

Planning Board

Minutes of January 8, 2003

ROLL CALL:

Ross McLeod, Chairman – Present Wayne Morris, Vice Chairman – Present

Lee Maloney, Secretary – Present Roger Hohenberger, Selectmen Member – Present

Walter Kolodziej, Regular Member – Present Lisa Linowes, Regular Member – Present

Russ Wilder, Regular Member – Excused Roy Dennehy, Alternate – Present

Nancy Prendergast, Alternate – Excused Alan Carpenter, Selectmen Alternate – Excused

Mr. McLeod opened the meeting at 7:30 pm. Mr. Dennehy replaced Mr. Wilder.

MINUTES:

Ms. Maloney made a motion to approve the November 20 minutes. Mr. Kolodziej seconded. Passed 5-0-1 Ms. Linowes abstained;

Ms. Linowes made a motion to approve the December 4 minutes as amended. Mr. Morris seconded. Passed 6-0;

Ms. Maloney made a motion to approve the December 11 minutes. Mr. Kolodziej seconded. Passed 4-2. Ms. Linowes and Mr. Morris opposed.

BONDS:

AP Dailey Laminating, new bond \$7,475. Mr. Morris made a motion to accept. Mr. Kolodziej seconded. Passed 6-0.

CORRESPONDENCE:

Memo from Ms. Linowes and Mr. Morris regarding the December 11 meeting. Discussion ensued regarding a growth ordinance. *Mr. Hohenberger joined the Board.* Ms. Linowes made a motion to have an interim growth management ordinance public hearing on January 21. Mr. McLeod read the ordinance. Mr. Morris seconded. Discussed ensued. Denied 3-4. Mr. Hohenberger, Mr. McLeod, Ms. Maloney, and Mr. Kolodziej opposed.

Mr. Morris made a motion to move Scott Subdivision and Butterfield Subdivision to January 22 at 8:00 pm. Ms. Maloney seconded. Passed 7-0.

Letter from Kiddie Academy regarding sign revisions. Mr. Dan Kennedy, owner, discussed the sign. Mr. Hohenberger made a motion to not hear the request this evening. Mr. Kolodziej seconded. Passed 7-0;

Letter from Attorney Solomon requesting to be rescheduled to January 22;

Letter from Attorney Battles regarding the Higgins file;

Letter from Sam and Jean Nassar to Commissioner Murray regarding biking trails;

Letter from Commission Bald acknowledging receiving the Planning Board's correspondence;

Letter from RPC to NH DOT regarding draft environmental impact statement;

Addendum letter to Commissioner Murray regarding I-93 environmental impacts;

Letter from Attorney Loughlin regarding McIntosh Hollow.

PUBLIC HEARING:

Whispering Winds Phase II Appeal of Aquifer Protection District Location (19-A-801) – Public Hearing

Mammoth Road and Pleasant Street

Mr. Dennehy recused himself. Mr. Turner explained the appeal including previous appeals, aquifer boundaries, test pits, and aquifer not present. Mr. Hohenberger made a motion to accept for public hearing. Mr. Kolodziej seconded. Discussion ensued. Mr. Peter Zohdi, Herbert Associates, discussed the appeal and the study. The Board discussed the process and studies done. Vote taken. Passed 6-0.

Mr. Turner stated previous reports stated there is no aquifer and the Board accepted this in the past, and he showed the area on the map. Discussion ensued regarding the aquifer border, aquifer definition, and test pits. No public comment. Discussion continued regarding Mr. Wilder's report letter, and aquifer discrepancies.

Mr. Gary Garfield, URS, explained their engineering business and introduced Mr. Charles Schneider. Mr. Schneider, hydrogeologist, discussed the aquifer protection district, testing data, and stream running on bedrock. Mr. Garfield discussed the testing wells. Board discussion ensued regarding test pit locations, soils, recharge, report comparison, no aquifer on the property, Thibideau Subdivision, and stream location. Mr. Zohdi further described the studies. Discussion continued regarding groundwater, not much water in the area, independent evaluation for town's definition of aquifer, and 1989 report.

Mr. Hohenberger made a motion to hire an independent hydrogeologist to review the previous study in context of the towns aquifer district definition, study to be paid for by the

developer and or additional test pits if needed, and work with the developer to perform further evaluations.. Mr. Kolodziej seconded. Passed 6-0.

Discussion ensued regarding continuing the meeting and an extension. Mr. Kolodziej made a motion to continue to February 19 at 8:00 pm. Mr. Hohenberger seconded. Passed 6-0.

Whispering Winds Phase II (19-A-801) – Public Hearing

Mammoth Road and Pleasant Street

Mr. Turner explained Phase II including 60 units, location, extension of Pleasant Street and connection to Mammoth Road, waivers, special permits, 60 units based on no aquifer, application not in compliance because of aquifer, no traffic analysis, does not address affordability, and no covenants submitted. He further discussed the 30-day requirement, regulations, requesting extension, not in conformance with new ordinance, enough information for a hearing under the old requirements, but not enough information for an approval. Discussion ensued Phase I traffic analysis, additional information available, and 30 day requirement. Attorney Mason stated the application is substantially complete, meets requirements for acceptance, and approval process for the ordinance in existence in October. Discussion ensued regarding reviewing the plan under the old regulations, workload, not purposely delayed, review under which ordinance, and Hudson court case. Mr. Zohdi discussed the application and compliance with requirements. Discussion ensued regarding aquifer appeal and density.

Ms. Linowes made a motion to not accept for public hearing because of the lack of a traffic analysis and affordability not submitted with the plan. No second. Motion fails.

Mr. Zohdi agreed to extend the 65-day clock. Mr. Hohenberger made a motion to accept for public hearing based on that the applicant agreed that the 65-day clock begin with the aquifer removal and contingent on the two waivers granted. Mr. Kolodziej seconded. Discussion ensued regarding hearing under the old ordinance, but subject to the new ordinance when passed at town meeting. Attorney Mason stated it will falls under the four year exemption. Discussion ensued regarding section 676.12 and legal opinion. Mr. Kolodziej withdrew his second. Mr. Morris seconded. Passed 4-1-1. Ms. Linowes opposed and Mr. Kolodziej abstained.

Mr. Turner explained the application including 60 2-bedroom units, easement, cul-de-sac, landscaped islands, angle parking, road widths, 12” tree waiver, scale waiver, access, easement, line of sight, and WWPD special permit. The Board needs to consider the following issues: regional impact or not, affordable, covenants, location for elderly housing, amenities, clubhouse, recreation on site, and traffic calming techniques. Mr. McLeod read a letters from 1) Virginia Raumikaitis, 2) Lewis and Mary Steele, 3) Dorothy Westwater, 4) Carl and Gertrude Moisan, and 5) Joan Zollo.

Public comment began with Mr. Roy Dennehy, 71 Pleasant Street, Whispering Winds Board of Directors President, read a handout which stated some of the Whispering Winds residents’

issues including Phase II, submitted plan changes, mailboxes, entrance, clubhouse, layout, request site walk, drainage, grading, buffers, construction vehicles, and dust and dirt.

Attorney Seth Emmer, representing some of the Whispering Winds residents, further discussed the issues including an agreement made for no road access to Phase II and Phase II name will change to Windham Meadows. Attorney Mason discussed the road access. Attorney Emmer continued regarding no easement, Attorney Generals office approval, and the NH condominium act.

Discussion ensued regarding cul-de-sac location, lot line relocation, condominium act compliance, road length, master plan for entire parcel, is the application complete, can the connection be made, and town attorney opinion. Attorney Emmer agreed to putting the opposition in writing for town counsel review. Mr. Peter Zohdi stated he will provide a master plan based on current zoning and aquifer. Discussion ensued regarding the reconsider vote, master plan, and legal counsel. Attorney Emmer and Attorney Mason will submit comments to the Planning Department.

Mr. Kolodziej made a motion to continue to January 22 at 8:00 pm to allow for both sides to meet, for the Planning Board to seek legal counsel regarding the matters, and all legal costs to be paid by the applicant. Mr. Hohenberger seconded. Passed 6-0.

Mr. Hohenberger made a motion to adjourn. Mr. Morris seconded. Passed 7-0. Adjourned 12:05 am.

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

Respectfully submitted, Nancy Charland