

PLANNING BOARD MINUTES

February 21, 2007

ROLL CALL:

Phil LoChiatto, Chairman – Present	Ruth-Ellen Post, Vice Chairman – Present
Nancy Prendergast, Secretary – Present	Walter Kolodziej, Regular Member – Present
Ross McLeod, Regular Member – Present	Pam Skinner, Regular Member – Present
Neelima Gogumalla, Alternate – Excused	Rick Okerman, Alternate – Excused
Margaret Crisler, Selectmen Member – Present	Alan Carpenter, Selectmen Alternate – Excused

STAFF:

Al Turner, Director of Planning and Development – Present
Shaun Logue, Town Planner – Present

Mr. LoChiatto opened the meeting at 7:30 pm.

MINUTES:

- Mr. McLeod motioned to approve the February 7 minutes. Ms. Skinner seconded. Passed 6-0-1. Ms. Prendergast abstained.

CORRESPONDENCE:

- Copy of a letter sent to the Selectmen from Edward N. Herbert Associates, Inc. requesting to be placed on the Selectmen's agenda to discuss the acceptance of two donations previously discussed with the Planning Board for the proposed Johnny Hill Estates subdivision;
- Public hearing notice regarding increase in building fees. Mr. Turner: Presented that Planning Board fees are not covered in this notice and will need to be updated as well;
- Letter from Attorney Campbell to Mr. Okerman regarding candidacy of office;
- New Hampshire Town and City booklet, February 2007, NH Local Government Center;
- Memo from the Recreation Committee requesting to meet with the Planning Board on April 11 to discuss the Recreation Master Plan and to conduct a workshop;
- Letter from the RPC regarding CTAP Year 1 Local Discretionary Account Funding Request.
- NH Supreme Court Review "Is the Pendulum Swinging Back?".

BOND:

- McIntosh Hollow, new bond for \$253,586.40. Mr. McLeod motioned to accept the road bond. Mr. Kolodziej seconded. Passed 7-0.

SIGN PERMITS:

- Granite State Animal Hospital, 19 Roulston Road. The Planning Board reviewed the application and was pleased with the overall design. Mr. Turner: Presented that the sign depicted on the application was 10 feet from the edge of pavement, when in fact the sign should be setback 10 feet from the right-of-way. Mr. McLeod motioned to approve the free-standing sign subject to it being set 10 feet back from the ROW. Ms. Post seconded. Passed 7-0.

LIAISON REPORTS:

- Selectmen, Mrs. Crisler: Presented that activities occurring on Cobbetts Pond have been creating a nuisance and have been drawing complaints from nearby property owners. The complaint is that the Town Beach parking lot is full with out-of-state license plates and people on the lake are very noisy and disturbing full-time area residents. Selectmen will hold a public hearing on Monday night to discuss the disturbance.

OLD/NEW BUSINESS:

- Mrs. Crisler: Presented that the 1932 Boston and Maine train caboose donated to the Town can be restored and would be a nice asset to the Town, plans are to relocate the caboose from the Town of Pelham to the Windham Train Depot area.
- Mr. McLeod: Pending legislation in the NH House – HB 42 to encourage preservation or restoration of stonewalls.

PUBLIC MATTERS:

Willows Site Plan –21 units – Public Hearing Continued **Mammoth Road / Rt 28, lots 14-A-925 and 930**

Mr. Turner: Proposed 21-unit age restricted (55 or older) housing development, the applicant received a variance on January 10, 2006 for the zoning, has met the one year requirement for the variance, the application complies with our regulations. This hearing is a continuation of a public hearing that was held on January 3, 2007. Ms. Post motioned to re-open the public hearing. Ms. Crisler seconded. Passed 7-0.

Mr. Turner: Showed the location of the property on the map, showed the proposed driveways and building locations, and wetlands on the property, the Board had a site walk on this property, it is not in the aquifer protection district, the following reports have been completed: a drainage report, an aquifer determination study, wetlands delineation, and soils survey. The density calculations have been reviewed and 21 bedrooms are allowed on the site, Cobblestone Road is the abutting neighborhood which have single family homes, a Special Permit is required, WWPD will be impacted by the walking trail which is an allowed use for the WWPD, there will be benches and a gazebo, the trail will connect to the Waterhouse Convenient Store, the Waterhouse family will be updating their site and will incorporate the trail from their site, the State requires that the site is located in an area that is convenient for the elderly, the applicant submitted a book of materials that shows how they comply with the requirement, it's currently 2 lots, want to merge the lots, the road off of Cobblestone Road is approximately 400' long with a turnaround, and he read the staff recommendations from the project review sheet.

William R. Mason, Applicant's Attorney: To discuss Sections 610.8.1, 610.8.2, 610.8.3, 610.8.4 and 610.8.5 of the Windham Zoning Ordinance and how they relate to the proposed "Willows" development. As per Section 610.8.1, presented a binder that outlined all the services and facilities that would be available to meet the physical and social needs of persons of the proposed development in the surrounding geographical area. Discussion on letters received from various organizations that would offer their services. Mr. Mason passed out a summary of items listed in the binder to the Planning Board members. Mr. Turner: Identified insufficient copies of the binder for all members of the Board. Mr. Mason: References Whispering Winds several times to discuss differences between the two projects.

Ms Crisler: Asked what is unique about this particular development and how will this justify unique senior housing and how did the Client negotiate deals with the organizations? Are there any contracts offered by the Applicant that guarantees that the services will be provided for the development? Mr. Mason: References the Zoning Ordinance in that it doesn't require discussion on what makes a development unique, but rather the facilities and services that are available to meet the physical and social needs of the older persons, and that the services are available to the residents. The proposed project is unique in that it is only for persons 55 years of age and older. Mr. Mason drafted a *Proposed Covenant for Declaration of Condominium* that would act as a mechanism for ensuring that information would be disseminated on a regular basis offering the availability of services to the residents of the

proposed development.

Mr. McLeod: Asked Mr. Mason if everything on the handout was in the binder and asked three (3) questions pertaining to each of the programs provided in the summary handout: (1) Location of such facility; (2) if the program is provided by the applicant or the Town(s); and (3) is the program specifically designed for older persons? Mr. Mason: Each program is listed in the binder and answered questions pertaining to three questions. Discussion: Anheiser-Busch is in the binder but not in the handout.

Patty Prelich, President, New Hampshire Association of Senior Citizens and resident of Windham: Assisted Attorney Mason in explaining the Homemaker Services (Section 610.8.1 (5), Zoning Ordinance) and other pertinent services.

Ms. Post: Would like more information on who will enforce the Proposed Covenant for Declaration of Condominium how this will continue to be enforced? Suggest appointing a specific person, possibly paid, to oversee. The document is a good start, however is lacking details. A lot of work is needed. Mr. Mason: Information on services would be provided on an as needed basis and no less than on a quarterly basis. This would be the responsibility of the Board of Directors or the Home Owners Association. Discussion: how do we ensure the documents are provided to the homeowner, frequency of updating and distributing, there may be ways to certify compliance such as providing penalties to Board of Directors if document is not provided and reimbursing Town for enforcement/monitoring.

Mr. McLeod: Target housing market and the cost of the proposed housing? Who is responsible for exterior and interior maintenance? Mr. Mason: Between \$259,900 and \$279,900; this is affordable for low-income and moderate income buyers. Exterior maintenance would be provided by the Home Owners Association or a third party and interior maintenance would be the responsibility of the property owners.

Mr. McLeod: What is your relevant geographical area? Includes Nashua, Merrimack, Salem, Derry, Manchester since the listed facilities and services are located there? Mr. Mason: Yes.

Mr. Turner: Identifies the significant services and facilities that are offered by the Whispering Winds development, none of these services are identified in the proposed "Willows" development. Services provided should be similar to that of Whispering Winds.

Ms. Crisler: If the Town or Board of Directors fails to enforce the covenants or regulations, the housing will then be converted to multi-family housing? Mr. Turner: If regulations are not enforced by the Town or Board of Directors then the housing could then be eventually converted to multi-family housing. In essence the property values will change dramatically if converted.

Mr. Zohdi, Herbert Associates: No sidewalks provided, sheet drainage system provided, sidewalks could be added if needed, walking paths will consist of stone dust, walking path could be paved, curbing is not depicted on the plan set, curbing will be provided on next set of plans, discusses access to the front and rear of the units, discusses handicap accessibility.

Ms. Post: References Section 610.8.1 and asked Mr. Mason to revise the binder of services and facilities to include items that are offered on-site.

Public comment from: Carol Doak, 8 Cobblestone Road: The main concern is that it's out of character of the neighborhood, no places for congregation, nothing beneficial in the area for senior residents,

threat of bringing in something different.

Public comment from: William L. Irvin, Jr, 5 Cobblestone Road: Project is a good idea, a necessity to the Town and noble of the Applicant, main concern is diminishing property values, traffic congestion, concerned with the amount of children living nearby.

Mr. Zohdi: Would like to continue the project to the next available hearing. Will gather additional information based on the input from the Planning Board and will include a revised book of services and facilities for the Planning Board.

Mr. McLeod: Asked Mr. Mason for the next meeting to answer the three (3) questions pertaining to all the services and facilities that are being offered.

Mrs. Crisler: Emphasized the need for the applicant to provide a direct connection between the services provided and the proposed 55+ housing development.

Mr. McLeod motioned to continue the meeting to March 7 at 8pm, subject to the provision that this was requested by the Applicant, the statutory clock shall hold. Ms. Crisler seconded. Passed 7-0.

Site Plan and Subdivision Regulations – Discussion

Mr. LoChiato: Recommended that each Board member bring a copy of the Site Plan and Subdivision Regulations home to review and develop questions for the next hearing on February 28. Discussion on the regulations would not be prudent at this particular time. Discussion: All additions and deletions to regulations should be done using *track changes* and the date of change included in the footer.

Mr. Turner: The proposed changes would be the most significant changes ever recommended. Before the next Town meeting, there will be approximately three (3) workshops to discuss all revisions to the regulations. Results from significant court cases will be incorporated along with other significant provisions. Discussion: Begin next week's meeting at 7PM. Staff to send out a reminder.

Ms. Skinner motioned to adjourn. Mr. McLeod seconded. Passed 7-0. Meeting adjourned at 10:05 pm.

These minutes are in draft form and have not yet been reviewed and approved.
Respectfully submitted, Shaun Logue