



OLD VALUES - NEW HORIZONS

Community Development

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Approved Planning Board Minutes Wednesday, August 5, 2015 7:00pm @ Community Development Department

Board Members:

Alan Carpenter	Chairman	Excused	Joel Desilets	Selectman	Excused
Paul Gosselin	Vice Chair	Present	Ross McLeod	Selectman/Alternate	Excused
Kristi St. Laurent	Member	Present	Matthew Rounds	Alternate	Present
Ruth Ellen Post	Member	Present	Kathleen Difruscia	Alternate	Arrived 7:04
Margaret Crisler	Member	Arrived 7:15	Gabe Toubia	Alternate	Present
Dan Guttman	Member	Arrived 7:05	David Oliver	Alternate	Excused

Staff:

Laura Scott, Community Development Director

Suzanne Whiteford, Minute Taker

Mr. Gosselin called the meeting to order at 7pm, followed by Board Member and Staff introductions and The Pledge of Allegiance

Administrative Review-The Willows (14-A-925)

The Willows is a 55+ development.

Applicant explained the current plan was before the PB in January and received a condition of approval to construct a paved trail with a connecting bridge, as shown in graphic scales titled "the willows" sheet 4 of 5. The grades on the trail financially prohibit the trail to be paved for ADA accessibility

Mr. Toubia asked of the applicant the cost of paving the trail. The applicant did not have a specific dollar amount.

Ken Bergeron explained that the money proposed to be spent on the trail will be spent on additional landscaping as the current home owners have no intention to build a trail to Waterhouse country store.

Mr. Guttman asked Mr. Bergeron why he is not using plants native to New Hampshire for the landscaping.

Mr. Bergeron explained where the landscaping would be and that it would be for the purpose of privacy. He is just adding to the existing approved landscaping.

Ms. St. Laurent inquired about the decision to take away an approved amenity that the town voted and wanted (a paved walking trail connected to businesses and providing walkability within the development) and replace with landscaping that benefits the current owners but is not a benefit to the town or possibly future owners. The ordinance allows for an increased density in exchange for developing a housing stock that has walking accessibility for amenities.

Mr. Bergeron replied there is no benefit for either side. A trail leading to nowhere is no benefit for the town or the current residents. Mr. Bergeron does not believe the density bonus applies here anymore because 6 units were given up.

Ms. Post asked Mr. Bergeron if the approval back in 2007 was that the trails on the property were intended for the benefit for the residents, for private use only.

Mr. Bergeron confirmed the trails were intended for private use of the residents.

Ms. Post does not see a real relationship between the trail and the landscaping, they are two separate issues.

Mr. Bergeron explained he tried to put a value on the portion of the trail and trade that for additional landscaping as requested by the current owners

Mr. Gosselin acknowledged the trail has been on the plan since 2007; and asked if there was a reason that topography and difficulty with the trail layout was not addressed before tonight's meeting. The original plan showed a walking trail unpaved and it seems that it can still be a walking trail unpaved.

Applicant explained the trail was on the original plan as a walking trail and that was achievable on the original plan.

Ms. Crisler was on the Board and the "mother" of the trail. Ms. Crisler recalled seeing seniors walking up Mammoth road to get to the Waterhouse Country Store, and thought the seniors should not have to walk on Mammoth Road and risk their lives. The trail was put in place to allow residents to safely walk to the Waterhouse Country Store, the trail was not intended to be ADA accessible. Ms. Crisler is not in favor of eliminating the trail. Ms. Crisler does understand that the residents may not want to risk having a trail and it being used by the public. Ms. Crisler is willing to back off from pushing for the trial, but is in favor of the trail for reasons stated above.

Ms. St. Laurent clarified she did not intend the town using the trail, benefit to the town to have housing stock with walking accessibility and amenities more useable in line with the ordinance.

Mr. Guttman believes walking trails increase quality of lifestyle and is surprised the homeowners would choose to completely scrap the trail. The trail seems to add overall enjoyment to the community. Mr. Guttman believes more trails are better; even if it is to nowhere right now, it can have potential to connect to something later. Removing the trail seems short sighted.

Ms. Crisler requested that moving forward, trails be put in place before certificates of occupancy are issued to prevent this from happening in the future

Mr. Guttman agreed with Ms. Crisler

Ms. Scott informed the PB that the Town is holding money until completion of the project.

Hearing open to the public

Debra Flieg, Current homeowner and Secretary of the homeowners association.

- The residents had concerns about passers by being able seeing into the homes
- Nobody uses either the walking path, or the benches along the path
- This is not an active community
- The existing paths are not being used by the community
- Spending the money on the path to nowhere isn't worth the money
- The new owners don't want a path to nowhere
- The residents requested a barrier between the development and mammoth road

Ms. Crisler is open to forgo the trail and add the extra landscaping as discussed.

Motion by Ms. Crisler to allow the removal of the trail from the site plan and request the applicant provide an as built to show the landscaping

Second by Mr. Toubia

Ms. St. Laurent asked if Ms. Crisler is advocating for the trail to be removed in lieu of landscaping

Ms. Crisler clarified her motion is for removing the trail unrelated to additional landscaping.

Ms. Post asked what will become of the path and is it currently landscaped, or overgrown.

Applicant responded the path in question is overgrown and in WWPDP area.

Vote 6-0-0

Motion carried

Case#2014-33/Highclere Open Space Subdivision/Standard Subdivision/WWPDP Special Permit A Final Application for an Open Space Subdivision, Standard Subdivision, and a Wetland and Watershed Special Permit has been submitted for Lots 11-A-1400 & 1418 (Pilgrim Road), located in the Rural District, Wetland and Watershed Protection District Zone, and Aquifer Protection District. The applicant, Karl Dubay of the Dubay Group, Inc., on behalf of the property owner, AWAC Realty Trust, is proposing to subdivide the land area into one (1) standard lot with an existing home sized 229,390 sq. ft. (5.27 acres); two (2) standard lots for single family residential use, sized 168,284 sq. ft. (3.86 acres) and 198,198 sq. ft. (4.55 acres); thirty-two (32) open space single family residential lots ranging in size from 19,979 sq. ft. (.459 acres) to 29,985 sq. ft. (.688 acres); and eight (8) open space lots totaling 3,092,376 sq. ft. (70.99 acres). Two of the standard lots are proposed to be built off of Chestnut Street and a new road with a 2,400' cul de sac length is proposed off of Hawthorne Road to access the open space lots. A written waiver request has been submitted from Section 605.5 of the Subdivision Regulations.

Ms. Woods pointed out the comments by

Motion by Ms. Crisler to open Case #2014-33 for public hearing

Second by Ms. Post

Vote 6-0-0

Motion carries

Applicant, Mr. Dubay

- Would like to beautify the center island and invites the Board's input, prefer to plant something indigenous that can withstand roadway traffic.
- All open space lots are a minimum of 20,000 square feet and a maximum of 30,000 square feet.
- Happy to add 2 more feet to widen the road that is 22 feet to 24 feet
- Will add the extra catch basins as suggested
- Quantity and quality of the open space exceeds the minimum requirements
- Connecting neighborhood trails
- One wetland impact less than 10,000 square feet on the project

Mr. Gosselin asked applicant to address questions #1, #3 and #4 posed by the highway agent.

Applicant responded with regards to the road length, it is 2400 feet from the existing road to the face of the cul de sac. The road length was created under an older ordinance which 3,000 feet was allowable. He is willing to work with the road agent and see what his thoughts are.

Ms. Crisler asked if the construction causes damage to existing town structure can the developer be required to make repairs.

Mr. Dubay explained his intent to video document the condition of the existing roads, and to do a bond for potential damage

Ms. Crisler pointed out the selectman have jurisdiction over existing roads.

Hearing open to public

Christine Bileau, 7 chestnut street

- Strongly in favor of applicant landscaping the existing cul-de-sac

Ms. Crisler is in favor of suggesting to the selectman the cul de sac landscaping be done

Ms. Post asked what the length of the cul de sac road is

Applicant replied the cul de sac length is 2400 feet from Hawthorn to the head of the cul de sac

Ms. Crisler inquired about the possibility of connecting to Pilgrim Road

Applicant does not think connectivity to pilgrim road is financially reasonable

Mr. Gosselin asked if the yield plan has been approved yet. Ms. Wood confirmed the yield plan has not been approved. Mr. Gosselin requested for the Board to decide on the yield plan before moving forward.

Ms. Post agrees with Mr. Gosselin and asked when corrected plans will be submitted will they include corrections to the yield plan

Applicant does not have proposed changes to the yield plan.

Mr. Gosselin asked if it is possible for the Board to receive pages #2, #4, #6, and #8 from the memo on file dated July 22, 2015 from Keach-Nordstrom to Ms. Wood for consideration in deciding on approving the yield plan.

Ms. Post pointed out there is a large amount of material contained within the missing pages listed above and there may need to be consideration for review of the material in real time.

Ms. Wood made copies of above listed pages for the Board Review

Ms. Post pointed out that it is difficult to decide on a yield plan that includes a traditional subdivision plan, essentially making it a hybrid plan.

Applicant pointed out there is only one existing dwelling within the traditional subdivision plan.

Mr. Guttman asked why the existing two lots were not consummated.

Applicant explained the owners just never opted to do so.

Property owner of AWAC Realty Trust asked Mr. Dubay to indicate to the PB what would be the minimum number of acres required to support the subdivision and how many acres are actually being given to the open space.

Mr. Dubay informed the PB that 65% of 100 acres is required for open space, and there is 17 acres of extra land given to the open space.

Mr. Gosselin does not see anything in the yield plan that causes concern.

Motion by Ms. Post to approve the yield plan

Second by Ms. Crisler

Ms. Woods pointed out that Mr. Keach's first review was April 24th, she reviewed the memo with Mr. Gosselin.

Mr. Gosselin pointed out that Mr. Keach's April 24th memo commented that each yield plan lot size are satisfactory based on soil based lot sizing. Mr. Gosselin sees the only issue for discussion is the cul de sac road length because it exceeds 2400 feet.

Applicant proposed to shorten the cul de sac length.

Ms. Post does not think the road length for the yield plan is clear.

Mr. Guttman asked if approval of the yield plan approves the cul de sac road length.

Mr. Gosselin clarified approval of the yield plan is not approving the cul de sac length nor does it imply a waiver is being granted for the cul de sac road length.

Vote 6-0-0

Motion carries, the yield plan is approved and passed.

Ms. Post clarifying the legal ownership of the open yield space

Applicant owned by the Highclere homeowners association

Ms. Post thinks there is a history of home owners association not lasting and there is an issue of who is paying taxes on the open space

Applicant, the open space lots are assess at zero, the individual house lot owners pay the extra tax on the open space area.

Ms. Post asked who will maintain the space within cul de sac.

Applicant clarified the area within the cul de sac is the responsibility of the home owners to maintain

Ms. Crisler asked for input from Conservation Committee.

Ms. Wood relayed that conservation committee reviewed the plan and has no issues with the plan.

Applicant recalled that Conservation Committee wants to place more permanent stamped markers.

Ms. Crisler asked if there are public trails in the open space, and commented it is good to mark them prior to houses being constructed.

Applicant responded there are not any trails in the open space.

Ms. Crisler asked applicant to define premium designs measures.

Applicant explained covenants are in place to maintain the value of the homes and meant to assure that homes won't be constructed that are disagreeable to the town.

Ms. Difruscia asked if applicant is referring to a design review covenant; for example some covenants restrict color of homes to be painted.

Applicant responded that the home has to be reviewed and approved by the covenant entity.

Owner of AWAC Realty Trust addressed the PB with regards to covenants and explained he intends to establish a homeowners association that sets standards without telling the builder what to do. The intention is to create a development that is a high end community where owners want to live close to each other. People will be very conscious that what they do affects their neighbors. From an economic standpoint the owner and applicant want to build homes that start in the vicinity of \$650,000 and up to \$1.2 million. It is in the best interest of the owner and the builder to build a home and provides for reasonable people to do reasonable things.

Mr. Gosselin reviewed the following items for consideration

- Applicant to ask Board of Selectman if they will allow the improvement to the cul de sac and the road improvements to the road if damaged by construction vehicles
- Applicant to have a conversation with both safety Chiefs concerning their wish to have an access road for safety purposes and work with the chiefs in arriving at a solution
- Applicant update the plans to increase the road width to 24 feet and they need to match what they are abutting up to.
- What are the homeowner's association covenants? The covenants have to be approved by attorney Campbell prior to the PB approval to assure the PB does not approve something illegal.

Ms. Crisler would like to see Conservation Committee act as the agent of the town to oversee that the open space is being properly maintained

Applicant is willing to look at how the homeowners can collaborate

Mr. Gosselin asked Mr. Dubay how much time he needs to accomplish the above listed items for consideration

Ms. Wood confirmed September 2, 2015 is available

Applicant agreed to continue on September 2, 2015

Motion by Ms. Crisler to continue hearing on September 2, 2015

Second by Ms. Post

Vote 6-0-0

Motion carries

Property owner of AWAC Realty Trust asked the PB to consider the history of correspondence between owner, applicant, and the safety Chiefs regarding the access road:

- The owner and applicant approached the Town's Fire and Police Chiefs asking if installation of a sprinkler system in lieu of an access road would be agreeable
- The issue of road access was raised again. Owner and applicant reminded the chiefs of the quid pro quo
- Putting in the alternative road will cost almost \$1million dollar and would not be used for anything except fire and police access.
- The chiefs requested a study for EMS access and a study was done.

Mr. Gosselin and Ms. St. Laurent acknowledged the owner's frustration and explained the PB is required to consider the content of the letter received from the safety experts. The owner and applicant were encouraged to work with the chiefs in drafting a letter that acknowledges the considerations and efforts by the applicant and that they (the Chiefs) are agreeable that when possible, a road be put in place.

Ms. Crisler explained the case could end in court; that the PB is required to make a decision with consideration of the recommendations made by the Town's Safety Chiefs.

9:27pm Ms. Crisler excused early. Ms. Difruscia seated for Ms. Crisler

CIP Project Request-Phase II Master Plan

The PB reviewed the form as provided

Ms. Post suggested adding an edit to the narrative justification after land use regulations, and town infrastructure and add: intrinsically related to infrastructure

**Motion by Ms. Difruscia to approve as CIP Project Request-Phase II Master Plan as presented
Second Mr. Guttman**

Vote 6-0-0

Ms. Post volunteered to present to the CIP meeting

June 3, 2015 minutes reviewed and amended

**Motion to accept the June 3, 2015 minutes as amended by Ms. Post
Second by Mr. Toubia**

Vote 5-0-0

Minutes passed

June 10, 2015 minutes reviewed and amended

**Motion to accept the June 10, 2015 minutes as amended by Ms. Difruscia
Second by Ms. Post**

Vote 4-0-2 Ms. Difruscia and Ms. Post abstained

Minutes passed

9:37pm Ms. Difruscia excused

9:48pm Ms. St. Laurent excused

June 17, 2015 minutes reviewed and amended

June 17, 2015 minutes not approved. Return to Board with amendments to review.

June 20, 2015 minutes reviewed and amended

**Motion to accept the June 20, 2015 minutes as amended by Ms. Post
Second by Mr. Guttman**

Vote 4-0-0

Minutes passed

Motion to adjourn by Mr. Guttman

Second MR. Toubia

Vote 4-0-0

Meeting adjourned 10pm