



OLD VALUES – NEW HORIZONS

COMMUNITY DEVELOPMENT

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Planning Board Minutes

July 17, 2013

Board Members:

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

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

Staff:

Laura Scott, Community Development Director
Nancy Prendergast, ZBA/Code Enforcement Administrator
Cathy Pinette, Planning Board Minute Taker

Call to Order/Attendance/Pledge of Allegiance

Chair St. Laurent called the meeting to order at 7:02 pm, followed by the Pledge of Allegiance, member attendance and gave a brief synopsis of the agenda.

Design Review Subcommittee Member Appointments

- The Chair explained what the Design Review Subcommittee was. There are 5 members and the Board is looking for 2 candidates to fill open spots. She stated there were 4 applicants applying this evening but two could not attend, Paul Gosselin and Babra Khan. Mr. Gosselin and Mr. Khan both submitted a letter of interest which the Board had in their packet. There are also two other letters of interest in the Board's packet from David Demers and Emma Martsolf who were in attendance.
- Mr. David Demers, 22 Woodvue Rd., addressed the Board. He stated he is currently on the Subcommittee and wanted to continue. He has a strong desire to work on historic homes and provided the Board with a list of projects he has completed. He has worked with many towns on different projects. He is co-manager/owner of a local residential real estate development/rehabilitation company. He has experience in design, construction zoning and planning.
- Ms. Emma Martsolf, 43 Nashua Rd. addressed the Board. She stated her profession is quality management and she has read the Regulations and she would like to help the Subcommittee do a quick and quality job. She spoke about the historic home she lives in, she understands some zoning codes, and can see beauty and detail in the planning. She also has a background in art. She would like to contribute to the community. She is not very familiar with NE architecture but feels it will be an easy thing to learn. She spoke about her schooling and career experience when she lived in China.

- The Chair stated the Board was familiar with Mr. Gosselin's experience and would like to invite Mr. Khan to attend the next meeting to speak with the Board. Ms. Scott will reach out to Mr. Khan to see if he can attend the July 31st meeting. The Chair stated the Board would make a decision at the July 31st meeting and let the applicants know. She thanked the applicants for volunteering.

Public Hearings

Customary Home Occupation – Case #2013- 16

A Conditional Use Permit to allow a Customary Home Occupation has been filed by the applicant, William R. Mason Esquire on behalf of property owners Edward J. and Lind E. Mucci, to allow an Automobile Dealer License Business (non-commercial use) to operate with one part time employee at 17 Twin Street (Lot 14-A-850). Lot 14-A-850 is a 1.5 acre parcel located in the Rural District.

Ms. Crisler read Case #2013- 16 into the record.

- The Chair asked Ms. Prendergast if this application was complete and Ms. Prendergast stated yes.

Ms. Crisler motioned to accept Case #2013-16 for public hearing, seconded by Ms. Skinner. Motion passed 6 – 0.

- Ms. Prendergast stated the applicant was present and was being represented by Attorney Mason. Mr. Mucci has been operating under a variance since 1989 and he is here seeking approval for 1 part time employee.

Questions/Comments from the Board

- Does Mr. Mucci need to go before the ZBA? Ms. Prendergast stated no.
- Have there been any complaints about the business. Ms. Prendergast stated yes, that is how she became aware of the current situation. After speaking with Mr. Mucci regarding someone else working at the business with him, who Mr. Mucci stated was a contractor, Ms. Prendergast determined this person was an employee. There have been no other complaints.
- Attorney Bill Mason on behalf of Mr. Mucci addressed the Board. He stated a variance was granted in 1989. Mr. Mucci has historically retained outside contractors to work on some problems he himself could not do. In the spring he hired someone to work part time and staff has determined the person is an employee. Attorney Mason stated this person is not an employee but if this person was needed for any length of time staff recommends they apply for a Conditional Use permit. Attorney Mason provided the Board with a letter of support from one neighbor and pictures of the

property. Attorney Mason stated the person is a contractor but for the purpose of the Town and the Board they are requesting 1 part time employee.

Questions/Comments from the Board

- How many people currently work there. Attorney Mason stated maybe 1 or 2 occasionally, they are contract employees, and are not all there at the same time.
- The Board asked Attorney Mason if there would be no other changes to the variance and all the conditions of the variance would stay in effect. Attorney Mason stated yes.
- The Board and staff discussed the conditions of the 1989 and 2005 variances. Staff advised the Board to make these same conditions if they grant the request for 1 part time employee.
- Mr. Wrenn stated he saw Mr. Mucci's property and the applicant is very meticulous with keeping it up and you cannot even tell there is a business there.

The Chair opened the hearing to the public at 7:37 pm.

- Mr. Doug Desautels, owner of Windham Mobil addressed the Board. He stated one of his old employees, Jaime, is working for Mr. Mucci. He spoke about the circumstances regarding this employee leaving. The Chair explained to Mr. Desautels what Mr. Mucci was asking for from the Board. Mr. Desautels stated he had a letter from his old employee who states he is starting his own business and Mr. Mucci is helping him and Jaime is starting his own business at Mr. Mucci's garage. The Chair again explained what the applicant was here for. Ms. Prendergast stated this is a permit for Mr. Mucci's business and no one else's. The Board stated this is a land use issue and not an employee relation issue. The Board explained that this was a permit issue and not a code enforcement issue which Mr. Desautels is speaking about. Mr. Desautels stated the variance is only for refurbishing and Mr. Mucci is doing repairs also. The Chair stated that if there is code enforcement issue that needs to be brought to the Code Enforcement Administrator. Mr. Desautels claims there are two businesses being run out of the garage.

The Chair closed the public portion at 7:50 pm.

- The Board asked Ms. Prendergast if two businesses could be run at that location and Ms. Prendergast stated no.
- The Board discussed placing the 1989 variance conditions on the case if they were to approve it. They also discussed if the employee should be part time or full time. The Board is concerned about how many additional cars would be added by allowing one employee and the traffic. The Board and staff discussed the meaning of the word "refurbishing" Ms. Nysten was not inclined to change the conditions of the variance

other than the addition of the employee. Ms. Prendergast stated that this case has been noticed and has been to the TRC and there are no concerns or other complaints.

- The Board asked Mr. Mucci if there are chemicals used at the garage as the variance states no chemicals are to be used. Mr. Mucci stated he does not want to change any condition on his variances.

Ms. Crisler motioned to grant Case #2013- 16, A Conditional Use Permit to allow a Customary Home Occupation with the conditions of the 2 previous ZBA variances (Case #1-89 and Case #60-2005) with no more than one employee or contract employee on site simultaneously, seconded by Mr. McLeod. Motion passed 6 – 0.

WWPD Special Permit – Case #2013-17

A WWPD Special Permit Application has been filed by property owners Stephen and Valerie McClendon of 22 Mitchell Pond Road (Lot 3-A-567) to allow a 1000 gallon liquid propane tank to be buried within the WWPD. The proposed excavation is approximately 67 square feet by 20 inches deep. The proposal re-establishes the disturbed area with loam and grass seed. Lot 3-A-567 is a 2.9 acre parcel located in the Rural District.

Ms. Crisler read Case #2013- 17 into the record.

The Chair asked Ms. Prendergast if this application was complete and Ms. Prendergast stated yes.

Ms. Crisler motioned to accept Case #2013-16 for public hearing, seconded by Mr. Wrenn. Motion passed 6 – 0.

- Mr. Stephen McClendon, 22 Mitchell Pond Rd. addressed the Board. He stated he wanted to bury a 1,000 gallon propane tank within the WWPD. He has tried to find another area on his property for the tank but there is ledge and there are no spots closer to the home. He has spoken to Deputy Chief Martineau and he stated it is a safe place, not hazardous, meets the fire codes and the distances. He is taking precautions in the WWPD area and will re-loom and reseed.

Questions/Comments from the Board

- Why is the tank being buried. Mr. Ray Crane of Palmer Gas stated it will keep the tank warm increasing the BTU's and will not be subject to the outside elements. Mr. Scott Sullivan of Top Turf Irrigation and Landscape stated the area is a hill from the lawn and the land slopes. The tank will not be visible from the house.
- The Board asked Mr. Sullivan if the grass cover would be mowed. Mr. Sullivan stated no, the grass area in that spot is not cut now and they would just let it grow wild.

- How will the gas company get to the tank. Mr. Crane stated the propane truck has a 100 foot hose and will use the driveway.
- How will the applicant be setting the tank in the WWPD. Mr. Sullivan stated they are on the edge so they do not expect much disturbance. A silt fence has already been installed and they will be placing hay bales in the area. They are also adding washed sand. He doesn't expect to be using machinery on the wetland side of the tank.

The Chair opened the hearing to the public and 8:13 pm, hearing no comments the public portion was closed.

Ms. Crisler motioned to grant WWPD Special Permit – Case #2013-17 with the conditions that the proper silt fencing and other erosion control measures be done during installation, that the erosion control methods stay in place until vegetation takes place, and that the applicant adhere to proper construction techniques, methods and safety, seconded by Mr. McLeod. Motion passed 6 – 0.

Minor Site Plan Application – Case #2013-18

A Minor Site Plan Application has been submitted by property owner Bruce H. Richardson for 105 Rockingham Road (Lot 8-C-1). The applicant's proposal includes the installation of a gate and two landings, along with the removal of concrete parking stops from the previously approved 2009 site plan. Lot 8-C-1 is a 9.2 acre parcel located in the Professional Business and Technology District.

Ms. Crisler read Case #2013- 18 into the record.

The Chair asked Ms. Prendergast if this application was complete and Ms. Prendergast stated yes. Ms. Prendergast stated there is no expansion, no impact and no increase.

Ms. Crisler motioned to accept Case #2013-18 as a minor site plan for public hearing, seconded by Mr. McLeod. Motion passed 6 – 0.

- Ms. Prendergast stated if the Board approves this Case she would recommend that the Minor Site Plan for Lot 8-C-1 be updated with a color coded key that identify the changes and include a Knox padlock to the existing gate to allow responding fire apparatus quick access. See Ms. Prendergast's memo to the Planning Board dated July 11, 2013
- Mr. Bruce Richardson for 105 Rockingham Rd addressed the Board. He stated he is not proposing any changes on the site, the changes to the site plan that the Board has in their packet reflect the current conditions. He had highlighted them in red and they have been there since the site was built. He has also highlight in yellow items which do not exist and would like them removed from the plan. He has red maker dots on his plan showing boulders he has placed on the property. Mr. Richardson had sent Ms. Scott a response to her letter dated 6/21 (letter from Mr. Richardson to Ms. Scott was dated 6/21/13) regarding his site plan. He stated the stop sign had been destroyed

in an accident and although he didn't believe it was his responsibility he has replaced it, the old site plan referenced concrete parking stops which are highlighted in yellow and were never on his property, also highlighted in yellow is an old fence that fell down. Highlighted in blue is a small concrete walkway he added. He just wants to clear up the record as to what actually exists on the property.

- The Board stated that on the original plan the cement barriers are along the WWPD and questioned if they were put on the plan to stop anything from going into the WWPD. Mr. Richardson stated the wetland is down a ledge area and nothing would go in there.

The Chair opened the hearing to the public at 8:32 pm, hearing no comments the public portion was closed.

Mr. McLeod motioned to grant Case #2013-18 with the following conditions: that the Minor Site Plan for Lot 8-C-1 be updated with a color coded key that identify the changes and include a Knox padlock to the existing gate to allow responding fire apparatus quick access, seconded by Ms. Crisler. Motion passed 6 – 0.

The Board took a recess at 8:32 pm and was back in session at 8:40 pm.

Mr. McLeod recused himself from Case 2010-46

Deacon Place Site Plan Amendments - Case 2010-46

- Ms. Scott stated that currently the elevations that were approved by the Planning Board are different than what has been constructed on the site. The applicant is requesting that the Planning Board approve these four changes to the building elevations as they are minor in nature.
- Mr. Phil LoChiatto of White Water Mountain Design and Development addressed the Board. He stated the changes are: 1. Add doghouse style basement egress at the rear of the building in lieu of metal bulkhead for each unit allowing greater privacy between the units, better egress, and weather proofing. 2. Eliminate 12" jog in rear elevations this was done to accommodate the doghouse basement egress and also a cost saving measure in the WFH. 3. Reduce the scale of the columns at the front entry as the proposed columns were too big for the front porch. 4. Add shutters over the garage door at the double window.
- The Board, staff and Mr. LoChiatto discussed what homeowners can do with the property. The backyards are common areas and the condo docs are very specific what people can do. The Board agreed that the changes enhanced the project. The Board questioned why there were no stairs off of the back decks. Mr. LoChiatto stated that due to the topo some decks were located close to the ground while others were very high off the ground and it was not feasible to add stairs on the higher decks, therefore they didn't add steps to any unit. The Board asked what the difference in the size of

the approved columns was and the columns that were installed. Mr. LoChiatto stated he wasn't exactly sure but believed the original ones were 16" and the installed ones are 8". The Board asked if landscaping was done yet and Mr. LoChiatto stated he has not done that yet but as soon as someone moves in that will be done.

The Chair opened the hearing to the public at 9:05 pm.

- Mr. Tom Case stated this was a beautiful project.

The Chair closed the public comment period at 9:06 pm.

Ms. Crisler motioned to concur with the changes in the as built elevations as presented by Mr. LoChiatto, seconded by Mr. Wrenn. Motion passed 5 – 0.

Mr. McLeod was seated back on the Board.

Ready Set Go! Site Plan Regulation Workshop

- Ms. Scott stated that she has suggested language for the Certified Site Plan in her memo dated 7/12/13 which she has taken from SHNPC and modified for Windham. This would need to be adopted by the Board. A definition of the Ready Set Go Program would also need to be added to the Subdivision Regulations. She has sent the proposed language to the SNHPC and they had no issues. This has also been sent to the WEDC for comment. She will send it to Attorney Campbell if the Board approves.
- Board consensus - Page 2 of the proposed language b (i) will say "a minimum of \$25,000.00.
- The Board and staff discussed the 3 levels of the program. Ms. Nysten cited inconsistencies in staff's recommendations and Attorney Campbell's memo of 6/17. Ms. Scott stated Attorney Campbell's 6/17 memo was before her proposed new language. Some Board members would like Attorney Campbell's opinion on the new language. Ms. Scott will send to Attorney Campbell for review.
- Mr. Tom Case asked the Chair to explain the program. The Chair stated it was for landowners who wanted to market and sell their property. They would get an initial 5 year approval giving them more information to give to potential buyers. More information is available on the SNHPC website for anyone who is interested.

Member Binder Update – Member List (Tab #1)

Old/New Business

- Ms. Nysten stated that the letter sent to the Board of Selectmen regarding the Route 93 Project/Range Rd/111 area, that her understanding is that it was not part of the

motion that the new Rt. 111A come out across from Edgewood Rd. The Board discussed Mr. Carpenter's suggestion for the area. The Chair stated that one of Mr. Carpenter's suggestions was that it came out at Edgewood. Ms. Nysten and Ms. Crisler both stated they did not believe that was part of the motion. Mr. McLeod stated the Board of Selectmen would like the Chair or a member of the Planning Board to come to the meeting to let the Board of Selectmen know exactly what the Planning Board is recommending. Mr. McLeod asked if the Board wanted the traffic light to stay. The Board stated they did until the plan was figured out. Ms. Nysten stated she did not recall having 4 independent recommendations for the Board of Selectmen. She remembers the Board saying to leave the light where it is for the time being, study the roundabout option, if the roundabout is not feasible, then consider the other options. Mr. Wrenn stated that Edgewood was discussed as an option, he remembers Mr. Carpenter saying that it made more sense to move the road down closer to Rt. 111, and when roads are designed they will consider all the factors.

Adjournment

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

Meeting adjourned at 9:45 pm.

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