



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

PO Box 120, Windham, New Hampshire 03087

(603) 432-3806 / Fax (603) 432-7362

www.WindhamNewHampshire.com

**Approved Planning Board Minutes
Wednesday, February 18, 2015
7pm @ the Community Development Department**

Board Members:

Kristi St. Laurent, Chairman – present
Alan Carpenter, Vice Chair – present
Paul Gosselin, Member – arrived 7:57pm
Pam Skinner, Member – present
Margaret Cristler, Member – excused
Vanessa Nysten, Member – present

Bruce Breton, Selectman – excused
Joel Desilets, Selectman Alternate – present
Steve Bookless, Alternate – excused
Jim Fricchione, Alternate – absent
David Oliver, Alternate - absent
Kathleen DiFruscia, Alternate – excused

Staff:

Ms. Scott, Community Development Director
Mrs. Whiteford, Minute Taker

Chair St. Laurent called the meeting to order at 7:06 pm, followed by the Pledge of Allegiance, member attendance and a brief synopsis of the agenda.

Chair St. Laurent asked Mr. Carpenter to read the agenda item for tonight, Minor subdivision 18-L-475

Mr. Carpenter read the proposal:

Case#2015-2/FINAL Minor Subdivision/Devaney/Woodvue (18-L-475)

A Final Application for a Minor Subdivision has been submitted for Lot 18-L-475 (Woodvue Road), located in Residence District A, Cobbett's Pond Canobie Lake Watershed Overlay Protection District, and Flood Plain Zone. The applicant, Mr. Karl Dubay of The Dubay Group Inc., on behalf of the Property Owner, Nicole Devaney, is proposing to subdivide the existing vacant parcel into two (2) lots for single-family residential development. The lots are proposed to be accessed by a shared private access drive off of Woodvue Road.

Chair St. Laurent asked if the application was complete
Ms. Scott confirmed the application was complete
Chair St. Laurent called for a motion to open the hearing
Motion to open hearing was made by Ms. Skinner
Second the motion made by Mr. Desilets

Chair St. Laurent called for discussion, no discussion

Chair St. Laurent called for a vote on the motion, vote 5-0 in favor of the motion

Ms. Scott told the board Mr. Dubay, applicant, was present to do a presentation..

Ms. Scott offered to summarize items contained within the application packet requiring the Planning Board's attention at tonight's hearing.

Ms. Scott pointed out the following items for the board's consideration:

- Memo dated 2/11/15 from Mr. Dubay to Elizabeth Wood:
 1. The Conservation Commission would like the existing tree inventory to be shown and want to know how the applicant will meet the Shore land Protection requirements.
 2. The Planning Board will decide the final location of the WWPD markers along the WWPD boundary.
- Memo dated 2/12/15 from Mr. Keach contains three items for the Planning Board's consideration:
 1. The NHDES Subdivision Approval is the only State project permit required prior to or as a condition of subdivision approval. A NHDES Shore land Permit will also be required prior to commencement of future construction activities on platted Lot 18-L-475
 2. The applicant's consultant has identified both 30,000 and 10,000 square foot areas satisfying the requirements of Appendix A-1 as shown on Sheet 4 of the project plans which states: "the area within the 30,000 square feet shall accommodate a minimum rectangular area of 10,000 square feet with a minimum dimension of 100 feet"; however, the 10,000 square foot areas shown on both platted lots are non-rectangular. The Planning Board approval for this exception is needed. The Zoning ordinance gives the Planning Board that latitude.
 3. The applicant should submit approved copies of corresponding easement deeds to the Planning Board Department for review and comment.

Chair St. Laurent asked about item #3 on Mr. Keach's memo regarding the application for a WWPD special permit.

Ms. Scott confirmed the application was for a WWPD special permit but not included in the hearing notice, which require that to be noticed for public hearing at later date.

Mr. Carpenter asked about the 50 foot easement.

Ms. Scott explained that the easement was from a previous subdivision. It was shown on tax maps as a town right of way and never conveyed to the town. The paper work for the easement has been completed and satisfied with the selectmen. Attorney Campbell has reviewed and signed off on the easement deeds. The easement will be a private driveway shared by the owners, it will not be a town road.

Chair St. Laurent called Mr. Dubay to present his subdivision plan.

Mr. Dubay acknowledged the presence of the buyer for the land, Mr. Blaze CoCo; and the current land owner's (seller's) agent, Charlie McMahon.

Mr. Dubay displayed a large sketch of the proposed subdivision plan for Woodvue Road with colored reference points.

Mr. Dubai summarized the following points regarding the subdivision proposal:

- 2 lot subdivision off Woodvue road
- The reserve strip which appears as a right of way on the subdivision plan back in the early 70's (seen as a 'blue strip' on the proposed subdivision plan displayed) is 50 feet wide, for a potential future road. The easement at issue will be referred to as the 'blue strip' for the purpose of these minutes
- The town did not want to fully relinquish their rights to the 'blue strip'. The town wanted to make sure the 'blue strip' was maintained as a private shared driveway for two single family house lots.
- The proposed subdivision plan is shown as two lots, one in green and one in pink
- There is a wetland that goes through the middle of the property
- Mr. Dubai went to the ZBA for frontage so that a cul de sac requiring town maintenance was not necessary
- The planners for the subdivision complied with all requests and provisions made by the town.
- The shore land permit will include the tree inventory Conservation Commission wants and will be filed with the Planning Board.
- The 50 foot buffer will not be disturbed; therefore a tree inventory would not be necessary.
- The Planning Board needs to tell Mr. Dubai where they want the WWPD markers, how many markers, and what kind of markers so that Mr. Dubai can accommodate the WWPD marker request.
- Mr. Dubai suggested the WWPD markers be put in after the access is put in and the restoration is put in; allowing for the homeowners to know where the markers are post-construction
- Mr. Dubai said he meets all the criteria of the DES subdivision
- Mr. Dubai supports the 'blue strip' easement deed and acknowledged it would be reviewed by the Planning Board prior to being recorded
- Mr. Dubai handed out individual copies of the building area summary plan drawing to all board and staff members. The red box meets the requirements of 100 feet dimensions on all 4 sides with 90 degree angles. If the red square cannot fit perfectly on a buildable area, and meet all the setbacks, the Planning Board can look at the context of the remaining developable area and see if the plan still meets the spirit and intent of the ordinance
- The proposed plan shows the homes, the grading for the homes, the driveways, the septic system, the yard gratings, and everything that goes along with the home
- Pink areas are polygons that are at least 10,000 square feet with minimum dimensions of 100 feet
- Green area is the septic, well, driveway, yard, everything that goes with the house
- Pink + green = developmental area of the entire home

Mr. Desilets asked why more of the box, located in the lower left corner of the drawing, can't be pulled out.

Mr. Dubai explained the drawing was intended to be conservative. He wanted to show the basic scaling and accessibility. Mr. Dubai explained the house on the green colored property, along Canobie Lake, will be a beautiful 5200sq foot rancher. The drawing was made to give the Board a sense of scale. The property will generate a lot of tax space.

Mr. Dubay wanted to point out that the Devaney family has been paying taxes on full assessment of the land for decades, with the assumption the land had a tremendous amount of value.

Mr. Dubay: Second lot is more of a typical Windham home, 2800 to 3000 square foot home, with a 1600 square foot print, and will work fine on the lot.

Chair St. Laurent: Is the green + pink the 30K area?

Mr. Dubay: No, there is a total separate test. Explained the remaining area.

Chair St. Laurent: Don't see where the 30,000 minimum is met

Mr. Dubay: pointed out where the 30,000 minimum is met on each lot. Pointed out an additional indicator of intending to meet the spirit and intent of the board

Mr. Carpenter: asked for further clarification where the area is located, and does the 30,000 sq feet include the set back?

Mr. Dubay: Yes

Mr. Carpenter: But not the WWPD

Mr. Dubay: Not the WWPD

Ms. Scott pointed out where it is shown on sheet 4 of the plans

Mr. Dubay: Plans were originally submitted in the plans in January

Ms. Nysten: Asked for an explanation of olds woods road.

Mr. Dubay explained about old Woods Road, including the following: There's an old woods road, shown in gray on the plan. IT used to go all the way up to range road. Over several decades, rights of the old woods road were completely released, including the lot at issue. The developers promised the ZBA not to resurrect that old driveway; it will be allowed to grow in. Mr. Dubay pointed out the driveway goes right through the wetlands.

Ms. Nysten asked for clarification that the old Woods Road Driveway will never be used or repaved as a driveway.

Mr. Dubay confirmed, it will never be used.

Mr. Carpenter: asked for clarification of the

Mr. Dubay explained the light green area represents an elevation that is below the legal reference line of the lake.

Mr. Carpenter: May be covered in water at certain times

Mr. Dubay: correct

Mr. Carpenter: Not including anything between the reference line and the water in the lot calculations.

Mr. Dubay: Correct, shown on sheet 3, the certified HIS plan. No credit for the light green areas

Mr. Carpenter: inquired about the stone walls on sheet 6; asking if the stone walls are they in existence today?

Mr. Dubay: clarified the reference to the stone wall on page 6, is actually a stone interface along the waters edge; it is landscape river rock, not actually stone walls.

Ms. Nysten: clarified the size of the home

Blasé coco: one level, about 5200 square feet,

Mr. Carpenter where is the pool going

Blasé coco: No pool

Mr. Carpenter lot 475, part of it is in the shore land protection and the WWPD?

Ms. Scott clarified which part is ruled by the town and which part is ruled by the state.

Ms. Scott, the shore land permit goes to conservation, if they have a pond ordinance will be done internally with staff, if it becomes major it will go to the

You are

Ms. Scott: Town expense for WWPD

Mr. Carpenter does he need to be here?

Ms. Scott, town fault the notice was not done properly, it will be done at the next hearing

WWPD was reviewed by conservation staff and Mr. Keach. Legally, it was not notified properly

Mr. Carpenter: question to the board: worries about what is going to end up on it, would like to make a Consider putting in a protective line where the buffer is, not about the house size or shape, but the arc remain protected with markers, or something that will protect the arc.

Joel: rectangles are made technical shapes, the lot, legally you could fill in the rest of the square.

Mr. Dubay we want to honor the buffer we don't want to fill in the square. 100foot arc

Ms. Scott look at sheet 4, it shows the shape of the buffer

Mr. Desilets it is a 100 foot buffer, the proposed well is shown on the WWPD.

Mr. Dubay, we don't want to put the well there. Want to avoid 'the creep'. Suggest something physical along with the WWPD markers

Mr. Carpenter: that should be sufficient, worried about expanding up to the line

Mr. Dubay will put it on the plan

Mr. Coco: a marker would make more sense than a fence that a home buyer may not want

Chair St. Laurent: concerned about where to put the markers as no existing trees are there

Ms. Scott: Metal wetland markers are available that can be put in the ground; suggest to make it a condition that the markers are put in, leave it the leeway of the property owners as they may have an inventive way to mark the WWPD.

At 7:57pm Chair St. Laurent opened the discussion to the public

At 7:59 pm discussion closed to the public

Mr. Carpenter nh des subdivision approval, plan show all trees greater than 4' in diameter , because of sensitivity to Canobie and WWPD, show trees that will be cut down, clearly see what trees will be cut down

Mr. Dubay, clarify the size of the tree and where

Mr. Carpenter com com's remark

Mr. Dubay, thinks it is referring to the 50 foot buffer

Mr. Carpenter existing tree 4 conditions

Ms. Scott read the tree inventory existing tree inventory shown how applicant will meet shore land protection

Mr. Carpenter made a motion with the following conditions:

1. It is conditional upon a NH des subdivision approval
2. The plan will show all trees, 4" (inches) in diameter, within the 50 foot shore land buffer and those trees that will be removed.
3. The WWPD will be marked with the planning department medallions either on trees or through granite boundary, their spacing not to exceed 50 feet, and marked before building permits are issued.

4. The plan will show appropriate cross easements depicted and defined on page 4 and the applicant will submit approved copies of corresponding easement deeds to the community dwelling department for legal counsel review and comment.”

Mr. Desilets second the motion

Chair St. Laurent called for discussion on the motion

Discussion on the motion included Ms. Nysten’s question requesting a note on the plan indicating that old Woods Road never be paved or used as a road or driveway

After discussion on the motion Mr. Carpenter amended his motion to include a 5th condition: “5. Old Woods Road will remain in its current state and not be paved or used for vehicular access.”

Mr. Desilets second the motion

Chair St. Laurent called for a vote

Vote 5-0 in favor of approving the plan for

Review of The Planning Board minutes for the following dates:

- December 10, 2015: Mr. Desilets motioned to approve the minutes as amended, Mr. Gosselin second the motion to approve the minutes, vote 6-0-0 to pass the minutes. Minutes passed.
- December 17, 2015: Mr. Carpenter motioned to approve the minutes as amended, Mr. Gosselin second the motion to approve the minutes, vote 6-0-0 to pass the minutes. Minutes passed.
- December 30, 2015: Mr. Desilets motioned to approve the minutes as amended, Mr. Carpenter second the motion to approve the minutes, vote 6-0-0 to pass the minutes. Minutes passed.
- January 7, 2015: Mr. Desilets motioned to approve the minutes as amended, Mr. Gosselin second the motion to approve the minutes, vote 5-0-0 to pass the minutes. Minutes passed. Mr. Carpenter left the room during the vote.
- January 14, 2015: Mr. Desilets motioned to approve the minutes as amended, Ms. Skinner second the motion to approve the minutes, vote 6-0-0 to pass the minutes. Minutes passed.
- January 21, 2015: Mr. Desilets motioned to approve the minutes as amended, Mr. Gosselin second the motion to approve the minutes, vote 6 -0-0 to pass the minutes. Minutes passed.

Chair St. Laurent opened discussion about the 2015 Master Plan Regional Concern Chapter.

The Board’s discussion on the Plan:

- There is a discrepancy in the Windham data for building permits.
- The way the data is collected, utilized and compared is not meaningful or accurate for regional comparison.
- Chair St. Laurent explained how the traffic data is used, and asked the board if the traffic data should be considered reliable or unreliable for use.
- Issues pointed out by Elizabeth, is a variation in dates for data collection, how the raw data is calculated by various entities, how the data is used in the chapter.
- Mr. Carpenter asked about housing numbers cited on the report.

- Ms. Nysten referenced an email she received from the town administrator today at 5:13pm which contained updated data that was different from the data in the packets provided to the board. The email was not seen by staff or other board members therefore they could not speak to the content of the email.
- Ms. Scott suggested we get more accurate and comprehensive information from DOT to include in the regional report based on the fact that DOT picks different points for traffic count each time a count is done therefore the data from year to year does not compare to the same location year to year.
- Mr. Gosselin thinks there is value in putting the information out there for publication to make the difficulty in gathering accurate and comprehensive data transparent to the people reading the publications.
- Mr. Carpenter suggested to fix the way traffic data is gathered by using the same data points for accurate long term comparison.
- Ms. Scott will suggested to put a disclaimer that the data is the best we have and explain how the data is gathered and what has been reported
- Chair St. Laurent explained why the housing data was needed and how the housing data was used
- Ms. Scott will make sure all members have the information from Dave Sullivan.

Assessor reports are April to march

- Chair St Laurent verbalized her concern that the Windham specific data was not the best data to use for comparison for surrounding towns.
- Ms. Nysten suggested not to include housing data in the chapter.
- Mr. Carpenter suggested we ask the surrounding communities for their housing data
- Chair St Laurent doesn't think we will get timely information form surrounding towns
- Mr. Desilets comment f did not want to edit without further input from the board.
- Mr. Gosselin would like data from the region that is accurate; with data source and gathering methodologies from neighboring communities cited.
- Ms. Nysten, needs clarification on dwellings
- Ms. Scott explained that NH housing authority finance takes data from office of energy and planning; they do not gather their own data. It will be hard to get the same type of data from surrounding towns. Not all towns define housing types the same way. The only consistent data is collected at the state level.
- Ms. Nysten thinks the numbers for the housing data are not accurate
- Mr. Carpenter and Ms. Scott thinks the data source should be clarified in the regional chapter
- Ms. Nysten required accurate numbers be used
- Chair St. Laurent assured that it is the intent of the board to use accurate numbers, clarify in the master plan how the numbers were calculated.
- Ms. Scott suggested that in the regional concerns chapter that the traffic and housing data have the following disclaimers:
 1. Site the source of the data
 2. How it is collected
 3. How terms are defined
 4. Note there is more specific Windham only data available in the Housing and Transportation Chapters

Concern regarding Traffic data:

- There was a discussion about how the data was gathered and how the data would be used
- Mr. Desilets suggested to review updated information sent from Dave Sullivan before making a decision about what information to retain in the report and what information to remove from the report.

10:08pm Joel motion to adjourn

Mr. Gosselin second

Discussion, master plan will be on the march 4 agenda with edits and notes, and finalize the regional concerns chapter

Chair St Laurent pointed out the SNHPC letter, Ms. Scott will forward the letter to conservation commission. Vote 6-0-0 meeting adjourned at 10:15pm