



OLD VALUES - NEW HORIZONS

## COMMUNITY DEVELOPMENT

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### Approved Planning Board Minutes

Wednesday, December 2, 2015

7:00pm @ Community Development Department

Alan Carpenter, Chairman, present

Margaret Crisler, present

Kristi St. Laurent, present

Matt Rounds, Alternate, present (sat for Paul Gosselin)

Kathleen DiFrusia, Alternate, present (sat for Dan Guttman until he arrived at 7:10pm)

Joel Desilets, Selectman, present (left at 9:05pm)

David Oliver, Alternate, excused

Dan Guttman, present (arrived at 7:10pm)

Ruth Ellen Post, present

Paul Gosselin, Vice Chairman, excused

Gabe Toubia, Alternate, present

Ross McLeod, Alternate/Selectman, excused

### Call to Order/Attendance/Pledge of Allegiance

#### 2016 Town Meeting Public Hearings

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

Amend Section 719.2 Definitions to delete "Cultural Resource List", "HC", and "Historic Resource List", add definitions for "Historic District Commission" and "Historic Cultural Resource List", 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 to clarify process, responsible parties, and timeline for review and hearings; and Other formatting & grammatical edits are proposed.

Ms. Post stated that, for language purposes, TRC should be changed to Technical Review Committee rather than the acronym per previous suggestions from Attorney Campbell.

After the Board gave their input, the discussion was opened to the public.

Frank Farmer, Chairman of the HDC/HC, addressed the Board. He clarified that the National Register was a separate issue exclusive of the discussion of deleting language from the ordinance. Mr. Farmer also spoke to careful demolition and architectural salvage. He suggested that new language in the ordinance could empower the Board to help preserve these properties and/or the materials being removed from them.

Wayne Morris, Chairman of the Conservation Commission, addressed the Board to emphasize the importance of careful demolition of historic properties in town. He cited the careful demolition of the Golden Brook portable classrooms as an example of what can be done when recycling and preservation efforts are utilized.

Ms. Crisler would like further clarification on the Historic Commission and will follow up with interested parties.

The Board made the two suggested changes made by Attorney Campbell in his November 25, 2015 memo on Sections 719.6.1 and 719.2. This would remove definition of Historic Commission and change language in 719.6.1.

**Motion: Ms. Crisler made a motion to move the ordinance to the proposed warrant article as amended. Mr. Guttman seconded the motion. Vote 7-0. Motion passes.**

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.

Minor edits were made to the proposed language. The hearing was then opened for public comment. No comments.

**Motion: Mr. Guttman made a motion to move the item to warrant as amended in November 12<sup>th</sup>, 2105 memo. Ms. Post seconded the motion. Vote 5-2. Mr. Rounds and Mr. Desilets opposed. Motion passes.**

The Board took Ms. Doukas's proposal out of order due to her having a family obligation. Ms. Doukas of 7 Hardwood Road provided an overview of her proposal and the reasons why she feels it is necessary. The Board reviewed the November 24<sup>th</sup>, 2104 memo and commended her on providing such a thorough and well-planned packet for the Board's consideration. The Board felt that this item was worthy of review but that there was not enough time for the 2016 Town Meeting. This will be held for a future Board discussion when the 2017 Town Meeting items are brought up and staff will make sure to reach out to Ms. Doukas when that item is scheduled so she can attend.

In Ms. Doukas's case, there are both visual and noise intrusions due to the removal of trees and other buffers. She would like to see some kind of screening that will buffer the noise especially for herself and her neighbors.

**2016 Town Meeting Workshops**

- Professional, Business & Technology District Allowed Uses (Section 614.2)

The Chair polled the Board to see which options they preferred.

Ms. Post and Ms. DiFrusia were both in favor of Option 1.

Mr. Guttman and Chairman Carpenter were both in favor of Option 3.

Mr. Desilets, Ms. St. Laurent, and Mr. Rounds were in favor of Option 6.

Mr. Toubia, Mr. Desilets, Ms. Crisler, and Mr. Rounds were in favor of Option 7.

The discussion was then open to the public.

Mr. Karl Dubay of the Dubay Group and a town resident addressed the Board. He thanked the Board for going through the options for the public. Mr. Dubay emphasized that the proposed usage of overall space for retail and restaurants was a small percentage. Utilizing space in this capacity could increase the quality of life for the employees working in these places and for the patrons of the other businesses. He also echoed a point made by Ms. Crisler, that different usages would mean traffic at different times of day in the same vicinity. Mr. Dubay felt as if Option 6 or 7 were simpler options than Option 3 and would be more easily understood by the voting public.

Mr. Ralph Valentine, town resident, addressed the Board. He asked how many parcels of PBT were in town. Ms. Scott later stated there were 27 parcels in town. Mr. Valentine stated that drive-thru pharmacies and walking amenities were essential to the employees of the other industries that would be housed there.

**Motion: Mr. Desilets made a motion to move Option 6 to a public hearing as written. The motion was not seconded.**

**Motion: Mr. Rounds made a motion to move Option 6 to a public hearing with no drive-thru and a 7,000 square foot limit on pharmacies. Mr. Desilets seconded the motion. Vote 4-3. Motion passes. Ms. St.**

**Laurent, Mr. Rounds, Ms. Crisler and Mr. Desilets were for the motion. Mr. Guttman, Chairman Carpenter and Ms. Post were opposed.**

- Vernal Pool Buffers - Wetlands Scientist selection

**Motion: Mr. Guttman made a motion to ask staff to contact Mr. Rick Van der Poll (1<sup>st</sup> choice) or Mr. Mark West (2<sup>nd</sup> choice) to provide consulting services to review and comment on the draft ordinance and attend the next Town meeting workshop on this topic. Seconded by Ms. Crisler. Vote 7-0. Motion passes.**

- Other potential Town Meeting items for Board consideration

Robert Walker with Ryan Development addressed the Board. Chairman Carpenter asked if the Board had interest in entertaining this at this time. Ms. St. Laurent, Mr. Rounds, Mr. Guttman and Ms. DiFrusia were not in favor of considering. Mr. Toubia would be open to having the discussion to learn more about the technology. Mr. Desilets would be interested for next year. Ms. Post wanted to congratulate Ryan Development for bringing this forward in the correct venue. This Board is where policy decisions are made. Major policy questions were meant to be brought forward to the Planning Board. Watershed protection areas have been before many boards as of late. This subject is of great interest to a lot of people; this subject is not hinted at in any way. The concern is that the content was not properly posted. Chairman Carpenter did not agree. The process followed is the correct process and this proposal is in the beginning stages of consideration. Ms. Post respectfully disagreed. Ms. Crisler has concerns around the long term effects of porous pavement in general; she is not in favor of something that would not protect the lakes. Chairman Carpenter suggested that February was a good time for Robert Walker and/or Ryan Development to return to discuss this topic. Mr. Walker is not asking to change the by-law. They are asking to bring this to the Planning Board's responsibilities. The ultimate goal is to protect the lakes. They are not asking for a wholesale change to the by-laws. The Board would need a minimum of six months to get a warrant ready for the ballot. The citizens' petition deadline is December 9<sup>th</sup>. That would be Robert Walker's only recourse. There is also a time in February where a workshop could be scheduled for a discussion for a Warrant articles in 2017.

**Public Hearing Case #2015-29 Preliminary Major Site Plan Application Lots 13-B-77 & 13-B-80**

A Preliminary Major Site Plan Application has been submitted by Karl Dubay, of The Dubay Group, on behalf of the property owner, Fusion Properties, LLC. The proposal is to construct a 4,500 sq. ft. commercial building for office and commercial services at 42 Rockingham Road/Harris Road (Lots 13-B-77 & 13-B-80), which is located in the Commercial District A, WWPD, Route 28 Overlay District, and Aquifer Protection District.

Karl Dubay came before the Board. Mr. Guttman read the proposal into the record. Ms. Scott stated that there are still outstanding items on the plan. They have a full year to submit a final site plan. These are non-binding on the Board tonight.

**A motion was made by X to open the public hearing. X 2<sup>nd</sup> seconded the motion. 6-0**

John McGlashin, 6 Settlers Ridge Road, addressed the Board. He has a home based business, the business is growing and this is a site that would fit their needs. They do electronic security for large businesses throughout the country. They would like to expand into solar industries as well once they move. Hence, the roof would be conducive to adding solar. The building could accommodate other businesses in the bays. Platinum Protection would use ½ of the top floor at this time. The rest of the building would be used for solar storage or be rented out to other businesses. A variance is not needed for the 14 parking spaces; this is in Commercial A and it is not subject to design regulations. The metal sided building would be allowed. Ms. DiFrusia asked why they would use metal for the siding. Perhaps the final application could also have the materials available for the Board.

Would a traffic study be needed? A traffic study may not be needed for such a small lot but Harris Road is a very narrow road. Ms. DiFrusia and Mr. Toubia felt that a site walk was needed. Traffic would be UPS and Federal

Express. Ms. St. Laurent expressed that the Board of Selectmen may needed to have a sign indicating a flow of traffic for larger trucks. The swale is full of dirt, it will not need to be blasted and it will be leveled out. The determination of the traffic study would be determined at a later time.

The next bullet spoke to Waiver Requests. Section 609.4.2.1, Section 615.6.3 and 615.6.4 were cited. In his memo, Karl Dubay spoke to these three specific waivers. 4500 sq. ft. footprint but a 9000 sq. ft. building. Ms. DiFrusia spoke to the drainage; she wanted to know what it looked like now and how it might be altered in the plan. There was a discussion of how DOT had treated this in the past. Ms. Post spoke to 609.4.2.1 the impervious surface is jumping from 30% to 58%. Karl Dubay stated that ½ of that is going to be recharged and half of the roof is going to be solar panels.

No other comments from the Board. Alan opened it up the public. There were no opinions from the public. It was then brought back to the Board. Ms. DiFrusia would like to know about lighting. The lighting would be LED dark sky friendly. A curb cut was set in such a way so that landscaping would help obscure the views of the metal building. The site walk would be scheduled after the Final Site Plan had been submitted.

**Motion: Mr. Guttman made a motion to end Preliminary Major Site Plan Approval. Ms. Crisler seconded. Vote 6-0. Motion carries.**

Karl Dubay would like it noted that no one from the Dubay Group's firm is working with the Ryan Development at this time.

Carrier Funeral Home asked for an extension that expired today. They are looking for an extension of 30 days. They just go a memo from DOT today.

**Motion: Mr. Guttman made a motion to extend the Carrier Home application by 90 days. Ms. Crisler seconded. Vote 6-0. Motion carries.**

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

- September 9, 2015

**Mr. Guttman made a motion to approve as amended. Ms. Crisler seconded. Vote 6-0. Motion passes.**

- September 16, 2015

**Mr. Guttman made a motion to approve as amended. Mr. Rounds seconded. Vote 6-0. Motion passes.**

- September 30, 2015

**Mr. Guttman made a motion to approve as amended. Mr. Rounds seconded. Vote 4-0-2. Ms. Crisler and Ms. Post abstained. Motion passes.**

#### **Master Plan CIP Request – December 7<sup>th</sup> Board of Selectmen Presentation**

**Chairman Carpenter made a motion for Ms. Post to present information before the Board of Selectmen. Seconded by Ms. Post. Vote 6-0. Motion passes.**

**Chairman Carpenter made a motion to adjourn at 10:32pm. Seconded by Mr. Guttman. Vote 6-0. Motion passes.**