



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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Approved Planning Board Minutes Meeting Minutes Tuesday, December 30, 2014 Community Development Department

A special meeting of the Planning Board was called to order on December 30 2014 at 7:08PM, by Chairwoman Kristi St. Laurent, at the Community Development Department

Present

Kristi St. Laurent, Chair
Alan Carpenter, Vice Chair
Pam Skinner, Member – Excused
Paul Gosselin, Member
Vanessa Nysten, Member
Margaret Crisler, Member

Joel Desilets, Selectman Alternate
Jim Fricchione, Alternate
David Oliver, Alternate
Steven Bookless, Alternate
Kathleen DiFruscia, Alternate - Excused
Bruce Breton, Selectman - Excused

Staff: Elizabeth Wood, Community Planner

I. Call to Order/Attendance/ Pledge of Allegiance

Ms St. Laurent explained that Mr. Carpenter would be late and seated alternate Jim Fricchione in his place temporarily. Mr. Carpenter arrived at the meeting at 8:08 and was seated, replacing Mr. Fricchione. Also seated was alternate David Oliver in place of Pam Skinner

II. Housing for Older Persons Subcommittee Minutes – Review & Approve

Meeting Minutes of December 4, 2014 Mr. Gosselin made a motion to accept the minutes as written. The motion was seconded by Mr. Desilets.

Vote: 5 – 0

Meeting Minutes of December 12, 2014 were amended as follows: Page 2, fourth paragraph under the heading Density Bonus was deleted. Page 3, first paragraph under the heading of Density Bonuses should read; a consensus of the subcommittee discussed the different means by which an applicant may acquire the maximum 50% density bonus. Page 3, fifth paragraph under the heading of Density Bonuses, the first X Member reference should be replaced by Doug Roberts and the second X Member reference should be replaced by Alan Carpenter.

A motion to accept the Meeting Minutes of December 12, 2014 as amended was made by Margaret Crisler and seconded by Mr. Desilets.

Vote: 5-0

III 2015 Town Meeting Workshop – Farm Signs (Section 706)

It was noted by Chairwoman St. Laurent that David Sullivan, Town Administrator, sent her a Memorandum Re: Proposed Zoning Amendments – Section 706: Farm Signs, dated December 30, 2014, which was read into the public record. This Memorandum stated the Board of Selectmen (BOS) will “not formally weigh in with an opinion in this instance”.

Attorney Bernard Campbell reviewed his letter to Mr. David Sullivan regarding Farm Signs. Attorney Campbell explained there are three entities that have jurisdiction regarding signage along streets and highways. The three entities are the State, the community, and the DOT. The issue that complicates this discussion is that the placement of the signage dictates which entity has jurisdiction.

Currently, the Windham Zoning Ordinance prohibits off-premises signage except for Government signs, such as “blue dot” signage that advertises businesses. The planning board is considering amending the ordinance to allow temporary off-premises “Farm Signs” without a permit. The definition of temporary has already been codified, and the Planning Board is willing to include this definition into the proposed ordinance change.

Attorney Campbell entertained several questions from the Planning Board and responded that he did not see any problems with the proposed ordinance change, however he cautioned that if the new ordinance is adopted there may be other businesses that may request equal rights to advertise off-premises. He further explained that since the BOS failed to offer an opinion at this time they may have to deal with a significant issue in the future.

Chairwoman St. Laurent asked if the board had any more questions for Attorney Campbell. Hearing none, the chair opened the meeting to public comment.

Wendy Lundquist of Snow Pond Farm requested to address the Board. Ms. Lundquist informed the Board that farms have exemptions from ordinances prohibiting off-premises signage. She offered RSA 236:73,V-a, RSA236:72 and RSA 236:70,VI to support her position. Attorney Campbell acknowledged these RSA’s but explained they only cover advertising on State Highways, and that local ordinances preempt State RSA’s on non state rights-of-way.

Mr. Desilets wanted the following Windham Zoning Ordinance included in the minutes.

706.6.2.8 Per state law no temporary sign may be placed on State-owned property or within the State right-of-way, as referenced by NH RSA 236:69-89 and enforcement shall be through the NH Department of Transportation.

After further discussion Mr. Gosselin made a motion to amend proposed Section 706.7.10 to include “, no larger than eighteen inches by twenty four inches.”, at the end of the Section. His motion was seconded by Margaret Crisler

Vote 7 – 0

The above section of the minutes respectfully submitted by Steve Bookless, Alternate Planning Board Member.

Public Hearing: WWPD and Vernal Pool Markings

Open for public hearing: Margaret/Joel 7-0

- Chair framed purpose of changes to Ordinance
- Chair reviewed Atty Campbell's comments
- Paul – agrees with Attorney comments and recommended changes for section 601.4.8.4
- Chair – delete “relief” at the end of 601.8.4.1 and add the words “such marking”.
- Chair – adopt the same changes for Vernal Pools and WWPD

Motion to move to warrant as amended: Alan/Joel – 7-0

Public Hearing Continuation for Elderly Housing:

Motion to Approve Minutes for 12/4 sub-committee meeting:

- Paul/Margaret 4-0

Motion to approve minutes of 12/12 sub-committee meeting:

- Amend minutes to:
 - reflect 50% density cap
 - replace “X” members with Doug and Alan
 - Delete comment attributed to Joel

Motion to approve – Alan/Paul 3 – 0 – 1

Open for Public Hearing: Margaret/Joel – 7-0

- Attorney Campbell commented at length
 - “Spouse” requirement as written is illegal
 - Alan – Leave 610.4 (610.6.1.1) as currently written in the ordinance
 - Margaret/Paul – agreed
 - Joel – lower the age limit for 1 resident – no other support
 - Board consensus to remove edit and leave as it currently exists
- 610.8.1 – WPB can not limit facilities as listed to assisted living establishments. Must be for all elderly housing.
 - Board consensus to leave as exists in current ordinance by removing proposed language at beginning of first sentence

Public Comment:

Ed Crean – 5 Canterbury Road

- 55 is not old, should be older age limit
- 400 sf requirement is too low
- Questions including Elderly in Res A

- Why change 2 bedroom requirement
- Why include multi floor units at all

Shayne Gendron – 24 Bridle bridge Road

- WPB should have engineer review density bonus's
- 610.6.2.2 – should change “outfitted with “Barrier Free”
- Paul – we should change requirement of 30% “outfitted” to 100% “set up”
 - Consensus of WPB agrees
- Joel – make it 30% adaptable a requirement, bonus for 100%
- Alan – we will need to add a definition of “Adaptable” that refers to ADA standards

Ed Torino – 17 Canterbury Road

- Concerned about density bonus's and enforcement
- Why not have a “Flat” density bonus
- Lower bonus to below 50%
- Current zoning districts – 4 allow housing
- Increase minimum size of units to 600sf
- Likes larger buffers
- Visitor parking – why not make it a 1 – 1 ratio
- Increase line of sight for Elderly

NOTE: Dave Oliver left the meeting at 10:10pm. Steve Bookless seated.

Wayne Morris – Jordan Road

- Likes making all units adaptable
- Should require ALL facilities and Services to be in place before 50% of units are completed
- Asked – “How do we track compliance?”
- Has the WBP considered deleting the Elderly ordinance completely

Doug Roberts – 15 Canterbury Road

- Did the Board agree on 20' spacing?
- Vanessa – WPB should copy over to Elderly the same spacing requirements that are in WFH ordinance 619.7.4.2
- Joel – spacing for multi family should be 35'

Motion to retain the 35' spacing requirement as exists today – Margaret/Vanessa – carries 4-3

Margaret had to leave at 10:40pm – Jim Friccione is seated

JR Gauthier – Marblehead Road

- Commented on type of plans ordinance allows

Motion to reconsider spacing requirements – Alan/Joel – carries 5-0-2

Motion to leave all spacing at 35' – 0-6-1 Fails

Motion to make spacing 30' – Vanessa/Steve – 3-3-1 Fails

Motion to make spacing 20' for 1 and 2 family units and 35' for 3+ units

Joel/Paul – – Carries – 5-1-1 (Friccione abstaining throughout) Vanessa voted against.

Paul – made an edit to clarify buffer language

December 30, 2014 Approved Planning Board Minutes

Motion to move to Public Hearing as amended – Alan/Joel 7-0

Motion to hear new business after 10:00pm – Alan/Joel – 7-0

Open Space Lot Frontage - Motion to Move Open Space edit to public hearing
Alan/Paul – 7-0

Motion to move Open Space frontage edit to Warrant as presented
Alan/Kristi – 7-0

Motion to Adjourn - Paul/Joel – 7-0

**The above section of the minutes respectfully submitted by Alan Carpenter, Vice
Chairman, Planning Board.**