



*OLD VALUES - NEW HORIZONS*  
**COMMUNITY DEVELOPMENT**

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Planning Board Minutes  
April 20, 2011

**Roll Call:**

Ruth-Ellen Post, Chairwoman – Present  
Margaret Crisler, Vice-Chair – Present  
Pam Skinner, Member – Present  
Kristi St. Laurent, Member – Present  
Jonathan Sycamore, Member – Present

Carolyn Webber, Member – Present  
Sy Wrenn, Alternate – Present  
Lee Maloney, Alternate – Present  
Ross McLeod, Selectman Member – Present  
Kathleen DiFruscia, Selectman Alternate, Excused

**Staff:**

Laura Scott, Community Development Director – Present  
Elizabeth Wood, Community Planner – Present  
Mimi Kolodziej, Planning Assistant – Present

**Call to Order / Attendance / Pledge of Allegiance:**

The meeting was called to order by Chairwoman Post at 7:02 p.m. followed by the Pledge of Allegiance.

**Public Hearings:**

**Case #2011-7 Designated Scenic Road Tree Removal.** A request has been made by Public Service of New Hampshire (PSNH), per NH RSA 231:138 (II), to trim and remove trees and brush in order to add wire and to replace two (2) power lines on Morrisson Road, which is a designated scenic road.

Vice-chair Crisler read the hearing notice into the record.

Ms. Wood explained that PSNH is making this request because there has been insufficient voltage along Morrisson Road for the past year and they want to replace the existing lines. Staff has no concerns with this request.

Mr. Jeffrey Enman of PSNH explained that for the past 6-8 months there have been voltage issues on Morrisson Road because of the size of the homes in the area. Their intent is to replace 2 compromised poles and increase the line voltage. All but 4 of the landowners have been contacted, and they would like to complete the work prior to Memorial Day.

The Board inquired about the number and size of the tagged trees and how many were on private vs. town property. Mr. Enman explained that PSNH makes an effort to tag smaller trees and ones that are rotting or compromised. Many of the property owners are asking for additional trees on their property to be removed.

Vice-chair Crisler asked that a particularly large tree at 72 Morrisson Rd. be protected. Mr. Enman agreed not to tag it for removal.

Mr. Enman mentioned that the power outage issues on Castle Reach should be improved by this upgrade.

Ms. Crisler asked what precautions PSNH will take to protect stonewalls. Mr. Enman explained that ropes and chains are used to protect the walls from falling trees. The last trimming was done in 2009 and seems to need to be done every 4-5 years.

Chairwoman Post opened the hearing to the public.

Mr. Coole expressed concern about the look of the street when the job is completed, such as trees and stumps left behind. Mr. Enman explained that trees left on private property are done only at owner's request and will be cut and stacked on the property owner's land.

Chairwoman Post closed the Public Hearing.

**Ms. Webber made a motion to approve the cutting and trimming of trees and brush on Morrisson Road as presented. Seconded by Mr. McLeod. Motion passed: 7-0.**

**Case #2010-46 Workforce Housing Design Review Application.** An application for Design Review has been submitted for Lot 19-A-33 (66 Mammoth Road), which is located in the Rural and Aquifer Protection Districts. The applicant, Peter Zohdi of Edward N. Herbert Associates, Inc., on behalf of Sun Coast Properties LLC, is proposing a 10-unit residential condominium development, consisting of 5 duplex buildings with 4 units to be Workforce Housing, per NH RSA 674:58-61.

Vice-chair Crisler read the hearing notice into the record.

The Board clarified that this is a non-binding, publically notified hearing which will be formally opened to the public for discussion and then formally closed. It is both a site plan preliminary review and a subdivision design review application.

Ms. Scott drew the Board's attention to their packet which included an April 14<sup>th</sup> cover letter from her, an April 4<sup>th</sup> letter from Mr. Peter Zohdi, and 3 page plan set. The applicant is proposing 5 duplexes or 10 total units on the site. Four of these units will be Workforce Housing units, as defined in state law. The development will be in a condominium form of ownership on a private road, utilizing the Pennechuck water system and on-site septic. The plan has been sent to the Town engineer, Town legal, the TRC, and the soil consultant. The engineering and legal reviews are expected imminently; TRC and the soil consultant have no outstanding issues, and Ms. Scott has no concerns. The application will be presented next week before ZBA for a variance. Once the variance is received, the application will return to the Planning Board for a formal application.

**Vice-chair Crisler motioned to open Case #2010-46 for public hearing. Seconded by Ms. Webber. Motion passed: 6-1. Mr. Sycamore opposed.**

Mr. Peter Zohdi of Hebert Engineering Associates, Inc., presented an overview of the details and location of the plan.

Mr. McLeod clarified with Mr. Zohdi that there will be asphalt driveways, downward shielded lighting, and an effort will be made to re-arrange shrubbery for maximum snow storage.

Ms. Maloney and Chairwoman Post discussed the need for additional parking spots.

Vice-chair Crisler requested that an effort be made to protect a venerable, old Maple tree near this location.

Vice-chair Crisler also inquired about the condominium covenants, a financial analysis, and the possibility of a homeowners association.

The Board continued to question Mr. Zohdi about the type of heating units, rubbish pick-up, and the location of the Workforce Housing units within the development.

Attorney John Cronin, representing the applicant, addressing a question from Mr. McLeod, explained that the 4 Workforce Housing units will have a restriction on their titles that will require all future buyers to comply with Workforce Housing income requirements.

Chairwoman Post opened the hearing to the public.

Mr. Frederick Ford, an abutter, asked about the elevation of the lot and if the foundations will be slabs. Mr. Zohdi assured him they would be full basements and the front of the lot will be filled in to adjust for the lot's rear elevation.

Ms. Dawn Enright, Mr. Ford's daughter, asked about the water line path and what would be the Town's position if the new homeowners complained about the smell of livestock. Ms. Scott explained that the Town's concern would be if there was a complaint of animal abuse or a Public Health issue; in which case, the Town would refer it to the appropriate agency. The existing farm is protected by the State's Right to Farm Law.

Chairwoman Post closed the Public Hearing.

Chairwoman Post summarized the various Board concerns, which included:

- Workforce Housing Threshold – Has the Town met their legal obligation?
- Parking sufficiency
- Snow removal/storage
- Lighting
- Architecture
- Maple Tree
- Pavers vs. Asphalt
- Have all financial and legal papers been completed.
- Condo fee reserve

Mr. Zohdi asked the Board to recommend the number of parking spots they would like to see on the plan. The Board discussed this and was divided. No number was presented.

**Vice-Chair Crisler motioned to close the preliminary site plan review hearing. Seconded by Ms. Webber. Motion passed: 7-0.**

**Case #2010-20 Open Space Subdivision / Site Plan.** An application for an Open Space Subdivision has been submitted for Lots 6-C-1, 6-C-100, 6-C-2000A, & 6-C-2000B, which are located in the Rural District. The applicant, Peter Zohdi of Edward N. Herberts Associates, Inc., on behalf of the owner, Dennis Butterfield, Etal., is proposing 18 lots for single family residential development and 5 open space lots. The proposal includes an extension of Sheffield Road.

Vice-chair Crisler read the hearing notice into the record.

Vice-chair Crisler inquired about the zoning regulation Section 611.5.4 and wondered if this plan was in compliance with the number of lots allowed. Mr. Zohdi of Herbert Engineering Association, Inc. clarified that the Town's soil consultant, Mr. John Thorndike, calculated that this soil type can support 22 lots.

**Mr. McLeod made a motion to accept Case #2010-20 for public hearing. Seconded by Ms. St. Laurent. Motion passed: 7-0.**

Ms. Scott explained that this plan had previously been reviewed by TRC a few months ago and the road portion of the application by the Board of Selectman several years ago. At that time a couple of items surfaced: The Selectman voted to allow a portion of Pine Hill Road to be used to extend Sheffield Road for this development.

During the past July design review, a concern about the closeness to the highway and the length of new road were discussed by the Planning Board. Consequently, the Planning Board at that time decided that construction of homes in this area will be provided with additional sound proofing. Chief Lewis had questioned if the length of the road would require a waiver of the subdivision regulations. The Board decided during design review that the proposal did not meet the definition of a cu-de-sac, but rather a loop road which comes back on itself.

Outstanding items with engineering and the open space legal documents still need to be resolved by the applicant. Ms. Scott suggested that a site walk may be useful.

Mr. Zohdi presented an overview of the 18 lot subdivision. He has created plans for a regular conceptual subdivision and an open space subdivision.

Mr. McLeod inquired about the distance from Camelot Road to the beginning of the new Sheffield Road. Mr. Zohdi estimated about 3,000' but he will check.

Mr. Wrenn asked if there were any provision to keep the Wall Street right-of-way open for future building or accessibility. Ms. Scott explained that Mr. Zohdi is planning to adjust the plan to accommodate the extension with a right-of-way easement.

The Board scheduled a site walk for Saturday, April 30 at 8:30 a.m. to meet at the Sheffield Road cul-de-sac.

Chairwoman Post opened the hearing to the public.

Ms. Levesque of 19 Sheffield Rd, an abutter to the subdivision, expressed several concerns that oppose the development:

- They questioned the previous Board's decision to call the Sheffield Road extension a cul-de-sac;
- There should be a second outlet for safety reason, which would not be possible because of existing wetlands;
- They questioned the water supply source;
- They took issue with the safety of the road width;
- They expressed concern about the water supply which is currently a problem on Sheffield Road and the water/snow run-off;
- They asked about the condition of the land that will be returned to the current property owners if the cul-de-sac on the existing Scheffield Road is not kept;
- They inquired about the type of homes being build, their pricing, and will they have the same covenants as Sheffield;
- They questioned the number of trees being removed and think more trees should be planted; and
- They inquired about the type of noise barriers being planned and what impact noise will have on the community.

Mr. Levesque spoke on behalf of Mr. Plouff , an abutter who was unable to attend the meeting, and expressed concern about Mr. Plouff's current water/well issues. He asked about the impact on the local heron rookery. He requested the developer consider placing a green-space island to slow traffic for the many local children who play in the street.

Mr. Zohdi addressed the above issues and offered to revise the proposal so that many of these issued can be addressed. He is willing to work with the abutters.

The Board discussed alternate second exits for the new development. Mr. Zohdi offered that there is a 50' right-of-way from Jackman Ridge; however, wetland scientists recommend leaving the wetland alone. Mr. McLeod said that Wall Street extension is not an option.

Mr. Clayton Brandon of 17 Sheffield Street has water concerns and will continue to monitor them.

Ms. Webber, who has trekked the WWPD, confirmed that the rookery is gone. She thinks the construction along I-93 disturbed them.

Mr. McLeod asked that the 8% grade along the proposed road be reduced. Mr. Zohdi agreed to look into that and make adjustments where possible.

In response to Mr. Sycamore's question about whether or not a developer will build the entire development or if individual lots will be sold off to be built, Mr. Zohdi envisions a mix of developer built and individual builders all with common covenants.

Chairwoman Post closed the Public Hearing.

**Mr. McLeod made a motion to continue this hearing to the May 18<sup>th</sup> Planning Board meeting. Seconded by Vice-chair Crisler. Motion passed: 7-0.**

The Board took a brief recess and reconvened at 9:12.

### **Request of Planning Board Action**

#### **Site Plan Amendment Request – 5 Industrial Drive (13-A-196)**

Ms. Scott explained that at site inspection of the 5 Industrial building, she noticed that the building details were significantly different from the Board approved architectural rendering. The changes are all minor; however there are enough of them to create a substantial visual difference. The applicant was present to show what was approved by the Planning Board and what was developed on site.

There was discussion about the proper legal process. For the past two years it has been handled as a procedural Board process. When the Board starts working on revising the Site Plan Regulations a process can be detailed on how to handle these cases. Mr. Zohdi would like to proceed through the minor changes and allow the Board to decide if this can be handled administratively with the Board.

Mr. Zohdi walked the Board through the changes and explained that Mr. Chris Nickerson was in charge of the building construction. Mr. Nickerson went item by item through the changes providing explanation for each one, which was included in the Board packet for the meeting.

The Board questioned Mr. Nickerson about the rationale for the changes to the façade and signage. Ms. Maloney asked where the brick façade was. Ms. St. Laurent, who sat on the Board when it approved the original plan, expressed her disappointment with the final result noting that the architectural details, large and small, resulted in a loss of the building's character and distinction. She also thought that the final result offers an industrial look that the Board was hoping to avoid. Chairwoman Post underscored Ms. St. Laurent's concern about the lighting and the effect it has on local traffic.

Mr. Zhodi will adjust the light timers and talk with the lighting manufacturer to see what can be done to direct the lights downward.

**Vice-chair Crisler thanked Ms. Scott for bringing this to the Board's attention and motioned that the Board finds that the architectural changes between the approved plan and the as-built plan do not materially violate the conditions of approval and are within the purview of staff to render a decision. The developer will address the lighting problems identified by staff to ensure that the lighting is downward directed and downward shielded bringing the lighting in conformance with the intent of the originally approved site plan. Seconded by Mr. McLeod.**

Mr. Zhodi, in response to Mr. Sycamore's and Ms. St. Laurent's disappointment, apologized and asked that the Planning Board move forward along with him to resolve the issue. Mr. Nickerson hopes the Board will agree to work with him on the lighting issues so that re-wiring the entire building does not occur.

**Motion passed: 4-3. Ms. St. Laurent, Mr. Sycamore, and Ms. Webber opposed.**

**State Surplus Land For Sale – 16 Roulston Road.**

**Mr. McLeod recused himself.**

Ms. Scott explained that all state surplus land is offered to the Town first before it is put on the open market. The WEDC, Ms. Scott, the Assessor, and Planning Board are asked to make a recommendation to the Board of Selectmen.

**Ms. Webber made a motion not to recommend town ownership. Seconded by Ms. Skinner.  
Motion passed: 6-0.**

#### **Board Member Updates**

Individual Board Members presented updates from the various committees on which they sit.

#### **Member Binder Updates**

The 2011 Proactive Work List was distributed

#### **Meeting Minutes: Review and approval**

March 30, 2011

**Vice-chair Crisler made a motion to approve the minutes as written. Ms. Skinner seconded.  
Motion passed: 6-0-1. Mr. McLeod abstained.**

**Mr. McLeod made a motion to adjourn the meeting. Seconded by Ms. Webber. Motion passed: 7-0.**

Meeting adjourned at 10:43 p.m.

These minutes are respectfully submitted for your approval by Mimi Kolodziej.