



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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Approved Planning Board Minutes
Wednesday, March 4, 2015
7pm @ the Community Development Department

Board Members:

Kristi St. Laurent, Chairman-present
Alan Carpenter, Vice Chair -present
Paul Gosselin, Member-present
Pam Skinner, Member -excused
Margaret Crisler, Member-present
Vanessa Nysten, Member –present, left at 7:11pm

Bruce Breton, Selectman-excused
Joel Desilets, Selectman arrived 7:11pm
Steve Bookless, Alternate – excused
Jim Fricchione, Alternate – excused
David Oliver, Alternate –excused
Kathleen DiFruscia, Alternate –excused

Staff:

Elizabeth Wood, Community Planner, AICP
Suzanne Whiteford, Minute Taker

Chair St. Laurent called the meeting to order at 7:01 pm, followed by the Pledge of Allegiance, member attendance and a brief synopsis of the agenda.

Chair St. Laurent announced that tonight is the last meeting for two regular members: Vanessa Nysten and Pam Skinner. The Board recognized these board members for their years of service. Ms. Wood, on behalf of the Planning Board, presented Ms. Nysten with a certificate of appreciation and parting gifts. A short thank you from Ms. Nysten followed.

Mr. Carpenter read the proposal into the record:

Case#2015-2/FINAL Minor Subdivision/Devaney/Woodvue (18-L-475)

A Wetland and Watershed Protection Special Permit (WWPD) proposal was submitted for Lot 18-L-475 (Woodvue Road), located in Residence District A, WWPD, Cobbetts Pond Canobie Lake Watershed Overlay Protection District, and Flood Plain Zone. The applicant, Karl Dubay of The Dubay Group Inc., on behalf of the Property Owner, Nicole Devaney, has obtained conditional approval to subdivide the existing vacant parcel into two (2) lots for single-family residential development. The lots are proposed

to be accessed by an 18' paved shared private access drive off of Woodvue Road. The WWPD Special Permit is for the construction of driveway's to access each property.

Chair St. Laurent explained tonight's hearing is a follow up for a special permit for a driveway within the WWPD

Elizabeth confirmed the application is complete

Mr. Gosselin motion to open the hearing

Mr. Carpenter second the motion

5-0-0 in favor

Mr. Dubay explained this is basically an administrative hearing regarding the driveway

Mr. Carpenter asked for clarification that the only part of the driveway that will be 18 feet is the shared access portion of the driveway off Woodvue.

Mr. Dubay confirmed.

Discussion was opened to the public, no questions, concerns, or comments from the public

Mr. Carpenter entered a motion to approve WWPD special permit for Lot 18-L-475 on Woodvue Road as presented.

Mr. Gosselin second the motion

Vote 5-0-0

Case#2015 -3/Design Review/Major Open Subdivision/Wood Meadow Estates

A Design Review Application for a Major Open Space Subdivision & a Wetland and Watershed Protection District Application (WWPD) have been submitted for property that is accessible by Settlers Ridge & Glendenin Roads (Lots 25-R-6000, 6250, 6260, 7000, 7050, 8002, 8005, 8010, and 9000), located in the Rural District Zone and Wetland and Watershed Protection District. The applicant, Edward N. Herbert Assoc., Inc., on behalf of the property owner, Wood Meadow Land Development, LLC, is proposing to merge the eight (8) existing lots and then to subdivide them into thirty-nine (39) lots for single-family development and twelve (12) open space lots. The proposal includes the creation of new roads. The WWPD Special Permit is for several proposed road crossings and driveways for a total permanent impact of 92,293 sq. ft. Individual well & septic systems are proposed for service of each lot.

- Read by Mr. Carpenter
- Design review phase, not a full and complete application
- Elizabeth confirmed we have a complete design review application
- Ms. Crisler motion to open
- Mr. Carpenter second the motion
- Vote 5-0-0
- Mr. Carpenter explained that tonight's hearing is a design review only, there will be additional public hearing further
- Mr. Desilets inquired about duplicate documents
- Ms. Wood explained the documents are not duplicates; there are two plans, one is a traditional yield plan the second is an open space subdivision plan. The application is for an open space subdivision plan. Before an open space subdivision plan can be approved a traditional yield plan

must be submitted and approved. Ms. Wood completed a thorough review of the yield plan followed by a review from contractual engineer Mr. Keach. Applicant Peter Zohdi

- Representative for applicant Edward N. Herbert Assoc., Inc.
- Employed by Edward N. Herbert Assoc., Inc.
- The subdivision plan of 2 land owners' combined into 39 buildable lots
- Presented conventional yield plan and open space subdivision plan
- Compare and contrast between the two plans

Mr. Carpenter clarified 2 items with the applicant:

1. The impact on WWPD was greater on the open space subdivision plan without any impact on wetlands. The impact on WWPD was less on the traditional plan but impacted the wetlands.
2. Settler's ridge is a conventional plan and Glendenin is an open space

Ms. Crisler's concerns and questions to the applicant:

1. Concerned about wells on the subdivision, and asked if wells have been drilled to verify there is adequate water available for the subdivision
2. Asked the applicant if a community well was being considered, applicant not prepared to answer this question tonight.
3. pointed out there are issues with water on Settler's Ridge
4. confirmed with the applicant that wells are required before construction begins

Mr. Carpenter:

1. pointed out wells and outbuildings can be put in the open space
2. Who owns the property to the right of the open space? Applicant: a private resident
3. Confirmed that no new ground is being broken, no houses are being torn down to create a road.

Mr. Gosselin:

1. With regards to the yield plan is the total length of road distance less than 2400?
 - Applicant confirmed the road distance is >2400 feet. No specific distance was given. And challenged the maximum 2400 feet and cited other subdivisions that exceeded 2400 feet.
 - Ms. Wood referred her letter regarding the plan design specifically citing the section on Road design Blocks, Section 604 and confirmed the applicant will need a waiver to exceed the allowable block length of 2400 feet as the 'long road' in the proposal is approximately 6000 feet, 3000 on either side.

Chair St. Laurent individual lot concerns on the yield plan:

1. page 5, frontage detail and contiguous building usable area, lot 29, would require a driveway crossing the WWPD would be acceptable to the board
2. lot 14 has an allowable contiguous buildable area of 35964, with the setbacks there is concern that lot is getting a little tight, and much of the area is taken up with setbacks

3. Lot 40, page 7, has adequate frontage, concern about the driveway going through the WWPD and directly abutting the water.

Hearing open to the public with the following directives from Chair St. Laurent and Ms. Woods

- Tonight's hearing is design review, no final decisions or permits granted tonight
- There will be a site walk, and the public is invited

Emma Sullivan, 1 Bayberry Rd., Windham

- How will the houses affect the schools
- The middle school is not state accreditation because the science labs were changed to classrooms.
- Concerned about increasing the number of students in each classroom, there are already 26 students per classroom
- Concern for destroying animals homes
- Concern for the loss of nature and trees
- Emma explained that she lives in New Hampshire for the large number of trees because they help her cystic fibrosis

Bill Bailey, 19 Settlers Ridge Rd, Windham

- Primary concern is the water supply
- Lost water shortly after moving into residence
- Well is already 1800 feet deep, it produces < 20 gallons/minute
- Concerned about losing water with the subdivision
- Concerned about the density of the subdivision and water quality • Concerned about preserving the character of the neighborhood
- Who pays the taxes on the green open space, preserved areas?

Ms. Woods explained the assessor considers the individual lot as part of the extra acreage in the open space. No association fee or separate tax fee. Their land is assessed at a higher rate.

Mr. Carpenter:

- Acknowledge historic concerns about water in the Settlers Ridge area, and rumors of having the deepest wells in the state
- The RSA won't allow the PB to deny a plan because they may not get water.
- They have the right to drill their wells
- The cannot get a building permit to start construction until they show a well that pumps 2.5 gallons/minute
- A new change made by the PB and Town approved last year was to shrink the lot sizes. Smaller lots will result in decreased water usage watering their lawn.

Mr. Gosselin asked Mr. Bailey if there is a buffer of some sort of greenery so your view is not homes will that make it a little more agreeable.

Mr. Bailey said it would not make it more agreeable to him. Having a buffer of trees does not address his concern of changing the character, it seems like too much in a small area.

Maureen Sullivan, 1 Bayberry Rd., Windham

- Agrees with Bill Bailey
- The subdivision is too congested
- They moved here for open air for their daughter with cystic fibrosis
- Worried about the water
- And would like to have the plan that allows for more open space and nature
- Wants to maintain living in a nice space
- Asked about the size of the houses, how they compare between the two plans?

Mr. Carpenter pointed out that the open space plan requires 65% remain untouched and preserved There are more houses in 35% of the space, so it has a higher density view when driving into the development. Mr. Zohdi pointed out that the open space plan is leaving 78% open space.

Ms. Crisler: How big are the actual building lots in the open space subdivision?

Mr. Zohdi: maximum area of the lot can be 20,000

Mr. Carpenter clarified the lots can be 20,000-30,000

Mr. Carpenter addressed the concern about the size of the houses and reassured Ms. Sullivan the houses would be in line with traditional Windham size homes.

Bea Martin, 16 Settlers Ridge Rd., Windham

- Well is 1735 feet
- Some neighbors have 2 wells
- If we lose our wells who has to pay for it
- Will there be study of our foundations before blasting starts?
- What kind of guarantee do we get that we won't lose our wells?
- Concerned 39 straws are being put into one well
- What can we do to protect ourselves during blasting?
- A neighbor text a question asking if the cul de sac in the open space can later be extended to Corliss fletcher? Chair St. Laurent explained if the open space design is approved it will be preserved open space and can never be developed
- How much more can be built?
- Mr. Carpenter: Between 500 or 600 more homes under our conventional subdivision regulations
- Do I contact an attorney now to cover what is happening with foundation and water?
- Chair St. Laurent can't advise, but can hope there is a better understanding of how the board is moving in a direction of open communication and transparency.
- Can Settlers Ridge residents be part of a community well if one decided on in the subdivision?
- Chair St. Laurent, the sharing of the community well would not be decided by the PB
- Attorney John Cronin explained that it is a difficult process and cannot commit to embracing it.
- How much are the homes targeted to sell for? Applicant Mr. Zhodi does not know the home values

Chair St. Laurent

- People have a right to use their land
- When the applicant builds, the dates and times of their testing is made public so existing residents can test their wells at the same time to see if there is an impact.
- Open communication provides opportunity to have objective data for discussion
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Mr. Zohdi

- Existing home foundations and water data is collected pre blasting
- If anything happens to the well the builder will be responsible
- There will be blasting, preblasting surveying has to be done through the fire department

Mr. Carpenter clarified that there are no tools available if there is an issue after construction is completed for example 1 year after the preblasting survey.

Mr. Gosselin recognized the property owner has the right to drill for a well for new construction the same way existing residents had the right to drill for water when they built their homes.

Alan Syracuse, 20 Settlers Ridge Rd, Windham

- Moved here for the rustic and wooded areas
- Well is 1506 feet deep, >100 gallons/minute
- Concerned about density of the homes on the subdivision
- Liked living in an area with a cul de sac
- The subdivision will change the rustic community
- Increase traffic down Settlers Ridge Rd, there is no traffic there now
- Just because you can does it mean you should?
- Proposed to decrease the number of homes in the subdivision to maintain the type of neighborhood in existence
- Concern about overcrowding of the school system infrastructure
- What will the undeveloped spaces between houses look like?
- Will pushing the houses back make it more esthetic?

Chair St. Laurent

- 2 access points
- Are easements exist there now? Applicant:
- There are 2 access points
- 2 right of way, each 50 feet
- The right of way is dedeed to the town

Ms. Crisler: No such thing as a permanent cul de sac

Michelle Sackled, 2 Sagamore Rd., Windham

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- Would like to see some type of natural buffer
- The school have deteriorated and are disgusting
- Some things need to change in town

Bob Duncan, 21 Settlers Ridge Rd., Windham.

- View from home will change from woods to houses
- More protection to potential residents rather than existing residents with regards to water
- Well documented well problems
- The new construction can end up taking our water
- Has there been any water testing in the proposed development area?
- Wants to keep cul de sac
- Congestion is a big problem

Mr. Zhodi confirmed no drilling has been done yet.

Mr. Gosselin the ordinance is written so that when you move in you have 2.5 gallons of water, only if they can drill and get water before construction.

Chair St. Laurent clarified if the development went with a community well, Penechuck is not bringing water into the development, they would be managing the community well

Mr. Desilets asked Mr. Zhodi why the houses can't be spaced out a little more in the open space development, extend the houses a little bit and make it less congested. Were other designs thought about or is this the best it can be done. What is the magnitude of the value of having a completed connected open space VS having an open space that best serves the new houses and existing houses in the neighborhood?

Mr. Zhodi explained that extending the road and spreading out the houses will go into the wetland. The development was designed for minimum impact to the wetlands. Extending the houses and making the development less congested, the development will extend further into the wetlands.

Attorney John Cronin explained that one of the goals is to minimize the infrastructure requiring the town to maintenance, make the road as small as possible. If the developer is going to spend the money extending the road they would go with the conventional plan and get more money for larger lots.

Mike Sousa, 3 Sagamore RD, Windham

- Concern of the look and feel
- Looks more like a city, houses on top of each other
- Takes away the look and feel of Windham
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- Concerned about increased traffic and the impact to the schools
- The neighborhoods are quiet and that will change as well
- Concerned about the blasting disrupting his foundation
- Push the homes out a little further

Ms. Crisler

- The Planning Board and the school board met a couple months ago and both voted to explore the option to set caps on building and development.
- The selectman did not approve the budget to pay for a growth management study.
- We went to the open space ordinance to protect the water quantity and quality.

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Ms. Woods

- Thorough research has been done
- A previous developer hired a hydro geologist that gave the Town his report
- The developer's hydro geologist's report was reviewed by an impartial contracted hydro geologist and both agreed they were unable to predict the impact of development on existing wells because there is no way to know where an existing well system connects underground. Due to state laws the Board's hands are tied.

Mike Ryan, 4 Poplar Rd., Windham

- Prefer to move some of the homes further away from Poplar Rd.
- Don't know how the aquifers are actually connected
- How are the houses going to be built in the steep downhill drop

Mr. Zhodi

- Page 30 to 34, shows compliance with cutting and filling without waiver, and it is the only area we are cutting.
- In response to Mr. Desilets' inquisition about the possibility of a better plan, the plan was done 4 times. The PB needs to tell him if he wants the road to extend beyond the cul de sac and into the WWPD so the development can be spread out.

Mr. Desilets

- Requesting a new design, a better design, referring to 'High Clear' as an example of a better designed subdivision.
- The open space subdivision seems like a minimal viable product and could be done differently

Attorney John Cronin

- The elephant in the room is economics
- Appreciate the abutter concerns
- The design is laid out to meet the regulations with the concern of economics from the owner •
Trying to make the design fit within the regulations, in the best interest of the client, and meeting the ordinance.

Applicant Mr. Zhodi:

Requesting 2 answers from the board:

1. Open or conventional?
2. Width of the road, current cross section are based on 24 foot roads

Ms. Crisler: how big are the lots?

Mr. Zhodi: 20,000 square foot lots

Mr. Carpenter: Closed drainage throughout?

Mr. Zhodi: Everything is closed drainage throughout

Chair St. Laurent: page 4 of the open space plan, lot #9013, why does it have a dog leg?

Mr. Zhodi: because of the frontage restriction

Mr. Desilets: if the same amount of houses can be built in the conventional plan what is the benefit of the open space subdivision?

Mr. Zhodi: Less road and less infrastructure, saving time by not having to go to wetland bureau

Chair St. Laurent

- The open space subdivision is different from the adjoining neighborhoods
- Prefers open space design so the natural woods are preserved
- Decrease the lots, increase the transition between the neighborhoods

Ms. Crisler

- A conventional plan will be more expensive because of the wetland crossing and the infrastructure to build
- If we went with the open space with less lots to make it esthetically more pleasing, you would lose some money but you would not have the expense of building the road
- Ask your client to reduce the density and spread the houses out a little bit. It would be less money than doing the conventional subdivision
- Specifically, as asked by Ms. Woods to identify, lots both ends of the subdivision.

Attorney John Cronin need a decision on 26 or 28 feet for the roads

- Ms. Crisler suggested to go with the road widths as recommended by the fire chief, road agent, and police chief.
- It was the consensus of the Board that a 28' pavement width is recommended for Glendenin Road up to the point of intersection with Settlers Ridge Road. A 26' pavement width is recommended for the portion of Glendenin Road, past this intersection, extending to the cul de sac.
- It was the board consensus that a traffic study was not necessary.

Mr. Carpenter

- Ask your client to live with fewer lots
- Linking 2 neighborhoods to the proposed subdivision, create a transition area, especially on Settler's Ridge
- Take a hard look at a community water system
- Water rules and that would give preference to Open Space Division
- Without question the open space plan works best for the water concerns
- The subdivision will be a nice neighborhood, not track housing like Nashua

Mr. Gosselin

- Consider combining lots 801 and 802 into one lot to make a better transition for the neighborhoods, make it better blended
- The same with lots 9,10 and 11
- Develop a transition zone

Mr. Desilets: Wants a better open space plan

Mr. Zhodi is not willing to change the entire plan initially, after discussion with the board, agreed to come back with a new user friendly 39 lot subdivision plan

Mr. Carpenter: motion to end design phase discussion

Ms. Crisler: second the motion

Vote 5-0-0

Ms. Woods summarized the Board's comments:

1. Conceptually, the Open Space Subdivision layout design versus the Traditional Subdivision layout design is preferred.
2. Consider reducing the number of lots by 1 or 2 to make a transition zone between neighborhoods.
3. Consider combining the first two lots at Settlers Ridge and the first two lots at Glendenin for purposes of creating this transition zone (Lots 25-R-8001 & 25-R-8002 and Lots 25-R-9010 & 25-R-9011 as shown on the Open Space Subdivision Plan dated September 2014).
4. Explore reconfiguring the design in a manner that doesn't reduce the number of lots but moves them away from existing neighborhoods.
5. The Board is open to creativity in design to create these transition zones. This may require working with the Zoning Board of Adjustment (ZBA) to provide these transitions.
6. Sidewalks and street lights are not recommended.
7. A 28' pavement width is recommended for the entire length of Settlers Ridge Road to be extended. A 28' pavement width is recommended for Glendenin Road up to the point of intersection with Settlers Ridge Road. A 26' pavement width is recommended for the portion of Glendenin Road, past this intersection, extending to the cul de sac. A 26' pavement width is recommended for the newly proposed cul de sac, labeled Acadia Drive.
8. Consider a community well system; perhaps to the west, away from adjacent neighborhoods. 9. The Board would like the Applicant to work with the Conservation Commission prior to submitting legal documents for Open Space.
10. No traffic study is requested.

Mr. Zhodi will submit a revised plan to Ms. Woods in 3 weeks, by March 25, 2015 at 8am and be on the April 15 schedule.

10:26pm

Motion vote to have new agenda after 10pm

5-0-0

Mr. Carpenter read the administrative review into the record:

Administrative Review - Case#2015-1/MAJOR Watershed/55 West Shore (22-L-51)

A Cobbetts Pond and Canobie Lake Watershed Protection Ordinance Land Development Application has been submitted for 55 West Shore Road (22-L-51), located in the Residence District A and Cobbetts Pond and Canobie Lake Watershed Overlay Protection District (Watershed). The applicant, Joseph Maynard of Benchmark Engineering, Inc. on behalf of the property owner, Jay Johnson, is proposing to construct a single-family dwelling including a deck, driveway, well, and septic system on the property. The existing impervious surface cover is virtually non-existent except for the remains of an old foundation and 2,502 sq. ft. or 26.9% impervious surface cover is proposed.

Applicant Joseph Maynard:

- The plan is at the shore line protection
- An old boat house will be left alone
- Meets watershed ordinance
- New state approved septic system will be installed
- The plan is under 30% ordinance (at 26.9%)

Mr. Carpenter motion to approve as presented with the following conditions

1. Expand Sheet 2 to clearly identify the location(s) where work shown on this detail is to be installed.
2. Add a note to the final project plans specifying that all areas disturbed by construction shall be loamed and seeded in a timely manner upon completion of site work.
3. Existing structures shall remain undisturbed.
4. Pursuant to the provisions of Section 616.6.3 of the Ordinance, approval is conditional upon receipt of both NHDES Construction Approval for the planned on-site subsurface disposal (septic) system and NHDES Approval work within the protected shore land and the permit # must be added to the plan.
5. Indicate proposed surface of driveway (gravel/pavement).
6. As this is a vacant lot, the Planning Board may assess School and Public Safety Fees for new home construction.

Ms. Crisler second the motion

Vote 5-0-0

Planning Board Minutes

- February 4, 2015: Mr. Carpenter motion to approve the minutes as amended, Mr. Gosselin second the motion, vote 4-0-1 Ms. Crisler obtained, not present at the meeting.
- February 18, 2015: Mr. Carpenter motion to approve the minutes as amended, Mr. Gosselin second the motion, vote 4-0-1 Ms. Crisler obtained, not present at the meeting

10:46pm Mr. Carpenter motion to adjourn, Mr. Gosselin second the motion

Vote 5-0-0.

Liaison Reports

- Board of Selectmen
- WEDC
- Conservation Commission
- HDC/HC
- Local Energy Committee
- SNHPC

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

Adjournment 10:46pm

UPCOMING MEETINGS:

March 18th

April 1st

April 15th