



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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Planning Board Approved Minutes

Wednesday, August 3, 2016

7:00pm @ Community Development Department

Attendance:

Chairman Paul Gosselin, present

Margaret Crisler, present

Dan Guttman, arrived @ 7:06pm

Kathleen DiFrusia (alternate), excused

Gabe Toubia (alternate), excused

Ross McLeod, Board of Selectmen representative, present

Jennifer Simmons, Board of Selectmen alternate, excused

Vice Chair Kristi St. Laurent, present

Alan Carpenter, present

Ruth-Ellen Post, present

Matt Rounds (alternate), excused

Conceptual Consultation

Case 2016-27 Open Space Subdivision/WWPD Special Permit 90 London Bridge Road & Bear Hill Road (Lot 20-D-1200 & 20-E-300)

The application is proposing a 21-lot subdivision with three open space lots for a total of 24 lots.

Mr. Peter Zohdi addressed the Board. A Dredge and Fill Permit and Alteration of Terrain (AOT) have both been filed for the property. The Flood Map has also been revised after working with FEMA. Mr. Zohdi discussed the steep slope and the disruption within WWPD. The applicant purchased several properties from abutters to create a potential right of way in the future. Mr. Zohdi also mentioned a site walk done by Conservation Commission members several years ago.

Mr. McLeod asked, as the EDC and Selectmen have both expressed interest in a connection between Lots 20-D-1000 and 1600, if a mountain biking easement between those two lots would be possible. Mr. Zohdi stated that his client would be interested. Mr. McLeod mentioned Mike Oldenburg as the contact person to the EDC.

In regards to open space, 65% is the minimum. 75% is what the applicant is proposing. The homes would be set back approximately 40 ft. where 20 ft. is the minimum. The Board expressed their concerns around "overlapping" well radii and where the septic systems would go. Wells and septic systems can be placed in open space under current regulations. The Board discussed the building lots in relation to the WWPD. The Board asked if the client would be amenable to a Conservation Easement for the Open Space. Yes, he would. He also envisions a park at the end of the property.

The Board asked if the park would be open to all or just the residents of the subdivision. Mr. Zohdi would like to see the proposed park be for all Windham residents. The Board also inquired about the elevation plan. Mr. Zohdi stated it would be clear in the Yield Plan.

The Planning Board would like to do a site walk after the Yield Plan is presented in two weeks.

Chairman Gosselin open and closed discussion for public comment at 7:33pm.

Public Hearings - Continued from July 20, 2016

Case 2016-21 Minor Site Plan/Change of Use Application 49 Range Road (Lot 18-L-400)

An application for a Minor Site Plan/Change of Use has been submitted for 49 Range Road (Lot 18-L-400) in the Professional, Business and Technology District and Cobbetts Pond & Canobie Lake Watershed District. The Applicant, Peter Zohdi, Edward N. Herbert Associates, Inc., on behalf of Mashop Develop, is proposing to change Units A-C in Building II from the approved use of medial office to a proposed dance studio. No exterior changes are proposed. Waiver from Section 703.2.4 of the Site Plan Regulations has been requested. 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 & the application will be heard as a Preliminary Major Site Plan Application.

Not needed under new regulations.

Public Hearings

Case#2015-3 Wood Meadows Subdivision Compliance Hearing

A compliance hearing is being held for Case #2015-10/Wood Meadows Subdivision Lots 25-R-6000/6250/6260/7000/7050/8002/8005/8010/9000, located in the Rural District, Wetland and Watershed Protection District, and the Cobbetts Pond and Canobie Lake Protection District. The applicant, Peter Zohdi, of Edward Herbert Associates, on behalf of the property owner, Wood Meadow Land Development, LLC and Harding Realty Trust, is requesting a compliance hearing on the legal documents for the conservation land/open space land quick claim deed to be deeded to the Town Conservation Commission, as is required by the 7/1/15 Planning Board Conditional Approval.

Chairman Gosselin stated that this is a Compliance Hearing for the Legal Documents only. He asked that the comments be restricted to these documents.

A motion was made by Mr. Carpenter at 7:36pm to open the public hearing. Seconded by Ms. Crisler. Vote 7-0. Motion passes.

Mr. Zohdi stated that he agrees with the documents in front of the Board including #8 of the July 13th memo from Attorney Campbell.

Mr. Jeff Martin, 16 Settlers Ridge, addressed the Board. As he is an abutter, he asked if he could have a copy of the documents presented to the Board. He also asked for several minutes to review the documents. The Board and Mr. Martin discussed wells on conservation land and when such an instance is allowed.

Ms. Bea Martin, 16 Settlers Ridge Road, addressed the Board. She asked if this property could be made a Town Forest. The Board stated it was a Board of Selectmen and Conservation Commission decision; The Conservation Commission has a stewardship role related to this land that is deeded to the town.

Public discussion was closed at 7:45pm.

Ms. Post stated that Open Space subdivisions are unique in the stipulations set forth in the Open Space. Ms. Post asked if future owners of these homes could be informed about the Open Space subdivision stipulations set forth.

Attorney John Cronin addressed the Board. Discussion to the public was closed, however, Chairman Gosselin opened public discussion once again at 7:52pm.

Attorney Cronin stated that tax maps could be indexed in such a way as the deeded town land can be numbered and color-coded as open space within the subdivision. This was in response to Ms. Post's query.

A motion was made by Mr. Carpenter to approve the documents with the conditions set forth in the July 13th letter from Attorney Campbell as amended. (#8, Section b will now read, "Plans for any such work shall first be approved by the Windham Planning Board and/or its designee or agent. In addition, all other State or Federal permits shall be obtained before commencing work.) Seconded by Ms. Crisler. Vote 7-0. Motion passes.

Case #2016-10 Final Major Site Plan and WWPD Special Permit 11-A-520 & 11-A-530 (13 & 15 Indian Rock Road)

A Final Major Site Plan and WWPD Special Permit Application has been submitted for 13 & 15 Indian Rock Road (11-A-520-11-A-530) in the Village Center and WWPD Districts. The applicant, Karl Dubay, of The Dubay Group, on behalf of Village Center Properties, LLC, is proposing 3 buildings: Building A is for 2,200 sq. ft. bank, Building B is for 1,860 sq. ft. retail, and Building C is for a 2-story 12,600 sq. ft. (6,300 sq. ft. each floor) retail and office. The WWPD Special Permit is for 11,563 sq. ft. of parking and 6,722 sq. ft. of building. There is shared parking and access across the two parcels

A motion was made by Ms. Crisler to open the public hearing at 7:57pm. Seconded by Mr. Guttman. Vote 7-0. Motion passes.

Mr. Chris McCarthy, the applicant, addressed the Board. Mr. McCarthy discussed connectivity with his abutters within the Village Center District. He also discussed that Enterprise Bank would be his tenant on the property. Mr. McCarthy also mentioned bike racks, outside seating, granite lintels, and a water feature as features that have been added to the plan. There will also be a historical sign marker on the property in a prominent location. DOT and DES are also being communicated with. Mr. McCarthy will go before the ZBA for a sign variance. Mr. McCarthy put together a proposal for a sign that exceeds the 5-foot limit for signs in Windham.

The Board is very pleased the applicant is invested in connectivity in the Village Center District. The Board would like to know how far apart the curb cuts are; Mr. Dubay stated they are 400 feet apart. The goal of the applicant is to have a center left turn lane restriped to accommodate a center lane if possible. The applicant is working with DOT and the Fire Department.

The Board stated that other property owners in town have been able to comply with the 5-foot sign limitations. The Board would also like to see uniformity in sign design. The Board also discussed potential traffic projects in the future and how they may alleviate traffic on Route 111 moving forward. The Board is pleased with the aesthetics of the proposed plan on the property. The applicant is interested in preserving the hunting cabin on the property. The property will be serviced by the well that is currently on the property. There will be an additional well on the back of the property. According to the applicant, Pennichuck and other water suppliers are not interested in supplying this area of Windham with community water systems at this time. The Board asked about the fencing around the pond. Landscape plantings were also discussed by the Board. They cannot plant any closer to the road per DOT request.

Chairman Gosselin opened discussion to the public at 8:38pm.

Vice Chair St. Laurent read a letter from Ms. Carol Pynn into the record.

Ms. Susan Hoey addressed the Board. She is an abutter that resides on Eastwood Rd. (11-A-633) She stated that she has never heard from the property owner. She stated that she has already been affected by the Route

111 and Route 93 construction projects. She has concerns around the noise level of construction. The Board responded that there is a noise ordinance that runs from 7 am to 10 pm. The construction noise ordinance may be more limited.

Mr. Frank McNally, 18 Hardwood Road addressed the Board. He bought his property in 2008. He wanted to apologize to Mr. McCarthy for his previous comments, as he is very pleased with the plan. It is not “another strip mall” as he had previously stated.

The Board asked about parking and had a discussion about the 18 spaces the tenant required versus the potential traffic confusion in the parking lot. Mr. Dubay stated that there was a supplement to the traffic study that studied the amount of drive-thru use in a smaller sized bank, as this would be.

A motion was made by Mr. Carpenter to approve the plan as presented with the following conditions:

- 1. parking and traffic interconnectivity with adjoining parcels will be accommodated by the applicant as determined by the Windham Planning Board**
- 2. that the clock will be dark sky friendly**
- 3. that the items listed on the July 29th document from Mr. Mark Fougere be complied with by the applicant**
- 4. covenants, easements and restrictions which shall include all conditions of approval made by the Windham Planning Board**
- 5. all items highlighted in the KNA July 29th memo will be addressed**

Seconded by Ms. Crisler. Vote 7-0. Motion passes.

A motion was made by Mr. Carpenter to approve a waiver under Section 704.2.1 of the Site Plan Regulations as presented on the plan. Seconded by Mr. McLeod. Reason: Unique site layout for future interconnectivity and enhanced landscaping in adjacent areas. Vote 7-0. Motion passes.

A motion was made by Mr. McLeod to grant a WWPD special permit as requested. Seconded by Mr. Guttman. Vote 7-0. Motion passes.

A motion was made by Mr. McLeod to grant a waiver under Section 702.5.3 of the Site Plan Regulations due to the given unique site constraints. Seconded by Mr. Guttman. Vote 7-0. Motion passes.

Financial Guarantee – Walkers Woods

A motion was made by Ms. Post to recommend to the Board of Selectmen that the Letter of Credit be reduced from \$539,437.98 to \$306,117.18 for the Walker Woods Subdivision. Seconded by Ms. Crisler. Vote 6-0-1. Mr. McLeod abstained. Motion passes.

Meeting Minutes – Review and Approve

- July 13, 2016

A motion was made by Mr. Guttman to approve the July 13th, 2016 draft minutes as amended. Seconded by Ms. Post. Vote 5-0-2. Mr. Carpenter and Mr. McLeod abstained as they were not in attendance that evening. Motion passes.

- July 20, 2016

Draft minutes will be reordered and resubmitted.

Old/New Business

There will be a meeting next week to work on several viable, working chapters of the Master Plan.

Chairman Gosselin referenced the memo sent by Mr. Desilets to Ms. Scott. The Board thought Ms. Scott's responses were appropriate.

A motion was made by Mr. Carpenter to adjourn at 9:41 pm. Seconded by Mr. McLeod. Vote 7-0. Motion passes.

Approved