



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

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**Planning Board Minutes**  
**June 15, 2011**

**Roll Call:**

Ruth-Ellen Post, Chairwoman – Present  
Margaret Crisler, Vice-chair – Present  
Pam Skinner, Member – Present  
Kristi St. Laurent, Member – Present  
Carolyn Webber, Member – Present  
Jonathan Sycamore, Member – Present

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

**Staff:**

Laura Scott, Community Development Director- Present  
Elizabeth Wood, Community Planner – Present  
Mimi Kolodziej, Planning Assistant - Present

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

Chairwoman Post called the meeting to order at 7:02 p.m. followed by roll call, attendance, and the Pledge of Allegiance.

**CIP Citizen Member Appointment:**

Two Windham residents applied for the one CIP seat available for appointment by the Planning Board. Ms Brenda Bheling and Ms. Neelima Gogumalla introduced themselves to the Board and spoke about their interest and qualifications. The Board asked them questions about their financial backgrounds, their town volunteering experience, and what they perceive their role on the CIP and Planning Board to be.

**Mr. McLeod motioned to enter non-public session per NH RSA 91-A:3 to further discuss the appointment. Ms. Webber seconded.**

**Roll Call:**

Chairwoman Post, Yea; Vice-chair Crisler, Yea; Ms. Skinner, Yea; Ms. St. Laurent, Yea; Ms. Webber, Yea; Mr. Sycamore, Yea; Mr. McLeod, Yea;

**Motion passed: 7-0.**

**Ms. Skinner motioned to return to public session per NH RSA 91-A:3. Ms. Webber seconded. Motion passed: 7-0.**

The non-public session adjourned and the Board returned to public session at 7:22 p.m. The Board voted 7-0 to appoint Ms. Gogumalla to the 3-year CIP citizen position.

**Public Hearing Continued from May 18th:**

**Case 2010-20 Open Space Subdivision/Site Plan and WWPDP Special Permit**

An application for an Open Space Subdivision and Site Plan, as well as a WWPDP Special Permit, have been submitted for Lots 6-C-1, 6-C-100, 6-C-2000A, & 6-C-2000B, which are located in the

Rural District, the Wetlands and Watershed Protection District, and the Floodplain District. The applicant, Peter Zohdi of Edward N. Herberts Associates, Inc., on behalf of the owners, Dennis Butterfield 2001 Revocable Trust, Timothy Butterfield 1997 Revocable Trust, Gary Butterfield, and Mako Development, is proposing to merge Lots 6-C-100 and 6-C-2000A and then re-subdivide the lot into 18 single-family lots and 3 open space lots. Lots 6-C-1 and 6-C-2000B are to remain as open space lots with this development. The WWPD Special Permit application is to allow the instillation of a waterline from 2 wells on the property to the 18 residential lots within the subdivision. The proposal includes an extension of Sheffield Road, which is a town maintained road, and will run over Pine Hill Road, which is a discontinued Town Road.

Vice-Chair Crisler read the application into the record.

Ms. Scott reviewed the contents of the Board's packet regarding this application and explained that there were two (2) existing issues to be addressed tonight: (1)the road layout and length and the concerns about the two proposed wells for the subdivision and the current Sheffield Road water source. Before this application can move forward the Board must decide if this is a cul-de-sac or not.

Vice-chair Crisler asked staff for a full-size plan. Ms. Scott stated that no new plans had been submitted for tonight's discussion, which is why there were no plans in the packet. Mr. Peter Zohdi of Herbert Engineering Associates, Inc. explained that the plans had recently been changed to comply with new subdivision regulations regarding road width and drainage.

Mr. Zohdi stated that Mr. Bruce Lewis, a water engineer, will address the water issues, and Attorney Cronin was present- to address the cul-de-sac concern.

Mr. Bruce Lewis, of Lewis Engineering, is familiar with the water design in this area. His firm is responsible for the water engineering on Camelot, the abutting subdivision. Mr. Lewis addressed the water supply to the Walkers Woods subdivision, which will be served by two (2) wells on the property.

The Board questioned Mr. Lewis about the sufficiency and quality of the water, the effect it might possibly have on abutting subdivisions, what might happen should homeowners decide to install irrigation systems, pump quality, pipe-line maintenance, and holding tanks.

Mr. Lewis informed the Board that:

- Each of the 2 wells tested for Walkers Woods runs 5/gal/min.,
- Testing of each well independently of the other, showed there was no interaction between them,
- The average home uses 200/gal/day with 6 hours of use and 18 hours resting,
- Any in-ground irrigations system would have to be fed from another water source provided by the homeowner and would be noted in the plans, the building file, and in the Association covenants,
- Deep bedrock drilled wells are not affected very much from drought situations,
- Much of irrigation water will seep back into well water level,
- The design and material specifications are designed to engineering specs determined by the American Waterworks Association,

- The pump style is chosen because it will last a long time, be easily accessed and maintained,
- Names and addresses of all equipment companies are made available to the homeowners,
- Preliminary water tests indicate nothing unusual, but Mr. Lewis would like to wait for the water chemistry results,
- In the pump house there will be a booster pump supplying 25-30 gal/min and a pressure tank in the homes holding 119 gallons.

Mr. Zohdi confirmed that Mr. Lewis will be available at the next meeting regarding Walkers Woods to answer questions from abutters as Mr. Zohdi is planning to ask for a 30 day extension.

Chairwoman Post opened the hearing about the water situation on Walkers Woods to the Public.

Ms. Levesque from 19 Sheffield Road, reserved the right to address this issue at the next meeting in 30 days once she has an opportunity to go over her notes and integrate this new information with some well testing results she will be receiving.

Mr. Sycamore asked Ms. Levesque to briefly address the water situation on her street. She claimed there was a water shortage.

Chairwoman Post continued the water discussion to the next schedule meeting on July 20, 2011.

Mr. McLeod asked Mr. Lewis how the NH DES water standards compare to the Town water standards. Mr. Lewis said that the State standards far exceed the Town standards for individual home wells.

Mr. Zohdi addressed the question the Board had asked at a previous meeting about the length of the road from the beginning of Sheffield to the beginning of the cul-de-sac. Ms. Scott refreshed the Board's memory regarding their May 18 Planning Board packet in which the Police, Fire, Highway, and Town Engineer were of the same mind that the road was not a cul-de-sac, and they had no concerns about the road layout. Ms. Scott reminded the Board that they will need to decide if this is a cul-de-sac or not, so the applicant may proceed correctly. The Board entered discussion about this issue and decided that this was not a cul-de-sac.

**Ms. Webber made a motion to define this section of road as a loop road and does not need a waiver. Mr. Sycamore seconded.**

Ms. St. Laurent questioned the motion's acceptability because it uses a term (loop road) for which the Town has no definition. The Board discussed alternative wordings for the motion. More discussion ensued about which section of the road is being referenced by the term cul-de-sac. Ms. Scott clarified the context of the meetings and decisions by Police, Fire, Highway, and Town Engineer regarding this proposed road.

**Ms. Webber amended her previous motion to define this section of road as not a cul-de-sac and not a dead-end; therefore it does not need a waiver. Mr. Sycamore seconded. Motion passed: 5-2. Vice-chair Crisler and Mr. McLeod opposed.**

Vice-chair Crisler requested the Board address the definition of a loop road at a later date. Ms. Scott has it on her list for future discussion of regulation changes.

**Vice-chair Crisler motioned to continue this hearing to the July 20 Planning Board meeting at 7 p.m. Seconded by Mr. McLeod. Motion passed: 7-0.**

**Public Hearings:**

**Case#2011-15/Minor Site Plan**

A Minor Site Plan Application has been submitted for Windham Meadows I, 29 Brookview Road (Lot 19-A-801) zoned Rural. The applicant, Don Worthington, Secretary of the Windham Meadows Condominium Association, on behalf of the Windham Meadows Condominium Association, is proposing to amend the Site Plan that was approved by the Planning Board on April 16, 2003. The proposal is to amend Condition of Approval#7 on the plan which requires that access to Pleasant Street from the development be restricted to Emergency Vehicle Access only, via an electronically-controlled gate. Instead the proposal is to install and maintain a manually-controlled gate.

Vice-chair Crisler read the hearing into the record

**Ms. Skinner motioned to accept the Minor Site Plan Application. Seconded by Vice-chair Crisler. Motion passed: 7-0.**

Ms. Wood explained that this is a mutually beneficial solution between the two condominium developments and there are no zoning regulations that would regulate this gate which was initially a condition of approval when the subdivision was approved. Ms. Wood confirmed that staff had no issues with this application.

Chairwoman Post opened the application to the Public.

Mr. Don Worthington of 68 Brookview Road and secretary of the Windham Meadows Condominium Association explained the ongoing problems with the gate and recommended that these problems will be resolved by installing a manual gate which is not inconsistent with other gates in town; such as a gate on Cobbetts Pond. After meeting and discussion with representatives of Whispering Winds, Mr. Worthington feels this is an amicable and reasonable solution. It has a traffic calming effect in the over-55 community and all 60 residents of Windham Meadows are in agreement.

The Board discussed concerns with Fire having to manually open the gate during emergency situations. Ms. Wood explained that Fire had reviewed this application and had no issues.

Mr. James Rand of 66 Pleasant Street, President of Whispering Winds Condominium Association, shared that, after several meetings, the Association is unanimous in their agreement about replacing the gate. They see it as a win-win accommodation.

Chairwoman Post closed the Public Hearing.

**Mr. McLeod motioned to approve Minor Site Plan Application #2011-15 conditioned on approval by the Fire Department. Seconded by Ms. Webber. Motion passed: 7-0.**

At 8:51 p.m. Chairwoman Post granted a recess.

Vice-chair Crisler reconvened the meeting at 9:05 p.m. in Chairwoman Post's absence and appointed Ms. Nystem to sit for Ms. Post.

**Case#2011-16/Minor Site Plan**

A Minor Site Plan Application has been submitted for 112 Range Road (17-L-15) which is located in the Rural District and Cobbetts Pond Watershed Overlay Protection District. The applicant, Karl Dubai, on behalf of Robin Young, is proposing to amend the Site Plan that was approved by the Planning Board on August 4, 2010. The proposal is to install pervious pavement for a portion on the parking area rather than pervious pavers and to retain the existing lawn in certain areas rather than install an erosion control mix.

Ms. Skinner read the application into the minutes.

Ms. Wood explained that because the applicant's previous application was a change-of-use request, it is now necessary to seek Board approval on this seemingly minor new request. Staff has no concerns with this application; the applicant is simply changing the type of impervious material to be used; the size being covered has not been altered. The applicant submitted a previous hydrological study and the consultant Town engineering conducted a review of it; it is now up to the Board to determine if this previous study and review are adequate for this request.

**Mr. McLeod motioned to accept Case #2011-16 as a Minor Site Plan application. Ms. Webber Seconded. Motion passed: 7-0.**

Mr. Karl Dubai introduced Robin Young's restoration to 112 Range Road and requested that the Site Plan application include a material change which would not change the quality of the pervious material from pavers to pavement and increase the allowed lawn amount from which the 10% regulation has been removed.

The Board commended Ms. Young on the fine quality of her restoration to her historical building.

Vice-chair Crisler opened the hearing to the Public. Hearing no comments, she closed the Public Hearing.

**Mr. McLeod motioned to accept Minor Site Plan Application #2011-16 as presented and that the original Site Plan hydrological study is acceptable. Ms. Webber seconded. Motion passed: 7-0.**

**Mr. McLeod motioned to approve the Major Cobbetts Pond Watershed Overlay Protection Ordinance recognizing that the pervious surface remains the same. Ms. Skinner seconded. Motion passed: 7-0.**

**Case#2011-17/Minor Site Plan**

A Minor Site Plan Application has been submitted for 32 Indian Rock Road (16-D-450), which is in the Village Center District. The applicant, Peter Zohdi, of Edward Herbert Associates, on behalf of 32 IRR Realty Trust, is proposing to amend the Site Plan that was approved by the Planning Board on May 5, 2010. The proposal is to amend some components of the building façade and to allow the drive-thru to be constructed at a later date.

Ms. Skinner read the hearing notice into the record.

Ms. Scott drew the Board's attention to her June 6 memo where she itemized issues to be addressed. Two items have been resolved: #2c and #3. What is left to discuss are minor: #1 a-d and #2 a and b. These items are different than what was approved on the site plan.

The Board reviewed the specifics and details of the application and the changes to be discussed.

**Mr. McLeod made a motion to accept Case #2011-17 as a Minor Site Plan Application. Ms. Webber seconded. Motion passed: 7-0.**

Mr. Zohdi, referencing Ms. Scott 6/10 memo, walked through the changes: dormer design detail, roof pitch line, lighting and signage, the front window configuration, and the drive-thru which Mr. Zohdi would like to keep the possibility of for a potentially future bank resident. Currently, landscaping is being addressed and clean up, along with parking lot striping will follow. The gravel walkway to the picnic area, which did not occur, will be changed.

Ms. St. Laurent asked about the propane tanks which were not part of the plan and felt that the left side of the building was tight for traffic. Ms. Scott had the building inspector check to make sure building was located in the correct place, which he said it was.

The Board continued to discuss other apparent discrepancies; such as, the roof line, the color of the roof tile, the drive-thru, the missing dormer windows, the parking lot connection between this area and the Dunkin Donuts and the parking lot lighting. Ms. Scott will work with the applicant once the lighting is completed to make further reducing adjustments.

**Ms. Webber motioned to approve the Minor Site Application Case #2011-17 as amended and to allow the drive-thru to be constructed at a later date. Ms. Skinner seconded. Motion passed: 7-0.**

**Awning Sign-Heavy Hitters, 53 Range Road (18-L-300)**

Ms. Wood reminded the Board that all awning signs need to come before the Board for approval. The sign has already been installed and meets signage requirements. As a matter of protocol, it still needs to have Planning Board review and approval.

Mr. McLeod noted that there is no Public present; also, that this is an ad hoc approval and meets all the requirements. .

**Mr. McLeod motioned to approve the Minor Site Application #2011-17 as presented as it meets spirit and intent of ordinance and fall within the strict language of the ordinance. Ms. Skinner seconded. Motion passed: 7-0.**

Mr. McLeod recused himself from the financial guarantee requests as he sits on the Board of Selectman.

**Financial Guarantee Release:**

**Clark Farm** – Release Existing Letter of Credit and Accept Roads

**Ms. Webber motioned to recommend to the Board of Selectmen to accept Buckhide, Scotland, and Clarke Farm Roads as town roads and release the Letter of Credit once all items on the 6/6 Fire memo and a 6/8 Keach Nordstrom memo are resolved. Ms. Skinner seconded. Motioned passed: 6-0**

**Thompson Subdivision** – Release a \$600 bond with interest

**Ms. Webber motioned to recommend to the Board of Selectman to return \$600 plus accrued interest to Mr. William Dunlea from the Thompson Subdivision. Ms. St. Laurent seconded. Motion passed: 6-0.**

**2005 Master Plan Benchmark Review**

- Goals Accomplished and Ongoing-Determine Goals Requiring Action vs. Goals that Do Not
- Homework Assignment: Ranking Goals that have not yet been accomplished

After Board and staff discussion, the Board was assigned the task of filling out the spreadsheet and ranking the accomplishments for the July 6<sup>th</sup> Planning Board meeting with the Board completed tasks to be turned in at the June 29<sup>th</sup> meeting in time for staff to prepare the information for packets.

**Meeting Minutes-Review and Approve**

- May 18, 2011-Minutes were reviewed and the Board offered editings
- May 25, 2011- Minutes were reviewed and the Board offered editings.
- June 1, 2011- Minutes were reviewed and the Board offered editings.

Ms. Kolodziej will edit the above minutes for the next Planning Board meeting.

The Board and staff discussed the time and location of the Public posting of the Minutes, which is two public locations within 5 business days after the meeting and on the Town web site..

**May Staff Reports**

Ms. Scott and Ms. Wood presented their May reports and asked if any members had questions, which they did not.

**Old/New Business Adjournment**

Vice-Chair Crisler asked staff to supply the Board with a weekly list of applications that are received, with a timeline noting the 30 days the Board had to accept or reject jurisdiction, as well as the 65 days the Board had to approve or deny the application. She also asked staff to keep it updated and readily available, since the Planning Board is, by statute, responsible for timely action on applications. Ms. Scott replied tht she supplied that list to the Chair on a regular basis. Vice-

chair Crisler then asked to be copied on that list and then polled the Board to see who else wished that information. The majority of the Board chose to receive that information on top of their application packets and not in a weekly email.

Vice-chair Crisler read NH RSA 674.1 which was just amended by the Legislature this term and now states that Planning Boards are explicitly forbidden from regulating timber cutting, except as part of an application. However, Towns are not barred from instituting such regulations.

Vice-chair Crisler cited a 2001 Supreme Court decision -Webster vs. Candia - about a Planning Board member who came to a meeting with outlined reasons for making a motion to deny. The Court decided it was not a motion of pre-judgment or indicating bias.

**Ms. Webber made a motion to adjourn. Seconded by Ms. Skinner. Motion passed: 7-0.**

**Adjournment:**

**The meeting adjourned at 10:56 p.m.**

These minutes are respectfully submitted by Mimi Kolodziej.