

Planning Board Approved Minutes Wednesday, May 7, 2014 7pm

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 – Present

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

Staff:

Laura Scott, Community Development Director
Elizabeth Wood, Community Planner
Laura Accaputo, Planning Board Minute Taker

Chair St. Laurent called the meeting to order at 7:05 pm, followed by the Pledge of Allegiance, member attendance and a brief synopsis of the agenda.

The Chair sat Mr. Bookless for Ms. Skinner and Mr. Fricchione for Mr. Carpenter.

Public Hearings

Ms. Crisler read Case #2014-17 into the record.

Case#2014-17/WWPD Special Permit/8 Dorian Road

A Wetland and Watershed Special Permit has been submitted for 8 Dorian Road (13-K-37A) located in the Rural District, Wetland and Watershed Protection District and 100-year flood plain district. The applicant, Mark Gross of MHF Design Consultants, Inc., on behalf of the property owner, SREEC, is proposing to construct a single-family residence, deck, well, driveway on the existing vacant lot sized 7.6 acres or 331,056 sq. ft. The maximum square footage of temporary and permanent disturbance to the WWPD for the proposed development activity is 9,964 sq. ft.

Ms. Crisler asked if the application was complete and Ms. Wood answered yes.

Ms. Crisler motioned to accept Case #2014-17 for Public Hearing, seconded by Mr. Bookless. Motion passed: 7-0.

Ms. Wood explained the Board has to decide if the proposed natural plantings and buffer is acceptable. She also noted Mr. Keach is satisfied with the plan and the required variances were granted.

- Mark Gross, MHF Design Consultants, addressed the Board. He explained this project was submitted to the Zoning Board in 2007 and variances were granted but the project was stalled in the process of obtaining the final condition of the Watershed Special Permit due to the economy. He stated this is an existing non-conforming parcel and due to zoning regulations has only 1000 square feet of buildable area outside of the WWPD and building setbacks; without a variance and a special permit the lot would be un-buildable. The parcel has frontage on Dorian Road and Cole Road and is a 5.9 acre parcel. The wetland delineation is approximately 57,000 square feet of upland area. Only .3 acre of the parcel will be developed

with the remaining property put in a Conservation Easement with the exception of a small portion which will be put into a Driveway Easement for an abutter whose driveway is on their property. The septic will be outside of the WWPD. To mitigate impact the roof runoff will drain into an underground infiltration system, there will be an infiltration trench along the back of the driveway to capture runoff and infiltrate it into the ground. The wetland is 25ft away from the edge of disturbance for the development of the house and there will be a buffer planting of white pine, hemlock, spruce, and fir (as recommended by Gove Environmental) between the limits of the backyard and the adjacent uplands. The Conservation Easement will be in excess of 5 acres and a draft copy has been provided for review by the Town Attorney.

Questions/Comments from the Board

- Ms. Crisler asked if the proposed house would have a view of the lake and Mr. Gross replied probably not. Ms. Crisler noted her concern that trees would be cut down and Mr. Gross stated there is a provision in the Conservation Easement for no cutting. Ms. Crisler also asked if there were restrictions placed by the ZBA in regards to fertilizers and Mr. Gross replied yes they can only use natural fertilizers.
- Mr. Fricchione asked if there were any comments from abutters and Mr. Gross stated the comments they received from abutters were they didn't want a developer coming in and flipping a house. They also had concerns about the property flooding but the house will be above any wetland elevation.
- Ms. Crisler asked if the Conservation Easement draft has been reviewed by Legal Counsel and Ms. Wood stated not yet. Mr. Gross stated there will be a Drainage Easement to the Town at the end of the culverts for clean up which will be incorporated into the Conservation Easement.
- Mr. Desilets asked if there is a brook through the middle of the property that runs into Shadow Lake and Mr. Gross answered no but there is something near the culverts that runs into the wetland. Mr. Desilets stated Google Maps shows two brooks, one named Flat Rock Brook, that run through the property and asked if it was on the map provided and also asked if the same plan, not showing the brook, was the one provided to the ZBA and Conservation Commission. Mr. Gross answered no because they only did topography in the road and the upland portion. Ms. Crisler stated Flat Rock Brook is not trivial and should be on the plan. Mr. Gross stated it is hard to get there because it is so wet.
- The Chair asked Mr. Gross if the edge of the area would be marked with conservation markers and Mr. Gross explained the bounds were set back in 2007 when the plan originally came through and the markers will have plaques mounted on them.
- Ms. Nysten asked if the property is required to pay Impact Fees to the town and Ms. Wood answered yes. Ms. Nysten stated they should be shown on the plan.

The Chair opened the hearing to the public at 7:35pm.

- Mike Gath, abutter, stated the 25ft Drainage Easement for the town is not enough. He is also concerned they will be allowed to clear the lot of trees if they feel there is a safety threat to the home.

- The Chair stated the markers for WWPD should be placed on the original WWPD edge not the area they received the variance for. The boundaries are not changing and therefore the markers delineating the edge of the approved area shouldn't be WWPD markers. The Chair suggested they mark where WWPD crosses the development area on both sides and use different markers.
- Mr. Gosselin stated since the area of impact is already marked off with granite bounds it would be reasonable to indicate the bounds as the extent of any disturbance onto the deed itself.
- Ms. Crisler asked if public access would be granted in the Conservation Easement and Mr. Gross stated it will be up to the Town as to how the easement is written but he does not think public access should be allowed since it would be a liability to the property owner.
- Mr. Fricchione stated the home would have greater value if the Conservation Easement did not provide public access.
- Mr. Gross stated they will show an approximate location of the brook and give an easement over the brook to the town.
- The Board discussed whether or not to move forward since approval would require so many conditions, the easement documents still need review by Legal Counsel, and the location of the brook is not on the plan. Mr. Gross stated he has a concern about spending money for Legal Counsel Review prior to having an approval. Mr. Gosselin suggested making one of the conditions that the Board review the final Conservation Easement. Ms. Nysten checked the minutes from the Conservation Commission Meeting and noted they had no comments.

Ms. Crisler motioned to approve the application for Case#2014-17 WWPD Special Permit for 8 Dorian Road with the following conditions: Add a signature block for the property owner; the final mylar plans for filing at the registry must contain original stamps and signatures. Duplicates of originals are permitted for Planning Board Packets and Final Paper Plan; recording of the Conservation Easement Deed at the Rockingham Registry of Deeds; the Conservation Easement Deed must be reviewed and approved by Town Counsel; Impact fees [for School and Public Safety] must be calculated and noted on the plan; the Culvert must be reviewed and approved by the Road Agent and Town Counsel; the location of the Brook be placed on the plan; all conditions mentioned in the 4/28/14 KNA memo must be complied with to the satisfaction of Steve Keach; the bounds of the WWPD must be marked at the points where the WWPD intersects with the Conservation Easement bounds; and a copy of the recorded Driveway Easement Deed must be provided for the file, seconded by Mr. Gosselin.

Motion passed: 6-1-0 with Mr. Desilets in opposition because the Brook looks significant and other Boards were not informed of it.

The Chair called a 2 minute recess at 8:34pm and called the meeting back to order at 8:36pm.

Ms. Crisler read Case #2014-15 into the record.

Case#2014-15/WWPD Special Permit/40 Mitchell Pond Rd (3-A-609)-Continued from 4/16/14

A Wetland and Watershed Protection District Special Protection District (WWPD) Special Permit has been submitted for 40 Mitchell Pond Road (3-A-609) located in the Residence District A Zone and Wetland and

Watershed Protection District Zone. The Applicant, Tory Bianchi of Custom Pools, Inc., on behalf of the property owners Sean and Dianne Sweeney, is proposing to construct an in-ground swimming pool and surrounding patio entirely within the WWPD. The disturbance to the WWPD would be approximately 1,500 sq. ft. The applicant is proposing to use silt fencing and/or hay bales and install landscaping for erosion control.

Ms. Wood recommended the Board continue the application to June 4, 2014 as the material provided was incomplete. She will meet with the applicant next week to go over what is required by the Town of Windham for a WWPD Special Permit application.

Ms. Crisler motioned to continue Case #2014-15 to June 4, 2014 at 7pm, seconded by Mr. Gosselin. Motion passed: 7-0.

Permanent Sign Application-18 Mammoth Road/Jr's Steak & Seafood

Ms. Wood explained the sign meets the size requirement for letters however if the Planning Board approves the application she recommends they verify it meets ADA Requirements, Building Code, and Fire Code due to the location of the poles for the awning relative to the Handicapped Parking Spaces.

- Jerry Gaucher, owner, addressed the Board. He stated he is proposing an awning over the take out window that will be smaller in length than the previous awning. He believes it will not hinder wheelchairs as the awning pole will be in the hash marks of the Handicapped Space which is typically used only as extra space for the unloading of a wheelchair from a van. The awning will only come out as far as the sidewalk and allows for a 6ft wide area which is ADA compliant.

Questions/Comments from the Board

- The Chair suggested he set the poles so they do not obstruct the access aisle and has enough room between the poles for a wheelchair.
- Ms. Crisler suggested they condition approval on it meeting ADA requirements.
- Mr. Gosselin stated he does not believe it would interfere with the Handicapped Spaces because of how wide the area is.
- The Board discussed how they could ensure the condition that ADA requirements were met and Ms. Scott replied the applicant would be required to schedule an inspection with the Building Inspector and have him sign off that it meets the condition of approval otherwise the sign would have to come down.
- The Chair recommended the applicant take some measurements and meet with the Building Inspector prior to constructing.
- Ms. Crisler asked the color of the letters and Mr. Gaucher replied white.
- The Chair asked if lighting was being proposed and Mr. Gaucher replied yes.

Ms. Crisler motioned to approve the application for an awning sign at 18 Mammoth Road as presented with the condition that the Building Inspector verifies that ADA compliance is met, seconded by Mr. Desilets. Motion passed: 7-0.

The Chair re-ordered the agenda and took up the review of the minutes while staff prepared copies of memos associated with the 2014 PB Work.

Minutes Review/Approve

-March 5, 2014 – **postponed**

-March 19, 2014

**Ms. Nysten motioned to approve the March 19, 2014 minutes as amended, seconded by Ms. Crisler.
Motion passed: 6-0-1 with Mr. Fricchione abstaining.**

-April 2, 2014 – postponed

-April 9, 2014

**Ms. Crisler motioned to approve the April 9, 2014 minutes as amended, seconded by Mr. Gosselin.
Motion passed: 6-0-1 with Mr. Fricchione abstaining.**

-April 16, 2014 (Public)

**Ms. Crisler motioned to approve the April 16, 2014 Public minutes as amended, seconded by Ms. Nysten.
Motion passed: 6-0-1 with Mr. Fricchione abstaining.**

-April 16, 2014 (Non-Public)

**Ms. Crisler motioned to approve the April 16, 2014 Non-Public minutes, seconded by Ms. Nysten.
Motion passed: 4-0-3 with Mr. Fricchione, Mr. Bookless, and Mr. Gosselin abstaining.**

2014 PB Work

-PB Schedule

- The Board discussed the draft Planning Board schedule as outlined in a memo by Ms. Scott dated May 5, 2014. Ms. Nysten suggested the Design Review Interviews be rescheduled to a different date and the Board agreed to move it to June 4, 2014 and start the meeting at 6pm so they could conduct all interviews in non public prior to the start of the meeting.

-2015 TM List

- The Board discussed the breakdown of potential Town Meeting items as outlined in a memo by Ms. Scott dated May 1, 2014. The Board discussed prioritizing the items on the list as well as additional items they would like to work on, such as looking at lot size minimums based on size rather than soil density as suggested by Mr. Gosselin. Several Board members expressed their top priorities and Ms. Scott asked the remaining members to email their top three or four priorities by the end of the week so she could pare down the list for the June 18th meeting.

-Proactive Work List

- Ms. Scott explained this list as outlined in her memo dated May 1, 2014 is a list of everything else the Board has expressed interest in working on, such as a new item discussed tonight for a list of recommended WWPD plantings. The Chair pointed out that Highway Safety should be included in Item #6 Joint Meeting with Boards and the Board discussed whether to use these meetings to discuss the Master Plan or hold separate meetings. Ms. Crisler pointed out that road standards in Subdivision Regulations should be added to the list. The Board also discussed working on Recreation and School Impact Fees and Ms. Scott stated she will work with Mr. Hohenberger to try and get data from the SAU and will add this to the list. Ms. Scott will also check with the Police and Fire Chief if there is a capital expenditure because of seasonal conversion relative to Impact Fees. The Board also agreed to hold their annual meeting with Legal Counsel on September 3, 2014.

Member Binder Updates

-Lot Merger Application (Tab 10)

Old/New Business (Not to include discussion of pending applications or decisions on matters requiring public notice)

Mr. Desilets advised the Board he will be attending the (TED) Tech, Entertainment and Design Conference in Portsmouth and he will speak with organizers about the possibility of bringing the event to Windham in the future.

Ms. Crisler motioned to adjourn the May 7, 2014 Planning Board Meeting at 10:30pm, seconded by Mr. Gosselin. Motion passed: 7-0.

These minutes are in respectfully submitted by Laura Accaputo, Planning Board Minute Taker.