



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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Planning Board Approved Minutes

August 17, 2016, 2016

7:00pm @ Community Development Department

Chairman Paul Gosselin, present

Margaret Crisler, excused

Dan Guttman, excused

Kathleen DiFrusia, excused

Matt Rounds (alternate), excused

Gabe Toubia (alternate), present

Ross McLeod, Board of Selectmen representative, excused

Jennifer Simmons, Board of Selectmen alternate-present

Vice Chair Kristi St. Laurent, present

Alan Carpenter, excused

Ruth-Ellen Post, excused

Staff:

Dick Gregory, Community Development Administrator

Anitra Brodeur, Minute Taker

The meeting began at 7:05pm.

Public Hearings

Case 2016-11 (Lot 18-L-400), 49 Range Road, Final Major Site Plan

This Application has been submitted by Edward N. Herbert Associates, Inc. on behalf of Mashop Development, LLC located in the Professional, Business & Technology District, Residence A District, Cobbetts Pond and Canobie Lake Watershed Protection District & Wetland and Watershed Protection District (WWPD). The Applicant is requesting to amend its approved site plan signed on May 15, 2013, with this Major Site Plan. This plan shows approximately .96 acres of disturbance/re-grading of the site. The disturbance was outside of the WWPD.

Mr. Peter Zohdi addressed the Board. Mr. Zohdi stated that the site has been secured. The disturbance was never in the WWPD, even after Gove Environmental went to the site to check the wetlands.

Chairman Gosselin opened and closed the discussion to the public at 7:11pm.

The request was made by the applicant because of the change in landscaping.

A motion was made by Vice Chair St. Laurent to approve the final major site plan showing the addition of the landscaping, shown to be in compliance with the motions during the preliminary hearing. Seconded by Mr. Toubia. Vote 4-0. Motion passes.

Case 2016-27: Open Space Subdivision Application & Wetland & Watershed Protection District (WWPD) Special Permit Application (Lots 20-D-1200 & 20-E-300) 90 London Bridge Road & Bear Hill Road

An application has been submitted by Edward N. Herbert Assoc., Inc. on behalf of London Bridge North, LLC for an Open Space Subdivision in the Rural and WWPD Districts. The project consists of the

construction of 21 single family lots and 3 open space lots on 59.8 acres. This hearing is for the yield plan.

Mr. Peter Zohdi addressed the Board. Mr. Zohdi reviewed the plan and offered his responses to the July 29th Keach memo provided to the Board. Chairman Gosselin reviewed, for the sake of newer Board members, what a yield plan is in a subdivision. The Conservation Commission would like to walk the site with the Planning Board. Mr. Zohdi also discussed the Flood Plan; the Flood Plan regulations, through FEMA, have changed since the plan was first proposed approximately four years ago.

The Board discussed the yield plan highlighted on Sheet 7. Mr. Zohdi explained the placement of the homes on the plan in relation to the steep slope and ridge. Mr. Zohdi reviewed “poorly drained” and “very poorly drained soil” for the edification of the Board.

Chairman Gosselin stated that the 2,950-foot road was the only major issue in the plan for the Board. Mr. Zohdi stated that, based on the report on the road from the Fire Chief, he would be willing to make the road as wide as possible up to 28 feet. Typically, the road width in a subdivision is 22 feet wide.

Chairman Gosselin stated that once the Board approves a yield plan, it is not typical for the Planning Board to make changes to the yield plan at that time. In response to Vice Chair St. Laurent’s question, Mr. Zohdi estimates that the end of the cul-de-sac has a slope of about 25%. Vice Chair St. Laurent discussed that the road is a longer length than allowed by ordinance and if the applicant is interested in negotiating that last bit of steep slope to accommodate three homes at the end of the cul-de-sac, it might be difficult to justify such an occurrence.

Chairman Gosselin explained that the Board is looking to determine the amount of homes allowed on the yield plan under the two scenarios presented by Mr. Zohdi.

The discussion was opened and closed to the public by Chairman Gosselin at 7:41pm.

Chairman Gosselin pointed out the options of the Board:

- Accept The Yield Plan
- Reject The Yield Plan completely
- Accept The Yield Plan with conditions

A motion was made by Mr. Toubia to accept the plan as presented. No one seconded.

Discussion

Vice Chair St. Laurent stated she would need a compelling reason to approve the longer road with the steep slope and major site work for three homes. Vice Chair St. Laurent stated she is comfortable with approving the road where the 18 lots are. The extra length of road for only three homes, the degree of site work and the need to traverse the wetland are all reasons why she does not see the justification for the upper part of the road. The Board stated there was too much impact to the land and WWPD to justify extending the road. Mr. Zohdi stated that the applicant would be willing to end the road at the end of the 18 lots and connect the road on the other side for the other lots at a later time. Mr. Zohdi proposed putting only two lots using the last part of the proposed road as a driveway for two more lots. Mr. Zohdi stated that the applicant would likely agree to put the land in Conservation as well.

Mr. Gregory stated that there are no conditions for driveway length. Moving the cul-de-sac would make the road length approximately 2350 ft. in length. Chairman Gosselin reviewed the definition of an open space subdivision for the edification of the Board

A motion was made by Vice Chair St. Laurent to approve the yield plan for a total number of 20 lots based on a cul-de-sac with the road for-shortened to about 2,250 feet and a driveway extending to the last two houses. Seconded by Ms. Simmons. Vote 4-0. Motion passes.

Chairman Gosselin would like to schedule a site walk for both this case and Case 2016-29.

The Board recessed at 8:02pm. The Board came back in session at 8:02pm.

Case 2016-29 Open Space Subdivision Application (Lots 14-B-2601, 14-B-2602, 14-B-3450) 41 & 43 London Bridge Road.

An application has been submitted by Edward N. Herbert Assoc., Inc. on behalf of London Bridge South, Inc. for an Open Space Subdivision in the Rural and Wetland & Watershed Protection District.

The project consists of the construction of 15 single family lots and 8 open space lots. This hearing is for the conceptual discussion and the yield plan.

Mr. Gregory mentioned Mr. Keach's review of the plan. This conventional plan supports the yield plan numbers with no waiver. Chairman Gosselin stated that the Board needs to talk about the conceptual plan, see if they like it, and then look at the yield plan.

Mr. Peter Zohdi addressed the Board. 75% of the land will be in open space where 65% is required. The plan does not impact any wetland 55,000 square feet will be impacted for drainage and it is not in the WWPD.

The Board discussed the original request from several years ago. Chairman Gosselin asked if the Board had any other questions or comments regarding the conceptual plan.

The discussion was opened and closed to the public by Chairman Gosselin regarding the conceptual part of the plan at 8:12pm.

Vice Chair St. Laurent would like to see less manipulation of the regulation or a justification for the plan. For public safety, would it be possible to have the road intersect with Winslow Road. Mr. Simmons and Chairman Gosselin echoed the statements of Vice Chair Laurent regarding the tiny slivers of open space.

A motion was made by Ms. Simmons to approve the conceptual plan of London Bridge South II as presented with the recommendation that the applicant address the non-contiguous open space. Seconded by Mr. Toubia. Vote 4-0. Motion passes.

The Board then addressed the yield plan on the project. Mr. Gregory stated that Mr. Keach had no comments on this portion of the plan.

Mr. Peter Zohdi addressed the Board. Mr. Zohdi stated that the road would be 1,375 feet, where 1,200 is the limit. Vice Chair St. Laurent asked about the long skinny lots at the end of the cul-de-sac. The Board and Mr. Zohdi discussed the wetlands and the "contorted" lot configuration in some instances.

The discussion was opened and closed to the public by Chairman Gosselin for the yield plan at 8:29pm.

A motion was made by Mr. Toubia to accept the London Bridge South yield plan as presented. Seconded by Ms. Simmons. Vote 4-0. Motion passes.

The Board discussed the best time to do a site walk for both Case 27 and 29. Chairman Gosselin would like to postpone and schedule a site walk at the August 31st meeting since Board members who are absent would be interested in attending. Mr. Zohdi would stake the centerline of the roads in preparation for the site walk.

Case 2016-28: Wetland & Watershed Protection Special (WWPD) Permit Application (Lot 7-A-726), 5 Cardiff Road

A WWPD Special Permit Application has been submitted by Edward N. Herbert Assoc., Inc. on behalf of Keith Crowley. The Applicant is proposing to place fill in front of the lot for access to the dwelling. This will result in a 5,820 sq. ft. WWPD impact.

Mr. Gregory stated that the comment from the Fire Department is that the plan would give better access to the dwelling.

Mr. Shane Gendron addressed the Board. He reviewed that Cardiff Road was a connection road between Morrison Road and Searles Road. The applicant, Mr. Crowley, had an opportunity several months ago to acquire fill at an inexpensive price. He would like to fill the lot; it has both silt fencing and hay bales at the present time. Gove Environmental has also clearly staked out where the wetland is on the property.

Mr. Gregory stated that the Conservation Commission has no issues at this time.

The public hearing was opened and closed at 8:36pm.

Vice Chair St. Laurent asked if there was any wetland impact; there would be none. In this area of the road, Cardiff Road serves as a bridge, nearly segmenting Cardiff Road.

A motion was made by Mr. Toubia to approve the project for 5 Cardiff Road as presented with WWPD markers as indicated on attached document. Seconded by Ms. Simmons. Vote 4-0. Motion passes.

Additional Discussion:

Chairman Gosselin stated that the markers be put approximately 50 feet along the back of the lot.

Review and approval of the minutes of July 20, 2016 & August 3, 2016

A motion was made by Mr. Toubia to accept the July 20th minutes as presented. Seconded by Ms. Simmons. Vote 4-0. Motion passes.

A motion was made by Mr. Toubia to adjourn at 8:48pm. Seconded by Vice Chair St. Laurent. Vote 4-0. Motion passes.

Respectfully submitted by Anitra Brodeur