



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

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Planning Board Minutes
January 18, 2012

Roll Call:

Ruth-Ellen Post, Chairwoman-Present
Margaret Crisler, Vice-Chair-Excused
Pam Skinner, Member-Present
Carolyn Webber, Member-Present
Jonathan Sycamore, Member-Present
Kristi St. Laurent, Member-Seated 7:11 pm

Ross McLeod, Selectman Member, Present
Kathleen DiFruscia, Selectman Alternate, Excused
Lee Maloney, Alternate- Present
Vanessa Nysten, Alternate-Present
Sy Wrenn, Alternate-Present

Staff:

Elizabeth Wood, Town Planner
Mimi Kolodziej, Planning Assistant

Ms. Maloney was appointed to sit for Vice-Chair Crisler.

Call to Order/Attendance/Pledge of Allegiance:

Chairwoman Post called the meeting to order at 7:03 pm followed by the attendance and the Pledge of Allegiance.

Case#2011-31/CWPD-Major:

A Major Cobbetts Pond Watershed Development Application has been submitted for 10 Rocky Ridge Road (Lot 17-J-106) located in the Residence A District. The applicant, Joseph Maynard of Benchmark Engineering, Inc. on behalf of Shawn D. Thrasher is proposing to excavate the foundation under the home and to construct an 8' X 28.3' addition, install a new deck, and a septic system. This will render 66 percent of the lot impervious.

Ms. Wood clarified that this agenda item needs Planning Board approval but does not need to be noticed.

The Chairwoman read the application into the record.

Mr. Joe Maynard of Benchmark Engineering walked through the application submitted by Mr. Shawn Thrasher of 10 Rocky Ridge Rd. The septic system was installed late this fall. A new deck is to be constructed on the front. The house sits about 200 ft back from Cobbetts Pond with the final 10 ft falling outside Shoreland Protection. Erosion control measures include a silt fence wrap. The septic system, the propane tank, and the rear retaining wall are all new as of late October.

The Chairwoman listed the 6 approved ZBA variances. Ms. Wood said the applicant has no outstanding issues; the 8/23 TRC meeting had no issues, and she highlighted the three comments on her 1/11 memo.

Ms. St. Laurent was seated at 7:11 pm.

The Chairwoman highlighted the conditions of the request:

- There is no outside engineering review of the soil erosion control plan as the ordinance requires,

- There is a request that this be waived; however, there is no provision for a waiver in the CP Protection Ordinance,
- It has been suggested that the Planning Board grant conditional approval on the basis that DES approval has changed without engineering review contingent on the passing of the Citizens' Petition,
- If the Citizen's Petition does not pass, the Board will need outside engineering review.

Mr. McLeod had an issue with granting conditional approval on something beyond the applicant's and the Planning Board control. Because the outcome of the Citizens' Petition is speculative, he is not willing to work around the Ordinance.

Mr. Maynard explained that this application has been around the Planning Department since last August when, at that time, the Board accepted waivers to that portion of the Ordinance. This case was going through TRC review when Mr. Corwin, the previous code enforcement officer, determined that it cannot be waived by the Planning Board. Ms. Wood said that every previous application was granted a waiver from the Ordinance; Staff and the Board had decided it was possible. This particular application got caught in the middle of the procedural change. Mr. Maynard informed the applicant that if the Citizens' Petition does not pass at Town Meeting, he will have to pay for the review. Mr. Maynard asked the Board to work with the applicant on this rather straight forward application.

Board comments/questions included:

- Ms. Webber asked if the Board could do something that could be effective with the success of the Citizens' Petition vote; Chairwoman Post suggested granting conditional approval contingent on the passing of the Citizens' Petition; If the Petition fails, then the applicant returns to the Board with the outside engineering review;
- Ms. St. Laurent noted that the plan indicates the temporary measures which is what the review is for, the plan has gone to DES and is confident that the applicant is showing good faith that the erosion control measures are being addressed;
- Mr. Wrenn asked if the entire basement is being dug out; Mr. Maynard said about two-thirds of the basement is a full basement; the rest is crawl space which will be dug out to create a full basement;
- Mr. Wrenn noted that the silt fence at the front is about 2 ft off the foundation; and if it moves at all, it will be on pavement; Mr. Maynard said that the house sits 3 ft down from the pavement where the trucks will back up and drop or clear material. The existing deck sits over the paved road.
- Ms. Maloney asked if there will be parking over the septic tank; Mr. Maynard said there would be. The current septic tanks are heavy duty tanks designed to be driving over.
- Mr. Sycamore noted that the Board did not support the Citizens' Petition, and DES informed him that our Town's Ordinance is not redundant. He thinks the Board made the right decision;
- Mr. McLeod noted that this situation is something the Board has consistently waived in the past, and the applicant has made a good effort to show the erosion control plan consistent with the Citizens' Petition. However, the Board's voted unanimously to not support the Citizens' Petition.

Mr. McLeod motioned to not grant the waiver request because the Board does not have the authority to grant it based on the Ordinance.

Mr. Maynard would like to save his client the costly application fee and asked the Board to continue the application to a date and time specific after the vote.

Mr. McLeod withdrew his previous motion.

Mr. McLeod motioned and Ms. Maloney seconded to continue the application to March 21 at 7 pm.

Mr. McLeod noted that the applicant will not be doing work until spring anyway.

Ms. St. Laurent expressed confusion that although the Board cannot issue a waiver, why can the Board not issue a condition of approval? Mr. McLeod said that even if the Board issued a condition of approval, and the applicant proceeded with the work; the applicant would still need to wait for the approval of the Citizens' Petition

Motion passed: 4-3. Ms. Skinner, Ms. St. Laurent and Chairwoman Post opposed.

Spruce Pond II Recreation Parcel Easement Addition

Mr. McLeod recused himself from the discussion because of his involvement with the Windham Soccer Association which could stand to benefit from this project.

Ms. Wood reviewed the history of the Recreation Parcel Easement that will be on the Town Warrant for acceptance and the proposed well and septic easement change. It has received Recreation Committee approval, Town Counsel declared all seemed to be in order and asked for Board review. The Board does not have the authority to deny or approve this; that will be decided by the voters. The Board does have the ability to make comments and recommendations.

Chairwoman Post clarified what the Board is being asked to do and not to do. The easement is for the benefit of neighboring lots #675 and #625.

Mr. Maynard reviewed the history of this parcel which was part of the Spruce Pond II subdivision. Neighbors have approached the applicant to request minor easements for later development of their property which have no effect on the future ball fields. Both the Board of Selectman and Attorney Campbell have signed off on the deed and, hopefully, the land will be transferred to the Town after a successful Warrant vote.

Board comments/concerns included:

- Mr. Wrenn noted that it does not appear that the easements will inhibit recreational development; Mr. Maynard said it does not, and reviewed the potential well/septic needs of the abutting properties. He said it is easier for the abutters to deal with the developers now, than once the land is deeded to the Town. Mr. Senibaldi worked with the Highway Dept. to drop fill from their Rt 93 project;
- Mr. Sycamore asked if the Griffin Park expansion was necessary with this field in the works; Ms. Skinner said it was hoped these fields would take pressure off the various other Town soccer fields;
- Ms. St. Laurent noted that this was the land targeted in the Master Plan for economic development.
- Chairwoman Post requested from the Board a motion to reflect general acceptance of the easement requests.

Ms. Maloney motioned and Ms. Skinner seconded to approve the easement as presented in the plan.

Motion passed: 6-0-1. Mr. McLeod abstained.

Planning Board/ZBA Joint Meeting Request

Ms. Wood explained that the Alpaca Farm Store at 2 Winter Street is requesting an expansion of their hours of operation. Because the condition of approval was approved by both the Planning Board and the ZBA, the owner needs to receive approval from both Boards. Consequently, in order to save time and money, the applicant is requesting a joint meeting. Ms. Wood explained that the ZBA variance would need to be granted first before the Planning Board approval, and it would be placed first on the agenda.

Discussion ensued about the time and date of the joint meeting. Mr. Sycamore suggested the Board ask the ZBA to host the joint meeting and move their meeting one-half hour earlier next Tuesday, February 14. Chairwoman Post to bring chocolate.

2012 Town Meeting Outreach/Public Education Discussion:

Ms. Scott had prepared a list of proposed articles for Staff/Board members to write and send to local newspapers to help clarify the proposed Zoning Amendments.

Ms. Nysten asked whether the Board wanted individual Board members forwarding their individual views/opinions, or should the letters be from the Board, in general. Also, she asked if the Board should address the more important amendments that the public may have questions about. Ms. Wood explained that staff is proposing a series of articles that would simply clarify the Warrant Articles. They are not to be opinion letters.

The Board reviewed the list of Amendment topics and assigned staff/ board members to write articles that are to be e-mailed to the Chairwoman for review. They will be posted on the Town website, forwarded to the Windham Patch and the three local newspapers:

Amendment #1	Appeals Section 904	Mr. McLeod	Possibly-will respond soon
Article #3	Update/Adopt Building Code	Staff	
Amendment #14	Shed & Building Coverage	Staff	
Amendment #12	Fences	Staff	
Amendment #7	Sign Regulation Section 706	Staff	
Amendment #13	Setbacks on Corner & Waterfront Lots	Staff	
Amendment #11	Kennels Section 720	Ms. Webber/Ms. Wood	1/23 due date
Amendment #15-#23	Rezoning of Multi Zone Parcels	Mr. Wrenn	1/30 due date
Amendment #10	Workforce Housing Overlay District Section 619	Mr. Sycamore /Vice-Chair Crisler	3 Articles staggered throughout February (the last 3 issues)
Amendment #2, #3, #4, & #5 plus Amendment #6 Purpose Section	Purpose Sections 604, 612.1, 606, 614.1, and Gateway with slight mention of reformatting of Amendment #6	Chairwoman Post	2/20 due date
Amendment #8	Parking of Commercial Vehicles	Mr. Wrenn	2/27 due date
Amendment #9	Definitions Section 200 & Off-Street Parking & Loading Areas Section 704	Mr. Wrenn	

Master Plan Implementation – Review of 2012 Work Items:

Ms. Wood stated that over the past 2 years, the Board had worked diligently to decide which of the Master Plan goals the Board would like to work on for 2012. Ms. Wood walked the Board through the eight (8) decided on goals, stating what headway had been made on each one and which ones might be accomplished during 2012. She asked for Board input.

Board comments/concerns expressed need for the following:

- Ms. Wood will provide a Scope from KNA and RPC for all their contracted projects for the year;
- To work further on Goal #8, the Preservation of Historic Structures;
- A compilation of a single, comprehensive master list of all 2012 work items for the Board to prioritize later;
- Ms. Webber will approach the Historic District Commission and research what other towns and the State are doing on the Preservation of Historic Structures and report back to the Board;

- The Village Center District Project review – a long-term project;
- Revision of the site plan regulations with Keach-Nordstrom.

Further Board comments/concerns included:

- Ms. Nysten thought the Board had decided to look only at the Yield Plan and Road Requirements in the Open Space Subdivision Ordinance; Ms. Wood agreed;
- Ms. Nysten would like to see definitions for professional occupations, professional services, business services, and personal services; a definition of manufacturing; definitions of banquet hall, assembly hall, and hall; definitions of hotel, motel, and lodging house; definitions of recreation and places of amusement; Chairwoman Post would like to address, in general, terms in non-residential zoning;
- Ms. Nysten would like clarification on what the term “District Boundaries” on the Zoning Map refers to;
- Mr. Wrenn would like to see a brief, 1 sentence description under each of the “possible work shop items” which would help the Board decide how complex and time consuming the task may be;
- Ms. Nysten asked for clarification of “Multi-zoned properties not proposed for 2013”; Ms. Wood said she thinks it means to pick up where the Board left off; Chairwoman Post said there are about 30-40 multi-zones that the Board never addressed; Only properties not already voted on by the Planning Board will be revisited for consideration;
- Ms. Nysten referring to “Boundaries for the Zoning Map” asked if it is referring to possibly expanding the zoning for Multi-family locations; also, possibly expanding NBD and adding another VCD;
- Ms. Nysten asked the Board if the NBD should be looked at as part of the Non-residential Allowed Uses;
- Ms. Nysten reminded the Board they had wanted to look at the reformatting of Appendix A-1;
- Chairwoman Post offered to work on a committee to create a “site plan hearings checklist;”
- Ms. Maloney is willing to bring in a laptop and develop a live spreadsheet of work items;
- Ms. Webber would like to see drive-thru’s allowed to eliminate all the variance requests;
- Ms. Webber would like to see Morrison Rd removed as a “scenic road”; It will be put on next year’s Town Warrant;
- The comprehensive worklist will be presented to the Board after Town Meeting; Chairwoman Post suggested it to be scheduled for 3/2.

Meeting Minutes Review and Approval:-

December 28, 2011 – The Board decided to continue reviewing these minutes at the next meeting.

Reorganizing of Community Development:

The Board discussed staffing decisions that impact the Planning Board and Zoning Board and the interface of information between staff and Boards. The Planning Board would like to have input in the selection of staff.

Liaison Reports:

Board of Selectmen – Mr. McLeod stated that the BOS, Planning Board, and ZBA will be having a meeting on 2/13 or 2/20 to discuss the flow of information from the Community Development Department to the various Boards.

Windham Economic Development Committee –Mr. Wrenn explained that the Design Review subcommittee is reviewing the latest Design Review proposal to report back to the Board; The Zoning Ordinance review committee is looking at the Ordinances from an Economic Development perspective and will meet with the Board in March. Ms. Post said that the Board will clarify their agenda for when they meet with the WEDC in March.

Conservation Commission – Ms. Skinner –No report at this time. The minutes from the last meeting on the stoop have yet to find their way to Ms. Skinner.

Rockingham Planning Commission – Ms. Maloney said that at the last meeting there were two Public Hearings. One was for the TIP (Transportation Improvement Plan) amendment for 2011-2014. The other was for amendments to the NPO Prospectus. – Scott Bogel Transportation Director from the RPC made a presentation. Cliff Sinnott went over the 10 year plan and did an update on the Governor’s Advisory Committee. A memorial bridge replacement project was discussed and a transit shuttle service.

Member Binder Updates – Proactive Work Lists (Tab #12)

The Board will create and prioritize a work list.

Old/New Business:

Ms. Wood reported receipt of a new minor site plan change of use application for Dove Cleaning & Restoration for a change of location. Also, Ms. Wood reported that Lakeview Farm reported an amendment to a condition of approval.

Mr. Sycamore asked if it is unusual for Open Space to be deeded to the Town rather than a Homeowner’s Association. Ms. Skinner explained that it was a condition of approval for the Spruce Pond Development.

Adjournment:

Ms. Webber motioned and Mr. McLeod seconded to adjourn the meeting. Motion passed: 7-0.

The Meeting adjourned at 10:10 pm.

These minutes are respectfully submitted for your approval by Mimi Kolodziej.