



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

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Planning Board Minutes
December 21, 2011

Roll Call:

| | |
|---|--|
| Ruth-Ellen Post, Chairwoman-Present | Ross McLeod, Selectman Member, Present |
| Margaret Crisler, Vice-Chair-Present | Kathleen DiFruscia, Selectman Alternate, Excused |
| Pam Skinner, Member-Present | Lee Maloney, Alternate- Excused |
| Carolyn Webber, Member-Present | Vanessa Nysten, Alternate-Present |
| Jonathan Sycamore, Member-Present | Sy Wrenn, Alternate-Excused |
| Kristi St. Laurent, Member-Seated 8:09 pm | |

Staff:

Elizabeth Wood, Town Planner
Tim Corwin, ZBA/Code Enforcement Officer
Mimi Kolodziej, Planning Assistant

Call to Order/Attendance/Pledge of Allegiance:

Chairwoman Post called the meeting to order at 7:02 p.m. followed by attendance and the Pledge of Allegiance.

Ms. Nysten was appointed to sit for Kristi St. Laurent.

Public Hearing - 2012 Town Meeting Zoning Amendments:

There will be no public hearing on the Fence Ordinance (Section 710.3.1) as listed in the originally published hearing notice because this item was moved to Town Meeting by the Board at the 12/7 mtg.

Ms. Skinner read the Hearing Notice regarding the Fence Ordinance, Section 702.1.1 and Appendix A-1 Building Coverage Requirement into the record.

Section 702.1.1 & Appendix A-1 Building Coverage Requirement.

To amend Section 702.1.1 to provide that two storage sheds no more than 100 sq. ft. in size and no more than 12 ft. in height may be placed 10 ft. from the lot line in the side and/or rear yard, and amend Appendix A-1, note 15 to provide that building coverage of a lot shall only measure those structures that have a roof and any attached accessory structures.

Mr. Corwin reviewed comments from Town Council's 12/19/11 memo. regarding Section 702.1.1.

Board comments/questions included:

- Ms. Webber noted that with no definition of the term "structure," the Board cannot go forward; Mr. Corwin stated that in the Definition Section 200 "structure" is defined in terms of how the Building Code defines it; in the Building Code it states; "that which is built or constructed.:
- Ms. Webber asked what the definition of a building is; Mr. Corwin read from Section 200; "A building is any structure used or intended for supporting or sheltering any use or occupancy;"
- Attached and detached structures should be part of the language;

- Mr. Corwin said it made no difference whether the term “structure” or “building” were used, because both were described in the building code;
- Ms. Webber requested using the word “building” in place of “structure;” Mr. Corwin and the Board agreed;

Chairwoman Post opened the Hearing to the Public. Hearing none, she closed the Public Hearing.

Vice-Chair Crisler motion to move Section 702.1.1 and Appendix A-1 to the warrant with the following amendments:

- **Wherever the word “structure” is used, it will be replaced by the word “building;”**
- **The phrase “no closer than” will be inserted before “10 ft. from the lot line...;”**
- **Section 702.1.1 will be renumbered and placed under Section 703; and**
- **Footnote 15 will be added to Appendix A-1. Mr. McLeod seconded. Motion passed: 7-0.**

Ms. Skinner read Section 720 Commercial Kennel Ordinance into the record.

Section 720 Commercial Kennel Ordinance

This is the creation of a new ordinance and it provides for the regulation of Commercial Kennels including Customary Home Occupation Kennels. Commercial Kennels are proposed to be located in the Commercial Business A District & Limited Industrial District. Home Occupation Kennels would be permitted in the Rural District & Residence A, B, & C Districts. The ordinance includes a definitions section; an approvals process; regulations on setbacks, number of animals housed in a facility, lighting, fencing, & the removal of animal waste. It also regulates noise created by dog barking according to *NH RSA 466:31 (b)* & requires dogs & cats that are boarded to be current in some vaccinations (as appropriate for an animal’s age).

Ms. Webber motioned to open Section 720 for Public Hearing. Mr. McLeod seconded. Motion passed: 7-0.

Ms. Wood noted there was e12/12/11 memo from Attorney Campbell with suggestions, and the Board would need to consider in what locations and zones “home occupations kennels” are to be allowed. Customary Home Occupations in the Town are allowed in Rural and Residential A, B, and C Districts. If the Board wants to change what Districts “home occupation kennel” are allowed in, now being considered a Customary Home Occupation, then the Ordinance would need to be amended.

Board comments/questions included:

- The Board discussed why Attorney Campbell struck language from Section 720.5.2 regarding 4 or fewer dogs; Ms. Wood thinks it should be kept in, because it regulates business and protects neighbors’ interest.
- Chairwoman Post asked why the Board, a land use Board, is getting involved in business use. The major complaint is noise, and the Town has a Noise Ordinance; Mr. McLeod stated that the Board is regulating business interests which intersects with land use;
- Vice-Chair Crisler stated that the purpose is to protect neighbors from nuisances, but also to protect the dogs’ care, and the land use protects residents from incompatible uses on local property;
- Ms. Webber noted that there are many issues that can develop if dogs are not cared for properly;

Chairwoman Post opened the Hearing to the Public. Hearing none, she closed the Public Hearing.

Board comments/questions included:

- Ms. Wood explained that if the Town decided not to adopt a Kennel Ordinance, then someone could come forward with a Customary Home Occupation for kenneling dogs on their property, meet all the regulations and have 8 or more dogs on their property, not well cared for; Staff is addressing in response to demand;
- The Board discussed local kennels and what Districts they are located in;
- Ms. Webber noted that all Attorney Campbell's suggestions are good and should be incorporated;

Vice-Chair Crisler motioned to move to Town Warrant Section 720 Commercial Kennel Ordinance accepting all of Attorney Campbell's amendments offered in his 12/12/11 memo, excepting:

- **Section 720.5.2, where the Board will remove the first strike-out regarding "four (4) or fewer dogs" and return it to the text; and**

Seconded by Mr. McLeod.

The Board discussed the various Districts that kennels should be allowed in. They decided to keep the allowed Districts as they are proposed: Commercial Kennels are allowed in Commercial A and Limited Industrial and Customary Home Kennels are allowed in Rural and Residential A, B, and C. Any substantive changes to the Ordinance at this point, would need another Public Hearing.

Motion passed: 4-2-1. Chairwoman Post and Mr. Sycamore opposed. Ms. Nysten abstained.

Ms. Webber motioned to open Multi-zoned Parcels to Public Hearing. Seconded by Ms. Skinner.

Motion passed: 7-0.

Ms. Skinner read the second group of Multi-zoned Parcel rezoning into the record.

Multi-zoned Parcel Rezoning

- 1) To Amend the Windham Zoning Map by rezoning the following parcels, which are multi-zoned Residence District C & Rural District to all Rural District:
Lot 19-A-400 (70 Mammoth Road) Lot 19-A-850 (Bridal Bridge Road)

Ms. Wood addressed the above recommended changes stating that the main reason for recommending the change to rural was because of the property owner's previous request. The property owner had requested at a previous re-zoning meeting the right to reconsider his decision at a future time.

Board comments/questions included:

- Ms. Nysten brought to the Board's attention a possible unintended conflict that the Board may want to address at this time. The conflict was among the process of re-zoning to clean up the multi-zones, rezoning to allow affordable WFH opportunities, and the misunderstanding that Residential C allows for multi-family, which it does not. She asked if the Board wanted to reconsider their Residential C recommendations.
- Chairwoman Post stated that the purpose of the Multi-zone parcel review was clean-up and simplification. The Board did not want to engage in any major policy discussion or zoning research at this time.
- Vice-Chair Crisler clarified that everything allowed in Residential A is allowed in Residential B; anything allowed in Residential A & B is allowed in Residential C, in addition to manufactured housing. She suggested that before the Board rezone to allow more manufactured home zones, it should rethink its zoning'

- Chairwoman Post stated that if the Board is going to get into serious re-zoning issues, then the Board has been asked to take those parcels off the table and consider them later. The Board is not going to get into broad policy considerations at this time.
- Ms. Nysten suggested dropping the entire project. If the Board does not decide to do that, then she will remove herself from the multi-zone committee

Ms. St. Laurent was seated at 8:09 p.m.

Lot #19-A-400 (70 Mammoth Road)

Ms. Wood read the description of Lot #19-A-400. The owner is present requesting to change his previous decision.

Mr. Frederick Ford, Ford Family Trust, thinks there has been an error in the dual zoning. He would like to keep the dual zoning.

Vice-Chair Crisler motioned to remove Lot #19-A-400 (70 Mammoth Road) from consideration of change and to not move it to the Warrant. Mr. Webber seconded. Motion passed: 7-0.

Lot #19-A-850 (Bridal Bridge Road)

Ms. Wood described this lot- the area north of the power line easement and under the power line is Rural and the remainder is Residential C. The rationale for zoning it Rural is that it is all owned by the power company and is mostly wetlands.

Chairwoman Post opened the Hearing to the Public. Hearing none, she closed the Public Hearing.

Vice-Chair Crisler motioned to move to the Warrant the changing of Lot #19-A-850 (Bridal Bridge Road) from a mixed use parcel to the Rural zone. Ms. Webber seconded. Motion passed: 7-0.

Ms. Skinner read Section 1 of the multi-zone parcel into the record.

- 2) To Amend the Windham Zoning Map by rezoning the following parcels, which are multi-zoned Residence District C & Rural District to all Residence District C:

| | |
|--------------------------------------|-------------------------------------|
| Lot 19-A-801 (Brookview Road) | Lot 19-A-802 (Misty Meadow Road) |
| Lot 19-A-800 (Pleasant Street) | Lot 19-A-20 (17 Bridal Bridge Road) |
| Lot 14-A-300 (20 Bridal Bridge Road) | Lot 14-A-400 (Bridal Bridge Road) |

Chairwoman Post asked if the Board would like to consider these as a group. Vice-Chair Crisler suggested putting these aside; she did not feel comfortable rezoning these properties to Residential C which vastly increases the area for manufactured homes.

Vice-Chair Crisler motioned to delete these six (6) properties from consideration and do not move them to Town Warrant. Ms. Skinner seconded.

Board comments/questions included:

- Ms. Webber asked if any of the property owners had contacted the office. Ms. Wood said none had.
- Ms. Wood explained that about ½ of the properties are in Rural and the other half in Residential C; Vice-Chair Crisler suggested leaving it as is. The requirement of 7500 sq ft for a manufactured home should be seriously considered before moving ahead.

Motion denied: 3-4 Mr. Sycamore, Chairwoman Post, Ms. Webber, and Mr. McLeod opposed.

Ms. Webber motioned to move to Town Warrant the following six (6) lots and change the zoning to Residential C:

- **Lot #19-A-801 (Brookview Rd) condo**
- **Lot #19-A-800 (Pleasant St) condo**
- **Lot #19-A-802 (Misty Meadow Rd) cond**
- **Lot #19-A-20 (17 Bridal Bridge Rd) single family**
- **Lot 14-A-300 (20 Bridal Bridge Rd) single family**
- **Lot # 14-A-400 (Bridal Bridge Rd) Mostly power line easement.**

Seconded by Mr. Sycamore. Motion passed: 4-3. Vice-chair Crisler, Ms. Skinner, and Ms. St. Laurent opposed.

Ms. Skinner read the next section of the multi-zoned parcels into the record.

To Amend the Windham Zoning Map by rezoning the following parcels, which are multi-zoned Residence District A & Residence District B to all Rural District:

Lot 11-C-3600 (Pine Hill Road)

Lot #11-C-3600 (Pine Hill Road)

Ms. Wood explained that this is entirely Conservation Land.

Chairwoman Post opened the Hearing to the Public. Hearing none, she closed the Public Hearing.

Ms. Webber motioned to move to Town Warrant the change of Lot #11-C-3600 (Pine Hill Road) from multi-zone to all Rural District because it is Conservation Land. Seconded by Vice Chair Crisler. Motion passed: 7-0.

Ms. Skinner read the next section of the multi-zones into the record.

To Amend the Windham Zoning Map by rezoning the following parcels, which are multi-zoned Residence District A & Residence District B to all Residence District B:

Lot 11-C-1601 (26 N. Lowell Road)

Lot 11-C-1602 (28 N. Lowell Road)

Lot 11-C-2502 (1 Camelot Road)

Lot 11-C-2501 (42 N. Lowell Road)

Lot 11-C-3500 (54 N. Lowell Road)

Chairwoman Post opened the Hearing to the Public. Hearing none, she closed the Public Hearing.

Vice-Chair Crisler motioned to move to the Town Warrant the zoning changes from multi-zoned Residence District A and Residence District B to all Residential B the following lots:

Lot 11-C-1601 (26 N. Lowell Road)

Lot 11-C-1602 (28 N. Lowell Road)

Lot 11-C-2502 (1 Camelot Road)

Lot 11-C-2501 (42 N. Lowell Road)

Lot 11-C-3500 (54 N. Lowell Road).

Seconded by Mr. McLeod. Motion passed: 7-0.

Ms. Skinner read the next section of the multi-zones into the record.

To Amend the Windham Zoning Map by rezoning the following parcels, which are multi-zoned Residence District A & Residence District B to all Residence District A:

Lot 11-C-2512 (8 Camelot Road)

Lot 11-C-2513 (10 Camelot Road)

Lot 11-C-2507 (6 Camelot Road)

Lot 11-C-2506 (4 Camelot Road)

| | |
|-------------------------------------|-------------------------------------|
| Lot 11-C-2504 (3 Camelot Road) | Lot 11-C-2505 (5 Camelot Road) |
| Lot 11-C-2561 (17 Sheffield Street) | Lot 11-C-3625 (10 Pine Hill Road) |
| Lot 11-C-1603 (7 Cochran Farm Road) | Lot 11-C-1604 (5 Cochran Farm Road) |
| Lot 11-C-1606 (2 New Found Road) | Lot 11-C-1607 (4 New Found Road) |
| Lot 11-C-1608 (6 New Found Road) | Lot 11-C-1609 (8 New Found Road) |

Chairwoman Post opened the Hearing to the Public. Hearing none, she closed the Public Hearing

Vice-Chair Crisler motioned to move to the Town Warrant the rezoning from Residence District A and Residence District B to all Residence District A the following lots:

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|--|--|
| Lot 11-C-2512 (8 Camelot Road) | Lot 11-C-2513 (10 Camelot Road) |
| Lot 11-C-2507 (6 Camelot Road) | Lot 11-C-2506 (4 Camelot Road) |
| Lot 11-C-2504 (3 Camelot Road) | Lot 11-C-2505 (5 Camelot Road) |
| Lot 11-C-2561 (17 Sheffield Street) | Lot 11-C-3625 (10 Pine Hill Road) |
| Lot 11-C-1603 (7 Cochran Farm Road) | Lot 11-C-1604 (5 Cochran Farm Road) |
| Lot 11-C-1606 (2 New Found Road) | Lot 11-C-1607 (4 New Found Road) |
| Lot 11-C-1608 (6 New Found Road) | Lot 11-C-1609 (8 New Found Road) |

Mr. McLeod seconded. Motion passed: 7-0.

Ms. Skinner read the next section of the multi-zones into the record.

To Amend the Windham Zoning Map by rezoning the following parcels, which are multi-zoned Residence District B & Rural District to all Residence District B:

Lot 11-A-610 (9 N. Lowell Road)

Chairwoman Post opened the Hearing to the Public. Hearing none, she closed the Public Hearing

Vice-Chair Crisler motioned to move to the Town Warrant the rezoning of Lot #11-A-610 (9 N Lowell Rd) from Residence District B and Rural District to all Residence District B. Seconded by Mr. McLeod. Motion passed: 7-0.

Ms. Skinner read the next section of the multi-zones into the record

To Amend the Windham Zoning Map by rezoning the following parcels, which are multi-zoned Residence District A & Rural District to all Rural District:

| | |
|---------------------------------|----------------------------------|
| Lot 21-B-10 (Copps Hill Road) | Lot 21-B-23 (4 Copps Hill Road) |
| Lot 21-B-25 (3 Copps Hill Road) | Lot 21-B-27 (5 Porcupine Road) |
| Lot 21-B-28 (7 Porcupine Road) | Lot 21-F-36 (3A Marblehead Road) |

Chairwoman Post opened the Hearing to the Public. Hearing none, she closed the Public Hearing

Vice-Chair Crisler motioned to move to the Town Warrant the rezoning from Residence District A and Rural District to all Rural District the following lots:

| | |
|--|---|
| Lot 21-B-10 (Copps Hill Road) | Lot 21-B-23 (4 Copps Hill Road) |
| Lot 21-B-25 (3 Copps Hill Road) | Lot 21-B-27 (5 Porcupine Road) |
| Lot 21-B-28 (7 Porcupine Road) | Lot 21-F-36 (3A Marblehead Road) |

Seconded by Mr. McLeod. Motion passed: 7-0.

Meeting Minutes – Review & Approve:

November 9, 2011

Ms. Webber motioned to accept the minutes of November 9, 2011 as amended with 2 items to be checked. Seconded by Ms. Skinner. Motion passed: 6-0-1. Mr. McLeod abstained.

Vice-Chair Crisler was excused at 8:59 pm and Ms. Nysten was seated for her.

November 16, 2011

Ms. Webber motioned to accept the minutes of November 16, 2011 as amended. Ms. Skinner seconded. Motion passed: 6-1. Mr. McLeod abstained.

November 30, 2011

Mr. McLeod motioned to accept the minutes of November 30, 2011 as amended. Ms. Webber seconded. Motion passed: 7-0.

December 7, 2011

Ms. Webber motioned to accept the minutes of December 7, 2011 as amended. Ms. Skinner seconded. Motion passed: 6-0-1. Ms. Skinner abstained.

Liaison Reports:

- Board of Selectmen (Ross/Kathleen)
- Rockingham Planning Commission (Lee)
- Conservation Commission (Pam)
- Windham Economic Development Committee (Sy)

Jonathan stated that the WEDC is increasingly active and visible and would like them to inform the Board of their activities and subcommittees quarterly. Mr. McLeod would like them to come to the Board earlier in the year to discuss what changes they would like to see. Chairwoman Post suggested that the Design Review would be a good opportunity for their input.

Windham Cable Advisory Board Memo:

Chairwoman Post drew the Board's attention to a memo from Margaret Case regarding the disposal of VHS tapes from 1997-2002. It was decided that Kelly, WCTV, will transfer them to DVD's for storage.

Old/New Business:

- Ms. Webber remembers that a couple of years ago, Keach-Nordstrom was given \$10,000 to do a WWPD study. She would like staff to research and find out about the study.
- Chairwoman Post would like a checklist that walks the Board and the applicant through the application process. Staff will put together and present a draft for Board review.
- Ms. Wood reviewed items the Board had wanted to pick up in 2012.

Adjournment:

Ms. Webber motioned to adjourn. Ms. Skinner seconded. Motion passed: 7-0.

The meeting adjourned at 9:45 pm.

These minutes are respectfully submitted for your approval by Mimi Kolodziej.