



*OLD VALUES - NEW HORIZONS*  
**COMMUNITY DEVELOPMENT**

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Planning Board Minutes  
March 16, 2011  
Approved

**Roll Call:**

Pam Skinner – Member - Present  
Ruth-Ellen Post – Member – Present  
Kristi St. Laurent – Member – Present  
Margaret Crisler – Member –Present  
Carolyn Webber – Member -Present

Jonathan Sycamore – Member- Present  
Lee Maloney – Alternate - Excused  
Sy Wrenn – Alternate – Excused  
Bruce Breton – Selectman Member – Present  
Ross McLeod – Selectman Alternate - Excused

**Staff:**

Tim Corwin, ZBA/Code Enforcement Administrator - Present  
Mimi Kolodziej, Planning Assistant – Present

**Call to Order / Attendance / Pledge of Allegiance**

The meeting was called to order by Ms. Skinner at 7:00 p.m. followed by the Pledge of Allegiance.

Three newly elected Planning Board members were sworn in by the Town Clerk, Nicole Merrill: Margaret Crisler (3-year term), Jonathan Sycamore (3-year term), and Carolyn Webber (1-year term).

**Election of Officers:**

Ms. Skinner accepted nominations for the Chairman's and Vice-chair's seats. **Ms. Crisler nominated Ms. Post as chairperson for the 2011 Board. Seconded by Mr. Sycamore. Motion passed 7-0. Ms. Webber nominated Ms. Crisler as Vice-chair. Seconded by Mr. Sycamore. Mr. Breton nominated Ms. St. Laurent as Vice-chair. Hearing no second, the motion to elect Ms. Crisler was voted on. Motion passed: 7-0.**

Chairwoman Post expressed appreciation to former Planning Board Chairman Phil Lochiatto for his 9-years of service and superb handling of the Board in his role as Chairman. Chairwoman Post also thanked former Vice-chair Rick Okerman for his capable years of service and regular member Bruce Richardson for graciously and ably stepping in when Nancy Pendergast became ill. Chairwoman Post wished Ms. Pendergarst well and welcomed the new members.

**Public Hearings**

**Case#2011-4 Customary Home Occupation Application (3-B-360)**

A Customary Home Occupation Application has been submitted for 137 Rockingham Road, Lot 3-B-360, which is located in the Rural District. The applicant, Melchior A. Salvo, seeks a Conditional Use Permit pursuant to Section 602.1.6 of the Town of Windham Zoning Ordinance and Land Use Regulations to use the property for a customary home occupation business selling outdoor furniture/play/recreational equipment and cosmetic goods.

Vice-chair Crisler read the hearing notice into the record

Mr. Corwin explained that Mr. Salvo has been operating this business for at least the past 20 years. Although the property may have been zoned commercial at the time the business was started, because the commercial use never

received site plan approval, it is now operating as an illegal non-conforming use. The applicant is attempting to bring his use into compliance by seeking a conditional use permit for a customary home occupation use which is a permitted use in the Rural District. The ZBA recently granted Mr. Salvo a variance permitting the public display of goods, the exterior storage of materials, and a free-standing sign. Staff has no concerns or issues with this application and believes that it meets all the criteria for Section 602.1.6 of the Zoning Ordinance.

Chairwoman Post clarified that this is a Customary Home Application that includes the addition of two (2) part-time employees. Mr. Corwin concurred.

Ms. Webber expressed her support for small business in town as the backbone of our economic growth; however, took issue, under 602.1.6.14, which allows for the transference of the Customary Home Application to the new property owners should the property be sold. Mr. Corwin explained that it was not within the discretion of the Planning Board to change the ordinance, and that it is not a criteria the applicant needs to demonstrate objective compliance with at the outset to be approved for the Customary Home Application. Chairwoman Post agreed with Mr. Corwin and explained that the transference of the application would lapse should the new owners have no interest in continuing the type of business operated by the Applicant at the property.

Vice-chair Crisler questioned why the Town is doing this as a special exception and not as a site plan. She thought that it should be considered a Retail Operation in a Rural Area due to the higher traffic level and signage. Mr. Corwin explained that the Staff had guided Mr. Salvo in the direction of the Customary Home Application because its language is very broad and, with the exception of a few conditions for which variances were allowed, the applicant met all the criteria.

The applicant, Mike Salvo of 137 Rockingham Road, spoke before the Board and stated that he is currently operating The Picnic Table Factory and is attempting to upgrade his files to come in accordance with town standards. He asked for questions from the Board.

Vice-chair Crisler asked if there are any residential uses close to his business. Mr. Salvo explained that there are some currently being constructed, and he is presently working with the builders to re-landscape his property so that the abutting properties maintain their rural character and only that part of his property fronting Route 28 will display a business look.

Vice-chair Crisler asked what the hours of retail operation would be. Mr. Salvo explained that they are open 9 a.m.-5 p.m. Monday through Thursday, closing early Fridays and hoping to eliminate Sundays at some point. Vice-Chair Crisler asked Mr. Corwin if there was sufficient parking under the Zoning Ordinance. Mr. Corwin said it had not been calculated, but based on his review of the site plan there would be more than sufficient parking under the Zoning Ordinance parking standards if this were a commercial site plan application and not a Customary Home Occupation application. Vice-chair Crisler inquired about snow removal. Mr. Salvo assured the Board that snow removal would not be a problem. There is a loader on property which readily handles snow removal from all paved areas. Vice-chair Crisler inquired about lighting. Mr. Salvo explained that there are four (4) dawn-to-dusk exterior lights, additional high intensity security lighting on a switch and a security video system. Vice-chair Crisler expressed concern about lighting scattering off the property. Mr. Salvo explained that both the dawn-to-dusk lights and the high-intensity lights are all directed downward. Chairwoman Post asked Mr. Salvo how long he had been operating his business at his present address. Mr. Salvo stated that the business has been operating at the property for 30 years. Chairwoman Post asked further how many parking spaces were available. Mr. Salvo said approximately fourteen (14) with additional room for a homeowner trailer to turn around on the property.

Chairwoman Post opened the Hearing to the Public. Hearing no comment, she closed the Public Hearing.

**Vice-chair Crisler made a motion to approve the Customary Home Application with the following conditions:**

- That there be sufficient landscaping to shield the property from residential abutters with the details to be worked out with staff;
- That on-site lighting be downward facing, and
- That the hours of operation be seven (7) days a week 9 a.m.-5 p.m.

Mr. Sycamore and Ms. Laurent agreed to second the motion if the hours of operation condition was removed. Vice-chair Crisler agreed and the hours of operation condition was removed.

**Seconded by Mr. Sycamore. Motion carried as amended: 7-0.**

**Case #2011-5 Customary Home Occupation (24-G-22)**

A Customary Home Occupation Application has been submitted for 3 Princeton Street, Lot 24-G-22, which is located in the Residence District A. The applicants, Peter and Cecilia Streechon, seek a Conditional Use Permit pursuant to Section 603.1.7 of the Town of Windham Zoning Ordinance and Land Use Regulations to use the property for an auto wholesale business customary home occupation use. Applicants propose to keep only one (1) vehicle for sale at a time and will store the vehicle in the garage located on the property.

Vice-chair Crisler read Case #2011-5 into the minutes.

Mr. Corwin explained that a Customary Home Occupation is a permitted use in the Residence District A. The applicant plans to store one vehicle for sale from his property. The vehicle will be stored in the garage on the property, and there will be no signage. Staff has no concerns with this application, and believes it fulfills the criteria set forth in 602.1.6 of the Zoning Ordinance.

Applicant Peter Streechon of 3 Princeton Street is asking for permission to sell one car at a time from his home. He explained that he will be selling his car wholesale to retailers and wholesalers, not to the public. There will be no sign on his property, and no sign on the car. The vehicle will be stored in his two-car garage.

Mr. Breton asked if a car dealer is required by the state to have a license. Mr. Streechon explained that if the Board approves this Application, he will then apply for a wholesale dealer’s license from the State. He must have a place of business before he can apply for a wholesaler’s license. Mr. Corwin suggested that the Board make this license approval a condition of approval. Mr. Streechon explained that the State allows any individual the right to sell 5 vehicles per year retail from their home and Chairwoman Post reminded the Board that the town allows one (1) unregistered vehicle on a property. The Board discussed the issue of having the newly sold car being picked up by a flatbed trailer and the neighborhood nuisance this might cause. Mr. Corwin recommended that the Board make how the vehicle is delivered to and picked up from the property a condition of approval. Mr. Breton cautioned that this is a stretch of the Customary Home Occupation use which generally approves small home businesses such as baking pies or making jewelry. Ms. Webber asked staff to address the ability to monitor how many cars the homeowner is selling from his home. There was no agreement that monitoring could be performed. Vice-chair Crisler expressed concern about the extensive wetlands behind his property and asked about disposal and storage of lubricants. The applicant explained he will bring the car to Windham Mobil for fluid upkeep. He has no plan to perform any mechanical work on the vehicles at his property - simply vacuuming.

Chairwoman Post opened the Hearing to the Public.

Mr. Robert Dobson of 5 Princeton Road explained that he purchase his land in 1987 because of its quiet neighborhood and privacy. Many changes have occurred in the neighborhood over time. He was disappointed when all the trees were removed by the Applicant and his privacy disappeared. He feels this request is opening a can of worms and threatening to negatively change this quiet residential neighborhood. He thinks the Town may not be able to afford to inspect the activity of sales to ensure no more than five (5) cars are being sold and flat bed trucks are not transporting cars. His automotive background informs him that someone who is in the business of

selling cars could not possibly quietly transport them in and out of the neighborhood. Wholesalers driving through the neighborhood looking for a car that is in a garage would be stopping and asking directions. The business may grow creating more activity with more than one (1) unregistered car on the property. The Town may not be able to supervise the situation.

Chairwoman Post closed the Hearing to the Public.

Mr. Breton cautioned the Board that a Customary Home Occupation definition and intent is for a business in the home. He feels the Town is opening the door for a wholesale car lot in a quiet neighborhood. This would change the character of town. Mr. Corwin explained that the Board is allowed to put conditions on the approval to avoid many of their concerns. The applicant stated that he simply wants to start his wholesale business from home. If it takes off, he would lease another business location. He chose not to have a sign although it was allowed; he also does not want a used car lot in his neighborhood. Ms. Webber asked if any cars would be delivered on a flatbed. The applicant said there wouldn't be. Mr. Breton explained that wholesalers tend to send flatbeds to pick up their vehicles; adding because we cannot enforce these conditions, it is difficult to control the wholesaler. Mr. Streechon explained that his intention is to purchase an operating vehicle that he or the wholesaler's agent would drive away. Vice-chair Crisler reminded the Board that whatever approval is granted remains with the property. She stated that Mr. Streechon appears very sincere, but this is not a Customary Home Occupation.

**Vice-chair Crisler made a motion to deny Mr. Streechon's request for a Customary Home Occupation Application because of the following:**

- **The possibility of contamination of adjacent wetlands by leaking automotive effluent,**
- **A wholesale car business is not an expected Customary Home Occupation; and**
- **Residential use of neighboring properties will be negatively effected.**

**Seconded by Mr. Breton.**

Ms. Webber noted that she is in favor of Customary Home Occupation but thinks this one is off track and lacks a proper business plan. She sees a possible impact to the neighborhood.

**Chairwoman Post amended the original motion by adding:**

- **There is a greater than usual risk of change to the residential character of the neighborhood under 602.1.6.6. Seconded by Mr. Breton. Motion carried: 7-0.**

**Meeting Minutes Review and Approval – March 2, 2011**

Chairwoman Post moved review of the March 2, 2011 minutes to the next meeting when more of the attending members will be present.

Chairwoman Post asked that an additional 15-20 minutes be added to the next meeting's agenda to revisit the 2011 Work List.

Vice-Chair Crisler would like the Board to make an effort to attend the LGC sponsored training course for new officials.

Chairwoman Post asked that Staff notify Mr. Hersch and Mr. Wrenn that their terms expire May 28, 2011 and ask for their letters of notice and to publicly issue applications for these positions.

Motion to adjourn by Mr. Breton. Seconded by Ms. Webber. Motion carried: 7-0.

Meeting adjourned at 8:22 p.m..

These minutes are respectfully submitted for approval by Mimi Kolodziej.