



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

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Planning Board Minutes 9/15/10

Roll Call Planning Board:

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

Mr. Bruce Richardson is seated for Vice Chair Ms. Nancy Prendergast.

Call to Order/Attendance/Pledge of Allegiance

Chair LoChiatto announced that the Community Development Department will be hosting a seminar on Best Practices to Facilitate Meetings, presented by LifeResouces, Member Assistance Program, to be held on Thursday, September 30, in the Community Development Department.

Public Hearings:

Case #2010-29 WWPDP Special Permit Application Lot 20-E-130

Mr. Richardson read the application into the record.

A Wetlands and Watershed Protection District (WWPD) Special Permit Application has been submitted by Peter Zohdi, of Edward N. Herbert Assoc., on behalf of Sandra Adamchuck. The application is proposing lot grading in the WWPD for a total impact of 9,350 sq. ft. The property is located at 28 Bear Hill Road (Lot 20-E-130) in the Rural and WWPD Zoning District.

Mr. Peter Zohdi of Edward Herbert and Associates addressed the Board noting the conditions of the Zoning sections 601.1.1 through 601.4.6. and 601.4.8 have all been met. The client has a special needs child and would like to accomodate the back yard to be more a more suitable play area as the current conditions of the backyard on not safe for their child to play. Mr. Zohdi indicated there is a letter from the Conservation Commission recommending this Special Permit to the Planning Board.

Mr. Breton motioned to accept case 2010-29, Lot 20-E-130, WWPD Special Permit Application for public hearing. Second by Ms. Post. Motion passed 7-0.

Ms. Post asked if this change in the landscaping would affect runoff and Mr. Zohdi responded it will not have any effect on runoff.

Chair LoChiatto opened the hearing to the public. Hearing no public comment, Chair Lochiatto closed the hearing to the public.

Motion by Mr. Breton to grant the WWPD Special Permit for Lot 20-E-130, citing the letter dated August 9, 2010, from Edward Herbert and Associates that Zoning Ordinances 601.1.1 through 601.4.6 and Section 601.4.8 have been satisfied. Second by Ms. Skinner. Motion passed 7-0.

Case #2010-24 Customary Home Occupation Application Lot 6-A-814

Mr. Richardson read the application into the record.

A Customary Home Occupation Application has been submitted by Spencer and Chandra Webb. The application is for a Customary Home Occupation Engineering Business to be located in their residence, located at 15 Bedros Street (Lot 6-A-814), in the Rural District. The owner plans to work from his home and employ 1 part-time bookkeeper who will also work at the site. No alteration to the building or outdoor storage of material is being proposed.

Mr. Spencer Webb address the Board explaining that the nature of his business is engineering research and consulting, primarily designing antennas. He went on to say that he does not require any special signage, there will be no alteration to the building or outdoor storage of material. In addition, the business occupies 682 square feet of living space, representing 18% of the 3,700 square feet of living space in his home. It occupies one of the five (5) bedrooms in the home and there are no additional requirements for water or sewage.

Motion by Mr. Breton to open to case 2010-24 Customary Home Occupation for Lot 6-A-814 for public hearing. Second by Ms. Post. Motion carries 7-0.

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

Motion by Ms. Post to approve the Customary Home Occupation Application case #2010-24, Lot 6-A-814, because it meets all the requirements of the Home Occupation Ordinance. Second by Mr. Breton. Motion passed 7-0.

Case#2010-27 Lot Line Adjustment Application Lots 25-R-2, 25-R-3, & 25-R-4

A Lot Line Adjustment Application has been submitted for 3, 5, & 7 Osgood Street (Lots 25-R-2, 25-R-3, 25-R-4), in the Residence A and WWPD Zoning Districts. The applicant, Peter Zohdi of Edward N. Herbert Associates, on behalf of the owners Kristen Dixon & the Paul E. Geary Living Trust is proposing to complete a lot line adjustment of the properties. The proposal is to alter the lot configurations of the three (3) lots, each of which contains a single-family residence. The lot sizing and lot frontages of each lot will remain the same.

Mr. Richardson read the application into the record.

Mr. Peter Zohdi, Edward Herbert and Associates, addressed the Board noting his company did the subdivision on this property several years ago and the owners would like to modify the lot line keeping the acreage for each lot the same.

Motion by Mr. Breton to open case 2010-27, Lots 25-R-2, 25-R-3, & 25-R- 4 for public hearing. Second by Ms. Skinner. Motion passed 7-0.

Chair LoChiatto noted that he thinks it would be helpful to have buried granite bounds rather than iron rods and Mr. Zohdi responded that would be fine.

Ms. Post said she would like to understand why the parcels are such an odd shape. Mr. Zohdi said that the current ordinance is written that the first 100 feet of a lone line must be radial or 90 degree to the street line. When this is done based on lot sizing charts, the only way to make the lot larger is to create a dogleg.

Chair LoChiatto opened the Lot Line Adjustment Application, Case 2010-27, Lots 25-R-2, 25-R-3 and 25-R-4 to the public. Hearing no public comment Chair LoChiatto closed the hearing to the public.

Motion by Mr. Richardson to approve Lot Line Adjustment Application, Case 2010-27, Lots 25-R-2, 25-R-3 and 25-R-4 at 3,5,7 Osgood Street per the plan submitted. Second by Ms. Post.

Mr. Richardson amended his motion to include the granite bounds and to indicate on the Plans “Lot Line Adjustment” rather than “Land Transfer Plan”. Second by Ms. Post. Motion passed 7-0.

Case #2010-30 Minor Site Plan Application Lot 13-A-196

An Application for a Minor Site Plan has been submitted by Peter Zohdi of Edward Herbert Assoc., on behalf of ABACO Real Estate Enterprises, LLC. The proposal is to modify the 1/13/10 approved site plan to allow a 158’x83’ 1-story building where 160’x60’ 2-story building with a basement had been approved; 60 parking spaces where 91 spaces had been approved; 14% building coverage where 10% had been approved; and 62% open space where 49% had been approved. The property is located at 13-A-196 (5 Industrial Drive) in the Limited Industrial Zoning District.

Ms. Scott said that the Board is being asked to consider this a Minor Site Plan and she noted this entire site was previously approved in January 2010. The applicant is before the Board proposing amendments to a previously approved site plan so this application is not an approval of the whole site, just the changes outlined in the application. Ms. Scott said that due to the fact that the proposal is a decrease in parking spaces and an increase in open space from what was previously approved, the Town Engineer was not asked to review the application for traffic circulation or drainage and the site should not have any problem with stormwater runoff. She went on to say that the only comments were from the Fire Department and they would like to ensure there is adequate access around the entire site to ensure it meets fire code.

Motion by Mr. Breton to accept the application as a Minor Site Plan application citing Section 306 of the Town Zoning Ordinance. Second by Mr. Richardson. Motion passed 6-0-1 with Ms. St. Laurent opposed. Ms. St. Laurent voted in opposition because she felt that there were too many changes made to the Plan to be considered a Minor Site Plan.

Mr. Peter Zohdi, of Edward Herbert and Associates addressed the Board explaining the tenant would like to open a medical office and to accommodate the new tenant, he is reducing the building by one floor. The application is in compliance with all the Towns regulations. In addition, this application has gone before the TRC and the Fire Department is satisfied.

Ms. Post clarified the footprint of the new building versus the old building. In addition, she asked about the location of the snow storage area and Mr. Zohdi noted on the plans where the snow removal would be located.

The Board discussed the signage and Mr. Zohdi said he would come back before the Board for the signage. Ms. Scott reminded the Board that the previously approved Site Plan showed the sign locations and the applicant would not need to come back to the Board for signage unless a change of location or size is being proposed.

Mr. Richardson asked if the building would be visible from Lansom Road and Mr. Zohdi said “Yes,” the side of the building would be visible but due to the topography not the entire building.

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

Mr. Breton motioned to approve the Minor Site Plan application for case 2010-30, Lot 13-A-195 as presented. Second by Mr. Okerman.

Ms. Post requested the Board to include in the motion that the architectural rendering and not the application drawings be used in the final design. Mr. Breton amended his motion to conform to the architectural rendering. Motion passed 7-0.

Ms. Wood said that Case #2010-28, Amendment to an Existing Subdivision Approval Lots 20-D-3011, 20-D-3012, & 20-D-3014, was postponed to the next meeting per the applicant’s request.

Meeting Minutes Review and Approve

Motion by Ms. Post to approve the August 18, 2010 meeting minutes as written. Second by Mr. Breton. Motion passed 7-0

Motion by Mr. Breton to approve the September 1, 2010, as amended. Second by Ms. Skinner. Motion passed 7-0.

2011 Town Meeting Workshop

Building lot coverage – Appendix A-1

Ms. Scott said the reason this is in front of the Board is because applicants have had questions and asked for clarification and she thought by adding definitions this would alleviate some of the confusion.

Ms. Scott said that the Building Lot Coverage was not clearly defined in the ordinance as to what is to be used in the calculations. The common assumption is that that the buildings on the lot are what are to be calculated to figure out Lot Coverage. She went on to explain that the current definitions section of the Zoning Ordinance, specifically the terms 'building' and 'structure' are interchangeable and both refer to the Building Code for definitions. She noted that although these are interchangeable the definition sections are vastly different in the 2009 International Residential Code, which is the Building Code used by the Town.

Ms. Post likes the definition changes for clarity but the broader definition of coverage needs to be revisited.

Ms. Scott said she was trying to clarify the difference between building and structure and will revise the language based on Board input and bring it back for further review.

Development on preexisting non-conforming lots – Section 400

Ms. Scott noted that over the past 5 years, there have been 254 requests to the ZBA for relief from Section 400. The main change in the Section is to define the terms "Abandon/Abandonment" and in addition to clarify "Structure vs. Use" and to use this language consistently through out the zoning section.

The Board had a discussion regarding the terminology in Section 405 of the Zoning Ordinance. Ms. Scott said the definition for the word 'use' covers the structure as well. The Board agreed the ordinance should separate the terms non-conforming use and non-conforming structure to make it clearer.

Ms. Scott said she would review the sections and bring new language to the Board.

Member Updates

Board of Selectman - Mr. Breton provided the Board with updates from the BOS noting they were working on the 2011 budget.

Conservation Commission – no report

Wall Street Corridor Study -Ms. Scott said there is public meeting on September 28 at 7pm at the High School to discuss the Wall Street Corridor and information is a webpage on the Town website.

CTAP Road Mapping Project -Ms. Scott said the web page has been completed and there will be a CTAP project page on the Town website where all of the projects can be found including the road mapping project.

Rockingham Planning Commission – no report

Adjournment

Motion by Mr. Okerman to adjourn at 8:45. Second by Mr. Richardson. Motion passed 7-0.