



*OLD VALUES - NEW HORIZONS*  
**COMMUNITY DEVELOPMENT**

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

**Planning Board Minutes**  
**January 16, 2013**

**Board Members:**

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

Carolyn Webber, Member – Excused  
Ross McLeod, Selectman Alternate – Arrived at 7:07 pm  
Kathleen DiFruscia, Selectman, Excused  
Sy Wrenn, Alternate Member – Present  
Vanessa Nysten, Alternate Member – Present

**Staff:**

Laura Scott, Community Development Director  
Nancy Prendergast, ZBA/Code Enforcement Administrator  
Cathy Pinette, Planning Board Minute Taker

**Call to Order/Attendance/Pledge of Allegiance**

Chair Crisler called the meeting to order at 7:02 pm, followed by the Pledge of Allegiance and attendance and gave a brief synopsis of the agenda.

The Chair appointed Ms. Nysten to sit for Ms. Webber and Mr. Wrenn to sit the Mr. Sycamore.

- The Chairman discussed the Board minutes. She stated there was too much detail in the minutes and they need to be paired down. She stated she had sent an email in July and would be resending it to clarify how minutes should be. Ms. Nysten commented that she likes to make sure the correct intent is included in the minutes. Ms. Post stated they should just contain a summary of the meeting. The Board's and staff's consensus was to summarize the meeting minutes and not quote members directly unless they ask.

Ms. Post read Public Hearing Case # 2012-13 / WWPD Special Permit into the record.

**Public Hearing Case # 2012-13 / WWPD Special Permit (Continued from 12/12/12)**

A Wetland and Watershed Protection District (WWPD) Special Permit Application has been submitted for Lot 24-F-198 (79 Heritage Hill Road) located in the Rural District and Wetland and Watershed Protection District (WWPD). The applicant, Meisner Brem Corporation on behalf of the property owners James and Ruth-Anne Calandra, is proposing to construct a cabana, and a portion of

an in-ground swimming pool, patio, and lawn within the WWPD. The applicant is also proposing to relocate a portion of an existing stone wall on the property and within the WWPD.

- Ms. Prendergast stated this case was continued from December 12, 2012 to allow the applicant an opportunity to address the Board's concerns. She stated in the Board's packet was a letter dated January 8, 2013 from Meisner Brem to the Windham Planning Board, a special permit site plan for 79 Heritage Hill Rd. dated November 8, 2012, revised January 7, 2013, Pentair Pool and Spa infiltration system information, and a boxwood tree fact sheet. Ms. Prendergast recommends Note 4 on the Plan should reference the Rural District, Note 6 should state minimum frontage should be 175 feet, and if the special permit is granted the motion should make reference to the revised plan with a revision date of January 7, 2013.
- Mr. Robert Balquist of Meisner Brem Corporation on behalf of the property owners James and Ruth-Anne Calandra, addressed the Board. He stated the applicant is seeking a special permit to construct a portion of an inground swimming pool and its surrounding patio, lawn area, and a retaining wall within the WWPD. He stated they do not propose to construct a cabana in the WWPD. The cabana is outside the WW PD. He stated Note 4 and 6 in Ms. Prendergast's memo will be changed as it was a typographical error. He stated they have addressed the Board's concerns and they are detailed in his memo dated January 8, 2013.

The Board's concerns were as follows:

- Will the fence be connected to the basketball court? Mr. Balquist stated yes, that was an oversight where it is not added on the plan but will be added to connect.
- Mr. Balquist stated they will be placing "no cut zone, Wetland Conservation District" discs around the WWPD. The Board asked where these would be placed. Mr. Balquist stated they will be placed on tree trunks or posts. He showed the Board a copy of what the disc looks like. The Board asked if he had any concerns with planting boxwoods outside the erosion control areas. Mr. Balquist stated no, it is a very minor intrusion for a very short amount of time to plant them.
- The Board was concerned with backwash from the pool filter and the filter being cleaned in the WWPD area. Mr. Balquist stated the Board could stipulate the cartridge cleaning be done outside the WWPD.

The Chair opened the hearing to the public at 7:32 PM, hearing no comments, the public portion was closed.

**Ms. Post motioned to grant a special permit for Case # 2012-13 Board the WWPD Special Permit in accordance with the revised plan, revision date of 1/7/2013, with the following conditions:**

- 1. Note 4 on the drawing is updated to state that the present zoning district is the Rural District.**

2. **Note 6 on the drawing is updated to state minimum frontage is 175’.**
3. **10 “No Cut / No Disturbance” markers are placed permanently around the limit of the WWPD disturbance.**
4. **The plan is updated to extend the fence to close the gaps around the pool.**
5. **A note is added to the drawing that states that rinsing of the pool cartridge will be done off site.**

**Motion passed 6 – 1.**

- Mr. McLeod voted against as he is not convinced this plan still does not take care of re-configuring the existing uses on the lot and will not take care of the increase runoff.

### **2013 Town Meeting - Review Town Warrant with Legal Counsel**

- Ms. Scott stated this was to review and make sure there are no errors or omissions. Attorney Campbell has reviewed each amendment and the Board will vote on them.
- Attorney Campbell explained his methodology on how he wrote the warrant. He stated next he will prepare the ballot and it will be a summary of each amendment.

### **Amendment #1: Cobbett’s Pond and Canobie Lake Watershed Protection Ordinance**

- Mr. McLeod questioned Section 616.6.1.2 and Section 616.6.1.3 and 20% impervious surface. Attorney Campbell recommends changing it to read 20% or less. The consensus of the Board was to add “20% or less” in Section 616.6.1.3.

**Ms. Post motioned to change section 616.1 .3 to read “20% or less” in Amendment #1, seconded by Mr. McLeod. Motion passed 7 – 0.**

### **Amendment #6: Signs**

- Ms. Prendergast explained what the reviewed changes were.

**Mr. Wrenn motioned to recommend Amendment #6, seconded by Ms. Post. Motion passed 7 – 0.**

### **Amendment #2: Historic Demolition Ordinance**

- Attorney Campbell reviewed this Amendment. In section 719.7.2 it should say Section “719.5.1”. This will be changed.

**Ms. Post motioned to recommend Amendment #2 with correction, seconded by Mr. Wrenn. Motion passed 7 – 0.**

### **Amendment #3: Multi-Family Housing Provisions**

- Ms. Scott summarized the changes for the Board. A period will be added to the end of each subsection.

**Ms. Post motioned to recommend Amendment #3, seconded by Mr. Wrenn. Motion passed 6-1, with Mr. McLeod voting against.**

**Amendment # 4: Open Space Residential Overlay District**

- Ms. Scott summarized the changes for the Board.

**Mr. Wrenn motioned to recommend Amendment #4, seconded by Ms. Post. Motion passed 5 - 2.**

**Amendment #5: Village Center District**

- Attorney Campbell spoke about this amendment. The board added Section 612.2.2 (intentionally omitted).

**Ms. Post motioned to recommend Amendment #5 with change, seconded by Mr. Wrenn. Motion passed 7 – 0.**

**Amendment #7: Workforce Housing Overlay District**

- The Chair summarized this Amendment.

**Mr. Wrenn motioned to recommend Amendment #7, seconded by Ms. Post. Motion passed 7 – 0.**

**Amendment #8: Non Residential Uses**

- Ms. Scott stated there was an error brought to her attention in Section 618.7, and it should include “or pharmacy” operations, and Section 605.1.12 should have a comma after the word “trailer”.

**Ms. Post motioned to recommend Amendment #8 with changes, seconded by Ms. Nysten. Motion passed 6 – 1 with Mr. McLeod voting against.**

**Amendment #9: Business Commercial Rezonings**

- Amendment #9 title shall be changed to “Business Commercial District A”.

**Mr. Wrenn motioned to recommend with corrections Amendment #9, seconded by Ms. Post. Motion passed 7 – 0.**

**Amendment #10: Residence A District Rezoning**

- Attorney Campbell stated he did not analyze any of the law changes themselves because they are all split parcels/lots. One lot was not multi-zoned.

**Mr. Wrenn motioned to recommend Amendment #10, seconded by Ms. Post. Motion passed 7 – 0.**

**Amendment #11: Rural District Rezoning**

**Mr. Wrenn motioned to recommend Amendment #11, seconded by Ms. Post. Motion passed 7 – 0.**

**Amendment #12: Residence A Rezonings**

- This Amendment title shall be changed to “Rural District Rezonings”.

**Mr. Wrenn motioned to recommend Amendment #12 with change, seconded by Ms. Post. Motion passed 7 – 0.**

**Amendment #13: Rural District Rezoning**

- The lot number 24-R-1300 should be 25-R-1300.

**Mr. Wrenn motioned to recommend Amendment #13, with correction, seconded by Ms. Post. Motion passed 7 – 0.**

**Amendment #14: Rural District Rezoning**

- The lot number 24-R-1100 should be 25-R-1100

**Mr. Wrenn motioned to recommend Amendment #14, with correction, seconded by Ms. Post. Motion passed 7 – 0.**

**Amendment #15: Residence A District Rezoning**

**Ms. Post motioned to recommend Amendment #15, seconded by Mr. Wrenn. Motion passed 7 – 0.**

**Amendment #16: Zoning Edits and Corrections**

- Attorney Campbell gave an overview of this amendment.

**Mr. Wrenn motioned to recommend Amendment #16, seconded by Ms. Post. Motion passed 7 – 0.**

**Amendment #17: Business Commercial B District**

- Ms. Scott gave an overview of this amendment.

**Ms. Nysten motioned to recommend Amendment #17, seconded by Mr. Wrenn. Motion passed 7 – 0.**

### **Amendment #18: Governmental Installations**

- Attorney Campbell stated there is a bill in the New Hampshire House this year that would subject government installations to site plan reviews.
- The Board and Atty Campbell also discussed proposed state legislation that would allow permits for lots on private roads and class 6 roads.

**Mr. Wrenn motioned to recommend Amendment #18, seconded by Ms. Post. Motion passed 7 – 0.**

- Ms. Nysten questioned Attorney Campbell about the lapse in time with posting drive-through regulations and site plan regulations. Attorney Campbell stated he recommends the Board should not accept any plans that do not comply with current zoning and suggested posting the site plan regulations this evening. Ms. Scott stated the Site Plan hearing is scheduled for February 20<sup>th</sup> and she will post the Proposed Site Plan Regs on February 6th. The Board, Atty. Campbell and Ms. Scott discussed posting the drive-through language at this time. The consensus of the Board, the Atty and Ms. Scott was not to post this evening as they would be covered if the Proposed Site Plan Regulations are posted on February 6th.

Ms. Post left the meeting.

## **Site Plan Regulation Workshop**

### **Section 300 Applicability**

- Ms. St. Laurent gave an overview which is making this Section clear, and capturing all development on Commercial Nonresidential Site development. The edits are all captured in the January 16, 2013 Planning Board draft document of the draft Site Plan Regulations.
- Section 301.4 – add the wording “to another nonresidential use, or expansion of existing use” after the words "change of use"
- Section 301.7 – the Board discussed adding the word “duplexes” to this Section. The Board will come back to this and Ms. Scott will look into it.
- Section 302.5 – the consensus of the Board was to remove this.
- Section 302.6 - the wording will be changed to state “development of a one family or a duplex residential structure on a lot”.
- Section 303.2 – shall submit a letter describing “and addressing” the proposed development..... The words “and addressing” will be added.

- Section 303.3 – wording will be changed to state Change of use applications “must describe how they meet the following criteria as applicable”.
- Section 303.3.4 the word " minimum" will be changed to" any proposed".
- Section 303.3.9 and 303.3.10, the words “if it is” will be added to the beginning of the sentence.
- Section 303.3.12 should say “dwelling” units.
- Section 303.3.11 will be taken out.
- Sections 303.5 will be wordsmithed by Ms. Scott and Ms. St. Laurent.

### **Section 500 General Standards**

- Ms. St. Laurent did an overview of Section 500.
- Section 501.4 – the wording “such as, but not limited to”, will be added before the words “ ( noise, light or odor)”.
- Section 501.7 - Mr. McLeod will provide language for this.

### **Section 800 Waiver Process**

- Ms. Scott gave an overview of Section 800.
- Section 803 – the word “Major” will be added before the words “Final Site Plan application process”.
- Section 804.1 – the word “shall” will be changed to “may”.
- The word “or” will be added between Sections 804.1, 804.2, 804.3 and 804.4.

### **Section 900 Developments of Regional Impact**

- Ms. Scott explained Section 900. The Board discussed this Section and decided to ask Attorney Campbell how this can be worded.
- Section 902.1 - add the word “to” after the word “as” and before the wording “the potential for regional impact.....”.

- Section 902.2 .1 - change the word “as” to “has” before the wording “the potential for regional impacts..... Also, Attorney Campbell will be asked about notifications in this Section.

The following sections were added by Ms. Scott.

**Section 1300 Enforcement**

**Section 1400 Appeals**

**Section 1500 Severability**

**Section 1600 Amendments**

**Financial Guarantees**

**Lakeview Farms**

- Ms. Scott stated in her memo of January 11, 2013, in July 2006 a cash financial guarantee of \$80,000 was put in place by Lakeview Farm, LLC, for the residential site plan for new private roads, drainage infrastructure and site improvements. Construction (roads and drainage structures) in landscaping and other site improvements have all been completed and the only outstanding item is a cleaning of the catch basins. The developer has requested that the letter of credit financial guarantee be returned in a cash financial guarantee of \$1500 be put in place for the cleaning of the catch basins.

**Ms. Skinner motioned to recommend to the Board of Selectmen to release the \$57,600 letter of credit and hold a \$1500 cash financial guarantee for the catch basin cleaning, seconded by Mr. Wrenn. Motion passed 6 – 0.**

**Medicus**

- Ms. Scott stated in her memo of January 11, 2013 that a letter of credit for \$11,567.60 was in place in December 2011 for the Medicus commercial site plan to ensure completion of the items outlined in the KNA memo dated September 27, 2011, which details improvements on sheet 10 of the approved site plan. KNA and the Town Highway Agent did an inspection of the site and feel that all the improvements required have been done and that the financial guarantee should be released.

**Ms. Skinner motioned to recommend to the Board of Selectmen to release the letter of credit in the amount of \$11,567.60, seconded by Mr. Wrenn. Motion passed 6 – 0.**

**Old/New Business**

- Ms. Scott stated there is one potential application for the next meeting and the conceptual site plan workshop.
- Ms. St. Laurent would like the Conservation Commission’s input on the WW PD no cut discs.



## **Adjournment**

**Ms. Skinner motion to adjourn, seconded by Mr. Wrenn. Motion passed 6- 0.**

Meeting adjourned at 10:15 pm.

These minutes were approved 3/20/12 and respectfully submitted by Cathy Pinette, Planning Board Minute Taker.