



OLD VALUES – NEW HORIZONS  
**COMMUNITY DEVELOPMENT**

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**Planning Board Minutes  
December 18, 2013**

**Board Members:**

Kristi St. Laurent, Chairman – Present  
Margaret Crisler, Vice Chair – Excused  
Pam Skinner, Member – Present  
Jonathan Sycamore, Member – Excused  
Sy Wrenn, Member – Present  
Paul Gosselin, Alternate – Excused

Ross McLeod, Selectman – Present  
Kathleen DiFruscia, Selectman Alternate  
Vanessa Nysten, Member – Present  
Alan Carpenter, Alternate – Excused  
Jim Fricchione, Alternate – Excused  
Steve Bookless, Alternate – Arrived at 7:46pm

**Staff:**

Laura Scott, Community Development Director  
Nancy Prendergast, ZBA Code Enforcement  
Laura Accaputo, Planning Board Minute Taker

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

Chair St. Laurent called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance, member attendance and a brief synopsis of the agenda.

**2014 Town Meeting Hearing**

Aquifer Protection District (Section 609) (Continued from 12/4/13 and 12/11/13)

Amend Section 609.1 to add “RSA 674:16(II) and RSA 674:21” and Objective #5; amend Section 609.2 to add “for commercial purposes” to Animal Feedlot definition; add “Aquifer Protection” to Section 609.3; amend Section 609.3.1 to delete “location” and the final sentence in the Section and add the source of the data for the mapping that previously was in the Appendix; amend Section 609.3.2 to delete the existing language and add a new definition of Recharge Area; reformat Section 609.5.1.7; add “Gasoline Stations” and “Outdoor, open and/or uncovered storage of commercial fertilizers” to Section 609.5.1; Amend Section 609.5.2 to change 30% to 50% and delete last sentence; amend Section 609.6.2 to delete the last sentence and add “excluding ‘high load area’ as defined under NHDES Alteration of Terrain Regulations (see Env-Wq 1502(26))”; amend section 609.6.4 to read “Where portions of the parcel are outside of the Aquifer Protection District, potential pollution sources must be located outside the District”; add Section 609.6.6 about best management practices for storage of animal manures, fertilizers and compost; Add Section 609.6.7 regulating groundwater discharge; amend Section 609.7 to add the word “or” between “maintained” and “repaired” and delete “and improved”; and delete Appendix.

**Mr. McLeod motioned to open for Public Hearing, seconded by Ms. Skinner. Motion passed: 5-0-0.**

Ms. Scott explained this is the first hearing for this amendment. A workshop was held prior and the proposed amendments were sent to Attorney Campbell for review. She walked the board through his proposed changes. See 12/4/13 Public Hearing Draft and Atty. Campbell’s 11/15/13 memo with Ms. Scott’s markups.

**Questions/Comments from the Board**

- Ms. Nysten inquired about the discussion from the workshop regarding the language in 609.3.2 and whether the correct term was hydrologist or hydro geologist. Ms. Scott suggested using both and after some discussion the Board agreed.
- Mr. McLeod suggested a minor word change to the definition of Animal Feedlot in the last sentence from more than 5 animals to more than 5 livestock and cross out for commercial purposes.
- Ms. Nysten asked about the word zone that was discussed at the last Aquifer Protection District meeting because Ms. Scott was going to look into this. Ms. Scott said that recharge area and zone mean the same thing so she removed “zone” from the draft.
- Mr. Wrenn asked Ms. Scott about Att. Campbell’s comments in his memo about having a record regarding the changes to the Aquifer Protection District. Ms. Scott said that she doesn’t think we need to go over - subcommittee discussed this and there is info regarding DES model Ordinance. Subcommittee minutes are public, changes are appropriate. The 50% to 30% was done as well. The Chair asked if there were any concerns. No concerns were raised.

The Chair opened the hearing to the public at 7:20pm.

- Ms. Dunn asked about language in 609.3.3 “qualified groundwater consultant”, she questioned if this is intentional or if it should be the same language as just discussed for 609.3.2 hydrologist/hydro geologist. The Board agreed it should be the same language in both sections.

The Chair closed the public portion at 7:25pm.

**Ms. Skinner motioned to submit to Town Warrant the Aquifer Protection District, Section 609, with the changes made relative to hydrologist/hydro geologist, inclusive of the changes noted in Attorney Campbells memo, and the changes discussed in 609.2 to the definition of Animal Feedlot, seconded by Mr. McLeod**

The Chair asked them to consider the change suggested by Ms. Dunn to change ground water specialist to hydrologist/hydro geologist to be consistent. They agreed and added it to the motion.

**Motion passed: 5-0-0.**

Definitions (Section 200)

- Expand upon the definition of “Accessory Building or Use” by defining what an accessory building shall include.
- Add a definition for “Storage Container/Storage Trailer”.

See Ms. Prendergast’s 12/13/13 memo to the PB with attached definitions showing track changes.

**Mr. Wrenn motioned to open Definitions, Section 200 for Public Hearing, seconded by Mr. McLeod. Motion passed: 5-0-0.**

The Chair opened the hearing to the public at 7:30pm, hearing none the public portion was closed.

**Ms. Skinner motioned to move the definition of Accessory Building with the additional language of Storage Container/Storage Trailer to the Town Warrant as presented, seconded by Mr. Wrenn. Motion passed: 5-0-0.**

Ms. Skinner read Case #2013-38 WWPDP Special Permit into the record.

## **Public Hearing Applications**

### Case #2013-38 WWPD Special Permit

A Wetland and Watershed Protection District (WWPD) Special Permit Application has been submitted for Lot 11-C-2561 & 11-C-3300 located in the Residence A and Wetland and Watershed Protection District (WWPD). The applicant, Edward N. Herbert Assoc, Inc. on behalf of the Sheffield Street Water Association Inc, is proposing to install a water system to serve the development with impacts to the WWPD. The proposed WWPD impact is 9,898 square feet.

The Chair asked if the application was complete and Ms. Prendergast answered yes.

**Mr. Wrenn motioned to open Case #2013-38 WWPD Special Permit for Public Hearing, seconded by Mr. McLeod. Motion passed: 5-0-0.**

- Mr. Shane Gendron of Herbert Associates stated the request for special permit is for a new water system to supply 18 lots previously approved as an open space development along with an existing 12-13 lots on Sheffield St. The State requirement to meet the need for this many homes is two wells. The existing system has water lines that run above ground and run constantly to prevent the water from freezing. They are proposing to bury the lines underground through the WWPD, with a horizontal boar buried 5-6ft under the wetlands and an 8 in plastic pipe to sleeve everything. There will be no disturbance to the wetlands just WWPD impact. He described the areas shown on the plans.

### **Questions/Comments from the Board**

- Mr. Wrenn asked if you're coming up the same well how this would solve the water problems.
- Mr. Gendron replied they drilled another higher yield well with a large capacity underground tank.

The Chair opened the hearing to the public at 7:40pm.

- Mr. Wayne Morris, Chair, Conservation Commission noted one of the Conservation Commissions comments was to use a ditch witch instead of a back hoe to dig the lines to minimize impacts to WWPD and Mr. Gendron replied anywhere they can use a ditch witch to lessen impact they will.
- Ms. Prendergast also noted a fire suppression system was discussed at the TRC meeting and if there is sufficient pressure, hydrants will be provided. Bill Martineau felt this was an improvement.
- Mr. Wrenn inquired if the electrical lines would be in the same underground sleeve. Mr. Gendron replied it would be in the same sleeve but have a different conduit.
- The Chair stated she received a letter from an abutter with concerns about the traffic island and Ms. Scott replied it was in place as a transition between the existing subdivision and proposed new development and is not being removed.
- Mr. Gendron added that Pennichuck will probably mange this water system, the Chair asked if Pennichuck decided not to manage it who would and Mr. Gendron replied the homeowners association.
- Ms. Nysten asked if hydrants were provided would the Fire Chief decide where they were placed and Ms. Prendergast answered if there was sufficient water pressure for hydrants they would work together to place them.

The Chair closed the public portion at 7:46pm.

Mr. Bookless was seated at 7:46pm for Margaret Crissler.

**Mr. Wrenn motioned to grant a special permit for Case #2013-38 Lot 11-C-2561 and 11-C-3300 as submitted, seconded by Mr. McLeod. Motion passed: 6-0-0.**

Ms. Skinner read Case #2013-40 Minor Site Plan/Change of Use Application into the record.

Case #2013-40 Minor Site Plan/Change of Use Application

A Minor Site Plan Application has been submitted for 122 & 125 North Lowell Road (Lot 3-A-800, 2-A-700/2-A-700A) in the Neighborhood Business/Rural District. The applicant, George Fredette of SFC Engineering, on behalf of the property owner, Crossing Life Church, is proposing (1) to change the use of the existing building at 122 North Lowell Road to uses/activities customary and incidental to a church, such as a food pantry, community group meeting space, and fellowship events; (2) to change the use of the existing warehouse/storage building at 125 North Lowell Road for use as an activity center for Windham Crossing Learning Center; (3) to change the use of the existing single family home at 125 North Lowell Road to a parish house; and (4) change the use of the existing pre-school to a parochial school (i.e. religious based). Per Section 303.5 of the Site Plan Regulations, if the application does not qualify as a Minor Site Plan then it will be deemed a Major Site Plan and the application will be heard as a Preliminary Major Site Plan Application.

Ms. Scott explained this is a Minor Site Plan Application for two lots and the Board must decide if this meets criteria for a minor application. It went to TRC, they have received variances, and the Building Inspector was consulted. Ms. Scott stated she agreed it was a Minor Site Plan based on the criteria.

**Questions/Comments from the Board**

- The Chair noted in the TRC minutes Bill Martineau stated they needed emergency vehicle access provided to and around the building. Ms. Scott answered there is existing flat area and you can get back there with a fire truck.
- The Chair asked if there was any concern with access around the school building and Ms. Scott replied no.

**Mr. Wrenn motioned to open the hearing on Case #2013-40 as a Minor Site Plan Application, seconded by Ms. Skinner. Motion passed: 6-0-0.**

George Fredette, SFC Engineering, representing Crossing Life Church explained there are no site improvements. The proposed change is its use as a church. On October 22<sup>nd</sup>, the Zoning Board granted a variance to allow the existing building to be used as a church and to permit the parish house and parochial school on the west side of the road. Mr. Fredette then went on to explain the four proposed changes of use to the properties.

**Questions/Comments from the Board**

- Mr. Wrenn asked if the parochial school would remain as a preschool and Mr. Fredette replied that is the intent and any change will come back to the Planning Board. Ms. Scott replied this was discussed at TRC and it was made clear since they are licensed any changes to age or expansion would require a change to the license and that would trigger building and fire code change. It would have to be brought back to the Planning Board.

- Ms. Nysten asked if a parish house was the same as a regular house and if it would house more than one family or require additional egresses and Mr. Fredette answered it will be for parish staff and it was reviewed at TRC meeting and met code. Ms. Scott clarified it was not considered a rooming or boarding house.
- Mr. McLeod stated he wasn't concerned with the ages in the school building as long as there were no changes in the curb cuts, parking lots, lighting, drainage, or signs. The bingo hall is already an assembly hall of sorts and all you're doing is converting it to another type of assembly hall. He doesn't see any issue for the Planning Board.

The Chair opened the hearing to the public at 8:10pm.

- Ms. Dunn stated she had two concerns, the first was that Parish House was not defined in the Ordinances; however she feels that has been covered with the description of people employed by the church. The second was safety concerns for people crossing the street to get from one facility to the other.
- Mr. Fredette answered this is a state maintained road and any improvements would be reviewed with NH DOT. They are proposing none as they feel this would be a minor event.
- The Chair asked if there would be additional signage for the new building and Sean Foster answered there would be no additional signage just a replacement to existing sign.
- The Chair also noted parking at pick up/drop off can get busy and asked if the parking spots will be lined. Ms. Scott replied due to weather it can't be done until next year.
- The Chair asked if the Activity Center had man doors vs. bay doors and Mr. Foster replied 6 man doors and bay doors.
- Ms. Nysten asked what the speed limit was and if a crosswalk could be put there.
- The Chair noted she didn't see much need for crossing over; school is during the week and church is on the weekend or at night. Also, No. Lowell is a state owned road.

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

**Mr. Wrenn motioned to approve the Minor Site Plan Application Case #2013-40 as submitted for 122 and 125 North Lowell Road, Lot 3-A-800 and Lot 2-A-700/2-A-700A in the Neighborhood Business and Rural Districts, seconded by Mr. McLeod. Motion passed: 6-0-0.**

Ms. Skinner read Case #2013-41 Minor Site Plan/Change of Use Application into the record.

Ms. Nysten recused herself from Case #2013-41.

Case 2013-41 Minor Site Plan/Change of Use Application

A Minor Site Plan/Change of Use Application has been submitted for 53 Rockingham Road (Lot 13-D-80) in Commercial District A. The Applicant, George Abdulla of XXXPosed, on behalf of the property owner, Toni Peta, is proposing to change 600sqft of existing storage space to retail space. No other site changes are proposed and there will be no increase in store hours, signage or employees. Per Section 303.5 of the Site Plan Regulations, if the application does not qualify as a Minor Site Plan then it will be deemed a Major Site Plan and the application will be heard as a Preliminary Major Site Plan Application.

Ms. Scott explained they are proposing to convert existing storage space and convert it to retail space. There will be no changes to signage, hours, or employees.

**Mr. McLeod motioned to accept as a Minor Site Plan and open for Public Hearing, seconded by Ms. Skinner. Motion passed: 5-0-0.**

### **Questions/Comments from the Board**

- The Chair asked if the application was complete and Ms. Scott answered yes.
- Mr. McLeod asked the applicant to address Ms. Scott's items, proper signage and striping for existing handicapped parking, removal of dumpster, and obtain proper permits for interior building renovations.
- Mr. Wrenn asked if the 14 parking spaces at this location were adequate with this additional retail space and about existing egresses and Ms. Scott answered parking was adequate and there are egresses.

The Chair opened the hearing to the public at 8:25pm and hearing none the public portion was closed.

The Chair asked if the space was being used as strictly retail space and was told yes.

**Mr. McLeod motioned to approve the Minor Site Plan Application for Case #2013-41 for 53 Rockingham Road, Lot 13-D-80, conditioned on staffs 3 items regarding the handicapped space, permitting, and dumpster, seconded by Mr. Wrenn. Motion passed: 5-0-0.**

### **Meeting Minutes – Review and Approval**

- October 16, 2013  
**Ms. Skinner motioned to approve the October 16, 2013 minutes as amended with changes, seconded by Mr. Wrenn. Motion passed: 6-0-0.**
- October 30, 2013  
**Mr. Wrenn motioned to approve the October 30, 2013 minutes as edited by Ms. Nysten, seconded by Ms. Skinner. Motion passed: 6-0-0.**
- November 6, 2013  
**Mr. Wrenn motioned to approve the November 6, 2013 minutes as edited by Ms. Nysten, seconded by Ms. Skinner. Motion passed: 6-0-0.**
- November 13, 2013 – moved to December 30, 2013
- November 20, 2013 – moved to December 30, 2013

### **Staff Binder Update**

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- 2014 Meeting Schedule (Tab #2)
- 2014-2021 CIP (Tab #11)

**Mr. McLeod motioned to adjourn, seconded by Mr. Wrenn. Motion passed: 6-0-0.**

Meeting adjourned at 8:55pm

These minutes are respectfully submitted by Laura Accaputo, Planning Board Minute Taker.