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COMMUNITY DEVELOPMENT

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

Planning Board Minutes
Draft February 9, 2011

Roll Call Planning Board:

Phil LoChiatto, Chairman – Present
Rick Okerman, Vice Chair – Excused
Ruth-Ellen Post, Member – Present
Pam Skinner, Member – Present
Kristi St. Laurent, Member – Present
Bruce Richardson, Member – Present

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

Staff:

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

Call to Order/Attendance/Pledge of Allegiance

Chair LoChiatto opened the meeting at 7:00 p.m. followed by the Pledge of Allegiance.

Sy Wrenn will be seated for Mr. Okerman

Public Hearing on Excavation Regulations

A public hearing to consider the adoption of Excavation Regulations will be held pursuant to the authority granted by NH RSA 155:E. The Planning Board is proposing to adopt Excavation Regulations for the purposes of insuring a sustainable local supply of earth products remain available for public and private infrastructure construction, while minimizing safety hazards and environmental impact created by open excavation. The regulations lists types of excavations that require an excavation permit, the types of excavations that do not require a permit, and the conditions under which excavations are prohibited. A process for reclamation of abandoned excavation, for obtaining an excavation permit, and the process for requesting waivers are outlined.

Mr. Wren read the Hearing Notice into the Record.

Steve Keach of Keach-Nordstrom noted that this Public Hearing was preceded by 2 Work Sessions beginning in the Fall of 2010. A minor contextual change has been made to Section XII in response to a request by the Planning Board at the 10/27/10 Work Session. The change requires the applicant to request an annual renewal so as to demonstrate that the excavation continues to be consistent with the permit. Because construction excavations often continue for several years and may experience staff changes, this renewal process allows the applicant to revisit the permit and assure agreement with the initial permit request.

Ms. Post asked Mr. Keach for clarification on Sections III-D and VII-I and Mr. Richardson questioned Mr. Keach about the 45-day permit renewal request in Section XII-B. After discussion with the Board, no changes were recommended to these sections.

Chair LoChiatto open the Hearing to the public. Hearing no comments, he closed the Public Hearing.

Ms. Post made a motion to adopt the Excavation Regulations as presented. Mr. Breton Seconded. Motion passed: 7-0

Public Hearings on Applications:

Case #2011-1 Minor Site Plan/Change of Use Application Lot 13-A-3

An Application for a Minor Site Plan/Change of Use Application has been submitted for 5 Rockingham Road, Lot 13-A-3, zoned Commercial District A. The applicant Jay M. Paiva, of United Party Rental, on behalf of the property owner, 5 Rockingham Road Nominee, is proposing to change the approved use to the retail and rental of special event equipment.

Mr. Wrenn read the hearing notice into the Record.

WASAPPLICAITON ACCEPTED AS A MINOR SITE PLAN?

Ms Wood explained that the application meets all the regulations in the Planning and Zone Use Ordinances. There will be outdoor storage of inflatable “bounce houses,” and the concern is they might obstruct emergency access. Ms. Wood and the applicant have worked with and received approval from the Fire Department after the installation of a fire alarm system.

Jay Paiver from United Party Rental at 5 Rockingham Rd explained he will stock 3 “bounce houses” outside in the rear of building during store open hours, not overnight. Should an emergency situation occur, it would take less than 5 minutes to deflate and fold them.

Ms. Post inquired about the location of the “bounce houses.” Mr. Paiver showed the storage location on the plan.

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

Mr. Breton made a motion to approve the Minor Site Plan/Change of Use Application of Lot 13-A-3. Seconded by Mr. Richardson. Motion passed: 7-0.

Case #2010-32 Amendment to Existing Site Plan Application Lot 13-A-31

A Minor Site Plan Application has been submitted for 33 Rockingham Road (Lot 13-A-31), in the Commercial A District zone. The applicant Howard Shafman on behalf of the owner DJR Realty is proposing to modify an existing site plan to increase the maximum amount of cars to be placed on the property for sale from 26 to 41 cars. The applicant is also proposing to add an additional sign panel, sized 25” X 40”, to the existing free-standing sign.

Mr. Wrenn read the hearing notice into the record.

Ms. Wood explained that the applicant had previously appeared before the Board with a Minor Site Plan Change Request in which the applicant asked for additional cars display spaces. The Board deemed that the number of additional car spaces requested could not be considered a Minor Change and rejected the request. The applicant is re-applying for a Minor Site Plan Amendment and has reduced the number of additional car display spaces he is requesting.

Howard Shafman of 33 Rockingham Road explained that his application is requesting to reconfigure the front of his lot to include 15 additional display cars on a paved area. He has already received Fire and Police Department approval. His application is also requesting approval for a change to his previously approved sign.

Mr. Breton made a motion to accept Case#2010-32 Application as a Minor Site Plan Application of Lot 13-A-31 based on the letter supplied by the applicant. Seconded by Ms. Post. Motion carried: 7-0.

Mr. Richardson questioned Mr. Shafman about the location of the 15 additional car spots and if they were all on pavement. Mr. Shafman showed the additional spots on the plan and how they were all on paved areas.

Ms. St. Laurent inquired about the requirement of customer parking spaces. Chair LoChaitto explained that customer parking spaces are related to the square footage of the sales area inside the building which will remain the same.

Ms. Post thought the plan was very easy to read and inquired about the number of total car spots.

Mr. Wrenn reminded the Board about the sign permit request. Ms. Wood explained that Mr. Shafman would like to add a sign panel to his existing pre-approved sign. This new sign restructuring meets all the Sign Ordinance requirements for a free-standing sign.

Chair LoChiatto opened the Hearing to the Public. Hearing no comment, he closed the Public Hearing.

Mr. Breton made a motion to approve the application as presented with the addition of 43 new car spots, not the 41 as presented in the request. Seconded by Ms. Post. Motion carried: 7-0.

Mr. Wrenn made a motion to change the agenda sequence for tonight moving the Sewer Feasibility Study and the Draft 2011 Planning Board Work List to the end of the agenda in expectation of Ms. Scott's arrival. Seconded by Ms. Post. Motion carried: 7-0.

Financial Guarantee Release on Burnham Road (Johnny Hill Estates)

Chair LoChiatto read the Financial Guarantee Release memo on Burnham Road (Johnny Hill Estates) by Laura Scott into the Record.

Ms. Post wanted to acknowledge a letter from Keach Nordstrom which stated that it was difficult to verify the conditions due to the excess snow. Chair LoChiatto noted that the Town Highway Engineer signed off on it and must have felt confident.

Mr. Breton made a motion to recommend to the Board of Selectman that they approve the partial Financial Guarantee Release for Johnny Hill Estates - Burnham Road. Seconded by Mr. Wrenn. Motion carried: 7-0

Meeting Minutes Review and Approval

January 19, 2011 Minutes

Ms. St. Laurent and Chair LoChiatto recommended minor language changes.

Ms. St. Laurent made a motion to approve the minutes of January 19, 2011, as amended. Seconded by Ms. Skinner. Motion passed 6-0-1. Ms. Post abstained.

CTAP Phase II & Phase III Sewer Feasibility Study Presentation.

Ms. Scott presented the proposed sewer line layouts that were developed under the Phase II feasibility study. All the material from Phase I & II is available on the Town web site for review if the board wants to look at it more closely. The study was done in conjunction with the Town of Salem. It shows the potential sewer line layout around Canobie Lake and Cobbetts Pond, using the watershed boundaries, along Rt 111 to Wall Street. The connection to Salem would go along I-93 South to exit 2.

The proposed Phase III study is on the Town Warrant for \$65,000 and would be the final study to provide the Town the information to decide if there should be sewer, where and how it would be funded. Information on the \$65,000 proposal is on the web site as well.

Mr. Wren asked about what portion of \$65K is dedicated to engineering costs. Ms. Scott explained that Phase III has engineering, legal, and outreach costs in there.

Mr. Richardson inquired about a capacity limit that GLSD can accept. Ms. Scott explained that GLSD has capacity for the area that is proposed to be sewer ed and ensuring that capacity would be part of the legal agreement that would be ironed out under this Phase.

Draft of 2011 Planning Board Work List

Ms. Scott reviewed the 2011 Proactive Work List, which was provided in the Board meeting packet. . This list was developed based on feedback over the past year of items that the Board said they wanted to work on. Ms. Scott asked the board if there were any additions or deletions from the Work List at this time, which there were none

Ms. Scott made the Board aware of a new ADA Compliance person recently hired at the State level who she is friends with and recommended the Board consider asking her to make a presentation on ADA issues. . This would be a presentation of which many other Town Departments, elected officials, Boards, and the public might benefit. The Board agreed that this would be a good topic and asked Ms. Scott to schedule this for the late Spring.

Potential 2012 Town Meeting Items

Ms. Scott presented 13 potential items that the Board could consider prioritizing for their work throughout the year for the 2012 Town Meeting. This list is based on discussions the Board has had over this last Town Meeting season. She also recommended adding #14; which is to look at the current multi-zoned parcels and clarify them.

Chair LoChiatto, who will be leaving the Board soon, expressed his sense of accomplishment with the many issues addressed by the Board this year. He stated it had been a pleasure and honor to have worked with such a dedicated and intelligent group of people.

There will be two more Planning Board Meetings before the Town Meeting in March.

Adjournment

Mr. Breton made a motion to adjourn. Seconded by Mr. Wrenn. Motion passed: 7-0.

Chair LoChiatto adjourned the meeting at 8:51 p.m.

Minutes respectfully submitted by Ms. Mimi Kolodziej.