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COMMUNITY DEVELOPMENT

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Planning Board Approved Minutes Wednesday, April 16, 2014 7pm

Board Members:

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

Bruce Breton, Selectman – Excused
Joel Desilets, Selectman Alternate - Present
Steve Bookless, Alternate – Arrived at 7:45pm
Jim Fricchione, Alternate – Excused

Staff:

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

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.

Review Alternate Member Candidates-Interviews

There were three applications received for the Planning Board Alternate Member position. Mr. Carpenter read a letter from Mr. David Oliver into the record as he was unable to attend the meeting. The other applicants Mr. Dan Rosa and Ms. Kathleen Difruscia, each addressed gave a brief summary of their qualifications and interest in the Alternate position.

Mr. Carpenter motioned per 91-A: 3, II (c), to go into Non-Public Session to protect reputation, seconded by Ms. Crisler. The Chair took a Roll Call Vote: Ms. Nysten – yes; Ms. Crisler – yes; Mr. Carpenter – yes; Ms. Skinner – yes; Mr. Desilets – yes; Chair St. Laurent – yes. Motion passed: 6-0.

Ms. Nysten motioned to appoint Kathleen Difruscia to a three year alternate term, seconded by Ms. Crisler. Motion passed: 6-0.

Ms. Crisler motioned to appoint Mr. Oliver to a one year alternate term, seconded by Mr. Desilets. Motion passed: 6-0.

Mr. Carpenter asked staff to proactively reach out to Mr. Rosa when additional positions are available for various sub-committees or boards.

Lot Merger Regulations Workshop

Ms. Scott explained this is to clarify the rules on the forms. She also noted a new section “Exceptions” was added. Mr. Carpenter noted an edit required in Section III (d) in the first sentence by adding the language “up to” three checks. The Board agreed with the edit.

Mr. Carpenter motioned to move to for Public Hearing on April 30, 2014, seconded by Ms. Skinner. Motion passed: 6-0.

Public Hearing-Applications

The Chair re-ordered the agenda and moved Case#2014-15 as the first Public Hearing as the applicant was unable to attend the meeting and asked for a postponement.

Case#2014-15/WWPD Special Permit/40 Mitchell Pond Rd (3-A-609)

A Wetland and Watershed Protection District Special Protection District (WWPD) Special Permit has been submitted for 40 Mitchell Pond Road (3-A-609) located in the Residence District A Zone and Wetland and Watershed Protection District Zone. The Applicant, Tory Bianchi of Custom Pools, Inc., on behalf of the property owners Sean and Dianne Sweeney, is proposing to construct an in-ground swimming pool and surrounding patio entirely within the WWPD. The disturbance to the WWPD would be approximately 1,500 sq. ft. The applicant is proposing to use silt fencing and/or hay bales and install landscaping for erosion control.

Ms. Crisler asked if the application was complete and Ms. Scott answered yes.

Mr. Carpenter motioned to accept Case #2014-15 and open for Public Hearing, seconded by Ms. Skinner. Motion passed: 6-0.

Ms. Crisler motioned to continue Case#2014-15 to May 7, 2014 at 7pm, seconded by Mr. Carpenter. Motion passed: 6-0.

Mr. Carpenter read Case #2014-9 into the record.

Case#2014-9/Preliminary/Final Major Site Plan Application-Submittal Review

A Preliminary/Final Major Site Plan has been submitted for 22 Haverhill Road (11-A-317), located in the Limited Industrial District. The applicant, Karl Dubay, of The Dubay Group, Inc., on behalf of MacThompson Realty, is proposing a change of use from retail/service and office to office and restaurant for the existing building. In addition, site work, landscaping, lighting, signage, drainage, parking lot reconfiguration, and driveway relocation is proposed, as well as an outside patio/seating area. Waivers have been requested from Sections 603.1, 703.1.2, 701.2.1, 703.1.4, 704.2.1, and 704.2.2 of the *Site Plan Regulations*.

Ms. Scott explained the applicant is asking for a waiver of the preliminary phase of the application. The applicant has already had an engineering review and gone to Zoning, TRC, and Conservation. Mr. Carpenter asked if the applicant can explain the scope of work and why they want to skip the preliminary application and go straight to final.

- Mr. Dubay, on behalf of the property owner, explained the site is in the Industrial District and already has a building, parking area, well, septic, and curb cut. The owners are looking to renovate the building, improve the site, and get new tenants. They are not changing the footprint of the building.

Mr. Carpenter motioned to grant the waiver from Section 603.1, to skip the Preliminary Site Plan and hear it as a Final Major Site Plan Application, seconded by Ms. Skinner. Motion passed: 6-0.

Mr. Bookless was seated at 7:45pm for Mr. Gosselin.

Ms. Scott stated the application is complete. The application went to Zoning and all requested variances were granted. The Board of Selectmen voted unanimously to support the placement of the proposed free standing sign and relocated driveway within the Towns Right of Way. The applicant will have to go back to obtain a Right of Way Permit from the Selectmen. The application also went through TRC and Conservation Commission and there are no outstanding items of concern. Ms. Scott attached a memo from Keach Nordstrom dated April 10, 2014 outlining items that need to be resolved. Also, the Fire Inspector has requested a Fire Protection Engineer be retained to ensure the structure meets current Code as part of the Building Permit process.

- Mr. Dubay explained they have done a full on ground survey and have had full NFPA code checks done to ensure the building is up to code for occupancy going forward. There will be a full replacement of the existing septic system and an upgrade to the existing drainage. They will have vertical granite curbing, cement walkways, and ADA access. The lower level of the building will have two uses, a small restaurant and tavern (with outdoor patio). The upper level will be office space. They will replace the landscaping and have the required amount of parking trees, building trees, street trees, and shrubs. They have new LED lighting and more parking than is required. They are improving the driveway access by sliding it over to create the length and width needed for better grade and full site circulation. They are adding a walkway leading to the utility door in the back as requested by Mr. Keach.

Questions/Comments from the Board

- The Chair asked for clarification of the waiver requested from Section 703.1.4, Site Trees. Mr. Dubay explained the waiver is to allow the trees to be located in the 15ft landscape easement between the parking lots of this parcel and the adjacent parcel (which is also owned by Mr. Thompson) if the Class VI Right of Way is discontinued.
- Mr. Carpenter asked where the sign would be located and Mr. Dubay answered in the Class VI Right of Way, near the entrance. Mr. Carpenter also asked about the lighting for the site and if there were any concerns of light pollution on the road. Mr. Dubay replied they have to light the site, they will use LED lights (S1, S2, and R). Ms. Scott stated they will have 9 pole lights; 8 single and 1 dual. Mr. Desilets noted the dual light along the front island will have the most impact on Rte 111.
- The Chair asked if the sign would be internally illuminated and Mr. Dubay replied yes.
- Ms. Nysten asked if consideration was given to using lantern style lights and Mr. Dubay replied that type of light sprays light everywhere and is harder to maintain. The Chair asked if it would be possible to shield the lights so they wouldn't shine down on Rte 111 and Mr. Dubay replied they could put the lights closer to the road and direct them toward the building. He noted this would require approval from the Board of Selectmen. He stated they could replace the S1's and S2 along the front of the property with different fixtures to create less light on the road, however they may need one additional pole.
- Ms. Crisler asked if the signage on the building for each business would match and Mr. Dubay stated they would like to keep flexibility with the shape and color palate for the signs. They will have the same color background.
- Ms. Nysten asked about the fencing around the dumpster and Mr. Dubay explained it would be chain link with slats and trees around it. He also noted the request for a waiver from Section 701.2.1, to allow a 3ft dumpster setback where 20ft is required, and stated the dumpster will be screened and the sideline at this location is wooded industrial land. Due to the topography of the lot this is the best place for a dumpster and allows the restaurants easier access. The Chair asked if there would be a separate gate for the storage of the maintenance equipment and Mr. Dubay said they would put a small main gate in the rear.

- The Chair asked why they have so much parking on the site and Mr. Dubay explained it fit well on the site and he believes the amount of parking relative to the size of the building is a good balance. He also noted the site is split into two sides with parking for each side. Mr. Bookless asked about ADA requirements for handicapped spaces and Mr. Dubay stated they have more spaces than required.
- Ms. Nysten asked if they would consider putting a traditional style lantern light at the entrance of the building and Mr. Dubay replied they will look into it and asked to be provided with an example.
- The Chair stated her concern that people would be forced to walk into the traffic aisle to access the building since there is no walkway to the door.

The Chair opened the hearing to the public at 9:03pm.

- Kathleen Difruscia asked if there would be internal access from the office space side of the building to the restaurant and tavern and Mr. Dubay stated there is no internal access, they would have to walk around the building to the front door.

The Chair closed the public portion at 9:05pm.

- Ms. Nysten asked if any consideration was given to have traffic flow in a certain way and Mr. Dubay stated they did consider it but it was not as flexible as having full access all the way around in both directions. The Chair asked if there would be any directional signage on the property and Ms. Scott stated they were not proposing any at this time.
- Ms. Scott asked if the location and construction details of the water and irrigation system were on the plan and Mr. Dubay answered it is on sheet 9 of the plan. Ms. Scott stated she was asking about the irrigation system and asked that the details of it be noted on the plan. Mr. Dubay stated that is on Sheet 8 of the plan.
- Ms. Nysten asked if the patio area would have taller shrubbery for privacy and Mr. Dubay replied the Landscape Plan does show taller plants around the patio.

Mr. Carpenter motioned to approve the waivers for the plan at 22 Haverhill Road as requested. The waiver from Section 703.1.2 for pavement setback because it borders a right of way of a Class VI road, Section 701.2.1 for dumpster setback because it works for the property and does not impact the property bordering on the east, Section 703.1.4 site trees and landscape easement because it meets the requirements for the plan and works best for the site, and Section 704.2.1 site trees within the Class VI right of way because it works best for the site and will change when the Selectmen discontinue this section of land, seconded by Ms. Crisler. Motion passed: 7-0.

Mr. Carpenter made a motion to approve the Plan at 22 Haverhill Road as presented with the following conditions: applicant must meet all the requirements outlined in the Keach Nordstrom and Associates memo to the Community Development Department dated April 10, 2014; the lighting plan will be modified by the applicant, specifically the (3) S1 and (1) S2 lighting poles closest to Route 111 will be reconfigured to properly illuminate the building while reducing light pollution onto the public right of way and will work with staff to achieve the objectives as outlined by the Board; the applicant must obtain the required NHDOT Driveway Permit and NHDES septic system and well approvals; and the applicant must address the error in the parking reference for the office on the plan. The Board will allow the applicant to place decorative lanterns near the two building entrances if they choose, seconded by Ms. Crisler.

Mr. Desilets asked the difference between the Fire Inspector and Fire Engineer and about the note regarding the requirement to meet the emergency water supply and Ms. Scott explained the note is standard and the Fire Inspector is the Town's Fire Inspector, and he is requiring the applicant to hire a Fire Engineer as part of the Building Permit and Certificate of Occupancy Permit requirements.

The Chair went back to the motion. Motion passed: 7-0.

Ms. Crisler was excused at 9:30pm.

Mr. Carpenter read Case #2014-14 into the record.

Case#2014-14/WWPD Special Permit/12 Candlewood Rd (21-G-851)

A Wetland and Watershed Protection District Special Protection District (WWPD) Special Permit has been submitted for 12 Candlewood Road (21-G-851) located in the Residence District A Zone and Wetland and Watershed Protection District Zone. The Applicant/Property Owner, Douglas McAllister is proposing to construct an 18" X 32" above ground swimming pool entirely within the WWPD. The temporary disturbance to the WWPD would be a maximum of 3,300 sq. ft. and the maximum permanent impact to the WWPD is proposed to be 2,500 sq. ft. The applicant is proposing to use silt fencing and/or hay bales and install landscaping for erosion control.

Ms. Nysten motioned to accept Case #2014-14 and open for Public Hearing, seconded by Ms. Skinner. Motion passed: 6-0.

Mr. Desilets recused himself as the applicant is a direct abutter.

- Mr. Douglas McAllister, owner, addressed the Board. He stated he bought his home in December 2011 and was not informed about WWPD. He is proposing to build an 18 X 32 ft above ground pool on his property, built partially into the slope to lessen the impact to the WWPD. He showed the Board a map which highlighted WWPD and non WWPD areas and explained the only area of his property that is not WWPD is where the septic and leach field are located or the front and side lawns which do not meet the criteria for a pool. His entire backyard is WWPD. He stated he has received the required variances from the Zoning Board has gone through the TRC process. He stated his Landscape Plan shows a proposed retaining wall to level the area behind his house with stairs to another level area where the pool will be. The initial disturbance to the WWPD will be no more than 3500 sq. ft. and upon completion will be no more than 2500 sq. ft. There will be three phases, excavation to level the area and removal of tree stumps, construction of the pool, and landscaping and backfill against the pool to build the retaining wall. The excavation equipment will be brought in through the area where the leach field is located and will not impact the WWPD. They will use silt fencing during construction and keep it until the plantings take hold. There will be minimal impact to the slope and they will use a carbon filter so there is no backwash going into the WWPD. They will have plantings for erosion control.

Questions/Comments from the Board

- Ms. Nysten asked about fencing and Ms. Prendergast replied the fencing will be required as part of the Swimming Pool Permit from the Building Inspector. Mr. McAllister stated the fence will be in the limit of work area. Ms. Nysten also asked if the pool water will have to be pumped out in the winter and Mr. McAllister replied as long as the water level is below the skimmer pumping will not be necessary.

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

- The Chair read a letter of support from Mr. Desilets, an abutter, into the record.
- Neelima Gogumalla asked what criteria the Board uses when reviewing applications with major WWPD disturbances and if decisions are made on a case by case basis. The Chair explained the applicant has received variances and the question would be better placed to the ZBA. Ms. Gogumalla asked if the Planning Board is concerned with the number of variances given for WWPD disturbance and the Chair stated sometimes it improves the site by giving additional protective buffers.

The Chair closed the public portion at 10:11pm.

Ms. Skinner motioned to approve the WWPD Special Permit for Case #2014-14, 12 Candlewood Road, as presented, with the condition the applicant must include a note on the drawing as required in Section 601.4.8.2 stating No structure may be erected nor shall any alteration of the surface configuration of the land be permitted in the Wetland and Watershed Protection District, except as authorized by this approval, and the condition of erosion control measures in the limited work area as noted on the plan, seconded by Mr. Carpenter.

Mr. Carpenter stated he would like to add to the motion to reduce the final disturbed area from 2500 sq. ft. to 2000 sq. ft; the pool is 576 sq. ft and this would give them an additional 3 times that size for pavers, pump, filter, etc. Ms. Skinner agreed to add this to the motion.

Motion passed: 5-0.

Mr. Carpenter motioned to accept new business after 10pm, seconded by Ms. Skinner. Motion passed: 6-0.

Mr. Carpenter read Case #2014-16 into the record.

Case#2014-16/WWPD Special Permit/8 Easy Street (11-A-1648)

A Wetland and Watershed Protection District Special Protection District (WWPD) Special Permit has been submitted for 8 Easy Street (11-A-1648) located in the Rural District and Wetland and Watershed Protection District Zones. The Applicant, Shayne Gendron of Edward N. Herbert Associates, Inc., on behalf of the property owners Philip and Nicole Wu, is proposing to construct a tennis court, fence, shed, and associated improvements within the WWPD. The impervious disturbance to the WWPD for the tennis court and shed would be approximately 3,015 sq. ft. The applicant is proposing to install a mulch berm and native buffer plants for erosion control.

Mr. Carpenter motioned to accept Case #2014-16 and open for Public Hearing, seconded by Ms. Skinner. Motion passed: 6-0.

- Mr. Shane Gendron of Herbert Associates addressed the Board. He explained this is a five acre parcel and they are requesting to put a fenced in 50 X 100 tennis court and a 10 X 14 shed behind the house. The WWPD behind the house has encroached further onto the property and they had it re-flagged by Gove Environmental to show the new WWPD. He stated the area in the back right of the property has been manipulated and does not serve as WWPD and Gove Environmental recommended a planting schedule to make it function as a WWPD and create a buffer behind the court. They will also place a mulch berm around the court. Mr. Gendron distributed a letter from Luke Hurley of Gove Environmental outlining the planting schedule. They are also going to have a half percent grade on the tennis court so runoff will go into the planting area. Any water that

makes it to the road will go into the roadside drainage and be treated. The Conservation Commission recommends the plan be noted to show the tennis court will be graded in a way that runoff drains away from the WWP. Approval is also needed for the 11ft high fence that will surround the tennis court.

Questions/Comments from the Board

- Mr. Carpenter asked if a variance was needed for the court being so close to the lot line and Ms. Prendergast answered no. He also asked how far the back edge of the court was to the edge of wet and Mr. Gendron replied about 45ft. Mr. Gendron also noted the proposed shed will sit on a crushed stone pad to control any roof runoff.

The Chair opened the hearing to the public at 10:25pm and hearing none the public portion was closed.

- Mr. Desilets asked the square footage of the tennis court and Mr. Gendron replied 5000 sq. ft.

Mr. Carpenter motioned to approve the plan as presented, including the 11ft high sports court fence, conditioned upon the applicant following the recommendations for planting provided by Gove Environmental in their letter dated February 7, 2014, seconded by Ms. Skinner. Motion passed: 5-1-0 with Mr. Desilets in opposition.

The Chair stated she appreciated the applicants willingness to provide the additional plantings as recommended.

Minutes Review/Approve

-April 2, 2014 - postponed

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

Mr. Carpenter motioned to adjourn the April 16, 2014 Planning Board Meeting at 10:45pm, seconded by Ms. Skinner. Motion passed: 6-0.

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