

# **Planning Board**

## **Minutes of February 20, 2002**

### **ROLL CALL:**

Alan Carpenter, Chairman - Present Ross McLeod, Vice Chairman - Present

Lisa Linowes, Secretary - Present Margaret Crisler, Selectmen Member - Excused

Walter Kolodziej, Regular Member - Present Wayne Morris, Regular Member - Present

Russ Wilder, Regular Member - Present Lee Maloney, Alternate - Present

Nancy Prendergast, Alternate - Present Roger Hohenberger, Selectmen Alternate - Present

*Also present: Al Turner, Director of Planning and Development; Eric Twarog, Assistant Planner; Nancy Charland, Secretary*

*Mr. Hohenberger and Ms. Prendergast replaced Mrs. Crisler and Mr. Carpenter on the Board.*

*Mr. McLeod opened the meeting at 7:35 pm.*

### **MINUTES:**

Mr. Wilder made a motion to approve the January 30 minutes. Seconded by Mr. Hohenberger. Passed 4-0-2. Ms. Prendergast and Mr. Kolodziej abstained.

*Ms. Linowes joined the Board.*

### **CORRESPONDENCE:**

Mr. McLeod reviewed the following correspondence:

Letter from Attorney Troisi requesting the Klemm hearing be continued to the next available meeting. Discussion ensued regarding the starting time of the March 6 meeting.

### **NEW BUSINESS:**

Mr. Wilder shared a conference brochure regarding waste water systems.

The Board discussed a meeting regarding the widening of Route 93, land mitigation, and Board response. Board consensus was to write a letter. Mr. Wilder will work with staff. Mr. Hohenberger will propose the Selectmen write their own letter. Conservation Commission will also write a letter.

Mr. Wilder made a motion to continue the Klemm hearing to March 6 at 8:30 pm. Seconded by Mr. Hohenberger. Passed 7-0.

**PUBLIC HEARING:**

**Lamplighter Village - 60 Multi-Family Units and Special Permit (8-B-6300) - Public Hearing Continued**

**100 Rockingham Road**

Mr. Turner explained the outstanding issues including the rear and side façades, color, causeway area testing, dam application, trees on the causeway, construction sequence, and access during construction. Mr. Maurice Caruso, owner, discussed the issues with the Board. He stated that Seavey Pond residents will have access through the Villages of Windham when Seavey Road is not accessible. Discussion ensued regarding after construction the road will be gated with a lock accessible for emergency vehicles, note on plan for no recreational structure on lake frontage, and drainage swale. *Mr. Carpenter joined the Board as a non-voting member of the Board.*

The Board discussed water treatment and drainage. Mr. Caruso stated he is offering \$1000 per unit towards a fire substation as each occupancy permit is issued. The following letters were read into the record: 1) from Mr. Turner to the Seavey Pond Association; and 2) from Chief Fruchtman. The Board discussed staffing requirements and response times with Chief Fruchtman. Discussion ensued regarding a safety problem still exists even with the donation, and Attorney Campbell's opinion on scattered and premature, current road conditions, applicant letter changed to include increase response times only, voluntary giving of the \$1000 per unit, and impact fees. Mr. Hohenberger made a motion to ask the applicant to change the fifth line of his letter for such funds to be used for "improving the emergency response times of the Route 28 corridor" and striking the words "the construction of a new fire substation on Route 28". Seconded by Mr. Wilder. Passed 7-0. The applicant volunteered to make the change. Discussion ensued regarding blasting, removing note #5, guardrails, septic system closest to the pond pumped every two years, trails be marked,

Public comment began with Ms. Maureen Richard, 8 Hunt Road, stated her concern with erosion to Hunt Road, environmental impact to the pond, runoff to the pond, and notifying Hunt Road residents of blasting. Mr. Turner stated the erosion will be less than it is now.

Mr. Hohenberger made a motion to continued Gogumalla Site Plan, Stolarz Subdivision, and Armco Floor sign to March 6 at 8:30 pm. Seconded by Mr. Wilder. Passed 7-0.

Ms. Huguette Chander, 7 Seavey Road, asked about abutter notification. She asked trucks not to block driveways, stated her concerned with blasting, and thought the public was not given enough time to speak.

Ms. Michelle Repetto, 11 Seavey Road, stated they want to protect the pond, working with DES to improve the pond, development will have a big impact on the pond, she purchased her property knowing what the road was like and would rather an 8' dirt road. She stated her concern with driveways along causeway, catch basin locations, trucks in her driveway, road

conditions, sidewalks, and trails. Mr. Hohenberger read a letter from the Seavey Pond Association and Mr. Caruso and Chief Fruchtman responded to the issues. She also questioned the base of the causeway dam.

Ms. Chander questioned the mailbox locations.

Mr. Daniel Batal, 118 Rockingham Road, discussed dam bureau requirements and questioned replacing the culvert in regards to the property lines. He wants to be aware when the culverts are being replaced.

Mr. Wilder made a motion to move Armstrong Lot Line hearing to March 6 at 8:30. Seconded by Mr. Hohenberger. Passed 7-0.

Mr. Turner summarized the issues. The Board discussed trails, construction sequence, and drainage.

Mr. Hohenberger made a motion to approve Lamplighter Village waiving site plan regulation section 702 for trees 12" or larger in diameter and subdivision control regulation 602.1 slope with an intersecting road, and the road to conform to the plan on page C11, and contingent on 1) acceptance of the donation letter with the changes as proposed earlier; 2) removal of note #5 on page C4; 3) receipt of state approved DES engineering plan for the dam; 4) records of the septic tank on the top of the hill on Lamplighter Road be submitted to the Planning Department every two years at a minimum; 5) trails be flagged at periodic intervals to be determined; 6) bonding of the roads and bounds; 7) work with staff to try to contain runoff towards the north end of the site and away from the pond if possible; 8) no stone walls be removed; 9) wetland permit be modified as dam design impacts the prior wetland permits; 10) note in covenants to limit the use of salt to no greater than 25 per cent mix; 11) Seavey Road needs first coat of pavement prior to certificate of occupancies; 12) connection with Villages of Windham maintained and gated for nox-lock, 13) wooden steel-backed guardrails be used as per town specifications; 14) tree line on page C3.0 be maintained; 15) work with staff to change the name Candlelight Road. Seconded by Mr. Wilder. Discussion ensued regarding lighting and road widths. Passed 7-0. Mr. Kolodziej stated he disagrees with the exactment fees.

*Mr. Carpenter joined the Board and Ms. Prendergast stepped down.*

Mr. Wilder made a motion to suspend the rules for no new business after 10:30 pm to hear Carbo Subdivision and Mangan Special Permit. Seconded by Mr. Hohenberger. Passed 7-0.

### **Carbo Subdivision - 3 lots (7-A-400) - Public Hearing Continued**

#### **Jenny's Hill Road**

Mr. Turner read the failed 3 to 3 February 6 motion to approve the subdivision. Mr. Wilder made a motion to put the motion back on the table as read by Mr. Turner. Seconded by Mr. Morris. The motion reads as follows: to approve the 3-lot subdivision as proposed without a connection to Morrison Road noting that for this 3-lot subdivision there is no proposed

extension of the road way; the road already exists, 2) the approval of the conversion of open space to buildable lots, 3) the proposed wildlife corridor be as shown on plan, 4) deed restriction any future subdivision would not exceed 8 lots, 5) revise open space covenants to exclude this area from development and 6) setting property bounds.

Discussion ensued regarding the wildlife corridor. Mr. Wilder amended his motion to say the plan as proposed at the February 20, 2002 marked as exhibit A. Discussion ensued regarding open space and wildlife corridor. Attorney Mason stated a independent easement document could be included. Discussion continued regarding wildlife corridor easement and open space, development without a connection to Morrison Road, no new road being built, Castle Reach open space area, impact, and subdivision creep. Seconded by Mr. Morris. Failed 3-4.

Mr. Hohenberger restated the motion with a paved, maintained connection to Morrison Road. Discussion ensued regarding road length and conversion of open space covenants. Attorney Mason addressed the Board regarding connector with phase II and number of lots. Discussion continued regarding been going on since the 80's and road connection for safety. Seconded by Mr. Carpenter. Discussion ensued regarding wildlife disruption. Mr. Hohenberger amended his motion to include note 9 be amended to leave in its natural state. Seconded by Mr. Carpenter. Failed 2-5.

Mr. Wilder remade his original motion without a connection and adding "the wildlife easement to be left in a natural state". Seconded by Kolodziej. Discussion ensued regarding undue hardship to put the road in for these 3 lots, no further lots without a connection. Failed 3-4.

Mr. Carpenter made a motion to deny the plan as presented tonight and to not permit revision of the open space covenant. The subdivision involves 1) the conversion of open space area to a buildable lot; 2) changing of open space to standard subdivision; 3) people who purchases in phase I bought into the open space development; and 4) due to previous commitments to this Board by the developer that an added egress would be made before any added development. Seconded by Mr. Kolodziej. Discussion ensued regarding previous motions, road bond, and an alternate connector. Failed 3-4.

Mr. Carpenter made a motion to table Carbo Subdivision until the Mangan Special permit is considered. Seconded by Mr. Hohenberger. Passed 7-0.

### **Mangan Special Permit (2-A-1250) - Public Hearing**

#### **5 Frost Road**

Mr. Twarog explained the extension, variance, and the special permit. Mr. Mangan further described the property and photographs including location, wetlands, replace and add on to current garage, and connecting the two buildings. Discussion ensued regarding WWPD setback, two-bedroom dwelling, new septic plan for future, more impervious surface, ZBA approval, and erosion controls.

Mr. Carpenter made a motion to approve the special permit and instruct applicant to work with staff to get minimize erosion. Seconded by Mr. Morris. Passed 7-0.

### **Carbo Subdivision - 3 lots (7-A-400) - Public Hearing Continued**

#### **Jenny's Hill Road**

Attorney Mason stated that the covenants say that this is remainder parcel is not an open space lot. He suggested vote condition 1) a single building permit to build on 32 acres; and 2) stipulation of no further building permit issued for the remaining 2 lots remaining (5 acre lot and 350 acre lot) until connection is built or bonded from Jenny's Hill Road to Hancock Road. Mr. Zohdi stated no further subdivision without a connection. Discussion ensued regarding further subdivision will be 8 lots and not without a connector.

Mr. Hohenberger made a motion to restate Mr. Wilder's motion of February 6, 2000 to include 1) February 20, 2002 exhibit A plan; 2) change to note #9; 3) no further subdivision beyond the 3 lots until a connector goes through; 4) the future 32 acres subdivision will only be 8 lots and a connector 5) no building permits issued on lot 7-A-693 and 7-A-400; 4) one building permit for a single-family home only on lot 7-A-694 32 acres; and 5) no further subdivision of any of the lots until a connector be built or bonded to Hancock. Seconded by Mr. Kolodziej. Passed 7-0.

Mr. Carpenter made a motion to adjourn. Seconded by Mr. Wilder. Passed 7-0. Meeting adjourned at 12:20 pm.

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

Respectfully submitted, Nancy Charland