



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

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**Planning Board Minutes**  
**December 5, 2012**

**Board Members:**

Margaret Crisler, Chairman – Excused  
Ruth-Ellen Post, Vice-Chairman– Present  
Pam Skinner, Member – Present  
Kristi St. Laurent, Member – Arrived at 9:05 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 7:08 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**

Vice-Chair Post called the meeting to order at 7:03 pm, followed by the Pledge of Allegiance and attendance. The Chair read the agenda for the evening.

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

The Vice-Chair stated the Board was having a public hearing for non-residential zoning district definitions and uses. She stated she would give a short description of the hearing notice as it was quite lengthy.

Ms. DiFruscia arrived at 7:08 PM

**2013 Town Meeting Public Hearing**

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

- Section 200 Definitions: delete definitions for “Hotel, Inn, Motel, Tourist Court or Lodging House” and “Professional Occupation”; add definitions for “Bed & Breakfast”, “Call Center”, “Commercial Service Establishment”, “Hotel/Inn” “Motel”, “Personal Service Establishment”, “Professional Offices”, “Retail Sales”, “Tattoo Shops”, and “Wholesales Sales”.

- Section 604.1 Neighborhood Business District: amend Section 604.1.1 by deleting the existing restrictions on “Retail” and adding “..sales, which are contained within a building and are primarily for the shopping needs of the residents of the area.”; deleting “business or...and banks” from Section 604.1.2; deleting “..or other places for serving food within the structure....and drive throughs are not permitted” from Section 604.1.3; deleting 604.1.4, and adding “Commercial Service Establishments”, “Bed & Breakfasts”, “Call Centers”, “Banks and walk-up ATMs”, “Personal Service Establishments, and “Drive-thrus are not Permitted” as allowed uses.
- Section 605.1 Business Commercial District A: delete Section 605.1.1 in its entirety; delete “or lodging houses” from Section 605.1.2; delete “..or other places for serving food. Drive throughs are not permitted” from Section 605.1.3; amend Section 605.1.12 by deleting “automobile” and adding “motor vehicle, trailer, boat, RV, and manufactured housing”; and adding “Call Centers”, “Retail Sales”, “Tattoo Shops”, “Accessory buildings and uses”, “Professional Offices”, “Personal Service Establishments”, “Commercial Service Establishments”, “Drive-thrus are permitted” and “Banks and walk-up ATMs” as allowed uses.
- Section 617.1 Business Commercial District B: move existing language from Section 617.1.1 to Section 617.1 and add “Retail Sales” to Section 617.1.1; delete “motels” and add “Inn” to Section 617.1.2; delete “drive thru are not permitted” from Section 617.1.3; delete “Business or professional offices or..” and add “..and walk-up ATMs” to Section 617.1.6; delete existing language from Section 617.1.7 and add “Professional Offices”; add “Call Center”, “Personal Service Establishment”, “Commercial Service Establishment” and “Unless associated with banking or pharmacy operations, no drive-thrus are allowed in the District” as allowed uses.
- Section 606.1 Limited Industrial District: delete “office buildings or banks” from Section 606.1.1; add “ Call Center”, “Drive-thrus”, Professional Offices”, “Personal Service Establishments”, “Banks and walk-up ATMs” and “Commercial Service Establishments” as allowed uses.
- Section 614.2 Professional, Business and Technology District: amend Section 614.2.1 to read “Processional offices”; delete Section 614.2.12 and replace it with “Banks and walk-up ATMs”; add “Restaurants”, “Call Centers”, and “Unless associated with banking or pharmacy operations, no drive-thrus are allowed in the District” as allowed uses.
- Section 618.2 Gateway Commercial District: delete the list of permitted uses in Section 618.2; delete language in Section 618.2.2 and replace it with “Ben & Breakfast”; delete “Medical and” from Section 618.2.3; delete Section 618.2.4 and replace it with “Banks and walk-up ATMs”; delete “Banks ...and institutional” from Section 618.2.5; amend Section 618.2.7 to read “Personal Service Establishment”; add “Restaurant”, “Call Center”, “Hotel/Inn”, and “Unless associated with banking or pharmacy operations, no drive-thrus are allowed in the District” to allowed uses.
- Section 712 Governmental Installations: delete existing language and replace it with “Governmental installations shall be a permitted use in all Districts and shall be subject to a public hearing by the Planning Board in accordance with RSA 674:54”.

- Ms. Scott stated this covers multiple Subcommittee meetings. The Vice-Chair thanked members of the Subcommittee who included Bev Donovan, Sally D'Angelo, Ms. Nysten, Chairman Crisler, Ms. Scott, and herself. She stated the Board has had workshops and done considerable work. Ms. Scott stated they have had workshops and multiple Subcommittee meetings that were open to the public. There are suggested edits by Attorney Campbell and the rest of it is editing at this point.
- The Vice-Chair asked the Board for comments. Ms. Nysten stated she spoke to Mr. Keach and he provided her information on drive-thru's. She said she spoke with him earlier today and he said to either allow drive-thru's or no drive-thru's. The Vice-Chair stated this was good information but the Board does not have anything in writing from Mr. Keach. The Vice-Chair stated she does have e-mails from Ms. Nysten Regarding trip counts from Mr. Keach. Ms. Nysten stated she is concerned with allowing any type of restaurants in certain zones that don't allow them now particularly in the PBT District because there were several people who showed up about a zoning change. She now has reservations about allowing drive-thru's in some types of businesses and not others. The Vice-Chair stated the word "restaurants" is just being proposed. She stated the Subcommittee did define three different kinds of restaurants but the Board decided on just "restaurants". The Vice-Chair stated if the Board changed this now it would be a substantial change. Ms. DiFruscia stated she was very concerned Mr. Keach is weighing in on this now and not Town Counsel. Ms. Nysten stated she ~~just~~ asked Mr. Keach about it. The Vice-Chair said that Attorney Campbell has not indicated any problems with what we've done.

The Vice-Chair opened the hearing to the public at 7:17 PM.

- Mr. Ralph Valentine, 18 Telo Rd., stated he is a member of the Economic Development Committee. He has written regulations before and he is a commercial real estate broker. He thinks the regulations are conflicting. He spoke about the Section on professional offices. He stated different people have different training and proficiencies. He doesn't think the Board should list professions. He thinks in general the definition should be broader.
- Ms. Bev Donovan, 4 Stacy Circle, stated she is a member of the Economic Development Committee. She agrees with Mr. Valentine. She would like to use the definition that the Village Center District Subcommittee is using and just say "office". Ms. DiFruscia asked Ms. Donovan if she had proposed language for Commercial Service Establishment, Personal Service Establishment, or Professional Office. Ms. Donovan stated the Village Center Committee just used the word offices and medical. They found it best not to define. Ms. Donovan stated she is also on a committee in Derry who has been very specific, and they're trying to broaden their definitions.
- Mr. Valentine stated the definitions could use more work and the EDC could get some definitions to the Board. He stated in Derry they have a list of business types and they are finding their lawyers saying they need a variance if the business is not on the list. The Vice-Chair stated the definition say "such as" which are just a few examples. This is not an exclusive list. Ms. Nysten stated the definitions also say "and similar types of professions" and she thinks this allows other types if they are similar but are not listed.

- Mr. Carl Dubay, the Dubay Group, 87 Indian Rock Rd. Mr. Dubay stated in the bed-and-breakfast definition it says between one and five guestrooms, he suggests up to 12 guestrooms as limiting it to five is small. The Village Center Committee defines it as 12. Mr. Dubay stated in the motel definition he suggest modifying it to say" without passing the main registration lobby of the establishment supervised by staff at all hours". He stated under hotels/inn, he is not sure if it should be a daily rate or nightly rate. In the definition for personal service establishments, he suggests taking out tattoo artists being an accessory use in a beauty shop. Ms. Scott stated permanent makeup artists are also considered tattoo artists. Mr. Dubay suggested that a spa should obtain a variance to do tattoos and suggested checking with Town Counsel about tattoos licenses requirements. Ms. Scott stated Town Counsel has reviewed. Mr. Dubay stated he agrees with the previous comments regarding professional offices and thinks it should be a general definition of office.

The Vice-Chair closed public portion of the hearing at 7:35 PM.

- The Board discussed Mr. Dubay's suggestion of up to 12 guestrooms in a bed-and-breakfast. The Board's consensus was to change it to "up to 12 guestrooms". .
- Regarding commercial service establishments Mr. Wrenn stated he was in favor of a simpler definition as he sees conflict with all the extra language and he agrees with Mr. Dubay regarding tattoo parlors. Ms. Post stated there is a zone they allows tattoo parlors in, but realizes certain spas are doing permanent makeup and that is why they included it (as an accessory use to salons) Ms. DiFruscia agreed with Mr. Wrenn stated the definitions are too long, she would shorten both the call center and the commercial services. The Vice-Chair stated in the definition for call center they could eliminate everything after "telephone calls". The consensus of the Board was to delete in the call center definition" such as incoming product support or information inquiries from consumers, outgoing calls the telemarketing on debt collection, or professional recruiting".
- The Board had a lengthy discussion on Commercial Service Establishment, Personal Service Establishment, and Professional Offices regarding listing examples of professions in these definitions. Ms. Nysten stated she did a lot of research on this and found a lot of towns had these definitions of Professional and Personal Services and Derry had Commercial Service Establishments. She is not in favor of removing the examples language, she stated that removing the examples makes it become less clear what uses are allowed.
- The Board discussed daily or nightly rates for hotels and inns and supervision at all hours for motels. The consensus of the Board was to stay with daily rates and add the supervision at all hours language to motels.
- Mr. Wrenn suggested for Hotels and Inns, deleting full-service and sit-down restaurants and just used the word "restaurants". The Board agreed.

- Ms. Scott stated Attorney Campbell spoke to retail sales and provided language in his memo. Ms. Nysten questioned if that was a right language to use as she read the Sexually Oriented Business definition from the Adult Entertainment Ordinance. There was a discussion about adult entertainment sales. Ms. Scott stated ~~they~~ there would be a public hearing next week on that. The Vice-Chair wants to add the language “adult entertainment as defined in Section 605.1.11”. The Board consensus was to add the Vice-Chairs suggested language. Ms. Skinner said that sexually oriented businesses are only allowed in one zone.
- The Vice-Chair addressed the Neighborhood Business District. Ms. Scott stated Attorney Campbell said the formatting for the drive-thru was to create a new subsection, Section 604.2, to state “drive-thru’s are not permitted in connection with any permitted use in Section 604.1”. Ms. Maloney asked if gas stations are allowed in this District. The Vice-Chair and Ms. Scott both stated no. They never were. Mr. Wrenn asked why a call center is allowed. The Vice-Chair stated the Subcommittee couldn’t justify not allowing it.

The Vice-Chair opened the hearing to the public at 8:07 PM regarding proposed uses in the Neighborhood Business District

- Mr. Bob Cool, Morrison Road, stated he doesn’t think we should have a restriction on drive-thru’s in this town. Drive-thru’s were prohibited back in 2002 by petition. This town is looking for more business coming into town. He stated he thinks if the Board did away with the drive-thru ordinances it would make it more uniform and not allowing drive-thru’s is detrimental to businesses.
- Mr. Mike Farris, 15 Mammoth Rd., stated the Neighborhood Business District should be for the neighborhood and there isn’t a bank today that doesn’t have a drive-thru. He spoke about the convenience of drive-thru’s and stated that a business that provides to the neighborhood should be allowed to have a drive-thru. He stated if you want to have service businesses in the Neighborhood Business District the Board should allow them.
- Mr. John Cronin, representing CaFua Management, stated his view is that a drive-thru is a drive-thru whether it’s a bank or restaurant. It’s a common convenience now. If someone can come in and show drive-thru that is safe it should be allowed regardless of what it is attached to. The Planning Board can waive certain items where in getting a variance the applicant would have to meet the hardship criteria which is very difficult.
- Mr. Carl Dubay commented regarding walk-up ATMs and stated there is also walk in ATMs, he suggested taking out the words walk up because you can also walk-in. He supports banks being in the neighborhood but by saying drive-thru’s are not permitted you’re basically keeping banks out of that District. He spoke about small banks, “residents of the area”, and gas stations that are already in the Neighborhood Business District.

- Ms. Betty Dunn, Woodview Rd, stated she can see having a bank in the Neighborhood Business District with the drive-thru but drive-thru's on other businesses might not be compatible with the neighborhood.
- Mr. Valentine stated he supported drive-thru's in this District. He would delete call centers and assembly halls.
- Mr. Pat Nysten, 4 Edgewood Rd., stated he would be very careful with definitions and as far as removing information. He has worked with hundreds of ordinances all over New England. Leaving definitions vague can inadvertently remove the intent. If you want to enforce a zoning district, it is always better to overstate than under state.
- Ms. Donovan agreed with Ms. Dunn. She said if the Board considers banks drive-thrus, she suggested adding pharmacy drive-thrus.

The public portion was closed at 8:27 PM

- Ms. Maloney is in favor of eliminating Section 604.1.15 in the Neighborhood Business District, wants to eliminate the words "walk up" for ATMs, wants to delete call centers and add gas stations.
- The Board and Ms. Scott discussed the public's comments. Ms. Scott said that banquet and assembly halls are existing language in the ordinance. The consensus of the Board was to remove "walk-up" and just use the word ATM in all Districts because they are walk-up and walk-in, assembly halls and banquet halls will stay in, and the words "primarily for the shopping needs of the residents of the area" will stay in.
- Ms. Nysten provided the Board with e-mails regarding the trip generation numbers for drive-thru's for banks, fast food restaurants with drive-thru's, and coffee and donut shops with drive-thrus (from Institute of Transportation Engineers 8<sup>th</sup> edition). For banks, Mr. Keach recommended using this 3 drive-in lane data which is 21.64 trips / peak AM hour and 29 trips / peak PM hours. For Fast Food Restaurants with drive-thrus Mr. Keach recommended basing numbers on a building having 2,000 s.f. gross floor area because that is the average size of a fast food restaurant. Therefore we multiply the numbers by 2 because the numbers are based on a building having 1,000 s.f. gross floor area. The trip generation numbers for a 2000 s.f. fast food restaurant with drive-thru is 110 trip/ peak AM hour and just under 100 trips / peak PM hour. For Coffee / Donut Shops, Mr. Keach also recommended using 2,000 s.f. gross floor area because that is also the average square footage. Therefore, the trip generation for Coffee / Donut Shops are 224 trips/ peak AM hour and just over 70 trips / peak PM hour. One car is considered two trips (one trip in and one trip out). Ms. Maloney stated you can look at a bank on a busy road or smaller road and the trip numbers are different. Ms. Nysten said that this is the average. Ms. Nysten does not want drive-thru's in this District. Mr. Wrenn stated Windham is a driving area not a walk able town. Some people want to use a drive-thru. He thinks the Board should allow drive-thru's as long as they are designed properly. Ms. Skinner and Ms. Maloney agree with Mr.

Wrenn. Ms. DiFruscia would like it limited to banks and pharmacies to keep the character and thinks that the amount of traffic they generate would be too much for the District. The Vice-Chair stated the Board as part of the newly proposed site plan regulations will look at safety issues in terms of design and could require traffic impact studies which show the impact to the neighborhood which makes her more comfortable now that they're in the newly proposed Site Plan Regulations and the Board should look very carefully at proposals. Ms. Nysten thought allowing drive-thrus for restaurants would encourage fast food restaurants throughout the town. Ms. Scott reiterated that trip generation, peak hours, stacking, and queuing are needed in traffic studies. The Vice-Chair stated they should be allowed for banks and pharmacies. The consensus of the Board was to allow drive-thru's for banks and pharmacies in the Neighborhood Business District.

- Ms. Scott stated in Business Commercial A, Section 605.1, Attorney Campbell suggested language to grammatically match Section 604.1 and formatting and language changes to Section 605.1.12 which doesn't change the intent.

The Vice-Chair opened the hearing to the public at 9 PM regarding proposed uses in Commercial A District.

- Mr. Valentine questioned Section 605.1.12, regarding 1500 feet distance between each kind of business or between each business. Ms. Scott gave her interpretation.
- The Board discussed Section 605.1.12 and stated the intent of the Board was that 1500 feet should be between each establishment from the closest lot line. The 1500 ft. is language in the existing ordinance.

Ms. St. Laurent arrived at 9:05 PM and was seated on the Board.

- Ms. Dunn stated the Board is saying "any lot line" with this language.
- Mr. Dubay suggested placing call center at the end of the list. He spoke to Section 605.1.12 and thinks it should be removed because there is an Overlay District for quality and it is a natural progression of Rt. 28 and the market. He measured the area and you can only get three of these types of businesses on Route 28.
- Mr. Cronin spoke about Nault's and said they sell different items that are alike and questioned how this would affect them.
- Ms. Scott stated she could speak to Attorney Campbell once she knows what the Board's intent is. The Vice-Chair would like Attorney Campbell to review and stated the proposed language should be clearer. Mr. Wrenn asked about the Overlay District. Ms. Scott explained the Rt. 28 Overlay District and that most of it relates to traffic mitigation. Buffers are in the Site Plan Regulations. The Vice-Chair is in favor of deleting this Section as there are other provisions in place to prevent this. She would like to remove the 1500 feet. Ms. DiFruscia she would prefer provisions to

prevent an auto mile. She stated the language is too confusing and picking a number is too arbitrary. Ms. Scott stated the Board always has the ability to say the applicant doesn't meet the spirit and intent of the ordinance. Ms. Scott said she will add the two items Attorney Campbell suggested regarding formatting and his other recommended changes, and she will take out "walk-up" out of the ATM language

Ms. Skinner left the meeting and Ms. Maloney was appointed to sit for her.

- Ms. DiFruscia asked if the map could be put on the TV screen for the public. The map was put on the screen for the public.

Next on the agenda was Business Commercial District B. The Vice-Chair read the permitted uses in this District. Ms. Scott said she will add the two items Attorney Campbell suggested regarding formatting and she will take out "walk-up" in the ATM language.

The hearing was open to the public at 9:45 PM.

- Mr. Dubay stated there are only two areas left in the District, one which is owned by the State and one is Castleton and that's being cut off by Rt. 111 relocation. He questioned why the Board was even doing anything with this.
- Mr. Cronin stated his position on drive-thru's is still the same in this District and he thinks if you allow banks and pharmacy drive-thru's you should allow other uses unless there are health, safety or welfare concerns.
- Ms. Nysten stated that idling cars' exhaust and 200 trip generations in drive-thru's could be detrimental and also inconsistent with a transitional district. The Vice-Chair stated drive-thru's should all be addressed in the Site Plan Regulations.

The public portion was closed at 9:50 PM

- Ms. Nysten suggested taking retail sales out. Ms. St. Laurent agreed with Mr. Dubay, she stated the ballot is already going to be long. She wants to keep the original version. Ms. Scott said to take out Section 617.1.7. The Board's consensus was to leave Business Commercial B as it is in the existing ordinance except to delete Section 617.1.7.

Limited Industrial District

- Ms. Scott stated the only comments from Attorney Campbell were for formatting and she will take out "walk-up" in the ATM line.

The hearing was open to the public at 9:57 PM.

- Mr. Dubay suggested funeral homes be allowed in this District with accessory uses of crematoriums.
- Ms. Scott suggested to use the language from Section 605.1.6 – “funeral homes, mortuaries, and crematories.” She said that most crematories are cleaner than a wood burning stove in your house.
- Mr. Dubay stated most of the new funeral homes being built, you wouldn’t even know that there was a crematory there. They are very clean.
- The Board’s consensus was to fix formatting, take out “walk-up” in the ATM line and allow funeral homes, crematories, and mortuaries.

#### Professional, Business and Technology District

- Ms. Scott stated the formatting changes for drive-thru’s and she’ll be taking out “walk-up” in the ATM line. The Vice-Chair said this District only allows Professional Office and not Commercial Service Establishments and Personal Service Establishments. Mr. Wrenn questioned why a Commercial Service Establishment would be allowed in this District. Ms. Nysten commented Commercial Services include plumbing, electricians, cleaning services, etc. Ms. DiFruscia thinks this area is good to attract a certain type of business to Town like technology and professionals including corporations and private schools. The Vice-Chair agreed with Ms. DiFruscia. Ms. Nysten thinks this District’s existing zoning is working out well and doesn’t want to change it. The Vice-Chair was troubled that it omits other kinds of offices. The Board and Ms. Donovan discussed the differences between Commercial Service Establishments, Professional Offices, and Personal Service Establishments.
- Mr. Cronin stated in his experiences lately, professional offices are dropping, medical offices are starting to be bought up by hospitals. He thinks someone such as a cleaner might want to move in. He understands the mission of this Section but with the economy he is not sure it will work. He firmly believes that drive-thru’s can work in this District. If you exclude drive-thru’s you exclude lots of businesses. He proposes it be taken out and not discriminate against drive-thru’s.
- Ms. Dunn stated as the Board discusses allowed uses, it’s crucial to go back to the definitions. The biggest and most important professional, business, and technology area is at Route 93 and 111A and the Town voted very clearly to make this different than Commercial A. This District was created in the 90s and the Planning Board needs to look at what the intent was. The voters don’t want retail, big-box, or strip malls, etc. She stated in Section 614.2.19 she is okay with that but concerned that thinking the Site Plan Regulations will take care of all the drive-thru issues such as hours of operation and impact on neighbors.
- Mr. Dubay asked what districts are restaurant drive-thrus proposed to be allowed. Ms. Scott said they are proposed to be allowed in the Commercial A and Limited Industrial Districts. Mr. Dubay agrees with the Board on this and likes what the Board is proposing for the PBT district. He feels the voters will not agree with allowing drive-thrus for fast food all over town.

The public portion was close to 10:30 PM.

- Ms. DiFruscia agrees with Ms. Dunn stating that the people in town made it very clear what they want in this District in this part of Town. She likes it as it is proposed. Ms. Nysten has her reservations about changing restaurants but agrees with no drive-thru's in this area. She stated they create trash, accidents, traffic and crime. Mr. Wrenn stated his concern is he knows the Board has made an effort to define businesses but they have taken out the potential use of business offices potentially further restricting this District. The Vice-Chair is troubled the Board omitted business offices. She has heard concerns about restaurants but you need restaurants for employees. Ms. St. Laurent stated she thought the new definition encompass business offices. Ms. Scott said she'll be taking out "walk-up" and reformatting for drive-thru's Mr. Wrenn stated he would like to see commercial services in this District. Discussion ensued, and the Purpose Section was read. The consensus of the Board was to leave Commercial Service Establishments out of PBT.

#### Gateway Commercial District

- Ms. Scott will be taking out "walk-up" and reformatting drive-thrus. The Vice-Chair stated this was one that the Board really wrestled with. The Vice-Chair read the purpose of the district.

The hearing was open to the public at 11 PM

- Ms. Donovan asked why medical has been removed. Ms. Scott stated it is listed under professional offices. Ms. Maloney asked why there are call centers in the Gateway. The Vice-Chair stated they couldn't think of a good reason to exclude them. The Board discussed the definition of call centers – "a centralized office used for the purpose of receiving and transmitting a large volume of telephone calls". Ms. Scott said that it's an office, vehicles would not be stored there. Ms. Scott will remove "walk-up" from ATMs and reformat drive-thrus. Atty. Campbell did not have any problems with this.

#### Section 712

- Ms. Scott stated the Board had existing language to be deleted and new language to be added.

#### Definitions

- Ms. Nysten stated if you took out the examples in the definitions in Commercial Service Establishments, Personal Service Establishments, and Professional Offices, there is no sense in having three. Vice-Chair agreed. Ms. DiFruscia stated that most voters would like an example so they would understand what each one means. The Board discussed the definitions. The Board consensus was to keep the language in each Section "including but not limited to". Take out tattoos artists as an accessory use from personal service establishments. Delete the reference to

call centers in Professional Offices. Ms. Scott says that a Commercial Service Establishment could be an office.

**The Vice-Chair entertained a motion. Ms. DiFruscia motioned to hold a second public hearing with edits on Section 200 Definitions, Section 604.1 Neighborhood Business District, Section 605.1 Business Commercial District A, Section 617.1 Business Commercial District B, Section 606.1 Limited Industrial District, Section 614.2 Professional, Business and Technology District, Section 618.2 Gateway Commercial District, and Section 712 Governmental Installations, seconded by Mr. Wrenn. Motion passed 6 – 0.**

Ms. Maloney read Case #2012-36/44 into the record.

### **Major Watershed Application**

A Major Cobbett's Pond/Canobie Lake Watershed Development Application has been submitted 44 Woodvue Road (18-L-500), located in the Residence District A and Cobbett's Pond/Canobie Lake Watershed Overlay Protection District. The applicant, Joseph Maynard of Benchmark Engineering, on behalf of the owners, Katie Cabrera Rev. Trust and Orlando Cabrera Rev. Trust, is proposing to add additions to the existing structures and construct a septic system and additional driveway along with other minor site improvements for a total impervious surface of 22,461 sq. ft. which equates to 20.8% impervious lot coverage.

The Vice-Chair asked Ms. Wood if the application was complete. Ms. Wood stated yes.

The Vice-Chair entertained a motion to accept the application for public hearing.

**Mr. Wrenn motion to accept Case # 2012-36/44 for public hearing, seconded by Ms. Maloney. Motion passed 6 – 0.**

- Ms. Wood stated the Board had a copy of her memo dated November 28, 2012 for this hearing. Since the memo was written, Mr. Maynard has submitted the shoreline permit and he has added the note to sheet two. Also, make sure that the building inspector reviews the disposal system.
- Mr. Joe Maynard, of Benchmark Engineering, on behalf of the owners, Katie Cabrera Revocable Trust and Orlando Cabrera Revocable Trust, addressed the Board. He stated there was an existing home on the property, there were two lots that were combined, and the Cabrera's are renovating and putting an addition on which would be over the existing septic system and will need to put a new septic system in . A new driveway will be put in, erosion control measures have been wrapped around the site.
- Ms. DiFruscia asked what the impervious number was. Ms. Wood stated it was 17.4%.

The Vice-Chair opened the hearing to the public at 11:35 PM, hearing no comment, the public portion was closed.

- Ms. St. Laurent questioned the conflicting numbers on the plan that were proposed. Mr. Maynard stated is because the shoreline Section is 250 feet from the water but the whole lot is not in the watershed. Ms. DiFruscia asked if there would be new drainage. Mr. Maynard stated there will be dry wells under the proposed driveway. Ms. DiFruscia asked if the cabana was staying. Mr. Maynard said yes. Mr. Maynard stated they don't plan on cutting any vegetation and they have a landscape architect that will be doing work on the site. The Vice-Chair stated she had a letter from Steve Keach stating that his office has reviewed the extent of the erosion and sedimentation control measures currently specified on the project plans and find them to be adequate and appropriate for the scope of work being contemplated. Note 5 refers to the reference line. Mr. Maynard said that's the high water line. The Vice-Chair stated she did not have sheet three on the soil erosion and sedimentation control plan which is very important. Mr. Maynard gave the Vice-Chair a large copy of sheet three. The Vice-Chair stated Board members should have received all sheets with the packet. The Vice-Chair stated that sheet three looks fine. Ms. DiFruscia asked about the storm water management and runoff. Mr. Maynard said that there is a dry well proposed under the driveway sized to handle the actual increase Ms. DiFruscia stated even with the increase of impervious surface there will be less storm water run off because of the drainage under the driveway.

The Vice-Chair entertained a motion

**Ms. DiFruscia motioned to approve Case number 2012 – 36/44 subject to the applicant adding a note to sheet 2 stating that there are no Hydric-A or Hydric-B soils on the property and the effluent disposal septic systems shall be reviewed by the building inspector to ensure it is installed in accordance with NH DES regulations, seconded by Mr. Wrenn. Motion passed 6 -0.**

### **2013 Town Meeting Workshop - Village Center District (Section 612)**

- Ms. Wood stated the Village Center District Subcommittee met on Monday of this week and made some slight revisions which the Board has in front of them. The Vice-Chair thanked the Subcommittee for their work.
- Mr. Wrenn stated they had the first workshop and the Planning Board addressed a few issues they wanted the Village Center Subcommittee to look at. They now have 12 units with no more than two bedrooms per unit, they had retail shops now they have retail tenants, they created Section 612.4.3 and also worked on the conditional use permits. They originally had 20/20/40 and that has been changed.
- Ms. St. Laurent said they did talk a lot about conditional use permits when they met. The applicant would have to meet Section 612.4.4.1.

Board suggestions were:

- Add the words "and/or" between Section 612.4.4.1 and 612.4.4.2. Add the wording " should further require one of the following" to Section 612.4.4 add the wording" gross floor area" to

Section 612.2.3, and in Section 612.4.3 remove the word" multifamily" and add the word" multi-unit housing structure".

- Ms. Nysten asked about impact fees. Mr. Dubay who was on the Subcommittee stated that the impact study on the books now does recognize many condos in town. Demographically and statistically there are very few children coming out of them and that's how they came up with two bedrooms per unit.
- Ms. Nysten had questions about private road or town roads in Section 612.5.4. Mr. Wrenn stated it could be either but the Subcommittee felt by giving the latitude the applicant would be able to go over someone else's lot. Mr. Wrenn stated that the applicant would need to come before the Planning Board and the Planning Board can interpret it the way they want and the conditional use permits also can come under the Planning Board. Ms. St. Laurent stated the walkways have to meet the ADA guidelines. Ms. Nysten brought up the fact that Appendix A1 says that the building should be 40 feet apart and asked if the Subcommittee addressed that. Mr. Wrenn stated they specifically did not address that in the Village District Center because there are other regulations that address that. Mr. Dubay stated that footnote number nine Appendix A1 applies to the Village Center District and references nonresidential and residential use and is consistent so no changes needed. Ms. St. Laurent showed the Board five or six pictures to show them the look the Subcommittee was going for.
- Mr. Wrenn stated the Subcommittee will stay assembled and if there was any direction from the Planning Board they would address that at the next meeting. They'll make the proposed changes the Planning Board made this evening and they will continue to work together.
- Ms. Nysten stated in Appendix A1, note 10, says that there should be a 50 foot setback on Route 111. Mr. Dubay stated that is correct and note 10 should be taken out. The Vice-Chair asked Ms. Wood to look at Appendix A1 to make sure there are no other conflicts. Ms. Partington showed the Board a picture of a mixed use building in Maine. Mr. Wrenn thought when the Board had a public hearing they should have the kind of examples Ms. Partington and Ms. St. Laurent showed the Board to show the public. Ms. DiFruscia agreed with Mr. Wrenn.

The Vice-Chair entertained a motion.

**Ms. DiFruscia motioned to move to public hearing the Village Center District, Section 612, Subcommittee recommendations, seconded by Ms. Maloney. Motion passed 6 – 0.**

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

- The minutes on this week's agenda were moved to the next meeting.

### **Old/New Business**

- The Vice-Chair stated she would like to discuss the contract proposal for Mr. Keach that Ms. Scott proposed at the last meeting for a total of \$2600. Ms. Nysten stated she doesn't know if it is necessary to spend the money. The Vice-Chair stated she looked online for soil scientists and found some who look pretty good and she questioned why Mr. Keach was proposed to be hired as he was a not soil scientist. She suggested maybe it is put out to bid as that would seem fair. Mr. Wrenn stated Mr. Keach is very familiar with the town's regulations. Ms. Nysten stated when she spoke to Mr. Keach he said he could help work out the kinks that Mr. Case found on the existing chart and he thinks it can be done easily. In the mean time we could ask him to do that. Ms. DiFruscia and the Vice-Chair both questioned the cost. The Vice-Chair thanked Ms. Scott for offering the proposal but stated the Board doesn't know enough about the scope to commit to the proposal.

The Vice-Chair entertained a motion.

**Ms. Maloney made a motion thanking Ms. Scott for bringing this to the Board's attention but we don't feel we know enough about the scope at this, seconded by Ms. DiFruscia. Motion passed 5 – 1.**

- Mr. Wrenn stated he relies on staff for what the Board needs and he would take recommendations from the staff. Ms. DiFruscia stated it needs to be done but doesn't think the Board needs to rush in. Ms. Maloney stated she thinks that a workshop is necessary. Mr. Wrenn stated the Board has already had a meeting with Mr. Keach about soils.

## **Adjournment**

The chair entertained a motion

**Ms. DiFruscia motion to adjourn, seconded by Ms. Maloney. Motion passed 6 -0.**

Meeting adjourned at 12:53 AM

These minutes were approved January 9, 2013 and respectfully submitted by Cathy Pinette, Planning Board Minute Taker.