



OLD VALUES - NEW HORIZONS  
**COMMUNITY DEVELOPMENT**

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**Planning Board Minutes**  
**Wednesday, February 19, 2014 at 7pm**

**Board Members:**

Kristi St. Laurent, Chairman – Present	Ross McLeod, Selectman – Excused
Margaret Crisler, Vice Chair – Arrived at 7:30pm	Kathleen DiFruscia, Selectman Alternate - Excused
Pam Skinner, Member – Present	Steve Bookless, Alternate – Excused
Jonathan Sycamore, Member – Present	Alan Carpenter, Alternate – Excused
Vanessa Nysten, Member – Present	Jim Fricchione, Alternate – Excused
Paul Gosselin, Alternate – Present	

**Staff:**

Elizabeth Wood, Community Planner  
Laura Accaputo, Planning Board Minute Taker

**Call to Order/Attendance/Pledge of Allegiance**

Chair St. Laurent called the meeting to order at 7:05 pm, followed by the Pledge of Allegiance, member attendance and a brief synopsis of the agenda.

**Case #2013-26/Granite Woods Subdivision-Reconsideration of Conditional Approval**

- Ms. Wood explained in an effort to ensure proper procedures were followed the Town Attorney reviewed the conditional approval of this subdivision. He advised the Board to clarify two of the conditions of approval, Open Space Covenants and Financial Surety. Both conditions were included in a memo written by Steve Keach which was referenced in the decision, but they were not spelled out. Attorney Campbell suggested the Board clearly state these conditions verbatim in the decision. Ms. Wood also noted both conditions are covered by ordinance and whether or not the Board voted to make any changes, the applicant will still be required to follow these conditions.
- The Chair explained the options are to leave it as is, have an Administrative Review, or have a Compliance Hearing. She noted there are no new requirements this is just for clarity. She also stated her concern that a Compliance Hearing may set a precedent.
- Attorney Cronin, on behalf of the applicant, asked the Board to look at it from a cost perspective. He explained they draft a set of Open Space Covenants for Attorney Campbell to review. He makes amendments if necessary and returns them. It only goes back to the Board if the Town Attorney and applicant cannot agree. Regarding bonding, he stated this has been an issue of debate because of the cost of the bond and they prefer to post when they pull the Building Permit or commence any work. He noted there is no risk to the town if work hasn't begun and there wouldn't be insurance premiums being paid for nothing.
- Ms. Wood stated they need the performance guarantee prior to finalization and that is the procedure that has been followed. Ms. Nysten agreed and stated it could be a liability to the Town. Mr. Gosselin suggested following the regulations as they are stated today, it may be something to look at going forward. Ms. Nysten asked what Attorney Campbell's recommendation was and Ms. Wood replied they would have to go into nonpublic session to discuss that.

**Ms. Crisler made a motion to go into nonpublic session at 7:37pm under RSA 91-A:3 Section I (e), Pending Claims and Litigation, seconded by Ms. Skinner. Roll Call: Ms. Nysten – yes; Ms. Crisler – yes; Ms. Skinner – yes; Mr. Gosselin – yes; Mr. Sycamore – yes; Chair St. Laurent – yes. Motion passed: 6-0.**

The Chair re-opened the public portion of the meeting at 7:55pm

The Chair explained she would take a consensus of the Board on the following options: stand with original decision as is, clarify, or repost for reconsidering and reopening of the case. Roll call: Mr. Sycamore – as is; Mr. Gosselin – as is; Ms. Skinner – as is; Ms. Crisler – as is; Ms. Nysten – as is; Chair St. Laurent – as is.

### **Public Hearing-Applications**

Ms. Crisler read Case# 2014-2 into the record.

#### **Case#2014-2/Crossman Subdivision**

A Subdivision Application has been submitted for 4 Greenway Road (Lot 11-A-1001), located in the Rural District Zone and Wetland and Watershed Protection District zone. The applicant Wesley Aspinwall of Edward N. Herbert Associates, Inc., on behalf of the property owner Glenn Crossman, is proposing to subdivide the existing lot, sized 2.99 acres (130,200.84 sq. ft.) containing a single-family residence, pool, and gazebo into two (2) lots. One lot, sized 1.69 (73,568 sq. ft.) is proposed to front Greenway Road and retain the existing structures. The newly created vacant lot, sized 1.3 acres (56,914 sq. ft.) will front Floral Street. The existing 10' wide utility easement along Floral Street will be retained and the existing fence enclosing the pool would encroach onto the vacant lot.

The Chair asked if the application was complete and Ms. Wood answered yes.

**Ms. Crisler motioned to accept and open Case #2014-2 for Public Hearing, seconded by Ms. Skinner. Motion passed: 6-0.**

Shane Gendron, on behalf of the applicant, explained the lots were determined by soil based lot sizing and meet regulations and frontage as configured. The existing fence that is encroaching on the vacant lot will be moved into an area that will still encompass the pool but be maintained on the property. He handed out an updated plan and explained the changes on the revised copy were minor and included providing missing frontage distance, eliminating a gazebo that no longer exists, and plan references that were added to the cover sheet. He then went on to explain they are proposing two lots. The existing lot will have primary frontage on Greenwood Rd, and will retain the existing structures. The proposed lot will primarily front on Floral St. The lot sizing and configuration of the lot were reviewed by Steve Keach. They have been through TRC and Conservation Commission and both had no comment. They will meet the NFPA1 requirement. He then explained the existing utility easement came about when there was a prior lot line change in 1996 and will remain with the property. There is nothing specific in the language of the deed that says a driveway can't be located there.

#### **Questions/Comments from the Board**

- Ms. Crisler asked if the utility easement was for power and cable only and Mr. Gendron answered he believes so, as the property has a well and septic.
- The Chair asked if they had a copy of the easement and Mr. Gendron replied there is no legal documentation other than it was shown on a previous plan and has to be carried over. Nothing changes; they will maintain the ability to have the easement.
- Mr. Gosselin asked if they checked title and deed for documentation of the easement and Mr. Gendron replied the surveyor checked and it was only shown on the last recorded plan and they didn't find anything restrictive.

- The Chair asked Ms. Wood since this was a lot line adjustment, would there be anything on file in Community Development and Ms. Wood said she would research it.
- Ms. Crisler asked if the original document said utility easement or just easement and Mr. Gendron answered the language said 10' wide utility easement.

The Chair opened the hearing to the public at 8:15pm

- Val Soroka, 6 Floral St, referred to a letter he submitted dated February 19, 2014. He stated altering the utility easement requires approval of utility company. He stated to allow subdivision would alter the intent of how the community was meant to be laid out. Old covenants explicitly excluded subdivision on adjacent lots. He is concerned for the safety of his property with all that comes with construction, blasting, etc. He is concerned for his foundation, well, and septic. He also asked how allowing this type of subdivision would impact property values.
- Ms. Nysten asked about the Blasting Ordinance and Ms. Wood explained it goes through the Fire Department for permitting and inspection.
- Mr. Soroka stated he spoke with Chief Morgan and he suggested pre and post blast inspection by a third party if this is approved.
- Mr. Sycamore asked Mr. Soroka the acreage of his lot and was told around 2.1.
- Richard Sullivan, abutter, is also concerned about his well water and foundation if there is blasting.
- Mr. Sycamore asked Mr. Sullivan the acreage of his lot and was told around 2.1. Mr. Sullivan also asked if the town has any provisions or baselines for blasting.
- Ms. Crisler stated blasting requires pre and post inspection of foundations, basements, wells, etc. within 1000 feet and that can be strengthened by the Planning Board as a condition of approval.
- Ms. Crisler asked Mr. Gendron if he was proposing blasting or hammering and Mr. Gendron replied blasting is not economically feasible for a project of this size. The grade cut required for this project can be done with a hammer. If there was any blasting they would meet the Town Ordinance. He also stated in researching the legal documents they did not find anything stating there was to be no subdivision. He stated he would have no problem putting a 20ft no cut buffer along Mr. Soroka's property line to address his privacy concerns. The lot meets all regulations and they are not asking for any waivers.
- Mr. Sycamore asked Mr. Gendron in his opinion what other lots could be subdivided in the neighborhood.
- Mr. Gendron replied it is hard to say because it is based on things like soils, frontage, and wetland impact.
- Mr. Sullivan asked how far the hammer's vibrations will transmit and Mr. Gendron replied it is low impact like a jackhammer.
- Ms. Crisler asked how long it would take using a hammer and Mr. Gendron replied a few days.
- Mr. Soroka stated he still wants the Board to impose a pre and post inspection with the hammer. Mr. Sullivan echoed this request.
- Ms. Nysten asked if inspections are typically done with the hammer and the Board did not know.
- Mr. Gendron stated they have the right to drill a well on the property and he does not think it would be fair for the Board to impose a repercussion on them for getting a well on a lot that meets all regulations. As far as a pre and post survey, the Town does not have an ordinance and he has never seen a stipulation placed on a single lot. He also stated they have State Subdivision approval.
- Ms. Crisler asked if the owner would consider adding evergreens to the buffer for privacy.
- Mr. Crossman stated he would be willing to do that.
- Mr. Soroka asked about the proposed location for the septic system on the new home and Mr. Gendron explained they haven't done a septic design for the house yet. The plan has to show a 4000 sq ft area for a septic; an average septic is 300 sq ft, nothing is set in stone as the lot has area to work with.
- Mr. Soroka stated his concern is the septic being above his well creating the possibility of contamination.
- Mr. Gendron replied there is a 75ft protective radius around wells required by the State and Town.

- Mr. Soroka asked if there were any plans for blasting for a pool and Mr. Gendron replied there are no plans for a pool right now.

The Chair closed the public portion at 8:50pm.

- Ms. Crisler commented landowners have rights to subdivide their property. We craft a Zoning Ordinance for the public to vote on and if an application meets everything in the ordinance and we say no without reason, it will go to court and they will overturn us. That will take away any conditions the Town might impose and that takes away local control.
- Mr. Sycamore asked when the subdivisions were originally built were there any limitations on what could be done and The Chair answered the covenants at that time have expired.

**Ms. Crisler motioned to approve Case #2014-2/Crossman Subdivision with the following conditions: all final plans must contain original stamps and signatures; there will be no blasting on the sight; there will be a 20 ft no cut zone along the property line between the new lot 11-A-1011 and lot 11-A-1002; an evergreen buffer shall be placed close to the lot line consisting of no less than 10 evergreen trees or shrubs; and have staff confirm there are no restrictions resulting from the 1996 land swap and check for any easement documents, seconded by Mr. Gosselin. Motion passed: 6-0.**

The Chair asked if a copy of the subdivision file could be linked or attached to this file and Ms. Wood said she would do that.

Ms. Crisler read Case #2014-3 into then record

**Case#2014-3/Minor Site Plan/Change of Use**

A Minor Site Plan/Change of Use proposal has been submitted for 33 Rockingham Road (13-A-31) located in Business Commercial District A zone. The applicant, Howard Shafman of New 2 You Cars, on behalf of the property owner, DJR Realty LLC, is proposing to expand the existing business operation by parking 1 additional vehicle on sight for display and sale and by parking 21 additional cars at the rear of the lot outside of public view for storage in preparation for sale. A maximum of 68 cars total will be located on the lot. The 6 existing employee spaces, 2 customer spaces, and 2 handicapped spaces will be retained for use. No alteration of terrain is proposed.

The Chair asked if the application was complete and Ms. Wood answered yes.

**Ms. Crisler motioned to accept and open Case #2014-3 for Public Hearing, seconded by Mr. Gosselin. Motion passed: 6-0.**

Ms. Wood explained the applicant would like to have an additional car on display and a preparation area in the back where he can store cars as he gets them ready for inspection. She pointed out a numbering error on the plan that would bring the count up to 72 cars which would have to be corrected. She stated she has received no complaints about this business.

Mr. Shafman, applicant, explained he needs a place to put the cars as he gets them ready. The gates to the rear area are closed at 6pm. He is asking for 3 waivers as needed per new Site Plan Regulations: from Section 703.2.2 Handicapped Parking decrease from two spaces to one space; Section 703.1.4 Green Space is maintained in all customer accessible locations and he is requesting no changes; and Section 701.1.1 Lighting, PSNH maintains all illumination of building and surrounding area and it is adequate.

**Questions/Comments from the Board**

- Ms. Nysten asked if the fire department had access to get into the gate and Mr. Shafman replied he believes they do.
- Ms. Crisler asked if they do repair work on the vehicles outside and Mr. Shafman answered he has a garage but he does not do oil change, tires, or repairs. He does cosmetic work, safety requirements, and emissions.
- The Chair asked if Conservation Commission had any comments and Ms. Wood answered no.
- Ms. Crisler asked if regulations call for a certain number of handicapped spaces would reducing it violate laws and Ms. Wood replied the Town requires two but the Board can grant a waiver for one.
- Mr. Gosselin asked in reference to the numbering error how many spaces he was requesting and Mr. Shafman replied he would like to have the 72 spaces but if it is a problem he is happy with 68.
- Ms. Nysten asked about the condition of the packed gravel in the rear and was told it is in good condition but in mud season it is bad mud. It is an area for staff only. She asked if he would consider putting more gravel down and he answered yes.

The Chair opened the hearing to the public at 9:26pm

- Joel Desiletes, resident, asked about the distance from the furthest customer spot to the front door and was told no more than 25ft. He asked Mr. Shafman to explain the Handicapped Parking Space waiver request.
- Mr. Shafman explained he usually has one or two customers at the same time; on occasion he may have more however he has never needed two handicapped spaces and the existing customer spaces are close to the building entrance.

The Chair closed the public portion at 9:30pm

**Ms. Nysten motioned to grant the waivers from Section 701.1.1 Exterior Lighting, because the lighting is existing; Section 703.1.4 Interior Green Space, because it is an existing site; Section 703.2.2 Handicapped Parking, because the existing parking spaces are close enough to the building entrance, seconded by Ms. Crisler. Motion passed: 6-0.**

**Ms. Crisler motioned to approve the Site Plan as presented with the following conditions: A maximum inventory of no more than 68 vehicles on site; no oil changes or other fluid changes in outdoor spaces; and the applicant place crushed stone on unpaved areas where cars are parked on the northern lot line no later than May 1, 2014, seconded by Mr. Gosselin. Motion passed: 6-0.**

The Board took a 5 minute recess and reconvened at 10pm.

### **Subdivision Regulations Workshop-Final Draft of Proposed Edits**

The Chair explained the Board was being provided with a final draft of proposed edits to the Subdivision Regulations which incorporated all of the revisions made at the February 17, 2014 workshop. She asked the Board to review the draft for accuracy so they can wrap up the Design Review Application and Filing phase of the review.

The Board discussed some additional revisions to be made to Sections 600, 700, and 404 and clarified some of the proposed language. They also discussed a proposed section for waivers.

**Ms. Skinner motioned to move to Public Hearing as amended on March 5, 2014 at 7pm, seconded by Mr. Gosselin. Motion passed: 6-0.**

### **Member Binder Updates**

- Table of Contents
- Changing Class VI Road to a Class V Road

**Old/New Business** (Not to include discussion of pending applications or decisions on matters requiring public notice)

**Ms. Skinner motioned to Adjourn the February 19, 2014 Planning Board Meeting at 10:50pm, seconded by Mr. Gosselin. Motion passed: 6-0.**

These minutes are respectfully submitted by Laura Accaputo, Planning Board Minute Taker.