



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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Approved Planning Board Minutes

Wednesday, February 3, 2016

7:00pm @ Community Development Department

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

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

Staff:

Elizabeth Wood, Community Planner, AICP
Laura Scott, Director of Community Development
Suzanne Whiteford, Minute Taker

Call to Order/Attendance/Pledge of Allegiance

Case#2015-34/Preliminary Major Site Plan/Design Review Major Subdivision/Simpson's Crossing

A Preliminary Minor Site Plan Application and Design Review Application for a Major Subdivision has been submitted 36 Marblehead Road (25-G-30, 40), located in the Residence District A zone and Wetland and Watershed Protection District (WWPD) Zone. The applicant, Joseph Maynard, of Benchmark Engineering, Inc., on behalf of the property owners, South Fork Properties, LLC and Windham Marblehead Properties, LLC, is proposing a 55+ housing community consisting of 37 single-family units including related parking, drainage, and snow storage areas. New roads are proposed to access the development. A WWPD Special Permit will be required at the time a final application is submitted due to proposed disturbance for the installation of roads, parking, and drainage features.

Ms. Wood directed the Board to the items listed on page #2 of her memo highlighting the Board's considerations and concern from the last meeting for Case #2015-34.

Mr. Guttman asked the applicant about lot sizing and intended placement for the septic system on each lot as they are not shown/defined on the plans.

Ms. Post has the following concerns/comments/questions:

- Concern about lot size and location of septic system
- What waivers will be requested
- What is the pavement width
- What is the length of the road
- Placement of WWPD markers

Ms. Crisler has the following concerns/comments/questions:

- Is the detention pond adequate to protect Rock Pond
- Requested an expert's opinion addressing the adequacy of the proposed detention pond
- How will the units be constructed to qualify for the density bonus
- Requesting floor plans for the upstairs and basement
- Concern about the lack of amenities, lack of a clubhouse is a considerable oversight
- Concern about site distance along Marblehead Rd.; specifically, with regards for safety of the elderly

Mr. Desilets has the following concerns/comments/questions:

- Not concerned about a club house
- Would like to see recreation plan
- Clarified the correspondence from staff dated 1/28/16 that no new material has been submitted since last hearing

Mr. Toubia has the following concerns/comments/questions:

- Concern about club house; would like to see studies that show 55+ don't want those type of amenities as pointed out by the applicant
- Requested a second, independent opinion, about road conditions, community well water, and adequate planning to protect Rock Pond
- Would like to see Conservation Commission concerns addressed.

Mr. Rounds has the following concerns/comments/questions:

- Inquired if the applicant is willing to write into the covenant the community will remain 55+ and will remain a single couple dwelling, and conduct a hydrological study.

Mr. Maynard responded that under federal guidelines he cannot limit the occupants to two. A hydrological study is being done and will be submitted upon completion.

Ms. DiFruscia has the following concerns/comments/questions:

- Requested to see a hydrologic study
- Asked how much of the 32 acres is in the watershed of Rock Pond
- Requested to see in the final plan how it meets the Cobbetts Pond ordinance
- Concur with other issues raised by all other members

Mr. Maynard responded that the entire project is in the Rock Pond watershed.

Mr. Maynard responded the surface water aspect will be taken care of in his final plan.

Mr. Maynard will conduct a hydrological study.

Chairman Carpenter has the following concerns/comments/questions:

- Concerned with the point of access for Marblehead road
- Chairman Carpenter has a safety concern about the plan as designed
- Concern about lack of a community water system
- Chairman Carpenter read Section 610.3 of the zoning ordinance to review the items which are at the discretion of the Planning Board

- Why would a density bonus be considered by the Board for a plan that is basically single family dwelling units with minimum unique features
- The existing forest does not have a lot of undergrowth and therefor may not provide any visual screening in the winter or spring
- Chairman Carpenter read the following ordinances to be considered: 610.7.2, 610.7.3, 610.9
- What distinguishes this plan as a development for older persons Vs. a single family development

Donna Gauthier, 50 Marblehead road

- Spouse of the applicant
- The plan meets zoning requirements
- Currently the town is not close to the maximum allowed 55+ housing units
- There is nothing in the federal, state, or town law that says anything about recreational services
- Griffin park is within 2 miles of the plan and can be used for recreation
- Medical facilities and social gathering places are within 3 miles of the plan
- The owner intends to market and manage the plan as 55+ housing units
- Occupants must prove age by birth certificate
- The owner does not intend to ask for a bonus density
- The density requirement will be met by changing 3 existing units from 2 bedrooms to 1 bedroom

Mr. Maynard commented there will be deed restrictions, the 3 1 bedroom units will have a smaller foot print, and both will be shown on the final plan.

Jo Gauthier, 50 Marblehead Road

- This is conceptual, and he is looking for feedback from the Planning Board
- We want to achieve the highest investment on the property
- Believes there is a need for single family homes available to people over 55 looking to downsize
- The plan exceeds the town regulations on all aspects of the development and he is not asking for anything beyond what is permitted
- Mr. Gauthier is willing to plant evergreens for buffer at the request of any abutter
- According the road agent, Marblehead Road meets safety requirements; however, Mr. Gauthier is willing to so additional improvements for safety
- All units will be adaptable
- Mr. Gauthier intends to work with the Rock Pond Association and mutually desires for the quality of Rock Pond to be sustained
- The estimated price range, in response to Mr. Guttman's inquiry, will start higher than \$300,00

Mr. Desilets inquired about the existing plan dated 11/12/2015, referring to plan note 1c, and asked the applicant to clarify the plan's total number of units proposed.

Mr. Maynard clarified 3 of the 37 units will be 1 bedroom units; a new plan has not been submitted.

Mr. Gosselin read two letters of objection into the record:

1. Tom and Patricia Barstow, 9 Canterbury Rd., dated February 1, 2016
2. Ed Crean, 5 Canterbury Rd. Windham, dated January 29, 2016

Barbara Robinson, 7 Canterbury Rd. spoke in opposition of the proposed plan due to concerns about density, run off into Rock Pond, safety, and quantity of water.

Amy Manzelli, Esq. with BCM Environmental & Land Law, PLLC spoke as the representative for the Rock Pond Improvement Association. Ms. Manzelli does not believe the application meets all the requirements for a preliminary major site plan. Ms. Manzelli has not received a response from the Gauthiers to her request for further information which is needed for the Rock Pond Association to make a final decision about the plan. Ms. Manzelli requested that the Planning Board urge the owner to work with the Rock Pond Association.

Tom Ballestero, a Certified Hydrologist who specializes in research on storm water management and is speaking on behalf of the Rock Pond Association. There are better designs available for storm water management than what is being proposed. Mr. Ballestero pointed out there are stream crossings on the property. As presented, the entire project is draining into Rock Pond. Mr. Ballestero is willing to provide some suggestions that are less expensive, and manageable for maintenance.

James Houle works with Mr. Ballestero. Mr. Houle has researched advances in storm water management for over a decade. Mr. Houle explained that the buffers are the first line of defense for protecting the pond. Mr. Houle's detailed request of items for review from the applicant are listed in Ms. Manzelli's letter addressed to Mr. Gauthier dated January 21, 2106. Of the requested items, Mr. Houle specifically mentioned he is requesting to review the findings of the existing condition plan and the hydrological study when completed. Mr. Houle's requests

Ms. Crisler asked Mr. Houle if the Planning Board should be looking at a lower % of impervious surface than required in the existing ordinance for the area around Rock Pond.

Mr. Houle responded that it is very important to see how the preexisting conditions are impacted by the proposed plan. Mr. Houle frequently observes grade changes as a result of construction and development which moves water from one location to another where water didn't naturally move; which increases the impact on one area where the water is moved to. Mr. Houle referenced 601.4.3 and commented that all associated wetland areas on the property are contiguous to Rock Pond. Mr. Houle pointed out that the wetlands appear separated on the plan, but they are contiguous.

Norm Young, 1 Jordan Rd., treasurer of friends of Moeckel Pond pointed out that what goes into Rock Pond goes into Moeckel Pond.

Carol Pynn, Cobbett's Pond Rd., urged that the Planning Board request the owner to preserve and retain the existing stone walls on the property as they are historical resources. The plan as submitted goes through the stone wall.

Alan Decker, 35 Abbott Rd., VP of the Rock Pond association which was incorporated in 1936. Mr. Decker pointed out that the applicant's property is the last large track of property around Rock Pond and is environmentally critical to the watershed.

Lisa Riel, 34 Marblehead Rd. is concerned about wells, environment, and safety. Ms. Riel believes property values will diminish due to the dangerous road conditions that will be created as a result of the proposed development.

Bruce Riel, 34 Marblehead Rd. spoke in opposition of the proposed development. Mr. Riel displayed several pictures (entered into the file) around Marblehead Rd. to provide a visual reference for his concerns about safety. Mr. Riel believes an existing dangerous road and traffic conditions will worsen with added traffic from the proposed development.

Sheila Gracia, 23 Emerson Rd. asked if there will be access to Rock Pond for the residents of the proposed plan; if so, will they be allowed to bring non motor boats onto the Pond, and where will the access be?

Michael Furey, 27 Emerson Rd. spoke in opposition of the proposed development due to his concerns for water run off flowing directly into Rock Pond.

Roy Roberts, 15 Canterbury Rd. requested that lighting requirements be shown on the plan.

Wayne Morris, President of the Conservation Commission requested the applicant show if there is a connection between the wetlands shown on the plan; specifically, if there is connectivity between the smaller and larger wetland shown on the plan. Mr. Morris believes WWPD exists beyond the wetlands shown on the plan.

Tom Barstow, 9 Canterbury Rd. spoke in opposition of the plan as proposed with regards to water quantity and quality. Mr. Barstow requested that the applicant consider a community well with careful consideration for placement.

Ms. Post has the following concerns/comments/questions:

- Requested an independent traffic study with attention to safety on the corner of Marblehead Rd.
- This is a specialized older persons' development and we need to look at the access road as part of the traffic study.
- The access road should accommodate persons aging and potentially with disabilities related to age.
- The proposed plan is not an ordinary subdivision proposal. This is a special kind of residential development, the ordinance that applies here gives the Board incredible discretion to approve the development. The Planning Board has the right to not approve it at all.
- Suggests the Board exercise some discretion.
- Ms. Post does not believe there is an overwhelming need for elderly housing.
- The proposal is overly dense; Ms. Post would prefer to see something proposed closer to 20 – 25 units.
- Ms. Post has concerns about water quantity and quality.
- There are unknowns regarding septic placement; it appears excessive and introducing unnecessary issues.
- Ms. Post requests that the applicant work with the Rock Pond Association.

Mr. Desilets has the following concerns/comments/questions:

- Mr. Desilets does not see a problem with changing 3 2 bedroom units to 1 bedroom units; they may be more affordable and appealing.
- Mr. Desilets clarified the applicant is not requesting a bonus density.
- Requesting that the applicant implement 2 barrier free features: 36-inch-wide doors, and 42-inch-wide hallways.
- Requesting validation that the application meets all requirements for a preliminary major site plan.
- Requesting a traffic study completed and a date it can be expected to be available for review.
- Requesting the applicant to consider a community well
- Would like data of water usage for 55+ compared to unrestricted use.
- Rock Pond association requests 8C, and 8F may be onerous on homeowners.

Mr. Gosselin has the following concerns/comments/questions:

- Understand the concern for a community well and believes there may be some merit to it.
- If you own the land you have the legal right to drill a well or more than one on the property.
- Encouraged the applicant to work with the Rock Pond association and UNH storm water Center.

Mr. Guttman requested the applicant to submit a traditional yield plan and consider a community well.
Mr. Guttman requested information on when were the wetlands flagged and who flagged them.

Ms. St. Laurent echoes water quality and quantity concerns. Ms. St. Laurent would like to see benches available within the development for pedestrians and a community garden mapped on the plan where it could go in and be activated easily.

Ms. Crisler requests the following from the applicant:

- Consideration of a community well
- A landscaping plan for the overall development
- A traffic study with particular attention paid to sight distance coming out of the development in consideration of the elderly drivers.
- Feedback from public safety about the cul de sac width; visitors will be parking in the street, want to be sure there is room to park in the street and other vehicles to pass.
- The applicant work with the Rock Pond Association.
- Address the 12 items listed in Section 610.9
- Submit a lighting plan showing the location and type of lights within the development
- Agree with Ms. Post regarding density.
- Ms. Crisler commented the plan lacks a community feel. There should be a common area and other features to promote social life within the development.

Ms. DiFruscia requests the following from the applicant:

- Consideration of a community well
- An independent traffic study
- A current condition plan
- Maintain the existing stone wall

- The applicant work closely with items identified from UNH Storm Water Center and the Rock Pond Association.
- Ms. DiFruscia commented that natural resources are fragile and require protection.

Chairman Carpenter commented that Rock Pond is heavily wooded, there is a high quality of water as it is spring fed. Chairman Carpenter would like to keep Rock Pond the way it is today. Chairman Carpenter suggests that the Board continue the case and clarify recommendations to the applicant.

**Motion by Mr. Gosselin to continue Case #2015-34 to February 10, 2015 as first agenda item
Second by Mr. Desilets**

Vote 7-0-0

Motion carries.

Ms. Post excused, Mr. Toubia seated for Ms. Post
Staff: Laura Scott, Director of Community Development

Case # 2015-35 A Preliminary Major Site Plan/Housing for Older Persons Design Review & Cobbetts Pond and Canobie Lake Watershed Application (Lots 18-L-300 and 18-L-201)

A Preliminary Major Site Plan/Housing for Older Persons Design Review & Cobbett's Pond and Canobie Lake Watershed Application has been submitted for Lots 18-L-300 and 18-L-201 in the Professional, Business and Technology (PBT), Residence A and Cobbett's Pond and Canobie Lake Watershed Overlay Districts. The Applicant, Karl Dubay of the Dubay Group, on behalf of the owner, Angle Wood Pond Realty Trust, is proposing a mixed use development consisting of restaurants, medical uses, offices, research and development space, child care, personal service establishments, adult day care, commercial services and 32 units of 55+ senior housing (townhouse style). Shared parking, greenspace, private roads/driveways, and outdoor passive recreation uses are also proposed.

Ms. Scott reviewed with staff the expectation of tonight's proceedings and reviewed memos in the packet.

Mr. Desilets would like to have seen a revised plan from the applicant as offered per Mr. Dubay's memo to Ms. Scott dated 1/27/2016. Mr. Desilets spoke in opposition of staff's decision to not require a revised plan for review.

Ms. DiFruscia spoke with representatives of both lake associations and a representative from Geosyntech earlier today and would like to relay to the Planning Board that Mr. Dubay is working with both lake associations and Geosyntech and is waiting for the final drain plan.

Mr. Karl Dubay, The Dubay Group, Inc.

Mr. Dubay reviewed 6 improvement items incorporated into the revised plan as requested by the Planning Board and outlined on his memo to Ms. Scott dated January 27, 2016.

Mr. Haddad, 7 Edgewood Rd, is an abutter. Mr. Haddad relayed to the Planning Board he had a good meeting with Mr. Dubay and believes the applicant is acting in good faith. Mr. Haddad still has concerns with a 3 story building abutting his property. Mr. Haddad believes he and his 2 neighbors will be the only abutters, in town, to a 3 story building.

Chairman Carpenter asked Mr. Dubay if he can look to see if the 3 story building abutting Mr. Haddad and his neighbors could be changed to one story.

Chairman Carpenter likes the plan but is concerned about limited access to the residents and concerned about the location of service roads.

Mr. Gosselin likes the plan, encourages Mr. Dubay to have a back connection located on the property as a future interconnection. Mr. Gosselin agrees with Chairman Carpenter's comments.

Mr. Rounds likes the plan and asked if the applicant can dedicate a road to the far right for the residents. Mr. Dubay responded that a dedicated road as Mr. Rounds suggested doesn't integrate with PB&T.

Ms. DeFruscia commented she especially likes the plan.

Mr. Desilets commended the applicant for working proactively with the lake associations.

Mr. Desilets asked if it is accurate that the residents are on the second level of the 3 story building.

Mr. Dubay replied the residents are lower. Mr. Dubay wants to work with the abutters to develop proper landscaping buffers.

Mr. Desilets looks forward to seeing the traffic study before making a decision about whether additional access is necessary.

Ms. Crisler commented she admires the plan and believes it will be an asset to the community. Ms. Crisler would like to see the Delahunty drive connection into the community.

Chairman Carpenter would like better planning for access to the development.

Mr. Toubia commended the plan.

Mr. Guttman suggested a 2 story parking garage instead of the proposed open parking lot.

Ms. St. Laurent agrees with Chairman Carpenter's comments. She would like to talk with land owners regarding a service lane into the development and suggested to enlist help from Design Shurette, Plan NH.

Motion by Mr. Gosselin to close Case # 2015-35 A Preliminary Major Site Plan/Housing for Older Persons Design Review & Cobbetts Pond and Canobie Lake Watershed Application (Lots 18-L-300 and 18-L-201)

Second by Mr. Guttman

Vote 7-0-0

Motion carries

Motion by Mr. Gosselin to end the meeting and reconvene for the scheduled site walk at Red's Tavern parking lot.

Second by Mr. Guttman

Vote 7-0-0

Motion carries