



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

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Planning Board Minutes
November 28, 2012

Board Members:

Margaret Crisler, Chairman – Present
Ruth-Ellen Post, Vice Chairman – Present
Pam Skinner, Member – Present
Kristi St. Laurent, Member – Arrived at 6:17 pm
Jonathan Sycamore, Member – Excused
Lee Maloney, Alternate Member – Present

Carolyn Webber, Member – Excused
Ross McLeod, Selectman Alternate – Excused
Kathleen DiFruscia, Selectman, Member – Arrived at 6:12 pm
Sy Wrenn, Alternate Member – Arrived at 7:00 pm
Vanessa Nysten, Alternate Member – Present

Staff:

Laura Scott, Community Development Director
Nancy Prendergast, ZBA/Code Enforcement Administrator
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 6:07 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.

Site Plan Regulations Workshop

- Ms. Scott stated this was the third workshop with Mr. Keach and the draft is on the Town's website. She stated Mr. Keach went through Section 700 and did some amendments the Board wanted. There is a new Section 1000. He also did some work on the drive-thru's. Ms. Scott sent the draft to Police, Fire, and Highway. The Fire Chief had no comments, the Police Chief and Highway Agent will look at it.
- Ms. Nysten stated that last time Mr. Keach was here she thought the Board would have a redline version but now they don't. There are Sections that were in the old draft and no longer there and she would like to go over them. The Chair stated they would look at that after the new material.
- Mr. Steven Keach of Keach Nordstrom addressed the Board. He stated one of the items the Board was concerned about was lighting. The Chair asked Mr. Keach if he could address Ms. Nysten's comments. Mr. Keach said that he was currently dealing with design. One of the reasons the Board and Department opted to do a rewrite was order.

Ms. DiFruscia arrived at 6:12 pm.

- Mr. Keach stated under exterior lighting he asked the Board what they wanted because right now the Town has no existing standards. He has added to Section 701. In Section 701.1 .2 he changed the wording to reflect what the Board wanted to add 75° from vertical.

Ms. St. Laurent arrived at 6:17 pm.

- The Chair stated she was looking for dark sky friendly. Mr. Keach said he is putting in the concept of that but is not a real defined word.
- Ms. Nysten stated she doesn't like white lights, and Mr. Keach agreed and stated they are not inviting. The Chair stated they didn't want yellow lights. Mr. Keach stated to have a CRI of less than 60 conflicts with bright lights. The Chair stated she wasn't sure if the Board wanted to specify. Ms. DiFruscia asked if 75 degrees from vertical is measured by the people install them. Mr. Keach said yes. Ms. Post commented that if the Board is not happy with a CRI of 60 they could change “may” to “shall”. Ms. Scott stated there is still the Site Plan Regulations and the Board can grant waivers. Ms. Post stated with the CRI being mandatory, she thinks that statement should be changed. Mr. Keach stated the Board can take it out if they want. The Board wants the CRI to be clarified to include lens colors. The Chair stated to change “shall” to “should” in Section 701.1 .2.
- Ms. Scott stated Mr. McLeod asked for a definition of solid waste which will be added to the definitions.
- Ms. Nysten stated in Section 701.1.3 there is a line missing. Mr. Keach stated he will put that back in.
- Mr. Keach stated he has added language to Sections 702.1.1 and 702.2.3 regarding drive-thru's. Ms. Post stated it does not address some sort of limitation. The concern with a drive-thru entrance or exit could be the traffic. Mr. Keach stated in Section 702.1.1 the Board can require the applicant have a traffic study. Ms. Scott stated that most applicants that come before the Board that need a traffic study are major site plans and they come for preliminary meeting with the Board first. Ms. Post would like to see drive-thru's mentioned in the language somewhere. Mr. Keach stated in Section 702.2.3 it specifically addresses drive-thru's. Ms. Post would like it in Section 702.1.1. Ms. Nysten asked about traffic studies and queuing. Mr. Keach explained that the Board can ask the applicant for what they want in the scope of the traffic study. Mr. Keach will add to Section 702.1.1 “all proposals with drive-thru's shall...”.
- Ms. Nysten stated in Section 701.2.3.3 the word “temporary” is put in. Mr. Keach stated that he doesn't want any permanent solid waste storage in there. Ms. Nysten stated before they had an “environmental” hazard. Mr. Keach stated he changed it to public or private nuisance.

- Ms. Nysten stated in the existing Site Plan Regulations it discusses on and off-site traffic studies. She questioned whether that should be included. Ms. Scott stated in Section 702.1.1 it covers all traffic studies.
- Mr. Keach stated in Section 704.2.1 regarding street tree strips, both Chiefs had concerns. He added “street trees shall be planted not closer than 25 feet to one another within a public right-of-way, closer than 15 feet from the edge of pavement of any driveway or public street, no within 15 feet of the drip line of any pre-existing overhead utility lines”. He stated this now takes care of any sightline issues the Chiefs were concerned about.
- Mr. Keach spoke about Section 1000.
- In Section 1001.2 he recommends a contractor provide the Town with a certificate of insurance. The Board had a small discussion on this. Mr. Keach will change the language to state the Highway Department and the Board of Selectmen shall be provided a copy.
- Section 1001.3 – access is necessary to the site at all times for vehicular traffic was added.
- Section 1001.4 – the Community Development Office may issue a temporary certificate of occupancy under certain circumstances.
- Ms. Nysten asked about Section 1001.1 and land clearing and clear cutting. Ms. Scott stated if an applicant is in front of the Board they're locked into the existing conditions. Mr. Keach indicated applicants are locked in if limits to tree clearing are specified on the plan which would have to be addressed in a separate section of regulations.

Mr. Wrenn arrived at 7:00 pm.

- Mr. Keach stated Section 1002 language was added to get a performance guarantee for sites that need completion and/or timely restoration. Ms. Scott asked if we could add in some that ties into the Town, non-completion, or timely restoration.
- Section 1002.2 is edited to say “to the Town”.
- Section 1002.4 will be changed to” Board of Selectmen” from Planning Board on releasing sureties.
- Section 1003 – Mr. Keach stated this is similar language to what we have today. Ms. Post asked what is done now and Ms. Scott explained it to the Board.
- Section 1003.2 – this Section gives the Community Development Department authority to serve as the Planning Board's representative. It also gives the Department authority to decide if changes to prove site plans are major or minor.

- Mr. Keach stated a new Section will be added numbered 1004 regarding “as built”.
- Ms. Nysten stated in Section 703.1 it used to say” in loading areas”, also there is a Section missing regarding screening. Ms. Scott stated it is still covered in Landscaping.
- Ms. Nysten stated in Section 703.1.2 the wording has changed from “adjacent“to “directly abutting”. Mr. Keach and Ms. Nysten discussed the definitions with the Board.
- Ms. Nysten said in Section 703.1.2 paved surfaces need to be clarified.
- Ms. Nysten stated she had two questions regarding lighting and off-site parking that she thought were missing. Mr. Keach explained where that was addressed in the new language.
- This Nysten stated in Sections 703.2.4.23, 703.2.4.24, and 703.2.4.9 it should also state “motor vehicles”.
- Ms. Nysten asked about landscaping driveways and stated that is no longer in there. Mr. Keach stated he doesn't think it was useful. Ms. Scott stated our regulations would cover the intent of the language.
- Ms. Post questioned the minimum parking requirements in Section 703.2.4.12 and asked where that came from. Mr. Keach stated a variety of sources were used when he put that together. The numbers are the minimum for a mid range to a better restaurant. The Chair stated that stacking is addressed elsewhere. Mr. Keach stated he will take that out.
- The Chair pulled the Board as to whether they wanted Mr. Keach to come back in before the Board. The consensus of the Board was yes. Mr. Keach will attend the December 19th meeting at 6:00 pm.

The Board took a recess at 7:32 PM was back in session at 7:37 pm.

125 Indian Rock Road Sign Change Request

- Ms. Prendergast stated she had a question regarding the approved site plan for 125 Indian Rock Rd. and the permanent signs. The approved site plan states the wall sign will have an ivory matte background and the freestanding sign would have an opaque background. She has an application for permanent sign and a letter from the owner stating the original renderings were submitted for concept only and not color.
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- Ms. St. Laurent remembers the Board had a long discussion about the signs and they wanted uniformity with the buildings across the street. They discussed light and dark colored backgrounds and the applicant was talking about having a light colored sign. She remembers the Board approving the colors. Ms. DiFruscia say there was lots conversation on the sign and she agrees with the St. Laurent. Ms. Post stated it is a prominent area of town and she thinks it's

important to go for consistency and uniformity on a single building. Aesthetically it is more appealing. She wants to keep the uniformity with the coloring of the letters and the style on all signs as originally approved.

- Mr. Dan Hutchins, BG Signs, addressed the Board. He stated the tenants requested their logos, lettering, etc. When he saw Ms. Pendergrass he was told the colors were all ready approved. He stated he could make them uniform, possibly red and blue. Ms. St. Laurent stated she doesn't see any uniformity in that.
- Mr. Wrenn stated they had a similar discussion with Howie Glenn's project. He stated the Board has Design Regulations and it should be uniformity and it was spelled out in the original approval. The Chair agreed with Mr. Wrenn.
- Ms. Prendergast stated she is before the Board to see what the Board's intent was on the site plan. The Chair stated the Board wanted what was originally approved.

2013 Town Meeting Workshop

Cobbett's Pond and Canobie Lake Watershed Protection Ordinance (Section 616)

- Ms. Prendergast stated this was the second workshop the Board has had on the Cobbett's Pond and Canobie Lake Watershed Protection Ordinance. She has made a few changes from input received by the Planning Board and the Conservation Committee at the November 7th meeting. She has revised the definition of impervious surface to include gravel driveway and parking areas, she has reformatted and modified Section 616.6.1 to further clarify the three applications in their required submittals, in Section 616.6.2 she has added language "and acceptable to the town engineer", and she also added language to the new Section 616.6.3 stating that no building permit for development within the watershed will be issued without an approved watershed application on file. She stated she has worked with Ms. DiFruscia on this ordinance.
- Ms. DiFruscia stated she was very satisfied with the work that has been done, it keeps the intent of the ordinance, and clarifies issues that come up before the Zoning Board of Adjustment.

The Chair opened the hearing to the public it 8:50 PM.

- Ms. Betty Dunn addressed the Board. She asked what the reason was for doing anything with the ordinance. Ms. Prendergast stated they have three applications under this ordinance and there was confusion with where to find the information. She stated now it is much clearer and some language was taken and moved around. She stated this also clarified a question the Zoning Board had regarding site construction if it was over time or within the current situation. Ms. Dunn asked if Section 616.10 was now somewhere else. Ms. Prendergast stated that it is now under 616.6 and is split up into Sections. Ms. DiFruscia stated she has cross-referenced the whole document and everything is still in there. Ms. Dunn stated that adding the language "and acceptable to the town engineer", regarding erosion controls is great.

The Chair entertained a motion.

Ms. Post motioned to move the Cobbett's Pond and Canobie Lake Watershed Protection Ordinance edits to public hearing, seconded by Ms. DiFruscia. Motion passed 7 – 0.

Gateway District (Section 618.1)

- Ms. Wood stated that based on a concern raised by a citizen and discussed at the November 7th workshop. The Planning Board examined the nature of the wording in the zoning ordinance regulating uses within the Gateway District and expressed concerns about the possibility of unintended uses being allowed in the district based on the wording of Section 618.1. The Board asked staff to present this concern to town Council asked for a legal opinion.
- Attorney Campbell stated there could be more than one way to address this issue. One way would be to pull out the provisions of Section 605.1.11 into its own Section adding specific language that sexually oriented businesses are a particular category of retail sales limited solely by the provisions of the new Section. Ms. Wood stated that Attorney Campbell does state that the Gateway District isn't the only place there is a hole where they could have these businesses, he suggested changing the definition.
- Ms. DiFruscia agrees with Attorney Campbell and stated it would take away any ambiguity. The Chair agrees with Ms. DiFruscia and stated it would go into the definitions. Ms. Nysten stated we have a sexually oriented business ordinance with a definition.

The Chair entertained a motion.

Ms. DiFruscia motion to move the definition of sexually oriented businesses to public hearing, seconded by Ms. Nysten. Motion passed 7 - 0.

- Ms. Wood stated the Board also asked about gasoline sales in the Gateway District. She stated Attorney Campbell stated he suggests that they would not be permitted under the existing language because that is a use that is defined other places as different from retail sales.

The consensus of the Board was in agreement with Attorney Campbell's memo regarding gasoline sales

The Chair reopened 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.

Ms. Post read the hearing notice.

Town Meeting Public Hearing – Continued 11/14/12

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.”

- Ms. Scott stated she made the changes the Board wanted and she redid Note five based on legal counsel's comments.
- The Board discussed duplexes, single lot, multiple duplexes on one lot, and duplex dwellings.
- Section 604.1 .11 – will conflict with nonresidential. Ms. Scott will make a note. The wording “occupied by an owner” shall be added.
- Ms. Nysten stated Note 7 in the existing regulations and Appendix A-1 needs to be added. Ms. Scott said we didn't need number seven as we have the exact same language in Appendix A-1. Ms. Nysten stated we need to add the word duplex. Ms. Maloney stated we should take out any references to Appendix A-1 and just move forward with the definitions and move Appendix A-1 until next year. Ms. Nysten stated it should be left as foot notes 7 and 8 and add the word duplex. The Chair stated the Board should take Appendix A-1 off the table for this year and leave notes 7 and 8 in. It was discussed that these changes would go through, but the next public hearing item on the agenda (Appendix A-1) would be tabled.
- The Board discussed “duplex dwelling” and “duplex structure”. It should be consistent throughout the document. The consensus of the Board was to use the wording “duplex dwelling”.

- In the proposed definition of duplex take out located on a single lot. And Section 603.3 and 603.4 use the word dwelling. 604.1.11 add “and owner occupied”. Notes 7 and 8 add “duplex dwelling”.
- Section 5.3 should say “if” instead of “is”.
- Ms. Nysten asked to make sure that all the numbering was correct in the document.
- Ms. St. Laurent suggested the Board does not table Appendix A-1 until next year and do it now. She questioned if they do the table now and it's accurate and they both pass, or one passes and the other one doesn't, what happens. Ms. Scott stated Attorney Campbell writes the warrant and he would take all that into consideration. Ms. Nysten stated the Board shouldn't do Appendix A-1 this year and not next year either. The Board will discuss Appendix A-1 next on the agenda.

The Chair opened it up to the public. Hearing no public input, the public portion was closed.

The Chair entertained a motion.

Ms. Skinner motioned to move to town warrant Section 200 Definitions, Section 602 Rural District, Section 603 Residence Districts A, B, and C, Section 604 Neighborhood Business District and Appendix A-1 with changes, seconded by Ms. Maloney. Motion passed 7- 0.

- Ms. Betty Dunn addressed the Board. She asked if the Board is changing some numbers in Appendix A-1 does that mean they have to change the Appendix matrix and put it on the ballot. Ms. Scott and the Chair both stated yes.

The Chair opened the public hearing on Appendix A-1 and Appendix to Section 601.2.1.

Ms. Post read Appendix A-1 and Appendix to Section 601.2.1 into the record.

Town Meeting Public Hearing

Appendix A-1 and Appendix to Section 601.2.1

Reformatting Appendix A-1 Table of Requirements and renaming it “Appendix A-1 Chart”; Amend “Notes for Table” by moving the language for Note #1 to Appendix A-1 Minimum Lot Area by Soil Type Notes #1-4 and adding new language to Note #1 “See ‘Table of Requirements Minimum Lot Area by Soil Type’ for lot sizing requirements”; for Note #2 adding “for Lot Frontage” deleting “Private roads may be allowed to satisfy frontage requirements in Residence B District”, and adding “Frontage on private roads may be used in calculating lot frontage requirements, but lots exclusively abutting private roads are not buildable without zoning relief”; moving Note #5 to Minimum Lot Area by Soil Type Note #9, moving Note #5.1 to Minimum Lot Area by Soil Type Note #10, renumbering Note #4.1 to Note #5, moving Note #6, #7 & #8 to the Notes Section of the Appendix A-1 Chart, renumbering Note #9 to Note #7, adding Note #8 “In addition to the information in Appendix A-1, refer to Section 610 Housing for Older Persons, Section 611 Open Space Residential Overlay District, and Section 619 Workforce Housing Overlay District for lot sizing and/or

dimensional requirements for lots within those types of developments”; moving_Notes #10, #11, #13 & #14 to the Notes Section of Appendix A-1 Chart, for Note #12 deleting “except that” and adding “For Side & Rear Yards”, and renumbering Note #15 to Note #6; Reformatted “and/or review the ‘High Intensity Soils Maps for New Hampshire Standards’ by the Society of Soil Scientists of Northern New England (September 2002) for assistance in interpreting soils types” to the end of the Section, amend new Note #1 by deleting “in Table of Requirements Minimum Lot Area by soil type”, and to move Appendix to Section 601.2.1 to Section 601.2.

- The Chair agreed with Ms. Maloney and suggested the Board move Appendix A-1 and Appendix to Section 601.2.1 until next year.

The Chair open the hearing to the public at 8:35 PM, hearing no comment, the public portion was closed.

The Chair entertained a motion.

Ms. Post motioned to move Appendix A-1 and Appendix to Section 601.2.1 to next year, seconded by Mr. DiFruscia. Motion passed 7 – 0.

- Ms. Nysten stated she has some strong concerns with allowing private roads to be used for frontage to satisfy frontage requirements on private lots throughout the Town which Laura has proposed. Ms. Scott stated we have that language in our existing regulations to allow it in Residential B. Ms. Nysten said that it’s not allowed in other districts, and in Att. Campbell’s memo (dated Nov. 25th) he does not support using frontage on private roads to satisfy frontage requirements. Atty. Campbell also does not believe that the proposed changes clarify Appendix A-1.

Ms. Post read Section 619 into the record.

Workforce Housing, Section 619

Amend Section 619.6.6 to state that the Planning Board, at the time of approval, shall determine the period of time in which an applicant may submit evidence on the cost of complying with conditions and restrictions contained within the Board’s approval, provided that it is not less than thirty (30) calendar days in accordance with NH RSA 674:60 (III) and to emphasize that all procedures outlined in NH RSA 674:60 (III) regarding conditions and restrictions of approval will be followed.

- Ms. Wood stated at the workshop on November 14, 2012 the Board reviewed proposed edits to the ordinance along with legal e-mail comments from Attorney Campbell. The Board agreed to adopt Attorney Campbell's language suggestions.
- Ms. Wood stated the changes are what the Board recommended and comments from Attorney Campbell are included in the Board package with a suggested language change by Attorney Campbell if the Board wants to adopt. The Chair suggested adopting Attorney Campbell's language to state " in accordance with NH RSA 674.60 III), the planning Board at the time of

approval shall determine the period of time in which an applicant may submit evidence on the cost of complying with conditions and restrictions contained within the Board's approval provided that it is not less than 30 days".

The Chair open the hearing to the public at 8:42 PM, hearing no comments public portion was closed.

The Chair entertained a motion.

Ms. Post motioned to move to warrant Workforce Housing, Section 619, seconded by Mr. DiFruscia. Motion passed 7 – 0.

Ms. Post read Section 611 into the record.

Open Space Residential Overlay District, Section 611

Amend Section 611.5.4.1 to clarify that submission of a yield plan is a requirement for all open space subdivision proposals; amend Section 611.6 pertaining to Road Standards, making the road standards for open space subdivisions the same as those for regular subdivisions, and; to amend Section 611.6.5 permitting the maximum building coverage of a lot in an open space subdivision to be up to 40%.

- Ms. Nysten questioned if Attorney Campbell was okay with Section 611.6.2. Ms. Wood stated he had no objections to the language as proposed.
- Ms. Nysten stated in Section 611, regarding 40% building coverage, she is not sure if the Board is comfortable with that and didn't know if they want to include the percentage of impervious surface. Ms. Post looked at the definition of building and stated it is defined in the building code. Ms. Nysten stated it was anything with a roof. Ms. St. Laurent stated that they could also consider changing the percentage of impervious. Ms. Wood stated they could compare it to a traditional lot. Traditional lots have 20% building coverage, no impervious and no open space.

Ms. Skinner motioned to drop the 40% building coverage and go back to 20% building coverage, seconded by Ms. Maloney. Motion failed 3 – 4.

- Ms. Post stated she was torn. She wants to encourage open space, there are still advantages when clustering homes if there is unusable land. It is also good for the wildlife. The Chair stated there are number of people in the public who are concerned about this.
- Ms. Wood stated if the Board wanted staff could come back and do a presentation on a traditional lot and an open space lot. Ms. DiFruscia stated that would be helpful to have a presentation.
- Ms. Dunn stated she wanted to see the presentation and questioned without the setbacks what does that create?

- The Chair stated the public hearing could be continued to date certain, December 12, at 7 PM.

Ms. Post motioned to continue the public hearing to date certain December 12 at 7 PM, seconded by Mr. DiFruscia. Motion passed 7 – 0.

The Chair opened the public hearing on Conservation Land Use, Section 600 and Section 200.

Ms. Post read Section 600 and Section 200 and to the record.

Conservation Land Use, Section 600 and Section 200

Amend the Zoning ordinance to allow Conservation as an allowed use within every zoning district within the Town of Windham, Section 600, and to add a definition of conservation use to Section 200, definitions Section.

- Ms. Wood stated there was a discussion at the November 7th joint workshop which was held with the Conservation Commission to discuss the challenges/problems that are perceived by the Board in terms of conservation land use along with possible solutions. Comments from the Town Administrator were also provided and taken into consideration by the Board. Based on that workshop, the Board decided to consider listing conservation as a land use within each zoning district in the Town and to add the term "conservation land" to Section 200. There was also confusion by the public which was a huge concern. The public was also concerned about not knowing where conservation use was allowed. Attorney Campbell stated it doesn't really affect practical use. The Chair stated Attorney Campbell recommended adding conservation land to Section 200 and the definitions of the zoning ordinance and insert conservation land is a permitted use in essentially all the zoning districts of the town. The Board consensus was to add conservation land use and the definitions.
- Ms. Nysten stated she doesn't think the Board needs to add to each district and suggested adding conservation uses allowed in all districts. The Chair agreed with Ms. Nysten. Ms. Wood stated there was a reason it was better to put it in each district.
- Ms. Dunn asked the Board why it was even necessary. Ms. Nysten stated the Board wanted a map to show where the conservation land was. The Chair stated some towns have conservation districts, most of the time conservation issues come up because the restrictions and the deeds. Ms. Post stated someone might have a legal argument since it is not allowed in any district. Ms. Dunn reminded the Board to remember the length of the ballot. Ms. Nysten stated how the Multizone Subcommittee realized there were no conservation maps. Ms. Post stated in the residential district it was not an issue but in commercial it could be an issue if someone wanted to develop. Ms. Wood asked the Board where they would like to add it into the ordinance. Ms. St. Laurent asked how to define conservation land, i.e. is a plan that is deeded, restricted, open space, etc. The Chair stated Attorney Campbell gave the Board a good definition and they could add that to the definitions. Ms. Skinner stated the concern was where the conservation land was on the map. The fear was because conservation land could be changed by town vote that something could be built.

- The Chair stated she was in favor of dropping the whole idea and just making a map.
- This Nysten suggested the Board might add a Section. She suggested it be added to Section 600 as 600.1 and add “conservation is allowed in all districts”. Ms. DiFruscia stated maybe the Board should take this up next year to address the concerns by mapping.

Mr. DiFruscia motion to not move forward with the Conservation Land Use Section and direct the Community Development Department to provide mapping that shows all of the conservation land, seconded by Ms. Nysten. Motion passed 7 – 0.

The Chair opened the public hearing on Zoning Ordinance Clarification, Sections 100, 603.1.5, and 300.

Ms. Post read the on Zoning Ordinance Clarification, Sections 100, 603.1.5, and 300 into the record.

Zoning Ordinance Clarification, Sections 100, 603.1.5, and 300

Amend Section 100, the Purpose statement of the Zoning Ordinance, to include the following purpose: proper use of natural resources in accord with other public requirements; amend Section 603.1.5 to refer to Section 704.2 for recreational vehicles, rather than Section 709; to change all references in the zoning ordinance to “Commercial A” zone to read “Business Commercial A”, and’ to update Section 300 to include the Workforce housing Overlay District in the list of existing zones, for the purposes of clarifying the existing zoning ordinance.

- Ms. Wood stated that all items in her memo are exactly as the Board wanted. There was only one item which was a citizen’s comment she had received. In Section 300, the citizen asked if we can update the Cobbett’s Pond/Canobie Lake Watershed District to be reflected in all ordinances. Ms. Wood thinks this is a minor change. Ms. Wood stated there were several comments by Attorney Campbell in his memo dated November 14, 2012 that the Board had this evening.
- The Chair read Attorney Campbell's letter of November 14 regarding minor amendments to the zoning ordinance which primarily focused on clearing out erroneous references are improving grammar. He is fine with adding proposed language to the " purpose" clause, Section 100. He stated the Board might want to consider an additional revision regarding the RSA. He stated the correction of the cross reference in Section 603.1.5 is in order and should be accomplished. He was fine with a global replacement to correct any places where the district may be incorrectly designated as Commercial A. And finally had looked at the suggestion to add reference to the workforce housing overlay district. He has no issues with adding it to Section 301 and suggested the Board also amend Section 302 to specify this new district is one “without actual boundaries”. The Chair stated Section 302 could be a major change and would need to be reposted.

The Chair opened the hearing to the public at 9:25 PM.

- Ms. Dunn stated in terms of whether on not it says “Cobbett’s Pond/Canobie Lake Watershed District” it could be a scribe’s error after Town meeting. It should be in there as it was adopted.

The Chair entertained a motion.

Ms. DiFruscia motioned to move Section 100 to warrant with corrections as noted, deleting the phrase Chapter 31:60 – 89 and replacing it with Title LXIV, seconded by Ms. Skinner. Motion passed 7 – 0.

Ms. St. Laurent motioned to move Section 603.1.5 as proposed with corrections to Town Meeting, seconded by Ms. Post. Motion passed 7 – 0.

Ms. Post motioned to move to warrant all references regarding Commercial A to Business Commercial A, seconded by Ms. DiFruscia. Motion passed 7 – 0.

Ms. Post motioned to repost Section 300 for another public hearing with changes by Attorney Campbell, seconded by Ms. DiFruscia. Motion passed 7 - 0.

Old/New Business

- The Chair stated Ms. Scott and she had discussions on soils and Mr. Keach is available to review with staff. Ms. Scott has left in her budget money to engage Mr. Keach to do this. The proposal is \$2600.
- Ms. Scott stated she will approach the Board of Selectmen to see if she can use this year's extra funds to hire Mr. Keach to redo the soil mapping. She has asked Mr. Keach for two public hearings, two Planning Board meetings and two Conservation meetings.
- Ms. Nysten stated there have been so many issues with the Site Plan Regulations she is concerned about this. Ms. Scott stated it would not be done until midyear 2013. The Board had a short discussion on soil mapping. The Chair stated lot sizes would be basically the same but it would be easy to read. Ms. Post questioned if there was a better way to spend the money. Ms. Scott stated she spoke to Southern New Hampshire Planning Commission and they are willing to help as part of our dues. Mr. Wrenn stated Mr. Keach said we currently use a 1950s table and he said we should be going to a 1986 table, what the State is currently using. Ms. St. Laurent stated she is in favor because there is no table to reference the calculations. The Chair stated she spoke to the Conservation Chair who had no objection and he would volunteer to be on the subcommittee. The Chair is in favor of hiring Mr. Keach. Ms. Nysten is hesitant to change the whole chart as she has spent a lot of time on the Site Plan regulations to make sure all corrections have been made. Ms. Maloney stated she did research and also spoke to the Rockingham Planning Commission who couldn't find any correlations with our chart. Ms. Scott stated Mr. Keach wasn't sure where our chart came from. The Board discussed who could help the Board understand the soil mapping. The Chair stated the Board could think about hiring Mr. Keach at a cost of \$2,600.00.
- The Scott stated the next meeting would be December 5, with meetings December 12 the 19th.

Adjournment

The Chair entertained a motion.

Ms. DiFruscia motion to adjourn, seconded by Ms. Maloney. Motion passed 7 – 0.

Meeting was adjourned at 9:50 p.m.

These minutes were approved 1/23/13 and respectfully submitted by Cathy Pinette, Planning Board Minute Taker.