



OLD VALUES - NEW HORIZONS

Community Development

3 North Lowell Rd., Windham, New Hampshire 03087

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

www.WindhamNewHampshire.com

Approved Planning Board Minutes Wednesday, August 19, 2015 7:00pm @ Community Development Department

Board Members:

Alan Carpenter	Chairman	Excused	Joel Desilets	Selectman	Arrived 7:10p
Paul Gosselin	Vice Chair	Present	Ross McLeod	Selectman/Alternate	Excused
Kristi St. Laurent	Member	Present	Matthew Rounds	Alternate	Excused
Ruth Ellen Post	Member	Present	Kathleen Difruscia	Alternate	Excused
Margaret Crisler	Member	Present	Gabe Toubia	Alternate	Excused
Dan Guttman	Member	Present	David Oliver	Alternate	Arrived 7:45p, seated for Mr. Carpenter

Staff:

Elizabeth Wood, AICP, Community Planner
Suzanne Whiteford, Minute Taker

Mr. Gosselin called the meeting to order, introduced Board members and staff, and started with The Pledge of Allegiance.

Case #2015-16/WWPD/ 10 Haverhill Road (11-A-410)

A wetland and watershed Protection District (WWPD) Special Permit proposal has been submitted for Lot 11-A-410 (Haverhill Road) located in the Rural District and WWPD. The applicant, Joseph Maynard of Benchmark Engineering Inc., on behalf of the property owner Christopher LaFrance, is proposing to construct a single family residence, driveway and related improvements within the WWPD. A total 55,000 sq. ft. disturbance is proposed in the WWPD.

Motion by Ruth Ellen to accept the plan as presented

Second by Margaret

Vote 5-0-0

Motion passes

Applicant Mr. Maynard presented plan. Mr. Guttman inquired about the proposed location of the home on the lot. Applicant replied the house is positioned as shown because it is the only way to meet septic setbacks. There are 2 culverts on the proposal that are side by side on the proposal.

Ms. Crisler asked if the parcel backs up the Hardwood road and how close are the abutting homes on Hardwood? Applicant replied the proposed lot abuts three homes on Harwood. The pool on one of the abutter's home is about 160 feet from lot line. The proposed lot is heavily wooded and there is some wooded buffer along the road.

Ms. Post asked the following questions of the Mr. Maynard:

- What is an 'EDA', what is the distance between the proposed well and the septic
- Where, on the plan, is the vegetative swell
- Will silt fence or mulch berm be used
- What permanent mitigation features are being proposed for the 2.6 acre intrusion into the WWPD

Mr. Maynard's responses to Ms. Post's questions listed above:

- 'EDA' stands for *effluent disposal area* which is a new state term for a leach field
- The proposed plan has the required 75 feet between the well and septic
- Vegetative swell was pointed out on the plan, and the PB was referred to the sheet 2 of the plan which describes the geometry and quantity of plantings that are going into the swell
- Both silt fence and mulch berm are being used for temporary erosion measures until the land settles. Lawn will be used as permanent stabilization for erosion post construction.

Mr. Guttman asked why there was no existing access road to the property, and what the subdivision regulations for the land was.

Mr. Maynard doesn't know why there was not existing access road to the property. The property at one time was clear cut. The original owner passed and the current owner (who lives out of town) inherited the lot in the 1960's and did nothing with it. Subdivision regulations didn't exist when the property was purchased.

Ms. Wood pointed out the possibility of the existing stone wall along the edge of the property may have served as a division line.

Mr. Gosselin asked if the applicant has any knowledge of a permanent easement existing and if one does exist is there evidence of it.

Mr. Maynard is not aware of any existing easement.

Ms. Post asked about the type of soil on the property.

Mr. Maynard responded hydric 'A' soil is on the proposed property. Hydric 'B' soil is on the neighbor's lot.

Ms. Post suggested to go with minimum of silt fence.

Mr. Maynard was agreeable to Ms. Post's suggestion regarding silt fence.

Ms. St. Laurent asked if it is the plan to retain the property as a wooded lot and limit cuts for the driveway and the house

Mr. Maynard confirmed that the goal is to only make the cuts for the driveway and the house

Ms. Post asked what TBM is and where is it on the proposed plan?

Mr. Maynard explained 'TBM' stands for '*temporary bench mark*' which are elevation points placed on the property. The TBM are not on the plan because the septic design is not completed.

Mr. Gosselin opened discussion to public.

Karla Dugan, 7 Harwood Road had the following concerns, comments, and questions:

- Where is the driveway coming from
- Concerned about an easement on the abutting property
- If there is an existing easement it could potentially be used for later development
- Is the driveway on the abutting land or just the proposed land
- As an abutter, she only received noticed about a driveway not an easement

Mr. Gosselin asked Ms. Wood to reply to the abutter's concern about the notice.

Ms. Wood responded the notice was for lot 11A410, no other lots stated in the abutter notice.

Ms. Crisler asked how access is going to be achieved on the parcel.

Mr. Maynard explained he is getting an easement between proposed lot and route 111.

Mr. Gosselin asked about easement being provided by the abutting properties.

Ms. Dugan asked if there is a proposal for a separate access road.

Mr. Maynard explained the proposal is for a standard driveway, not a driveway for a throughway.

Ms. Dugan asked if the driveway will be coming from the utility access road or directly from route 111.

Mr. Gosselin responded the driveway is intended to be its own separate entity from route 111.

Augustino Bartolio, 5 hardwood road had the following concerns, comments, and questions:

- Concern about the runoff from the hill on 7 and the buildup could potentially put a pond in his yard
- All the trees behind his property are all dying additional water will only cause further damage
- Many pine trees and maple trees have already died, possibly due to water

Mr. Gosselin asked Mr. Maynard to speak to the drainage concern.

Mr. Maynard responded that the plan took into consideration the drainage from hardwood road, identified the flow pattern, and used the culverts to mitigate the drainage.

Ms. Crisler asked Mr. Maynard if he is planning to build up the are you building parcel in any way.

Mr. Maynard explained the only plan for any build up is 30 inches for the septic. Most water gets intercepted by the vegetative swale and does not flow into the neighboring property. There is no plan to build anything that can generate water onto abutters' property.

Sandra Nicall, 11 Hardwood Rd. had the following concerns, comments, and questions:

- Concerned about the effect of blasting on her well and septic system.
- Her existing well is 560 feet in depth, the blasting on the hill of the proposed property could potentially cause problems with well and septic system
- Asked how much blasting will be done
- What will be done if there is a problem with her well and/or septic that is caused from blasting

Mr. Maynard responded that most of the road is in the fill. Though he can't say where ledge is, the only cut he is anticipating will be to get into the property from 111. The proposed driveway is only 12 feet and he plans to use a hammer VS blasting. There is no plan on touching the stone wall. He does not really know if any blasting will be needed. Windham has a blasting ordinance that Mr. Maynard intends to follow. Not prudent to pay a blaster for a preblast survey for the small amount that could be potentially needed. Mr. Maynard's gut feeling is the work is going to be done with a hammer and not blasting.

Sheldon Wocolt, 190 Rockingham Rd. had the following concerns, comments, and questions:

- Spoke to history of landlocked lands from his experience as a realtor
- Explained the pre-blasting process and told Ms. Nicall that the problem with her well is most likely not related to blasting but more related to the wellbeing old

Mr. Oliver asked about a traffic inquiry and visibility on the road.

Ms. St. Laurent clarified the PB is just doing the WWPDP special permit, not looking at the easement as it's not a site plan.

Mr. Maynard responded that a single house generated 10 car trips per day therefore a traffic study is not needed. There is more than ample site lot visibility per the DOT. Curb cut standpoint is governed by DOT and they have no issues with the plan. Fire and safety asked for a turnaround at the end of the driveway which is in the plan.

Motion by Ms. Crisler to grant proposed special permit as submitted for Case #2015-16/ to construct a single family residence, driveway and related improvements within the WWPDP with the following conditions: DOT permit be obtained, provide easement documentation to the town, minimize blasting and use a rock hammer whenever possible, maintain a 10 foot minimum tree buffer between the proposed lot and neighbor.

Ms. Post seconds the motion with the following additions: hammerhead to be a minimum of 60 feet in each direction, silt fence be constructed as a minimum at the locations indicated with optional mulch berm as an additional measure, applicant provides a copy of dredge and fill permit to the file, approval subject to DES approval of the septic system, signature block for the property owner, the final plan is to have an original stamp and a licensed septic design.

Vote 6-0-1, Mr. Oliver abstained

Motion passed

Case #2015-20/ Minor Sit Plan/WWPDP/183 Rockingham Road (3-B-625)

A Minor Site Plan and Wetland and Watershed Protection Overlay Protection District (WWPD) application was submitted for 183 Rockingham Road (3-B-625), located in the Business Commercial A District and WWPD Zones. The applicant, Joseph Maynard of Benchmark Engineering, Inc. on behalf of the property owner, 183 Rockingham Road, LLC, is proposing a Minor Site Plan to amend the previously approved location of the fire cistern, propane tank, and solar trees. Additionally, the applicant is seeking a WWPD Special permit because the relocated fire cistern, propane tank, and solar trees are proposed within the WWPD as well as the newly proposed paved access drive and gravel access drive. A total 32,000 sq. ft. of permanent impact to the WWPD would result. Silt fencing is proposed to mitigate the impacts to the WWPD.

Ms. Wood explained to the PB the site plan is a modification of what has previously been presented and approved by the PB. The only change is the location is going to be different.

Ms. Post inquired about the process to accept the plan as a minor site plan.

Ms. Wood explained it is up to the PB to accept the proposal as a minor site plan.

Mr. Gosselin asked Ms. Wood if the application is complete.

Ms. Wood instructed the PB that it is up to them to make the final decision regarding the completeness of the application. A letter was submitted July 31, 2015 by the applicant. Ms. Wood read the applicant's letter into the record.

Motion by Mr. Desilets to open the hearing as a minor site plan.

Second by Ms. Crisler

Ms. Crisler recalled the plan was before the PB as a major site plan in 2012. The minor site plan before the PB now is to tweak the previous plan.

Ms. Post asked if there is an increase in the access way.

Mr. Maynard explained the primary access site to the property has not changed.

Ms. Post asked about the impervious surface.

Mr. Maynard confirmed the impervious surface area is less than 1200 feet

Ms. Post asked about the paving areas shown to the ZBA in 2012.

Mr. Maynard responded what is being proposed is different than what was put before the ZBA in 2012

Vote 7-0-0

Motion passes

Any comments from staff and what

Ms. Wood apprised PB that the Conservation Committee looked at the plan and did not have any questions or concerns. They reviewed previously granted variances and had no issues with what is being proposed today. The ZBA code enforcement agent did not have any issues with the proposal.

Ms. Crisler inquired about the location of the propane tank in relation to the driveway.

Mr. Maynard described the location of the propane tank and agreed to provide bollards around the propane tanks.

Ms. St. Laurent asked about pavement shown on page 1 and asked if there is additional pavement beyond what is shown on the plan.

Mr. Maynard confirmed the pavement shown on page 1 is what is being put in and there is not any additional pavement beyond what is shown on the plan.

Mr. Desilets has no concerns with the proposed changes to the plan. He pointed out he was in the building on a zero degree day with no heat turned on inside the building and it was warm inside. Mr. Desilets believes this is an amazing net zero building that is a great asset to the Town

Mr. Gosselin opened the hearing to the public

Sheldon Wocolt, 190 Rockingham Rd. had the following concerns, comments, and questions:

- What is the direction of the solar panels

Mr. Maynard pointed out on the plan the location of the solar panels.

- What does the solar tree look like
- What is the effect of reflections off the solar panels

Mr. Guttman explained there is no reflection off the solar panels. The solar trees are not an eye sore.

Motion by Ms. Crisler approve Case #2015-20, 183 Rockingham Road (3-B-625) as submitted as a Minor Site Plan to amend the previously approved location of the fire cistern, propane tank, and solar trees.

Second Mr. Desilets

Vote 7-0-0

Motion carries

Motion by Ms. Crisler to approve, for Case #2015-20, 183 Rockingham Road (3-B-625) as submitted, a WWPDP Special permit because the relocated fire cistern, propane tank, and solar trees are proposed within the WWPDP as well as the newly proposed paved access drive and gravel access drive with a total 32,000 sq. ft. of permanent impact to the WWPDP, silt fencing placed to mitigate the impacts to the WWPDP, with the following conditions: to allow the applicant to place 3 WWPDP markers on the north and west of the building, place bollards around the propane tanks for protection as approved by the building inspector, and the solar trees need to be a minimum of 10 feet from the Propane tank as the electrical conduit could be a potential ignition source.

Second by Mr. Desilets

Vote 7-0-0

Motion carries

Administrative Review

Case #2015-15/Major Watershed/30 Horseshoe Rd (17-L-78)

A Major Cobbett Pond and Canobie Lake Watershed Application has been submitted for 30 Horseshoe Road (17-L-78), located in the Residential District A zone and Cobbetts Pond and Canobie Lake Watershed Overlay Protection District (CPCLWPD). The Applicant, Joseph Maynard of Benchmark Engineering Inc., on behalf of the property owners Michael and Michelle Fontaine, is proposing to construct an 825 sq. ft. detached garage in the CPCLWPD. A

permeable driveway and infiltration swale/rain garden are also proposed as part of the construction. The existing impervious surface is 30% and resulting impervious coverage would be 32%. Silt fencing and a rain garden are proposed to mitigate the impacts of the development.

Applicant Mr. Maynard presented his plan to the PB
Mr. Guttman inquired about the size of the house. Mr. Maynard answered the size of the house is 3000 sq. feet.

Mr. Desilets asked the applicant about the status of satisfying the recommendations by Mr. Keach as outlined in Mr. Keach's memo dated August 7, 2015 on file.

Mr. Maynard is waiting for the NHDES wetlands permit.
Mr. Desilets asked the anticipated date of receiving the NHDES wetlands permit.
Mr. Maynard anticipates receiving the permit soon.

Ms. Post inquired about the granted variances; and specifically asked if a variance for the garage was granted.

Mr. Maynard addressed the granted variances. He has been working on the ZBA variances that were granted

Ms. Post asked staff for a copy of the variances that were granted by the ZBA on the project.

Mr. Gosselin invited the public to comment and/or ask questions.

No public comment

Motion by Mr. Desilets to approve Case #2015-15/Major Watershed/30 Horseshoe Rd (17-L-78) the with the following conditions: the applicant provides a copy of the NHDES Shoreland Permit and add permit # to the plan, and that all final plan sheets contain original stamps and signatures.

Second by Ms. Crisler

Vote 7-0-0

Motion carries

Case #2014-4/WWPD/Major Watershed/21 Walkey Rd. (17-I-111D)

A revised proposal due to a code violation has been submitted for a Wetland and Watershed Protection District (WWPD) Special Permit and Major Cobbetts Pond and Canobie Lake Watershed Development Permit.

Ms. Wood addressed the PB and explained Case #2014-4 came to staff as a code enforcement issue. The applicant worked with staff to mitigate the issue. Staff worked with the state and had the state review the mitigation steps. Staff wants to hear final approval from the state as a condition of approval

Mr. Gosselin requested that any approval be conditional to DES sign off.

Mr. Maynard presented his plan to the PB

Mr. Desilets asked about the issue with the shed.

Mr. Maynard explained the shed was moved over the brook and then moved back to its original location per the Town's request after a neighbor complained.

Mr. Desilets asked about documentation of the visits made by the Code Enforcement Administrator and Ms. Scott to the site. Mr. Desilets asked for a copy of the formal letters citing the code violations for review.

Ms. Wood provided letters to the PB for review.

Ms. Post asked what were the local code violations and what is the PB being asked to do.

Mr. Maynard replied the code violations have been resolved. The big change was a 3 foot walk was created.

Mr. Gosselin consulted Ms. Scott prior to tonight's hearing and asked what the PB is required to do. Mr. Gosselin relayed he was told there were changes to the site, and staff is asking the PB to make a motion to agree with what was done with a condition of receiving a DES letter of approval. The change was basically a sidewalk had been added without any change to impervious surface area.

Mr. Desilets agrees with Mr. Gosselin's explanation of what is being asked of the PB.

**Motion by Ms. Crisler to approve Case #2014-4, 21 Walkey Rd. (17-I-111D) as submitted
Second by Mr. Oliver**

Ms. Post confirmed this is not an application for anything and the PB does not have jurisdiction over DES. She is hesitant to take jurisdiction over the case. It sounds like a neighbor dispute and she does not feel the need to get involved.

Ms. Crisler interprets the staff request is based on the need to have complete and accurate plans on file, particularly since it differs from what the PB originally approved.

Ms. Wood explained the case does not require public hearing. The applicant wanted to change the composition of the items disturbing the WWPD and it is basically an application.

Ms. St. Laurent pointed out there is no application.

Mr. Desilets reviewed the letters on file and the letters are not from the code enforcement administrator, the letters were from Laura Scott. Mr. Desilets cannot tell from the letters what was being violated, what went wrong, and what changed.

Vote 2-4-1 Mr. Desilets opposed for reasons stated above

Motion does not pass

Mr. Gosselin polled the PB to weigh in on if this be handled by code enforcement rather than the PB. The PB voted and agreed the issue is to be worked out between code enforcement and DES

Ms. Crisler will listed to the tape for minutes of July 1, 2015

Minutes for July 1, 2015 to be continued

Motion by Mr. Desilets to accept July 8, 2015 minutes as amended

Second by Ms. Crisler

Vote 6-0-1 Mr. Oliver abstained

Minutes passed

Motion by Mr. Desilets to accept July 15, 2015 minutes as amended

Second Ms. Crisler

Vote 5-0-2 Mr. Desilets and Ms. Post abstained

Motion by Mr. Desilets to accept July 29, 2015 minutes as amended

Second by Ms. Crisler

Vote 6-0-1 Mr. Oliver abstained

Motion to adjourn

Second Mr. Crisler

Vote 7-0-0

Adjourned at 9:53pm