



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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Approved Planning Board Minutes Wednesday, November 11, 2015 7:00pm @ Community Development Department

Alan Carpenter, Chairman –Present
Kristi St. Laurent, Member - Present
Margaret Crisler, Member - Present
Joel Desilets, Selectman - Present
Kathleen Difruscia, Alternate - Present
Ross McLeod, Alt Selectmen - Excused

Paul Gosselin, Vice-Chairman - Present
Dan Guttman, Member - Present
Ruth Ellen Post, Member - Present
Dave Oliver, Alternate - Excused
Matthew Rounds, Alternate - Present
Gabe Toubia, Alternate – Present

STAFF:

Laura Scott, Director Community Development
Suzanne Whiteford, Minute Taker

Call to Order/Attendance/Pledge of Allegiance

A moment of silence in honor of our veterans was observed.

**Mr. Desilets attended a talk by Jeff Speck, a nationally renowned town planner on walkable town centers.
Mr. Desilets shared a summary of the talk.**

Public Hearing - Case #2015-30 Minor Site Plan Application Lot 11-A-197

A Minor Site Plan Application has been submitted for OTWorks4Kidz at 3 Industrial Drive Units 1 & 2 (13-A-197) located in the Limited Industrial District. The applicant, Amy Stafford and Laurie Gullah of OTWorks4Kidz, on behalf of property owner John Connors Trustee, is proposing to relocate their existing occupational and speech therapy business. No exterior site changes are proposed and a waiver from the parking requirements (Section 703.2.4) is required. Per Section 303.5 of the Site Plan Regulations, if the application does not qualify as a Minor Site Plan then it will be deemed a Major Site Plan and the application will be heard as a Preliminary Major Site Plan Application.

Motion by Mr. Guttman to open for minor site plan for public hearing

Second by Ms. Crisler

Vote 7-0-0

Motion carries

Ms. Scott reviewed that the public hearing brought to Planning Board for a waiver from parking requirements. The business already exists in town.

Chairman Carpenter clarified the number of parked cars on the lot

Ms. Difruscia clarified that the business is not being expanded.

Ms. Post asked applicants about arrival and departure times with regards to traffic. The applicants clarified that patients get dropped off for a one hour appointment then picked up after the appointment.

Motion by Mr. Gosselin to approve the existing parking on the site accommodates the business as necessary
Second by Mr. Guttman
Vote 7-0-0
Motion carries

Conceptual Application – Ledgeview at Windham Major Site Plan (102 Indian Rock Road/82 Range Road)
Postponed until January 2015

Financial Guarantee Release – Copps Hill Estates

Ms. Scott reviewed the financial release for Copps Hill Estates

Ms. Post asked if certificate of title was signed off by Attorney Campbell. Ms. Scott confirmed the title has been signed off by Attorney Campbell. Ms. Post asked who is responsible for keeping the basins cleaned out and cisterns clear.

Motion by Mr. Guttman to recommend to the Board of Selectmen that they accept Porcupine Road (0+) – 10+88.44) and all associated easements and release the financial guarantee and escrow account, plus any accrued interest.

Second by Ms. Post

Vote 7-0-1 Mr. Desilets abstained, he will be voting on this at the selectman level

Motion carries

2016 Town Meeting Public Hearings

Market Square Overlay District (Sections 620, 301.18, 302, 701, 710.3)

Adopt a new Market Square Overlay District and Map (dated October 2, 2015) that specifies the purpose, location, uses permitted, mixed use requirements, and design criteria; amend Sections 301.18, 302, 701, and 710.3 to include the words “Market Square Overlay District”.

Motion by Ms. Crisler to open

Second by Mr. Gosselin

Vote 7-0-0

Motion carries

Mr. Desilets encouraged the Planning Board to move this forward so the residents may vote on it.

Ms. Crisler asked if they are cell towers that are being allowed in the proposed zoning. This is a very high visible place in town and it is possible that the only thing we can get up there is a cell tower. They are considered unsightly.

Chairman Carpenter asked if cell towers are allowed in PB&T.

Ms. Scott confirmed that cell towers are allowed in PB&T.

Ms. Difruscia commented that the language ‘where appropriate’ under Section 620.4.9 is vague and left open to interpretation.

Mr. Rounds suggested to simply eliminate ‘where appropriate’ from the end of the sentence for Section 620.4.9.

Mr. Desilets supports changing the language for Section 620.4.9 to ‘As appropriate per the Planning Board.’

Mr. Desilets commented about inconsistent punctuation.

Tom Case

Radio and TV stations, and antennas. 2-10 KB of power into the walkable area. Not encouraged by a TV or radio in a walkable area.

Chairman Carpenter does not think the antenna would be in the walkable area. If a plan included a communications tower in the walkable area the Planning Board would not allow it.

Mr. Guttman asked if the Planning Board would have a justification to have the tower moved to another location.

Ms. St. Laurent and Chairman Carpenter commented that the Planning Board can move the tower to another location.

Mr. Case asked why a radio and/or TV station would be in the walkable town center.

Ms. St. Laurent commented how she can see a radio and/or TV station fitting into a walkable town center. If the tower can be worked into the design rather than be a standalone tower it could benefit the town residents.

Mr. Rounds commented that it seems like a regulatory body will not allow a dangerous tower to be built in a walkable area.

Mr. Desilets has no concerns about the towers. He sees a lot of value in having local radio/TV outpost in the walkable area.

Mr. Case 710.3 height of fences, market square overlay district was added in. It seems that everything else in the paragraph exists in the ordinance. Asked Ms.Scott to read a copy of the existing ordinance

Ms. Scott stated there is a difference in language in the ordinance from what is before the board under 710.3.

Commercial business, business commercial a, business commercial b is what is printed in the ordinance and is on the website.

Kathy Pappalardo

Resident of Windham for 47 years.

Programs have been cut from school, enrichment programs have been cut.

The town needs business revenue to help with school funding.

Raising taxes can't fix the underfunding of the school system.

Ms. Post commented regarding the Planning Board support for additional tax revenue to support school fiscal issues. There is no proposal before the Planning Board to build anything in Market Square. The zoning proposal is in a very abstract form. Ms. Post sees it as a lovely fantasy that has no substance at this point. There is nothing concrete being proposed.

Mr. Rounds asked Ms. Pappalardo if she is suggesting some type of fee or encouragement for a developer to pay a fee for school funding.

Ms. St. Laurent commented that what is being recognized is the innovation and forward thinking for revenue opportunity for development that Windham would want to see. We are posing the question to the voters asking them if they want the opportunity in the town.

Ms. Pappalardo agrees with Ms.St. Laurent.

Mr.Desiets echos Ms. St Laurent and Ms. Pappalardo. This is an educated community. This is proactive planning not a wishful fantasy.

Mr. Guttman asked the board if the intent and purpose of this is to foster economic development and growth and as a board are we are flexing more than we normally would.

Mr. Gosselin believes this is creating a potential opportunity for growth; just because it's an overlay something will be developed; the underlying land is PB&T and nothing has happened yet. Other projects have not been signed off and approved by the Planning Board. Other projects that could happen are not a reason to hold off on the overlay district development.

Mr. Guttman those items have definite plans that will be coming before the planning board and that gives it a little more credence that an esoteric overlay being described.

8:10 Mr. Toubia excused

Chairman Carpenter agrees with Mr. Gosselin

Ms. St. Laurent commented that the Planning Board receives a bad rap when we have not seen development in town. The Planning Board has approved projects that the owner/developer let lapse and the plan didn't move forward. Don't stop driving the ship because something might be coming our way. Meanwhile we are adrift. We need a vision and continue to drive our ship.

Ms Crisler is opposed to the ordinance. Ms. Crisler is concerned it is the most visible place in town; it will define the town; concerned there is a possibility that there will be a development that is not desirable. Right now we are safe with the current zoning. Pb&t is possible there. The terrain is very difficult to work on. Ms. Crisler is opposed; this is not a good idea at this time.

Mr. Desilets hesitate to characterize the overlay district as loose. The WEDC has worked hard on the details and there are many challenges to the site. The proper development can come in and smooth out those challenges.

Ms Post acknowledges the validity to Mr. Guttman's point. When the discussion around market square started there was a sense of urgency. Since that time, significant plans have been proposed. Extensive mapping and planning and engineering have been done on the Village Center District and are being actively marketed. Close to 30 acres is being developed for Gateway Park. 15 acres of commercial development for Village Center. There is heavy significant investment in making those two developments happen. 45 acres combined with significant commitment for commercial development between the gateway and village center park. All involve mixed use, walkability, and emphasize a significant element of retail. Ms. Post is not sure the town can sustain the significant amount of retail that is being proposed. There have not been any studies to assure the sustainability. Ms. Post is concerned about losing the PB&T available. She would like to balance endless retail with something more enduring. Ms. Post would like to see economic development culture that is at least equally devoted to attracting a serious corporate presence to the town; that is Ms. Post's vision for the PB&T, not increased retail. Brining in a strong corporate presence into the town takes collaborative work with developmental professionals around the state. Ms Post gave several examples of agencies available to work with local WEDC to do corporate outreach. Corporate presence V endless retail will have a less impact on traffic.

Ms Difruscia concurs with Mr. Guttman, Ms. Crisler, and Ms. Post. Ms Post stated very articulately Ms. Difruscia desire to see more corporate business brought in and how valuable the property is to support that. Ms. Difruscia would like to see the WEDC reach out to some of the things identified by Ms. Post. Ms Difruscia, Ms Post, Ms Crisler, and Mr. Dubay were on the original WEDC committee and that is where the seed for the market square overlay district was birthed. Concerns about the sustainability of retail, have not see a market analysis that show the retail can be sustained. Not being critical of the WEDC work, it is a difference in opinion of the vision. Ms. Defruscia believes there is a need to preserve PB&T. The only way to sustain a lot of retail is through transient traffic and that brings problems of crime and has an impact on the infrastructure. There are a lot of issues that have not been addressed.

Ms st. Laurent appreciates the work the board has done in the language for the market square. It is up to the residents to vote. Ms. St. Laurent disagrees this is not the right time or the right place. The infrastructure is where we need it to be. Ms. St. Laurent believes the voters should decide.

Chairman carpenter agrees with Ms. Difruscia. Market square is a significant development; the work the board has done on the ordinance is to protect the community and it is up to the town voters to decide if they want a market square. Chairman Carpenter commented it is the job of the Planning Board to write an ordinance that will bring about the market square the town wants. Market Square is not a money event, it is a lifestyle event. It will not

successfully lower tax rate for the town of Windham. Chairman Carpenter is willing to let the voters of the town decide.

Mr. Rounds commented that the work done on the ordinance will allow in theory the vision that we are trying to put in place.

Mr. Valentine asked chairman carpenter to clarify what is the intent of the vote tonight.
Chairman Carpenter replied the vote is to move it to the warrant. (or not)

Ms Scott clarified the vote tonight will be to move it or not to warrant. The next vote will be the boards recommendation on the warrant.

Tom case commented that the vote tonight is to decide if it goes to the warrant. The next vote will be the Planning Board recommendation.

Motion by Mr. Gosselin to move to warrant: Market Square Overlay District (Sections 620, 301.18, 302, 701, 710.3) Adopt a new Market Square Overlay District and Map (dated October 2, 2015) that specifies the purpose, location, uses permitted, mixed use requirements, and design criteria; amend Sections 301.18, 302, 701, and 710.3 to include the words “Market Square Overlay District” to warrant with the following minor changes to section 620.4.9 to strike the last two words ‘where appropriate’

Second Mr. Desilets

Vote 4-3-0 Mr. Guttman, Ms. Crisler, and Ms. Post opposed for reasons previously stated.

Motion carries

Historic Building/Structure Demolition/Substantial Modification Delay Ordinance (Section 719)

Amend Section 719.2 Definitions to delete “Cultural Resource List”, “HC”, “HDC”, and “Historic Resource List”, add definitions for “Historic District Commission”, “Historic Cultural Resource List”, and “Technical Review Committee”, amend the definition of “Historic Building/Structure Sign” and “Review Committee”; Clarify what the ordinance applies to in Section 719.3; Amending Section 719.4-719.4.8 to clarify process, responsible parties, placement of signs, and timeline for review and hearings; Amend Section 719.5.2 to clarify timeline; Amend Section 719.6-719.6.4 clarify process, responsible parties, and timeline for review and hearings; and Other formatting and grammatical edits are proposed.

Motion by Mr. Gosselin to open to public hearing

Second by Ms Crisler

Vote 7-0-0

Motion carries

Mr. Frank farmer, HDC chairman

Provided written comments to Ms Scott which were placed in the file.

Carol Pynn

Thank Ms Crisler for the clear explanation of the two commissions.

Motion by Mr. Gosselin to send the suggested changes to Attorney Campbell for review and repost for a public hearing on December 2, 2015

Second by Mr. Guttman

Vote 7-0-0

Motion carries

Temporary Signs (Sections 706.6.4, 706.7.8 and 706.7.9)

Amend Section 706.6.4 to delete “after receiving” and replace with “apply for”, add language “including the date of the event”, clarify that the sign can be displayed for not more than 30 days per event, and delete “no fee will be required for these entities”; Amend Section 706.7.8 to change the sqft from 32’ to 24’; and Amend Section 706.7.9 to add language “including the date of the event”

Motion by Mr. Guttman to reconsider

Second by Ms. Crisler

Vote 7-0-0

Motion carries

Motion by Mr. Guttman to move language to warrant

Second by Ms Crisler

Vote 7-0-0

Motion carries

Pre-Existing Non-Conforming Signs (Section 706.3.1)

Amend Section 706.3.1 to clarify what signs need to conform to the regulations; Amend Section 706.3.1.1 to clarify what is allowed to be done to a pre-existing non-conforming sign without the sign being required to come into compliance and the criteria for such.

Motion to open for public hearing by Ms. Crisler

Second by Ms. Post

Vote 7-0-0

Motion carries

Ralph valentine

Clarified that all change of use is coming before the Planning Board
Support of Ms. Scott’s suggested language to add ‘a major site plan approval; and

Motion by Mr. Gosselin to amend and repost Section 706.3.1 for hearing on December 2

Second by Ms. Crisler

Vote 7-1-0 chairman opposed

Motion carries

2016 Town Meeting Workshop – PBT Restaurant and Retail Sales (Section 614.2.10 & 614.2.17)

Ms. Crisler is in support of select uses that are complimentary to the office users.

Mr. Gosselin is in support of retail services that are complementary to the office users with a maximum set on the percentage of retail and restaurants.

Mr. Guttman agrees with setting a cap maximum on individual services with a cap max on a cumulative retail/restaurant.

Mr. Rounds agrees with keeping retail/restaurant at 10%.

Mr. Desilets agrees that attempting to prevent the worst case scenario is prudent. Agree with Mr. Guttman's suggestion. 10% max on restaurants and 10% max on retail with a cumulative max of 15%.

Ms. Post reviewed that the original concept was no retail in PB&T how a small exception for selling goods manufactured on site was allowed in PB&T. Ms. Post does not see the need for retail and would vote to leave it as it is written.

Chairman opened to public

Mr. Karl Dubay

The 10% retail adds a lot of value to the town and helps bring it all together.

Would like to see a 14,000 square foot pharmacy to be allowed in the PB&T as long as it is an integral part to the development.

Mr. Desilets asked Mr. Dubay if pharmacy was added as an allowable use what are the thoughts of capping retail and restaurant to 7% each and capping total to 10%. Mr. Dubay replied the it is not transient oriented, want a high end high quality restaurant. The 7% is too small for restaurant, 10% is better.

Ms. Crisler is concerned we may not get an overall plan for the PB&T zone. We will get a piece meal. We have allowed uses already within the PB&T. Ms. Crisler likes keeping the list of uses and added uses without making percentages.

Mr. Gosselin commented if you look at the site by the golf course property it is all owned by one entity; look at the whole package.

Chairman Carpenter commented the Planning Board has to look at the worst case scenario and the zoning is forever. We have an obligation to protect the community

Ms. Scott commented properties can be subdivided. Drive thrus are not allowed in the PB&T district except for banks.

Ralph valentine

Support the pharmacy being added as a use with a drive thru.

Support having a restaurant without a % limit.

Concern about the balance, may be achieved to limit retail to 7%. Not limiting the % for restaurants, and adding a pharmacy with a drive thru as an added use.

Mr. Desilets suggests adding a pharmacy with a drive through as an added use and allowing retail with a cap at 7%.

Mr. Gosselin agrees with adding a pharmacy with a drive thru as an approved use, and making retail at 7.5% maximum.

Chairman Carpenter will not support pharmacy and retail.

Ms. Difruscia agrees with Chairman Carpenter

Mr. Desilets suggested adopting Mr. Guttman's suggestion of 10% 10% and 15%. (referred to as the Guttman initiative)

Chairman Carpenter polled the Board members regarding the Guttman initiative:

Ms. St. Laurent: yes

Mr. Guttman: yes

Mr. Gosselin: yes

Ms. Difruscia: no

Mr. Desilets: yes

Ms. Post: no

Mr. Rounds: yes

Ms. Crisler: no

Chairman Carpenter: yes

Staff will write the Guttman initiative and revisit at a workshop.

Ms. Post reminded the board that the last discussion of adding retail was to include a pharmacy as permissible use in PB&T.

Chairman Carpenter asked Ms. Scott to write both the Guttman initiative and language with just a pharmacy.

Mr. Desilets is comfortable moving forward with Guttman initiative.

Ralph valentine suggested that Ms. Scott draft all the ideas for the next workshop.

Motion by Mr. Desilets to add pharmacy with drive thru and add 5% retail with a maximum limit 10%

Second by Mr. Gosselin

Vote 3-4-0 Dan, Alan, Margaret, Ruth Ellen opposed

Ms. Scott will rewrite the language/versions for the next workshop

Motion by Mr. Guttman to adjourn

Second by Mr. Desilets

Vote 7-0-0

Adjourned 10:20pm

Minutes submitted by Suzanne Whiteford

