



Planning Board Approved Minutes

May 17, 2023

7:00 pm at Community Development Meeting Room
3 North Lowell Road

Attendance:

Chair Tom Earley, Present
Vice Chair Derek Monson, Excused
Jennean Mason, Excused
Jacob Cross, Present
Matt Rounds, Present
Alan Carpenter, Present
Pam McCarthy (alternate), Present
Roger Hohenberger, Board of Selectmen ex Officio, Present
Bruce Breton, Board of Selectmen ex Officio (alternate), Excused

Alex Mello - Community Development Director
Draft Minutes submitted by Jacob Cross

Case 2023-06 – 1 and 3 industrial Drive – 13-A-198 & 13-A-197; Final Site Plan, Final Subdivision, WPOD Site Plan and Subdivision permit; Zone – Limited Industrial and WPOD

Applicant, Karl Dubay – The Dubay Group Inc., and Owner, AFS Realty, LLC, seek a Major Final Site Plan, Final Subdivision, and a WPOD: Site Plan / Subdivision permit, to construct a two-story 6,000 s.f footprint addition to the existing building and other associated site improvements. The proposal also includes a lot line adjustment that will add 52,701 SF of land from parcel 13-A-197 to 13-A-198.

Review of case and history provided by Alex Mello.

Motion to open Major Final Subdivision Site plan by Carpenter Second by Rounds.

Motion passes 6-0.

Jared Gott from Dubai Group spoke on the application.

Hohenberger asked for a description of the flow for drop off and pick up. Gott referred him to page 7 of the plans and explained Industrial Drive will be restriped and explained the loading/unloading.

Brandy Shydo from Windham Academy spoke about the parking backups. They will be using Pick Up Patrol to facilitate faster pickups. An extra driveway was added past the playground to help with traffic flow as well.

Carpenter asked Jared about how many parking spaces. Jared indicated there will be 75 spaces after the changes. 11 of those will be new.

Earley asked about events and the impacts to the area. Shydo answered that they try and stagger events by grade and they always let neighbors know when events are coming up.

Hohenberger asked if they will be hooking up to the water line. Al Sfeir answered yes about 3400 gallons a day.

Case opened for public comment.

John Connors 70 Lowell Road. Has a business at 3 Industrial drive so he's an abutter. Said traffic had been a problem in the past but it has been made much better as the neighbors have been working together to improve it.

Chris Baker. Three timeslots for pickup helps to mitigate issues with drop offs.

Public comment closed 7:43 PM.

Final board comments heard and no major concerns other than suggestions for conditions for approval:

All elements of the Keach memo met.

Staff comments all have been addressed in the May 12th plan.

Motion by Rounds:

Motion to APPROVE the Final Subdivision Application for the above-referenced project to allow a is a lot line adjustment that will add 52,701 SF of land from parcel 13-A-197 to 13-A-198 as shown on the plans May 12, 2023, prepared by The Dubai Group Inc. The approval is conditional upon the following:

1. Before the plan is signed, all items identified in the Keach Nordstrom Associates memorandum dated April 20, 2023 shall be met to the Staff's satisfaction.
2. Prior to a building permit being issued the applicant shall receive all the required state permits.
3. Prior to the recording of the subdivision plan, all property bounds are to be set with granite markers.
4. Two lots should be combined into one.

Seconded by Hohenberger.

Motion passes 6-0 7:51 PM.

Motion by Carpenter.

Second by Hohenberger.

Motion to APPROVE WPOD Site Plan / Subdivision land development application for the above-referenced project to allow the construction of a 12,000 SF addition along with other associated site improvements shown on the plans May 12, 2023, prepared by The Dubai Group Inc.

Motion passes 6-0

Motion by Hohenberger.

Second by Rounds.

Motion to APPROVE the Final Site Plan Application for the above-referenced project to allow the construction of a 12,000 SF addition along with other associated site improvements shown on the plans May 12, 2023, prepared by The Dubai Group Inc. The approval is conditional upon the following:

1. Before the plan is signed, all items identified in the Keach Nordstrom Associates memorandum dated April 21, 2023 shall be met to the Staff's satisfaction.
2. Prior to a building permit being issued the applicant shall receive all the required state permits.
3. Before ANY work is conducted, a pre-construction conference shall be set up with the Planning Department.
4. Best practices during construction for erosion control shall be maintained.
5. Gravel semi-circle for parking overflow should be included in phase one initial construction of the project.

Motion passes 6-0 7:56 PM.

Motion to reopen the case by Carpenter. Second by Cross.

Amend the site plan approval to add a sixth condition that no CO shall be issued until the subdivision is fully complete.

Motion passed 6-0

Case 2023-07 – 12 Roulston Rd and Lamson Rd – 13-A-102 and 13-A-196B; WWPD Special Permit; Zone – Limited Industrial, WWPD, and WPOD.

Applicant, Melissa Runde, Edward Herbert Assoc. Inc., and Owner, Ramos Real Estate, LLC, are seeking to construct a two-unit residential building (duplex), with each unit having three-bedrooms, and other associated site improvements. The building will have its own well and state-approved septic system. The Owner also intends to merge parcels 13-A-102 and 13-A-196B.

Carpenter recused himself.

Proposed duplex WWPD special permit.

Alex Mello gave overview of project. Variance from ZBA granted in January for 3 unit building with 2 BRs each. Proposal has changed to 2 unit building with 3 BRs each.

Variance was ganted for section 601.3 and 606.1 and Apendix A1.

The WWPD variance doesn't include 601.1.

Motion to open case 2023-07 by Cross second by Rounds.

Motion passes 5-0 8:12 PM

Shane Gendron gave overview of project.

Plan was changed from 3 units to 2 for simplicity of construction.

Septic has been approved by DES.

Driveway drainage has porous pavement and a drainage area.

Keach memo item 7 is being addressed but report hasn't been put together yet. It will be done.

Existing Lampson Rd is being used as access.

Building is 2400 sq ft. 12.8% impervious coverage.

Hohenberger asked if moving from 3 to 2 units negates the need for sprinkler system and applicant confirmed.

Asked by variance isn't needed for WWPD 601.1.1.

Gendron read through his provided reasons for granting the criteria as listed in the application.

Discussion held about the WWPD approval process and requirements to approve/deny. Cross pointed out that expert opinion would be needed to refute the applicant to justify a denial.

Open to public comment. None heard.

Motion by Rounds

Motion to approve WWPD for case 2023-07 as presented. Second by Cross 8:32 PM.

Motion passes 5-0.

Carpenter seated once more.

Case 2023-08 – 2 Floral St (Parcel 11-A-1657); WWPD Special Permit; Zone – Rural District and WWPD.

Applicant Joe Maynard of Benchmark LLC, representing the property owners, Ryan and Rachelly

Bartolotta, requests a Wetland and Watershed Protection District (WWPD) Special Permit to construct an inground swimming pool, patio, cabana, and to allow the Single-Family Dwelling and septic system to remain in the WWPD.

Joe Maynard representing property owners. In ground swimming pool.

Alex Mello gave brief overview stating that staff has everything required for this application.

Maynard gave overview of property and history.

Once WWPD was discovered on property work stopped and all associated rules were followed.

Extensive landscaping plan has been done.

Open to public comment 8:54 PM

None heard.

Rounds made motion to grand WWPD special permit for case 2023-08 as presented. Hohenberger second.

Carpenter asked to amend motion to have landscape plan conditional. Motion amended by Rounds and second stands by Hohenberger.

Motion passes 6-0.

Cross recused himself.

Case 2023-09 – 11 McIntosh Hollow Rd (Parcel 13-C-2); WWPD Special Permit; Zone – Residential District A and WWPD

Applicant Joe Maynard of Benchmark LLC, representing the property owner, Nassar Investment Trust, requests a Wetland and Watershed Protection District (WWPD) Special Permit to allow the construction of a portion of a Single-Family Dwelling, yard area, and associated site improvements within the 200 ft WWPD.

Alex Mello reviewed staff report. Increasing WWPD to 200 ft.

Carpenter made motion to open for discussion. Note made that normally because of error in notice to abutters we would move it to next meeting, but because it's just a WWPD special permit he's OK with hearing this tonight.

601.3 was granted for structure in WWPD.

601.4.6 was granted for septic in WWPD.

601.4.8 was not granted.

601.4.8.4.1 was granted.

Variance also granted for setbacks for side yard.

Motion passes 5-0 9:03 PM.

Joe Maynard spoke on the history of the lot and the application. Lot created in 2004. Line adjusted in 2012.

Original plan called for a long steep driveway with house 30 feet below the street.

Runoff being sent to an infiltration pond in back of property.

New plan has house 17 feet below the street.

Emergency services can access the house easier.

Carpenter asked about history of lot. Lot is unbuildable and thus shouldn't have been approved.

Hohenberger asked about work for drainage basin.

Argued that with more expense there is a buildable lot at the back of the property.

Rounds brought up the WWPD waiver requirements issues that have been brought up repeatedly across multiple applications during the meeting.

Open to public comment. Jacob Cross 25 Stonehedge Rd spoke as an abutter next door about the lot and asked questions about drainage and fill and distance to the drainage easement.

Public comment closed.

Motion to approve WWPD special permit for 2023-09 by Hohenberger. Second by McCarthy. 9:26 PM.

Rounds pointed out that approving this is contrary to spirit and intent of WWPD.

Hohenberger pointed out that with ZBA variances the house is allowed and septic allowed and his vote would be different with no variances.

Carpenter stated that lot should never have been approved as designed because it's not buildable. But it does exist so it's not appropriate to deny now.

Motion passes 5-1 2023-05-17.

Cross re-seated.

New business. ZBA and Planning Board and ConCom and WWPD special permits.

Discussion about variance requests being asked by engineers and what they need variances for from ZBA vs the WWPD waivers from the Planning Board.

Carpenter stated Concom first then ZBA needed to be pulled in to workshop.

Cross states:

There is a role for both. ZBA gives variance but we approve special permits for WWPD.

We need a review of what is who's responsibility.

We need to tighten up the requirements to make denial/approval more clear and easier.

We need to update and send to voters.

Rounds states:

ZBA is currently doing spot zoning effectively when they waive uses away from allowed uses.

Chair Earley to email the chair of the ZBA to begin this discussion.

Mello suggested Atty Campbell and Steve Keach on this discussion as well. There is no fee listed for the WWPD permits to have a fee for Keach review.

Motion to adjourn by Rounds with Cross second at 9:45 PM.