



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

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**Planning Board Minutes**  
**August 1, 2012**

**Board Members:**

Margaret Crisler, Chairman – Present	Carolyn Webber, Member – Excused
Ruth-Ellen Post, Vice-Chair– Present	Ross McLeod, Selectman Alternate – Excused
Pam Skinner, Member – Present	Kathleen DiFruscia, Selectman, Member – arrived at 7:10 pm
Kristi St. Laurent, Member – Present	Sy Wrenn, Alternate Member – arrived at 7:15 pm
Jonathan Sycamore, Member – arrived at 7:10 pm	Vanessa Nysten, Alternate Member – Present
Lee Maloney, Alternate Member – arrived at 7:25 pm	

**Staff:**

Laura Scott, Community Development Director  
Cathy Pinette, Planning Board Minute Taker

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

Chairman Crisler called the meeting to order at 7:04 pm, followed by the Pledge of Allegiance and attendance.

The Chairman appointed Ms. Nysten to sit for Ms. Webber.

**Public Hearings**

Ms. Post read Case #2012-23 into the record.

**Case #2012-23 Minor Site Plan Application**

A Minor Site Plan Application has been submitted for Lot 11-A-530 (15 Indian Rock Road), located in the Village Center District. The applicant, Scott Baetz, is to permit a web development company to operate at this existing location. No exterior renovation, signs or site development is proposed. Waivers from the Site Plan Regulations are being requested.

- The Chairman asked Ms. Scott if this application was complete. Ms. Scott stated yes, all the material was in the Board's packet, and the Board needs to decide if this is a minor or major site plan.

The Chairman entertained a motion to accept Case #2012-23 for public hearing.

**Ms. Post motioned to accept Case #2012-23 for a minor site plan application for public hearing, seconded by Ms. Skinner. Motioned passed 5 – 0.**

- Ms. Scott stated that there are waiver requests that have been submitted and Mr. Baetz has done a lot of work on this application. There has always been a business there, commercial and/or residential. When he purchased the property he did not know it was classified as not commercial. The TRC has heard the application and have no issues. The HDC/HC is in favor of this application.
- Mr. Scott Baetz, 15 Indian Rock Road, the applicant, addressed the Board. He stated when he purchased the property he purchased it as a commercial property and most people who had owned it previously thought it was. He thinks this is an administrative issue and wanted to set the record straight.

Ms. DiFruscia and Mr. Sycamore arrived at 7:10 pm

- Ms. Scott stated there is one outstanding issue, a driveway permit. The applicant has submitted an application for that. Ms. Scott has spoken with DOT and they have no concerns.

Board Comments/Questions

- The Board questioned the number of employees. Mr. Baetz stated he has 5 full time employees. The Board questioned paving. Mr. Baetz stated he would not be paving. The Board questioned landscaping improvements. Mr. Baetz stated he has no plans for landscaping at this time. His focus is to classify the property properly. The Board asked when approval from DOT would be. Ms. Scott stated it should be within 30 days. The Board asked about Fire Department approval. Mr. Baetz stated they were part of the TRC.

The Chairman opened the hearing to the public at 7:13, hearing no comments, the public hearing was closed.

The Chairman entertained a motion

**Ms. Post motioned to grant Case #2012-23 reliefs from Section 1209.1 for a request of 1” = 50’ site plan and accept the 1” = 20’ black and white rendering, and section 1209.2 for a request to wave the color renderings because they are not necessary for a minor site plan application, seconded by Mr. Sycamore. Motion passed 7 – 0.**

**Ms. Post motioned to grant Case #2012-23 relief from Section 1307. 1 and 1308 on the basis that the Board doesn’t want the applicant to disturb the vegetation and the 60 year old evergreens, and packed gravel has minimal runoff seconded by Ms. DiFruscia. Motion passed 7 – 0.**

**Ms. Post motioned to grant Case #2012-23 relief from Section 1310, 1312 and 1314 due to the fact that use of the area is very minimal and the Board believes it is appropriate, seconded by Ms. DiFruscia. Motion passed 7 – 0.**

- Ms. St. Laurent asked Mr. Baetz if he had policies and procedures for handicapped services. Mr. Baetz stated they do not use the property as a client visit area.
- Ms. Post stated if this facility was used by the public she would have a different opinion.

**Ms. Post motioned to approve a minor site application plan application for Case #2012-23 as shown subject to the condition that the NH DOT driveway permit is approved, seconded by ms. DiFruscia. Motion passed 7 – 0.**

Mr. Wrenn arrived at 7:15 pm.

Ms. Post read Case #2012-22 into the record.

Case #2012-22 Minor Site Plan/Change-of-Use

A Minor Site Plan/Change-of-Use Application has been submitted for 25 Indian Rock Road, Unit #19 (Lot 11-C-1100), located in the Business Commercial A District and Wetland and Watershed Protection District. The applicant Joseph Maynard of Benchmark Engineering, Inc., on behalf of the property owner, Commons at Windham, Inc. is proposing to change the use of the 1,900 sq. ft. unit from retail and office to a business for baking cupcakes with a retail component and function area. No exterior modifications to the building or site are proposed.

- The Chairman asked Ms. Scott if this application was complete. Ms. Scott stated that all the material was included in the Board’s packet and the Board needs to decide if this is a minor or major site application.

The Chairman entertained a motion to accept Case #2012-22 for public hearing.

**Ms. Skinner motioned to accept Case #2012-22 for public hearing, seconded by Ms. Post. Motion passed 7 – 0.**

- Mr. Joseph Maynard of Benchmark Engineering, Inc., on behalf of the property owner, Commons at Windham, Inc., addressed the Board. He stated this piece of property is known as the Commons. It was built in the 1990’s and later a second building was added. The applicant would be going in the original building. The building was originally designed for offices and retail. There are two septic systems on the property. The septic for the building they are moving into was done about 3 years ago. Mr. Maguire is comfortable with the flow from the new business. Shabby Chic will now be called Sophisti Cakes. He is before the Board for a minor change of use for this property. His memo of 7/27/12 which is in the Board’s packet and it spell’s out what he is seeking.

Board Comments/Questions

- The Board questioned Mr. Maynard if the applicant was doing anything different than they are currently doing. Mr. Maynard stated it was the same business but this space had more space. The Board asked about adequate parking. Mr. Maynard stated yes. The Board asked if the system to service the baking is adequate. Mr. Maynard replied yes. The Board asked if they will need State licenses. Mr. Maynard stated yes. Mr. Maynard also stated they need a building permit, fire department and public health permits. The Board asked about the signage. Mr. Maynard stated the client has that. Ms. Scott stated that as long as the sign conforms to the original site plan they will just need a permit. Ms. Prendergast would check that with the original plans. The Board asked about a change in lighting. Mr. Maynard stated no.

Ms. Maloney arrived at 7:25 pm.

The Chairman opened the hearing to the public at 7:26 pm, hearing no comments, the public comment period was closed.

- The Board questioned the hours of operation. Mr. Maynard stated they would have the same hours as they currently have, 11 - 8. Ms. Nysten asked about baking during the night. Mr. Maynard stated he doesn't believe they do that.
- Ms. Scott stated there is no waiver request for Ms. Wood's comments on her memo. There isn't a site plan because nothing is changing. They have to meet building code and fire code. There are no issues from the Department. Ms. Scott read Ms. Wood's memo to the Board.

The Chairman entertained a motion.

**Ms. Post motioned to approve a minor site plan change of use for Case #2012-22, seconded by Ms. DiFruscia. Motion passed 7 – 0.**

## **Financial Guarantees**

### **Ryan Farm Road**

- Ms. Scott stated that there were two outstanding items, the deed and the cistern. They have been completed and are now in compliance. There is an email from Attorney Campbell regarding the deed which is done and the Fire Department stating the cistern issues is taken care of, This is a request to release the \$2,500.00 cash guarantee the town is holding and accept a section of the road (a portion of Ryan Farm Road (St 9 + 75 to 15 + 64))

The Chairman entertained a motion.

**Ms. Post motioned to recommend to the Board of Selectmen to accept a portion of Ryan Farm Road (St 9 + 75 to 15 + 64)) and release the remaining \$2, 500.00 cash financial guarantee, seconded by Ms. St. Laurent. Motion passed 6 – 0 – 1 with Ms. DiFruscia abstaining because this will come before the Board of Selectmen.**

## **NHDOT Crosswalk and Pedestrian Beacons**

- Ms. Scott stated the Board has in their packets her original memo dated 6/12/12 regarding the NHDOT Crosswalk and Pedestrian Beacons and there is also an email and map from Mr. Peter Stamnas showing the crosswalks and sidewalks.
- The Chairman asked for clarification of what the Board of Selectmen is asking for. Ms. Scott stated the Board needs to decide if there should be one or two crosswalks and if they only want one, where would they want it. Also, if the Board wants a beacon it is recommended for the new 111A and not recommended for Range Road.

### Board Comments/Questions

- The Board questioned if there would be a light at Range Rd. The Plans seem very confusing. The more safeguards they have for pedestrians would be best. Has the Fire Department commented? Ms. Scott stated the Fire Department has sent their comments to the BOS. Ms. DiFruscia stated the BOS was also concerned about pedestrian safety. The Board questioned where the beacon will be. Ms. Scott stated they can recommend what they want to the BOS. Some questions were raised as to whether or not a traffic light was needed for the Hawk system. There was also a concern about causing accidents with too many lights. There was a discussion about having more crosswalks. Ms. Sycamore suggested a red light at 111 and 111A, and a Hawk system at Range Rd and 111. He also questioned if you could have 4 trigger points for a Hawk System. Ms. Scott stated each Hawk controls one. Ms. Nysten asked if the Board could have Mr. Stamnas come and speak to the Board. Ms. Scott stated she would ask him. Ms. DiFruscia stated Mr. Stamnas spoke at the BOS meeting and went through the details and the BOS felt input from the Planning Board was important.
- Ms. Post doesn't recommend a Hawk System if there are going to be traffic lights anyways. She asked if the Hawk System stops traffic from all streets coming into the intersection. Ms. Scott stated yes. Ms. DiFruscia recommends signage that notifies people, perhaps DOT can provide, to protect pedestrians in crossing areas. Ms. Maloney suggested a flashing light at the crosswalk with a tweeter noise. Ms. Nysten suggested crosswalks be well marked and painted. She would also like box crosswalks in both locations. Mr. Sycamore question why there wouldn't be a light at Range Rd. Ms. Scott stated that in the planning stages, Police and Fire didn't want one due to the gridlock it would cause. She stated that modeling doesn't support multiple traffic lights in that area.

The Chairman polled the Board as to whether or not they wanted more information or move forward with a recommendation.

Ms. Nysten – Would like more information

Ms. Post – Ready to move forward

Ms. Skinner – Ready to move forward

Ms St. Laurent – Ready to move forward

Mr. Sycamore – Ready to move forward

The consensus of the Board was to move forward.

The Chairman entertained a motion.

**Ms. Post motioned to recommend to the Board of Selectmen that one Hawk Beacon System on Rt. 111 at the Range Road intersection, seconded by Mr. Sycamore. Motion passed 6 – 0 – 1 with Ms. DiFruscia abstaining.**

- Ms. Scott will give the Board of Selectmen the Board's recommendations and questions.
- Ensure that there is adequate signage in this area indicating to drivers that there are pedestrian crossings.
- Questioned if the HAWK system stops traffic from all directions at a 4-way intersection and if not, how do pedestrians safely cross?
- Should there be crosswalks at all intersections allowing pedestrians to cross where there are sidewalks.
- Should parallel crosswalks have multiple buttons to allow pedestrian crossing?
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#### **Site Plan Regulation Workshop – Parking, Stormwater, and Traffic**

- Mr. Steve Keach of Keach-Nordstrom Associates addressed the Board and went over his Draft Traffic Circulation and Parking Regulations memo.
- Mr. Keach first addressed Access and Circulation Requirements.
- Ms. Post question Mr. Keach about the meaning of “planned in the future” in A5. Mr. Keach stated that often in CIP Plans there is an extension of sidewalks. He has worked for other towns that have the developer put the sidewalks in when they build. Ms. Post stated that if they are using the word “shall” in that section she would like some more definitive language. Mr. Keach stated that could be cross references to the Master Plan. Ms. DiFruscia stated in A5 that the wording “shall be constructed” means the developer has to put in the sidewalk but after that, the Town would be responsible for them. Ms. St. Laurent stated that the Village District Center Guidelines say that sidewalks be constructed or a space made available for them. Mr. Keach stated the question was if the Town wanted sidewalks.
- Mr. Sycamore asked about the Gateway District and Village Center. Ms. Scott stated if it was in the Zoning already, the Board does not need to add that. Mr. Keach stated the Regulations needed a uniform standard.
- Ms. Nysten asked what sections these were replacing. Mr. Keach stated Sections 1210.2 & 1210.3.
- The Chairman was concerned about some businesses having a back up of cars at times. Mr. Keach stated he speaks to that issue further in his memo and will address that.

- Ms. Maloney asked if this would prevent a Y shaped drive-thru with 2 lanes. Mr. Keach stated it does address that.
- Ms. St. Laurent questioned B4 regarding ADA. She stated it should be 9 feet. Mr. Keach stated that could be changed.

#### Mr. Keach addressed Parking Requirements

- The Chairman stated this is a good opportunity to look at more green space in parking lots and rain gardens. Mr. Keach stated rain gardens are not a particular good idea. The Chairman is looking for something bigger than 5%. Ms. Scott stated that the next meeting Mr. Keach attends regarding the Regulations he will address that.

#### Other Concerns/Comments from the Board

- The Board questioned if there is a smaller site, is there a size or threshold that would make the site infeasible. Mr. Keach replied yes. The Board asked Mr. Keach if he could research the correct number of parking spaces. Mr. Keach stated there is not a lot of data on that but there is data on water management. It was pointed out that DES has studies of large area and that it depends on the size of the parking lot what kind of storm management is needed. The Chairman asked Mr. Keach to do some research on A4 parking requirements. Mr. Keach was questioned about where ½ foot candle reference in A6 came from. Mr. Keach replied it was insurance standards. Suggested by the Chair in B1 that “at the request of the applicant” is struck.
- Question regarding B4 u, Child and Adult Day Care Facilities if that number was for enrolled. Ms. Scott stated it should be for licensed capacity. Question regarding B4 aa, Public & Private High schools. Ms. Scott stated it should be clarified for “capacity.
- Ms. Post questioned where the numbers for minimum parking density came from. Mr. Keach stated they came from National Standards, American Highway Safety, Caltrans, ITD and the American Planning Association. Ms. DiFruscia asked if they were specific citations. Mr. Keach stated they have a range of numbers. Ms. Scott explained to the Board how the numbers are looked at for towns and city uses. There is also a waiver provision in the Zoning. She thinks having a range is not a good idea. Ms. Post thinks a range of numbers is good. Mr. Keach only knows one town that uses a range. Ms. St. Laurent stated there are so many different usages and the Board sees a lot of change of use applications and she thinks the developer should decide that. Ms. Scott stated that they do that now and there is a waiver if necessary. Mr. Sycamore stated they should look at retail and restaurants. Ms. Scott stated most retailers think they could have more parking and certain restaurants have issues at certain times of day due to queuing in the drive thru. Ms. Nysten stated there are lots of issues with busses blocking roads in Windham at schools. Mr. Keach stated that schools were built when most children walked and trends have changed.
- Ms. Scott recommended combining C1 1 & 2 and making it 9 feet per Ms. St. Laurent’s suggestion.

- Ms. St. Laurent questioned if there was an understanding of how to measure a parking space (C1). Mr. Keach explained that.
- Ms. Scott addressed Mr. Keach and stated that on Page 1, no. 5, Windham does not have a sidewalk plan. The Chairman stated the Board can think about that and the Board of Selectmen would decide. She stated that discussion would be postponed to another night.

The Board took a recess at 9:30 pm and was back in session at 9:37 pm.

The following items were tabled until the next meeting.

### **Town Meeting Workshop**

Appendix A-1

Multi-Family Items

Additional Items to Consider

Workforce Housing

Code/ZBA Administrator Suggestions – Watershed Protection and Signs

### **Meeting Minutes Review and Approve**

April 4, 2012 (Reconsideration)

- Did not need reconsideration

June 6, 2012

- Amendments and additions were provided by the Board. Ms. Scott stated there was also comments from Mr. McLeod in an email of July 10, 2012 about the minutes but did not provide any language. It was about the WFH application. He stated in the middle of the 4<sup>th</sup> paragraph of page 6. The Board was cc'd on this email. Mr. McLeod questioned if the minutes reflected enough information about the application. Ms. Post stated they weren't focused on that and she stated she and Mr. Cronin discussed the application. Ms. Post stated this bullet point in the minutes doesn't discuss that. Ms. Scott stated that there was discussion at the BOS meeting regarding the application/fees for WFH. She stated the Board received the application/fees in their June 6<sup>th</sup> packet. Ms. Scott stated it was part of the Board's packet and Attorney Campbell also discussed this at the meeting. Ms. Post and Ms. Nysten didn't recall a discussion about the \$300 fee. Ms. Scott stated Attorney Campbell spoke to it at the meeting and it was part of the application process. Ms. DiFruscia stated it came up at the BOS meeting and Mr. Case stated he spoke to 4 Planning Board members who didn't recall the discussion. Ms. DiFruscia stated it was in the June 6<sup>th</sup> packet, it was something that Attorney Campbell talked about, about third party monitoring, who would review the applications, people being qualified and there was a discussion about it. The Chairman stated she remembered the discussion because she was concerned about



the \$300 fee and the Town should not have to pay that. Ms. DiFruscia stated there was a whole discussion about this. Ms. Scott stated it was part of the application that Attorney Campbell spoke to and there was a letter from him saying he approved. Ms. Post would like something in the minutes regarding this as it was a significant discussion. The Chairman stated there was a bullet point in the minutes that speaks to this. It was a condition of approval. The minutes will be approved as amended and that point will be reconsidered at a later date. The Board concurs.

The Chairman entertained a motion.

**Ms. DiFruscia motioned to approve the June 6, 2012 minutes as amended, and wait for the fund information regarding the fess, seconded by Ms. Skinner. Motion passed 5 – 0 – 2 with Ms. Skinner and Mr. Sycamore abstaining.**

**June 27, 2012**

- Amendments and additions were provided by the Board.

The Chairman entertained a motion

**Ms. Post motioned to approve the June 27, 2012 minutes as amended, seconded by Mr. Sycamore. Motion passed 4 – 0 – 3 with Ms. St. St. Laurent, Ms. Skinner and Ms. DiFruscia abstaining**

July 11, 2012

- Amendments and additions were provided by the Board.

The Chairman entertained a motion

**Ms. Skinner motioned to approve the July 11, 2012 minutes as amended, seconded by Ms. Post. Motion passed 5 – 0 – 2 with Ms. DiFruscia and Ms. Nysten abstaining.**

**July 18, 2012**

- Amendments and additions were provided by the Board.

The Chairman entertained a motion.

**Ms. Skinner motioned to approve the July 18, 2012 minutes as amended, seconded by Ms. DiFruscia. Motion passed 6 – 0 – 1 with Ms. Nysten abstaining.**

**Adjournment**

The Chairman entertained a motion to adjourn.

**Ms. DiFruscia motioned to adjourn at 11:05 pm, seconded by Ms. Skinner. Motion passed 7-0.**

These minutes were approved August 15, 2012 and respectfully submitted by Cathy Pinette, Planning Board Minute Taker.