



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

3 North Lowell Rd., Windham, New Hampshire 03087
(603) 432-3806 / Fax (603) 432-7362
www.WindhamNewHampshire.com

Planning Board Approved Meeting Minutes December 9, 2015

Alan Carpenter, Chairman-Present
Kristi St. Laurent, Member-Present
Margaret Crisler, Member-Present
Joel Desilets, Selectman-Excused
Kathleen Difruscia, Alternate -Present
Ross McLeod, Alt/Selectman -Present

Paul Gosselin, Vice-Chair-Present
Dan Guttman, Member-Present
Ruth Ellen Post, Member-Present
Dave Oliver, Alternate-Excused
Matthew Rounds, Alternate-Present
Gabe Toubia, Alternate-Present

Call to Order/Attendance/Pledge of Allegiance

Administrative Review of Application:

Case#2015-25/Major Watershed/19 Lakeshore Road (21-H-14)

A Major Watershed proposal has been submitted for 19 Lakeshore Road (21-H-14), located in the Residence District A zone and Cobbetts Pond and Canobie Lake Watershed Overlay Protection District. The Applicant, Kurt Meisner of Meisner Brem Inc., on behalf of John and Cheryl Albert, is proposing to add an addition onto an existing residence and to reconfigure the existing driveway. The existing impervious area is 5,189 sq. ft. or 22% and the proposed is 6,997 sq. ft. or 29.8%.

Applicant Kurt Meisner reviewed Case #2015-25. Mr. Meisner informed the Board that the changes made to the plan have not been formally reviewed by Mr. Keach. Mr. Meisner reviewed changes made to the plan. Changes were not submitted in time for tonight's meeting.

Mr. Guttman asked the applicant about the current retaining wall shown on the plan, the age of the septic system, and if there are any plans to change or modify the existing septic system. Mr. Guttman asked the applicant to speak to the discrepancy between the application and the plan: the plan indicates the proposed impervious surface area to be 29.8% and the plan show 27.3%.

Mr. Meisner clarified the wall is not a retaining wall; it is an ornamental wall. The septic system was installed in 2005 and no changes are required of the current septic system. The septic system is adequate for an existing 4 bedroom design. Mr. Meisner explained there is a change in the size of the garage which decreased the proposed impervious surface area from 29.8% to 27.3%.

Ms. Difruscia asked the applicant if items #2 and #4 from Mr. Keach's memo addressed to Ms. Wood dated December 3, 2015 were included on the plan.

Mr. Meisner confirmed both items were on the proposed plan.

Motion by Mr. Gosselin to approve Case#2015-25/Major Watershed/19 Lakeshore Road (21-H-14) to add an addition onto an existing residence and to reconfigure the existing driveway. The existing impervious area is 5,189 sq. ft. or 22% and the proposed is 6,997 sq. ft. or 29.8% as proposed with the following conditions:

Per Mr. Keach's comments and recommendations after technical review:

1. The applicant seeks Planning Board approval of a Major Watershed Application, pursuant to the provisions of Section 616.6.1.2 of the Zoning Ordinance, for the purposes of permitting construction activities, which when complete will cause in excess of 20 percent (27.3%) of the subject parcel to be covered by impervious surfaces. On that basis, and consistent with the requirements of Section 616.6.2 of the Ordinance, the applicant's consultant has included provisions for erosion and sedimentation control on the submitted drawing. Based on our review of the same it appears the design engineer has specified two or more lengths of silt sock at the perimeter of the work area to protect Cobbetts Pond during the construction period. Although the drawing provides topographical survey information depicting the existing grade and contour of the subject property, it does not identify site specific design elevations for proposed site improvements nor site grading which may be necessary in order to accommodate the same. We continue to recommend the drawing be expanded accordingly. Without a better understanding as to the true extent of terrain alteration contemplated under this application we are unable to comment on the sufficiency of those erosion and sedimentation control measures proposed by the applicant's consultant at this time.

2. The design engineer intends to direct stormwater runoff from existing and proposed roof surfaces to each of two stormwater infiltration systems as shown on the drawing. While we support this concept, we continue to recommend: (a) the applicant's consultant recheck design elevations for each of the two planned stormwater infiltration systems provided on the drawing. As currently presented, it appears design elevations specified for the easterly and westerly systems are reversed; (b) based on finish grade elevations specified on the drawing, it appears modest regarding of land above and in the immediate vicinity of each of the two systems will be necessary. We recommend the plan view be revised to depict this grading; and (d) Section 2.0 of the Drainage Report includes recommendations for annual maintenance of the two planned infiltration systems which are both reasonable and necessary for prolonged system performance. We recommend any approval granted to this application be subject to a subsequent condition requiring the current and future owners to perform such maintenance activities as specified.

3. On November 12, 2015 the NHDES issued Shoreland Impact Permit No. 2015-02079. We recommend receipt of this permit be acknowledged on the final plan.

4. Lastly, the revised plan identifies a "proposed planting replication area", which was presumably required in order to satisfy applicable requirements of the NHDES for issuance of the cited Shoreland Impact Permit. We recommend the

final plan be expanded to provide project specific specifications for the planned/required planting replication.

Per DES Shoreland Impact Permit 2015-02079 conditions:

- 1. All work shall be in accordance with plans by Meisner Brem Corporation dated November, 2, 2014 and received by the NH Department of Environmental Services (DES) on August 7, 2015.**
- 2. No more than 27.3% of the area of the lot within the protected Shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.**
- 3. At least 1,271 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).**
- 4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.**
- 5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.**
- 6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands, or surface waters.**
- 7. No person undertaking any activity in the protected Shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.**
- 8. Any fill used shall be clean sand gravel, rock, or other suitable material.**

Second by Mr. Guttman

Vote 7-0-0

Motion passed

1. Subdivision Regulations Public Hearing

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 amendments include: Revising the procedures pertaining to review of open space subdivisions. The new procedures section, Section 405, creates the steps for review including: conceptual review, yield plan review, design review, and final review.

Mr. Gosselin encouraged the Board that now is the time to comment on the language

Mr. McLeod suggested to change the work submitted to required in the last sentence of 406.1

Mr. McLeod is opposed to 406.2.6; he believes is an additional layer of bureaucracy.

Motion by Ms. Crisler to open for public hearing

Second by Mr. McLeod

Vote 7-0-0

No public comment

Mr. Gosselin wants to keep 406.2.6 to maintain the integrity of the open space process.

Motion by Ms. Crisler to adopt amendments to the existing Subdivision Regulations, as allowed under NH RSA 674:35 (Power to Regulate Subdivisions). The amendments include: Revising the procedures pertaining to review of open space subdivisions. The new procedures section, Section 405, creates the steps for review including: conceptual review, yield plan review, design review, and final review.

Second by Ms. Post

Vote 6-1-0 Mr. McLeod opposed for reasons previously stated

Motion passed.

2016 Town Meeting Workshop

Cobbetts Pond & Canobie Lake Watershed Protection: Porous Pavement (Section 616.3.1)

Mr. Guttman suggested that staff create an excel spreadsheet keeping track of impervious surfaces and could be provided to the Planning Board upon request. Mr. Guttman volunteered to assist staff in developing the spreadsheet. Mr. Guttman also suggested that owners provide copies of annual cleaning/maintenance receipts to staff and the dates be entered on the spreadsheet.

Mr. Gosselin suggested using a spreadsheet, not necessarily directing staff to a particular software product. Mr. Gosselin believes directing individual residential owners to submit receipts of maintenance may not be reasonable. Requesting maintenance receipts from commercial owners may be reasonable.

Mr. Guttman believes that receiving the benefits associated with having porous pavement should require evidence of maintenance.

Ms. Crisler suggested the definition of pervious surface be changed to artificial pervious surface. Ms. Crisler is concerned about the longevity of effectiveness and maintenance of pervious surface and would like to have it addressed.

Mr. Gregory informed the Board that the definition for pervious surface came from Steve Keach. Mr. Gregory also informed the Board that the maintenance schedule states at some point it will fail and need to be replaced.

Ms. St, Laurent pointed out that the maintenance schedule requires replacement when the surface is no longer porous.

Ms. Post suggested changing the title of 616.13 to maintenance and replacement.

Mr. Guttman suggested including the manufacturers expected life span on the spreadsheet.

Ms. Crisler is concerned about how the maintenance will be enforced.

Mr. Rounds believes pervious surfaces should not count in the Cobbetts pond area.
Mr. Gregory suggested separating residential and commercial maintenance.

Ms. Difruscia asked Derek Monson to weigh in.

Derek Monson had the following suggestions:

- No asphalt or concrete be used in the watershed .
- Keeping a spreadsheet will help with maintenance enforcement.
- Use manufacturer’s recommendations for maintenance.
- Develop an operation and maintenance plan as part of the application.
- If the surface is going to fail and can’t be regulated don’t allow it to count towards the impervious area.

Ms. Difruscia suggested that a conditional of approval would be to use the manufacturer recommendations and guidelines established by UNH Stormwater Center.

Mr. Guttman believes a condition of approval should include submitting evidence of maintenance to the town; and consider it a code violation when not in compliance. Mr. Guttman would like to ask Mr. Keach to weigh in on the idea of a code violation for noncompliance with maintenance.

Ms. St. Laurent suggested having a definition to include concrete and asphalt and establish a maintenance schedule.

Mr. Gosselin agrees with Ms. St. Laurent and volunteered to work on the definition.

Ms. Post agrees with Ms. St. Laurent. Ms. Post sees three issues: definition, maintenance, and enforcement; bring Mr. Keach in for the enforcement piece.

Ms. Crisler and Mr. McLeod agree with Ms. St. Laurent and Ms. Post.

Ms. Difruscia agrees with Ms. St. Laurent and Ms. Post to move forward with the definition and maintenance; address enforcement later.

Mr. Rounds does not believe the maintenance is enforceable.

Karl Dubay commented that taking credit for porous pavement is in the O&M plan, it is all outlined. Mr. Dubay suggested not to throw in the “poison pill” at the last minute.

Motion by Mr. McLeod to move the following amended definitions for 616.4 and 616.13 to public hearing:

616.4 Artificial pervious surface: Any modified surface which can effectively absorb or allow for the infiltration of water into the underlying soil mass. Examples of Artificial pervious surface include: durable permeable pavements constructed of pervious concrete, porous asphalt, permeable pavers and a wide variety of synthetic geotextile and geogrid type products which provide surfaces suitable for vehicular travel while allowing for unrestricted vertical passage of water the underlying soil mass.

616.13 Maintenance

616.13.1: all artificial pervious surfaces must be maintained in accordance with guidelines established by the University of New Hampshire Stormwater Center. If guidelines are not available by UNHSC best management practices, as recommended by the manufacturer, will be followed.

Second by Ms. Crisler

Vote 7-0-0

Motion passed.

Grammar (Section 710.3.3)

Motion by Mr. Gosselin to reconsider sending grammar edits to Section 710.3.3 to town warrant.

Second by Mr. McLeod

Vote 7-0-0

Motion passed.

Mr. Guttman drafted the following definition for 616.13.2 and will email it to Attorney Campbell to review for analysis and enforcement:

616.13.2 Maintenance and Replacement Schedule

If part of a conditional approval then a maintenance and pervious surface replacement schedule must be provided as part of the final approval. Annual evidence of maintenance and or inspection must be submitted to staff. A flow test must be provided to staff every 5 years post approval.

Old/New Business:

- Chairman Carpenter informed the Board he met with a Massachusetts businessman interested in potentially moving his business to Windham.
- Ms. Post attending the Board of Selectman meeting and presented the CIP plan on behalf of the Planning Board. Ms. Post distributed her presentation to the Board members. Mr. McLeod thanked Ms. Post, Ms. Difruscia, and Mr. Guttman for their CIP presentation.
- Ms. Crisler suggested an item of new business. Ms. Crisler suggested that a procedure be developed that requires wells to be dug before houses are built. Ms. Crisler further suggested that testing of the well for quantity and quality be done by a professional outside third party hired by the Planning Board and billed to the applicant before a building permit is issued. Planning Board members were in agreement.
- Mr. Guttman would like to issue a letter to push to the Board of Selectman for approval New England Energy Situation and forward NH Plan. See memo from Southern New Hampshire Planning commission received December 3, 2015.

Motion by Mr. Guttman to adjourn

Second by Mr. Gosselin

Vote 7-0-0

Meeting adjourned at 9:05pm