 708.3; Junk Yards will not be allowed in Neighborhood Business District; Junk Yards will only be allowed in Limited Industrial; Re-numbering was updated, and under 708.4.5 Junk Yards will not be allowed within 100' of a vernal pool.

Ms. Maloney made a motion to accept 708 Junk Yards for Public Hearing. Seconded by Mr. Richardson. Motion passed: 7-0

Chair LoChiatto opened the Hearing to the Public.

Sheldon Wolfe inquired about the application process. Ms. Wood explained the 3 meeting process regulated by the State and the past Board meetings; first the applicant goes to the Zoning Board of Adjustment to get a Certificate of Approval for the location, next to the Planning Board for site plan approval, and finally, to the Board of Selectman for the License which needs to be renewed every April 1. Ms. Maloney said that the applicant must also go to the DES to sign off on Best Management Practices.

Chair LoChiatto closed the Public Hearing.

Ms. Post made a motion to move 708 Junk Yards as written to the warrant. Seconded by Ms. Maloney. Motion passed: 5-2 Chair LoChiatto and Mr. Okerman opposed.

Section 706 Signs

Modified definitions section. Added a provision stating that the Planning Board must review all free-standing signs. Allows up to (2) wall signs for businesses that front more than one public or private right-of-way. Adds provision permitting electronic reader board signs; to be permitted in Commercial A & Commercial B Districts; reader board size must not exceed 20% of the area of the sign, up to a maximum of 6 sq. ft.; regulates brightness level; requires Planning Board Approval. Added section on prohibited signs and section for signs that do not require a permit. Requires all freestanding signs to include 8" high street numbers. Deleted provision that requires existing non-conforming signs to be removed or brought into compliance prior to granting of any site plan, subdivision approval, or change of use by the Planning Board. Sets the maximum size requirement for temporary sign at 24 sq. ft.; states that a temporary sign permit may be renewed once and that there must be a period of fourteen (14) days between the end date of one temporary sign permit and the start date of another; the exception to this are temporary seasonal agricultural signs which may be displayed for the duration of the seas of the item advertised. Added a provision that allows for the display of one (1) 4' high X 2' wide A-frame sandwich board sign for businesses. Notes that temporary signs are prohibited on State-owned property or within the State right-of-way. Adds reference to the NH RSA that regulates political signs.

Mr. Okerman read the amendment into the record.

Ms. Wood explained that this proposal has gone through many reviews by the Planning Board. The changes will be found on page 4 concerning electronic reader boards. Under 706.4.4 per request of the Public and the Board a provision was added to allow for reader boards meeting certain criteria listed in that section. To make the language of the ordinance consistent, under prohibited signs, there is a provision stating electronic reader board signs are prohibited unless they follow the conditions of 706.4.4. This would keep electronic reader board signs out of windows.

Ms. Maloney, regarding 706.4.4, asked if Ms. Wood had received any input from local businesses. Ms. Wood explained that this language had been selected from recommendations by a local businessman. Mr. Richardson asked if the business was a sign business. Ms. Wood said no.

Ms. Post wanted to be reminded why 706.7.4 was stricken. Ms. Wood mentioned that several local business owners felt it was not good. Some of them had gone through a change of use and/or minor site application variances on their businesses. If this condition is kept, they would have to take their sign down and re-apply for reader board approval on a sign that had already received approval.

**Mr. Breton made a motion to accept Section 706 Signs for Public Warrant. Seconded by Ms. Post.
Motion passed: 7-0**

Mr. Richardson expressed concerned with 706.4.4 and allowing the type of sign seen on southbound Rte 93. This is not something he would like to see allowed. Ms. Wood reminded him that all electronic reader board signs will go through Planning Board approval. Mr. Richardson said that the Board does not have the expertise to decide what is acceptable.

Mr. Breton said that the sign over the Methuen line would not conform to our standards because it is 100% reader board, and that is why it is so bright.

Mr. Richardson is concerned about the luminescence, the brightness, not the size. Ms. Wood explained there are conditions in the article that address luminescence; and needs for dimming.

Chair LoChiatto expressed concern that the ordinance does not address a base-line luminescence because, as non-professionals, we do not know what that is. He recalled that several years back the Board disallowed electronic reader board sign because if they are allowed a little bit, business could, as they did, get variances and control became non-existence. Also, legally, the Town was not allowed to restrict usage to just time, date, and temperature. He would rather see non-conforming signs stay in existence and not allow any new ones.

Mr. Richardson would like advice and guidance from a sign professional to find out why some signs stand out so. This professional could provide the Board with technical information to be able to appropriately write this ordinance.

Chair LoChiatto re-capped the changes since the last meeting: Adding the definition of electronic reader board; Adding that limited size into allowed sign use; Striking the line about existing non-conforming signs; and Striking 706.5.16 to allow for new language.

Chair LoChiatto opened the hearing to the Public. Hearing no comments, he closed the Public Hearing.

Chair LoChiatto asked whether striking electronic reader boards from this proposal, would constitute a major change and need to be re-posted.

Ms. Scott said because removing the language would leave the ordinance as it; it does not change the status quo, and is not considered a major change.

Ms. Post felt the Board was over-reacting by prohibiting new reader board signs. She said this proposal sharply limits electronic reader boards in a reasonable way. Only 20% of the sign allows electronic reader board space, (6 sq '), and the proposal allows for regulation of luminescence and brightness levels. She sighted the effort Mr. Letizio goes through to manage his sign.

Mr. Breton recalled that this provision was added when the room was filled with business men; and taking the provision out with no one present would not be appropriate.

Mr. Richardson thought the provision is too vague. He recalled that people were horrified when a previous town reader board went up; they thought it changed the character of the town. He would rather see a professional help the Board with language. LEDs have great potential for being obnoxious.

Chair LoChiatto addressed Mr. Breton's remark and sited Mr. Letizio as an exceptional business man; not like many that may step forward. He is concerned that it opens the door with the variance process, and the Board may regret their decision down the road. Chair LoChiatto acknowledged six square feet is a small sign, and under 706.5.1.1 scrolling/flashing signs could be prevented.

Mr. Richardson suggested that an adult oriented business might present a flashing 6 sq' sign that could make a specific, undesirable statement. Ms. St. Laurent asked if that graphic could be considered a reader board. Mr. Richardson explained that a reader board sign simply means it could be changed. Yes, it can display graphics. He recalled that currently there is a sign that displays an oblique, but suggestive message, which receives its share of complaints.

Mr. Richardson made a motion to move to Warrant the proposed Section 706 Sign regulation striking proposed Section 706.4.4 regarding electronic reader board signs, to NOT strike 706.5.2. regarding illumination, and to re-instate 706.5.1.2 after eliminating the phrase after the work prohibited, "...except as permitted for use in Section 706.4.4. Seconded by Ms. Maloney.

Chair LoChiatto mentioned that this would not affect existing non-conforming signs for future site plans or sub-division approval under 706.7.4. The motion is to generally delete all reference that allows electronic reader board signs and to change the language to conform to that.

Motion passed: 5-2 Mr. Breton and Ms. Post opposed.

Section 602.1 Rural District, Section 603.1 Residence A, B, & C Districts, and Section 604 Neighborhood Business Districts Parking of a Commercial Vehicle and Section 602 Rural District Purpose.

To amend Section 602.1, 603.1 and Section 604 to allow the outdoor, overnight parking of one commercial vehicle having less than 18,000 GVW and no more than two axels at a residential property; to allow the outdoor, overnight parking of one unregistered motor vehicle; and to amend Section 602 Rural District purpose section to reference "limited commercial uses, as listed in Section 602.1 and 602.2".

Mr. Okerman read the amendment into the minutes.

Mr. Scott explained that the Board had asked this proposal to come back to amend the GVW having decided that the original 20,000 GVW would allow too large a vehicle. The purpose of this Section is to allow the Town businessman / tradesman to park one work vehicle that they use on a daily basis in their home

driveway. This has been a code enforcement issue in the past and has been brought to the Board for consideration so that the resident who currently parks their commercial business vehicle overnight at their home is not in violation.

Chair LoChiatto wondered how the enforcement officer determines the weight of the vehicle. Ms. Scott explained that the information would be gotten from the Internet or an auto dealer. This will be dealt with on a case by case basis as neighbors complain. No one from the Community Development Department will be driving around looking for situations.

Mr. Richardson suggested asking for the registration or taking information from the vehicle door.

Mr. Bretton made a motion to move to Public Hearing Section 602 Rural District, Section 603.1 uses Permitted in the Residence A, B, and C Districts, and 604 Neighborhood Business District. Seconded by Ms. Post. Motion passed: 7-0

Chair LoChiatto opened the Public Hearing

Patrick Nysten had passed out a packet of pictures of various commercial vehicles all within the proposed 18,000 GVW limit. He commented that technically a pick-up truck or large SUV could be over the proposed weight limit, and he thinks they should be allowed to park overnight. He expressed concerns for other trucks. Photos 1 & 2 depicted cube vans or rolling advertising vans. He cautioned what vehicles should be allowed. Photo 3 showed a drill rig; photos 4 & 5 depicted dump trucks; photo 6 was a tow truck and photo 7 showed a fuel and lube truck; 8 & 9 were panel trucks; photo 10 and 11 showed a refuse truck and photo 12 depicted a box truck. All these were less than 18,000 GVW. He suggested that situations be dealt with on a case by case basis with well defined criteria one of them being abutter notification. Some issues he touched upon were: Trucks in residential areas often depreciate property values. That's why developers create condominium and subdivision covenants that do not allow them; Proper screening, fencing or landscaping, that is the height of the vehicle should be mandated; Noise levels from diesel engines and back-up beeping becomes an issue; Environmental impact from trucks carrying haz mat materials should never be allowed in home drive-ways; and finally Public Safety. These trucks have little or no rear visibility. If allowed, proper on-site turn around should be confirmed by the town to eliminate back-up accidents. He cited an NHTA article about deaths that occur from back-up accidents in neighborhood residences. Another AAA article provided statistics about national back-over incidents.

Receiving no comment from the Public, Chair LoChiatto closed the Public Hearing.

Mr. Richardson offered that the Board needs to try to allow residents to bring their work truck with them. He questioned that the Mac Tool truck filled with tools must be more than 18,000 GVW as well as the dump truck.

Chair LoChiatto drew attention to photo 2 where the truck could well be his plumber or electrician for whom this Ordinance was specifically designed. There could be language added about hazardous materials which might mitigate some of the concerns. The intent of the proposal was directed to the worker on 24 hour call who might need his commercial vehicle at any time.

Ms. Scott explained that this proposed Ordinance was something the Town was trying to be proactive about. It is usually neighbor to neighbor where the Town has persuaded the resident to park their vehicle in the garage if it is large enough. The suggestion of handling this on a case by case basis is not feasible. It puts the Town in the position of deciding who is worthy or what type of truck or what type of business. If a homeowner could not fit the vehicle in their garage, they would have to apply for a variance.

Chair LoChiatto was reminded of the loophole where the pick-up truck pulls around the large, 16' cube trailer covered with advertising. This is not uncommon and sidesteps the Ordinance.

Mr. Richardson thinks 18,000 GVW is close to where the Town should be. Six thousand GVW is too low.

Ms. Post thought the Board tried to do something good with this Ordinance but needs to keep trying over a longer period of time. The visuals of these photos were very persuasive. The voters will not go for this, and more consideration needs to be given to this Ordinance.

Chair LoChiatto recapped the proposals and suggested some language changes might assuage some of the concern. He sited that the Board spoke frequently of wanting to encourage people to prosper and stay in the town, and this is one of the Ordinances that does this.

Mr. Breton suggested having a vehicle with hazardous material register with the Fire Department in case of potentially explosive or poisonous situations. Ms. Scott said these types of vehicles are well regulated by the state and federal governments anyway. Mr. Breton said that he sees many trucks parked in driveways in rural areas.

Mr. Breton asked what the ramifications would be if the Ordinance was dropped. Ms. Scott explained that she might get a complaint tomorrow for which she would issue a code enforcement letter. The resident would either have to get a variance, get rid of the vehicle, or get a shed.

Mr. Richardson said that it is the weight of the vehicle that is the issue. Six thousand is obviously too low.

Mr. Nysten spoke up saying that because the Town gets complaints, it speaks volumes. He thinks most Windham residents do not want dump or tow trucks just off their lots. He thought specific guidelines are necessary for all the concerns he mentioned previously.

Mr. Richardson made a motion to move Sections 602 Rural District, Section 602.1 Uses Permitted, Section 603.1 Uses Permitted in Residence A, B, and C Districts, and Section 604 Neighborhood Business District to Warrant as written. Seconded by Mr. Okerman.

Mr. Breton suggested adding a section on haz mat material. Chair LoChiatto agreed that his might mitigate some concern. Ms. Scott stated that if this was to be added, she would recommend a clear definition of hazardous material. For example, the window cleaning guy might be working with hazardous material depending on the definition and the amount. It would be unenforceable otherwise.

Ms. Post was in awe of the Board's earlier decision to strike limited use of electronic reader boards because they would be garish and offensive, yet were willing to allow the vehicles pictured in Mr. Nysten's handout practically in their backyard.

Vote failed: 3-4 Mr. Breton, Ms. Post, Ms. St. Laurent, Chair LoChiatto were opposed.

Chair LoChiatto spoke for the record saying that it is important to address this. The Board needs to better define what trucks are acceptable. It could be height, weight, and other factors.

Mr. Richardson said that both ordinances, signs and truck allowances, need to be changed. Ms. Post agreed and suggested making these priorities going into the new year.

Chair LoChiatto called a 5 minute recess at 8:54 p.m.

Public Hearings on Citizen's Petitions for Amendments to Zoning Ordinance:

Citizen's Petition #1: To amend the Windham Zoning Ordinance by changing the zoning classification of the following parcels of land on the most northerly part and on Rockingham Road, also known as NH State Route 28, beginning with the properties abutting Derry, NH from Neighborhood Business to Commercial A: 191 Rockingham Rd, Rt 28, Lot 3-B-675; 190 Rockingham Rd, Rt 28, Lot 8-B-5400; 188 Rockingham Rd, Rt 28, Lot 8-B-5200; 186 Rockingham Rd, Rt 28, Lot 8-B-5100; 184 Rockingham Rd, Rt 28, Lot 8-B-4500; 183 Rockingham Rd, Rt 28, Lot 3-B-625; 180 Rockingham Rd, Rt 28, Lot 8-B-4550; 159 Rockingham Rd, Rt 28, Lot 3-B-605; 157 Rockingham Rd, Rt 28, Lot 3-B-603; 14- Rockingham Rd, Rt 28, Lot 8-B-3002 (700 ft back form Rt 28 only); 6 Libby Rd, partially on Rt 28, Lot 8-B-4900; 8 Libby Rd, partially on Rt 28, Lot 8-B-4400; and 10 Libby Rd, partially on Rt 28, Lot 8-B-3000.

Rick Okerman read the Citizen's Petition #1 into the minutes.

Ms. Scott explained there were 3 Citizen's Petitions on the agenda and in the Board's packet with a map. All signatures have been certified by the Town Clerk and accepted by the Selectman. One of the proponents of the first petition is here.

Chair LoChiatto had a map question: Where is the 700' line on lot B3002. Sheldon Wolfe identified on the map the 700' lot line for Chair LoChiatto.

Mr. Richardson asked if there was 100% support from the lot owners. Mr. Wolfe said there was. He had surveyed all the lot owners, and they all thought it was a great idea. The owners of the 13 parcels in question would like to convert their lots to Commercial A from Neighborhood Business.

This section of route 28 connects a Commercial District of Derry and a Commercial District of Windham to its south. It is something of an island between 2 Commercial Districts. Because of the natural buffers and water areas, it does not lend itself to big box businesses. A small traffic study by his daughter determined that 12,000 cars daily travel this portion of Route 28 making it not a very appealing location for homeowners with children and also difficult for the homeowners to sell their homes along this strip. He sited the Town's Master Plan for fostering economic development and that businesses seem to move to Derry or Salem where there is available commercial space. He thought it made sense to have another Commercial District on a state highway.

Mr. Wolfe read a letter from Mr. David Lyon, an abutter, supporting Mr. Wolf's proposal for re-zoning, which was submitted for the record.

Ms. Post asked how many different property owners represent the 13 lots. Mr. Wolfe said there were 12. Ms. Post expressed disappointment that Mr. Wolfe was the only representative. Mr. Wolfe explained why several of the owners could not be available. He was unable to explain the reason why the others chose not to present themselves to the Board. He explained that although the others did not appear, the facts and soundness of the request speak for themselves. Ms. Post wondered why more letters had not written, and she felt it was difficult for the Board to believe that the others were in agreement.

Chair LoChiatti said that he was of a different mind.

Mr. Breton mentioned that the loss of the Center for Life Management was a big loss to the Town. Their property has been difficult to sell as well as other homes in this area. Mr. Wolfe has property on route 28 that has been for sale for the past 10 years.

Chair LoChiatto opened the hearing to the public. Hearing no comment, he closed the Public Hearing.

Mr. Breton made a motion to support the Citizen's Petition #1 which is a proposal to re-zone 13 parcels of land along route 28 from Neighborhood Business to Commercial A. Seconded by Ms. Maloney who added that this petition supports the Town's Master Plan and the Regional Transportation Plan.

Ms. St. Laurent thinks that if Derry receives funding for sewer and water, the higher end business will be drawn there leaving the Windham portion a strip of car dealerships.

Motion passed: 5-2 Ms. St. Laurent and Ms. Post opposed.

Citizen's Petition #2 To amend the Windham Zoning Ordinance by changing the zoning classification of Parcel 8-B-5000 from Rural to Commercial Business A.

Rick Okerman read Petition #2 into the minutes.

No Petitioner was present. Ms. Scott drew the Board's attention to the map.

Chair LoChiatto asked the Public if anyone would like to speak to this petition. No comment was heard.

Ms. Maloney made a motion to not support Petition #2 to change Lot 8-B-5000 from Rural to Commercial Business A. Seconded by Ms. Post. Motion passed: 7-0

Citizen's Petition #3 To amend the Windham Zoning Ordinance by changing the zoning classification of the Rural portion of Parcel 13-B-60 from Rural to Commercial Business A.

Mr. Okerman read Petition #3 into the minutes.

Ms. Scott explained that the petitioner is not present. The parcel in question is a small piece of land currently zoned rural.

Mr. Breton described where the parcel is. It is located at the intersection of Rte 28 and Rte 111. It is surrounded by Commercial Business A property.

Chair LoChiatto thought that this is an appropriate use of that property because of its location on two major roads and being surrounded by Commercial Business A land.

Ms. Maloney made a motion to not support Petition #3 because the property owner is not present and we are unable to get answers to our questions.

Mr. Breton explained that the owner inquired about rezoning this property six months ago. The owner may not be here tonight because he lives out of town. The current maps do not show the soundness of re-zoning this land. It is at the intersection of a four-way corner of a major highway and is abutted by Commercial A property on all sides.

Seconded by Mr. Richardson.

Karl Dubay asked the Board if they would reconsider hearing from the public before making a motion. He is familiar with the land having worked on a nearby project.

Chair LoChiatto, responding to Ms. Maloney's reasoning for denying Petition #3 for the same reason she denied Petition #2, explained that Citizen's Petition #2 makes no sense. It is surrounded by town owned

conservation land and has no access. The land concerning Petition #3 is located at one of the busier intersections in the town's Commercial corridor. The lack of clear mapping is more the town's issue than the petitioner's issue.

Mr. Richardson had difficulty imagining what and where the land is with the available maps provided by the Town.

Mr. Breton asked to see the aerial map.

Mr. Dubay explained that the current Town Zoning Map was incorrect and that the zone line is 500' from the center line of route 28 and extends behind the back of an abutting lot.

Mr. Breton approached the map and elaborated on the parcel's correct location.

Chair LoChiatto, as an individual member, would support Petition #3.

Ms. Maloney withdrew her previous motion to not support Citizen's Petition #3. Mr. Richardson withdrew his seconding of the motion to not support Citizens Petition #3.

Mr. Breton made a motion to support Citizen's Petition #3 to rezone a portion of Parcel 13-B-60 from Rural to Commercial Business A. Seconded by Ms. Maloney.

Ms. Post refused to support this petition because of the absence of participation on the part of the petitioner via letter, e-mail, or presence. She felt that they owed the Town this even though it may be a good idea.

Ms. St. Laurent asked if the residential abutters had been notified. Ms. Scott stated that this is not something the Town does. The town clerk verifies the voters but not if they are abutters to the proposal.

Motion passed: 4-3 Ms. Post, Ms. St. Laurent and Ms. Maloney opposed.

Ms. Scott, in the future, will inform the petitioners that the Planning Board would find it helpful for them to attend the hearing.

Meeting Minutes Review and Approve

December 15, 2010

Minor edits were made to the formatting and titles of people.

Mr. Richardson made a motion to approve the minutes of 12/15/10 as amended. Seconded by Ms. Maloney.

Ms. St. Laurent questioned the procedure for deciding who would chair a meeting when Chair LoChiatto is not present. Chair LoChiatto recommended that it would be up to the seated members to decide.

Motion passed: 5-0-2 Mr. Breton and Ms. St. Laurent abstained.

December 22, 2010

Minor edits were made to titles of people.

Ms. Post made a motion to approve the minutes as amended. Seconded by Mr. Okerman.

Motion passed: 4-0-3 Mr. Breton, Mr. Okerman, and Chair LoChiatto abstained.

Member Updates

Board of Selectman

The Board of Selectman approved Ms. Scott's request to encumber \$5,000 for a Design Review. Chair LoChiato explained how he and Ms. Scott solicited 3 bids for proposals for design review standards to present to the Board of Selectman. Jeff Taylor Associates and Fritz Design will commence work this year.

Windham Economic Development Committee

The community survey results are being compiled and will be ready by the end of the month, the marketing material will be done by the end of the month and the new web site will be live by the end of the month.

Economic Development Committee, in partnership with the PTA, is hosting a Business EXPO at the high school on the 27th.

The Committee will be kicking off the Winter Business Education Series in February, co-sponsored by Enterprise Bank, and information will be out on that soon.

Conservation Commission – No one present

Wall Street Corridor Study

There's a 9 a.m. meeting tomorrow and a 1/24 presentation to the Selectman. There is a Wall Street page on the web site with all the meeting minutes and materials. There is a video showing how roundabouts function on the Wall Street web page of the Town web site.

Rockingham Planning Commission – No comments

Mr. Breton made a motion to adjourn. Seconded by Mr. Okerman. Motion passed: 7-0

Meeting adjourned at 10:18 p.m.

Minutes are respectfully submitted by Ms. Mimi Kolodziej