



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

PO Box 120, Windham, New Hampshire 03087
(603) 432-3806 / Fax (603) 432-7362
www.WindhamNewHampshire.com

Planning Board Minutes
June 29, 2011

Roll Call:

Ruth-Ellen Post, Chairwoman – Present
Margaret Crisler, Vice-chair – Present
Pam Skinner, Member – Present
Kristi St. Laurent, Member – Present
Carolyn Webber, Member – Present
Jonathan Sycamore, Member – Present

Ross McLeod, Selectman Member - Present
Lee Maloney, Alternate – Arrived 7:15 p.m.
Sy Wrenn, Alternate – Present
Kathleen DiFruscia, Selectman Alternate –Arrived 6:15 p.m.
Vanessa Nysten, Alternate - Present
Rob Folan, Alternate –Arrived 7:01 p.m.

Staff:

Laura Scott, Community Development Director- Present
Mimi Kolodziej, Planning Assistant - Present

Call to Order/Attendance/Pledge of Allegiance:

Chairwoman Post called the meeting to order at 6:03 p.m. followed by roll call, attendance, and the Pledge of Allegiance.

Design Review Guidelines Workshop-Gateway District:

- Decision on
 - Regulations vs. Guidelines
 - Site Plan Regulations vs. Stand-Alone Document
 - Design Review Committee & PB vs. PB
- Presentation on draft Gateway District guidelines
- Discussion on next steps and timeline

Chairwoman Post highlighted Ms. Scott's memo to the Board regarding the decisions the Board will need to address. The Chairwoman recommended starting with the Guidelines that have been presented already and working through the Guidelines that Ms. Fitzgerald will present considering necessary decisions along the way.

Ms. Karen Fitzgerald, of FitzDesign, Inc., landscape architect and community planner, introduced herself and her presentation of Design Guidelines rough, first draft based on the Board's and Public's input as presented at the May 25th Public Workshop. She asked the Board to focus on the amount of detail she'll be presenting, the organization of material layout, thinking about the review process and its clarity for the property owner, developer, and reviewer. She intends to include photos and drawings to illustrate the intent once the text is where the Board would like it to be. Ms. Fitzgerald needs to be clear about the vision for this area of Town, and that she include and cover that in the Guidelines. Ms. Fitzgerald proceeded through her PowerPoint presentation with her interpretation of the Town's Master Planning and what she heard from the Public and Board.

Ms. DiFruscia arrived at 6:15 p.m.

Ms. Fitzgerald listed seven (7) points she would be covering in her presentation:

- A Gateway that reflects the identity of Windham
- An environment that encourages multi-modal transportation (walking, biking, vehicles, public transit)
- No drive-thrus, fast food chains, strip mall development
- Attractive mixed-use development
- Preservation/adaptive reuse of existing historic structures in the district
- Slow traffic down
- Signage control

Purpose

The Board proceeded to discuss the Purpose section of the draft. Ms. Webber would like to add “and feature variety within unity” in the first paragraph. Mr. McLeod would like to remove the reference to “corporate franchises” as it is not the form of ownership that matters, but the particular development itself. Ms. DiFruscia recommended the wording: “standards apply to all development, including corporate franchises and commercial development” for that section. Ms. Nysten suggested adding wording that requests that commercial building be complimentary to each other and that they take into consideration what they are next to.

Ms. DiFruscia suggested that the Board may want, at this time, to make the decision to use the word “guidelines” or “regulations.”

Chairwoman Post asked Ms. Fitzgerald to add the “corporate franchise” language and consider where Ms. Webber’s requested wording might be added.

Chairwoman Post took a poll of the Board’s word preference for either “guidelines” or “regulations.” The Board discussed the meaning and consequence of each word choice and was unanimously in favor of the word “regulations.”

Ms. DiFruscia would like Ms. Fitzgerald to rework the intent of sentence 3 in paragraph 2 so that it is clear about regulations, and there is no conflict with other language. The Board continued discussion about the language of this section. Vice-chair Crisler commented that the word “regulations” is a more powerful word and would prefer it to replace the word “guidelines” at every instance. Ms. Webber, referring to the third sentence in paragraph 2, suggested changing “guidance” to “rules.”

Ms. Scott said that once the Board has made a decision regarding which word to use, Ms. Fitzgerald will return to the document and adjust it making appropriate changes throughout.

Ms. St. Laurent asked about the waiver process and how it would address already existing or in process construction. Ms. Scott reminded the Board that they have a waiver provision in the site plan regulations; the Board will need to determine the criteria for the waiver to help them determine if a waiver should be granted. Ms. DiFruscia suggested that Ms. Fitzgerald come back to Board with suggested criteria that the Board could incorporate for granting a waiver for grandfathered situation, additions, and other potential exceptions. Ms. Nysten directed Ms. Fitzgerald to the Town of Meredith which has a waiver section that she might take a look at. Ms. Scott will do research on waiver language that could apply to all districts.

Chairwoman Post summarized the Board's discussion and decisions and asked Ms. Fitzgerald to include a waiver provision with criteria that is reflective of the purpose and overall intent. Ms. Fitzgerald suggested giving it its own section at the end.

Scope

Vice-chair Crisler thinks the Board should look at the official zoning map which should include highways. Chairwoman Post asked Ms. Scott for clearer version of the zoning map for next time.

Site Planning

Ms. Webber asked that bullet #1 add at the end the phrase, "which will demonstrate a New England style." She would like to add a bullet that states, "Respect historical architectural styles of growth and protect older neighborhoods."

Ms. Webber would like to see a sentence added to the objective paragraph that states: "there needs to be a transition from the commercial district to adjacent rural and residential districts." Ms. Fitzgerald will add appropriate language.

Ms. DiFruscia cautioned the Board about being too specific with language so that the Board loses sight of where they are going. She thinks the document is well constructed and worded. There are other sections that address many of the issues being discussed.

Chairwoman Post questioned the term 'High quality' as used in bullet 3 as being too subjective. The Board continued to discuss the various meanings of the term. Mr. McLeod reminded the Board that goals are broad brush strokes, and if the Board starts defining "high quality" they will need to address all other questionable adjectives. Ms. Fitzgerald reminded the Board that the standards that follow the goals section will produce the high quality; the goals are general statements. A decision was made to leave the #3 bulleted wording as presented.

Mr. Folan was arrived at 7:01 p.m.

General Site Planning Design Standards

Ms. Fitzgerald will make sure that the regulations are achievable due to the fact that there is no sewer. Ms. Scott and Ms. Fitzgerald will work on the storm water management section for the next workshop.

Vice-chair Crisler emphasized that the regulations need to address green space and the need for mature trees to provide ambiance and shade. This will also create a more attractive end result.

Ms. Webber suggested wording to be changed in the Façade Alignment section to avoid a wall of building facades. The Board discussed this wording, and Ms. DiFruscia thinks the Board needs to build in flexibility and replace the words "side by side" with the words "where feasible." The Board agreed. Ms. Scott suggested that a waiver could be requested and that the language about buffers and green space would also help prevent the wall of building façades. Board discussion continued about massing and facades.

Ms. Maloney was arrived at 7:15 p.m.

Circulation Planning

Chairwoman Post asked the Board about their concern with the requirements for Commercial parking spaces and its excessiveness. Ms. Scott reminded the Board that moving this issue into site plan regulations and out of zoning is being worked on for the next Town Meeting.

Ms. Nysten would like to see the Town encourage granite curbing, not asphalt. Ms. Maloney suggested adding the term “permanent curbing” which would eliminate the use of asphalt.

Parking Area

Mr. McLeod questioned, under Orientation, the use of rectangular shaped parking lot shapes as being too restrictive where another shape may be better. The Board agreed. Vice-chair Crisler applauded that 33% of parking area will be landscaped.

Ms. DiFruscia, talking about landscaping islands in parking areas, would like to see bioswales in the islands so that rainwater drains back into the land.

Pedestrian Areas

No comments.

Storm water Management

Ms. Scott and Ms. Fitzgerald will work on this section together. Vice-chair Crisler and Ms. DiFruscia suggested referencing the CPWOD language.

Landscaping

Ms. DiFruscia liked that ground cover was used in place of bark mulch.

Architecultural Standards

Ms. Webber drew the Board’s attention to page 9, bullet 6, where she would like to see the word “are” changed to “will be encouraged to be” redeveloped, with a period following. Following that, Ms. Webber would like it to read, “Those that are, will maintain their architectural integrity and reflect their historic heritage.”

Ms. Nysten, referring to Scale and Massing’s last bullet, would like to see it cut and pasted under Architectural Standards.

Ms. Difruscia, discussing the first bullet on page 10, had a concern with the use of “warehouses and storage spaces” and questioned whether they should be included in the Gateway District. Ms. Fitzgerald will insert the word “accessory” before the phrase.

On page 10, bullet 6, Ms. Webber would like the following language placed after the word areas on the first line, “with the use of full or half size side lights or transoms over the doors are encouraged.” This will be placed in the “Door and Window” section.

Building Height and Roof Design

Ms. Nysten suggested an additional bullet which would read: “The scale and proportion of proposed buildings should take into consideration the scale and proportion of the surrounding area. Visual conflict between properties should be minimized.” Ms. Fitzgerald will add this language.

Ms. Fitzgerald has not addressed building height. Ms. Scott explained that the Town has a maximum height requirement in our zoning ordinances. Ms. Fitzgerald suggested having a minimum height requirement to prevent a one-story building. Thirty-five feet is the Town height requirement in our zoning ordinances, aside from spires, copulas, chimneys etc. This is the height of a 3-story building. Ms. Scott will check with building code about minimum height requirement.

Ms. DiFruscia asked that the term “multi-story” be added to bullet #4. Ms. Nysten suggested adding, at the end of the sentence, “and strongly discouraged on multi-storied buildings.” No decision was reached.

Discussion continued about roof height and design. Ms. DiFruscia suggested changing the words “simple and” to “should” in bullet #2, with the Board reviewing it later. Ms. Fitzgerald will change the wording.

The Board discussed non-glare metal roofs and decided to keep the language as it is.

Mr. McLeod inquired as to whether gutters and downspouts would be considered on page 11, bullet #8. Ms. Fitzgerald will address.

Ms. Nysten, discussing bullet #7 on page 11, asked that the Board require that the equipment mentioned in the paragraph be hidden from public view by stealth walls, for example. Ms. Fitzgerald will address.

Proportion and Façade Articulation

Under Materials and Colors, bullet 3, the Board would like to change “sub-district” to an alternative word that Ms. Fitzgerald might offer.

The Board discussed the terms natural material in bullet #2 and colors in bullet #4. They would like to add some definition. Ms. Fitzgerald will work with the color term to address colors of historic periods, will add the word “Texture” to the heading, and will add wording to bullet #2 that says, “such as, wood, stone, brick, or materials that have the same feel, look, and visual effect.”

Windows and Doors

Ms. Nysten suggested adding a requirement for trim around doors and windows. Ms. Fitzgerald will address. Ms. DiFruscia mentioned the restriction for vertical windows. Ms. Fitzgerald will add language, “unless used as an accent” to bullet #2 and phrasing that asks the windows to keep with architectural style of the building.

Lighting and Mechanical Equipment

Vice-chair Crisler asked that lights be downward facing and dark-sky friendly. Mr. McLeod would like to see language that emphasizes downlit shielding illumination; recessed lighting if under a canopy, and no uplighting. Ms. Webber, referring to bullet #1, would like the following language

added at the end of sentence one,: ‘they should also be appropriate for the architectural style of the building.’ Ms. Nysten, referring to bullet #8, would like to add at the end, “... and will be fully screened.:” Vice-chair Crisler would like to see the word “dumpster” added after the word “utility” in bullet #8.

Ms. Fitzgerald will address the Board’s comments in the next Design Review packet and introduce more graphics for the next meeting.

Chairwoman Post opened the workshop to the public.

Mr. Patrick Nysten, referring to “Build to Line” bullet on page 2, thinks that lining up all buildings close to the road may not be a good idea to encourage. Mandating parking lots in the rear may address this issue. Having diversity is more conducive to the Windham environment. Constructing buildings close to the property line eliminates landscaping. Mr. Nysten thinks that the Cape-style, lower front-line roofs in the front should be added and remove the comment requiring the higher, salt-box style preference for the front. He also would like to see the Board discourage flat roofs and make reference to encourage gable roofs, hip roofs, etc.

Mr. Al Letizio of 5 Woodvieu Road restricted his comments to lighting. His building which has up-lighting at night would not have this option under the recommended regulations. He asks the Board to consider flexibility with this regulation. Mr. McLeod commended Mr. Letizio on the care he took with his property and its lighting. Mr. Letizio suggested that the Board focus on aesthetics as opposed to the mechanical, and the may better achieve what they are looking for.

Mr. Arthur Klemm of 25 Emerson Road asked the Board to clarify the allowance of compressors and AC units on flat roofs where the noise is removed. The Board assured Mr. Klemm that they were concerned with the visibility of the equipment which he has addressed. Mr. Klemm has received good comments about his LED lights in canopies at his building in Manchester which direct lighting straight down. He will be installing this type of lighting shortly in Windham and would like the Board to consider this.

Ms. Pynn wanted to know when the Town will institute these policies and what happens in the interim. Chairwoman Post explained that if the standards go into the site plan regulations, no Town vote is required but a public hearing by the Board and adoption of the regulation is necessary. . If the Board decides to use them as zoning ordinances, then they will need to go to a 2012 Town meeting. Until the Planning Board posts it for Public Hearing, it is as though it does not exist. Current zoning and site plan regulations are to be followed. After the Public Hearing, a site plan regulation could be effective by the end of the summer. These regulations are for the Gateway District only; but many of the regulations may be useful for other Districts once the Board considers them.

Mr. Nysten asked Mr. Fitzgerald to address signs/signage. Mr. Fitzgerald will address signs in the architectural section. Ms. Scott explained that the language in the site plan regulations must be consistent with what already exists in zoning ordinance for signs or remove the zoning ordinance that currently applies.

The Chairwoman closed to the Design Review Workshop to the public.

The Board decided to vote on whether they would accept the Design Review Regulations incorporated into the site plan regulations or as a stand-alone document. The vote was 10-0 to accept them as a stand-alone document.

Ms. Scott explained that there would be one Design Review Regulation Document which would include sections for all Districts; not a document for each district. Color pictures and diagrams would be easier and more economical in a stand-alone. This document will apply to the Gateway, PBT, and Neighborhood Business Districts.

Chairwoman Post asked the Board to decide if they wanted a Design Review Committee to make recommendations to the Board or have this be a Planning Board Review process. The Board discussed the options and the decision was split with good exploratory discussion. The Planning Board would be responsible for selecting the Committee should the final decision be for a Committee.

Ms. Scott will work with Ms. Fitzgerald on scheduling the next workshop.

The Board took a break at 9:06 p.m. and reconvened at 9:15 p.m.

Vice-chair Crisler was excused at 9:15 p.m. Chairwoman Post appointed Mr. Wrenn to be seated for Vice-chair Crisler.

2012 Zoning Amendment Workshop – Non-Residential Zoning Districts:

- Review and Revision of Purpose Sections
- Discussion on next steps and timelines

Ms. Scott highlighted what the Board had enlisted her to do at the last workshop, which was to look at the purpose section and incorporate the Board's discussion from the last meeting. Commercial District A and Commercial District B got separated out with no changes to the purpose sections. Language changes were made to Neighborhood Business District and Gateway Commercial purpose sections.

Ms. Scott reviewed the changes the Board requested from the previous workshop and reviewed the new language of the Neighborhood Business District purpose.

Chairwoman Post opened the Zoning Amendment Workshop to the public.

604. Neighborhood Business District

Mr. John Normington, 128 No. Lowell Road, thinks the new wording is fine. His concerns have been that the reference to "area" which could be the 4-5 neighbors; 20 houses or so, that oppose the growth or the traffic that utilizes the area from throughout a much larger area. Placing too many restrictions on the NBD is counter to what the Town is doing. He would like to keep business and keep the district historic. He does not think the Town should restrict what's already there-assembly halls; bingo hall, and pre-school which serves 5+ towns. Because there are no sidewalks, a neighborhood should be considered a much larger area with motoring public. He wrote a letter because he and his wife were not able to attend previous meetings. They were saddened by a recent

refusal to approve a family from opening a business in their District. The few neighbors that opposed it seemed to have persuaded the Zoning Board that a larger number of neighbors were also in opposition. What we need is open space and recreational interests, not another 90 homes. He thinks the removal of some previous language and the addition the new language is well written.

Mr. Sycamore asked Mr. Normington if he thought the number of neighborhood businesses should be restricted. Mr. Normington does not think they should be restricted.

Chairwoman Post summarized Mr. and Mrs. Normington's letter.

Mr. John Mangan from the Depot area attended these meetings to gain knowledge about what was going on. He asked if it means there are will be new businesses in the area. Ms. Scott explained that there is no restriction on the number of business in the depot area just the land area that is zoned for such use. Mr. Mangan asked if there could be an Adult Entertainment business. Ms. Scott explained that such a business is not allowed in the Neighborhood Business District.

Mr. Robert Jacob Ellis, 130 NorthLowell Rd, thinks the rewording is fine. The neighborhood has been kept the way it is because the neighbors have kept an eye on it. He believes the business in the neighborhood is for the neighbors.

Ms. Scott explained that the several pockets of NBD do not survive by serving just their neighborhood. What people like about the businesses in these areas, is that the businesses are small in scale. Ms. Scott suggested that the Board should craft what they want to see, not what the businesses sell and who they serve.

Mr. Jacob does not want to see the Town change. Mr. McLeod offered that the businesses in this area do primarily serve the area neighbors and then some.

Mr. Bob Young, Windham resident, likes the new wording and cautions the Board about putting in place a lot of restrictions. The incoming business themselves when considering if they can survive will do this.

Ms. Sandra Mangan has little concern about the wording, but is concerned about the type of businesses that might come into the area which may cause safety concerns and traffic problems. The many families coming from the rail trail crossing Depot Road are meeting with speeding cars that are not stopping. Her concern is also for what businesses might come into the area that would draw a lot more people causing yet more traffic and safety issues.

The Board discussed traffic calming methods, and Ms. Scott suggested the Board of Selectman review this issue as well as the Rail Trail Alliance and Police.

Mr. Bill Crucius of 5 Brown Road agrees with the wording and has run a business out of his house since 1991. He thinks the key word is "neighborhood." The gun shop's intent was to sell guns and ammo and should not be in the neighborhood but on route 28.

Mr. Ralph Valentine of Telo Road thinks that the placement of the word "primarily" in the NBD definition is very important and should be thought about. He further thinks that the word "minimal"

in the phrase “minimal impact” is closer to 0 than 10 and a business with five cars then exceeds minimal and would not be allowed in the district.

Ms. Kaye Normington, co-owner of Windham Junction, likes the wording but thinks it needs to be more specific. The businesses are not so much in the historic district of the Depot area; the businesses are more on No. Lowell Rd. To make it more like a village, you need more flourishing villages. The bingo hall and the day care center have not caused any problems. She would like to see those size businesses replaced by business of the similar size. She thinks that there are some grey areas that might prevent a family business from coming into the area.

Mr. Ellis would like the record to show that he does not run a business from his home.

Ms. Scott wanted to make sure the Public was aware that the Board was working on the big picture view, the vision for this area and would later move to clarify that the allowed uses fit the vision for all the NBD's in town, not just the Depot area NBD.

Chairwoman Post closed the Zoning Amendment Workshop to the public.

Mr. McLeod asked the Board to review the use of the word “primarily.” Board discussion ensued. The Board consensus was to remove the word “primarily.” This was the only change to the proposed NBD purpose section.

605. Business Commercial District A

The Board discussed the language and content in the purpose section of Business Commercial District A District. Ms Nysten proposed language that the Board eventually decided might be better addressed in the site plan regulations. The Board decided to leave the text as it is with the exception of removing the word “primarily” and to separate Business Commercial A, Business Commercial B, and Gateway Commercial Districts from each other

605.3 Gateway Commercial District

Ms. Scott reviewed the many suggested changes that the Board and Public targeted at the last meeting. Ms. St. Laurent noted that the other purpose sections were quite short. She proposed combining two purposes and suggested that other wording is better addressed in performance standards and design guidelines. She also thought “restaurants” should be added. Ms. St Laurent will work with Ms. Scott to make the changes requested. Mr. McLeod asked that the phrase read, “maintain ‘efficient’ traffic,” strike the word “from” before State Routes 111, keep “high quality,” strike “proposal” before “in the District” and asked the Board to think about the terms “architectural merit” and “economically beneficial”- who decides?

Mr. Sycamore was excused at 10:50 p.m. Chairwoman Post appointed Ms. Nysten to be seated for Mr. Sycamore.

Mr. Valentine explained that the Conservation Commission requested and paid for a cost of services study which the WEDC has reviewed a draft of. The study has determined that any development that is not residential is economically beneficial to the Town. For every \$1 of non-residential tax money collected, \$.27 is spent on services. The Town does not return very much of Town services

on commercial businesses. Ms. Scott stated that the Conservation Commission hired a consultant and the report has not been finalized yet.

Ms. Nysten stated that the report encourages the option of open space. The report shows that Windham has a significantly lower percentage of open space in comparison to many other NH towns.

Meeting Minutes-Review and Approve:

June 15, 2011 (public and non-public) minutes
May 18, 2011 minutes

**Ms. DiFruscia made a motion to postpone review of the minutes until the July 6th meeting.
Mr. McLeod seconded. Motion passed: 6-1. Ms. Nysten opposed.**

Miscellaneous:

June 20, 2011 Letter from Louis Hersch

For the record, Chairwoman Post announced that all Board members had a letter from Mr. Louis Hersch which she summarized. Chairwoman Post stated that she conducted a review of the 5/18 meeting and spoke privately to each individual privately. She determined there was no mal intent; simply a new member asking a more experienced member for help on how to craft a motion.

Master Plan Homework Assignment Due

Ms. Scott collected the Board's Master Plan homework to give to Ms. Wood. There will be a large Master Plan packet for the next meeting.

Adjournment:

Mr. McLeod made a motion to adjourn. Ms. Webber seconded. Motion passed: 7-0.

Meeting adjourned at 11:03 p.m.

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