



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
Draft 12/22/10 Minutes

Roll Call:

Phil LoChiatto – Chairman – present
Rick Okerman – Vice Chairman – present
Pam Skinner – Member - Present
Ruth-Ellen Post – Member – Present
Bruce Richardson – Member – Excused
Kristi St. Laurent – Member – Arrived 7:10 pm

Lee Maloney – Alternate - Excused
Sy Wrenn – Alternate – Excused
Louis Hersch – Alternate – Excused
Bruce Breton – Selectman Member – Excused
Ross McLeod - Selectman Alt Member - Present

Ross McLeod is seated for Bruce Breton. Lee Maloney is seated for Bruce Richardson.

Staff:

Elizabeth Wood, Community Planner – Present
Mimi Kolodziej, Planning Assistant – Present

Chair LoChiatto opened the meeting at 7:00 pm followed by the Pledge of Allegiance

Public Hearing

**Case#2010-43 Customary Home Occupation Application Conditional Use Permit
45 Heritage Hill Rd. (24-F-167)**

A Customary Home Occupation/Customary Use Permit Application has been submitted for 45 Heritage Hill Road (24-F-167), zoned Rural. The applicant, Diane Levesque, is proposing to operate a Dog Day Care business in her residence. An additional employee will be hired if the business expands to care for 6 or more dogs at any one time. No alteration to the existing house or parking area is being proposed. A 1'x3' free-standing sign is being proposed to advertise the business.

Chair LoChiatto announced that the applicant has withdrawn the application.

Case#2010-45 Minor Site Plan Application/Mammoth Rd. (Lot 14-A-925)

A Minor Site Plan Application has been submitted by Peter Zohdi, of Edward N. Herbert Assoc, on behalf of Kenneth P. Bergeron & Paul D. Bergeron, for The Willows Site Plan Lot 14-A-925 (Mammoth Road). The applicant is requesting that the Planning Board Conditions of Approval #13-#18, issued on May 9, 2007, be optional at the request of the homeowner and not mandated in all units.

Rick Okerman read the hearing notice into the record.

Ms. Wood explained that the applicant is requesting changes that are not regulated by current Zoning regulations; consequently, staff has no input.

Chair LoChiatti asked if Ms. Wood thought the applicant had submitted enough information for the Board to make a decision. She confirmed that had been done.

Ms. Skinner made a motion to accept the application for Public Hearing. Seconded by Ms. Post. Motion passed: 5-0

Peter Zhodi explained that he had appeared in front of the Board on 6/9/07 representing his client who was requested approval for construction of a 21 unit, 55+ adult community. One of the Planning Board's conditions of approval in 2007 was that the community be connected to Pennechuck water. His client chose not to do this due to expense and other considerations. On 6/19/10, his client requested to revise his Site Plan approval to reduce the community to 18 units and connect each of 9 of the units to one of two drilled wells. This request was approved.

Mr. Bergeron reviewed the original Conditions of Approval from 2007 and is now asking the Board's reconsideration on numbers 13 through 18 of that approval. On 11/18/10, Mr. Zhodi wrote a letter to the Chairman of the Board outlining these requests and would like to go through them at this time:

- #13 – All units will be handicap accessible.
Mr. Zhotti asked the Board's reconsideration so that a ramp and/or chair lift may be added as needed. He stated that marketing a unit with a pre-existing ramp, which takes up a car space, in the garage of non-handicapped, 55 or older potential buyer is made more difficult than without a ramp.
- #14 – All units will be barrier free.
Mr. Zhoddi would like to comply upon the request of the buyer. If the buyer wants this feature, it will be provided.
- #15 – All units will have 3' wide interior and exterior doors.
There is no request for reconsideration on this item.
- #16 – All units will have handicap ramps in the garage.
Mr. Zhotti would like to comply if the unit owner, before purchasing, requests a ramp.
- #17 – Handicap showers and toilets will be available for all units.
Mr. Zhotti would like to comply with the homeowner upon request of these features.
- #18 – Each unit will have a grab bar installed in the bathroom.
Mr. Zhotti would like to comply upon request of the unit owner.
- #19 – Each unit will be pre-wired for a chairlift to different floors in the unit.
 Mr. Zhotti will comply with this condition today. All pre-wiring will be done. If the buyer wants a chairlift, they will pre-wire#20 – Each unit will be pre-wired with a life support plug.
There is no request for reconsideration on this item.
- #21 – Twenty percent of the units will be made available with call buttons.
Mr. Zhotti's client will make call buttons available in one hundred percent of the units.

Selectman McLeod asked Mr. Zhodi if this project was built under the benefits and regulations of the Elderly Housing Ordinance. Mr. Zhodi confirmed that it was. Selectman McLeod wondered why some features that are of utility to an aging population are being removed. Was it a marketing question? He is concerned about resale to subsequent buyers who may find that the unit needs additional construction,

and now this represents an obstacle or inertial to buying. Mr. Zhodi said that a handicap ramp is an item that can be easily dropped in at any time.

Chair LoChiatto recalls a previous meeting where they discussed that the units would be designed to accommodate these features; pre-wiring would be done, blocking in the walls for grab bars would be done, all the work in the guts of the construction would be made ready. Mr. Zhodi agreed and added that many of the 55 and older buyers are not handicapped, and some of the handicap features would be undesirable.

Selectman McLeod recapped #'s 13-21 and acknowledged that if all the pre-wiring and construction was done, he could support the requests.

Chair LoChiatto cautioned use of the terms "barrier-free" and "handicap accessible" which reference back to very specific ADA terms.

Ms. Post asked about a successive buyer needing features that the previous owner did not. Mr. Zhodi explained that the unit will have been built to accommodate the aforementioned features, but it will now be at the expense of the new owner to build a ramp or add grab bars, for example.

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

Selectman McLeod suggested re-wording #13. Chair LoChiatto and Ms. Post suggested: "All units shall provide reasonable construction accommodations for the installation of a ramp and/or chair lift.

The Board re-capped the requested amendments:

#13 will have language change: "All units shall provide reasonable construction accommodations for the installation of a ramp and/or chair lift.

#14 will be removed as a condition of approval.

#15 will remain as it is.

#16 will be removed as a condition of approval.

#17 All units will have handicap showers while a "comfort seat" toilet will be available upon request of the homeowner.

#18 will have language change: "Each unit will have rough framed blocking to accommodate a grab bar.

Ms. Post made a motion to approve the amendments to the 6/9/07 Conditions of Approval #13, #17, and #18 and remove the 6/9/07 Conditions of Approval #14 and #16 for Case#2010-45 Minor Site Plan Application/Mammoth Rd. (Lot 14-A-925. Seconded by Selectman McLeod. Motion passed: 6-0

Case #2010-35 Lot Line Adjustment/4 & 6 Viau Road (16-Q-214 & 16-Q-214A)

A Lot Line Adjustment Application has been submitted for 4 & 6 Viau Road (Lots 16-Q- 214 & 16-Q-214A), zoned Residential A. The applicant, Joe Maynard of Benchmark Engineering Inc., on behalf of the owners Scott & Deena Boucher and the Felson Family Revocable Trust, are proposing t adjust the lot line by 15' between two parcels.

Rick Okerman read the hearing notice into the minutes.

Ms. Wood noted that the Fire and Police Departments had comments about the property addresses, which are included in the Board's packets. The Fire Department has resolved their issue and a memo was in the file. A Variance had been granted by the ZBA and a copy of that was in the Board's packet. The applicant is requesting a waiver from Section 605.5 of Subdivision Regulations from the Planning Board review.

Joe Mayard of Benchmark Engineering representing the Felson and Boucher families noted the two properties are on Cobbetts Pond, off Ministerial Rd. These addresses, 4 and 6 Viau Rd, are accessed by a driveway off Ministerial Rd. The Police and Fire Departments, in discussion with Mr. Maynard, have agreed to change the addresses to 44 and 46 Ministerial Rd. The two property owners are proposing to adjust the lot line between the lots by 15'. This gives lot 16-Q-214A fifteen feet of frontage on Ministerial Rd. A variance from the Zoning Board of Adjustment has been received. There are two existing seasonal homes, one on each property.

**Ms. Post mad a motion to move Case #2010-35 to Public Hearing. Seconded by Ms. Skinner.
Motion passed: 6-0**

Mr. Maynard noted the waiver request before the Board is to allow lot line not to be perpendicular to the street right-of-way. Both lots share a driveway so there is an easement in progress for this driveway sharing.

Selectman McLeod wanted to be assured that abutters had been notified. Ms. Wood confirmed they had.

Chair LoChiatto noted that the proposed lot line adjustment is really a subdivision. Ms. Wood confirmed that a Lot Line Adjustment is regulated by the Subdivision Regulations and it is technically a subdivision.

Mr. Maynard explained that these lots currently have state approved septic systems. This proposal allows these 2 lots to become more conforming and gives them legal frontage.

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

Selectman McLeod moved to approve the subdivision application as presented with the one condition by Chief Lewis of the Police Department regarding the street addresses. Seconded by Ms. Post.

Ms. Wood addressed the abutters' lot change and suggested adding a name to the subdivision on the title block for the Registry of Deeds.

Selectman McLeod amended his motion to reflect an amendment to the proposal so that the name of the subdivision application show on the title block key, and the tax rep numbers for 16-E-25 and 16-E-26 be properly identified on the plan.

Ms. Wood reminded the Board to review the request for a waiver on 605.5.

Selectman McLeod tabled his motion.

Selectman McLeod made a motion to approve the waiver to 605.5 Subdivision Regulations. Seconded by Ms. Post. Motion passed: 6-0

Selectman McLeod re-tabled his motion to approve the subdivision application subject to the address re-numbering pointed out by Chief Lewis, the title block being renamed to indicate a subdivision name, and the tax rep numbers for 16-E-25 and 16-E-26 be properly identified on the plan. Seconded by Ms. Post. Motion passed: 6-0

Public Hearing for Zoning Amendments for the 2011 Town Meeting:

Section 604 Neighborhood Business District. Amend Section 604.1 Uses Permitted to delete “parking areas or garages,” “signs,” assembly and banquet halls,” “banks,” and “overnight parking,”; add “museums,” “daycares,” and “preschools,”; add section 604.2 to allow accessory apartments and the outdoor overnight parking of one commercial vehicle and one unregistered motor vehicle without site plan review.

Chair LoChiatto asked the Board, in light of the discussion of last Planning Board meeting where zoning language amendments were dropped, perhaps this District needed more public input and zoning consideration.

Selectman McLeod moved that the proposal to amend Section 604 Neighborhood District be withdrawn from consideration on this year’s warrant. Seconded by Ms. Skinner. Motion passed: 6-0

Revised Site Plan

Sign Permit for North Star Financial Planning, 112 Range Road, Lot 17-L-15.

Ms. Wood mentioned that this is a small site plan change to the background colors and lettering on a previously approved sign. There is no change to the size or location of the sign. Since this is a change from what the Planning Board approved, staff felt it should be brought back to the board for review..

It is a free-standing, 3 square foot sign and a variance has been approved to allow this in the Rural District.

Robin Young stated that she owns North Star Financial Planning on 112 Range Road.

Selectman McLeod made a motion to accept the application for Public Hearing. Seconded by Ms. Skinner. Motion passed: 6-0.

Ms. Young explained that the color is a beautiful Hunter Green. The star logo will remain. Nothing else has changed.

Chair LoChiatto opened discussion to the public. Hearing no discussion, Chair LoChiatto closed the Public Hearing.

Selectman McLeod made a motion to approve the requested revision to the site plan for the new site colors on the North Star Financial Planning sign. Seconded by Ms. St. Laurent. Motion passed: 6-0

Meeting Minutes Review and Approve 12/8/10

Ms. Skinner made a motion to accept the minutes of 12/8/10 as presented. Seconded by Ms. Post. Motion approved: 4-0-2 Selectman McLeod and Mr. Okerman abstained.

Member Binder Updates

Ms. Wood drew the Board's attention to the 2011 Planning Board schedule in their packet.

Miscellaneous

Ms. Wood announced there would be no Planning Board meeting next week.

Adjournment

Selectman McLeod made a motion to adjourn. Seconded by Ms. Skinner. Motion approved: 6-0.
Meeting adjourned at 8:19 p.m.

Draft minutes are respectfully submitted by Ms. Mimi Kolodziej.