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COMMUNITY DEVELOPMENT

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Planning Board Minutes
November 14, 2012

Board Members:

Margaret Crisler, Chairman – Present
Ruth-Ellen Post, Vice Chairman– Present
Pam Skinner, Member – Excused
Kristi St. Laurent, Member – Arrived at 6:06 pm
Jonathan Sycamore, Member – Excused
Lee Maloney, Alternate Member – Excused

Carolyn Webber, Member – Excused
Ross McLeod, Selectman Alternate – Excused
Kathleen DiFruscia, Selectman, Member – Arrived at 6:18 pm
Sy Wrenn, Alternate Member – Present
Vanessa Nysten, Alternate Member – Present

Staff:

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

Call to Order/Attendance/Pledge of Allegiance

Chair Crisler called the meeting to order at 6:05 pm, followed by the Pledge of Allegiance and attendance. The Chair read the agenda for the evening.

- The Chair appointed Mr. Wrenn to sit for Mr. Sycamore, and Ms. Nysten to sit for Ms. Webber.

Ms. St. Laurent arrived at 6:06 pm.

Public Hearings – Applications

Case#2012-33/Lot Line Adjustment

A Lot Line Adjustment and WWPDP Special Permit Application has been submitted for 24 Stonehedge Road (13-C-11) & 11 McIntosh Hollow Road (13-C-12) located in the Residence District A, and Wetland and Watershed Protection District Zone (WWPD). The applicant, Peter Zohdi of Edward N. Herbert Associates, Inc., on behalf of the property owner, Nassar Investment Trust, is proposing to adjust the lot line between the two lots maintaining two (2) lots for single family residential development. Access to Lot 13-C-11 will be provided by an existing driveway easement onto Stonehedge Road. The WWPDP Special Permit Application is to construct a portion of a driveway and related grading within the WWPDP.

- The Chair asked Ms. Wood if this application was ready for acceptance. Ms. Wood stated yes.

Ms. Post read Case 2012-33 into the record.

- Ms. Post disclosed that she lives at 15 Stonehedge Rd and while not an abutter she will be recusing herself from this case.

The Chair entertained a motion to accept for public hearing.

Ms. Nysten motioned to accept Case 2012-33 for public hearing, seconded by Mr. Wrenn motion passed 4 – 0.

- Mr. Peter Zohdi of Edward N. Herbert Associates, Inc., on behalf of the property owner, Nassar Investment Trust addressed the Board. He stated he had no objection to Ms. Post sitting on the Board for the case. Ms. Post stated she would recuse herself.
- Mr. Zohdi stated this subdivision, which he did, was 17 lots and was part of Sammy's apple orchard. The frontage for the lot was on a proposed cul-de-sac. The Planning Board approval is to have a driveway on Stonehedge for one lot. They received a variance from the ZBA for the WWPD and also a variance for the lot not having any frontage on a Town approved road. It has a driveway easement onto Stonehedge.
- Ms. Nysten asked Mr. Zohdi to point out the Rail Trail on the plans which he did. Ms. Nysten asked if there would still be access to the Rail trail. Mr. Zohdi stated yes.

The Chair opened the hearing to the public at 6:12 pm.

- Ms. Ruth Ellen Post, 15 Stonehedge Rd, as a member of the public, addressed the Board. She stated when she purchased her lot she was told she had a walking easement on the driveway. She stated in the subdivision which was done in 1996 everyone in the neighborhood has this easement. She would like to verify with Mr. Zohdi what will become of the easement. Mr. Zohdi stated it will remain. Ms. Wood stated that on page 3 of the plans, it states a 10 foot walking easement. Ms. Post would like it noted on page 1 of the plan. Mr. Zohdi stated he would do that.
- Ms. Lynn Doucette, 22 Stonehedge Rd, addressed the Board. She stated her property abuts the easement. She was not notified of the ZBA meeting. She notified Ms. Scott of this. She asked Mr. Zohdi to explain if this was for a single home. Mr. Zohdi states it was for one home. She asked Mr. Zohdi where the lot line was on the plan and Mr. Zohdi pointed it out for her and the Board. Ms. Scott stated they are just changing the shape of the lots.

Ms. DiFruscia arrived at 6:18 pm.

- Mr. Jeff Doucette, 22 Stonehedge Rd., addressed the Board. He asked if there would be one home with an 800 foot driveway. Ms. Zohdi stated yes. Mr. Zohdi drew on the plan for the

Doucette's and explained to them where the proposed houses would be and where the proposed cul-de-sac would be if built. Mr. Zohdi said that Mr. Nassar posted a bond for the proposed cul-de-sac, and when he builds the cul-de-sac, he gets the (second) lot, and if he doesn't build the cul-de-sac, he doesn't get the (second) lot.

- Mr. Doucette asked how many trees would be taken down. Mr. Zohdi stated he did not know. The Chair stated normally the Board does a site walk. Mr. Zohdi stated they are not allowed to go outside the driveway easement to cut trees and not allowed to stump within the WWPD. Mr. Zohdi also said normally people are allowed to cut trees on their property. He stated he cannot cut trees on the easement. Ms. St. Laurent stated they can cut for 25 feet as the walking easement is 10 feet and the driveway easement is 15 ft.
- Ms. Nysten asked for clarification of where the walking trail is starting. She said it starts at the cul-de-sac, goes straight up and takes a sharp turn. Mr. Zohdi replied yes.
- Mrs. Doucette stated she wasn't aware it was a walking easement. She stated there are a lot of large boulders there and she would like them removed. The Chair stated they could take that into consideration. Ms. Wood stated that would be a civil issue.
- Mr. Doucette stated he thought they were put there so no one drives up the trail.
- Ms. Post stated they were put there by the builder. The boulders were put in to keep vehicles out. The easement was put in to let the residents of Stonehedge access the Rail Trail. She would like a note on the plan to specify which lots on Stonehedge have the easement.

The public portion of the hearing was closed at 6:25 pm.

- Ms. Wood stated the Board needed to consider the special permit first. She stated Conservation had no objection.
- Ms. Nysten asked if there was adequate fire protection for the lots. Mr. Zohdi stated that they had gone through the TRC. When they build the cul-de-sac there will be a cistern on the new road. To the best of his knowledge, the Fire Department had no issues. They are just before the Board to change the lot line. Mr. Zohdi said that they are not getting other lots, just changing the lot line.

The Chair entertained a motion.

Mr. Wrenn motioned to grant the special permit to construct a portion of a driveway and related grading within the WWPD since the easement has already been granted, seconded by Ms. DiFruscia. Motion passed 5 – 0.

Mr. Wrenn motioned to grant adjusting the lot line between the two lots maintaining two (2) lots for single family residential development, with the condition that the 10' pedestrian easement be noted on page 1 of the plans and reference the lot numbers in the original

easement grant, seconded by Ms. DiFruscia.

- Ms. Nysten suggested to note Mr. Keach's memo dated 10/25/12.

Mr. Wrenn amended his motion.

Mr. Wrenn motioned to grant adjusting the lot line between the two lots maintaining two (2) lots for single family residential development, with the condition that the 10' pedestrian easement be noted on page 1 of the plans and reference the lot numbers in the original (walking) easement granted, and with reference Mr. Keach's memo dated 10/25/12, seconded by Ms. DiFruscia.

Ms. Wood referenced the two items on her memo. The Chair said we'll reference the memo.

Motion passed 5 – 0.

Ms. Post was seated back on the Board.

Ms. Post read Case 2012-34 into the record.

Case # 2012-34 Preliminary Major Site Plan & Cobbett's Pond & Canobie Lake Watershed Application

A Preliminary Major Site Plan/Cobbett's Pond & Canobie Lake Watershed Application has been submitted for 49 Range Road (18-L-400), which is located in the Professional, Business & Technology, Residence A, Cobbett's Pond & Canobie Lake Watershed and WWP Districts. The application, submitted by Peter Zohdi, Edward N. Herbert Associates, Inc, on behalf of Mashop Development LLC, is to build an 8,624 sqft building and reconfigure the parking for a net gain of 27 parking spaces, in addition to new site lighting, signage and landscaping.

The Chair entertained a motion.

Ms. DiFruscia motioned to open Case 2012-34 for public hearing, seconded by Mr. Wrenn.

Motion passed 6 – 0.

- Ms. Scott stated this was a preliminary application. TRC has no issues with it. When the applicant fully submits the plan they will need more detailed information and it will be further reviewed such as Design Review, Full engineering, Keach Review.
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- Mr. Zohdi addressed the Board. He stated that there is an existing 24,000 sq ft building on the lot and they are proposing to build a 8,624 sq ft building and reconfigure the parking area for a gain of 27 spaces in addition to new site lighting, signage and landscaping for doctor offices. There is a little bit of wetlands, there is a culvert which is owned by the State and they are complying with all the regulations. He stated Ms. Scott has asked for a Wetland Study stamped

by Gove Engineering for Cobbett's Pond and Canobie Lake, limit of soils drainage and wetland study and design review, and he will do that and all that is required.

- Ms. DiFruscia stated that a portion of this lot is in Residential A and asked Mr. Zohdi where that was. Mr. Zohdi stated it was on the last 300 feet of the lot. Ms. DiFruscia said so none of the building or parking lot is in Residence A? Mr. Zohdi said no. Ms. Scott stated the information was on page 2 of the plans.
- Ms. Post asked where the WWPD line was. Mr. Zohdi stated none of it would be within the building area. Mr. Zohdi pointed it out on the plan. Ms. Post said that is a limit of soils and wetlands line and asked where the WWPD was. Mr. Zohdi stated it was 200 feet from the building.
- Ms. DiFruscia asked if the septic was adequate to sustain this size building. Mr. Zohdi stated that he did his calculations, it is State approved and Ms. Scott stated in her memo of 10/26/12 that the Building Inspector will need to review the calculations and comment on the adequacy of the exiting well and septic for the proposed plan.

The Chair opened the hearing to the public at 6:56 pm, hearing no comments the public portion was closed.

- Ms. Nysten asked Mr. Zohdi about Chief Martineau's comments requesting the owner to extend the water main from McDonald's or install a cistern in compliance with NFPA codes. Mr. Zohdi stated that Mr. Nickerson and Mr. Zohdi are trying to work with Pennichuck Water Co. to bring the water line up. If he can't, whatever he has to do with the Fire Department he will work with them. He has no problem putting a cistern in. Ms. Scott stated that whatever is necessary will be on the final plans. Ms. Nysten asked where the well was on the plan and Mr. Zohdi pointed it out. Ms. Scott stated it was in the parking lot.
- The Chair asked where snow storage would be. Mr. Zohdi stated it would be in the back of the building temporarily and would like to put more buildings there and as things progress they will make a new proposal for snow storage.
- Ms. Nysten asked if the well was adequate for 2 buildings. Ms. Zohdi states yes, whether it was Pennichuck or not. Mr. Zohdi said that they have to go to the State of NH for well and septic and it will be on the plan.
- Ms. DiFruscia asked how traffic would flow. Mr. Zohdi stated the traffic patterns would not change. Tight turn in, right turn out. Go on Delehunty Drive if someone wants to take a left.
- Ms. St, Laurent asked if the sidewalk could be extended near the Range Rd side for handicapped spots. Mr. Zohdi stated yes.

- Ms. Post asked if the applicant had any thoughts on building design. Mr. Zohdi stated it would be the same as they have across the driveway – the existing building.

The Chair entertained a motion.

Ms. DiFruscia motioned to close the preliminary hearing seconded by Mr. Wrenn. Motion passed 6 – 0.

Ms. Post read Case 2012-35 into the record.

Case #2012-35 Minor Site Plan/Change of Use Application

A Minor Site Plan/Change of Use Application has been submitted for 57 Range Road (18-L-303), which is located in the Professional, Business and Technology District. The applicant, James Lavellee Associates, on behalf of Aragon Investments, is proposing to change the use of the building from one full retail business with some warehousing to two businesses with limited retail, warehousing and professional services. There are no proposed exterior site modifications proposed.

- The Chair asked Ms. Scott if this was ready for acceptance.
- Ms. Scott stated it was a change of use and all materials have been submitted.

The Chair entertained a motion.

Ms. Post motioned to open Case 2012-35 for public hearing, seconded by Mr. Wrenn. Motion passed 6 – 0.

- Ms. Scott stated all of the information necessary was in the Board’s packet. This is a grandfathered, non conforming site and parking per decision of the ZBA in 2007. The proposal is to make it more conforming to the parking regulations and uses. The applicant is proposing to change the use of the building from one retail full time business with some warehousing and repair services to two businesses with limited retail, warehousing and professional services. There are 9 existing parking spaces, no freestanding sign and no exterior modifications are proposed. HDK Direct is an online retail store and that will occupy the first floor, they have limited walk in retail sales, there are 2 employees and there is daily deliveries/pickups. Thamer Photography will occupy the second floor. They are a photography business and more work is done off site than on. They have 1 employee and most visits to the store are by appointment only.
- Mr. Tim Lavelle, of James Lavellee Associates, on behalf of Peter Mullett, Aragon Investments, addressed the Board. He stated Ms. Scott pretty much went over everything that was proposed.
- Ms. Nysten asked if they would be doing photography development on site. Mr. Todd Thamer, of Thamer Photography stated that mostly everything is done digitally.

- Mr. Wrenn asked what the retail online store sells. Mr. Jeff Kaplan, HDK Direct, stated they sell health and beauty items.
- The Chair asked Mr. Kaplan if they warehouse their items there. Mr. Kaplan stated yes.
- Ms. Post asked if the grandfathered use includes using the second story. Ms. Scott stated yes.
- Ms. St. Laurent asked if there was any thought to designate deliveries to the front as parking is an issue there. Mr. Kaplan stated deliveries are usually small UPS like trucks and they are not there for more than 15 minutes. He usually brings the items in in his own vehicle.
- Ms. Post asked for an explanation on “up to 15 parking space” as she sees only 9 on the plan. Ms. Scott stated under the proposal they have 9, the grandfathered spaces were 17. They would be giving up 8 spaces and forever change the number of spaces. Ms. Scott stated they would be coming more into conformance. Ms. Post stated she is concerned about the number of parking spaces. Mr. Lavelle stated the parking is maxed out. The State actually took some land from the property. Septic is in the back under the parking lot and the well is out front. The proposed usage does not require a lot of parking. The site has been limited due to the parking issue. Ms. Post asked how many spots each business would need. Mr. Kaplan stated he needed 4 at most and was open days. Mr. Thamer stated he needed 3 at most and he was open nights and weekends.
- Ms. DiFruscia asked where snow would be stored and disposed of. Mr. Peter Mullett of Aragon Investments addressed the Board. He stated it is usually pushed onto the guardrail and they have contracted in the past to have Delahunty’s remove it. The Chair questioned the use of pushing it into the guardrail. Mr. Mullett stated if it gets to be a large volume they will remove it.
- Ms. Nysten asked if the parking spaces were assigned. Mr. Lavelle explained where the entrances to the building were, there were 2 for downstairs and 1 for upstairs and there was no designated parking. Ms. Nysten asked if it was acceptable to the Fire Department having only one entrance for upstairs. Ms. Scott stated they would need to get a Certificate of Occupancy. Ms. Nysten asked if there were sprinklers. Ms. Scott stated no.

The Chair opened the hearing to the public at 7:15, hearing no comment, public comment was closed.

The Chair entertained a motion.

Ms. Post motioned in light of the nature of the two businesses, the separate day and evening schedules, the low level parking needs of each business and the uses appear uniquely appropriate for this site to grant the change of use, seconded by Ms. DiFruscia. Motion passed 6 – 0.

2013 Town Meeting Workshops

Section 619 Workforce Housing

- Ms. Woods stated this is the third time this Ordinance has come to public meeting. She stated that at the workshop on 10/31/12 the Board reviewed the proposed edits to Section 619.6.6 and 619.7.2.1 along with legal comments from Attorney Campbell. The Board agreed that Attorney Campbell's concerns for Section 619.6.6 needed to be addressed and that more research had to be done to determine whether or not to make edits to Section 619.7.2.1. Based on the meeting she has provided edits to be considered tonight (See Ms. Wood's memo to the Planning Board dated 11/9/12 regarding the appeal period language and increasing the WFH project from 5 acres to 10 acres).
- The Chair stated that at the last workshop, Attorney Cronin asked if the Board wanted large parcels of WFH or parcels here and there. Ms. Post stated she was concerned about the percentage of what was in the Rural District being 5 or 10 acres. Ms. Wood stated the Board had a chart in their packet showing the comparison and the available acreage. For 5 acre WFH projects, there is 1,421.84 acres of vacant land available and 1,898.22 total acres of land. The 10+ acre numbers were accidentally inverted. For 10 acre WFH projects, it should read 992.63 acres of vacant land available and 1,238.02 total acres of land. Ms. Wrenn asked what the logic was for changing it now from 5 to 10 acres. He stated the last time this was discussed years ago, the Board came up with 5 acres as opposed to 2 acres. He suggested leaving it at 5. The Chair, Ms. Post and Ms. DiFruscia stated it should be left at 5 acres.
- The Chair stated Attorney Campbell provided language for the appeal period in his email dated 11/9/12. The consensus of the Board was to use Counsel's language.

The Chair entertained a motion.

Ms. DiFruscia motion to move to public hearing Section 619 Workforce Housing, seconded by Ms. Post. Motion passed 6 – 0.

Section 612 Village Center District

Section 200 Definitions, Section 605.1 Business Commercial District A, Section 617.1 Business Commercial District B, Section 604.1 Neighborhood Business District, Section 614.2 Professional, Business and Technology District, Section 618.2 Gateway Commercial District, Section 606.1 Limited Industrial District, and Section 712 Governmental Installations.

- Ms. Wood stated Mr. Glenn Greenwood of the Rockingham Planning Commission would be presenting the Village Center District's Subcommittee's recommendations revision to the Village Center District Ordinance, Section 612 for consideration at the 2012 Town meeting.
- Mr. Glenn Greenwood addressed the Board and handed them a copy of his presentation and also displayed it on the computer. He stated they spoke to three different sets of property

owners in the district. They talked about expanding the district but there was minimal support. Owners were interested in what the changes would do for them. The Sub committee has additional uses that they are proposing, a new section that outlines prohibited uses, and a section for conditional uses. They have attempted to clarify some items. He went over their presentation packet. In the process the subcommittee found out that there was a large water supply under the Nesmith Library. The Chair stated she was on the original Village Center Committee and Board of Selectmen when there was a proposal by a landowner to use that water supply but she doesn't think the plan came to fruition. Mr. Greenwood spoke about community wells and community septic being beneficial to those in the District for buildings in close proximity. The subcommittee talked about the Design standards and thought the Village Center could have their own but now that the Town has Design Standards they are open to using it.

- Ms. DiFruscia and Ms. Post both congratulated the subcommittee and were very impressed with the amount of work and how concise it was.
- Ms. Post stated the uses are on target with possibly the exception of funeral homes due to parking needs and the proposed ordinance is on target with the prohibited uses. She wanted the subcommittee to know there is another subcommittee working on definitions. Mr. Greenwood stated that Ms. Scott is keeping him in the loop on the definitions. Ms. Post stated that she likes that the conditional uses permits gives developers flexibility but she is concerned about no front, side or rear setbacks. She was wondering if that makes it less pedestrian friendly. She told Mr. Greenwood about recent concerns the Board had heard on narrower road widths regarding safety and maintenance. She also understands what the subcommittee is trying to do and that narrower roads can have a traffic calming effect.
- Ms. Nysten questioned apartment buildings with up to 24 units and 48 bedrooms. She stated we currently have a max of 6 units. She stated the Board would not have any specifications on how many feet between buildings, lot sizes, etc. She is also concerned with the language on townhouses and duplexes structures which lists as having a max of 8 units and up to 16 bedrooms. Duplexes are designated as two units so there is a discrepancy. Mr. Greenwood said that he would clarify this.
- Mr. Greenwood and the Board discussed definitions. Ms. Post stated that the definition Subcommittee is a work in progress and the Village Center Subcommittee can look at what they are working on.
- Ms. St. Laurent stated this will be on the ballot in 2013 and everything on the ballot needs to jive. The Village Center District has these definitions because they did not want to get convoluted.
- Ms. Nysten asked if the Subcommittee needed to address overnight parking like recreational vehicles. Ms. St. Laurent stated there would be spaces for them in their apartment building parking lot. The Chair stated that would need a site plan.

- Ms. Nysten stated in the last sentence of Section 612.4.1 it references 612.1 but it should just be 612. Section 612.4.2 mentions 612.2.1 which should change. Ms. St. Laurent and Mr. Greenwood stated there were still some numbering issues they will be fixing.
- Ms. Nysten asked if in Section 612.2.1 if that language should be tweaked to clarify 15,000 sq ft total area as it could be interpreted two different ways and she is not sure it is clear if it is an additional 15,000 sq ft or 5,000 sq ft. Ms. DiFruscia and the Chair stated it should be 5,000 sq ft. Ms. St. Laurent stated it is 5,000 sq ft. Ms. Nysten suggested making the wording “gross floor area”.
- Mr. Wrenn stated they are looking for directions from the Planning Board this evening. They have a meeting this coming Monday and would like feedback and accommodate the direction of the Board. They wanted to get this part done so they could work on other areas of the Ordinance. If the District is ever developed how they want, they have to address the infrastructure. They had one presentation from DES and will have another.
- Ms. DiFruscia agrees that it’s very important to work with DES to address how to service septic and for the water supply. If those needs are met, then the rest falls into place.
- Mr. Wrenn introduced Ms. Tracy Partington and Mr. Chris McCarthy who are also on the Subcommittee and were in the audience this evening and he wanted to thank them.
- Ms. DiFruscia asked how they would supply septic and supply water which is the groundwork for this District. Working with DES how those needs are met is essential. Mr. Wrenn stated the way the Town’s ordinance and site development regulations are, and well radius, they would never have a Village Center District. Ms. DiFruscia stated it has to be addressed in a different way in this district.
- Ms. St. Laurent stated, to address Ms. Nysten’s comments regarding lot sizing and adding more units per lot and requiring more space on lots with water and septic, helps provides buffers to the abutters and keeps the overall density down. What they are trying to do in this district is increase the density. Making a typical section of a small town. There would be zero lot lines with businesses and apartments up above. One use that they added was 612.2.13 which is small community systems and sharing. If a land owner wanted to make some of his land a community septic or water or a larger lot could share theirs. After talking to DES it needs more investigation. Narrower roads also can take into account where sidewalks are appropriate. They would be looking at sidewalks so that it is truly walkable.
- Ms. Nysten questioned on page 3, where it talks about DES regulations, you would go by standards that State has and not the Town, correct. The Chair stated yes
- Ms. Nysten said Appendix A- 1 talks about the Village Center District and you are no longer requiring the 50 foot setback from 111 ROW. Ms. St. Laurent stated they already have the roadway in the ROW and there would be a huge swath of land, and they talked about having

things closer to the road and having a smaller road and businesses would be closer. They would like parking on behind the buildings. Rt. 111 has protective right of ways. If there were a bunch of different shops there wouldn't be a bunch of different driveways if a road was put in for shared entry from Rt. 111.

- Ms. DiFruscia commented that they were talking about more shared parking. Ms. St. Laurent stated yes.
- Ms. St. Laurent spoke about why they added funeral homes to the list of uses. They are a fact of life. They felt that funeral homes could be a complementary use to other businesses due to possible times of operation. Funeral home could possibly mark off spaces for a morning funeral and then remove markers later before businesses open. The Chair added that a historic home could be used as funeral home.
- The Chair stated that one of the original concerns was that if the Board rezoned the area with no minimum lot size and zero feet to the lot line they were concerned about someone coming in and putting in all the same buildings such as all townhomes or all shopping centers, etc.
- Mr. Wrenn stated it is self limiting without sewer and water. He said that they removed 40/40/20 (retail/office/residential) because it's difficult to regulate.
- The Chair stated the other question was access. Mr. Wrenn stated the Wall St Study showed a road going up to North Lowell Road. This Subcommittee's job was to encourage business. The Chair stated the objective was to also preserve historic homes. Ms. Wrenn stated they addressed historic homes in Section 612.5.6.
- Ms. Tracy Partington addressed the Board. She stated she shared the Chair's concerns about removing the 40/40/20 stipulation. They have discussed with a landowner, a developer and an architect familiar with the Village Center District. Stated the costs were prohibitive to develop all into homes especially topography was not good for homes on 111, and it doesn't make any sense for businesses to go in the back, that is what changed her mind.
- Ms. Post asked if they Subcommittee were comfortable with mixed use being a business on the bottom and apartments on top. Ms. St. Laurent stated they felt it was addressed by the uses allowed and did not want to dictate and they felt parcels would self dictate themselves based on the lot size, location and topography. The 40/40/20 stipulation would be hard to enforce. Is it per parcel or is it in the district? Ms. S. Laurent said that the Purpose Section and the Allowed Uses Section of the Village Center District Ordinance would help move development toward the vision of the district. They can ask developers to hold to the vision of the district.
- Ms. Nysten stated the Town's Regulations say "views and vistas". Ms. St. Laurent stated as a Subcommittee they were not sure what the definitions of "views and vistas" were. Ms. Nysten stated that when buildings are going to be on the street she prefers the massing be in the back versus the front. The Chair stated that is part of the intent. Ms. DiFruscia and the Chair stated

that is what the design regulations are for. Mr. Wrenn thinks you need to go through the Design Regulations points line by line and see which ones fit the Village Center District. They talked to business owners and some already share water and septic systems. The Chair stated there is a plateau that is behind the Town Hall that is higher ground. Ms. DiFruscia stated it is economically viable when land owners work together. Mr. Wrenn stated they tried to encourage landowners to work together to use shared parking, shared entrances, shared septic and other services. They spoke to owners from The Stove Shoppe and the building next door to it where they've been successful at sharing septic and access. He said it's important to share parking, services, etc. and they were able to work it out. Ms. DiFruscia feels that incorporating a master plan for developing the area is important. Landowners working together would find an economic benefit, and that's why the Planning Board was inclusive of land owners for the Village Center Subcommittee.

The Chair asked the Board if they wanted the Subcommittee to stay together and continue working on the District. The consensus of the Board was yes.

The Chair asked the Board if they wanted them to continue for this year to work on the Zoning amendments. The Chair stated she had some concerns about apartments. Ms. Nysten asked if there is a way of tying the apartments to mixed use for example apartments are permitted when attached to a business. The Chair stated that was the original intent to have businesses on the base and apartments on top. Ms. DiFruscia stated large apartment complexes were not the intent of the Village Center. It was more for business and apartments for young couples, single people, the elderly, etc. and without burdening the school system. We need to avoid a block apartment complex look.

- Ms. Post stated the subcommittee has used an incentive ~~structure~~ with the conditional use. She would like to encourage the Subcommittee to use incentives more to encourage having mixed use of residential and business in the same structure. The Chair agreed with Ms. Post.

The Board's consensus was to continue to move forward for this years Town Meeting.

The Board took a recess at 8:42 pm and was back in session at 8:53 pm.

2013 Town Meeting

Section 200 Definitions, Section 605.1 Business Commercial District A, Section 617.1 Business Commercial District B, Section 604.1 Neighborhood Business District, Section 614.2 Professional, Business and Technology District, Section 618.2 Gateway Commercial District, Section 606.1 Limited Industrial District, and Section 712 Governmental Installations

- The Chair, Ms. Post, Ms. Nysten, Ms. Donovan and Ms. DeAngelo worked on this Subcommittee. The intent was to come up with new definitions that were more precise and what Zoning districts they should be in.
- Ms. Scott stated the Subcommittee wanted to allow an allowed use for walk-up ATMs and she omitted that by accident and will be put in.

- The Chair stated the first thing was to define definitions and delete some. She will read the word for the definition and if any member of the Board has an issue she asked that they speak up. The Chair read the proposed changes for non-residential Zoning Districts as outlined in Ms. Scott's 11/12/12 e-mail attachment.
- Mr. Daniel Muller from Attorney John Cronin's office addressed the Board. He stated he had an allowed use question regarding drive-thru's. It appears in several sections including 614.2.12. He stated they are allowed in pharmacies and banks but nowhere else. They should be allowed in other places unless it is a health or safety issue otherwise he considers it a design issue.
- The Chair stated it was more of an issue of traffic for restaurants as they have more traffic issues. Ms. Post stated that the subcommittee was presented with numbers regarding traffic volume produced by fast food drive-thru's, and fast food type restaurant traffic volume is significantly higher than pharmacies and banks.
- The Chair read the list of definitions and detailed the three different types of restaurants - Fast Food, Sit Down and Full Service.
- Ms. Post stated the Subcommittee wrestled with Commercial Services, Professional Services and Personal Services. She explained each definition and how they came up with them. Professional Offices has a much longer list of examples that we feel makes it clearer, and it was suggested that this would be helpful to the ZBA. She stated that in regards to restaurants, they were helped tremendously by the Bev Donovan of the Economic Development Committee as they had to cover all bases because there is overlap and crossover with restaurants.
- Mr. Wrenn questioned if the intent was to allow a full service restaurant in a certain zone and not a fast food restaurant. Ms. Post stated they have three separate definitions so if the Board wanted to, it could decide where to put them. The Board could decide if they wanted them in different districts or not.
- Ms. DiFruscia stated it was good if they have three definitions in case you didn't want a certain type of restaurant in a district you could specify having a definition.
- Ms. Nysten stated she had the traffic studies for PM (not for AM) peak times for drive-thrus. She stated the following for PM peak hours per 1,000 sq ft building: Fast Food with Drive-thru is 33 trips/hour, a coffee/donut shop with a drive thru is 42/43 trips/hour, Coffee donut shop with no indoor seating is 75 trips/hour, a sit down restaurant is 11 trips/hour, a quality or full-service restaurant is 7 trips/hour. Bank drive-thru's are 25 trips/hour and a pharmacy drive thru is 10 trips/hour. She stated the Subcommittee was really concerned about traffic. We don't know how traffic will be impacted when the Rt. 93 ramps are completed. Certain parts of Town get traffic backed up already.

- Ms. Post stated it said nothing about drive-thru's in the restaurant definitions and ~~that is~~ drive thrus are being addressed independently of restaurants in two ways: 1) In terms of a where a drive thru would be permitted and which kind of drive thru is permitted or prohibited (ex. fast food, pharmacy, bank drive thrus) and 2) In the Site Plan Regulations, i.e., where a drive thru is permitted relative to proximity to existing curb cuts, driveways and intersections. In order to avoid gridlock at lights or people coming in or out at the same time on opposite sides of the street. She stated she hopes Mr. Keach comes up with some well researched and realistic statistics on where drive-thru's access can be go relative to other driveways, curb cuts and intersections particularly with Fast Food with that kind of traffic generation. We're hearing a lot of complaints about existing drive thrus.
- Discussion by the Board on other definitions such as Retail Sales can include a show room for whole sale sales without bulk storage of materials; Wholesale Use vs. Wholesale Sale. Use will be changed to Sale; Tattoo shops can't be completely prohibited but we've defined it.
-
- Ms. Post read the Sections on the proposed Specific Uses in each District while referencing the zoning map, and the Board and Ms. Scott discussed.
- Ms. Scott will add to all the districts
- Ms. Nysten stated she is now having second thoughts about bank drive-thru's now that she had found the numbers.
- Ms. Nysten commented that in Section 604.1 Neighborhood Business District - she doesn't know if the word "majority" is the correct word as a majority is 51% or more. There was a discussion about using the word "seasonal". The Board's consensus was to change the wording to say "retail sales which are contained within a building and are primarily for the residents of the area". Ms. Scott stated the Subcommittee for the Site Plan Regulations is working on outdoor sales also.
- The Board discussed the wording "residents of the area". Ms. St. Laurent stated that only "retail" had that language in that section. Mr. Wrenn does not like that language. Ms. DiFruscia stated it was used for the type of business that would fit in a neighborhood. The consensus of the Board was to use the proposed language because it fits the Purpose Section of Neighborhood Business and we're describing the type of business that would fit within the neighborhood business district not where the consumer comes from.
- Consensus of the Board was to put all "not permitted" uses such as drive thrus at the end of each section.
- The Board and Ms. Scott discussed restaurants and drive-thru's. Ms. Post stated drive-thru's will be regulated in the Site Plan Regulations. Ms. Nysten stated the Board has had a lot of public input on ~~this~~ the PBT and she wanted to make sure it is clear in the Hearing Notice that there are changes in the allowed uses. Ms. Scott will write an article up for the newspaper

leading up to the next hearings, and it will be more expansive discussing that we're looking to allow different uses in districts. The Board discussed whether or not this was a Zoning change. Ms. Scott stated they are just clarifying the language.

- The consensus of the Board was to use “restaurants” and get rid of the definitions and use Restaurants in all Sections. Ms. Scott said that different kinds of restaurants would be allowed and some could have drive thrus in certain districts. Ms. Nysten asked Ms. Scott to explain to the public that this means the various types of restaurants.
- Ms. Post asked where drive-thru’s are proposed to be allowed. Ms. Scott stated in Limited Industrial and Commercial A.
- Ms. Nysten asked about restrictions for overnight parking. Ms. Scott said that we have flexibility through site plan review.
- Ms. Nysten asked if commercial kennels should be included in Commercial A and Limited Industrial because that passed last year. Ms. Scott stated it is in the Kennel Ordinance.
- **Section 712**
- Ms. Scott stated the subcommittee wanted to make sure the Planning Board has a right to hold the hearing and not the Board of Selectmen. Ms. Nysten asked if the Board is covered by the proposed language. Ms. Post stated yes, they referenced the RSA. Ms. Scott will send the proposed changes to Attorney Campbell.

The Chair entertained a motion.

Ms. DiFruscia motioned to move to public hearing Section 200 Definitions , Section 605.1 Business Commercial District A, Section 617.1 Business Commercial District B, Section 604.1 Neighborhood Business District, Section 614.2 Professional, Business and Technology District, Section 618.2 Gateway Commercial District, Section 606.1 Limited Industrial District, and Section 712 Governmental Instillations , seconded by Ms. Post. Motion passed 6 – 0.

Planning Board Rules of Procedure

Per NH RSA 676:1, notice is hereby given that the Windham Planning Board will hold a public hearing to adopt amendments to “Windham Planning Board Rules of Procedure”.

The Chair entertained a motion.

Ms. DiFruscia motioned to open the Public Hearing on the Planning Board Rules of Procedure, seconded by Ms. Post. Motion passed 6 – 0.

- Ms. Scott stated the Board had an email from Attorney dated 11/9/12 and an email from Mr. Tom Case dated 11/11/12. Ms. Scott stated sections 3.5, 5.4 and 5.9 were changed. She had asked Attorney Campbell about the proposed language change in the minute's section and to clarify that once minutes are approved, they cannot be changed and would need to be reconsidered and not be sent back to anyone on the Board for revisions.
- Ms. Nysten asked about Section 3.5 page 3, Last sentence "Discussion on the draft minutes on the proposed amendments /corrections will only take place at a public meeting" Ms. Nysten thinks it sounds like we can't discuss anything about the minutes at all. She thinks it should say between Board members. Ms. Post said that it can't be discussed between Board members. Ms. DiFruscia said that if someone from the public calls you up and wants to discuss something that was said in the minutes, that's fine you can discuss it. You cannot, however, have that discussion between Board members. Ms. Nysten also asked if we're discussing about the amendments and corrections to the minutes only and not about for instance a Board Member asking to go over minutes in general. The Board replied yes.
- The Chair suggested in order to make sure that the approved amendments are reflected in the minutes, the Chair should be signing off on the amendments and giving to staff. Ms. Post thought the Chair had enough to do.
- The Chair stated that Mr. Case's email was referring to Section 10.1.
- Mr. Case addressed the Board. He stated that the document he read online seemed to indicate the Board of Selectmen authorized the CIP Committee. He stated it was authorized by Town vote and would like it changed.

The Chair entertained a motion.

Ms. DiFruscia motioned to adopt that Rules of Procedure as amended, seconded by Ms. Post. Motion pass 6 – 0.

Section 200 Definitions, Section 602 Rural District, Section 603 Residence Districts A, B, and C, Section 604 Neighborhood Business District and APPENDIX A-1

Under Section 200, delete existing "Dwelling: Multi-Family" definition and replace it with "A residential structure containing three or more attached dwelling units occupied exclusively for residential purposes, which requires Site Plan Review Approval. Multi-family dwellings do not include commercial accommodations for transient occupancy" and add new definition for "Dwelling – Duplex: A residential structure that contains 2 attached dwelling units located on a single lot. The dwelling units must share a common wall or common floor/ceiling, have a separate access to each. This type of dwelling is not considered an Accessory Apartment, as regulated in Section 602.1.9"; Delete the language from Section 602.1.3 (Rural) and move the language to a new Section 604.1.11 (Neighborhood Business District); Delete Section 603.1.4; Add a new Section 603.3 stating "In Residence "B" and "C" Districts, multifamily structures are permitted. There shall be a maximum of six (6) attached dwelling units per multifamily structure. A structure containing three or more

attached dwelling units shall be subject to Site Plan Review”; Add a new Section 603.4 stating “In Residence “B” and “C” Districts, duplex dwelling are permitted provided that the units be similar in size (square footage) with no more than 10% difference. If more than one duplex dwelling structure is located on a lot, site plan review is required”; Amend Appendix A-1- Table of Requirements “Res B Multi-Family District” to read “Res. B District” and to add “unit” after “dwelling for “min. lot frontage in feet”, “min. side yard in feet” and “Min. rear yard in feet”; ; “Res.C District” to have the same standards as the revised “Res B District”; Amend Note 4.1 to read “In Residence B and Residence C Districts, there shall be 40 feet minimum distance between dwellings, duplex and/or multifamily, on a lot”; Delete “for multifamily dwellings containing two (2) dwelling units, 2,000 square feet per bedroom” from Note 5.1; and add Note 5.2 to read “For each duplex dwelling on a lot more than one, an additional 2,000sqft per dwelling unit is required.”

The Chair entertained a motion.

Ms. DiFruscia motioned to open the Public Hearing on Section 200 Definitions, Section 602 Rural District, Section 603 Residence Districts A, B, and C, Section 604 Neighborhood Business District and APPENDIX A-1, seconded by Mr. Wrenn. Motion passed 6 – 0.

- Ms. Scott stated she has made the changes the Board suggested. Attorney Campbell (his 11/9 e-mail) has suggested language changes in section 603.3 and 603.4 to make it clearer. He suggested 603.3 read “In Residence B and Residence C Districts, one (1) or more multifamily structures are permitted on a lot. There shall. and Section 603.4 read “In Residence B and Residence C Districts, one (1) of more duplex structures are permitted on a lot, provided that....” He suggested Note 4.1 read “In residence B and Residence C Districts, when there is more than one (1) structure containing dwelling units on a lot, there shall be forty (40) feet minimum distance between structures.”
- Ms. Scott stated in Section 5.2 the Ms. Scott said that she was struggling with that. Ms. Scott added it in under Note 5.2 and Attorney Campbell questioned that. She asked if the Board wanted to add 2,000 sq ft to every lot that has a duplex for each bedroom.
- Ms. Nysten stated they needed to show Note #5 and add “duplex” to that per Attorney Campbell’s email.
- The Board had a lengthy discussion regarding duplexes, dwelling units, if they wanted an additional 2,000 sq ft for each additional bedroom per unit or per dwelling, etc. The Chair suggests that we should continue this public hearing.
- Ms. St. Laurent questioned what the intent of the language is. The Chair would like to keep the intent the same. The Chair does not wish to change any of the requirements of current zoning.

The Chair entertained a motion.

Ms. Post motioned to continue the Public Hearing for Section 200 Definitions, Section 602

Rural District, Section 603 Residence Districts A, B, and C, Section 604 Neighborhood Business District and APPENDIX A-1, seconded by Mr. Wrenn. Motion passed 6 – 0.

Old/New Business

- Ms. Scott stated there were a lot of items on the agenda for the 28th and she suggested meeting at 6:00 pm due to extensive agenda. The Chair polled the Board and it was decided to meet at 6:00 pm. Ms. Scott stated Mr. Keach would be doing a presentation. Ms. Nysten would like Mr. Keach to just speak about drivethrus because she wants to make sure that we don't have a lapse in the site plan regulations in (regard to drive thrus) Ms. Scott stated he would talk about drive-thru's among other things.

Adjournment

The Chair entertained a motion.

Ms. DiFruscia motioned to adjourn, seconded by Mr. Wrenn. Motion passed 6 – 0.

Meeting adjourned at 10:50 pm.

These minutes were approved 1/2/13 with edits and respectfully submitted by Cathy Pinette, Planning Board Minute Taker.