



OLD VALUES – NEW HORIZONS

COMMUNITY DEVELOPMENT

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Planning Board Minutes

June 19, 2013

Board Members:

Kristi St. Laurent, Chairman – Present
Margaret Crisler, Vice Chair – Present
Pam Skinner, Member – Present
Jonathan Sycamore, Member – Present
Sy Wrenn, Member – Present

Ross McLeod, Selectman – Excused
Kathleen DiFruscia, Selectman Alternate, Excused
Vanessa Nysten, Alternate Member – Excused
Alan Carpenter, Alternate Member – Present
Jim Fricchione, Alternate Member – Excused

Staff:

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

Call to Order/Attendance/Pledge of Allegiance

Chair St. Laurent called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance, member attendance and gave a brief synopsis of the agenda.

The Chair appointed Mr. Carpenter to sit for the vacant seat.

Village Center Subcommittee Presentation – Design Review Regulations Proposed Amendments

- Mr. Wrenn stated the Village Center Subcommittee used the existing Design Review Regulations that were adopted last year and made changes to the Village Center District. They added the word “subdivision” Mr. Wrenn explained why. Ms. Scott stated the Design Review Regulations are part of the Subdivision Regulations. She stated they were just being overly cautious. She stated if an applicant is doing a lot line adjustment they do not have to do a subdivision. She stated she has given her concerns to the Subcommittee and will provide them to the Planning Board. After discussion Mr. Wrenn suggested taking out the word “subdivision”. Ms. Crisler stated the Board should have a workshop. They need to make sure there is access from parcel to parcel. The Chair stated some changes are just for the Village Center District but others would have implications to the other districts. It was decided the board would have a workshop on July 10th.

Ms. Crisler read the public hearing notice for the Subdivision Regulations.

Public Hearing - Subdivision Regulations

A public hearing is to be held in accordance with NH RSA 675:6 (Method of Adoption), to adopt amendments to the existing Subdivision Regulations, as allowed under NH RSA 674:35 (Power to

Regulate Subdivisions). The amendment is for the inclusion of Section 1000 Development of Regional Impact Process.

Ms. Crisler motioned to open for public hearing Section 1000 Development of Regional Impact Process of the Subdivision Regulations, seconded by Mr. Wrenn. Motion passed 6 – 0.

- Ms. Scott stated this was the exact language the Board had adopted in the Site Plan Regulations. Attorney Campbell pointed out that the Board needed to adopt this language in the Subdivision Regulations also.

The Chair opened the hearing to the public at 7:22 PM, hearing no comments the public portion was closed.

Ms. Crisler motioned to adopt section 1000 into the subdivision regulations as presented, seconded by Mr. Wrenn. Motion passed 6 – 0.

Ms. Crisler read Case 2013-12 into the record. The Chair asked Ms. Scott if this application was complete and Ms. Scott stated yes.

Public Hearings

Minor Site Plan Application - Case 2013-12

A Minor Site Plan Application has been submitted for 1 Lexington Road (11-A-240) in the Limited Industrial Zoning District. The Applicant, Peter Zohdi of Edward N. Herbert Associated, on behalf of Lexington Realty LLC, is proposing to relocate the existing freestanding sign and expand the existing building by 494 sqft for office and storage space. No other site modifications are proposed.

- Ms. Scott stated there is a letter from Mr. Peter Zohdi, of Herbert Associates, requesting this application be heard as a minor site plan.

Ms. Crisler motioned to accept Case 2013-12 is a Minor Site Plan for public hearing, seconded by Mr. Wrenn. Motion passed 6 – 0.

- Ms. Scott stated the only outstanding issues are that the proposed parking space dimensions be added to the site plan. There are no outstanding TRC comments on this application. The applicant will work with the Fire and Building inspectors when permits are applied for to ensure compliance. A permanent sign permit will be required to be applied for approval prior to relocating the sign.
- Mr. Shayne Gendron, of Herbert Associates, addressed the Board. He stated this is a small addition and the owner is proposing to remove three small dormers and add one large dormer in order to provide for office space and some additional storage on the second floor. The dormer will extend out over a covered walkway as shown on sheet A1 one of the plans. The owner would also like to relocate the existing sign from the right side of the entrance to the southeasterly corner of the lot, approximately 25+/- feet off of Lexington Road and 23+/- feet off a Ledge Road. He stated the owner is also adding one parking space in the rear of the building and that area is already paved.

- The Board and Mr. Gendron discussed the sign, keeping the existing sign, and its location. Mr. Gendron explained the topography of the property and why the sign was being moved.

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The Chair opened the hearing to the public at 7:32 PM, hearing no comments the public portion was closed.

Mr. Carpenter motioned to approve Case 2013-12 as presented with the condition that the parking space dimensions be added to the site plan, seconded by Mr. Sycamore. Motion passed 6 – 0.

Ms. Crisler read Case 2013-13 into the record. The Chair asked Ms. Scott if this application was complete and Ms. Scott stated yes. Ms. Scott stated she has provided the Board the following from the applicant: May 20th Letter of Intent, May 20th Minor Site Plan criteria, May 22nd Waiver Request, site pictures and Minor Site Plan.

Mr. Wrenn motioned to accept Case 2013-13 as a Minor Site Plan for public hearing, seconded by Mr. Carpenter. Motion passed 6 – 0.

Minor Site Plan Application – Case 2013-13

A Minor Site Plan Application has been submitted for 8 Rockingham Road (13-B-10) in the Business Commercial District A Zone. The Applicant, James Littlejohn of Cubicle Solutions Inc., on behalf of Mark Bedrick, is proposing to remove 2 existing parking spaces and existing landscaping to construct a 15' x 41' driveway to access the existing building with a proposed metal double door. The proposed door will be 6' wide x 7' tall on the south side exterior wall of unit #4. Waivers have been requested from Section 602.2.4 and 602.2.5 of the Site Plan Regulations.

- Ms. Scott stated the applicant, James Littlejohn of Cubicle Solutions Inc., in his letter of May 22nd 2013 has requested waivers from Section 602.2.4 and 602.2.2.5
- Mr. James Littlejohn of Cubicle Solutions Inc., representing Mr. Mark Bedrick addressed the Board. He stated they are proposing a driveway approximately 15 feet wide by 41 feet long to be constructed against the south side of unit four with a metal double door approximately 6 feet wide by 7 feet tall added to the south side exterior wall of unit four. The driveways entrance will utilize two existing parking spaces. The building at 8 Rockingham Rd. and has 51 parking spaces located in the front of the building and another 30 parking spaces located on the north side of the building. The proposed changes will not affect the flow of traffic and the parking lot. Ms. Scott stated the applicant is not here for a change of use.

Questions/comments from the Board

- The Board asked Mr. Littlejohn what type of business was going into the unit. Mr. Littlejohn stated the name of the company is Standard Electric. He stated they will have 3 to 4 employees working at unit 4. The approximate number of customers is 15 to 25 a day.
- The Board asked Mr. Littlejohn if it was a concrete driveway. Mr. Littlejohn stated it was and it was sloping into asphalt and would be creating a ramp on both sides.

- The Board and Mr. Little John discussed the garage doors, having a roll down door as opposed to a double door.

The Chair opened the hearing to the public at 7:42 PM, hearing no comments the public portion was closed.

Ms. Crisler motioned to grant the waivers from Section 602.2.4 and 602.2.2.5 for Case 2013-13 because this is a minor site plan and these two regulations are not needed, seconded by Mr. Carpenter. Motion passed 6 – 0.

Ms. Crisler motioned to approve Case 2013-13 with the condition that there is no impediment to pedestrian traffic on the sidewalk from the driveway construction, seconded by Mr. Wrenn. Motion passed 6 – 0.

Ms. Crisler read Case#2013-14 into the record. The Chair asked Ms. Wood if this application was complete and Ms. Wood stated yes.

Ms. Crisler motioned to accept for public hearing Case#2013-14, seconded by Mr. Wrenn. Motion passed 6 – 0.

Case#2013-14/WWPD Special Permit

A Wetland and Watershed Protection District Special Permit Application has been submitted for 5 Burnham Road (20-D-4016), located in the Rural District zone and Wetland and Watershed Protection District (WWPD). The applicants, Gregory and Linda Parke, are proposing to install an 18' X 36' in-ground swimming pool, 10' X 16' pool house, retaining walls, patio, fence, and related landscaping. A maximum of 8,400 sq. ft. of area within the WWPD will be WWPD impacted during the excavation phase. The proposed permanent intrusion within the WWPD includes the pool, concrete, patio, hardscapes, and plantings and would be a total of 4,608 sq. ft.

- Ms. Wood stated that on April 9, 2013 the ZBA granted a variance from section 601.3, the TRC has reviewed this proposal, the Conservation Commission would like the applicant to amend the landscaping plan to include more woody shrubs and less white pines and flowers, and consider rotating the pool 90° so that it aligns more with the contours of the land so that it requires less fill on the downhill side, and the applicant should add a signature block for the property owner on the plan, final plans must contain the original engineering stamp and signature and property owner signature, and it's recommended that if the diagram on sheet two is intended to depict existing and proposed elevations a note be added to the site diagram stating this.
- Mr. Shayne Gendron on behalf of the applicants, Gregory and Linda Parke gave an overview of the lot and the plan. He stated they were not aware there was a WW PD on the property. The applicant has been to the ZBA and received a waiver and he has tailored the plans to what they wanted. The Conservation Commission wanted more woody shrubs and less flowers and he has adjusted the plan 10 feet on center with woody plantings and poplar trees. He stated the Conservation Commission also wanted him to change the pool configuration but there is a lot of slope and ledge and that would be a problem if they rotate the pool. He stated there is also a drainage easement in that area. Mr. Gendron gave the Board a new plan dated June 19, 2013 this

evening with the updates. He is now asking for an intrusion within the WW PD of 4,300 sq ft as opposed to the original 4,608 sq ft.

Questions/comments from the Board

- The Board asked Mr. Gendron to explain the construction schedule and silt fencing. Mr. Gendron stated silt fencing should be in before construction and will not be removed until the vegetation takes hold.

The Chair open the hearing to the public at 8:03 PM, hearing no comments the public portion was closed.

Ms. Crisler motioned to grant the WW PD special permit based on the plan dated June 19, 2013 with the condition that the silt fencing remains in place until the plantings take hold, seconded by Mr. Wrenn. Motion passed 6 – 0.

Ms. Crisler read Case#2013-15 into the record. The Chair asked Ms. Wood if this application was complete and Ms. Wood stated yes.

Ms. Crisler motioned to accept for public hearing Case#2013-15, seconded by Ms. Skinner. Motion passed 6 – 0.

Case#2013-15/Lot-Line Adjustment/Hunt Road

A Lot Line Adjustment Application has been submitted for 18 Hunt Road (8-A-27) & 114 Rockingham Road (8-B-1500) located in the Rural District. The applicant, Robert Balquist of Meisner Brem Corporation, on behalf of the property owners Leo and Theresa Breault, Thomas and Rita Fratus, and Alison Weber, are proposing to adjust the Lot Line by removing 4,921 sq. ft. of land from Lot 8-B-1500 and adding it to Lot 8-A-27. The Lot Size of Lot 8-B-1500 would be reduced from 1.26 acres (55,056 sq. ft) to 1.15 acres (50,135 sq. ft) and Lot 8-A-27 would be increased from .9 acres (3,920 sq. ft.) to .2 acres 8841 sq. ft). The proposed land to be transferred is a septic easement area for lot 8-A-27 and completion of the Lot line adjustment would place the easement area under full ownership of that lot.

- Ms. Wood explained her memo dated June 14, 2013 regarding this case. She stated the applicant has submitted a written waiver request from several sections that were not included in the legal hearing notice or sent to the abutting property owners, she stated the Z BA/Code Enforcement Officer reviewed the approve septic plan and noted the soil study on the plan is suitable to support 14.6 bedrooms and only three bedrooms exist on the property and the transfer of 4,921 sq ft of land will not reduce the number of bedrooms satisfied by the septic by 10 or more, the TRC has reviewed the plan and there are no comments or concerns and there are planning review issues to be cleaned up. Ms. Wood also spoke about the Town's frontage requirements and an issue when the application came in with this lot having frontage on both sides of it. Ms. Scott stated it is always been frontage on one road.
- Robert Balquist of Meisner Brem Corporation, on behalf of the property owners Leo and Theresa Breault, Thomas and Rita Fratus, and Alison Weber stated the Breault's have an easement on the Fratus property for septic and they would like to acquire that in fee title before the Fratus's

property is sold. He is asking for waivers from Section 701.1.7, 601.16, 601.12, 701.1.3.1 and 701.1.3.5. He stated for Section 701.1.7 Ms. Prendergast Z BA/Code Enforcement Officer has determined that a soil study was not required for this lot line adjustment, per Section 601.16 since a soil study has been determined to not be required then there isn't anything for an outside consultant to review, Section 601.12 the location results of a percolation test are included on a septic design dated July 18, 2007 and is on file in the Windham Building Department, Section 701.1.3.1 that a scale of 1" = 50' is required and his plan is at a larger scale of 1" = 30 ft showing greater detail and Section 701.1.3.5 that 2 foot contour interval shown on the enclosed septic design plan referenced above.

The Board had a brief discussion about private roads and easements.

The Chair opened the hearing to the public at 8:25 PM.

- Mr. Al Moran of 20 Hunt Rd. stated he had no problem with the application as they just wanted to get rid of the easement.

The public portion was closed at 8:27 PM

Mr. Carpenter motioned to approve as presented waivers from Section 701.1.7, 601.16, 601.12, 701.1.3.1 and 701.1.3.5 for Case#2013-15 as no new construction is taking place and these regulations are not necessary, with the following conditions; that a North arrow be added to the locust on the plan, indicate the right-of-way for Rockingham Road and Hunt Road, submit a PDF file of the final plans, the final plans must contain the original stamps and signatures of the surveyor and engineer and signatures of the property owner, seconded by Ms. Crisler. Motion passed 6 – 0.

Financial Guarantee Release – Medicus

Ms. Scott stated in December 2012 a \$2500 cash financial guarantee was put in place to ensure that the dumpster enclosure is installed and that the landscaping plan (sheet 7) is completed. A site inspection was done on June 9th and confirmed that these items have been completed. Ms. Scott suggests the Planning Board recommend to the Board of Selectmen to release the \$2500 cash financial guarantee plus any interest since the required improvements have been completed.

Ms. Crisler motioned to recommend to the Board of Selectmen to release the \$2500 cash financial guarantee plus any interest since the required improvements have been completed, seconded by Mr. Carpenter. Motion passed 6 – 0.

Planning Board Decision on SNHPC ReadySetGO! Certified Sites Program

- Ms. Scott stated that the Planning Board has heard from the Economic Development Committee and they are neutral/negative on participating in the program. Ms. Post has provided information to the Board as well as Attorney Campbell. Ms. Scott stated this program is voluntary and does not hurt the Town to participate, and if the town participates the Site Plan Regulations will need to be revised.

- Comments from the Board: the Chair spoke to someone who was a landowner and thought it would be a good idea, Ms. Crisler stated anything we can do to help landowners is good, and Mr. Wrenn said there is no downside. The Consensus of the Board was to participate in the program. Ms. Scott will notify the SNHPC.

Meeting Minutes – Review and Approve

May 29, 2013

Ms. Crisler motioned to accept the May 29 2013 minutes as amended, seconded by Ms. Skinner. Motion passed 6 – 0.

June 5, 2013 Non-Public

Mr. Wrenn motioned to accept the nonpublic minutes of June 5, 2013 as written, seconded by Chair St. Laurent. Motion passed 6 – 0.

June 5, 2013 – postponed

Member Binder Updates – Planning Board Applications (Tab #10)

Old/New Business

- Mr. Carpenter asked if the Planning Board would evaluate the stoplight at 111. He has a suggestion/idea he would like the Board to look at it and maybe go to the Board of Selectmen with it. Mr. Carpenter's suggestion/idea will be placed on the agenda of July 10th.
- The Chair stated the Planning Board has a vacancy with the passing of Ms. Webber that needs to be filled. The vacancy discussion will be placed on the agenda of July 10th.

Adjournment

Ms. Crisler motioned to adjourn, seconded by Mr. Carpenter. Motion passed 6 – 0.

Meeting adjourned at 9 PM

These minutes were approved 8/7/13 and respectfully submitted by Cathy Pinette, Planning Board Minute Taker