



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

PO Box 120, Windham, New Hampshire 03087
(603) 432-3806 / Fax (603) 432-7362
www.WindhamNewHampshire.com

Planning Board Minutes 7/21/10

Roll Call:

| | |
|---|---|
| Phil LoChiatto, Chairman - Present | Rick Okerman, Member - Excused |
| Nancy Prendergast - Vice Chair- Excused | Ruth-Ellen Post, Member - Present |
| Kristi St. Laurent, Member -Present | Sy Wrenn, Alternate - Present |
| Pam Skinner, Member, - Present | Bruce Breton, Selectman Member - Present |
| Louis Hersch, Alternate - Present | Lee Maloney - Alternate - Present |
| Bruce Richardson - Alternate -Present | Ross McLeod, Selectmen Alternate Member - Excused |

Staff:

Laura Scott, Community Development Director - Present
Elizabeth Wood, Community Planner - Present
Tracey Mulder, Planning Assistant - Present

Seated for Mr. Okerman is Mr. Hersch and seated for Ms. Prendergast is Mr. Richardson.

Chair LoChiatto opened the meeting at 7:03 followed by the Pledge of Allegiance.

Chair LoChiatto said tonight's meeting would begin with a continuation of the Preliminary Site Plan Review and Subdivision Design Review application from the June 2nd Planning Board meeting. A site walk was held at 5:00PM providing the Board and public an opportunity to review the plans in relationship to the site.

**Continued Preliminary Site Plan Review and Subdivision Design Review/
30 Range Road (17-L-42)**

A Preliminary Site Plan Review and Subdivision Design Review application has been submitted for Lot 17-L-42 (130 Range Road) in the Residential A Zoning District. The applicant, Karl Dubay of The Dubay Group, Inc., on behalf of E.A. Trust, is proposing an affordable/fair share housing project, to construct 25 detached condos and rehabilitate the existing Austin Barn Manor into 5 condos and a common area. The project proposes a new private drive, common areas, play yards and exercise courts, and will be designed to LEED standards.

Ms. Scott went over the information that was provided to the Board in their packet, which included revised Site Plans and a memo from Karl Dubay addressing the concerns raised by the Board at the June 2nd meeting. In addition, Ms. Scott reminded the Board and the public this is Preliminary Site Plan Review and Subdivision Design Review Discussion and the only decision the Board can make tonight is to either continue or to end the discussion. At that point, the applicant can formally submit an application which will be reviewed for compliance with zoning, site plan, and subdivision regulations and the plans will be reviewed by the Town Engineer.

Ms. Scott said per Board's request at the last meeting, Police, Fire, Highway, Historic and Conservation all received a set of plans and were invited to the Site Walk and tonight's meeting.

Mr. Karl Dubay of The Dubay Group addressed the Board and went over several items in his memo outlining additional information the Board and Ms. Scott had requested. In particular, he provided the Board with a memo from Gove Environmental Services indicating there are no wetlands on the property.

Mr. Dubay provided the Board plans outlining the architectural and landscaping design improvements. Mr. Dubay indicated that the buffers on all sides of the property have been substantially increased. In addition the individual garages have been removed and replaced with parking areas for the homes clustered together, which will also have a consolidated septic system. Mr. Dubay said to keep in line with low impact development and smart growth they are open to replacing grass areas with drought tolerant ground cover to keep costs down. In the summary memo provided to the Board Mr. Dubay outlined that the site will need to meet NFPA requirements, the proposed building separation is allowed with this type of construction and use, and that the fire suppression system or cisterns will be shown on the final design.

Mr. Dubay said that the cul-de-sac can accommodate emergency vehicles and snowplows, two parking spaces per unit will be provided as well as guest parking. However, there will not be sidewalks, as there is plenty of walking opportunity without sidewalks. Mr. Dubay answered a previous question about affordability mentioning the state came out with a new set of procedures that step through the affordability process providing guidelines to the Town and future applicants and this would be completed in conjunction with the final design of this project and reviewed by the Board.

Mr. Dubay said in accordance with Ms. Scott's memo, he does not believe any variances will be required for this design as all setbacks and criteria have been met. However, if a variance is needed, they would be outlined through the Code Enforcement Officer.

Ms. Welton of Artform Home Plans, addressed the Board providing detailed drawings of the architectural features and dimensions of the proposed buildings. She noted the primary change was the size of the homes and the spacing between each home. She noted the homes were clustered in groups of three with a parking area rather than individual garages and driveways.

Mr. Richardson asked about the affordability of the project. Ms. Welton said she did not have the pro forma yet but after conferring with several builders she is confident that these can be built with a cost of \$256,000; however, the cost depends the unit style.

Mr. Albert Aeed, addressed the Board and said before they go ahead and discuss the price he wants to be able to review the new state guidelines in detail and does not want to commit to any prices in order to ensure they are in compliance with the new state guidelines.

Ms. Maloney asked if there would be a condominium fee structure that is associated with the price of the home and Mr. Dubay said yes, and that this would be part of the pro forma calculations.

Chair LoChiatto asked if they were predetermining which models would be placed on a particular parcel and Ms. Welton said that they are trying to be flexible; however, they have a good idea of where the units will be placed on the property.

Mr. Hersch asked about handicap parking and Ms. Welton said that they will revisit the possibility of targeting specific homes as handicap accessible and will come back before the Board with an answer.

Mr. Richardson said often guest parking is an issue with multiple unit projects. Ms. Welton said the parking will accommodate additional vehicles if someone has a gathering at their home as guests can park along the road.

Mr. LoChiatto asked if parking spaces would be designated and numbered for each unit and Ms. Welton thought most likely they would assign parking spaces. Mr. Dubay responded landscaping could be modified to accommodate additional parking and this will be examined.

Mr. Breton asked about the water source and potential well locations and wondered if all three water supplies could be shown are on the plan. Mr. Dubay responded there are three water sources to draw from; Pennichuck, an onsite water source and a deeded offsite water source.

Chair LoChiatto asked if the playground and exercise area could be moved to another location on the site to provide the abutters a larger buffer and Mr. Dubay agreed to look into this option. Mr. Breton thought if the playground and exercise areas were eliminated it would reduce the cost of condo association dues.

Chair LoChiatto opened the Preliminary Site Plan Review and Subdivision Design Review to the public.

Mr. Tom Case, addressed the Board about the number of parking spaces and said he wanted to know, when discussing parking, why Ms. Welton referenced retirees and not workforce housing. The Board clarified this site is called affordable fair share housing and is an opportunity for everyone of a moderate income level not age.

Mr. Case questioned as to why this proposal is being classified as a subdivision because all the owners will own the property in common and no land is being subdivided into separate parcels. Ms. Scott said it is a condo development which is considered a subdivision of land because each unit will have it's own map and lot number and because of state law, it is has to be classified as a subdivision and site plan.

Attorney Chris Bolt representing William and Katherine Deluca, abutters to the site, said the statute does not require the Town to accept this project. The statute only requires the Town to provide reasonable and realistic opportunities for workforce housing. He said the site has a steep pitch and is extremely forested, and their obligation, if this sight is to be developed, is to ensure not one drop of water runs off the site other than what is currently flowing and in his opinion, due to the resculpting of the property, this is impossible. Since the Town passed the Cobbetts Pond Watershed Ordinance he thinks the Town should get an opinion from Attorney Campbell because both the Workforce housing statute and the general vesting statute have provisions that expressly exempt them from the vesting i.e. the new statutes applies for such things as protecting public health standards such as water quality, which is the exact purpose of the Cobbetts Pond Ordinance. In addition, there are other objections to the Cobbetts Pond Ordinance such as blasting and digging that will affect the quality of the Pond. In addition, Mr. Bolt urges the Board to require a traffic study. He went on to say that if this plan moves forward, he will bring contrary expert testimony before the Board to attest this is not the right property for this project.

Ms. Scott reminded the Board and the public this is a design review process and there are many items that would be required as part of the final application that are not required for design review process.

Attorney Michael Rosen, council for Joe Faro, abutter to the property, addressed the Board and said the project is excessive for the site and this design fails to address significant concerns such as traffic flow, excessive number of homes on the lot, conflict over rights to Pond access, lack of proof regarding offsite

water well. He would like to see a design that shows reasonable and realistic workforce housing other than maximum density on a lot.

Mr. Albert Aeed addressed the Board indicating there is proof that the items that are being discussed such as pond access and offsite water rights do exist.

Attorney Rosen addressed Mr. Aeed's comments and said the water rights have been litigated and lost. The access rights are for the homeowners on the water up to the road, not the opposite.

Bob Erler, Farmer Road, addressed the Board asking them to require Mr. Dubay to originate a list of specific locations to be monitored after each rainfall and to provide the list to the CPIA and the citizens of Windham. He would like the representatives from CPIA to periodically review these sites. In addition, he would like to know how rain barrel and recharge systems work in freezing weather and he would like to know what remedies will be put in place to prevent the clogging of the rain barrels that will be placed on the site.

Chair LoChiatto closed the Preliminary Site Plan Review and Subdivision Design Review to the public.

Ms. Scott mentioned a traffic study is required to show the line of site, traffic flow, and turning movement and this information will be sent to the Town engineer for review. Mr. Dubay said that he did have a preliminary meeting with NHDOT and they have mapped out their expectations for this site.

Mr. Richardson said because this is a design review process it is the job of the Board to provide guidance to the applicant. He went on to say it is his personal opinion, because this property is in the Cobbetts Pond Watershed Protection District, it does not comply with zoning and he believes a variance may be needed. And, because Windham does not have a work force housing ordinance, this project will fall under the builders remedy. In addition, because this site is in the Cobbetts Pond Watershed it does not comply with environmental concerns and should be required to adhere to the new Cobbetts Pond Ordinance.

Ms. Post provided credit to the applicant for making significant changes to honor the Board's earlier requests.

Mr. Richardson made a motion to close the preliminary site plan review and subdivision design review process. Second by Ms. Post. Motion passed 7-0.

Board took 5 minute recess.

Conceptual Reviews

Chair LoChiatto read the application into the record.

Case #2010-15, Woodside North Development (14-B-2800)

A conceptual Subdivision Application has been submitted for Lot 14-B-2800 on London Bridge Road which is located in the Rural District. The applicant, Peter N. Zhodi of Edward N. Herbert Associates, Inc., on behalf of the owner, Kerry McKenna Revocable Trust, is proposing to subdivide the lot in to 10 building lots for single-family residential homes.

Ms. Wood addressed the Board that this is conceptual review and abutters have not been noticed. This application came before the TRC and is still waiting for some comments. Ms. Wood included in the

Board's packet a list of outstanding items and comments received from the Fire, Police, and Assessing Departments and the Heritage Commission. In addition, an engineering review is being conducted by Keach Nordstrom and comments will be provided in the Board's packet for the Public Hearing.

Mr. Peter Zohdi of Edward Herbert Associates addressed the Board and he has approval from Department of Environmental Services to subdivide this land. Mr. Zohdi discussed the waivers he would like to have from Sections 701.2 and 701.1.15.

Chairman asked about the lot numbering from the assessor and if addresses would be changed. Mr. Zohdi said some addresses would change and he will meet with the assessor.

Chair LoChiatto asked if the Board would like Mr. Zohdi perform a drainage study and the consensus of the Board was that they would be willing to waive the drainage study for this plan.

Chair LoChiatto opened the conceptual discussion to the public and hearing no public comment closed the conceptual discussion.

Motion by Ms. Post to close the Conceptual Subdivision Plan. Second Mr. Hersch. Motion passed 7-0.

Case #2010-16, Woodside South Development (20-D-2300)

Chair LoChiatto read the application into the record.

A conceptual Subdivision Application has been submitted for Lot 20-D-2300 on London Bridge Road which is located in the Rural District and in the WWPD. The applicant, Peter N. Zhodi of Edward N. Herbert Associates, Inc., on behalf of the owner, McKenna Revocable Trust, is proposing to subdivide the lot into 6 building lots for single family residential homes.

Ms. Wood noted for the Board the engineering study is unfinished. Ms. Wood reviewed for the Board the outstanding items she is requesting from the applicant.

In addition, Ms. Wood noted that the applicant is asking for waivers from Sections 701.2 and 701.1.14.

Chair LoChiatto asked if the Board they would like Mr. Zohdi perform a drainage study and the consensus of the Board was that they would waive the drainage study for this plan.

Ms. Wood included in the Board's packet a list of outstanding items and comments received from Fire, Police and the Heritage Commission and mentioned she is waiting to hear from the Police Department regarding the proposed addresses for the parcels.

Mr. Zohdi addressed the Board noting that drainage easements are all shown on the plans. Full drainage study and alteration of terrain studies will be performed in the future if this gets further developed and a road is put in.

Mr. Richardson asked about lot 20-D-2306 that shows three addresses on one parcel and wondered if it they would be subdivided in the future. Mr. Zohdi said that it was impossible to subdivide.

Chair LoChiatto opened the conceptual discussion to the public and hearing no public comment closed the conceptual discussion.

Chair LoChiatto asked if the Board would like Mr. Zohdi perform a drainage study and asked the Board's consensus if in the future, they would waive it. The consensus of the Board was that they would waive the drainage study for this plan.

Motion by Mr. Breton to close conceptual subdivision plan. Second by Mr. Hersch. Motion passed 7-0.

Meeting Minutes Review and Approve

Minutes from June 30, 2010 are postponed until the August 4 meeting.

Motion to approve the July 7-2010 minutes as written by Mr. Breton. Second by Mr. Richardson. Motion passed 4-0-3 with Ms. Post, Mr. LoChiatto and Ms. Skinner abstaining.

Miscellaneous

Ms. Scott briefed the Board about next week's CIP meeting workshop.

Adjournment

Motion to adjourn at 9:30 PM by Mr. Breton. Second by Ms. St. Laurent. Motion passed 7-0.

These minutes are respectfully submitted by Tracey Mulder.