



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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Approved Planning Board Minutes

Wednesday, March 2, 2016

7:00pm @ Community Development Department

Alan Carpenter, Chairman - Present
Kristi St. Laurent, Member - Present
Margaret Crisler, Member - Excused
Joel Desilets, Selectman - Excused
Kathleen DiFruscia, Alternate -Excused
Ross McLeod, Alt Selectmen - Present

Paul Gosselin, Vice-Chairman - Present
Dan Guttman, Member - Present
Ruth Ellen Post, Member - Present
Gabe Toubia, Alternate - Present
Matthew Rounds, Alternate - Present

Staff:

Laura Scott, Director Community Development
Suzanne Whiteford, Minute Taker

Call to Order/Attendance/Pledge of Allegiance

Mr. Toubia seated for Ms. Crisler

Public Hearings – Continued from January 6, 2016

Case 2015-32 Minor Site Plan/Change of Use 26 Haverhill Road (Lot 11-A-315)

A Minor Site Plan Application has been submitted for 26 Haverhill Road (11-A-315), located in the Limited Industrial District. The applicant, Joseph Maynard of Benchmark Engineering, Inc., on behalf of the property owner Macmulkin Chevrolet, is proposing to amend the previously approved Site Plans (from 1977, 1988, 1993, and 2000) to allow a contractor's yard, manufacturing enterprises, storage yard, minor repair shop office, and commercial service establishment. In addition, a paved driveway is proposed to connect 22 Haverhill Road (11-A-317).

Applicant Mr. Joseph Maynard reviewed Case #2015-32.

Mr. Guttman asked the applicant if the lights on the side of the building could be lowered.

Owner and Applicant replied the height of the lights in question were placed to match the height of the existing lights on the building and they do not wish to voluntarily lower them.

Mr. Rounds asked the applicant if the que of the lights cause pollution.

Mr. Maynard replied the lights meet the ordinance, and the lights don't shine on the ground past the lot line.

Ms. St. Laurent asked if the plans were available for the Reds Tavern. Ms. St. Laurent would like to see the plans to know whether or not the clearing that took place for Reds construction

may be causing the problem with light pollution and visibility concerning the residents on Haverhill Rd.

Mr. McLeod commented on the light source and where the lights hit the ground do not necessarily impact light pollution.

Mr. Gosselin asked Ms. Scott if the tree planting around Red's Tavern was verified by the Town to be the quantity and location as approved on the plans.

Ms. Scott confirmed that the current quantity and location of the trees on Red's property are planted per approved plans.

Chairman Carpenter opened the hearing for Public comment.

Carla Dukas, 7 Hardwood Rd., spoke in opposition to the visual impact on her home from the light pollution and the visibility of what is clearly an industrial site from 26 Haverhill Rd. Ms. Dukas distributed a packet she prepared with written concerns regarding visual and noise impact, and pictures of 26 Haverhill Rd. and surrounding area pre and post clearing. A copy of Ms. Dukas's packet was placed in the file for Case #.2015-32.

Mr. Gosselin commented the noise issue is not governed by the Planning Board.

Ms. Post asked Ms. Dukas to provide more specific information regarding the noise she was hearing from 26 Haverhill Rd.

Ms. Dukas clarified that she is concerned there are manufacturing activities proposed for the site and would like all activities (proposed and actual) to be reflected in the site plan. Ms. Dukas would like to have assurance the noise impact from wood cutting is minimized. Ms. Dukas does not know how to predict the noise from the proposed uses/activities for the property.

Mr. Gosselin asked Ms. Scott to confirm that the plan is not for new uses but approval for existing uses.

Ms. Scott confirmed that the requested uses for approval are existing uses.

Mr. McLeod stated the Planning Board cannot know the concerns of the Planning Board in 1977 regarding buffers when the site plan was originally approved at that time. Mr. McLeod believes the issues being raised now are due to the buffer being removed when 22 and 26 Haverhill Rd. were developed. Mr. McLeod believes the Planning Board needs to consider placement of a buffer if the current use is allowed to continue.

Mr. Gosselin asked Ms. Dukas if she has a date stamp for the pre and post pictures she included in her packet.

Ms. Dukas does not have a date stamp for the pictures.

Chairman Carpenter asked the owner and applicant if the plan for use is any different from the site's existing use. Owner and applicant responded they are not proposing any new uses for the site.

Chairman Carpenter asked for the owner and applicant for an explanation of what is intended by 'manufacturing enterprises' that is requested for approval in the application.

The owner explained that manufacturing enterprises refers to splitting wood.

Chairman Carpenter asked whether the repair shop was internal or external.

The owner replied the shop is external for minor repairs.

Chairman Carpenter asked the owner and applicant for an explanation of what is intended by 'commercial service establishment' that is requested in the application.

The applicant explained the request for commercial service establishment is intended to allow rental space for vehicles housed on the site.

Mr. McLeod commented that per the posting, it sounds like a commercial service establishment is not currently on the lot. Mr. McLeod asked the owner and the applicant to clarify what is requested for approval as new use, and what existing uses have been approved.

The owner and applicant replied manufacturing enterprises is not an approved use, the storage yard was approved in 1978, and the minor repair shop office if a proposed new use.

The owner and applicant commented that the neighboring lot was responsible for the clearing of the buffering.

Mr. Toubia commented that splitting wood is not called manufacturing.

Ms. Scott clarified the owner labeled the wood splitting as manufacturing.

Chairman Carpenter commented that the current uses requested for approval are allowed uses in the limited industrial zoning and asked Ms. Dukas what would make her happy.

Ms. Dukas is requesting the Planning Board's consideration for mitigation of noise and visual impact on her residence from the owner's property.

The owner and applicant stated they met with the Ms. Dukas and agreed to plant 6 trees, 5 feet tall, to help mitigate visual impact from his property to her residence.

Mr. Gosselin asked Mr. Thompson (the owner) where he intends to plant the proposed 6 trees he discussed with Ms. Dukas to mitigate visual impact.

Mr. Thompson replied he intends to plant the trees on his property.

Chairman Carpenter asked Mr. Thompson if he would agree to limit wood cutting to weekdays between the hours of 8am and 5pm. Mr. Thompson was agreeable to Chairman Carpenter's request for specified hours of woodcutting.

Chairman Carpenter asked Mr. Thompson if he would consider changing the lights on the building to mitigate light pollution. Mr. Thompson replied the lights meet regulations and he is not willing to change or move the lights. Mr. Thompson agreed to check into availability of shields for the lights.

Chairman Carpenter asked Mr. Thompson if he would consider painting the building a neutral color. Mr. Thompson replied the building is painted a neutral cream color and has been the same color since 1978; he is not willing to change the color.

Mr. Rounds commented that in 1977 some of the current industrial uses were approved and dropped off on subsequent plans. This is an industrial zone and Mr. Thompson is trying to do what is right. Mr. Rounds commented that the issues sound like an administrative mistake.

Mr. Gosselin asked how many residents on Hardwood Rd. are affected.

Bert Baldrige 9 Harwood Rd. noticed Mr. Thompson's building when the site work for Reds Tavern was done.

Mr. Gosselin stated the owner could work it out with the limited abutters. Mr. Gosselin commented that whatever clear cutting occurred for the development of Reds may have been an unintended consequence.

Ms. Scott stated she does not remember ever discussing being able to see Mr. Thompson's building when clear cutting occurred for Reds.

Ms. Dukas requested that no further clear cutting will occur without site plan approval, and the plan for buffering be on the record.

Ms. St. Laurent stated the 2002 site plan in the packet shows a tree buffer that is not on the pictures Ms. Dukas has included in her packet.

Chairman Carpenter closed the hearing for public input.

Ms. St. Laurent suggested to plant something behind the area where the equipment is stored relevant in height to the equipment being stored on the property.

Mr. Toubia agrees with setting (limiting) the hours of operation.

Ms. Post has the following requests of the owner and applicant:

1. Hours of operation clearly delineated; with a preference for 9-5 weekly, no weekends.
2. Limit the hours of operations when dumpsters are picked up and emptied to 8-5 weekly.
3. Make the existing lights more night sky friendly.
4. The owner and applicant submit a specific plan for landscaping to provide screening between the owner's property and the abutters homes on Hardwood Rd. to mitigate noise and assist with visual appeal.
5. No further removal of natural growth from the area.

Mr. Gosselin clarified that the current lights on the building are dark sky friendly and meet the dark sky criteria. The owner should submit a plan to mitigate the lighting that is impacting the neighbors.

Chairman Carpenter inquired about the town's fence height restrictions.
Ms. Scott replied a fence higher than 8 feet requires approval from the Planning Board.

Mr. Guttman would like to know what shielding options are available for the existing lights on the building.

Mr. Thompson requested time to research his options and limitations regarding restrictions on hours of operations and shielding for lights.
Chairman Carpenter informed Mr. Thompson conditioning hours of operation for approval on a submitted plan are regulated by the town.

Mr. McLeod recommends the hearing be continued for the following 2 reasons:

1. Per Section 606 limited industrial uses includes contractor yards that are required to be compatible use with neighboring residents; most contractor yards are interior type uses to limit noise. The neighborhoods have changed and been developed since the 1960's
2. Mr. McLeod would like to see a concrete neighborhood impact plan per Section 606.2.9.

A motion was made by Mr. McLeod to continue Case #2015-32 to April 6, 2016 with the following conditions: Per Section 606.2.9 the owner/applicant submit a neighborhood impact plan that includes specific plans to address hours of operations, lighting spillage, light pollution, and screening of the storage area.

Second by Mr. Toubia

Vote 6-1-0 Mr. Gosselin opposed to the condition of approval for the owner to put together a neighborhood impact plan. Mr. Gosselin stated Mr. Thompson's property has been commercially zoned since 1977 and neighborhoods have been built around the property. Mr. Gosselin believes it is reasonable to request the owner to submit a plan which includes storage area screening, shielding of the lights, and limited hours of operation. Mr. Gosselin believes if those 3 items are satisfied, the impacted abutters on Hardwood Rd. would be happy.
Mr. McLeod clarified that his motion is looking for a concrete plan for the 3 items Mr. Gosselin addressed.

Motion carries.

Case 2015-33 Minor Site Plan/Change of Use 22 Haverhill Road (Lot 11-A-317)

A Minor Site Plan has been submitted for 22 Haverhill Road (11-A-317) located in the Limited Industrial District. The applicant Joseph Maynard, of Benchmark Engineering, Inc., on behalf of the property owner, MacMulkin Chevrolet, is proposing to amend the previously approved Site Plan to add a paved driveway to connect to 26 Haverhill Road (11-A-315).

A motion was made by Mr. Gosselin to conditionally approve Case #2015-33 based on approval of above case within 90 days with the condition the owner provides legal documents for the easement

Second Mr. Guttman

Vote 6-1-0 Mr. Toubia opposed to the condition for the easement.
Ms. Scott referenced memo dated December 30, 2015 requesting legal documents granting an easement.

Motion carries

Public Hearing

Case #2016-2 Minor Site Plan & Major Watershed Application for 19 Enterprise Drive

A Minor Site Plan & Major Watershed Application has been submitted for 19 Enterprise Drive (11-C-180), located in the Business Commercial A and Cobbetts Pond and Canobie Lake Watershed Protection District. The applicant, Joe Maynard of Benchmark Engineering, on behalf of the property owner, Dade Realty Trust, is proposing to construct a 34'x60' garage for storage and associated drainage improvements to offset the approximate increase of 280sqft of impervious cover. 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

Ms. Scott stated there are no concerns from Mr. Keach and it is considered a minor site plan. Ms. Scott referenced her memo dated 2/26/16 to the Planning Board recommending the following items be added to the final plans set, prior to signature if approved, and the applicant be prepared to address them at tonight's meeting:

1. Calculate the public safety impact fee for the new structure and add it to the plan.
2. Calculate and show the total impervious sqft of existing pavement where the proposed garage is to be located so that the additional sqft proposed can be confirmed.
3. Add the parking requirements to the plan.

A motion was made by Mr. Gosselin to open Case #2016-2 as a minor site plan application. Second by Mr. Guttman

Vote 5-1- 1 Ms. St. Laurent opposed, she isn't sure if the plan meets minor site plan regulations based on the proposed size of the garage. Mr. McLeod abstained.

Motion carries

Ms. Scott confirmed the proposed garage size is 34' x 60'.

Applicant Mr. Joseph Maynard with Benchmark Engineering reviewed the proposed plans for Case #2016-2. No change in use is proposed. Mr. Maynard stated the intended use for the proposed garage is to house the equipment. Mr. Maynard does not plan to connect the buildings. He is not proposing lighting on the building aside from a small light above the man door;no security lights are being proposed.

Ms. Post stated she is concerned about the square footage of the proposed garage exceeding what is allowed to be considered as a minor change. Ms. Post asked for confirmation of the existing garage on partial pavement.

Mr. Maynard explained he is swapping the driveway for impervious coverage. Mr. Maynard stated he is not proposing new or additional paving.

Ms. Post asked the applicant to confirm the impervious surface of the slab/foundation.

Mr. Maynard said he is adding 280 square feet which is on the submitted drainage plan. Mr. Maynard stated that 1775 square feet of existing asphalt is proposed to be removed.

Ms. Scott asked Mr. Maynard to explain the existing impervious surface and the proposed impervious surface.

Mr. Maynard stated that there is 11155 square feet of existing impervious surface; he is proposing 11432 square feet of impervious surface per plans submitted.

Mr. McLeod confirmed with the applicant that half of the roof is going into the drip line and the increase in square footage is mitigated.

Mr. Gosselin asked the applicant how many people are employed. Mr. Gosselin is concerned about ample employee parking.

Mr. Maynard replied the owner has one full time employee, so there is ample parking.

A motion was made by Mr. McLeod to approve case # 2016-2 as submitted and to include the following conditions:

- 1. Calculate the public safety impact fee for the new structure and add it to the plan.**
- 2. Calculate and show the total impervious sqft of existing pavement where the proposed garage is to be located so that the additional sqft proposed can be confirmed.**
- 3. Add the parking requirements to the plan.**

Second by Mr. Gosselin

Ms. Post would like to add the storm water management report that concludes the abutters will not be negatively impacted by the proposed plan.

Vote 7-0-0

Motion carries

Financial Guarantee Release – Walkers Woods

Mr. Rounds seated for Mr. Carpenter

Motion by Ms. Post to recommend to the Board of Selectman that the Letter of Credit be reduced from \$838, 769.10 to \$701,977.98 as recommended by Mr. Keach

Second by Mr. Rounds

Vote 6-0-1 Mr. McLeod abstained as he will be voting on it when it before the BOS

Motion by Mr. Guttman to approve the site walk minutes for 2/3/2016.

Second by Mr. Rounds

Vote 5-0-2 Ms. Post and Mr. McLeod abstained

Chairman Carpenter returned

Mr. Toubia excused

Mr. Rounds seated for Mr. Toubia

Motion by Mr. Guttman to approve the minutes for 2/3/16 as amended

Second by Ms. Post

Vote 6-0-1 Mr. McLeod abstained

Motion by Mr. Rounds to approve the minutes for 2/10/16 as amended
Second by Ms. St. Laurent
Vote 5-0-2 Ms. Post and Mr. McLeod abstained

Motion by Ms. St. Laurent to approve minutes for 2/15/16
Second by Mr. Guttman
Vote 3-0-0 (subcommittee members only voted)

Motion by Mr. Rounds to approve the minutes for 2/17/16 as amended
Second by Mr. Guttman
Vote 5-0-2 Mr. Gosselin and Mr. McLeod abstained

Rules of Procedure Workshop

The Planning Board reviewed the edits to Rules of Procedure made by Mr. McLeod. Mr. McLeod will make amendments as suggested and send a revised copy of Rules of Procedure to staff for distribution. Ms. Scott will have the edited version reviewed by Attorney Campbell before posting it for the scheduled public hearing on March 23, 2016.

Motion by Mr. Guttman to move Rules of Procedure as amended and after review by Attorney Campbell to public hearing for March 23, 2016.
Second by Mr. Gosselin
Vote 7-0-0

Motion by Mr. Gosselin to adjourn
Second by Mr. Guttman
Vote 7-0-0
Meeting adjourned 9:56pm