



OLD VALUES - NEW HORIZONS

## COMMUNITY DEVELOPMENT

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### Planning Board Approved Minutes Wednesday, March 5, 2014

#### Board Members:

Kristi St. Laurent, Chairman – Present  
Margaret Crisler, Vice Chair – Present  
Pam Skinner, Member – Excused  
Jonathan Sycamore, Member – Excused  
Vanessa Nysten, Member – Excused  
Paul Gosselin, Alternate – Present

Ross McLeod, Selectman – Present  
Kathleen DiFruscia, Selectman Alternate - Excused  
Steve Bookless, Alternate – Present  
Alan Carpenter, Alternate – Present  
Jim Fricchione, Alternate – Excused

#### 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.

#### Public Hearing-Application

Ms. Crisler read Case #2014-6 into the record. The Chair asked staff if the application was complete and was told yes.

#### Case#2014-6/Major Watershed/50 Gaumont

A Major Cobbetts Pond/Canobie Lake Watershed Application has been submitted for 50 Gaumont (16-E-28), located in the Residence District A zone and Cobbetts Pond and Canobie Lake Watershed Overlay Protection District. The applicant, Joseph Maynard of Benchmark Engineering, Inc., on behalf of Jerome Joaquim & Cathy Underwood, is proposing to raze the existing home, construct a new single-family residence, expand the existing detached garage, and new septic design for the time when there is an issue with the existing system. The existing impervious surface is 3,757 sq. ft. or 36.2% and the proposed impervious surface is 3,730 or 35.9%.

**Ms. Crisler motioned to accept and open Case #2014-6 for Public Hearing, seconded by Mr. McLeod.**

**Motion passed: 6-0.**

- Mr. Joseph Maynard of Benchmark Engineering addressed the Board on behalf of the property owners. He noted they have the Shoreline Permit, Septic Permit, and required variances. He described the home, its location on the lot, setbacks, and the additional garage structure. He stated the home was built too low to the water table and is rotting from below. The new home will be roughly the same size footprint and be pushed further back with a deck. It will keep roughly the same setback to the southerly lot line and 9ft from the northerly lot line which will center the structure between the residences on either side. He also stated they want to break out the front of the existing garage, add depth to it, and raise the roof to add

storage space and a woodworking shop above the garage. The driveway will be reconstructed to allow access to and from the garage. The lot currently has a large gravel area where they will put a septic system in the future if necessary. Presently the lot has just over 36.2% impervious coverage and they will reduce that down to 35.9%.

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

- Ms. Crisler asked if the views of abutting properties would be affected by raising the garage roof and Mr. Maynard replied no and stated the abutters are happy with the proposed changes. She also asked if the variance covered setbacks and Mr. Maynard replied yes.
- Mr. Carpenter asked if the garage will have plumbing and Mr. Maynard replied not that he is aware of, perhaps just a hand sink. Mr. Carpenter also asked if the reduction of impervious surface was due to eliminating the gravel area and Mr. Maynard replied yes.

The Chair opened the hearing to the public at 7:15pm, hearing none the public portion was closed.

**Ms. Crisler motioned to approve the application with plan dated January 14, 2013 with the condition of no toilet or kitchen facilities in the garage, seconded by Mr. Carpenter. Motion passed: 6-0.**

#### **Windham Junction Site Plan/Parking Lot-Compliance Review**

The Chair explained this was a previously approved Major Site Plan and this review is to determine if what is in place now meets the specifications of the approval. Ms. Wood noted a condition of approval for the expansion of the business and parking area was the new lot could be hardpack and/or gravel for up to two years and then must be paved. It is up to the Board to determine if this requirement has been satisfied. They are also requesting an extension for the fence installation until this spring or until weather permits.

- Mr. Joseph Maynard of Benchmark Engineering addressed the Board on behalf of the property owners. He stated as part of the DOT requirement, bituminous asphalt was put in for the first 35 – 40 ft of the driveway. To maintain the rural character of the business the owners put in a recycled asphalt parking area known as RAP. It was installed to a standard that would allow it to hold up and be maintained as a paved surface. It has survived two winters and plowing and is holding up well. He distributed pictures showing the condition of the lot after plowing. He also noted a brick pavement walkway was installed from the parking area to the entrance. They are asking to maintain this surface rather than put down a binder and pavement. They are also asking for an extension to complete the fence.

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

- Ms. Crisler asked if the RAP can be striped for parking spaces and Mr. Maynard replied it could but it would have to be repainted more frequently. Ms. Crisler also asked the number of spaces in the rear lot and Mr. Maynard answered 11.
- Mr. McLeod stated his concern for safety with this type of material and asked for an explanation of RAP.
- Mr. Maynard explained it is an oil based product with shavings of asphalt.
- Mr. McLeod asked how stable it is and Mr. Maynard replied when it is put down to this standard you can't get a shovel through it. Mr. McLeod also asked how well it will hold up through the elements and Mr. Maynard replied at least as well as a binder coat of pavement.
- Mr. Carpenter asked to what degree RAP is impervious and Mr. Maynard explained when looking at a coefficient for drainage, gravel is 89; RAP is 96; and bituminous pavement is 98. He also noted the detention pond is sized to handle it.
- Mr. Carpenter stated he has been to the location several times and this lot functions well. The building is an old farmhouse and he feels the RAP goes with the character of the property more so than asphalt with striping.

- The Chair asked if any of the spaces in the back are designated as handicapped and Mr. Maynard replied no.

The chair opened it to the public at 7:34, hearing none the public portion was closed.

**Mr. Carpenter made a motion to accept the RAP as installed by the establishment to meet the standards of the approval issued in 2012, based on the fact he believes it meets the safety requirements of a parking area and because of the character and nature of the structure it serves; and to grant an extension for the completion of the fence until Labor Day 2014, seconded by Ms. Crisler.**

Mr. McLeod asked if any of the neighbors have an issue with regards to the fence, or lack thereof, and Ms. Wood replied they have not received any complaints.

**The Chair went back to the motion. Motion passed: 6-0.**

Ms. Crisler read the Subdivision Regulations Public Hearing Notice into the record.

### **Public Hearing Subdivision Regulations**

**Ms. Crisler motioned to accept and open Subdivision Regulations for Public Hearing, seconded by Mr. Gosselin. Motion passed: 6-0.**

The Chair advised this does not make any changes to cul-de-sacs, cul-de-sac length, or road standards.

The Board discussed all of the suggested edits to the draft as submitted by Attorney Campbell and Laura Scott. The following is a summary of the changes they have made to the draft:

- The Board agreed to accept Section 205 Waivers {The requirements of the Subdivision Regulations may be waived or modified by the Planning Board when, in the opinion of the Board, (1) strict conformity would pose an unnecessary hardship to an applicant, and waiver would not be contrary to the spirit and intent of the regulations, or (2) specific circumstances relative to the subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations. The justification for such waivers shall be stated and noted in the minutes.} and the new language for Section 205.3 “which vote may occur” after the words “Subdivision Regulations” as proposed by Attorney Campbell.
- The Board agreed to change a portion of the definition of Minor Subdivision in Section 300 by changing “condominium subdivision” to “condominium conversion” (this was later deleted)
- The Board agreed that Section 403.3.2 would state “completed design review subdivision application form” and below it “a letter of intent detailing the proposal including a brief description of the land characteristics.”; to strike the word “major” at the end of the first line of Section 403.3.4; to substitute the word “prior” for “previous” as the first word in Section 403.1; and to include the language “or an applicant will need to re-submit a new Design Review Application (if otherwise required to do so) at the end of the proposed Section 403.6.
- The Board agreed to remove the parenthesis in Section 404.3.3.
- The Board agreed to change Section 404.7 to the following: “The Planning Board shall receive comments and/or reports from town departments, boards, commissions, committees, and town personnel through the

established Technical Review Committee (TRC) process which is managed by Community Development Department Staff.”

- The Board agreed to add the following language to Section 404.9 “... date, time and place at which the [Board shall conduct a public hearing on the application]. Notice shall be mailed...”
- The Board agreed to remove the following language from Section 405 “that are rented or leased”
- Tom Case spoke in regards to Section 405 and stated his concern that the concept of condominium subdivision doesn’t make sense. He stated it is not a subdivision because you are not dividing it into pieces, you have one lot. He asked what procedure was used in the past. He also noted the state rules are not addressed in this section, such as declaration and association. He stated making multiple lots out of 1 lot doesn’t make sense; you never divide the house and only divide the interior; the exterior belongs to the association. The whole house stays in common ownership and you only own the inside. Mr. Gosselin explained the only purview of the Planning Board is to identify assignment of ownership and show where the boundary lines are. Mr. Carpenter asked why this section was included and Ms. Wood explained they are trying to define a conversion as a Minor Subdivision because there is no site disturbance. The Chair stated they are trying to include what is in RSA in the Subdivision Regulations. Mr. Gosselin noted it is more likely to happen with commercial than residential. Mr. Maynard explained he has done many residential and commercial condo conversions and the process typically doesn’t go through the Planning Board. The State Law requires if it’s on a septic system and well you have to apply to DES for subdivision approval. They also have to produce two plans, a Site Plan which has to meet all requirements and a Floor Plan which shows length, width, and height. The Chair stated we have existed without this proposed section and we’ve heard testimony of process and procedure through RSA and Registry of Deeds. She polled the Board to see if they wanted to get rid of Section 405 and the reference to it in prior sections or if they wanted to continue with trying to codify it in the regulations. The Board unanimously decided to eliminate this section and to remove the language “condo conversion” under Minor Subdivision.
- The Board agreed to change the language “the plan” to “each plan sheet” in the first sentence of Section 601.3.9.
- The Board agreed that in Section 601.4, the locus map requirement should be its own requirement.
- The Board agreed there was a reference error in Section 601.36.3 and 601.37.3 where they both reference Section 601.32 it should be Section 601.38.
- The Board agreed to change Section 601.17 to “At least one benchmark shall be shown on all plans
- The Board agreed to remove the word “rectangular” from Section 601.25.
- The Board agreed to add comma’s in Section 601.32 after the word “sewers” and in Section 601.34 after the word “bounds”.
- The Board agreed to change the word “or” to “and” to now read “State of New Hampshire and Federal Agencies.”; to add “DOT” and “Permit” to now read “NH DOT Driveway Permit.”; and to replace the language “finalization and the permit number must be added to the final plan” with “being signed and recorded.” In Section 601.39.

- The Board agreed to add the language “as available” at the end of Section 601.41. Also check numbering of this section.
- The Board agreed to mark Section 609 as Intentionally Left Blank.
- The Board agreed to insert language in both Section 703.2 and 905.2.1 such that the last phrase reads “...shall operate to affect such improvements, except impact fees adopted under RSA 674:21, and further provided that...” and to have staff clean up the time periods in Sections 703.2, 703.3, 905.2.1, and 905.2.2 to match the RSA. They also agreed to clean up the language in Section 904.2.1 to reflect State law and to amend the language in Section 904.3.1 to state “No building permit shall be issued and no building or other structure shall be erected on any lot with the Town of Windham without compliance with the provisions of RSA 674:41 (as amended). Any building erected in violation...”

Ms. Crisler was excused at 9:35pm.

### **Minutes Review/Approve**

December 30, 2013

**Mr. Carpenter motioned to approve the December 30, 2013 minutes, seconded by the Chair. Motion passes 2-0-3, with Mr. Bookless, Mr. Gosselin, and Mr. McLeod abstaining.**

January 8, 2014

**Mr. Gosselin motioned to approve the January 8, 2014 minutes as amended by Ms. Nysten via email dated 3/5/14, seconded by Mr. Bookless. Motion passed: 4-0-1, with Mr. McLeod abstaining.**

January 15, 2014

**Mr. Carpenter motioned to approve the January 15, 2014 minutes as amended by Ms. Nysten via email dated 3/5/14, seconded by the Chair. Motion passed: 2-0-3, with Mr. Bookless, Mr. Gosselin, and Mr. McLeod abstaining.**

January 22, 2014

**Mr. McLeod motioned to approve the January 22, 2014 minutes as amended by Ms. Nysten via email dated 3/5/14, seconded by Mr. Bookless. Motion passed: 4-0-1, with Mr. Gosselin abstaining.**

### **February Staff Report**

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

**Mr. Carpenter motioned to adjourn the March 5, 2014 Planning Board Meeting at 9:50pm, seconded by Mr. McLeod Motion passed: 5-0.**

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