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COMMUNITY DEVELOPMENT

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Planning Board Minutes
May 4, 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
Lee Maloney, Alternate – Excused
Sy Wrenn, Alternate – Present
Ross McLeod, Selectman Member - Excused
Kathleen DiFruscia, Selectman Alternate – Seated 7:05

Call to Order/Attendance/Pledge of Allegiance:

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

Staff:

Elizabeth Wood, Community Planner – Present
Mimi Kolodziej, Planning Assistant – Present

Alternate Planning Board Member Interviews:

Two resignations and an ending term have created three open seats for Alternates on the Planning Board. The Board determined there are two (2) three-year term positions and one (1) two-year term position.

Planning Board incumbent Sy Wrenn followed by applicants Vanessa Nysten of Edgewood Road and Rob Folan of Nashua Road introduced themselves to the Board and presented their reasons for seeking appointment as an Alternate.

The Board questioned the applicants about their professional and educational backgrounds, their willingness to attend State offered educational opportunities and their vision of the Town.

Ms. Skinner made a motion to enter non-public session per NH RSA 91:A-3 to further discuss the appointments. Ms. Webber seconded. Motion passed: 7-0.

Roll Call:

Ruth-ellen Post, Chairwoman – present
Margaret Crisler, Vice-chair – present
Pam Skinner, Member – present
Kristi St. Laurent, Member – present

Carolyn Webber, Member - present
Sy Wrenn, Alternate - present
Jonathan Sycamore, Member – present
Kathleen DiFruscia, Selectman Alternate – present

Ms Skinner made a motion to return to public session per NH RSA 91:A-3. Vice-chair Crisler seconded. Motion passed: 7-0.

The non-public session adjourned and the Board returned to public session at 7:27 p.m. The candidates re-entered the Board Room and were informed of their appointments. Mr. Wrenn was re-appointed for a 3-year term; Ms. Nysten was appointed for a 3-year term; and Mr. Folan was appointed for a 2-year term. Ms. Wood explained that they would be contacted about appointment paperwork and offered to meet with them to review the Binder.

Public Hearings:

Case 2010-46 Workforce Housing Site Plan/Subdivision Application. This Case has been postponed to the May 18, 2011 Planning Board Meeting

An application for Site Plan/Subdivision has been submitted for Lot 19-A-300 (66 Mammoth Road), which is located in the Rural and Aquifer Protection Districts. The applicant, Peter Zohdi of Edward N. Herbert Assoc. 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.

Mr. Peter Zohdi of Herbert Engineering Associates, Inc. on behalf of his client has requested in writing a postponement of this hearing in order to respond to the Town Consultant review comments. He requests that the case be placed on the agenda for the May 18 Planning Board meeting.

Case#2011-13/Existing Wireless Communications Facility Expansion

Per NH RSA 674:54 a public hearing will be held to discuss the installation of wireless communication equipment on the existing tower located at 59 Governor Dinsmore Road for the purposes of improved NHDOT operations. This application has been requested by Skyline Property Advisors, LLC., on behalf of the New Hampshire Department of Transportation (NHDOT).

Vice-chair Crisler read the notice into the minutes.

Chairwoman Post explained to the Public that under RSA 674:54 this is a courtesy on behalf of a governmental entity, in this case the Department of Transportation, to explain their installation of communication equipment. This meeting will allow the Board to make non-binding comments about what the Town would otherwise like to see under the Town's normal regulations.

Ms. Wood drew the Board's attention to the DOT equipment diagrams provided in their packets.

Mr. Peter Cook on behalf of the Department of Transportation (DOT) explained that Green Mountain Communications will be installing equipment along the backbone network that connects Concord with the local strip of Route 93. This remotely monitored equipment consists of video cameras, speed limit signage, and messaging sign-boards.

In response to Board questions, Mr. Cook explained that all the signage will be Public Safety signs with minimal visual impact, and all radiation meets FCC standards. Ms. Skinner noted that a sign stating "radiation output exceeds standards" which was previously posted is now missing. Mr. Cook offered to mention the missing sign to the owner, Crown Castle.

Cobbetts Pond Watershed Development Applications:

Ms. Wood explained how the Board addressed these issues when the ordinance was originally adopted. The following five applications which are all over 20% impervious are very similar and need Board approval. All have received Zoning Board variances and Shoreland approval, excepting one which is awaiting the Commissioner's signature. All need a waiver from an administrative requirement to have the Town engineer to do an engineering review of the soil erosion control measure.

Cobbetts Pond Watershed Protection Land Development Applications:

Case#2011-8/27 Armstrong Road (17-M-13)

A Major Cobbetts Pond Watershed Land Development Application has been submitted for 27 Armstrong Road/Lot 17-M-13, located in the Residence A and Cobbetts Pond Watershed Protection District. The applicant, Joseph Maynard of Benchmark Engineering, Inc., on behalf of the property owner Thomas Jeffrey Holding, LLC is proposing to raze the existing non-conforming home and shed and construct a new 26' by 30' 1 ½ story home with a 12' X 12' deck and a 12' X 12' covered porch attached to the rear. The proposal would render more than 20% of the lot impervious.

Ms. Wood explained how the Board addressed these issues when the ordinance was originally adopted. The following five applications which are all over 20% impervious are very similar and need Board approval. All have received Zoning Board variances and Shoreland approval, except one which is awaiting the Commissioner's signature. All need a waiver from an administrative requirement to have the Town engineer to do an engineering review of the soil erosion control measure.

Vice-chair Crisler read the application into the minutes.

Ms. Wood mentioned that in addition to a waiver from the engineering review, staff recommends that the applicant include the square footage of the proposed driveway in the calculations for the impervious surface total.

Mr. Joseph Maynard of Benchmark Engineering explained the map lines and the waiver request for 27 Armstrong Road (17-M-13). Mr. Maynard noted that State DES has already reviewed this proposal and approved it. The final result will create improved septic and setbacks over the current septic.

Ms. DiFruscia who is a member of the Cobbetts Pond Improvement Association explained that DES is aware that Cobbetts Pond is an impaired body of water and is very thorough and exacting in its review.

Ms. Webber questioned why the Board spends so much time creating protective ordinances when the ZBA sidesteps them with variances. Ms. DiFruscia and Mr. Maynard explained that these requests will result in improved septic systems which will offset other variances.

Vice-chair Crisler motioned to grant the request for a waiver of the administrative requirement to submit an outside engineering review of a soil erosion control plan otherwise required under Section 616.6.2 of the Ordinance on Case#2011-8/27 Armstrong Rd. (17-M-13)

and accept the existing DES Shoreline Redevelopment Permit in its place. Seconded by Ms. DiFruscia. Motioned passed: 7-0.

Vice-chair Crisler made a motion to approve the Major Cobbetts Pond Watershed Land Development Application of Case#2011-8/27 Armstrong Road (7-M-13) requiring that it include the square footage of the proposed driveway and calculations for the impervious surface total. Seconded by Ms. DiFruscia. Motion passed: 7-0.

Case#2011-9/32 Fish Road (21-V-230B)

A Major Cobbetts Pond Watershed Protection Land Development Application has been submitted for 32 Fish Road/Lot 21-V-230 B, located in the Residence District A and Cobbetts Pond Watershed Protection District. The applicant, Joseph Maynard of Benchmark Engineering Inc., on behalf of the property owners Charles F. and Mary E. McGonagle is proposing to remove a pre-existing non-conforming house and construct a larger house in the same footprint and remove a pre-existing non-conforming porch and to construct a larger porch. The proposal, which would render more than 60% of the lot impervious, received a variance from the 30% impervious surface limitation set forth in Section 616.10 of the Town of Windham Zoning Ordinance on 2/8/11. The proposal received all necessary zoning relief from the Zoning Board of Adjustment on 9/28/10 and 2/8/11, including dimensional variances and variances from regulations pertaining to the replacement of existing non-conforming structures.

Vice-chair Crisler read the application into the minutes.

Mr. Maynard explained the application request in detail citing that a new septic and dry-well improvement is proposed.

Ms. St. Laurent noted a discrepancy in the deck plans between the notice of decision from the ZBA and the plans. Mr. Maynard is aware of that and explained how he had to decrease the deck size to meet the lowering of the percentage of the lot impervious.

Ms. St. Laurent questioned a condition on a ZBA Notice of Decision dated 10/15/10 which allows the applicant waiver from submitting a storm water management and erosion control plan for Planning Board Review and wondered why there was a difference in zoning numbers. Mr. Maynard could not recall the reason for that condition, and Chairwoman Post suggested that the number difference is due to the recent Zoning revision and renumbering. Ms. DiFruscia remembered procedural and organization revisions that may be responsible for this discrepancy.

Vice-chair Crisler motioned to grant the request for a waiver of the administrative requirement to submit an outside engineering review of a soil erosion control plan otherwise required under Section 616.6.2 of the Ordinance on Case#2011-9-/32 Fish Road (21-V-230B) and accept the existing DES Shoreline Redevelopment Permit in its place. Seconded by Ms. Skinner. Motioned passed: 7-0.

Vice-chair Crisler made a motion to approve the Major Cobbetts Pond Watershed Land Development Application of Case#2011-9/32 Fish Road (21-V-230B) as presented. Seconded by Ms. Skinner. Motion passed: 7-0.

Case#2011-10/15 Gardner Road (17-J-137)

A Major Cobbetts Pond Watershed Protection Land Development Application has been submitted for 15 Gardner Road (Lot 17-J-137), located in the Residence District A and Cobbetts Pond Watershed Protection District. The applicant, Joseph Maynard of Benchmark Engineering, on behalf of property owners Frank and Frances Morse, is proposing to construct an addition to the home and garage. The proposal would render more than 20% of the lot impervious and received all necessary zoning relief from the Zoning Board of Adjustment on 10/26/10, including dimensional variances and variances from the regulations pertaining to the expansion of existing non-conforming structures.

Vice-chair Crisler read the application into the minutes.

Mr. Maynard explained the proposal. It is not a tear-down; but an addition to the garage and an addition to the deck. Two walkways are being improved. There was a new septic system installed in 1996.

Vice-chair Crisler motioned to grant the request for a waiver of the administrative requirement to submit an outside engineering review of a soil erosion control plan otherwise required under Section 616.6.2 of the Ordinance on Case#2011-10/15 Gardner Road (17-J-137) and accept the existing DES Shoreline Redevelopment Permit in its place. Seconded by Ms. Skinner. Motioned passed: 7-0.

Vice-chair Crisler made a motion to approve the Major Cobbetts Pond Watershed Land Development Application of Case#2011-10/15 Gardner Road (17-J-137) as presented. Seconded by Ms. Skinner. Motion passed: 7-0.

Case#2011-11/30 Walkey Road (17-I-112A)

A Major Cobbetts Pond Watershed Protection Land Development Application has been submitted for 30 Walkey Road (Lot 17-I-112A), located in the Residence District A and Cobbetts Pond Watershed Protection District. The applicant, Joseph Maynard of Benchmark Engineering, Inc., on behalf of the property owner, Shawmut Revocable Truct, proposes to raise the roof of the existing structure to allow for an expansion. The proposal received all necessary zoning relief from the Zoning Board of Adjustment on 3/8/11, including dimensional variances and variances from the regulations pertaining to the expansion of existing non-conforming structures. The proposal also received variances from Sections 616.9 (a) and (b) and Section 616.10 (b) of the Cobbetts Pond Watershed Protection Ordinance.

Vice-chair Crisler read the application into the minutes.

Ms. Wood stated that this application had not yet received DES Shoreland approval but the approval was expected soon.

Vice-chair Crisler made a motion to grant the request for a waiver of the administrative requirement to submit an outside engineering review of soil erosion control plan otherwise required under 616.6.2 of Case#2011-11/30 Walkey Rd (17-I-112S) and accept the existing DES Shoreline Redevelopment Permit in its place. Seconded by Ms. Skinner. Motioned passed: 7-0.

Vice-chair Crisler made a motion to conditionally approve the Major Cobbetts Pond Watershed Land Development Application of Case#2011-11/30 Walkey Road (17-I-112A) with approval conditional upon final receipt of the Shoreland Approval letter. Seconded by Ms. DiFruscia. Motion passed: 7-0.

Mr. Maynard explained the proposal and answered Ms. DiFruscia's question about the size of the impervious lot. Mr. Maynard explained the drainage improvements and the foliage planting. The shoreline approval from the DES is sitting on the Commissioner's desk.

Ms. Webber asked if the abutter's view will be obstructed. Mr. Maynard explained that currently the abutter sits lower than the owner's building and they support the construction.

Case#2011-12/51 Cobbetts Pond Road (21-H-2)

A Major Cobbetts Pond Watershed Protection Land Development Application has been submitted for 51 Cobbetts Pond Road (Lot 21-H-2), located in the Residence District A and Cobbetts Pond Watershed Protection District. The applicant, Joseph Maynard of Benchmark Engineering, Inc., on behalf of the property owners, Adam and Patricia Carley, is proposing to reconstruct a home and a boat house located on the property. The proposal would render more than 20% of the lot impervious. The proposal received all necessary zoning relief from the Zoning Board of Adjustment on 6/8/10, including dimensional variances and variances from the regulations pertaining to the replacement of existing non-conforming structures. The proposal also received variances from Sections 616.6(c) (1) and Section 616.10(b) of the Cobbetts Pond Watershed Protection Ordinance.

Ms. DiFruscia recused herself from consideration of this application.

Vice-chair Crisler read the application into the minutes.

Mr. Maynard explained that only a portion of the existing structure is being raised. It has received Shoreland approval and the existing septic system was installed in 1993 and has been barely used. There is a dry-well proposed. This is a seasonal home owned by local residents who are planning to renovate and move into permanently.

Vice-chair Crisler made a motion to grant the request for a waiver of the administrative requirement to submit an outside engineering review of soil erosion control plan otherwise required under 616.6.2 of Case#2011-12/51 Cobbetts Pond Road (21-H-2) upon the condition of receiving the DES Shoreland Approval letter. Seconded by Ms. Webber. Motion passed: 6-0.

Vice-chair Crisler made a motion to approve the Major Cobbetts Pond Watershed Land Development Application of Case#2011-12/51 Cobbetts Pond Road (21-H-2) as presented. Seconded by Ms. Skinner. Motion passed: 6-0.

Meeting Minutes Review and Approve:

April 6, 2011 Minutes

Ms. Webber made a motion to accept the minutes of April 6, 2011 as written. Seconded by Mr. Skinner. Motion passed: 6-1. Ms. DiFruscia abstained.

April 20, 2011 Minutes

Ms. St. Laurent requested a change to the wording of her comments in one section. Ms. Kolodziej will change them.

Ms. Webber made a motion to accept the minutes of April 20, 2011 as amended. Ms. St. Laurent seconded. Motion passed: 6-1. Ms. DiFruscia abstained.

Staff Reports:

2011 American Planning Association National Conference Report

Ms. Wood highlighted her experience at the APA National Conference which she attended on 4/10-4/12, 2011 at the Hynes Convention Center in Boston. She offered a packet that she brought back for Board review.

Community Planner's Report

Ms. Wood presented the Planner's Report and mentioned that the Planning Department has been working on more long term projects; development of flow charts and updating processes for the public. These are currently on-line.

Old/New Business:

Chairwoman Post inquired about tree clearing on Route 111 near Shaws and asked if anyone had information regarding it.

Ms. DiFruscia who had done some investigation offered the following:

- Yes, Rex Norman had issued a clear-cut permit;
- DOT has been contacted and will investigate. They had not been contacted to issue a permit concerning the driveway connected to a State road;
- The clear-cut permit allows the owner to cut trees, and it appears there's harvesting occurring. The owner was removing timber; and
- The owner is same as the Shaw's owner, and
- Ms. DiFruscia has contacted Laura Scott who will keep her informed. Ms Scott is concerned about wetlands.

Ms. Webber thanked the DOT for removing a 20' log from her property.

Mr. Sycamore noted that impact fees are currently going to the High School where there is not a current population problem. He proposed the Board discuss moving the fees to the middle school now where there is a population problem. Chairwoman Post suggested creating a dialogue about impact fees for condos. Vice-chair Crisler would like to put it up for Town Meeting next year.

Ms. DiFruscia made a motion to adjourn. Seconded by Ms. Skinner. Motion passed: 7-0.

Adjournment:

Meeting adjourned at 10:25 p.m.

These minutes are respectfully submitted by Ms. Mimi Kolodziej.