



OLD VALUES – NEW HORIZONS
COMMUNITY DEVELOPMENT

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Planning Board Minutes
August 7, 2013

Board Members:

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

Ross McLeod, Selectman – Excused
Kathleen DiFruscia, Selectman Alternate, Excused
Vanessa Nysten, Member – Present
Alan Carpenter, Alternate Member – Excused
Jim Fricchione, Alternate Member – Present

Staff:

Laura Scott, Community Development Director
Nancy Prendergast, ZBA/Code Enforcement Administrator
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 7:02 pm, followed by the Pledge of Allegiance, member attendance and gave a brief synopsis of the agenda.

The Chair appointed Mr. Fricchione to be seated for Ms. Skinner.

Public Hearings

Ms. Crisler read Case#2013-19 into the record.

Customary Home Occupation - Case#2013-19

A Conditional Use Permit Application for a Customary Home Occupation has been filed by the property owners Arra and Suzanne Yeghiayan, to allow to their business of sea stone designs, handcrafts gifts and home décor to operate with three full time employees at 16 Washington Street (Lot 24-F-4030). Lot 24-F-4030 is a 26.6 acre parcel, with 21.1 acres in Current Use, and is located in the Rural District.

- The Chair asked Ms. Prendergast if this application was complete and Ms. Prendergast stated yes. Ms. Prendergast stated this is a customary home application, conditional use permit. She stated the ZBA has granted relief from Section 602.1.6.4 to allow the Planning Board the authority to permit the employment of up to 3 non

resident employees where the Planning Board is currently only authorized to permit the addition of one additional non resident employee.

Ms. Crisler motioned to accept Case#2013-19 for public hearing, seconded by Mr. Wrenn. Motion passed 5 – 0.

- Ms. Prendergast stated after review with the building inspector, the existing well and septic conditions are adequate to support the addition of 3 full time employees. The Fire Department has no comments as the egress points and driveway are adequate, and the TRC had no issues.
- Mr. Yeghiayan gave a slideshow presentation of his business with pictures of his home, his driveway and land area. He stated you cannot even see the house from the road as it is a very long driveway. He would like to continue to operate his business out of his home. There is no neighborhood upset, the TRC has no issues, they have been in business for more than a decade and have had no complaints, he has the support of his abutters, there will be no change to the character of the neighborhood, he has 27 acres and 21 is in current use. He showed the Board examples of what his company makes. His current employees are family and friends. They all work part time. No clients come to the property, they use less than 5% of the house for business and there is enough parking. There are no signs for the business, no noise and no smells. Mr. Yeghiayan read a letter from Christopher & Karen Cole of 9 Jefferson Rd who are in support of his application. The Chair added the letter to the file.

Questions/Comments from the Board

- How do you get your products. Mr. Yeghiayan stated he uses his own pick up truck and has UPS deliveries about twice a week.

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

- Mr. Roger Clark, 7 Wilson Rd, stated he has no objections and would be more concerned if the 27 acres were developed.
- Mr. Joe Tholete, 125 Lowell Rd. stated he abuts the current use property and spoke about the land being a great asset to the community. He is very supportive of the applicant.

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

Ms. Crisler stated this was precisely what the Board had in mind when they adopted the Customary Home Application.

Mr. Crisler motioned to approve A Conditional Use Permit Application for a Customary Home Occupation for the property owners Arra and Suzanne Yeghiayan, to allow to their business of sea stone designs, handcrafts gifts and home décor to operate with three full time employees at 16 Washington Street, seconded by Mr. Wrenn. Motion passed 5 – 0.

Ms. Crisler read Case#2013-20 into the record.

Case#2013-20/Butler & Harris Lot Line Adjustment

A Lot Line Adjustment Application has been submitted for Lots 24-F-830 and 24-F-1120 [Map 3 Lot 5-174 in Pelham] on Wilson Road, located in the Rural and Wetland and Watershed Protection Districts. The applicant, Peter Zohdi of Edward N. Herbert Associates on behalf of the property owners, Fredrick & Janice Butler and John Harris & George Harris III, is proposing to adjust the lot line between the two properties so that 5.035 acres (219,309 sq. ft.) of property will be transferred from Lot 24-B-830 [Map 3 Lot 3-174 in Pelham] and merged into Lot 24-F-1120 thus reducing lot 24-F-830 [Map 3 Lot 3-174 in Pelham] from 12.627 acres (550,017 sq. ft.) to 7.592 acres (330,708 sq. ft.) and increasing Lot 24-F-1120 from 26.408 acres (1,150,343 sq. ft.) to 31.442 acres (1,369,652 sq. ft.). The new configuration would also result in Map 3 Lot 3-174 to reside completely within the Pelham town border (thus eliminating Lot 24-F-830 from Windham).

- The Chair asked Ms. Wood if this application was complete and Ms. Wood stated yes.

Ms. Crisler motioned to accept Case#2013-20 for public hearing, seconded by Mr. Wrenn. Motion passed 5 – 0.

- Ms. Wood stated there are no variance requests, this is a very simple proposal adjusting a lot line, and this will make the lots more conforming. There are 2 waivers requested for soils and scale. Since the lots are over 5 acres, some of the Subdivision Regulations do not apply. In Ms. Wood's letter dated 7/30 she has recommendations for the applicant and they have been made.
- Mr. Peter Zohdi showed the Board the plan for the application on the wall board. There is one lot in Pelham and one in Windham. They have already received approval from Pelham. It is just two owners swapping land.

Questions/Comments from the Board

- The Chair asked Ms. Wood if a waiver is needed for a perk test. Ms. Wood stated that would be needed as a condition of approval if granted. Mr. Zohdi stated he has done the perk tests and agreed to add that to the plan.

- The Board asked Mr. Zohdi if the access from Wilson Rd and the Pelham land have an easement. Mr. Zohdi stated yes, through Shelley Dr. in Pelham.
- The requested waivers for scales are not needed as the plan could not fit on one sheet and the soils are not needed as both lots are over 5 acres.

Ms. Crisler motioned to grant Case#2013-20 waivers to Section 601.16 because the lot size is over 5 acres and without a soil study there is no need for a soil scientist and Section 701.1.3.1 for the change in scale because the plan would be too large with the condition that the perk test data be added to the plan, seconded by Mr. Wrenn. Motion passed 5 – 0.

Case#2013-10/ Home of Winslow Subdivision-Discussion regarding approved cul-de-sac design

- Ms. Wood stated that as a condition of approval, the center of the cul-de-sac is to be paved with decorative pavers. Upon review of the Planning Board's decision, the Highway Agent and Town Engineer expressed concerns about a design that includes pavers due to the time and expense that would be required for long term maintenance of the cul-de-sac. An alternative design was suggested to the applicant by the Highway Agent and Town Engineer which includes a granite perimeter to support the center with a stained and stamped concrete center.
- Mr. Zohdi stated he has met with the Community Development Department, the Highway Agent and Town Engineer and they came to an agreeable design which will be similar to the Ryan Subdivision. The Board had pictures of the new design in their packets.

Questions/Comments from the Board

- The Board stated the pictures still show a landscape island in the middle of the cul-de-sac. Mr. Zohdi stated that is not how this one will be; the pictures are just an example for the Board. There will be no landscaping in the island.
- The Board expressed concern that there is no thickness in the sketch provided and they want to make sure the proposed design lasts for many years. Mr. Zohdi stated he still needs to hire a structural engineer. Ms. Wood stated at the meeting they did take into consideration the depth of the granite. The Board wants to make sure it is properly engineered with expansion joints. Ms. Wood stated Mr. Keach will review the design, the Department will get a financial guarantee and there will be inspections before the Town accepts the road.
- The Board asked Mr. Zohdi if the island would be red like in the pictures. Mr. Zohdi stated if that is what the Board wanted.

Ms. Crisler motioned to accept the proposed changes to the cul-de-sac design as meeting all approval requirements and the applicant continue to work with the Town Engineer and Highway Agent during design and construction to assure durability of the cul-de-sac, seconded by Mr. Wrenn. Motion passed 5 – 0.

Case#2010-44/Cricket Ridge Subdivision-Review of Elevations and Floor-plans

- Ms. Wood stated this was the first Work Force Housing application that went through. The Ordinance needs to be applied. The applicant could not provide items in Section 619.7.5.2 at time of approval. The applicant now has prototype designs for possible homes. He would like to offer home buyers different styles of homes.
- Mr. Karl Dubay stated Cricket Ridge was approved with 3 WFH lots and 9 market lots. The road is under construction now. They are in the phase now that there is a lot of interest in the lots. Mr. Dubay summarized the project from his original application. He gave a presentation of what the proposed homes would look like. The Board was provided prototype pictures of the homes, floor plans, etc. in their packet. Mr. Dubay stated all the homes are pretty much where they were shown originally. They have put 2 septic systems in. Some homes could possibly have garages under. The WFH units will blend in with the other proposed homes.

Questions/Comments from the Board

- Will all these homes have basements. Mr. Dubay stated yes.
- Will there be garages on the WFH homes. Mr. Dubay stated page 7 of his presentation shows a garage under the house. If he can make it work he will add a garage. He does not think WFH will have attached garages. He will try and put garages under but cannot guarantee that. If they can fit them in and the numbers work they will. They will also try and work the house locations for future expansion of a garage.
- Do you know which houses will be WFH. Mr. Dubay stated not yet, the first planned houses are not WFH. He will need to mix them in.
- The Board questions having WFH houses without garages next to market value houses. Mr. Dubay stated they have to balance the project and if they can fit garages in, they will.
- Ms. Wood stated they applicant did supply driveway locations but that could change. Mr. Dubay stated the original subdivision plans show grading for the driveways and they don't plan on moving them much if at all. The Board was concerned that they saw submitted plans and wants to make sure the drainage goes along with any

driveway moves. Mr. Dubay stated any driveway changes would have to be demonstrated for drainage to get a permit.

- The Board asked if the Fire Department will be able to access the long driveways. Mr. Dubay stated yes, the Fire Department will review the plans again and there is also a cistern in the subdivision.

The Chair opened the hearing to the public at 8:22 pm, hearing no comments the public portion was closed.

Ms. Crisler motioned to accept the proposed architectural information as presented according to Section 619.7.5.2, seconded by Mr. Wrenn. Motion passed 4 – 0 – 1 with Mr. Fricchione abstaining.

Master Plan Implementation Update

- Ms. Wood provided the Board with an action plan for the 2013 Master Plan goals. The excel spread sheets includes; goals which have been fully accomplished or underway, goals which are on the Planning Board's 2013 schedule to be addressed and goals not accomplished, not underway, and not scheduled to be addressed. Ms. Wood would like any comments, additions, etc that the Board would like to add. The Chair stated Item #1 has a subcommittee and is meeting regularly. Ms. Nysten asked if on Item #6 why Adopt a Spot sponsors do not have a sign with their name on it and if they could. Ms. Wood stated she will check into that as she didn't know the answer. The Board will email Ms. Wood if they have any other updates to the spreadsheet.

The Board took a recess at 9:30 and was back in session at 9:37 pm.

2014 Town Meeting Workshops

Section 906: Variance Duration

- Ms. Wood stated a new State Law will be in effect August 19th changing the time period for variances and special exceptions to two years. Our current Regulations state 1 year with two 1 year extensions. She suggested the Board revise our Ordinance to bring it into accordance with the State Law. She has provided proposed language. The Board discussed our current Ordinance. The Chair read a letter from Heath Partington, ZBA Chair, recommending 2 years as the State Statute with one 1 year extension as long as substantial progress is shown by the applicant. Ms. Wood stated that the Senate Bill also requires that the variance or special exception will not expire within 6 months of the approved planning application, the Planning Board may want to consider a longer period, perhaps 1 year. Ms. Crisler agrees with Ms. Wood's recommendation. Ms. Wood will wordsmith her suggested language and bring it back to the Board.

Section 300.16 & 302: Add “and Canobie Lake” to District name

- Canobie Lake will be added.

Ms. Crisler motioned to move to public hearing the addition of the word “Canobie Lake” to Sections 300.16 and 302, seconded by Mr. Wrenn. Motion passed 5 – 0.

Section 616: Cobbett’s Pond & Canobie Lake Watershed Protection District: Add language about protecting drinking water resources/wellhead areas in purpose section

Ms. Crisler motioned to move to public hearing to add language about protecting drinking water resources/wellhead areas in the purpose section under a new Section 616.1.1.7, seconded by Ms. Nysten. Motion passed 5 – 0.

Section 200: Definitions: Boarding or Rooming Houses; Frontage

- Ms. Wood stated edits are suggested to this definition to conform to the changes that were made at the 2013 Town Meeting. Ms Nysten thought an owner had to live in a Boarding House. Ms. Wood stated a Bed and Breakfast needed an owner living there. Ms. Nysten stated she thought Boarding Houses were allowed in the Neighborhood Business District. The Chair stated they are. In Neighborhood Business District, boarding houses are identified as owner occupied, limited to up to four persons/guests. Owner occupied and up to four guests will be added to the Boarding House definition. Hotel / Inn, motel and Bed and Breakfast are new definitions. Tourist Homes, Tourist Courts and Lodging Houses are not defined and should be removed. Staff will do a search of the documents and bring back to the Board for another workshop.
- The Board discussed the lot frontage definition. It is not clearly spelled out in the Ordinance and can lead to confusion when dealing with corner lots or roads with double frontage. Staff has proposed recommended language to say “a contiguous frontage as measured 50’ from the front lot line. Frontage requirements may not be accommodated by totaling up frontage on a “corner lot” or “double front” lot.

Ms. Crisler motioned to move to public hearing the definition of Frontage in Section 200 as proposed by staff, seconded by Mr. Wrenn. Motion passed 5 – 0.

Meeting Minutes – Review and Approve

June 5th - Minutes were amended

Mr. Wrenn motioned to approve the amended minutes of June 5th, seconded by Chair St. Laurent. Motion passed 3 – 0 – 2 with 2 Ms. Crisler and Mr. Fricchione abstaining.

June 12th - Minutes were amended

Ms. Crisler motioned to approve the amended minutes of June 12th, seconded by Ms. Nysten. Motion passed 5 – 0.

June 19th

**Ms. Crisler motioned to accept the June 19th minutes as written, seconded by Mr. Wrenn.
Motion passed 3 – 0 – 2 with Ms. Nysten and Mr. Fricchione abstaining.**

July 10th - Minutes were amended

Ms. Crisler motioned to accept the minutes of July 10th as amended by Ms. Nysten, seconded by Mr. Wrenn. Motion passed 5 – 0.

July 17th - Minutes were amended

Ms. Crisler motioned to accept the minutes of July 17th as amended, seconded by Mr. Wrenn. Motion passed 4 – 0 – 1 with Mr. Fricchione abstaining.

Liaison Reports

- WEDC – Mr. Wrenn stated they have a meeting on Friday, August 9th at 7:30 am. Mr. Ralph Valentine is the new Chairman.
- CIP – Ms. Wood stated there are a few more groups that have not submitted to the CIP, the Planning Board being one. The Chair stated that Ms. Wood would like to know if the Planning Board has anything to submit. The Chair suggested an Aquifer Study if it would be beneficial to the Town. The Board had a brief discussion on this. DES has provided the location of well heads in Town. Ms. Wood stated the last day for submittal for the CIP is August 21st. Ms. Wood stated Mr. Carpenter will have a presentation on impact fees at the next CIP meeting.

July Staff Report

Member Binder Update-Subdivision Regulations Cover Page

Old/New Business

- The Chair stated that a question had come up about how many copies of the Subdivision plan needed to have original signatures. The Regulation states a Mylar copy and 3 copies need signatures. The question is whether it was just the Mylar copy or the Mylar and 3 copies all need original signatures. The Subdivision Regulations are is not clear. Ms. St. Laurent will send the Board clearer language for this. In the

Site Plan Regulations our submittal requirements are the Board wants to have one original signed Mylar and 3 copies. We need to make sure that the Town has the record that we need for Subdivision Plans and Site Plans. This will be sent to Attorney Campbell for his opinion.

- The Chair stated in regards to the TRC that she is working with staff on the process. It is not pinpointed in our Site Plan Regulations. It is shown on the Application Flow Charts that TRC reviews after the application is submitted. If a parcel goes to TRC before it comes to the Board and the review happens before application, how does the Board know if it is the same plan that TRC reviewed. The Chair and the Board want to make sure it is the same plan that the TRC reviews because the Board bases their decision on TRC recommendations. The Board discussed the benefit of having the applicant go back to the TRC to make sure there are no substantial changes.

Ms. Crisler motioned to direct staff that all applications that come to the Planning Board be submitted to the TRC after the submission and before the Planning Board public hearing, seconded by Mr. Wrenn. Motion passed 5 – 0.

Adjournment

Ms. Crisler motioned to adjourn at 10:15 pm, seconded by Mr. Wrenn. Motion passed 5 – 0.

These minutes are in draft form and respectfully submitted for your approval by Cathy Pinette, Planning Board Minute Taker