



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

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Planning Board Minutes
November 16, 2011

Roll Call:

Ruth-Ellen Post, Chairwoman-Arrived 7:05	Ross McLeod, Selectman Member, Excused
Margaret Crisler, Vice-Chair-Present	Kathleen DiFruscia, Selectman Alternate, Arrived 6:48
Pam Skinner, Member-Present	Lee Maloney, Alternate-Arrived 6:25
Kristi St. Laurent, Member-Arrived 8:25	Sy Wrenn, Alternate-Present
Carolyn Webber, Member-Present	Vanessa Nysten, Alternate-Present
Jonathan Sycamore, Member-Arrived 7:47	Rob Folan, Alternate-Excused

Staff:

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

Call to Order/Attendance/Pledge of Allegiance:

Vice-Chair Crisler called the meeting to order at 6:05 pm followed by attendance and the Pledge of Allegiance.

Vice-Chair Crisler appointed Mr. Wrenn to be seated for Chairwoman Post and Ms. Nysten to be seated for Ms. St. Laurent.

2012 Town Meeting Zoning Amendment Workshop – Multi Zone Parcels

Ms. Wood explained that this is the second Workshop on this topic and re-stated the Town's rationale for changing 96 multi-zoned parcels to single zoned parcels. Working with the GIS system, Ms. Wood opened discussion with the Board regarding the parcels to be dealt with during this meeting and welcomed input from owners and abutters.

Lot #11-C-2504 – 3 Camelot Road

- Mr. Jim Logan, owner of the property and after discussion with the Board and listening to abutters' comments, presented by Ms. Wood, accepted the Board's recommendation to change the zoning to Residential A.

Ms. Webber motioned to move to Public Hearing the change of Lot #11-C-2504, 3 Camelot Road, from multi-zoned to Residential A. Ms. Skinner seconded. Motion passed: 5-0.

Ms. Maloney arrived at 6:25 pm.

Mr. Fred Linnemann, an abutter living at 34 N. Lowell Rd and owner of Lot #11-C-3000 speaking on behalf of himself and Mr. Mark Brockmeyer owner of Lot #11-C-2503, asked for the Board to clarify the differences between Multi-zoned and Residential B. He expressed concern about the possibility of lessening the value of the property by changing the zoning.

The Board addressed a grouping of similarly zoned lots in the same general locale and motioned to move them to Public Hearing as a group.

Ms. Webber motioned to move to Public Hearing the change of the following lots from multi-zoned to Residential B:

- **Lot #11-C-1601, 26 N Lowell Rd, because it is surrounded by Residential B and its access is through Residential B;**
- **Lot #11-C-1602, 28 N Lowell Road, because the property owner is in agreement with the Board's recommendation it is surrounded by Residential B;;**
- **Lot #11-C-2502, 1 Camelot Road, because a majority of the lot is zoned Residential B;**
- **Lot #11-C-2501, 42 N Lowell Road, because the single family house on the lot has access through Residential B and the first 500 ft are in Residential B;**
- **Lot #11-C-3500, 54 N Lowell Road, because there is multi-family housing currently on the lot;**
- **Lot #11-A-610, 9 N Lowell Rd, because it conforms with the neighborhood and avoids spot zoning.**

Mr. Wrenn seconded. Motion passed: 5-0

Ms. Maloney was appointed to be seated for Mr. Sycamore, and Ms. DiFruscia was seated at 6:48 pm.

The Board addressed a grouping of multi-zoned lots in the same general locale and motioned to move them to Public Hearing as a group.

Ms. Webber motioned to move to Public Hearing the change of the following lots from multi-zoned to Residential A:

- **Lot #11-C-2512, 8 Camelot Road, because access to the neighborhood is through Residential A;**
- **Lot #11-C-2513, 10 Camelot Road, because access to the neighborhood is through Residential A;**
- **Lot #11-C-2507, 6 Camelot Road, because of the character of the neighborhood and its access is through Residential A;**
- **Lot #11-C-2506, 4 Camelot Road, because of the character of the neighborhood and its access is through Residential A;**
- **Lot #11-C-2505, 5 Camelot Road, because of the character of the neighborhood and its access is through Residential A;**
- **Lot #11-C-2561, 17 Sheffield Street, because the property owner was in agreement with the Board's decision;**
- **Lot #11-C-1603, 7 Cochran Farm Road, because it is in a neighborhood of single family homes;**
- **Lot #11-C-1604, 5 Cochran Farm Road, because the driveway has access through Residential A;**
- **Lot #11-C-1606, 2 New Found Road, because the land cannot be built on within 100 feet of the abutting wetlands;**
- **Lot #11-C-1607, 4 New Found Road, because it is in a neighborhood of single family homes;**
- **Lot #11-C-1608, 6 New Found Road, because it is in a neighborhood of single family homes;**
- **Lot #11-C-1609, 8 New Found Road, because it is in a neighborhood of single family homes;**

Seconded by Mr. Wrenn. Motion passed: 7-0.

Ms. Webber motioned to move to Public Hearing the change to Lot #11-C-3600 from multi-zoned to Rural Zone because it is Conservation Wetland. Mr. Wrenn seconded. Motion passed: 7-0.

Chairwoman Post was seated at 7:05 pm.

Public Hearing - Case#2011-18/Subdivision Application

A Subdivision Application has been submitted for 63 Mammoth Road (Lot 19-B-500) located in the Rural District. The applicant, Jennifer B. McCourt, of McCourt Engineering Associates, PLLC, on behalf of the property owners Robert & Janet Covino, is proposing to subdivide the property into two lots. The proposal is

to create one lot for a single family residential development & one Lot for the purposes of donating it to the Town for conservation land.

Vice-Chair Crisler read the Hearing Notice for Case #2011-18 into the record.

Ms. Wood had several comments for the applicant who submitted an edited plan with the following changes:

- The applicant added the names and addresses of the soil scientist, the applicant, and the wetlands scientist to the plan;
- The applicant added the name of the subdivision to the title block; and
- The applicant added a note to the plan that the street frontage requirement had been met;

Ms. Wood noted to the Board that it would be prudent for the applicant to add a note to the deed saying that the land is being donated to the Conservation Committee.

Vice-Chair Crisler disclosed that, although she lives close to the lot in question, she is not an abutter and does not feel she needs to recuse herself.

Vice-Chair Crisler motioned to open Case #2011-18 for Public Hearing. Ms. Webber seconded. Motion passed: 7-0.

Ms. Jennifer McCourt of McCourt Engineering is representing the property owners, Robert and Janet Covino. Ms. McCourt highlighted the applicants' requests to donate a large, rear portion of Lot #19-B-500 to the Conservation Committee and build a single family home on the front portion located in the WWPD. The ZBA has granted two variances to the wetlands and WWPD to construct a septic system. There were no outstanding concerns from the TRC Committee. There will be no wetland impact study performed.

Board comments/concerns included:

- There is standing water on the lot. Is there a flood hazard area that should be designated; No, not according the FEMA map.
- Are there drainage courses that should be shown on the map; There are drainage courses shown on the front lot.
- A waiver request from regulation Section 701.1.3.5 will be gotten for displaying drainage courses on the rear portion of the lot because it will not be developed;
- Both the BOS and Mr. David Sullivan approved the acceptance of the land donation to the Conservation Committee;
- Will the utility right-of-way be damaged? No, there is a current driveway that will be used. And any improvements/changes to the right-of-way would need PSNH approval;
- The Plan Intent is on the Title Block on Page 4; sheet 1 of 3;
- Perc tests were submitted in the test pit log.
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Vice-Chair Crisler motioned to grant a waiver from sub-division regulations Section 701.1.3.5 for the proposed Lot #19-B-500, which is the lot to be placed in Conservation, from a 2 foot contour interval topography and define limits of wetland. Seconded by Webber. Motion passed: 7-0.

Board comments/concerns included:

- The Board expressed concern about an emergency water supply; Ms. Wood stated that Chief Martineau will support in writing that the emergency water supply requirement is only for lots of more than a single house. This subdivision is being approved for a single house lot only.
- Section 601.19.4 - requires evidence that the WWPD disturbance is the minimum necessary to effect improvement; Ms. McCourt explained that the builder is unknown at this point, and would have to return to the Board for a special permit before the building permit could be issued.

- A 100 year flood plain line; According to FEMA, there is no flood plain on the lot;
- DOT driveway permit-has it been requested; Ms. Wood explained they are not required to have that until they start building;
- How is the Town guaranteed access to the rear lot; Ms. McCourt explained that there is a 50 ft wide public right-of-way off Glance Rd; Conservation Commission is aware of it; It is fairly flat and walkable. There is no marker denoting the access path. Mr. Pancoast showed 2 paths that allow entrance to the lot;
- One of the abutter's has a paved driveway that has encroached on the Town land. This is a BOS and ConCom issue;
- How is drainage and stormwater management being addressed; Ms. McCourt stated it would be part of the special permit for the WWPD when the lot goes to development. Ms. Wood explained that when the building inspector requires the building permit, it will be addressed at that point.

Chairwoman Post opened the hearing to the Public.

Mr. Jason Pancoast, an abutter, said he was pleased to see the land preserved and no homes built on it.

Vice-Chair Crisler moved to approved this application (Case #2011-18) with the following conditions:

- **Mammoth Road is a state road and a driveway permit from the state will be required before a building permit will be issued;**
- **Place a note on the plan that Lot 19-B-500 will be dedicated for Conservation land which is an allowed use of an unbuildable lot;**
- **A note will be placed on the deed that Lot 19-B-500 will be donated to the Town for Conservation purposes;**
- **The Board receive from the Fire Department a statement that a single lot subdivision does not require an emergency water source to be included; and that**
- **A notification that a WWPD special permit will be required when a building permit is issued.**

Ms. Skinner seconded. Motion passed: 7-0.

Mr. Sycamore was seated at 7:47 pm.

Major Cobbetts Pond Watershed Protection Overlay District Applications:

14 Viau Road (Lot 16-Q-211A) Case#2011-42

A Major Cobbetts Pond Watershed Development Application has been submitted for 14 Viau Road (Lot 16-Q-211A). The applicant Joseph Maynard of Benchmark Engineering, Inc., on behalf of the owners Musch family trust, is proposing to construct a screened porch (305 sqft) over an existing deck creating a total impervious surface coverage of 40.5% of the total lot area. On 9/12/11 The Zoning Board of Adjustment granted the property Variances from Zoning Sections 406.2 and 702/Appendix A-1.

Vice-Chair Crisler read the Hearing Notice into the record.

Ms. Wood summarized Case #2011-42 in her memo to the Board and had nothing else to add to it.

Vice-Chair Crisler motioned to open Case #2011-42 for Public Hearing. Ms. Skinner seconded. Motion passed: 7-0.

Mr. Joseph Maynard, of Benchmark Engineering and representing the Musch Family Trust-owners of 14 Viau Road, explained that the applicant has received variance approval to place a screened in porch to the side and rear of their home. They have received shoreline approval for the construction.

Board comments/concerns included:

- Keach-Nordstrom has reviewed erosion control; The only excavation being done on this is the footings. In Which case, the entire site up to the road surface has been wrapped in silt fence and will be removed when the work is completed. Mr. Maynard does not anticipate any erosion.
- Does the permeable walkway go down to the water. Mr. Maynard explained that there is an area that falls from the porch to the boat ramp. The owner has replaced it with a permeable surface.
- What is the before and after footprint. Mr. Maynard said it is being increased about a 10X10 ft area. Mr. Maynard will provide a basic drawing indicating the overlay;
- What about Ms. Wood's bullet 1-which is in need of property owner signatures; Mr. Maynard had e-mailed the needed signatures and will re-send them.
- The ordinance requires a stormwater control plan; The applicant will add to the plan a note indicating there will be "No increase of surface water runoff";

Vice-Chair Crisler motioned to approve this application (Case # 2011-42) with the following conditions:

- **That all property owners' signatures be received authorizing this application;**
- **That calculations showing no increase in stormwater runoff be placed in the file.**

Seconded by Ms. Webber. Motion passed: 7-0.

Mr. Maynard will provide the calculation report on stormwater runoff for the file.

15 York Road (Lot 17-M-40) Case#2011-43

A Major Cobbetts Pond Watershed Development Application has been submitted for 15 York Road (Lot 17-M-40). The applicant, Joseph Maynard of Benchmark Engineering, Inc., on behalf of the owners Charles E. Jr. & Vera M. Wingate, is proposing to raze the existing dwelling with attached deck (1,460 sqft). & construct a new single-family residence with an attached deck (2,800 sqft). The proposal is also to install a new septic tank, dry well, secondary well for a geothermal heating system, impervious generator pad (20 sqft), impervious front walkway (50 sqft), & impervious pathway to Cobbetts Pond (330 sqft.), creating a total impervious area of 3,370 sqft.. The proposal is also to remove the impervious driveway/boat ramp (1,931 sqft) & replace it with a pervious driveway (1,931 sqft). The total impervious surface coverage would be 37.5% of the total lot area. On 9/13/11 the ZBA granted the property Variances from Zoning Sections 405.2, 405.3, and 702/Appendix A-1.

Vice-Chair Crisler read the Hearing notice into the Record.

Ms. Wood noted a typo in the Notice where the total impervious surface coverage should read 32.5%. Ms. Wood received a letter of authorization from the property owner for her to represent him for this case.

Vice-Chair Crisler motioned to open Case #2011-43 for Public Hearing. Ms. Skinner seconded. Motion passed: 7-0.

Vice-Chair Crisler noted that, although Dr. Wingate is a very close personal friend of her husbands, she does not feel compromised sitting on this case.

Mr. Joseph Maynard, of Benchmark Engineering and representing Charles and Vera Wingate, explained that there is an existing home on the site with one entire side of the home being paved down to the pond.

- The Wingate family, at the end of the project, will excavate this driveway and replace it with impermeable surface;
- A second dry-well has been placed to capture the minimal runoff. Removal of the old driveway will also mitigate runoff;
- The old, approved septic system will be replaced with a "Clean Solution" model;
- He will install a second well to work with his Geo-Thermal unit;

- The new house will be moved back 4 ft from the water;
- The propane tank has been buried and a generator pad has been added;
- The entire site will be wrapped in a silt fence for contamination protection.

Board comments/concerns included:

- Would the applicant consider adding a permeable product on the boat ramp. Mr. Maynard said that the State does not like to create disturbance at the water site. A permeable product would also deteriorate more quickly.
- There will be a net reduction in the total impervious coverage;
- T of F is 190.5 is Top of foundation. There is a walk out basement with an 8 ft pitch on the lake side;
- Landscaping-The applicant is proposing two additional red maples, with 32 sq ft from the State approved list of ground cover by the shore.

Chairwoman Post opened the Application to the Public. Hearing none, she closed the Public portion of the Application.

Vice-Chair Crisler motioned to approve this application (Case # 2011-43). In view of the fact that the amount of impervious surface is being reduced, no stormwater calculations will be requested. Seconded by Ms. DiFruscia. Motion passed: 7-0.

Chairwoman Post called a brief recess and the Board reconvened at 8:25 pm. Ms. St. Larnet was seated at 8:25 pm.

Public Hearing - 2012 Town Meeting Zoning Amendment:

Section 200 Definitions, Section 702.8, & Appendix A-1 Yard Requirements

To amend Section 200 by adding a definition of “front lot line”, deleting the definition of “yard”, & amending the definitions of “front yard”, “rear yard” & “side yard”; to add Section 702.8 to provide that docks & boat houses are permitted within the minimum required rear yard for waterfront lots provided that it obtains all necessary NHDES permits; to amend the Appendix A-1 chart by deleting note 12 as a footnote to “Table of Requirements”, adding note 4 as a footnote to “Min. Front Yard in feet”, adding note 12 as a footnote to “Min. Rear Yard in feet”, & deleting the “Single Family Dwellings” heading; to amend Appendix A-1 note 4 regarding yard requirements for corner lots; & to amend Appendix A-1 note 12 by adding “except that” to the beginning.

Vice-Chair Crisler read the Public Hearing notice into the record.

Mr. Corwin drew the Board’s attention to page 2 which sited the 10/26 workshop of the proposed amendment and were no revisions. He drew out 3 points on Attorney Campbell’s memo:

- Regarding Proposed Section 702.08-Counsel suggested such uses be admitted in the side yard also. Mr. Corwin thought this was a useful change;
- Attorney Campbell suggested adding note 12 as a parenthetical footnote to appendix A-1. as a requirement for ;minimum side yard;
- Attorney Campbell suggested revising proposed note 4 because it is not a defined term. However, Mr. Corwin noted that it is defined in the definition section and so it will be left as it is.

Vice-Chair Crisler motioned to open Section 200 Definitions for Public Hearing. Seconded by Ms. DiFruscia. Motion passed: 7-0.

Board comments/concerns included:

- Clarification of setbacks for Commercial Corner lots when it abuts residential vs non-residential lot was asked for. Also, have there been any changes; Mr. Corwin stated that changes would occur for

corner lots located in the PB&T, Business Commercial A & B, and Limited Industrial Districts. In those Districts, on a corner lot, where you had a 30 ft setback, there is now a 20 ft setback. But where it abuts a Residential use, there has been no change; it is a 50 ft setback.

Chairwoman Post opened the hearing to the Public. Hearing none, she closed the Public Hearing.

Ms. St. Laurent motioned to move the proposed changes to Section 200 Definitions, Section 702.8, and Appendix A-1 Yard Requirements as discussed tonight with the amendments of:

- **adding footnote 12 to Table A-1 as a minimum side yard requirement;**
- **Section 702.08 - for docks and boathouses - to be allowed in the required rear and side yard.**

Vice-Chair Crisler seconded. Motion passed: 7-0.

2012 Town Meeting Zoning Amendment Workshops:

Open Space Ordinance (Section 611)

Included in the Board's packet was Ms. Wood's memo and the proposed revisions. Ms. Wood provided a brief overview of the purpose for these revisions.

Board questions/comments included:

- What is a yield plan; When a subdivision project is presented to the Board, the developer must submit a plan of the number of lots the land can generate. Based on that plan, an Open Space subdivision of the same development must have the same number of lots.
- This revised ordinance requires that all subdivisions over 15 acres **MUST** be open space. Also the 50% of the upland may not be enough of an incentive. That this be a requirement in all instances is a concern to several Board members.
- The Board should think about how the OS will be managed and include Conservation Committee in an oversight provision.

Chairwoman Post opened the Workshop to the Public.

Mr. Peter Zohdi of 1 Frost Road explained that Developers look at the land and determine from the topography and road connectivity if it would be better as an Open Space development or a regular subdivision. Ryan Subdivision was presented. He thinks it makes no sense to make it mandatory. The great expense of road development is not always sidestepped because it is an Open Space development. This was one of the purposes of the Open Space Ordinance; to have fewer roads. The previous Committee who worked on the Open Space subdivisions worked hard and did a good job; this revised Ordinance will destroy the Open Space subdivision. It is not true that developers put their Open Space in upland and wetlands. He displayed Castle Reach subdivision. He thinks the current regulation works. In an Open Space subdivision, less money can be gotten for the lot.

Mr. Joe Maynard, Benchmark Engineering, talked about Spruce Pond. Sixty-five percent is the most restrictive amount in any of the towns he works. If he were to follow the calculations for the Proposed Open Space Ordinance, he would lose one-third of his buildable area. Conventional lots yield more money than Open Space lots. His concerns were: The mandatory aspect; the calculations; the 18 ft wide road; and ConCom as an oversight board. He thinks there will be fewer lots available in an Open Space subdivision. The standing ordinance is pretty good. If anything is to be tweaked, he would like to see the yield calculations.

Board comments/questions included.

- Does an Open Space lot have a lower market value; In a conventional lot in Windham, 50,000 sq ft is your typical lot size. In an Open Space lot you would end up with neighborhoods; homes closer to each other.

- If this Ordinance moves forward, the Town would need to offer a carrot; density bonus to developers;

Mr. Denis Tremblay's biggest concern is the OS and upland requirements. Sixty-five percent is equivalent to 2/3 of the land placed into OS. It is bordering on being confiscatory. Wildlife does not care if wetland is in steep slopes. Regarding mandatory, there may not be many lots left in Windham good for conventional subdivision. The current Ordinance has done a good job over the years. Why mess with it?

Mr. Peter Zohdi has many problems with the Ordinance; for example, the buildable area definition, and the septic and well radius needing an easement from the abutter. He offered to sit with Staff before the Board and go item by item should the Board decide to adopt the Ordinance.

Ms. Wood mentioned that Ms. Julie LeBranch is more of an expert and she wished she were present for a better dialogue. Ms. Wood would like to make 3 points:

- The intent of the minimum of a 5 acres tract was not to create small pockets, but for the development of a trail network, for example, when the subdivision was adjacent to another OS subdivision;
- Ms. LeBranch claimed that OS lots are more desirable and sell for as much or more than conventional lots. There is value in smaller lots with less lawn care needed;

Board comments/concerns included:

- Vice-Chair Crisler commented that Ms. LeBranch was not familiar with Windham's, soil-based development. Maybe in a Town with Sewer and water, OS is desirable for closer neighborhoods.
- Ms. Wood explained the other local towns that she researched and what they had for Open Space Ordinances.
- The Board highlighted why people move to Windham and why Windham is different; Windham is a Rural oasis with large 2 acre lots with houses tending to the front of the lot having shorter driveways. Most of all the back land is open space. People move to Windham because they like isolation.
- The Board decided that there is not enough time to re-evaluate this Ordinance before Town Meeting with all that is on their plate.

The Board was polled about moving forward with this Ordinance; The result was 10-0 not to move forward. There seems to be no pressing need at this time.

The Board decided to continue to refine/clarify this Ordinance focusing on the yield plan and the road width and cul-de-sac regulations.

Building v Structure – Definitions 200:

Mr. Corwin explained the purpose of this was to try and address what is and what is not permitted in the minimum required yards. The current ordinance is very restrictive. Mr. Corwin gave an overview of the 3 categories of allowed accessory structures. The word "Structure" was defined.

Board comments/concerns included:

- Mailboxes are pre-empted by the Federal government;
- Porta Potties and dumpsters are not allowed over 30 days out of the calendar year; The Board thinks there should be some exceptions for these type of situations;
- The language for this ordinance was pulled from other Towns' ordinances;
- This is the fourth time the Board has attempted to define "Structure;"
- The Board will continue to work on this in hopes of moving it to Public Hearing this year;
- Nothing, detached or attached, should be placed on the lot line;
-

Chairwoman Post opened the Workshop to the Public. Hearing none, she closed the Public Hearing.

Vice-Chair Crisler motioned to move Section 200-Definitions of Building v Structure to Public Hearing.

Board comments/concerns included:

- Why is the word “minimum” in language; Mr. Corwin explained that it is not necessary to put that language there, but it is helpful so the setbacks become evident;
- No structures should be placed on the lot line.
- Mr. Corwin suggested reworking the ordinance to create a list of items that would be located in the yard, yet be excluded from the definition of “temporary” structures.
- Regarding the Cobbetts Pond area where there are few 30 ft setback situations, if the homeowner has received a variance to build within a 15 ft setbacks, is he now allowed to build within the lesser 15 ft distance; Any structure between 25 sq ft and 100 sq ft can be placed anywhere in the yard as long as it meets the 10 ft side and rear yard setback and is not in the front yard.
- Bullet 2 under 702 will be changed to read “A detached structure...” as the first phrase; This will eliminate the possibility of a property owner lining up a series of detached structures.
- Under 702.1.2, toys and furniture will be excluded; Also, generators and recreational facilities.

Vice-Chair Crisler retracted her motion.

Mr. Corwin and Ms. Webber will rework the Ordinance and return it to Workshop.

Fence (Section 710.3.1)

Mr. Corwin explained that the fence regulations in the residential districts refer to the front, side, and rear lot lines and a permit is needed. Referring to lot lines is confusing; In his memo to the Board, Mr. Corwin suggested changing the language to refer to the minimum required yard areas.

Board comments/concerns included:

- Is this ordinance trying to regulate fence height or fence location; Mr. Corwin will research the intent of fence regulations; but thinks the Town does not want very tall fences between properties.
- Side yard fences may not need to be as restrictive as front yard fences.
- The Board discussed changing the word “yard” to “setback.” Mr. Corwin suggested taking this up next year. There will need to be changes to additional text.

Chairwoman Post opened the Workshop to the Public.

Ms. Betty Dunn asked about the definition of fence. Is it a visual barrier, or can one lift it up and walk through it. Ms. Dunn recalled a situation where a 30 ft hung tarp was used as fencing.

Ms. Wood and Mr. Okerman worked on this ordinance originally, and Ms. Wood said that originally they had included what fences could be made of. It was taken it out at one point.

Board comments/concerns included:

- The purpose of the work on this Ordinance is primarily fence location and height. Fencing material is for another time.
- The purpose of this Ordinance is to put a limit on fence height and to keep fences off lot lines.

Vice-Chair Crisler motioned to move Fence (Section 710.3.1) as amended to Public Hearing. Seconded by Ms. Skinner. Motion passed: 7-0.

Cobbetts Pond Watershed Protection Ordinance (Section 616.6.2):

Chairwoman Post explained that the concern with this Ordinance is primarily about language and redundancy. She drew the Board’s attention to a letter from Mr. Derek Monson who worked with Ms. DiFruscia on the November 16, 2011 Approved Planning Board Minutes

original Ordinance and is on the CPWPA. He has been intimately involved with questions regarding water quality on Cobbetts Pond. His opinion is that he does not want to see the proposed language changes. He does not feel it is redundant

Board discussion and comments included:

- Ms. DiFruscia is in agreement with Mr. Monson's request not to change the language;
- The Board clarified the distinction between a hydrological study and an erosion sediment control plan;
- Mr. Corwin had spoken with Mr. Zohdi and Mr. Maynard who both adamantly assured him that DES does review erosion & sediment control plans;
- DES may approve the application, but the Town and Board should have the application reviewed by the Town Engineer.

The Board was polled regarding the changes to this Ordinance and unanimously agreed to keep the current language in place. The Board is reluctant to give up Board jurisdiction in this issue.

Meeting Minutes Review and Approve – October 26th & November 2nd:

Review of the minutes of October 26 and November 2 were rescheduled to the next meeting.

Old/New Business:

Ms. Scott initiated a discussion of the Workshop topics that the Board is currently working on and their expected completion dates. The Board prioritized these topics for Town Meeting.

Topics/Ordinances moved forward to 2013 Town Meeting:

- Elderly Housing Open Space Cell Tower Demolition Delay Design Review

Topics/Ordinances on-track for the 2012 Town Meeting:

- Multi-zoned parcels Work Force Housing Kennels Building v Structure
- Fence Ordinance Pond Ordinance Canobie Lake Building Code Authority
- Wall Sign ZBA Appeals 2 Parking Items Portions of Elderly Housing
- Cobbetts Pond Protective Ordinance revisions Yard Sales Corners & Waterfront setbacks
- Purpose Sections of Commercial Zoning Districts

Adjournment:

Ms. Webber motioned to adjourn the meeting. Ms. Skinner seconded. Motion passed: 7-0.

The November 16 meeting of the Planning Board adjourned at 11:12 pm.

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