



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

PO Box 120, Windham, New Hampshire 03087

(603) 432-3806 / Fax (603) 432-7362

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Planning Board Minutes

September 5, 2012

Board Members:

Margaret Crisler, Chairman – Present
Ruth-Ellen Post, Vice Chairman– Excused
Pam Skinner, Member – Present
Kristi St. Laurent, Member – Excused
Jonathan Sycamore, Member – Excused
Lee Maloney, Alternate Member – Excused

Carolyn Webber, Member – Present
Ross McLeod, Selectman Alternate – Present
Kathleen DiFruscia, Selectman, Member – Excused
Sy Wrenn, Alternate Member – Excused
Vanessa Nysten, Alternate Member – Present

Staff:

Laura Scott, Community Development Director
Elizabeth Wood, Community Planner
Cathy Pinette, Planning Board Minute Taker

Call to Order/Attendance/Pledge of Allegiance

The Chairman Post called the meeting to order at 7:02 pm, followed by the Pledge of Allegiance and attendance.

Ms. Nysten was seated for Mr. Sycamore.

Public Hearings

Mr. Webber read Case # 2012-29 into the record and the list of abutters.

Case # 2012-29 Preliminary Major Site Plan Application

Preliminary Major Site Plan Application has been submitted by CMA Engineers, on behalf of El Hefni Educational Foundation for 39 Roulston Road (13-C-400), which is located in the Professional, Business, and Technology District and the WWPD District. The application is to build an educational facility to improve the manner in which math and science is taught to school children. Alternative energy, low impact designs, and green building construction and design will be used for the building and the site development. This application is subject to the Design Review Regulations. A waiver has been requested from Section 1308 of the Site Plan Regulations.

The Chairman asked Ms. Scott is this case was ready for acceptance.

Ms. Scott stated that all the preliminary information has been submitted.

The Chairman entertained a motion.

Ms. Skinner motioned to accept Case # 2012-29 for public hearing, seconded by Ms. Webber. Motion passed 5 – 0.

- Ms. Scott stated that this application came in about one year ago on a different parcel of land across the street. There were some issues with that piece of property including WWPD impacts. They have since moved the proposal across the street and this is a new application. The applicant went to the TRC. If the Planning Board schedules a site walk the Conservation Commission would like to attend. The Fire Department will work with the applicant for the final application submittal to make sure all applicable fire and life safety codes are met and the front of the building is to be designed to have a fire lane, the Highway agent would like to see the drainage information when the final application is submitted, is willing to work with the applicant to help with tree removal along Roulston Road where the driveway is to be located and suggested the applicant petition the BOS to discontinue the section of Governor Dinsmore Road along their property due to its condition, and the Local Energy Committee suggested the applicant consider incorporating wind energy into the plans.
- Mr. Phil Corbett, of CMA Engineers, addressed the Board. He stated originally they wanted to develop on a different lot and they decided to move to have more solar opportunities and with the WWPD impacts they were constrained. They decided to move the site across the road. They are proposing a new driveway off of Roulston Road. They have done a field topo and high intensity soil testing. This will be a privately funded educational facility for children. The purpose of the land and facility is to improve the manner in which math and science are taught to school children. There is potential for a geo thermal system and solar making the components visible to children and be able to be used as a learning tool. There is good sight distance for the driveway. There will be a circular driveway and 11 parking spaces as the children will be bussed in. They do not need a lot of parking but will potentially need additional overflow for special events. He has spoken to the Fire Department and the plans are accessible for school busses. There will be some pedestrian crossings and trails. There will be a new well and septic system. They have done drainage test pits and septic test pits and it is sandy soil which will work well. For stormwater they will have a rain garden pitching to the center area with perforated under drains. They have a great landscaper who is well versed in using landscaping as a teaching tool who has looked at the site.

Questions/Comments from the Board

- The Chairman questioned the building elevations. Mr. Corbett stated it is still in the design stages but he does have the plans. The Chairman questioned access to the back of the building. Mr. Corbett stated there will be access for maintenance, storage, etc. The Chairman questioned if there would be a back entrance. Mr. Corbett stated no.

- Ms. Nysten asked about the existing road on the plan. Mr. Corbett stated it was an existing gravel road and is not used. Ms. Nysten asked if the extra parking would be moved out of the buffer. Mr. Corbett stated they could do that.

The Chairman opened the hearing to the public at 7:20 pm, hearing no comments, the public portion was closed.

- The Chairman stated the Board would do a site walk. It was the consensus of the Board to schedule the site walk for September 15, 2012 at 8:00 am. Ms. Scott will notify the Conservation Commission and Assessing Department.
- The Chairman asked if the Board wanted the elevations and floor plans. Ms. Scott stated that the applicant had to do that for the Design Review Committee.

The Chairman entertained a motion.

Ms. Webber motioned to end the preliminary hearing for Case # 2012-29, seconded by Mr. McLeod, motion passed 5 – 0.

Ms. Webber read Case 2012-30 into the record and the abutter list.

Case 2012-30 Subdivision Application

A Subdivision proposal has been submitted for 30 Marblehead Road (Lot 25-G-20), located in the Residence District A zone. The applicant Peter Zohdi of Edward N. Herbert Associates, Inc. on behalf of the property owners, The Crayton Irrevocable Trust of 1999, is proposing to subdivide Lot 25-G-20 into three (3) lots, one (1) sized, 151,516 sq. ft. with an existing single-family residence, and two (2) sized 126,121 sq. ft. and 97,472 sq. ft. for future development of single-family residences. No new roads, infrastructure, or drainage features are proposed.

The Chairman asked Ms. Wood if this case was ready for acceptance.

Ms. Wood stated that everything to review for this case was in the Board's packet. She has questions about the frontage.

- The Chairman asked Mr. Peter Zohdi if they could meet the frontage requirements on all of the lots.
- Mr. Zohdi stated he went to the ZBA for a variance. The note is on the first page of the plans. One lot does not have 175' of frontage. They did show it on the final plan and will record it at the Registry of Deeds. Lot frontage is as follows: 1st lot – 175 feet, 2nd lot – 141.83 feet and 3rd lot 175.09 feet.

- Mr. McLeod stated he did not have that plan in his packet. Mr. Zohdi stated that plan came after application submission. Mr. McLeod stated the updated plan should be available to the Board. Mr. Zohdi gave the updated plan to the Chairman.

The Chairman asked for a motion to accept jurisdiction.

Ms. Skinner motioned to accept jurisdiction for Case 2012-30, seconded by Ms. Nysten. Motion passed 5 – 0.

- Mr. Zohdi addressed the Board. He stated that when they went to the ZBA the ZBA was concerned about the sight distance. That information is now on the plan.
- The Chairman asked Ms. Wood if she had any other comments.
- Ms. Wood stated that neither she nor Mr. Keach have seen the final plan set. She would recommend Mr. Keach review it. Her concerns are addressed in her memo of 8/29/12 to the Board. TRC mentioned sight distances and they have also not been resolved with the ZBA/Code Enforcement Administrator or the Highway Department. Plans were submitted to the Fire and Police Chief and Rex Norman and they have been asked for comments. Ms. Wood has not heard back from them with their comments. They will need to re-number the houses.
- Mr. Zohdi stated the Fire Chief, Police Chief and Assessor want all the lot numbers and house numbers changed and the applicant is complying. He stated the new plan he submitted this evening complies with the site distance. There is a note on the plan that the owner of the lot has a right to a cistern or to sprinkler the houses and the Fire Department is okay with that. The only thing he is lacking is the State subdivision approval and he will get that. He worked with the ZBA and received a variance for one lot.
- Ms. Wood stated it is recommended by the Assessor and Police Chief that if the houses are renumbered, neighbor house numbers would be changed and those neighbors should be notified.
- Mr. Zohdi stated he is not going to notify anyone until the Planning Board approves.

Comments/Questions from the Board

- The Chairman asked Ms. Wood if her comments and concerns of her 8/29/12 memo would need to be addressed. Ms. Wood replied yes.
- The Chairman stated it was only a 3 lot subdivision and questioned if they needed to check sight distance. Ms. Nysten asked what the minimum sight distance **requirement** was. The Chairman replied 200 feet.

- Mr. McLeod questioned if Marblehead Road was a collector or arterial street. He stated if it is an arterial street it would need 400 feet for sight distance. Mr. McLeod asked Ms. Wood. Ms. Wood stated she would need to find that out. Ms. Scott explained the definition of a collector street.
- The Chairman asked if the Board needed a site walk.
- Ms. Wood stated she could ask the Fire Chief and Mr. McCartney if they wanted to attend. She stated it was also a concern of the ZBA.
- Mr. Zohdi stated his surveyor certified the sight distance. It is not a busy street. Sometimes it is busy when Pelham Fish and Game has events but otherwise doesn't see a lot of traffic.

The Chairman opened the hearing to the public at 7:47 pm, hearing no comments, the public portion was closed.

- The Chairman asked the Board if they wanted comments from the Fire Chief and Mr. McCartney, what the road classification was, and documentation that staff has looked at all items and are satisfied. Mr. McLeod agreed.
- Ms. Webber questioned Mr. Zohdi asking about the sight survey. Mr. Zohdi stated it was on page 2 of the plans.
- Ms. Webber stated the Board needs to hear from Mr. McCartney about road classification.
- The Chairman stated the frontage also needs to be properly verified by Mr. Keach. The site distance also has to be acceptable.

The Chairman entertained a motion

Ms. Webber motioned to approve Case 2012-30 with the following conditions:

- **1. The applicant must add a note to the plan indicating the frontages of each lot, as measured 50' from the front lot line, to determine if the frontage requirements have been met.**
- **2. Provide a copy of the State Subdivision Approval and add the Approval number and date of the approval to sheet 1 of the plans.**
- **3. Add a note to the plan indicating how wood and stump waste from the site will be managed.**
- **4. Add a note to the plan indicating the width of Marblehead Road.**
- **5. Add a minimum of one benchmark with elevation per plan sheet.**
- **6. Per Section 701.2.10 of the Subdivision Regulations, the final plan must be shown at a scale of 1" = 50'.**
- **7. The abutters list was amended to reflect the correct lot numbers. Abutting lots 21-G-204; 21-G-205; 21-G-207; and 21-G-209 were listed incorrectly as: 25-G-204; 25-G-205; 25-G-**

207 and 25-G-209. Update the abutters list on sheet 1 of the plans, and the tax map diagram on sheet 1 of the plans to reflect the correct lot numbering.

- **8. Have confirmation that it is a residential road**
- **8. Review of the sight distance.**

Motion seconded by Ms. Nysten for discussion.

Comments/Questions regarding the Motion.

- Ms. Nysten question sprinklers versus a cistern and Fire Department approval. She also questioned if the Board was telling Mr. Keach how to measure the frontage because he knows the requirements. If the Police Chief needed to weigh in on the numbering of the houses using letters which may avoid changing the neighbors' addresses. If a public hearing was necessary to change the numbers.
- Ms. Wood stated that Mr. Keach will measure according to standards. The Town does not number houses using letters. There is a note from Chief Lewis with the 5 parcels and what they should be numbered. The Highway Safety Committee will decide the numbering.
- The Chairman questioned whether the Board wanted the applicant to come back by notifying the neighbors of the changes. Ms. Scott stated that often the Assessor's change the lot numbers and there is no public hearing but they do notify the owners.
- The Chairman asked if the applicant was willing to pay for the neighboring lot's number changes. Mr. Zohdi stated the applicant would pay for that.
- Ms. Wood stated the ordinance does not require that and she doesn't advise it.
- Mr. McLeod stated he does not support the motion. Mr. Zohdi needs to do more work on the site distance; he would like to have it on record from Mr. McCartney that he is satisfied. Mr. McLeod expressed his concerns with renumbering and would like Mr. Zohdi to try and work that out with the Assessor. His biggest concern is safety.

Ms. Nysten withdrew her motion.

- Mr. McLeod would like to move the case out 2 more weeks to make sure of the safety.

The Chairman entertained a motion.

Mr. McLeod motioned to move Case 2012-30 to date certain, September 19, 2012 at 7:00 pm, seconded by Ms. Nysten. Motion passed 5 – 0.

- Mr. Zohdi spoke about the renumbering. Ms. Wood stated there is no way to add letters to house numbers and it is not Mr. Zohdi's issue.

Ms. Nysten recused herself from Case # 2012-19.

Ms. Webber read Case # 2012-19 into the record and the abutter list.

Case # 2012-19 Final Major Site Plan, WWPD Special Permit, and Watershed Application

A Final Major Site Plan, WWPD Special Permit and Watershed Application has been submitted by Edward N. Herbert Associates, Inc on behalf of Indian Rock Realty, LLC for 91 Indian Rock Road (11-C-13), which is located in the Business Commercial District A, WWPD District, and the Cobbett's Pond and Canobie Lake Watershed Protection District. The proposal is to add a 9,009 sqft (3-story) addition onto the existing 7,624 sqft building. The application also includes associated site development work, including parking, landscaping, signage, lighting, drainage and an additional driveway. A waiver has been requested from Section 1301 the Site Plan Regulations.

The Chairman asked Ms. Scott if this case was ready.

Ms. Scott stated yes, this is a final application, all material has been submitted and it has been reviewed by Mr. Keach.

The Chairman entertained a motion.

Ms. Webber motion to accept Case # 2012-19 for final hearing, seconded by Ms. Skinner. Motion passed 4 – 0.

- Ms. Scott stated that there is a waiver request to provide 44 spaces where 51 are required. There are some outstanding items in her memo of 8/29/12 to the Board, there are also some outstanding items from Mr. Keach in his memo of 8/29/12 and the Board should focus on items 6, 7, 9, 10 and 11. The other items are standard language.
- Mr. Zohdi stated he explained at the last meeting he was using some of the State land for space. Right now he has 33.5% impervious. The only thing he could do was bring it down to 31.50%. The majority of the items in the Keach memo, 6, 7, 9, 10 & 11 are state issues. DOT has spoken to Ms. Scott. DOT has no problem if Mr. Letizio upkeep the bio-detention pond. He went to NH DES and if that gets approved that will be taken care of. The well will be done by a well company. There is a letter from the Conservation Commission to reduce the footprint of the building dated 1/1/11, a letter from Tim Cronin 1/11/11, the ZBA wasn't satisfied and sent him to the Conservation Commission on 1/13/11 and the Conservation Commission recommended 26 feet. He went back to the ZBA for 26 feet.
- Ms. Scott stated because the applicant went through the TRC, again the Conservation Commission had a new comment even though they supported it last year for the ZBA variance. Ms. Scott stated there was nothing outstanding except for the Conservation Commissions latest comment.

Questions/Comments from the Board.

- The Chairman questioned pervious and impervious areas of pavement on the map. Mr. Zohdi stated impervious is the existing driveway. The Chairman questioned the elevations. Mr. Zohdi stated the elevation of the building is what is currently there.
- Ms. Scott asked Mr. Zohdi to answer points 3 and 4 on the memo regarding Sheet 9 where the Hubble lighting is to be located and on Sheet 12 where the ground lighting and proposed lighting is and if there will be a sign for deliveries.
- Mr. Zohdi stated there will not be any more ground lighting. There is no problem with the sign for deliveries, it will be on the plan. The Hubble lighting is in back of the building for security, he is showing a 2 foot candle. Ms. Scott asked him to add that information to the plan.

The Chairman opened the hearing to the public at 8:32.

- Mr. Bob Young, 115 Haverhill Road, stated he was in favor of the plan. He stated that the entrance to Windham coming west off of 93 always looked nice and he appreciates it.
- Mr. Wayne Morris, Chairman of the Conservation Commission, stated when they commented to the ZBA originally they did ask for a reduction. Now they have no issue with it.

The public comment period closed at 8:35pm.

Ms. Scott stated the following items needs to be resolved:

- NHDOT driveway permit to have 2 access points on the current Rt 111
- NH DES Septic Permit
- NH DES Water System

Mr. McLeod questioned the Hubble lighting. Mr. Zohdi stated he would make them down lit shielded.

The Chairman entertained a motion.

Mr. Webber motioned to grant a waiver from Section 1301 the Site Plan Regulations with the following conditions: the following permits will be obtained, NHDOT driveway permit to have 2 access points on the current Rt 111, NH DES Septic Permit, NH DES Water System, and 2 Hubbell lights be down lit shielded, all professional stamps, seals, and owners signature are placed on the plans, seconded by Ms. Skinner. Motion passed 4 – 0.

Ms. Webber motioned to approve the WWPD Special Permit and Watershed application, seconded by Ms. Skinner. Motion approved 4 – 0.

Ms. Nysten was seated back on the Board.

Ms. Webber read Case #2012-31 into the record and the abutter list.

Case #2012-31 Lot Line Adjustment/Subdivision, Watershed Application

A Lot Line Adjustment,/Subdivision Application, and Cobbett's Pond/Canobie Lake Watershed Site Plan and Subdivision Application have been submitted for 130 Range Road (Lots 17-L-42 & 17-L-62), located in the Residence District A zone and Cobbett's Pond and Canobie Lake Watershed Overlay Protection District. The applicant, Peter Zohdi of Edward N. Herbert Associates, Inc. on behalf of the property owners, 130 Range Road LLC and Joseph and Samantha Faro, is proposing to adjust the Lot line of 17-L-42 to incorporate 146, 030 sq. ft. into Lot 17-L-62, then to subdivide Lot 17-L-42 into two lots, one (1), sized 55,167 sq. ft., with an existing single-family residence and one (1), sized 76,244 sq. ft., for future development of a single-family residence. No new roads, infrastructure, or drainage features are proposed.

The Chairman asked Ms. Wood if this application was complete. Ms. Wood replied yes.

The Chairman entertained a motion.

Ms. Webber motioned to accept Case #2012-31, seconded by Ms. Skinner. Motion passed 5 – 0.

- Ms. Wood stated noted that there were several items that were provided and/or came forward after her memo of 8/28. Mr. Zohdi has since responded to the hydrological study and she received it 8/31. The applicant meets the requirements of the hydrological study. She did not receive the escrow for the watershed application. She did ask for the Fire Chief's and Assessor's comments and the Board was given them this evening regarding street numbering and the hammerhead. The applicant did bring in the amended plans late Friday morning (8/31), staff did not have time to review them and the Board does not have an updated copy.
- Mr. Zohdi stated that previously there was a proposal for 28 WFH units on this lot. They are now just proposing a lot line adjustment. Mr. Keach has reviewed the hydrological study to comply with the Watershed Ordinance, they have provided information on porous pavement, the Fire Department wanted a hammerhead which they will do and put a drain system on the roof which will drain to a stone area. The driveway will be porous.
- Mr. McLeod requested a copy of the updated plans. Ms. Wood retrieved them and gave them to the Board.
- The Chairman asked what the difference was between the two plans. Ms. Wood stated the only difference is the hammerhead and cistern.

The Chairman opened the hearing to the public at 9:00 pm. Hearing no comments, the public portion was closed.

- Ms. Wood stated that the plans the Fire Department received and commented on did not have the hammerhead since the updated plans came in Friday and the Fire Department has not review them and not approved them.
- The Chairman questioned Mr. Zohdi if there were plans to demolish the existing house. Mr. Zohdi stated no, the owner plans on keeping the house and it is under agreement with a buyer.

The Chairman entertained a motion.

Ms. Webber motioned to approve Case #2012-31 with the following conditions:

1. Hydrologic Study

- This application shall include a stipulation, acknowledged in the form of a note on the final subdivision plat that will be recorded at the Rockingham County Registry of Deeds, that will require submission and Planning Board approval of, pursuant to the authority of Section 616.6.2 of the Ordinance, a detailed land development plan depicting any planned future construction of a single family home and related improvements on subject Lot 17-L-43 prior to issuance of a building permit. In addition to causing each of those best management practices identified by the design engineer to be tailored to properly accommodate a specific lot development proposal of the owner’s choice such future submittal could also be expanded to properly address each of those performance criteria, specified in the text of Sections 616.6.2 and 616.6.3 of the Ordinance at that same time.**
- In order to fully satisfy Section 616.7 of the Zoning Ordinance the Drainage Summary must be expanded to include a narrative which addresses, in writing, each of those requirements identified in the test of Section 616.7.1.1 through 616.7.1.5 of the Ordinance.**

2. Addressing

Per Section 601.11 of the *Zoning Ordinance and Land Use Regulations*, house numbers for each lot shall be indicated as assigned by the Town of Windham. The applicant must amend the plans to indicate the address renumbering mandated by Tax Assessor, Rex Norman and Police Chief, Gerry Lewis in an 8/29/12 email as follows in order to ensure appropriate emergency services:

Range Road

130 = New Lot	New Parcel ID	17-L-43 (Subject)
132 = Old 130	Existing Parcel ID	17-L-42 (Subject)
134 = Old 132	Existing Parcel ID	17-L-45 (Ryan Carr)
136 = Old 134	Existing Parcel ID	21-K-70B (Jesse Steele III)
138 = Old 136	Existing Parcel ID	21-K-71 (Tatyana Kantsepolsky)
140 = Old 138	Existing Parcel ID	21-K-72 (Michael Leblond)
142 = Old 140	Existing Parcel ID	21-K-70A (Gene Simmons)

The effected residents must be notified by community development dept. prior to plan being approved.

3. Fire

- a. **The proposed subdivision proposes one (1) additional lot behind 130 Range Road. The remainder of this parcel including land added to Lot 17-L-62, (10 Farmer Road), will require a 10,000 cistern for fire protection if other than 1 home is developed in the future. Therefore a cistern shall be located on the plan. The proposed cistern location shall be reviewed and approved by the Fire Department. The Fire Department must also review the Driveway Profile.**
- b. **The Fire Department must review and approve the hammerhead.**
4. **The approval is contingent upon the merger of the back 3.667 acre portion delineated with Lot 17-L-62.**
5. **The applicant must submit a check in the amount of \$1000 for the creation of an escrow account for engineering review.**
6. **Provide a copy of the NHDES Subdivision Approval and add the date of Approval and Approval# to the plans.**
7. **Notes:**
 - a. **The property owners must date their signatures on the plans.**
 - b. **Add a note to the plan indicating the width of Range Road**
 - c. **Add a note to the plan indicating the all dates that revisions were made.**

Please provide 2 Mylar and three (3) large sets of the revised site plan, with original signatures and certifications, for Planning Board signature. In addition, please provide a check, payable to the Registry of Deeds, to cover the Registry Recording fees for the Mylar to be recorded.

Seconded by Mr. McLeod. Motion passed 5 – 0.

Financial Guarantees – Great Mountain View Estates

- **Ms. Scott stated she has spoken to Mr. McCartney, Mr. Martineau and Mr. Keach and they agreed with her proposal to recommend to the Board of Selectmen to reduce to Letter of Credit for Phase I to \$40,356 and to recommend to the Board of Selectmen to reduce to Letter of Credit for Phase II to \$1,485,764.**
- **The Chairman asked if the bridge on Castle Hill has been completed. Mr. Zohdi stated that Mr. Peterson has paid his share. Ms. Scott said that wasn't part of the financial guarantee.**

The Chairman entertained a motion.

Ms. Webber motioned to recommend to the Board of Selectmen to reduce to Letter of Credit for Phase I to \$40,356, seconded by Ms. Skinner. Motion passed 4-0-1 Mr. McLeod abstained.

Ms. Webber motioned to recommend to the Board of Selectmen to reduce to Letter of Credit for Phase II to \$1,485,764, seconded by Ms. Skinner. Motion passed 4-0-1 Mr. McLeod abstained.

Discussion on Conditions of Approval

The Chairman explained how the Conditions of Approval are kept tract of. She stated a memo goes out immediately before it is signed off on and staff and the Chair go over the plan to make sure everything is in place and then it is registered. Community Development, Assessor and Applicant get copies of plans.

Old/New Business Adjournment

Ms. Nysten stated there is a section missing from the reformatted site plan regulations and she spoke to that 3 weeks ago. Ms. Scott stated she has not worked on them yet and it is not scheduled to be back before the Board until later in September. She will email Ms. Nysten about this. The Chairman stated the Board will be discussing this on September 26th.

Ms. Webber asked when they will be working on the Rules of Procedure. Ms. Scott stated the 19th.

The Chairman stated she will be meeting with Ms. Wood on September 6th regarding the Sign Ordinance.

Meeting dates for September are as follows:

Site Walks

September 8th 8:00 am Site Walk

September 15th 8:00 am Site Walk

Meetings

September 18th 7:00 pm

September 19th 7:00 pm

September 26th 6:00 pm

Adjournment

The Chairman entertained a motion

Ms. Webber motioned to adjourn at 9:27 pm, seconded by Mr. McLeod. Motion passed 5 – 0.

These minutes were approved 10/3/12 and respectfully submitted by Cathy Pinette, Planning Board Minute Taker.