



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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Approved Planning Board Minutes Wednesday, November 5, 2014 Community Development Department

Board Members:

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

Bruce Breton, Selectman – Excused
Joel Desilets, Selectman Alternate – Present
Steve Bookless, Alternate – Excused
Jim Fricchione, Alternate – Excused
David Oliver, Alternate – Excused
Kathleen DiFruscia, Alternate – Excused

Staff:

Elizabeth Wood, Community Planner
Colleen King, Interim Minute Taker

Chair St. Laurent called the meeting to order at 7:38 pm, followed by the Pledge of Allegiance, member attendance and a brief synopsis of the agenda.

The Chair sat Mr. Joel Desilets for Ms. Nysten.

2015 Town Meeting Public Hearings: Ms. Margaret Crisler motioned to open the Public Hearing, seconded by Mr. Joel Desilets. Motion passed: 4-0.

Ms. Wood stated that it would not be possible to move any of the items to Town Meeting today because the legal review from Attorney Campbell was not yet available.

Grammar Edits (Section 601.4.8.2, 602.1.6.9, 607.7.2.3, 607.8.2.3, 720.7.8, 710.3.1, 710.3.3, and 906.
Minor grammar and spelling edits are proposed to the following Sections of the Zoning Ordinance and Land Use Regulations: 601.4.8.2, 602.1.6.9, 607.7.2.3, 607.8.2.3, 720.7.8, 710.3.1, 710.3.3, and 906. The Chair read a memo dated October 9, 2014 from Ms. Elizabeth Wood, which outline suggested amendment changes for consideration.

Ms. Wood stated that comments from Attorney Bernie Campbell on all the Public Hearing Warrant Articles were not available and urged the Board not to move the Articles to the Warrant until his comments were reviewed. There was much discussion on the correct usage of specific words and the Chair did not believe that spelling would change the intent. Mr. Paul Gosselin suggested that all grammar edits be lumped together. Ms. Betty Dunn, Woodvue Road resident, urged the Board to minimize the number of warrant articles; many residents expressed their irritation to her regarding the number of warrants on the ballot. Ms. Dunn also stated that a change from Code Enforcement Officer to Building Inspector on the driveway ordinance was a substantial change and inquired about who suggested this change. Ms. Wood stated that the Building Inspector thinks that this should be under the Highway Department review. This discussion is continued until November 19th.

Excavation (Section 707)

Amends the provisions of the Zoning Ordinance and Land Use Regulations in Section 707 by inserting the words “and RSA 155-E:2a” after the phrase “RSA 155-E:2”.

Ms. Dunn inquired for the reason for this change. Ms. Wood explained that it is to be consistent with State law.

WWPD & Vernal Pool Markers (Section 601.4.9.4, 716)

Amends Section 601.4.9.1 regulating the installation of markers for Wetland and Watershed Protection District (WWPD) boundaries by permitting a surveyor or other qualified professional to install the markers. This is in addition to a wetland scientist which is currently permitted by the ordinance to install the markers. Additionally amends Section 716 by adding a provision to require the installation of markers along vernal pool buffer boundaries where previously no markers were required.

Ms. Wood recapped the discussion for the Board.

The Chair expressed concern about proposing an undue burden on the residents by requiring this markers to be placed by a wetlands scientists. Mr. Gosselin discussed the \$1.50 cost of the WWPD markers and the corresponding value of the markers, if the vernal pool boundaries change. There was discussion on the impact of timber harvesting on vernal pools. Mr. Joseph Maynard, Benchmark Engineering, stated that once a site is clear cut, the vernal pool loses its functionality. Ms Crisler suggested that Conservation Commission be asked for their input on the WWPD markers and the vernal pool issue. Mr Desilets stated that the voters did approved the use of the WWPD markers.

Ms. Wood recapped the discussion for the Board.

Temporary Signs (Sections 706.7.9, 706.6.2, 705.6.2.5)

Amend the regulation of temporary signs to permit only one temporary sign to be allowed on display per property at any given time; require all temporary signs to be event related; allow for any civic organization, non-profit group, religious, educational or similar entity to display a temporary sign in accordance with Section 706.7.9; allow such civic groups with annual events to apply for a permit that automatically renews on an annual basis.

There was discussion on the time savings of a recurring annual permit for temporary signs on town property and whether civic groups from Windham should even be required to get a permit. Mr. Ross MacLeod, Windham resident, questioned the intent of the word ‘property’ and whether it referred the parcel owner or the tenant.

Mr. MacLeod believed that there may be a First Amendment issue with the wording is content-based. The Windham groups would be treated differently. Mr. Gosselin suggested eliminating the words ‘per property’ and voiced concern with the impact on multiple businesses on one parcel. The Owners of the Alpaca Farm, Snow Pond Farm spoke about the importance of agricultural directional signs for their farm as it is not visible from the main roads. Mr. Gosselin stated that off-site agricultural directional signs are a real value and benefit to the community and offered to meet with Ms. Woods to discuss Mr Desilets recommended that the temporary sign permit ordinance be a subset of 706.6.2.7 and identified as 706.6.2.7.1.

This discussion will continued until November 19, 2014

Ms. Wood recapped the discussion for the Board.

Impervious Surface Definition, Section 200

Remove the definition of “impervious surface” from Section 616.4 and add it to Section 200 Definitions. This move provides a universal definition of “impervious surface” for the entire Zoning Ordinance and Land Use Regulations.

Ms. Wood recapped the discussion for the Board.

Ms. Wood began to recap the entire set of Town Meeting items for the Board; however, Chair St. Laurent stated that it was not necessary to do this because each item had been recapped previously after each item had been discussed.

Ms. Crisler made a Motion to continue all items to the November 19, 2014 Public Hearing, as amended, at 7:00pm; Seconded by Mr. Desilets. Motion Passed 4-0

Public Hearing

Ms. Crisler read Case #2014-34 into the record

Case#2014-34/Major Watershed/WWPD Special Permit/27 Walkey Road (17-I-111B)

A Wetland and Watershed Protection District Special Permit and Major Watershed Application have been submitted for 27 Walkey Road (17-I-111B), located in the Residence District A Zone, Wetland and Watershed Protection District (WWPD) and Cobbetts Pond and Canobie Lake Watershed Overlay Protection District. The Applicant, Joseph Maynard of Benchmark Engineering, Inc., on behalf of the property owners, Vinny and Linda Bonanno, is proposing to raze the existing home and construct a new single-family residence on the site along with a new septic system and well. The existing impervious surface coverage is 5,026 sq. ft. (68.43%) and the proposed impervious surface coverage is 3,287 sq. ft. (44.8%). The proposal will cause a 7,345 sq. ft. area of permanent disturbance to the WWPD.

Ms. Wood stated the application is complete.

Mr. Desilets motioned to accept this application, seconded by Mr. Gosselin. Motion passed: 4-0.

- Mr Joe Maynard of Benchmark Engineering addressed the Board, on behalf of the applicant. He stated that this is a unique property and that the total area of the lot is within the WWPD. The ZBA did grant relief for the septic.
- Mr Desilets inquired about the disposition of the old septic system. Mr. Maynard explained that it remains in place as removing it would be more disruptive to the WWPD.
- Ms. Crisler questioned whether the new plan would block the view of surrounding structures. Mr Maynard explained that by moving the house, the view from surrounding structures is improved.

The Chair opened the hearing to the public and hearing none, the public portion was closed.

Ms. Wood handed out the comments from Steve Keach and had no further comments.

**Ms. Crisler motioned to approve the plan as presented with the following conditions: the plan as presented includes the copy of the Shoreland Permit, the Subsurface Permit, and all conditions outlined in the memo from Steve Keach; seconded by Mr. Gosselin
Motion passed: 3-1-0.**

Ms. Crisler read Case #2014-35 into the record.

Administrative Review:

Case#2014-35/Major Watershed/38 First Street (16-Q-169A)

A Major Watershed Application has been submitted for 38 First Street (16-Q-169A), located in the Residence District A Zone and Cobbetts Pond and Canobie Lake Watershed Overlay Protection District. The Applicant, Joseph Maynard of Benchmark Engineering, Inc., on behalf of the property owner, Dave Tokanel, is proposing to raze the existing home and construct a new single-family residence on the site along with a new septic system. The existing impervious surface coverage is 2,467 sq. ft. (59.4%) and the proposed impervious surface coverage is 2,386 sq. ft. (57.4%).

The Chair asked Ms Wood if she had anything to add; Ms Wood had nothing.

Mr Maynard stated that the existing house is currently over the property line and on 10/15/14 the ZBA grant variances from **Sections 401, 405.2, 405.3, 616.6.4.1, 702, and Appendix A-1** of the *Zoning Ordinance and Land Use Regulations*.

The Chair asked for comments from the public.

Dave Tokanel explained that his intent is to renovate this structure and maintain the character of the neighborhood. The Shoreland Permit has been already been approved. The current structure is already year-round and has a second floor. The new structure will have a shed dormer and the garage will remain in the same footprint.

Ms. Crisler made a motion to Conditionally Approve the Major Watershed Application as presented with the following conditions:

All conditions as written in the **10/28/18** KNA memo shall be satisfied to the satisfaction of Steve Keach. Indicate the location of all Hydric-A soils and Hydric-B soils. If none exist within the lot or within 50' of the property's boundaries, please add a note to the plan stating this.

Seconded by Mr Gosselin, Motion passed: 4-0.

Minutes Review/Approve

Mr. Desilets motioned to approve the August 6, October 8, October 15, and October 19, 2014 Site Walk minutes as written, seconded by Mr. Gosselin. Motion passed: 4-0

Mr. Desilets motioned to adjourn the November 5, 2014 Planning Board Meeting at 10:20pm, seconded by Mr Gosselin. Motion passed: 4-0.

These minutes are respectfully submitted in Draft form for your approval by Colleen King, Interim Minute Taker.

Reconsidered minutes are respectfully edited and submitted by Elizabeth Wood, Community Planner