



OLD VALUES - NEW HORIZONS

## COMMUNITY DEVELOPMENT

PO Box 120, Windham, New Hampshire 03087

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

[www.WindhamNewHampshire.com](http://www.WindhamNewHampshire.com)

### Planning Board Minutes

May 29, 2013

#### **Board Members:**

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

Ross McLeod, Selectman – Excused  
Kathleen DiFruscia, Selectman Alternate, Excused  
Vanessa Nysten, Alternate Member – Excused  
Alan Carpenter, Alternate Member – Arrived at 8:15 pm  
Jim Fricchione, Alternate Member – Present

#### **Staff:**

Elizabeth Wood, Community Planner  
Cathy Pinette, Planning Board Minute Taker

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

Chair St. Laurent called the meeting to order at 7:45 pm, followed by the Pledge of Allegiance, member attendance and gave a brief synopsis of the agenda.

Mr. Fricchione was seated for Ms. Webber.

The Chair stated the Town has been advertising for members for the CIP Committee.

- Mr. Neil Fallon of 26 Rock Pond Rd. addressed the Board. He stated he has been a resident of Windham for 13 years and would like to serve on the CIP Committee. He stated he is the moderator for the Moeckel Pond Village District. The Board asked Mr. Fallon if he had been to any of the CIP meetings. Mr. Fallon stated no, but he has time now. The Board asked Mr. Fallon about his management and budgeting experience. Mr. Fallon gave an overview of his professional financial experience and his current profession. The Chair thanked Mr. Fallon for his willingness to volunteer and stated the Board will be interviewing other candidates at the next meeting.

Ms. Crisler read Case#2013-9 into the record. The Chair asked Ms. Wood if this application was complete and Ms. Wood stated yes. Ms. Wood stated that there was a recent legal issue brought to her attention by the Town Assessor. There are two recommendations from Town Counsel: 1. Remove plan reference #1 because that plan is legally inaccurate and purport to reflect a subdivision when none occurred and 2 The applicant to note "before and after" acreage for lot 14-B-2600 on that lot in the same fashion as it is listed for lot 20-D-1900. She stated the applicant will hear from Town Counsel or the Assessor.

- The Chair stated that if the applicant can comply with the recommendations from Town Counsel the Board can hear the application. The applicant stated they could comply.

**Ms. Crisler motioned to accept Case#2013-9 for public hearing, seconded by Ms. Skinner.  
Motion passed 6 – 0.**

### **Public Hearings**

Case#2013-9/Lot Line Adjustment Application/41 & 46 London Bridge Rd. (14-B-2600, 20D-1900)

A Lot Line Adjustment Application has been submitted for 41 & 46 London Bridge Road (14-B-2600 and 20-D-1900), located in the Rural District and Wetland and Watershed Protection District Zones. The applicant, Peter Zohdi of Edward N. Herbert Associates, Inc., on behalf of the property owners, London Bridge South, Inc. and Homes of Winslow, LLC., is proposing to adjust the Lot Line between the two parcels to incorporate the .824 acre (35,893.44 sq. ft.) section of Lot 14-B-2600 east of London Bridge Road into Lot 20-D-1900. The resulting lot size of Lot 14-B-2600 will be 6.99 acres (304,484.4 sq. ft) and the resulting lot size for Lot 20-D-1900 will be 7.104 acres (309,450.24). Both lots are vacant and proposed for single-family residential development.

- Ms. Wood gave an overview of her May 24th and May 28th memo. She stated the Conservation Commission reviewed the proposal and noted the discontinued road to be eliminated and inquired as to whether or not abutting property owners would have road access to their property. A review from Keach Nordstrom Associates stated it does not appear any state project permits are required under this application but recommends the final project lands be expanded to acknowledge when and by what means this form of public way came to be discontinued and also recommends the final project plans be stamped by a licensed land surveyor, certified wetland scientist and certified soil scientist that contributed to the preparation of the same. She stated staff also has some minor cleanup issues.
- Mr. Peter Zohdi of Herbert and Associates addressed the Board. He stated Mr. Logan donated some land to the Town when the Town built London Bridge Road. They did not subdivide the property but now they want to adjust the lot line. The old road belongs to his client. He thinks the road was discontinued in 1934 and they have no problem putting a note on the plan. He stated Mr. Logan owns all the land that would need access. The Board asked Mr. Zohdi if he was sure Mr. Logan was the only one. Mr. Zohdi stated he didn't research but will put on the plan the right to pass and repass for other property owners. Mr. Zohdi stated the new lot line will be by the existing road.

The Chair opened the hearing to the public at 8:07 PM, hearing no comments the public portion was closed.

**Ms. Crisler motioned to approve Case#2013-9, Lot-Line Adjustment with the following conditions: Delete Plan Reference #1 from the plan because that plan is legally inaccurate and purports to reflect a subdivision when none occurred, On Sheet 2, add the “Before and After” acreage for Lot 14-B-2600” on that lot in the same fashion as it is listed for Lot 20-D-1900, Correct the mailing address for Homes of Winslow, LLC. On Sheet 1, Indicate address numbers on each lot, Complete the following Edits, as mentioned on the 5/23/13 KNA Associates, Inc. memo: The “purpose of this plan” note on the Cover Sheet must be revised as follows: “The purpose of this plan is to adjust the lines of Lots 14-B-2600 and 20-D-1900 to transfer 0.824 acre Area ‘B’ from Lot 14-B-2600 to Lot 20-D-1900 as shown hereon, The final project plans must be expanded to acknowledge when and by what means this former public way became discontinued and a note must be added to the plan as to which abutting property**

**owners have rights to pass and re-pass, The final project plans must be stamped by the Licensed Land Surveyor, Certified Wetland Scientist, and Certified Soil Scientist that contributed to the preparation of the same and add the label “ROW” to appropriately note the right-of-way width of London Bridge Road, seconded by Mr. Wrenn. Motion passed 6 – 0.**

Ms. Crisler read Case#2013-10 into the record. The Chair asked Ms. Wood if this application was complete and Ms. Wood stated yes.

**Ms. Crisler motioned to accept Case#2013-10 for public hearing, seconded by Ms. Skinner. Motion passed 6 – 0.**

Case#2013-10/Subdivision Application/London Bridge Rd. (20-D-1900, 20-D-1950)

A Subdivision Application has been submitted for Lots 20-D-1900 and 20-D-1950 (London Bridge Road), located in the Rural District and Wetland and Watershed Protection District. The applicant, Peter Zohdi of Edward N. Hebert Associates, Inc., on behalf of the property owner, Homes of Winslow, LLC., is proposing to merge Lot 20-D-1950, sized 3.012 acres (131,197 sq. ft) with Lot 20-D-1900, currently sized 6.282 acres (273,655 sq. ft.) and proposed to be sized 7.106 acres (309,538 sq. ft.), upon approval of Case#2013-9/Lot Line Adjustment Application), and then subdivide the property five lots for single-family residential development. Lots are proposed to have individual well and septic systems. Waivers have been requested from Sections 602.2.4 and 602.2.3 of the *Subdivision Regulations*.

- Ms. Wood stated regarding the waiver for the cul-de-sac, at the time of her memo of May 24th 2013, she was still working with the Police Department and the Fire Department to resolve the issue. Since that time both Departments state a 62.5 foot radius cul-de-sac is acceptable but the landscape island must be removed and is contingent upon the approval of this design by the Highway Agent. Ms. Wood also stated in her memo of May 28th 2013 that the Conservation Commission recommends a no cut buffer to protect the vernal pool & signs/placards be placed along the perimeter, she also addressed Mr. Keach's memo dated May 23, 2013 and stated some of those issues have been taken care of.
- The Chair asked Mr. Zohdi if it is a 62.5 foot radius for the cul-de-sac and will start in the center, would 108 feet be paved? Mr. Zohdi said the remaining property will not be paved and will be used for the utilities.
- The Board would like a site walk of the property. Mr. Zohdi stated the Conservation Commission is going to do a site walk on June 1<sup>st</sup>. Mr. Zohdi stated the Conservation Commission had asked him for an expert opinion on the vernal pool and this will be done.
- Mr. Zohdi stated after the lot line adjustment they will be combining two lots together and subdividing it into five lots. He stated he spoke with the Fire Chief and the Police Chief who said he could have a 62.5 foot radius cul-de-sac but he needed to take out the island. He then spoke to the Road Agent who asked for four more feet on the edge and Mr. Zohdi will comply with that. He is complied with all of Keach Nordstrom's recommendations, there are no TRC issues, the Conservation Commission would like a professional report on the vernal pools, there is a ditch line to treat the water, a catch basin and plantings, and placards are marking a 25 foot no cut

buffer around the vernal pool. He has done a presentation for the Conservation Commission. Mr. Zohdi stated a 10,000 gallon cistern will be put in.

### **Questions/comments from the Board**

- The Board and Mr. Zohdi discussed where the drainage goes on London Bridge Road. They discussed the flow of the water, the ditch line, a riprap, and the small detention area for water. The Board asked Mr. Zohdi if the water will flow from the new road to London Bridge Rd. Mr. Zohdi stated yes.
- The Board asked Mr. Zohdi the width of the new road. Mr. Zohdi stated the right of way is 50 feet and the pavement is 22 feet. The Board asked if it was sheet drainage and ditches. Mr. Zohdi stated yes the Highway Agent was good with that. The Board and Mr. Zohdi discussed the 62.5 cul-de-sac and the reasoning behind it. Snow storage on the cul-de-sac was also discussed.

**Ms. Crisler motioned to continue this Application to a public hearing at 7:00pm on 6/12/13, hold a Site Walk for the proposal at 6:00pm on 6/12/13 at the site, Lots 20-D-1900 and 20-D-1950 (London Bridge Road), and to invite the Conservation Commission, seconded by Ms. Skinner. Motion passed 6 – 0.**

- The Board stated they would like as many items in Mr. Keach's memo addressed before the next meeting.

Ms. Crisler read Case#2013-11 into the record. The Chair asked Ms. Wood if this application was complete and Ms. Wood stated yes.

**Ms. Crisler motioned to accept Case#2013-11 for public hearing, seconded by Mr. Wrenn. Motion passed 6 – 0.**

#### Case#2013-11/Subdivision/Special Permit Application/51 Haverhill Rd. (14-B-2000)

A Subdivision Application has been submitted for 51 Haverhill Road (14-B-2000), located in the Neighborhood Business District, Wetland and Watershed Protection District, Aquifer District, and 100-year Flood Plain. The applicant, Peter Zohdi of Edward N. Hebert Associates, Inc., on behalf of the owners Dennis and Linda Scott, is proposing to subdivide Lot 14-B-2000 into two (2) lots: (1) one lot sized 2.235 acres (97,353 sq. ft.) to contain the existing single-family residence, and another vacant lot sized 14.189 acres (618,093 sq. ft.) for single-family residential development. A Wetland and Watershed Protection District Permit Application has also been submitted to propose the location of a 1,822 sq. ft. a driveway within the Wetland Watershed Protection District.

- Ms. Wood stated the applicant has changed his proposal for single-family use to an unknown use. Deputy Martineau amended his recommendation to not require a cistern unless a house is proposed. Ms. Wood gave an overview of her memo dated May 24, 2013 and stated there is a memo from Keach Nordstrom dated May 22, 2013 that speaks to the driveway location. The applicant is willing to comply with Mr. Keach's recommendation. The Board asked Ms. Wood what zone this property was located in. Ms. Wood stated it was in the Neighborhood Business District.

- Mr. Peter Zohdi of Herbert and Associates addressed the Board. Mr. Zohdi spoke about the need for a cistern if a single-family house is built and he also spoke about the possibility of putting a commercial building on the lot. He stated Deputy Martineau would like a note on the plan regarding the cistern and he would comply.

### **Questions/comments from the Board**

- The Board asked Mr. Zohdi if the new driveway was in the WWPD. Mr. Zohdi stated yes, The Board asked Mr. Zohdi where the driveway was currently. Mr. Zohdi stated off of Route 111.
- The Board questioned Mr. Zohdi on the buildable acreage of the lot as it appears to all be in the floodplain. Mr. Zohdi showed the Board on the map that there was about 3 acres of buildable land.
- The Board questioned Mr. Zohdi if keeping the existing driveway and adding a new driveway on the property would create a thruway. Mr. Zohdi stated that is possible. Ms. Wood stated that Mr. Keach supports the new driveway but would like the existing one eliminated. Mr. Zohdi stated the applicant would like to keep his current driveway.
- The Board asked if any improvements were being proposed for the impact to the WWPD. Mr. Zohdi stated he will talk to Jim Gove of Gove Environmental.

The Chair opened the hearing to the public at 9:25 PM, hearing no comments the public portion was closed.

- Ms. Wood stated the proposed plan showed the elimination of the existing driveway and a new driveway being added. The Board discussed the driveway situation i.e., addressing, removing the existing driveway, and access to Route 111. Mr. Zohdi stated the new driveway will be for future use. He would like a five-year timeframe to remove the existing driveway. The Board questioned if the existing driveway crosses another lot. Mr. Zohdi stated the applicant has an easement.

**Ms. Crisler motioned to grant the Special Permit Application for the location of a 1,822 sq. ft. driveway within the Wetland Watershed Protection District to serve Lot 14-B-2000 for access to London Bridge Road. The primary access must be from London Bridge Road and secondary access may be maintained from Haverhill Road, seconded by Mr. Wrenn. Motion passed 5 -1 with Mr. Sycamore voting no.**

- Mr. Dennis Scott, 51 Haverhill Rd. addressed the board. He spoke about the current existing conditions of the existing driveway and he would like his access to be on London Bridge Rd. but there is also a financial benefit to having a driveway on Route 111.

**Ms. Crisler motioned to Approve the Subdivision Application with the following conditions: Add a note to the plan stating that any subsequent development of Lot 14-B-2005 must meet the requirements of the Fire Code, Submit a NH DES Subdivision Permit and add the permit# to the plan, The applicant must submit a copy of the existing NH DOT driveway permit for Lot**

**14-B-2000 for the file and add the Permit # to the plan, the seconded by Ms. Skinner. Motion passed 6 – 0.**

### **Meeting Minutes – Review and Approve**

May 1, 2013

**Mr. Wrenn motioned to accept the amended minutes of May 1, 2013, seconded by Ms. Skinner. Motion passed 5 – 0 – 1 with Ms. Crisler abstaining.**

May 1, 2013 Non-Public

**Mr. Wrenn motioned to accept the nonpublic minutes of May 1, 2013 as written, seconded by Mr. Sycamore. Motion passed 3 – 0 – 3 with Mr. Fricchione, Ms. Crisler and Ms. Skinner abstaining.**

May 15, 2013

**Ms. Crisler motioned to accept the amended minutes of May 15, 2013, seconded by Ms. Skinner. Motion passed 4 – 0 – 2 with Mr. Fricchione and Mr. Wrenn abstaining.**

### **Old/New Business**

- The Chair stated on June 1st at 9 AM they will be a meeting of the Granite State Futures in Derry at the Barka School.
- Ms. Crisler reminded everybody of the Strawberry Festival and the book sale on June 1<sup>st</sup>.

### **Adjournment**

**Ms. Crisler motioned to adjourn, seconded by Ms. Skinner. Motion passed 6 – 0.**

Meeting adjourned at 10:15 PM

These minutes were amended and approved 6/19/13 and respectfully submitted by Cathy Pinette, Planning Board Minute Taker