



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

PO Box 120, Windham, New Hampshire 03087

(603) 432-3806 / Fax (603) 432-7362

www.WindhamNewHampshire.com

Planning Board Approved Minutes

Wednesday, June 18, 2014, 6pm

Board Members:

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

Bruce Breton, Selectman – Excused
Joel Desilets, Selectman Alternate – Present
Steve Bookless, Alternate – Excused
Jim Fricchione, Alternate – Excused
David Oliver, Alternate – Present
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 6:00 pm, followed by the Pledge of Allegiance, member attendance and a brief synopsis of the agenda.

The Chair sat Mr. Oliver for Ms. Nysten.

6:00pm

2015 Town Meeting

- Public Suggestions
- Finalize 2015 Town Meeting List/Subcommittee Assignments

The Board discussed potential Town Meeting items arising from suggestions made by staff, other boards and commissions, the public, and Planning Board members. The Chair noted they received some public input and summarized a letter from Tom Case stating there have been a total of 139 amendments in 10 years and he suggests leaving things as they are for a year. Ms. Scott noted she received two additional items for consideration from the public; to increase the vernal pool buffer to 50ft and the definition of a front lot line. Ms. Scott also explained 6 items that staff will be working on to bring to the Planning Board from her memo dated 6/12/14 which includes Religious Uses, Excavation Ordinance, WWPD Markers, language/grammar edits, Open Space and landscaping requirements; and Watershed Ordinance expansion. The Chair then invited those in attendance to speak.

- Will Widgren, President of Lakeview Farms Homeowners Association and Over 55 Community, asked if an exception can be added to the age requirements in Section 610.6.1.1 to include a spouse under the age of 55 married to a resident age 55 and older. Mr. Maynard stated the current federal guideline states you have to have just one person over 55.
- Betty Dunn stated residents are distressed with pages of zoning amendments on the ballot and with the Master Plan coming up this might be the year to keep it to a minimum. She also added she would like to see a Historic Preservation Ordinance that offers incentives to developers that preserve specific buildings.
- Ralph Valentine, Chair WEDC, stated the WEDC Land Use Subcommittee is looking at parcel rezoning in the area of the old police station (Route 111 between Lowell Road and London Bridge Road) and the Waterhouse Country Store intersection and will present recommendations to the Planning Board on October 15th for their consideration.

- Mr. Desilets stated in consideration of the work and attention required for the Master Plan, he feels that aside from the six items from staff the only item that is critical for this year is housing for older persons.

The Board discussed their personal priorities as well as those of members not attendance. They agreed to keep the six items staff is working on and will decide which to move forward with once presented. They agreed to consider parcel rezoning once submitted by WEDC and increase to vernal pool buffer if brought forward by Conservation. They agreed to work on Housing for older persons and Temporary Signs as a Board rather than assigning subcommittees. All other items will remain on the list for consideration in future years.

Public Hearings

Mr. Carpenter read Case #2014-20 into the record.

Case#2014-20/146 Range Road (21-K-102)/Minor Subdivision/WWPD/Watershed

A Minor Subdivision Application, Wetland and Watershed and Protection District Application (WWPD), and Major Cobbetts Pond and Canobie Lake Watershed Land Development Application have been submitted for 146 Range Road (Lot 21-K-102), located in the Residence District A Zoning District as well as the WWPD, and Cobbetts Pond and Canobie Lake Watershed Overlay Protection District. The applicant, Peter Zohdi of Edward N. Herbert Associates, Inc., on behalf of Rawley Family Trust, is proposing to subdivide the 18.4 acre lot (801,504 sq. ft.) into 3 lots: Lot 21-K-101, a vacant lot sized, 4.239 acres (184,651 sq. ft.); Lot 21-K-102 a lot containing the existing single-family home, sized 8.708 acres (379,313 sq. ft.), and; Lot 21-K-103, a vacant lot sized 5.504 acres (239,744 sq. ft). One driveway Easement is proposed to access proposed Lot 21-K-102; another driveway easement is proposed through Lot 21-K-102 to access Lot 21-K-103, and an exclusive usage easement on Lot 21-K-102 for the benefit of Lot 21-K-101, as an existing NH State Driveway permit has been issued for a maximum of 2 entrances.

The applicant is seeking a WWPD Special Permit Application for Lot 21-K-101 for a portion of the driveway, culverts, and headwalls that are proposed to cross a wetland and WWPD. The applicant is currently seeking a NH DES Dredge and Fill Permit for this proposal. Also proposed, for Lot 21-K-103 is a portion of the driveway and well to cross into the WWPD. Prior to the start of construction, the applicant is proposing to install protective erosion control measures which include silt fencing and/or mulch berms. During construction, grading and removal of vegetation on the lot will be minimized.

The Major Cobbetts Pond and Canobie Lake Watershed Land Development Application has been submitted for the subdivision and for the development of a single-family home and driveway on each of the vacant lots. Individual lots are proposed to be served by individual well and septic systems. Less than 30% of the existing total land area is impervious. The total proposed impervious area for Lot 21-K-101 is 12,819 sq. ft. or 6.9%; for Lot 21-K-102 the total impervious are proposed is 30,225 or 7.97%; for Lot 21-K-103 the total impervious area proposed is 5,230 sq. ft. or 2.18%.

Mr. Carpenter motioned to open Case #2014-20 for public hearing, seconded by Mr. Gosselin. Motion passed: 5-0.

- Shane Gendron of Edward Herbert Associates addressed the Board. He stated the request is to subdivide the parcel into 3 lots and all will meet frontage requirements. They are asking for a special permit in two areas; the driveway for Lot 21-K-103, 5,211 sq ft of WWPD impact and the driveway for 21-K-101, 15,361 sq ft of WWPD impact. Two Dredge and Fill Permits have been executed by Gove Environmental and have been approved by the state. The application meets the requirement of a Major Watershed

Application although based on the percentages of impervious area for each lot they are far below a Minor Application. He also clarified a comment from Mr. Keach regarding the 10,000 sq ft area for Lot 21-K-103 by stating they do have a 10k area shown on the plan but it is not 100 x 100; there is a section in zoning which allows for a different shaped 10,000 sq ft area. Mr. Gendron then addressed which of Mr. Keach's concerns have been addressed and stated they will comply with any outstanding concerns.

Questions/Comments from the Board

- The Chair asked why there were so many wells and Mr. Zohdi replied they are from a prior subdivision and are not in use.
- Mr. Carpenter asked why they have a driveway easement for Lot 103 rather than putting it on the lot and noted his concern for the very long driveway across wetlands and Mr. Zohdi stated the location is better for sight distance and the Dredge and Fill Permit was approved. He also noted Conservation Commission approved it. Mr. Desilets asked if there were any comments from Conservation and Ms. Wood answered no. Mr. Gendron stated they went before Conservation has seen the plan at least 3 times.
- Mr. Desilets asked if there were any ponds on the property and if the proposed driveways would cross them and Mr. Zohdi replied that one driveway would cross a wetland, not a pond.
- Mr. Carpenter asked the length of the driveway for 101 and Mr. Gendron replied approximately 750ft. Mr. Carpenter asked about the ordinance regarding driveway length and Ms. Wood replied a cistern is required. Mr. Zohdi stated they will work with the Deputy Chief and use either a sprinkler in the house or a cistern.
- Mr. Carpenter asked if they gave any thought to using something other than asphalt on the 750ft driveway and Mr. Gendron replied they are using a bio-retention swale and since the driveway is super elevated any rainwater will hit the swale. The maintenance of the swale is easy and it should be inspected every couple of years. He stated porous pavement needs to be vacuumed twice a year and is hard to regulate. Mr. Carpenter asked how many linear feet of swale there will be and Mr. Gendron replied approximately 500ft. Mr. Gosselin asked if the vegetation would be indigenous to the area and Mr. Gendron answered yes.

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

Mr. Carpenter motioned to approve the application for Minor Subdivision, WWPD Special Permit, and Major Cobbetts Pond and Canobie Lake Watershed Land Development as presented with the following conditions: The applicant provides a copy of the NH DES Subdivision Approval and adds the approval# to the plan; all Fire Department requirements must be satisfied and may include the installation of a cistern and/or sprinkler systems; all final Fire Department determinations for fire requirements must be noted on the plan; all items as detailed in the 5/30/14 Engineering Review Memo by Steve Keach of KNA Associates, Inc. must be satisfied to the satisfaction of Mr. Keach; the required 10,000 sq. ft. buildable area may be located in the front of proposed Lot 21-K-103 with dimensions as shown on a plan provided to the Board on 6/18/14 and deviating from the required 100' X 100' required dimensions as set forth in Appendix A-1 of the Zoning Ordinance and Section 601.26 of the Subdivision Regulations.; The findings for this are based on the fact that the overall size of the lot exceeds the minimum lot size requirement and the fact that the proposed percentage of impervious surface is very low; the Planning Board placards demarking the WWPD boundary shall be placed along the WWPD boundary as indicated on the plans. Markers shall be placed at a maximum of 50' intervals; add a note to the plan stating that the proposed septic system is an Effluent Disposal System (EDS) to be installed in accordance to NH DES regulations; provide driveway easement language for review by town counsel. All driveway easements must be filed at the registry as a condition of approval. NHDOT is the appropriate label for driveway permit (not NH DES); re-label this appropriately; include date (4/22/14) that Variances were granted by ZBA;

amend the mailing address of the Rawley Family Trust to include the second mailing address (146 Range Road, Windham); include lot frontages for all proposed lots (as measured 50' from front lot line); all final plans must contain original stamps and signatures, seconded by Mr. Gosselin.

Mr. Desilets asked if the two new proposed septic systems will meet the new town Septic Ordinance if approved and Mr. Zohdi stated they will comply with all town and state regulations.

Mr. Carpenter stated he does not like the long driveway for lot 101 due to its length and the fact it runs downhill toward the pond, although he appreciates the measures the applicant has taken to mitigate it, and is voting to approve it because the percentage of impervious surface is so small.

Motion passed: 4-1-0 with Mr. Desilets in opposition due to his concerns about water protections.

Mr. Carpenter read Case #2014-19 into the record along with a letter from Ms. Ouellette, 10 Oriole Road dated 6/13/14

Case#2014-19/WWPD Special Permit 17 North Lowell Rd (11-A-700)

A Wetland and Watershed Protection District Application has been submitted for 17 North Lowell Road (11-A-700) located in the Residence District B and Wetland and Watershed Protection District Zones. The Applicant, Joseph Maynard of Benchmark Engineering on behalf of Birch Hill Condominium Association/Pennichuck Water is proposing to construct a new pump house and detention area. Silt Fencing and geotextile riprap outlet protection is proposed to mitigate the impact to the WWPD.

Mr. Oliver motioned to open the public hearing, seconded by Mr. Carpenter. Motion passed: 5-0.

- Joseph Maynard, Benchmark Engineering addressed the Board. He explained Pennichuck Water owns the system and they are in the process of upgrading it. The existing pump house will remain operational until the new one is up and running. The upgrades will consist of a new pump house, storage tanks, and detention area if necessary. The new pump house location will allow it to tie into existing water lines without doing a large amount of excavation.

Questions/Comments from the Board

- Mr. Gosselin asked if the existing pump house will be torn down and removed once the new one is up and running and Mr. Maynard answered yes. He also asked if the upgrades were due to new DES rules and Mr. Maynard answered yes.
- John Boisvert, Pennichuck Water Works addressed the Board. He stated the current system is in full compliance with DES regulations and safe drinking water standards however the equipment is getting older and eventually they will have trouble meeting the regulations. They feel it would be better to build a whole new system and retire the old one before this happens.
- Mr. Oliver asked the maximum number of units the current pump station can serve and Mr. Boisvert stated he believes it is currently set at close to 40 units. Mr. Oliver asked if there was room for future expansion and Mr. Boisvert stated he doesn't believe they have the land capacity and any new wells drilled in this area would draw on the same water source.
- Mr. Carpenter asked about waste product from recharge and Mr. Boisvert stated they remove iron and manganese and add softeners to remove hardness; it is discharged to an infiltration discharge basin. Mr. Carpenter asked since this is located so close to the pond wouldn't it be a good idea to move it further away and Mr. Maynard replied water testing

has not shown there to be any issues. The Chair asked if it was the pond water that was being tested and Mr. Boisvert answered it was from the wells. Mr. Carpenter stated his concern for the pond surface water and other wells in the area.

- Mr. Oliver asked if they could answer the questions from the abutters letter; the first question asked why they are replacing the present pump house and Mr. Boisvert replied it is beyond its useful life; he asked if they plan to use the same area and if not why and Mr. Boisvert explained it will be in the same general area but further away from the wetlands. They cannot use the same area because they cannot shut down the existing pump house until the new one is ready. Mr. Desilets asked if the new pump house would be right sized or oversized for potential capacity increases and Mr. Boisvert stated it will be appropriately sized. Mr. Oliver continued with Ms. Ouelettes questions; what is silt fencing and Mr. Maynard replied it is a temporary erosion control measure that also limits the area of work; and the last question what is geotextile riprap outlet protection and Mr. Maynard answered it is fabric put on the ground before the riprap stone is placed. A riprap stone is a jagged stone that slows the flow of water. Mr. Desilets asked if both silt fencing and mulch berm could be used due to the close proximity of the water and Mr. Maynard stated he prefers silt fencing and feels mulch berm is not appropriate for this area since most of the excavation is ledge and silt fencing will control the erosion and define the work area.
- Mr. Gosselin asked if there would be blasting and Mr. Maynard replied he didn't know until they dig but they will discourage it since it is such a small area.
- The Chair asked how and when a decision would be made about the detention area and Mr. Maynard stated if the infiltration basin became nonfunctional the pond would be constructed to take on the water. She asked they add the area to the plan as a note.
- Mr. Carpenter asked since the discharge area is so close to the pond if they would be opposed to testing the water in the pond for high salt content and Mr. Boisvert replied they would be happy to submit a sample to their lab for testing.

The Chair opened the hearing to the public at 8:40pm and hearing none the public portion was closed.

Mr. Carpenter made a motion to approve the application as presented with the following conditions: Pennichuck is to pull a surface sample from the pond next to the existing pump house to test for salinity and submit the test results to staff and add a note to the plan indicating the detention area is a proposed future detention area, seconded by Mr. Desilets. Motion passed: 5-0.

Mr. Carpenter read Case #2014-21 into the record.

Case#2014-21/Minor Site Plan/Medicus Phase II/22 Roulston Road (13-A-90)

A Minor Site Plan Application has been submitted for Lot 13-A-90 (22 Roulston Road) in the Limited Industrial Zoning District. The applicant, Jason Muise of Safari Construction, on behalf of the property owner, 22 Roulston Road, LLC, is proposing to modify the September 21, 2011 and March 19, 2014 approved Major Site Plan and WWPDP Special Permit. The modifications include drainage, lighting, ADA access, egress/access, fire cistern, utilities, landscaping, and parking. A waiver has been requested from Section 703.1.2 of the Site Plan Regulations to allow portions of 3 parking spaces located within 20' of the ROW. Per Section 303.5 of the Site Plan Regulations, if the Planning Board does not decide that application qualifies 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.

Mr. Carpenter motioned to open as a Minor Site Plan Application, seconded by Mr. Gosselin. Motion passed: 5-0.

- Karl Dubay, The Dubay Group addressed the Board. He explained they are before the Board to update the Site Plan with minor changes. Now that the building is set they are improving the drainage, cleaning up ADA access due to a slight shift in location of the front door, providing a sidewalk to the right side of the building, and improving parking in the front of the building. The changes are sliding the driveway entrance over 16ft to the left, improving landscaping and lighting with one lighting change; 2 light fixtures on two poles instead of 3 light fixtures on 1 pole, to spread the light out better. They would also like to add six additional parking spaces, 3 will be in the 20ft right of way. They have addressed all concerns raised by Mr. Keach.

Questions/Comments from the Board

- Mr. Carpenter asked about light pollution with regards to the lighting change and Mr. Dubay replied the new heads will point away from the road toward the building and the site and the foot candles drop off past the throat of the driveway.
- Mr. Desilets asked if they considered constructing the building with LEED certification in mind and Mr. Dubay replied they put the money into the buildings appearance rather than the LEED checklist although it has many aspects of LEED and was built highly energy efficient.

The Chair opened the hearing to the public at 9pm and hearing none the public portion was closed.

Mr. Gosselin made a motion to grant the waiver from Section 703.1.2 to allow a portion of three parking spaces to be within 20ft of the Right of Way because it works for the building, doesn't cause any hindrance, and improves the traffic flow per the design, seconded by Mr. Desilets.

Motion passed: 5-0.

Mr. Gosselin made a motion to approve the plan as presented, incorporating the waiver, and identifying the proposed building as #22 Roulston Road, Builing 2 for E-911 purposes, seconded by Mr. Carpenter.

Motion passed: 5-0.

Administrative Review

Mr. Carpenter read Case #2014-22 into the record.

Case#2014-22/Major Watershed/45 Sawtelle Road (Lot 17-C-105-B)

A Major Canobie Lake Watershed Development Application has been submitted for 45 Sawtelle Road (Lot 17-C-105-B) located in the Residence District A zone and Wetland and Watershed Protection District. The applicant, Joseph Maynard of Benchmark Engineering, Inc., on behalf of the property owner, Carole Martin, is proposing to raze the existing home and erect a new single-family home, septic system, and drilled well on the property. The proposed impervious surface coverage is 2,750 sq. ft. or 38% of the lot. Silt fencing is proposed for soil erosion control.

- Joseph Maynard, Benchmark Engineering addressed the Board. He explained the new house will have a new well and state approved septic system subject to Shoreline Protection approval. They received the required variances. He also explained the existing and proposed impervious coverage per both CPIA and NHDES Shoreland Regulations noting that the proposed plan shows a decrease in impervious coverage for CPIA (40% to 38%) and an increase per NHDES (29.6% to 47%) and an increase in building coverage from 12.4% to 18%.

The Chair opened the hearing to the public at 9:15pm and hearing none the public portion was closed.

- Mr. Desilets asked if there will be a new driveway and Mr. Maynard answered yes with a garage under in the rear of the property. Mr. Desilets asked if the new proposed septic was 200ft from the water and Mr. Maynard answered yes.

Mr. Oliver motioned to approve Case #2014-22 Major Watershed/45 Sawtelle Road with the condition that the applicant provides a copy of the NHDES Shoreland Permit for the file and add the approval date and permit # to the plan; the applicant install an Effluent Disposal System in accordance with NHDES Regulations and label the proposed Septic System on Sheet 2 or add a note to the plan stating that an Effluent Disposal System shall be used; and amend Sheet 2 to note the most recent revision date, seconded by Mr. Gosselin.

Motion passed: 3-2-0 with Mr. Carpenter and Mr. Desilets in opposition.

Mr. Carpenter stated he is opposed due to the amount of impervious surface so close to the water.

Mr. Desilets stated he feels a more modest home would have brought it closer in line and respected the towns water resources.

The Chair also noted there is a decrease in the overall impervious surface in terms of the CPIA regulations.

Financial Release-Whelan Subdivision

Ms. Scott explained this financial guarantee was part of a subdivision application to ensure the new driveway was installed properly without causing any damage to the existing closed drainage on the road. The driveway has been installed without causing any damage.

Mr. Carpenter motioned to approve the financial release for the Whelan Subdivision, seconded by Mr. Gosselin. Motion passed: 5-0.

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

The Chair noted they have received a lot of comments from the public and other boards regarding the number of variances being granted by the ZBA and the Board discussed options for relaying these sentiments back to the Zoning Board. They suggested anyone with concerns should attend a ZBA meeting to discuss it.

Mr. Desilets reminded everyone of the 21st annual Windham Historical Society Mystery Tour on Wednesday June 25th at 6pm beginning at the museum.

The Chair stated the Planning Board is seeking public input for updating the Master Plan, there is a link on the town's website for the survey and paper copies are available at several locations around town such as the library and Community Development Department. A public meeting is scheduled for July 16th at the Searles Chapel.

Ms. Scott stated they have the opportunity to have a table at Town Day (June 28th) for the Master Plan Survey. She asked if anyone would like to volunteer to work the table to email her.

Mr. Carpenter motioned to adjourn the June 18, 2014 Planning Board Meeting at 9:35pm, seconded by Mr. Gosselin. Motion passed: 5-0.

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

UPCOMING MEETINGS:

July 2nd

July 9th

Master Plan Visioning Meeting @ Searles School & Chapel on July 16th