



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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Planning Board Draft Minutes

December 7, 2016

7:00 pm at Community Development meeting room

3 No. Lowell Road

Attendance:

Paul Gosselin, Chairman (Present)

Kristi St. Laurent, Vice Chair (Present)

Margaret Crisler (Present until 10:15 PM)

Alan Carpenter (Present until 9:45 PM)

Dan Guttman, (Present-arrived at 7:45 PM, seated at 7:53 PM)

Ruth-Ellen Post (Present until 10:15)

Ross McLeod, Board of Selectmen Representative (Present)

Jennifer Simmons, Board of Selectmen (alternate) (Excused)

Kathleen DiFruscia, Alternate (Present) – Seated for Ms. Crisler at 10:15 PM

Matt Rounds, Alternate (Present) – seated for Mr. Guttman from 7:00-7:45 PM; seated for Mr. Carpenter at 9:45)

Gabe Toubia, Alternate (Present) – seated for Ms. Post at 10:15 PM

Staff:

Dick Gregory, Planning Director

Call to Order / Pledge of Allegiance

Alternate member Matt Round was seated for Mr. Guttman until such time that he arrives, which is expected to be around 8 PM.

PUBLIC HEARING

Agenda Item 1:

Case 2015-35 Gateway Park, 53 & 67 Range Road

Per the agenda, a request to extend the approval time frame and a continuance until January 2017 were requested.

Motion:

A motion was made by Mr. Carpenter to grant continuance for this case to January 18, 2017 at 7PM.

The motion was seconded by Mr. McLeod.

Vote: 7-0-0; Motion Passed

Agenda Item 2

Proposed amendment to Section 616: Cobbett's Pond and Canobie Lake Watershed Protection Ordinance.

Motion:

Mr. McLeod made a motion for the Planning Board to go into Non-Public session under Rule 91-A-3, II-C.

The motion was seconded by Mr. Carpenter.

Vote: 7-0-0; Motion Passed

Due to the number of attendees in the room, it was determined that the Board Members and Staff move into the back room offices for the non-public session.

The topic discussed pertained to the proposed Amendment and proposed minor wording/other changes to the Amendment to Section 616: Cobbett's Pond and Canobie Lake Watershed Protection Ordinance.

Following the discussion, all members and staff moved back into the main meeting room and resumed the Public Session.

Chairman Gosselin asked if we should open to public.

Mr. Carpenter asked for a Board Poll to ascertain favorability. This was done and positive results of favorability.

Chairman Gosselin opened it to the public and invited them to speak.

Public Speakers:

Tom McLane, President of Cobbett's Pond Improvement Association - Strongly approves of wording of the proposed wording to Section 616 and of impervious calculation. Changes are critical to preserving the Pond.

Dale Vevel, Canobie Lake Protection Association – Supports the proposed amendment. Roofs should be included. The 30% calculation is already a compromise. Stated that the chloride testing revealed that it is doubled over the past couple of years.

Chairman Gosselin brought the session back to the Board. The amendment and proposed wording changes were discussed.

The proposed changes to the proposed amendments include the following items as recommended by Town Counsel:

- **Section 616.4 Definitions** – *“Tributary Stream; Any perennial, intermittent, or ephemeral stream, flowing...”*
- **Elevate Section 616.8.4.6.9** to the next “level” within the ordinance structure and insert it as:
 - **“616.8.4.7 Bulk Storage of plowed snow except for onsite storage of plowed snow from pre-existing driveways and parking areas.”**

A third change as recommended by Ross McLeod, Selectmen's Representative to the Planning Board requires the insertion of the word “Commercial” at the beginning of the subsection of the ordinance as follows:

- “Section 616.8.4.6: **Commercial** activities involving the manufacture, bulk storage...”

Chairman Gosselin asked for a motion.

Motion:

Mr. McLeod made a motion to accept all three changes to the Proposed Amended Ordinance as noted above.
Ms. Post seconded the motion.

Prior to the voting a discussion of the motion was held that led to a change in the motion itself to accept the following:

Motion:

Mr. McLeod amended his motion to accept the two changes, as recommended by Town Counsel, to the Proposed Amended Ordinance as noted above.
Ms. Post seconded the amended motion.
Vote 7-0-0; Motion Passed

PB members discussed Section 616.8.1, which states that *“A 100 foot wide buffer zone shall be maintained along the edge of any tributary stream, **or other water conveyance system** discharging into Cobbett’s Pond and...”*

Motion:

Mr. Carpenter made a motion to strike the words “...or other water conveyance system...” from Section 616.8.1.
Ms. Crisler seconded the motion.
Vote: 6-0-1; Motion Passed.

Mr. Guttman abstained.

Chairman Gosselin asked if there are any other items for discussion pertaining to the amendment. Mr. Ross stated that he sees merit for the Citizens petition and supports it.

Motion:

Ms. Crisler made a motion to move the proposed Amendment 616 as amended tonight with the minor changes to warrant.
Mr. McLeod seconded.
Vote: 7-0-0; Motion Passed.

Agenda Item #3

Case 2016-20 Major Final Site Plan and WWPDP Special Permit Application (Lots 13-C-123 & 13-C-200) 15 Roulston Road.

An application for a Major Final Site Plan of a Subdivision intended to create thirty-two (32) dwelling units of Housing for Older Persons has been submitted for Lots 13-C-123 & 13-C-200 in the Residence A and Wetland and Watershed Protection Districts. The Applicant, Benchmark Engineering, Inc. on behalf of owners Jarosky Revocable Trust and MLC Realty is proposing to construct thirty two (32) single family detached dwelling units of Housing for Older Persons to be accessed via a private road. Density bonuses are requested under Section 610.7 of the Ordinance.

Planning Board member Alan Carpenter recused himself from this case because he is an abutter. Planning Board Alternate member Matt Rounds was seated for Mr. Carpenter at about 8:30 PM.

Gosselin asked Staff Member, Mr. Gregory, if the application is complete. Mr. Gregory stated that it is complete.

Motion:

Mr. Rounds made a motion to open the public hearing for Case 2016-20.

Ms. Post seconded it.

Vote: 7-0-0; Motion Passed.

Mr. Joseph Maynard, the Applicant, stated that he does need the density offset is now proposing 30 units, versus the originally requested 32 units.

Mr. Maynard also stated that he will drill one well for every 2 units; therefore there would be 15 wells in total.

Mr. Maynard introduced two hydrologists to discuss the water/well plan for this development. Their names are:

- **Donna Kraslow** - she is with a consulting firm based in Portsmouth, NH.
- **Abby Fapaiano** – she is with a firm in Epping, NH.

The hydrologists discussed the area of development as part of a larger territory. They presented a study showing the water yield for 33 different homes in an area with a radius of up to 4000 feet from the development area. They focused on specifically the data of Gallons Per Minute (“GPM”) for those homes that were in a narrower radius of 2000 feet. The data from these homes were taken from the Government registry in Concord. The data also seemed to present quite strong GPM.

Planning Board members were critical of the data because it did not capture a larger sample. Ms. Post indicated that the 33 homes for which the data is presented represented less than one-third of the total possible sample. Mr. Guttman noted the data to be old asked whether the GPM could have dissipated over time. Mr. Toubia questioned the integrity of the data sample given the age and given the small sample relative to the overall number of homes in the area. Mr. Toubia also stated whether the data could be updated for current GPM. Chairman Gosselin brought up that to update the data would require going into people’s homes and testing the water GPM. Mr. Toubia countered that perhaps abutters could volunteer to submit the data themselves assuming that they have their water treatment system checked annually.

Mr. McLeod asked about street or pole lighting in the development. Mr. Maynard stated that there would be a lamp post at each home in the development.

Ms. St. Laurent asked about the issues raised by Mr. Keach, Town Engineer Consultant. Mr. Maynard stated that all of Mr. Keach’s concern were addressed.

Chairman Gosselin Opened the meeting to the public for their input. The following members of the public spoke:

- **Craig Levin** – 14 Stonehedge Rd. Mr. Levin asked about the length of the berm around the development. He noted his concerns about the water and that sometimes his well goes dry. Ms. Crisler asked him about his well; he noted that it is 300 feet deep and he gets 3 GPM. His house was built in 1998. Mr. Levin also asked about the size of the planned planting of evergreens.

- **Spencer Joiner** – 18 Stonehedge Rd. Asked about whether each unit will have its own mailbox or a single, centralized location for all mailboxes. He stated that his well is 260 feet deep and yields 4 GPM.
- **Alan Carpenter** – 12 Roulston Rd. Raised the question as to the open space calculation that requires a minimum of 65% of the plan's total. He indicated that based on a visual review of the plan's map, the open space seems to approximate about 50% and this would be an issue. He also raised concerns about the impact on existing wells among abutters and the surrounding area. He suggested a community well on the far side of the development which is less densely populated by abutters and other homes. Lastly, he suggested that the developers post a performance bond in the amount of \$150,000- \$200,000 to cover the cost for drilling new wells of any abutter whose well is impacted by the development.

Mr. Carpenter left the PB meeting at 9:45 PM due to other personal plans.

Shortly following Mr. Carpenter's presentation, more questions were posed to the Mr. Maynard's consultants about the proposed wells and proximity of same, the impact these wells could have on the abutters, the integrity of the sample data presented in their report, etc.

Planning Board members decided for a site walk. Various dates were discussed and ultimately settled on Sunday, December 11, 2016 at 1 PM.

Motion:

Mr. McLeod made a motion to continue this case to January 4, 2017 at 7PM

Mr. Rounds seconded.

Vote: 7-0-0; Motion Passed.

Motion:

Mr. Guttman made a motion to waive the bylaws and hear new business after 10 PM.

Ms. Post seconded.

Vote: 7-0-0; Motion Passed.

Agenda Item #4

Case 2016-19, Final Subdivision and Major Cobbett's Pond and Canobie Lake Watershed Protection Application (Lots 21-C-70 & 80) 208 & 212 Range Road.

Bernice Kowalski & EB Rich, LLC. This project consists of a five lot open space subdivision with an existing house on one lot. In addition, one lot is in the Cobbett's Pond Canobie Lake Watershed District.

Mr. McLeod stated that he does not support all of the requested waiver.

Mr. Maynard discussed the road width and explained how the angle of the road corrects itself to be perpendicular to the street at the last 20-30 feet; although the ordinance requires a 100 ft. perpendicular length.

Motions:

Mr. McLeod made a motion to grant a waiver for maximum road grade requirement of less than 8% to allow for a proposed grade of 8%.

Ms. DiFruscia seconded.

Vote: 7-0-0; Motion Passed.

Mr. McLeod made a motion to waive the cul-de-sac requirement of 80' R.O.W. Radius, 55' centerline roadway radius to allow for a turn around as indicated on the Applicant's plans.
Mr. Rounds seconded.
Vote: 7-0-0; Motion Passed.

Mr. McLeod made a motion to waive the lot line requirement to allow for Lot 70 side lot line to be less than 100' in length.
Mr. Rounds seconded.
Vote: 7-0-0; Motion Passed.

Mr. McLeod made a motion to waive Section 610.3.2 of the Subdivision Regulations Design & Construction Standards for Drainage & Stormwater Management. This waiver is intended to allow Class V RCP to be used where the above pipe runs will have a minimum of 2 feet of cover (pipe runs will have 30" of cover) so that drainage flows to the downstream area can be maintained. This will govern the following:

- a) Cover over pipe between CB#1 – ES#1 (Culvert #1)
- b) Cover over pipe between HW#2-ES#2 (Culvert #2)

Mr. Rounds seconded.

Vote: 6-6-0; Motion Passed. (The vote tally reflects the momentary absence of one of the Board Members who stepped out during the voting.)

Mr. Rounds made a motion to waive the required road width of 22 Ft. and allow for a road width of 16 feet.

Ms. DiFruscia seconded.

Vote: 6-1-0; Motion Passed. Mr. McLeod was the dissenting vote due to risks associated with the proposed width of the road.

Mr. Rounds made a motion to waive the minimum angle of roadway intersections from 90 degrees to 60 degrees.

Ms. DiFruscia seconded.

Vote: 7-0-0; Motion Passed.

Mr. McLeod made a motion to continue this case to 1/4/2017 at 7 PM to allow the Applicant the time needed to re-address the Minimum Road Base Thickness with Mr. Keach, Town Consultant as the waiver request for this item was not considered by the Board.

Mr. Guttman seconded.

Vote: 6-2-0; Motion Passed. Ms. DiFruscia and Ms. St. Laurent dissented because they believed final approval could be granted on a conditional basis; conditional to the resolution of the Minimum Angle of Intersections to be satisfactory to Mr. Keach, Town Consultant.

Agenda Item #5

Case 2016-36, Major Final Site Plan & Wetland and Watershed Protection District Special Permit (WWPD) Application (Lot 8-C-101), 47 Roulston Road.

Motion:

Mr. Rounds made a motion to open this case.

Mr. McLeods seconded.

Vote: 7-0-0; Motion Passed.

Motion:

Mr. Rounds made a motion to continue this case to January 4, 2017 at 7PM

Mr. McLeods seconded.

Vote: 7-0-0; Motion Passed.

Agenda Item #6

Case 2016-37, Major Final Site Plan & Wetland and Watershed Protection District Special Permit (WWPD) Application (Lots 25-G-30 & 40), 36 Marblehead Road.

Motion:

Mr. McLeods made a motion to open this case.

Mr. Rounds seconded.

Vote: 7-0-0; Motion Passed.

Motion:

Mr. McLeods made a motion to continue this case to January 11, 2017 at 7PM

Mr. Rounds seconded.

Vote: 7-0-0; Motion Passed.

Agenda Item # 7:

Review and Approval of the minutes of 11-2-2016

The Board delayed the review of these minutes to check on a motion from Ms. Crisler from the tape.

New Business:

Mr. McLeod brought up for discussion the request to redirect \$180,000 in funding request from the previously approved for the Greenway to the PD Communications Center.

Motion:

Mr. Guttman made a motion to redirect CIP budgeted item of \$180,000 from the Greenway to the PD Communications Center.

Mr. Rounds seconded.

Vote: 7-0-1; Motion passed.

Mr. McLeod abstained because this item will come before the Board of Selectman.

Motion:

Mr. McLeod made a motion to adjourn at 11:00pm.

Mr. Guttman seconded.

Vote: 7-0-0; Motion passed.
