

Planning Board

Minutes of July 11, 2001

ROLL CALL: Alan Carpenter, Chairman - Present

Ross McLeod, Vice Chairman - Present

Lisa Linowes, Secretary - Present

Margaret Crisler, Selectmen Member - Excused

Walter Kolodziej, Regular Member - Excused

Wayne Morris, Regular Member - Present

Russ Wilder, Regular Member - Present

Lee Maloney, Alternate - Present

Nancy Prendergast, Alternate - Present

Roger Hohenberger, Selectmen Alternate - Present

Mr. Hohenberger replaced Mrs. Crisler on the Board.

Ms. Prendergast replaced Mr. Kolodziej on the Board.

MINUTES:

Mr. McLeod made a motion to approve the May 30 minutes. Seconded by Mr. Morris. Passed 5-0-1. Ms. Prendergast abstained.

Mr. McLeod made a motion to approve the June 20 minutes. Seconded by Mr. Wilder. Passed 5-0-1. Ms. Prendergast abstained.

Mr. Wilder made a motion to approve the June 27 minutes. Seconded by Mr. McLeod. Passed 5-0-1. Ms. Prendergast abstained.

Ms. Linowes joined the Board.

Mr. Wilder made a motion to approve the June 28, 2000 workshop minutes. Seconded by Mr. Morris. Passed 5-0-2. Mr. Hohenberger and Ms. Prendergast abstained.

Mr. Morris made a motion to approve the August 9, 2000 workshop. Seconded by Mr. Wilder 5-0-2. Mr. Hohenberger and Ms. Prendergast abstained.

CORRESPONDENCE:

Mr. Carpenter reviewed the following correspondence:

Letter from Cawe Monthleau Gamble and family regarding the Klemms Site Plan;

Letter from Vivian Dennis regarding access to her land;

Letter from Margaret Orzai and Adolphe Bernotas regarding Klemms Site Plan;

Memo from the Office of State Planning regarding planning for wireless telecommunications;

Memo from the Office of State Planning regarding floodplain forest;

Office of State Planning May and June newsletter.

OLD BUSINESS:

Mr. Turner announced the Planning and Development Department has moved into the new offices and anticipate the next meeting will be at the new office. The Open House will be on July 24 from 4:00-6:30 pm with the dedication at 5:15 pm.

Mr. Hohenberger stated that the maps for the Route 111 bypass are in David Sullivan's office.

Mr. Turner gave an update on the Osgood Street bond.

NEW BUSINESS:

The Board discussed the CIP committee. Mr. McLeod made a motion to appoint Ms. Linowes and Ms. Maloney to the CIP Committee. Seconded by Mr. Morris. Passed 7-0. The Board requested to be on the minutes distribution list. Mr. Wilder made a motion to appoint Roger Hohenberger, Marcia Unger, Ron Coish, and Dick Gumble to the CIP Committee with Carolyn Webber and Rick Horrigan as alternates. Seconded by Mr. Morris. Passed 7-0.

PUBLIC HEARING:

Site Plan Amendments

Mr. Twarog reviewed and read Sections 1003 and 1302 of the site plan amendments. No public comment. Board discussion ensued regarding the wording of the amendments. Mr. Hohenberger made a motion to accept Sections 1003 and 1302 to the site plan regulations with the addition of "or other approved activities" after facility maintenance access on the 4th line. Seconded by Mr. Morris. Passed 7-0. Discussion ensued regarding future Boards not understanding or abiding by the intent of the change.

Castle Reach Open Space Subdivision - 116 lots - Public Discussion

Morrison and Jenny Hill's Roads

Mr. Turner gave an update of the subdivision. Mr. Craig Francisco, and access Bedford Design Consultants, stated the issues for the evening include phasing and road configurations. Mr. Steve Keach, Planning Board consultant from Keach-Nordstrom Associates, discussed changes in the last three years, connections, traffic numbers, methodology, traffic analysis, road layout, recommends a single point of access, and recommends separate left and right turn lanes at intersection. The Board discussed level of service, gate, traffic lights, use during Route 111 construction, road layout, center stripes on corners, and 22' wide Morrison Road adequate. The Board discussed road widths, connection, road design changes, environmental impacts, and gating.

Public discussion began with Mr. Bob Coole, 20 Morrison Road, asked what happens to the intersection when the paper road is developed.

Mr. Michael Peterson, 60 Morrison Road, stated there have been 3-4 accidents since Mitchell Pond Estates has been built, there was none prior to that, the curvy access will not slow people down, the straight line option does not bother the people because there are no houses on it, currently traffic funnels from 26' to 22' and this is adding more people and traffic to it, and the straight option costs more money.

Mr. Carpenter read the Department comments. Mr. Peterson asked that Hancock Road be gated under lock and key for emergency purposes only and use the straight connection as the access. Mr. Morris made a motion for the access road to Castle Reach be at Hancock Road. Seconded by Ms. Linowes. Failed 3-3-1. Mr. Wilder, Mr. Carpenter, Hohenberger opposed. Mr. McLeod abstained.

Board discussion ensued regarding a bridge. Mr. Hohenberger made a motion to have the 41 Morrison Road option as the connection to Morrison road. Seconded by Mr. Wilder. Discussion ensued regarding fill in the valley, bridge, steepness, and environmental concern. Mr. Hohenberger amended his motion to include minimal environmental impact. Seconded by Mr. Wilder. Failed 2-4-1. Mr. Wilder, Mr. Morris, Ms. Linowes, Ms. Prendergast opposed. Mr. McLeod abstained.

Discussion ensued regarding the connections, environmental impacts, and phasing. Mr. Peter Zohdi, Herbert Associates, stated they are looking to resolve Phase II and clarified what the applicant is looking for. Mr. Wilder made a motion to allow the temporary connection through Hancock Road not gated, and Phase III development to include the other connection built with a bridge structure. Seconded by Mr. Hohenberger. Discussion ensued regarding Phase I traffic. Passed 4-3. Mr. Morris, Ms. Linowes, and Mr. McLeod opposed. Mr. Turner stated that there are other topics for discussion in the conceptual stage.

Ms. Maloney replaced Mr. Carpenter on the Board. Mr. McLeod took over the Chairman's duties.

Koch Subdivision - 2 lots (14-B-4801) - Public Hearing

Castle Hill and Mammoth Roads

Mr. Twarog reviewed the subdivision plan. The Board discussion ensued regarding house placement, rural district, and variance. Mr. McLeod read the previous minutes and Department comments. Board discussion ensued regarding area, sight distance, WWPDP, and moving the house, WWPDP, silt fencing, aquifer protection line correct, and slopes.

Public comment began with public comment with Mr. Edward Lynch, 176 Range Road, stated the Koch's have kept the rural charm of Windham with their hayfields, only want to subdivide one lot, they've been put through a lot for one lot, and the remainder of the land will stay as a hayfield.

Mr. Andrew Prolman, attorney for Joseph Panevino an immediate abutter, stated that its a bad plan by trying to cram too much into a small area, too close to the WWPDP, terrain alteration, and drainage problems. He reviewed the materials he gave to the Board. He stated there is MBTE contamination in the neighborhood, there is better access other places on the property, discussed the zoning ordinance, reviewed history of the property including an easement, rear lot line has moved, and gave another option. The Board discussed the subdivision, lot location, and MBTE.

Mr. Joseph Panevino, 1 Castle Hill Road, stated he is concerned about MBTE potentially creating a serious problem, access to 26 acres, and is concerned the construction will increase the potential of having MBTE in his well.

Ms. Janice Koch, owner, doesn't want to develop, but wants to do something nice for one of her children, two years been trying to do this, has owned it for 40 years, doesn't use fertilizer, encourages wild life, resents two years of trying to do this, the variance was granted, and the court upheld the variance. The Board discussed the design is less intrusive to the hayfield. Mr. Turner clarified the variance issue. The Board discussed the house lot and ordinance.

Mr. David Chirichiello, 3 Castle Hill Road, stated he has contaminates in his well, MBTE is a cancer causing agent, and is concerned it will raise the level towards his house.

Mr. Zohdi reviewed the history of the subdivision, variance, zoning changes, aquifer protection district, putting the house in the back would require a road through the WWPDP. The Board discussed the aquifer protection district, undersize lot, MBTE, and the occupancy permit needs safe water.

Mr. Rob Noviello, 547 Mammoth Road, Pelham, Janice Koch's son-in-law, stated no professional has said the MBTE will effect other wells, it is speculation, and is not supported by any evidence.

Mr. Wilder made a motion to approve the subdivision as proposed subject to staff recommendations bonding of the property bounds, driveway located so that the address is 0 Castle Hill Road, aquifer protection district be shown on the plan as well as the WWPDP, the house be moved as far forward as the set back will allow, silt fence erected prior to construction. Mr. Wilder stated the ordinance is best served by preserving the field in back with less disruption and keeping the house in the front part of the lot. Seconded by Mr.

Hohenberger. The Board discussed stonewalls. Mr. Wilder amended his motion to include stonewalls along Castle Hill Road be preserved except for the driveway. Seconded by Mr. Hohenberger. Discussion ensued regarding ordinance best served and MBTE will be addressed as part of the occupancy permit. Passed 7-0.

Mr. Carpenter rejoined the Board. Ms. Maloney stepped down.

Mr. Morris made a motion to hear the remaining cases. Seconded by Mr. McLeod. Passed 7-0.

Collins Subdivision - 2 lots (7-A-1000) - Public Hearing

North Lowell and County Roads

Mr. Turner presented the plan to the Board, and discussed the illegal business, and requirement to remove the existing structure or convert it to a single-family home. The Board discussed with Mr. Turner why the existing structure isn't in the 30,000 or 10,000 square foot buildable area. Mr. Turner read the recommended conditions of approval, and explained that a variance is required to allow an accessory structure on a lot. No public comment. The Board asked staff if there were any other concerns other than Note 13. Mr. Hohenberger made a motion to approve the 2-lot subdivision with the following conditions bonding of the property bounds, merger documents filed with the Town to merge lots 7800-7801 if the conditions of note 13 aren't met, also add to note 13 that the accessory building be removed to bring the lot into conformance if a variance is not granted to allow the accessory structure to remain, and property 1001 cannot be transferred to another owner unless note 13 is met. Seconded by Mr. Wilder. Passed 7-0.

Mr. Turner mentioned signing the volunteer immunity law form. The Board members signed and returned their copies.

Pelletier Special Permit (20-E-141) - Public Hearing

25 Bear Hill Road

Mr. Turner explained the intent of the application, existing special permit allows 10' driveway, and the special permit keeps driveway as it at 15 ft'. Mr. Hohenberger made a motion to approve the special permit with the following conditions of working with the staff to stabilize slopes and erosion controls. Seconded by Mr. Morris. Passed 6-1. Ms. Linowes opposed.

Exxon Canopy Sign (11-C-12) - Public Hearing

1 Wyman Road

Mr. Turner described the application. Mr. John Stitzer, Bohler Engineering representing the applicant Tosco Marking Company, shared photos of the existing and proposed signage. The

Board discussed lighting, colors, company logo colors, consistent review of gas station signage, concern for red banner on canopy, and gray coloring on fascia.

Mr. Morris made a motion to approve the Exxon lettering as shown on page 2 with no treatment to the fascia and extending the gray. Seconded by Mr. McLeod. Discussion ensued. Mr. Stitzer explained that the applicant would not be interested in mixing gray and red on the fascia, and he proposed white fascia. Motion withdrawn.

Mr. McLeod made a motion to deny. Seconded by Mr. Wilder. Motion withdrawn.

Mr. McLeod made a motion to approve the light box as presented with gray fascia with the shade reasonably close to the existing gray keeping the existing white border trim. Seconded by Mr. Wilder. Passed 5-2. Mr. Hohenberger and Ms. Prendergast opposed.

SEEA Realty Corp Sign (8-B-2500) - Public Hearing

128 Rockingham Road

Mr. Morris made a motion to table because of lack of information. Motion withdrawn. Discussion ensued regarding the sign. Mr. Wilder made a motion to continue SSEA Realty Corp Sign to the July 25 meeting. Seconded by Mr. McLeod. Passed 7-0.

Mr. McLeod made a motion to adjourn. Seconded by Mr. Hohenberger. Passed 7-0. Meeting adjourned at 12:10 pm.

These minutes are in draft form and have not been submitted for approval.

Respectfully submitted, Nancy Charland