



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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Approved Planning Board Minutes Wednesday, October 8, 2014 7pm @ Community Development Department

Board Members:

Kristi St. Laurent, Chairman – Present
Alan Carpenter, Vice Chair – Present
Paul Gosselin, Member – Excused
Pam Skinner, Member – Present, 7:10pm
Margaret Crisler, Member – Excused
Vanessa Nysten, Member – Present

Bruce Breton, Selectman – Excused
Joel Desilets, Selectman Alternate – Present, 7:06pm
Steve Bookless, Alternate – Excused
Jim Fricchione, Alternate – Excused
David Oliver, Alternate – Present
Kathleen DiFruscia, Alternate – Excused

Staff:

Elizabeth Wood, Community Planner
Laura Accaputo, Planning Board Minute Taker

Chair St. Laurent called the meeting to order at 8:02 pm, followed by the Pledge of Allegiance, member attendance and a brief synopsis of the agenda.

The Chair sat Mr. Oliver for Mr. Gosselin.

Public Hearing:

Mr. Carpenter read Case #2014-30 into the record.

Case#2014-30/Customary Home Occupation

A Customary Home Occupation Permit Application has been submitted for 150 Lowell Road (24-F-4000) located in the Rural District zone. The applicant, Cheryl Hayes, is proposing to open and operate a dog and cat grooming business out of her home. No modifications are proposed to the exterior of the home or grounds and no employees will be hired.

- Cheryl Hayes, applicant, addressed the Board. She stated she has been a groomer for over 18 years and she would like to operate a dog and cat grooming business out of her home. She will groom one to three cats and/or dogs per day five days per week. The dogs will be leashed and proof of vaccination will be required for all animals. She also stated she has kennels in a dog room where the animals will be placed while waiting to be picked up. Outside there is a cement pad in a fenced in area that will be used when the dogs have to go to the bathroom.

Questions/Comments from the Board

- Mr. Carpenter stated his only concern is customers backing out of the driveway although he believes due to the small volume of daily customers it is only a minor issue.

The Chair opened the hearing to the public at 7:05pm and hearing none the public portion was closed.

**Mr. Carpenter motioned to approve Case #2014-30 as presented, seconded by Mr. Oliver.
Motion passed: 4-0.**

The Chair sat Mr. Desilets at 7:10pm.

Mr. Carpenter read Case #2014-33 into the record.

Conceptual Review:

Case#2014-33/Highclere Open Space Subdivision

A Conceptual Open Space Subdivision Application has been submitted for Lots 11-A-1400 & 1418 (Pilgrim Road), located in the Rural District and Wetland and Watershed Protection District Zone. The applicant, Karl Dubay of the Dubay Group, Inc., on behalf of the property owner, AWAC Realty Trust, is proposing to subdivide the land area into thirty-three (33) single family residential lots ranging in size from 29,000 sq. ft. (.67 acres) to 69,323 sq. ft. (1.59 acres); an open space lot sized 80 acres +/-; and a lot with an existing single-family home and driveway with an access off of Pilgrim Road. Two of the lots are proposed to be built off of Chestnut Street and a new road with a 2,400' cul de sac length is proposed off of Hawthorne Road.

Chair St. Laurent explained this conceptual review is not a hearing but a pre-submittal to get feedback from the Planning Board and is a preliminary informal opportunity to get public input.

- Karl Dubay, applicant, addressed the Board and introduced the land owner Mr. Pliskin. He explained this is a 122 acre parcel bounded by Meetinghouse Road, Blossom Road, Hawthorne Road, Chestnut Street, Cricket Ridge, and Pilgrim Road and there are several deeded right of way access points to the parcel. He stated they are proposing an Open Space Conservation Subdivision with approximately two thirds (80 acres) of the parcel to be preserved in protective conservation covenants with a new 2400ft cul-de-sac road meeting town road standards with 31 lots and 2 additional lots at the end of Chestnut Street. Each home will feature a fire suppression system and a Homeowners Association will maintain loop drives which provide emergency access options and creates pocket neighborhoods. He believes the overall design embodies a distinctive, high quality pocket neighborhood format that meets the spirit and intent of the new Open Space Ordinance goals. He then highlighted several steps he believes are critical for an Open Space Subdivision and explained how the proposed lots are laid out in accordance with the Town's Ordinance. He stated they are proposing a 24ft pavement width for the road and the Fire Department has strongly suggested they do not go any narrower than that, they will have closed drainage which will be designed to all Town and DES standards. In response to the Police Chiefs suggestion that they provide EMS response criteria he noted on a linear basis of extracted response they are at 50 to 55%. In summary he stated they would like to get input from the Planning Board and invited them to do a site walk of the property with the Conservation Commission and the public.

Questions/Comments from the Board

- Mr. Carpenter asked if he was proposing a town owned road and Mr. Dubay answered yes a town owned road with limited curb cuts designed to town standards with loop roads owned and maintained by an active funded association. Mr. Carpenter also asked where he was measuring the 2400ft from and Mr. Dubay answered from the intersection to the neck of the cul-de-sac. Mr. Carpenter suggested Mr. Dubay watch the footage of the meetings on cul-de-sac lengths for Wilson Road as the Board will look at that to keep consistent. Mr. Dubay agreed but pointed out there will be different variables between the projects.
- Mr. Desilets commended Mr. Dubay for presenting a conceptual review for the Board and residents and stated he appreciates the opportunity for a site walk. Mr. Dubay noted with the

Planning Boards approval they would like to hold an abutters meeting in an informal interactive format to get suggestions.

- Ms. Nysten asked what kinds of wetlands were on the outside of the subdivision and Mr. Dubay answered there are different types and pointed out one piece of flood zone that will stay in open space and also noted a composite system which he will have classified by Gove but pointed out regardless of the classification it will be protected. He also pointed out some smaller wetlands which have all been delineated and he stated they will be staying away from them. He explained during a meeting with Conservation it was pointed out that they were tight to some WWPD areas so they will work on those areas.
- Mr. Pliskin stated at one point the town removed some beavers from the area but a dam is still there and is cut through.
- Mr. Oliver asked for the time line from groundbreaking to the last foundation and Mr. Dubay explained it is a function of the market and it could be done in two phases. Mr. Oliver stated he asked the question to get a sense of where this fits in with the time line of the discussions surrounding schools since this has the potential for adding up to 64 more children it has to be considered. Mr. Dubay stated the assessments for these properties will be high and he will provide data.
- Ms. Nysten asked if they would offer any green energy and Mr. Dubay stated they would like to work with the Energy Committee to find resources and information to advance this concept with buyers.
- Mr. Desilets agreed and stated as Board of Selectmen Liaison to the Energy Committee he can report they are working on a set of recommendations to aid developers and inspire them to offer different options for energy conservancy.

The Chair opened the Conceptual Review to the public at 8:15pm.

- Bill Hutchings, 12 Hawthorne Road, stated he appreciates the open space and asked they keep as many trees as possible and that they consider a narrower road to slow traffic and maintain the integrity of the existing neighborhood. He also stated his neighbor from 15 Hawthorne Road was unable to attend the meeting but had concerns about his well since there have been water capacity issues in the neighborhood.

The Chair closed the public portion at 8:17pm.

- Mr. Carpenter stated the Board will look at access points when they come back for a public hearing.
- Ms. Nysten asked if the utilities will be underground and Mr. Dubay answered yes.
- Chair St. Laurent stated there will be abutter notifications for the preliminary and final hearings and agreed that scheduling an abutters meeting to answer any questions prior to these hearings would be worthwhile. She also asked Ms. Wood to coordinate with Conservation and TRC for a site walk on Sunday October 19th at 12 noon beginning at 9-11 Hawthorne Road.

Financial Release-Walker's Woods

Mr. Carpenter motioned, based on input from Jack McCartney, Highway Agent, and Keach Nordstrom Associates, to recommend to the Board of Selectmen to reduce the financial guarantee for Walker's Woods Subdivision by releasing \$55,525 back to the developer, seconded by Mr. Oliver. Motion passed: 5-0.

Ms. Skinner asked Mr. Carpenter to give a brief explanation of a financial release for the public. Mr. Carpenter explained when a subdivision is approved and it involves the building of roads they ask the developer to put up a financial guarantee so if they run into financial difficulty the town is not left responsible to complete the road. This money is held until a period of time after the final coat of pavement and as they proceed in getting the road finished money is released in increments reducing the cost of the bond and expense to the developer while still holding enough money that should a crisis come up the town has the money bonded by a local bank to finish the road. There is no cost to the taxpayers or the town.

2015 Town Meeting Workshops:

- a. WWPD and Vernal Pool Markers (Section 601.4.8.4, 716)
- b. Grammar Edits (Multiple Sections)
- c. Temporary Signs (Section 706.7.9; 706.6.2; 706.6.2.5)
- d. Housing for Older Persons (Section 610)
- e. Impervious Surface Definition (Section 609, 616.4)

The Board discussed the five items above for the 2015 Town Meeting and made the following edits and/or recommendations:

WWPD and Vernal Pool Markers:

- Chair St. Laurent explained these changes are to clarify the manner in which WWPD markers are installed and regulate the installation of markings for vernal pools/vernal pool buffers. The Board agreed that the proposed change to Section 601.4.8.4.3 which adds the language “surveyor or other qualified professional” after certified wetland scientist should also include the language “as determined by staff” and that Section 601.4.4 relative to vernal pool/vernal buffer should use the same language as Section 601.4.8.4.3.

Ms. Skinner motioned to move WWPD and Vernal Pool Marker edits to Public Hearing, seconded by Mr. Carpenter. Motion passed: 6-0.

Grammar Edits:

- Mr. Carpenter suggested the following changes to the first sentence of Section 710.3.1; “No Fence in the Residence District A, Residence District B, Residence District C, Rural, Village Center District, and Historic Districts shall be constructed over four feet (4’) in height when located within the minimum required front yard. Ms. Nysten asked that staff ensure that the Building Inspector is aware of his responsibilities relative to Section 602.1.6.9 and the Board agreed.

Ms. Skinner motioned to move the Grammar Edits as amended to Public Hearing, seconded by Mr. Desilets. Motion passed: 6-0.

The Board agreed to re-order the agenda and move to Housing for Older Persons in consideration of a member of the public in attendance for this item.

Housing for Older Persons

- Will Widgren, President of Lakeview Farms Homeowners Association and Over 55 Community, stated he previously came before the Board and asked if an exception can be added to the age requirements in this Section to allow for a spouse under the age of 55 married to a resident age 55 and older. Mr. Carpenter read the proposed amendments to Section 610.4 and noted an error in bullet #5 where it should state “aged 55 or under”.
- Ms. Wood explained this Section is a work and progress and aside from the request to examine age requirements which she was hoping to fine tune tonight, there are several other points within

the ordinance that the Board may want to consider for amendment. She stated once there is a consensus from the Board as to what changes are wanted she will draft a revised ordinance for the next workshop. She also noted she will work with Town Counsel for the proper terminology.

- The Board also discussed bullet #1 from Section 610.4 and agreed to change the age from twenty one to eighteen.
- The Board discussed whether bullet #3 should have an age restriction and it was noted that these types of developments do not pay an impact fee for schools and also receive a density bonus. It was also noted in certain cases a variance from the ZBA could be requested. Chair St. Laurent poled the Board to see if they wanted to leave this bullet as is or change it by removing the language “adult dependent (aged 18 or older)”: Mr. Desilets voted to change it; Ms. Nysten voted to leave it as is; Mr. Carpenter voted to leave it as is; Chair St. Laurent voted to leave it as is; Mr. Oliver voted to leave it as is; and Ms. Skinner voted to change it. By a vote of 4-2 there will be no change.
- The Board discussed the 50ft frontage requirement and agreed it should be changed to 60ft to keep in line with open space frontage requirements.
- The Board discussed the Maximum Density including the calculation procedure for density bonus and agreed it required more work since it was mixing two variables, lots and bedrooms. They asked staff to research the density bonus from other towns without water or sewer as well as surrounding towns for comparison. Mr. Carpenter asked Ms. Wood to provide the Board by email the existing ordinance, comparison with other communities, and recommended language. They also agreed that by reigning in the standard density bonus it will give developers room to reach for the affordable density bonus and believe this is something that warrants further review and discussion. They also discussed how long the housing must remain affordable and agreed it should be the same as work force housing, 30 years.
- The Board directed staff to check ADA requirements relative to Section 610.6.1.7.
- The Board agreed to change the language in Section 610.6.1.8 to read “No Building shall average more than two (2) bedrooms per dwelling unit.

Chair St. Laurent thanked Mr. Widgren for his input and stated this will be moved to another workshop for further discussion.

Temporary Signs

- Mr. Carpenter stated the proposed edits to Sections 706.7.9, 706.6.2, and 706.6.2.5 are concise.
- Mr. Desilets asked if the Board could look at allowing a recurring annual sign to be put up for civic groups advertising a special event on town property and agreed to work on re-writing it for the ordinance. Ms. Wood reminded the Board part of the reason a permit is required is to prevent overlapping signs to be posted in one location. The Board agreed it could be revisited if it became a problem.

Mr. Carpenter motioned to move the edits to Temporary Signs to Public Hearing, seconded by Ms. Skinner. Motion passed: 6-0.

Impervious Surface Definition

- The Board discussed proposed edits to the definition of Impervious Surface as it is recorded in the Cobbetts Pond and Canobie Lake Section and whether the definition should be in the Open Space and Landscaping Section. They agreed if they are not including it in Open Space and Landscaping it should be left as is and moved to Section 200.

Old/New Business (Not to include discussion of pending applications or decisions on matters requiring public notice)

Mr. Carpenter motioned to adjourn the October 8, 2014 Planning Board Meeting at 10:15pm, seconded by Ms. Skinner. Motion passed: 6-0.

These minutes are in draft form and respectfully submitted for your approval by Laura Accaputo, Planning Board Minute Taker.

UPCOMING MEETINGS:

October 15th

October 29th