

## PLANNING BOARD MINUTES

June 20, 2007

### ROLL CALL:

Ruth-Ellen Post, Chairman – Present	Ross McLeod, Vice Chairman – Present
Nancy Prendergast, Secretary – Excused	Walter Kolodziej, Regular Member – Present
Phil LoChiatto, Regular Member – Excused	Pam Skinner, Regular Member – Present
Neelima Gogumalla, Alternate – Present	Rick Okerman, Alternate – Present
Alan Carpenter, Selectmen Member – Present	Margaret Crisler, Selectmen Alternate – Excused

### STAFF:

Al Turner, Director of Planning and Development – Excused  
Shaun Logue, Town Planner – Present

- *Ms. Post opened the meeting at 7:30 pm.*
- *Ms. Gogumalla and Mr. Okerman replaced Ms. Prendergast and Mr. LoChiatto.*
- *The Board stood and recited the Pledge of Allegiance.*

### CORRESPONDENCE:

- Letter from Jane and Ken Mathews requesting to withdraw their public hearing for Locksley Special Permit because a waiver was granted;
- Capital Improvement Program request memo. Board discussion regarding getting hardware and/or software to get Planning Board applications online;
- Letter from the Greater Salem Chamber of Commerce regarding a June 29 meeting;
- Spring 2007 publications catalog from the NH LGC.

### SIGN PERMIT:

- The Commons, 25 Indian Rock Road. Ms. Post reviewed the sign application. Mr. Logue stated they want to remove the moving LED and replace it with stationary lettering for the tenants, it is an increase in square footage, it exceeds the 60 allowed sq ft, it is proposed to be 90 sq ft, and the outside posts are the same. Dan Hutchinsons, NH Signs answered questions from the Board regarding size, placement, and square footage. Board discussion regarding sign requirements, like getting rid of the LED, it is the same footprint for the sign, the sign regulations have changed, the new sign is more in regulation, removing the ½ circle decorative panel at the bottom, swapping out the sign, the bottom adds to the look of the sign, it is internal illuminated with dark background and light lettering, does it need a variance? and the existing sign is being relettered. Mr. Carpenter motioned to approve as presented tonight with the condition that the outside dimensions do not change, the LED sign is removed and never return, and should staff determine a variance is needed, and the applicant needs to apply for the variance to the ZBA in 90 days. If the variance is denied, then the approval by the Planning Board becomes null and void. Mr. Kolodziej seconded. Mr. McLeod read a portion of the sign regulations, and it is a minor change to the sign. Passed 7-0;
- Granite State Animal Hospital, 19 Roulston Road. Ms. Post reviewed the sign application. Mr. Logue stated that it is an awning sign attached to the wall, and it is in compliance with our ordinance. Board discussed illumination. Mr. McLeod motioned to approve the sign application as proposed for a 20' wide x 8' high awning sign for Granite State Animal Hospital. Mr. Kolodziej seconded. Passed 6-0-1. Mr. Carpenter abstained.

### LIAISON REPORTS:

- Ms. Skinner, Conservation Commission stated that the Conservation Commission walked the Cyr

property on the east side of Rt 28 where the boy scouts are putting up platforms for 6 tents.

**PUBLIC MATTERS:**

**Thompson Special Permit – Public Hearing**

**10 Sheffield Street, lot 11-C-2553**

Mr. Logue stated that the application is for a Special Permit to build a garage partially within the Wetland and Watershed Protection District (WWPD). Existing conditions including a shed, a sports court, a retaining wall, a driveway, lawn and related landscaping, and fill partially within the WWPD. No building permits, variances or special permits were approved or granted for any of the existing disturbances. The older disturbed areas to the WWPD include an existing shed, a portion of the existing sports court, a portion of the existing retaining wall, a portion of an existing driveway, a portion of existing lawn and related landscaping and fill. The newer disturbed area to the WWPD would be to build a garage. Mr. McLeod motioned to open for public hearing. Mr. Okerman seconded. Passed 7-0.

Mr. Logue read all of the variances that have been approved, denied, or withdrawn for this property. Board discussion included being over the 1-year variance time allowed.

Peter Zohdi, Herbert Associates, stated he was not involved with any of the variances, and wanted to show the Planning Board everything on the property. He reviewed the plan including the WWPD area, the sports court fence needs a variance, a portion of the court needs a Special Permit, the shed is in the WWPD and needs a variance or it will need to be moved, the site is stabilized, it would disturb the site more to remove the items, the owner was unaware of the WWPD restrictions, and would like the Special Permit for the WWPD disturbance and for the sports court and grading.

Board discussion ensued regarding should the applicant take care of the variances first? the application is confusing, and the violations should be dealt with. Ms. Post polled the Board regarding continuing with the public hearing. Mr. Zohdi withdrew his request for the shed and garage but would like to go ahead with the sports court and the grading. Board discussion with Mr. Zohdi continued regarding the driveway location in the WWPD, not more than 10% of the sports court is in the WWPD, the sports court is allowed in the WWPD, it is the grading which needs the Special Permit, there is no siltation in the brook, control of the runoff, and the area is stabilized. Mr. Zohdi showed the grading area on the plan, and taking it up would damage the WWPD more. Mr. Carpenter motioned to approve the Special Permit to allow the existing portion of the driveway, sport court existing grading and landscaping on the condition that the shed be relocated outside the WWPD. Mr. McLeod seconded. Discussion that the motion included the retaining wall and all landscaping. Passed 7-0. Mr. Carpenter stated he is not in favor of putting  $\frac{3}{4}$  of a garage in the WWPD. *Mr. Okerman stepped down, and Mr. LoChiatto joined the Board.*

**Granite State Animal Hospital Special Permit – Public Hearing**

**19 Roulston Road, lot 13-C-300**

Mr. Logue stated that the applicant is requesting a Special Permit to show the existing foundation drain, existing walkway and disturbed area within the Wetland and Watershed Protection District (WWPD). The applicant also wants to change the previously approved lighting to the lighting submitted with the application package, the site plan was approved on July 12, 2006 for an animal hospital, the property is in the Limited Industrial zoning district and a portion of the property is in the Wetland and Watershed Protection District (WWPD), a variance was granted on February 14, 2006 to allow a portion of the parking lot to be located in the WWPD, and he recommended it for public hearing. Mr. Carpenter motioned to open for public hearing. Mr. McLeod seconded. Passed 7-0.

Mr. Logue read the applicant's responses to the zoning ordinance for Sections 601.1.1, 601.1.2, 601.1.3, 601.1.4, 601.1.5, and 601.4.8.

Peter Zohdi, Herbert Associates, stated they were having a drainage problem and needed to fix it, the lighting plan has changed because what was installed was not what was approved, and only the physical fixture has changed not the number or location. Board discussion with Mr. Zohdi included the permit approval process in regards to when a property has a WWPD, WWPD discussion occur during the engineering meetings, the builder changed and the violation was found by the engineer during the as-built process, the lights are not down lit as requested, taking the pipe out would damage the WWPD more, are there any alternate plans? the area will be wetland vegetation, the zoning of the abutters was discussed, the lighting impact is less, and should the lighting be considered as a minor change to the site plan.

Mr. LoChiatto motioned to grant the Special Permit for the existing foundation drain, existing walkway and disturbed areas within the Wetland and Watershed Protection District and the applicant work with the staff for the appropriate amount of loam, seed, and vegetation for the WWPD. Mr. McLeod seconded. Passed 7-0.

Mr. LoChiatto motioned to allow the revised lighting as a minor change to the original site plan. Mr. Kolodziej seconded. Passed 6-1. Ms. Post opposed.

**Pelletier Subdivision – 2 lots and 1 open space lot –Public Hearing**  
**66 West Shore Road, lot 22-L-1**

Mr. Logue stated the applicant is requesting subdivision approval to subdivide lot 22-L-1 into 2 single-family residential lots and 1 non-buildable lot to be dedicated to the Town of Windham as a right-of-way. The property is at the end of West Shore Road in Residence A zoning district, a hammerhead turnaround is proposed and will provide an area for snow storage and turn around, the lot is approximately 6.17 acres with frontage on a Town road, the driveway is approximately 600 feet in length and adjacent to a utility easement, the existing structure is 3,000 sq ft and the proposed structure will be approximately 4,000 sq. ft, the address for the existing house will become 97 West Shore Road, the address for the new lot will be 66 West Shore Road, they will have separate wells and septic systems, utilities will be underground, the property has several wetland areas, and recommended for public hearing. Mr. Kolodziej motioned to accept for public hearing. Ms. Skinner seconded. Passed 7-0.

Mr. Logue stated that two waivers of the subdivision regulations are requested. They include: 1) Section 605.5 which requires side lot lines for the first 100 feet be at right angles to straight streets or radial to curved streets. It is not practical to create a 100-foot lot line because of the lot line and hammerhead configuration; and 2) Section 602.8.5 a hammerhead may be used in place of a cul-de-sac when no more than 1 lot is served. The hammerhead would provide a safe turnaround for emergency vehicles, there is no sufficient area to provide a cul-de-sac, the design has been reviewed and conceptually approved by the Highway Agent, the police and fire departments. Mr. Logue then reviewed the staff recommendations of approval. Board discussion included hours of construction.

Attorney Mason, representing the applicant, stated that the Board has seen the plan as a public discussion, the lot will be subdivided into 3 parcels, the plan has been seen by the Conservation Commission and received support for a dredge and fill, the plan has been before the departments for the safety of the hammerhead, he showed the house location, the wetlands on the plan, and the treatment swale, it will improve the end of West Shore Road, he would like to see the waivers approved, he showed where the development would occur on the property and it should not effect the neighbors.

Board discussion with Attorney Mason included the portion of land to be given to the Town for a right-of-way, the hammerhead will be built to Town standards, the plan is not dramatically different from the public discussion, and the Conservation Commission signed off on the plan.

Scott Anderson, 6 Pine Wood Road, stated that he is concerned that he'll get the water runoff to his property at a faster rate, and he does not want any more water that a 4000 sq ft home will displace. Mr. Carpenter responded that the zoning requirements require that the new development can't give you more water, and there are ways to mitigate it such as swales.

Colin Walker, 58 West Shore Road, asked how does the Town plan to use the piece of land and where is the snow storage? Attorney Mason showed him the snow storage location on the plan.

Board discussion with Attorney Mason regarding the length of West Shore Road, the lot shape is irregular because of the soil types and the placement of the hammerhead, the third lot is for the hammerhead for emergency and public works vehicles, the pavement overlaps on all three lots, removing some of the current pavement and repaving it, and the snow storage area should not be paved. Mr. Pelletier, owner, responded that the pavement is currently there. Board discussion continued regarding removing the pavement. Attorney Mason stated that you cannot develop a piece of property and increase the water that flows onto a neighbor's property. The Board discussion continued regarding the hours of construction, and staff's recommendation of approval regarding lighting is not part of the subdivision regulations.

Mr. McLeod motioned to approve the waiver of Section 605.5 in consideration of the unique lot line geometry and to minimize the intrusion into the current vegetative areas. Mr. Kolodziej seconded. Passed 6-1. Ms. Post opposed.

Mr. McLeod motioned to approve the waiver of Section 602.8.5 even though there are 2 houses instead of 1, the hammerhead will be far less intrusive than the cul-de-sac, and also because of the proximity to Canobie Lake. Mr. Carpenter seconded. Passed 7-0.

Mr. McLeod motioned to approve the Pelletier plan subject to the following conditions: 1) All state, federal and local approvals shall be received prior to the start of construction and recording of the plans; 2) All property bounds that are adjacent to Town property or right-of-ways shall be marked with granite, 4"sq x 36" long, and shall be installed level with the final grade. All other corners shall be marked with permanent boundary markers (stone or iron); 3) The house address numbers and parcel numbers shall conform to the subdivision plan which has been reviewed by the Town assessor; 4) All disturbed areas not receiving treatment shall be loamed 6" and seeded; 5) No construction noise before 7:00 am or after 6:00 pm, Monday-Friday. No construction noise before 9:00 am or after 6:00 pm on Saturday. No construction noise on Sunday or holidays; 6) The Groundwater Resource Impact Assessment recommends on-site irrigation systems be required to install rain sensors and timers to prevent over-watering.; 7) The marked area on sheet 3 of 5 will be removed of all paved materials. Mr. LoChiatto seconded. Attorney Mason stated they would work with staff regarding marking the boundaries. Passed 7-0.

The Rules of Procedures have been adopted and the next meeting on July 11 will start at 7:00 pm.

Mr. LoChiatto motioned to adjourn. Mr. Kolodziej seconded. Passed 7-0. Meeting adjourned at 9:55 pm. These minutes are in draft form and have not yet been reviewed and approved.  
Respectfully submitted, Nancy Charland