



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

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Planning Board Minutes 11/3/10

Roll Call Planning Board:

Phil LoChiatto, Chairman - Present	Rick Okerman, Member - Excused
Nancy Prendergast - Vice Chair- Excused	Ruth-Ellen Post, Member - Excused
Kristi St. Laurent, Member -Arrived at 6:50pm	Sy Wrenn, Alternate - Arrived at 6:20pm
Pam Skinner, Member - Present	Bruce Breton, Selectman Member - Present
Louis Hersch, Alternate - Present	Lee Maloney - Alternate - Present
Bruce Richardson - Alternate -Arrived 6:12pm	Ross McLeod, Selectmen Alternate Member - Excused

Staff:

Laura Scott, Community Development Director - Present
Elizabeth Wood, Community Planner - Present
Tracey Mulder, Planning Assistant - Present

Chair LoChiatto opened at 6:05PM followed by the Pledge of Allegiance.

Louis Hersch is seated for Ruth-Ellen Post and Lee Maloney is seated for Kristi St. Laurent.

2011 Town Meeting Workshop

Junkyards new proposed Section 708

Elizabeth Wood addressed the Board noting this is the first public workshop for the Junkyard Ordinance because the Town currently does not have an ordinance in place. She went on to explain that even though the Town currently does not have an Ordinance, the Town is not exempt from issuing junkyard licenses. This is because the State requires that all junkyards be licensed by the local governing authority, and in the Towns case, the Select Board is the authority.

Ms. Wood went on to say having a Junkyard Ordinance would minimize a junkyard's impact on abutting properties and provide the Town more oversight of them to ensure Best Management Practices are followed. Ms. Wood worked in conjunction with Lee Maloney, researched NH state regulations, used a guidance document provided by the state, and reviewed Junkyard Ordinances from other NH towns to produce the Ordinance.

Ms. Wood noted that the proposed ordinance has a definitions, location requirements, fencing requirements sections and details the requirements for the licensing process and renewal. She went on to say that as part of the licensing process, the applicant would need to submit a signed Certificate of Compliance stating that the Best Management Practices outlined in the Motor Vehicle Salvage Yard Environmental Compliance Manual and Self Audit Checklist, NH DES, dated May 2009, will be followed. Ms. Wood stated that the proposed Ordinance outlines that junkyards are not allowed in

residential areas but they are allowed in Business Commercial A, Business Commercial B, Neighborhood Business and Limited Industrial Districts.

Ms. Wood said the process for licensing by the Town is different from the State requirements and that she included other steps to licensing such as:

1. Signing a form stating that Best Management processes would be followed.
2. Site Plan Approval from the Planning Board and a Municipal License granted by the Board of Selectman.

Mr. Richardson arrived and was seated for Nancy Prendergast at 6:12PM.

Mr. Richardson wondered about the necessity of the applicant going to the Zoning Board of Adjustment and what the exact rulings would be on and Ms. Wood said the ZBA would review the proposed location, and ensure the applicant followed the Best Management Practices for their junkyard. In addition, she added it was a NH State requirement that the applicant needs to get the Certificate of Approval before the ZBA.

Chair LoChiatto asked if there was an existing property in Town and it was considered a junkyard would they need to come before the Zoning Board to be licensed. Ms. Wood replied that they would not need to go before the Zoning Board if they are currently legally operating but they would need to come before the Board of Selectman to get their license renewed annually.

Mr. Richardson asked about a preexisting use prior to 1965 under the same ownership and Ms. Wood replied that if a junkyard was established prior to July 8, 1965 they might be considered 'grandfathered' however, because the Town has not issued any licenses annually since 1965, this would not apply. And, to date no property owners have come forth for a junkyard license; however even though the Town does not have an Ordinance on the books because of State law the licensing requirements still apply.

Mr. Wrenn arrived at 6:20PM

Chair LoChiatto asked Mr. Breton if he recalls ever licensing a junkyard as a Selectman and Mr. Breton said over the past 8 years he does not recall any applicants for junkyards.

Mr. Breton would like to have added to Section 708.7.2 to have the applicant receive the Board of Selectman's findings should be in writing and to add a 30 day appeal process if the application is denied.

Mr. Richardson thought the definition for junk was not accurate and he said that 'junk' does not necessarily mean 'old'.

Chair LoChiatto would like to see the word 'copper' added to Section 708.3 definition Junk.

Motion by Mr. Breton to move the Junkyard Ordinance 708 to public hearing as amended. Second by Mr. Hersch. Motion passed 6-0.

Kristi St. Laurent arrived at 6:50.

Mr. LoChiatto read a resignation letter received from Ms. Nancy Prendergast that she has been diagnosed with breast cancer and must step down from her position as Vice Chair for the Planning Board. Chair LoChiatto said it is with deep regret and sadness we hear this news from Ms. Prendergast.

Motion by Mr. Breton to accept the letter of resignation from Ms. Prendergast with deepest regrets and prayers for her well-being. Second by Mr. Richardson. Motion passed 7-0.

Mr. LoChiatto said there is a vacant seat for the Planning Board that needs to be filled until March 2011.

Motion by Mr. Breton to approve Mr. Richardson to fulfill the remaining term for Ms. Prendergast until the March election. Second by Ms. Skinner.

Ms. St. Laurent wanted to recommend Mr. Wrenn because he has been an Alternate on the Planning Board for a longer period.

Mr. Breton provide his rationale behind his recommendation saying that Mr. Richardson had been an original member on the CIP and perhaps Mr. Richardson could fill Nancy's role in that capacity as well.

Motion passed 4-1-1. Ms. St. Laurent opposed and Mr. Richardson abstained.

Recess from 6:55 – 7:00pm

Chair LoChiatto noted that the meeting minutes have been moved towards the end of tonight's meeting.

Ms. Maloney was excused at 7:00PM to attend the CIP meeting.

Mr. Peter Zohdi, of Edward Herbert and Associates addressed the Board requesting from the Board to move his items for B & H Oil and the Dunkin Donut sign permit after the Conditional Use Permit Application 2010-37. The Board agreed.

Motion by Mr. Hersch to amend the agenda moving item #6 revised site plan to item #5 and move public hearing for zoning amendments to after the hearings Second by Mr. Breton. Motion passed 6-0.

Mr. Wrenn was seated for Mr. Okerman at 7:06PM

Chair LoChiatto asked the Board whom they would like to appoint for Vice Chair. It was determined to wait for another meeting for the other two regular members attended.

2010-37 Conditional Use Permit.

An application for a Customary Home Occupation/Conditional Use Permit Application has been submitted for 2 Country Road (Lot 6-C01037), zoned Rural. The applicant, Kimberlee Curtin, on behalf of the property owner Christopher Curtin, is proposing to operate a Child Daycare business in her home with the intent of caring for a maximum of twelve (12) children aged between 6 weeks and 13 years 11

months in age. The applicant is also proposing to install a freestanding sign sized 1X3 to advertise the business.

Mr. Richardson read the hearing into the record.

Ms. Wood addressed the Board noting that Ms. Curtin has been an excellent sport working through the Planning Board process recognizing that our current regulations conflict with State requirements and she is been great about meeting both.

Ms. Wood said that although it was not in the Boards packet for review, Ms. Curtin provided a site diagram showing the existing and proposed parking area, including the dimensions of the parking area. Because of fire code requirements, parking in the home's garage had to be eliminated. In addition, there will be two parking spaces for residential use and she will need one space for employee parking. Ms. Wood said that Ms. Curtin's home occupation use meets all Town and State requirements.

She is only proposing a sign and there is a typo in her proposal indicating the sign is 3X4 but she is requesting a 3 sq. ft sign that is the maximum allowable for the Rural district.

Ms. Curtin approached the Board and discussed the letter of intent that follows the guidelines of Town and State. This will be a group daycare and the main concern was ensuring the square footage was adequate. Ms. Curtin accomplished this moving her bedroom to a lower level and eliminated her garage. Ms. Curtin explained how she will utilize the space and how she meets the requirements.

She is requesting to hire a third person as a permanent substitute according to NH State guidelines.

Ms. Curtin went noted the daycare has six working fire detectors in the upstairs daycare area as well as in the bedrooms, living room and kitchen. In addition, there are two carbon monoxide detectors on each floor as well as 4 fire extinguishers in the house.

Ms. Curtin went over the driveway, sign explanation, and provided the Board with a scaled down plot plan. .

Ms. Curtin said she believes she will comply with the Town's noise ordinance based on the way the drop off of children will be staggered.

Chair LoChiatto asked Ms. Curtin to describe how the back yard is fenced and if there will be play equipment installed. Ms. Curtin said she is not requesting the entire back yard fenced and Ms. Wood provided to the Board Ms. Curtin's fence application that outlines where the fence will be located on the property.

Chair LoChiatto opened the hearing to the public.

Ms. Jenna Despres, 4 County Road, addressed the Board indicating that she is not in opposition to someone having a home occupation; however, she is concerned with this particular type of home occupation because she has a pool and also she is concerned about the noise next to her property due to the children and how this will affect her property value.

Ms. Curtin addressed the concerns of Ms. Despres and said because the business is an LLC she is responsible for children's welfare and ensuring they stay in her sight at all times and if they did get out, she would be held responsible.

Chair LoChiatto closed the hearing to the public.

Motion by Mr. Richardson to approve Case 2010-37 Customary Home Occupation Application for 2 Country Road, Lot 6-C-1037 as proposed by the applicant and to include the letter of intent, correct sign size and location and to change the living quarters from 20% to 25% . Second Mr. Breton. Motion passed 6-1-0 with Mr. Hersch opposed.

Revised Site plan for B & H Oil and Dunkin Donuts (Lot 16-D-450 & 16-L-1) Indian Rock Road/Rt 111.

A request has been made by the applicant, Peter Zohdi of Edward N. Herbert Assoc. Inc, on behalf of the owners, 32 IRR Realty and Cafua Realty Trust XL, LLC., to revise the approved site plan to amend the hours of operation for B & H Oil/Indian Rock road/Rt 111 (16-D-450) & Dunkin Donuts/Indian Rock Road/Rt.111 (16-L-1). Additionally, a sign permit has been submitted for Dunkin Donuts/Indian Rock Road (16-L-1) for awning sign, and a sign design has been submitted for B & H Oil (16-D-450).

Ms. Wood said the applicant is requesting to revise the approved site plan to amend the hours of operation for B & H Oil and Dunkin Donuts. Additionally, a sign permit has been submitted for Dunkin Donuts for awning signs, and a canopy sign design has been submitted for B & H Oil.

Mr. Zohdi, of Edward Herbert and Associates, addressed the Board outlining the time of operation for the Glynn Plaza and is requesting to have the new exercise facility open 24 hours with members using a card key system to gain entrance and activate lighting. The proposed hours of operation are as follows for the sites:

- 5:00am-12:00am for Dunkin Donuts
- 24-hours/day operation for the Health Club
- 24 hours/day operation for Gas pumps
- 5:00am-12:00am for Convenience Store

Ms. Wood said that the Planning Board must decide whether the modification of hours of operation requires a Minor Site Plan review. The applicant is requesting the Board review the proposed changes without a public hearing because the changes are minor in nature.

Mr. Peter Zohdi, of Edward Herbert and Associates addressed the Board indicating the reason Dunkin Donuts would like to change their hours is because they have employees who start work at 5AM and even though Dunkin Donuts closes at 11PM, employees stay longer to clean up.

There was a debate by the Board members as to what constituted Hours of Operation. Some Board members felt that Hours of Operation meant the hours that a business is open to the public. Other Board members felt that Hours of Operation meant any hours the facilities were in use. If employees were in

Dunkin Donuts at 5 am preparing the business for opening, that constituted the business to be in operation.

Some members expressed concern about the hours that the facility would be lit if it was open longer hours.

Mr. Zohdi said that in terms of the Gas Station, only the area around the canopy and pumps would be lit.

Mr. Richardson said that Klemm's gasoline is open 24 hours and their canopy has minimal lighting at night and seem to work well.

Motion by Mr. Breton to consider application proposed hours of operation as revision to the Site plan and do not need Minor Site plan review because the changes are minor in nature and do not meet the criteria for a revision to the Site Plan regulations. Second by Mr. Hersch. Motion passed 4-2-0, Ms. St. Laurent and Mr. Wrenn opposed.

Chair LoChiatto asked if the health club would have lights turned on the inside and outside of the building during the night and if was staffed 24 hours. Mr. Mr. Zohdi responded that the lights on the inside would be off at night but would turn on automatically once a member inserted their cardkey into the slot and there would be minimal lighting on the outside of the building for safety reasons. Mr. Zohdi said this is the way it works at the same type of club in Pelham that is not staffed during the night but has cardkey access only. There was further discussion as to whether the entire inside would be lighted or just the area where a member was working out. Mr. Zohdi did not know but thought just the area where the member was working out only.

Ms. St. Laurent said there should be a minimum amount of lighting required at the Health Club for safety even when the facility was not in use.

Motion by Mr. Breton to approve operating hours as outline in the memo from Ms. Wood dated October 27, 2010 (5:00am-12:00am for Dunkin Donuts, 24-hours/day operation for the Health Club, 24 hours/day operation for Gas pumps, 5:00am-12:00am for Convenience Store) and to ensure that the lighting for the Health Club is kept at a minimum for safety when not in use. Second by Mr. Hersch.

Discussion: Mr. Richardson said hours of operation are minimal and are a common practice. Mr. Wrenn commented that he does not agree with the proposed hours of operation.

Motion passed 5-2-0, Ms. St. Laurent and Mr. Wrenn opposed.

Dunkin Donuts Awning Signs (Lot 16-L-1) at Indian Rock Road/Rt 111

Chair LoChiatto noted for the Board that awning signs are at the purview of the Planning Board.

Mr. Zohdi addressed the Board and noted that at a previous meeting regarding the parking for this plaza, Ms. Post asked about the parking spaces and he clarified that the Dunkin Donuts will have two extra parking spaces and Glynn Plaza will have three extra parking spaces.

Mr. Breton has no problem with the awning signs and does not think the Board should micro manage the awning signs.

Ms. St Laurent disagreed with Mr. Breton because the idea is to keep signage in the Village Center District subdued. She went on to say it is obvious the business is a Dunkin Donuts already and there is no need for additional signage. Mr. Wrenn agreed

Motion by Mr. Breton to approve the proposed awning sign for lot 16-L-1 as proposed. Second by Mr. Hersch. Motion failed 3-4-0, Mr. LoChiatto, Mr. Richardson, Mr. Wrenn, Ms. St. Laurent opposed.

B & H Oil Canopy Sign (Lot 16-D-450) at Indian Rock Road/Rt. 111

Mr. Zohdi addressed the Board providing a rendering of the proposed sign. Mr. Zohdi is proposing to have the sign show on three sides of the canopy and the Board discussed that the sign ordinance noting the difference between signage on a building and signage on a structure and the canopy was a structure.

Motion by Mr. Breton to approve B & H Oil Sign with the logo on the canopy as presented. Second by Ms. Skinner.

Discussion: Mr. Wrenn said he does not see how the Board can approve a sign application that is against the regulations due to the square footage being larger than what is allowed. Mr. LoChiatto said he okay with two signs rather than three. Chair LoChiatto asked the applicant to reduce overall square feet and remove the one sign facing westerly. Mr. Breton retracted his motion.

Motion by Mr. Breton to approve the application with two signs on the canopy for B & H Oil lot 15-D-450 not to exceed 16 sq. ft. Second by Ms. Skinner. Motions passed 7-0.

2011 Town Meeting Public Hearing

Section 906 Duration of Approval:
Amend Section 906 to increase the duration of ZBA approvals from 1 to 3 years, remove the requirement that it be recorded with the Town Clerk, and delete the language about prior invalidity of approvals.

Ms. Scott emailed the Board a letter from Attorney Campbell outlining his concerns and recommended changes to the proposed ordinance to protect the Town's interest and she also provided comments from Heath Partington, a Windham resident. Both have been placed in the amendment file.

Ms. Scott noted for the Board this proposal is to change the language for variances granted by the Zoning Board of Adjustment from one to three years. Mr. Pardingtons thinks that three years for a variance is too extensive and would like to have it reduced to two years.

Ms. Scott noted Attorney Campbell's concerns are to make sure that the Board is sure that they are comfortable with the three-year duration. The Board discussed Attorney Campbell's interpretation of Section 906 regarding the unexercised variance and he recommends leaving this language in the Ordinance.

Chair LoChiatto said he does not interpret that language the same way Attorney Campbell interprets it.

Mr. Tierney, member of the public, agrees with Atty Campbell interpretation and feels it should remain.

Joe Maynard addressed the Board and said a one-year time limit for a variance is not enough time and two years should be the minimum but three years is ideal. If it were an informal process before the Zoning Board of Adjustment for a renewal, it would be okay but he would rather not have a renewal to go through the notification process for abutters.

Board decided to remove the last sentence as proposed by Ms. Scott because it is unfair to change the rules on an application once they have been granted the variance.

Motion by Mr. Richardson to move Section 906 Duration of Approval to a second public hearing as amended to have:

- 1. A one-year variance**
- 2. A one-year administrative renewal option prior to expiration**
- 3. A one-year renewal with the applicant showing good cause. Second by Mr. Hersch. Motion passed 7-0.**

Appendix A-1 Note 15

Amend Appendix A-1 to add note (15) which clarifies how to measure Maximum % Building Coverage of Lot.

Ms. Scott noted for the Board that the amendment to Appendix A-1 is to add one sentence, note 15, which clarifies how to measure the maximum percentage building coverage of a lot.

Chair LoChiatto opened the hearing to the public and receiving no comments closed the hearing.

Mr. Tierney said in 2005 the Town adopted the International Residential Building Code 2003 and this is still on the books because it has never been rescinded and the Town has to enforce the International Residential Building Codes 2009 whichever is stricter.

Motion by Mr. Richardson to move Appendix A-1, Note 15 to Town Warrant as presented. Second by Mr. Breton. Motion passed 7-0.

Section 400 Continuance of Existing Uses and Section 200 Definitions

Amend Section 400 to clarify the difference between nonconforming uses and nonconforming structures; to delete language about variances; be consistent when using the terms 'structures' and 'buildings'; and 'Abandoned/Abandonment' and "non-conforming structure".

Ms. Scott noted that Attorney Campbell rewrote the language for Abandon/Abandonment section to establish a ‘test’ for abandonment that incorporates ‘intent’ and an ‘action’ to abandon. This is because the State Supreme Court has established the standard for ‘abandonment’ and Ms. Scott said she agrees with Attorney Campbell’s changes due to state law of which she was unaware. Ms. Scott read the proposed language from Attorney Campbell and noting she removed his term structure in his definition.

Chair LoChiatto opened the hearing to the public.

Mr. Jim Tierney addressed the Board and said he did not see any harm in leaving the word ‘structure’.

Chair LoChiatto closed the hearing to the public.

The Board agreed to strike the word structure and leave in the word ‘use’ in the definition abandoned/abandonment.

Motion by Mr. Richardson to move to Section 200 and 400 to a second public hearing as amended. Second by Ms. St. Laurent. Motion carries 7-0.

2010 Town Meeting Workshop

A motion by Mr. Breton to waive the bylaws and hear new business after 10PM. Second by Ms. St. Laurent. Motion passed 7-0.

Ms. Maloney returned from her meeting at 9:45PM

Section 706 Signs.

Ms. Wood said this is second workshop on the Sign Ordinance and the memo supplied highlights the changes as follows:

- Specified the maximum size for an electronic ‘Open’ signs be 2 sq. ft.
- Specified the maximum size for A-frame/Sandwich Board signs to be 4ft. in height and 2 ft. in width.
- Added a provision to allow a business to display a window sign if not all walls sign area is consumed.
- Added to new section titled “signs not requiring a permit”.
- Removed section that encourages landscaping around free standing signs
- Removed section that encourages the base of freestanding signs to be constructed of a natural or natural-looking material.

In addition, Ms. Wood stated she included for the Board 2 drafts, one with the proposed tracked changes the edits accepted.

The Board discussed the A-frame/Sandwich Board signs and decided it should be moved to the temporary section of the ordinance.

The Board discussed scrolling signs and Ms. Wood said that they are not allowed and that provision is currently enforced.

In addition, the Board thought that the A-frames need to be located in an area not to obstruct the walkway and be a nuisance to pedestrians and perhaps they should be permitted. Ms. St. Laurent thought there should be a permit showing where the sign will be located to ensure it does not impede public safety.

Ms. Wood said the proposed ordinance language regulates this already.

Ms. St. Laurent thought there should be a permit showing where the sign will be located to ensure it does not impede public safety.

Ms. Wood said that currently Code Enforcement has no trouble spotting signs that might impede public safety and that there has been success in code enforcement measures.

The Board discussed all the points of Ms. Wood's memo outlining the proposed changes in the sign ordinance.

The Board discussed the change made in regards to Window Signs. Ms. Wood said that the change was made in reaction to the Board's discussion at the last meeting. Chair LoChiatto said that he is pleased with how it is written.

Mr. Richardson had a question about the section that regulates wall signs on facades and thought it could be wordsmith for better understanding and interpretation.

Mr. LoChiatto opened the discussion to the public.

Mr. Ralph Valentine addressed the Board saying that he had a discussion with Ms. Scott about Section 704.2.2 regarding signs facing a public right-of way. He said he would like to meet with Ms. Wood and work on the language in this section of the Ordinance.

In addition, the Board discussed having street number showing on all freestanding signs. It was agreed that all freestanding signs should have street number sized a maximum of 8" in height. The street number shall not be calculated into the total allowed sign area.

A motion by Mr. Breton to move the Sign Ordinance to another workshop. Second by Ms. Skinner. Motion passed 7-0.

Mr. LoChiatto recused himself and Ms. Skinner stepped in as Chair at 11:25PM

Motion by Ms. Skinner to move the WWPD Ordinance revision Section 601 and the CPWD Ordinance Revisions Section 616 workshops and the meeting minutes to another meeting. Second by Mr. Breton. Motion passed 6-0.

Case#2010-41 – Major/25 North Shore Road (Lot 16-D-14) Cobbetts Pond Watershed Protection Land Development Application- Major

A Cobbetts Pond Watershed Protection Land Development – Major Application has been submitted for 25 North Shore Road (Lot 16-D-14), located in the Residential District A Zoning District and WWPD. The applicant, Joseph Maynard of Benchmark Engineering, Inc., on behalf of the property owner Susan Messina, is proposing to demolish the detached garage with parking and other associated improvements. The proposal would render 29% of the lot impervious. Variances have been granted from the following Section of the Zoning and Land Use Regulations: 401, 406.2, 601.3, 601.4.2, 601.4.8, 616.6 (c) (1), 616.8 (a), and 702 Appendix A-1.

Ms. Wood addressed the Board noting that this is not a public hearing but a review and approval process by the Planning Board. She has included for the following comment for their consideration:

1. The applicant has submitted a written waiver request from the administrative requirement to have an engineering review of the Stormwater Management and Erosion Control Plan.

In addition, Ms. Wood has provided the following items for the Board’s review:

1. Notice of Decision for a variance dated 7/13/10
2. A letter from the applicant requesting the administrative waiver
3. Set of plans including Stormwater Management & Erosion Control Plan.

Mr. Maynard presented his case for the Cobbetts Pond Watershed Protection Application to the Board stating he has received all state approvals and is requesting a waiver from outside review Stormwater Management and Erosion Control Plan by the Town’s consultant engineering because the Stormwater Management and Erosion Control plan has already been reviewed by NHDES as part of a Shoreland Redevelopment Application approval.

Motion by Mr. Breton to waive the administrative requirement to have a Major application within the Cobbetts Pond Watershed sent to outside review. Second by Ms. Skinner. Motion passed 6-0.

A motion by Mr. Breton to hear Case # 2010-41, Lot 16-D-14 Cobbetts Pond Watershed Protection Land Development as a major application as presented. Second by Ms. Skinner. Motion passed 6-0.

Case 2010-42 – Major/9 Grove Street (17-L-85) Cobbetts Pond Watershed Protection Land Development Application-Major

A Cobbetts Pond Watershed Protection Land Development – Major Application has been submitted for 9 Grove Street (Lot 17-L-85), located in the Residential District A Zoning District. The applicant, Joseph Maynard of Benchmark Engineering, Inc., on behalf of the property owners Lawrence & Regina Sakozy, is proposing to demolish the existing home and remove the concrete walk, then construct a new home and expand the impervious driveway. The proposal would render 30% of the lot impervious. Variances have been granted from the following Section of the Zoning and Land Use Regulations: 401 & 702 Appendix A-1.

Ms. Wood addressed the Board noting that this is not a public hearing but a review and approval process by the Planning Board. She has included for the following comments for their consideration:

- Indicate on the lawn area on the plan, including the square footage. Per Section 616.6 © (1) of the Zoning and Land Use Ordinance, this area must not exceed 10% of the total lot area.
- The applicant has submitted a written waiver request from the administrative requirement of have an engineering review of the Stormwater Management and Erosion Control Plan.

In addition, Ms. Wood provided the following items for their review:

1. A notice of decision dated 1/12/10 from the ZBA.
2. A letter from the applicant requesting a waiver from administrative requirement.
3. Plans set including the Stormwater Management & Erosion Control Plan.

Mr. Maynard presented his case for the Cobbetts Pond Watershed Protection Application to the Board stating he has received all state approvals and is requesting a waiver from outside review Stormwater Management and Erosion Control Plan by the Town's consultant engineering because the Stormwater Management and Erosion Control plan has already been reviewed by NHDES as part of a Shoreland Redevelopment Application approval.

Motion by Mr. Breton to waive the administrative requirement to have a Major application within the Cobbetts Pond Watershed sent to outside review. Second by Ms. Skinner. Motion passed 6-0.

A motion by Mr. Breton to hear Case # 2010-42, Lot 17-L-85 Cobbetts Pond Watershed Protection Land Development as a major application with the condition that a note be added to the plan to indicate the lawn area on the plan, including the square footage. Second by Ms. Skinner. Motion passed 6-0.

Motion by Mr. Breton to adjourn the Planning Board meeting at 11:46PM. Second by Mr. Richardson. Motion passed 6-0.

Tracey Mulder respectfully submits these minutes.