

Planning Board

Minutes of April 16, 2003

ROLL CALL:

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

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

Walter Kolodziej, Regular Member – Present Nancy Prendergast, Regular Member – Present

Pam Skinner, Regular Member – Present Roy Dennehy, Alternate – Present

Chris Doyle, Selectmen Alternate – Present

Mr. Morris opened the meeting at 7:35 pm.

CORRESPONDENCE:

Letter from Attorney Campbell regarding the scheduling the Nassar hearing. The Board scheduled the hearing for May 14;

Notice of decision regarding Nassar Investment Trust vs. Town of Windham. Discussion ensued regarding a change in the conditions of approval for McIntosh Hollow as per the courts and does that make the town liable for safety;

Memo from David Sullivan regarding Emerson Road building permit. Discussion ensued regarding Planning Board procedures;

Letter from John Barry regarding his interest in becoming an alternate Planning Board member. Alternate interviews will be at the May 21 meeting;

Workshop invitation from the Conservation Commission;

Confidential legal communication from Attorney Campbell;

Letter from David DeVries regarding his site plan. Mr. DeVries to be invited to the WWPD workshop;

The Source newsletter;

Achieving Smarth Growth regional workshop notice.

BONDS:

11 Netherwood, new bond \$500. Mr. Hohenberger motioned to accept and recommend a culvert with staff approval. Mr. Kolodziej seconded. Passed 5-0.

OLD BUSINESS:

The Board discussed the “golf sale” sign in lights, cars for sale in the golf parking lot, and plastic in the drain at Roulston Road.

NEW BUSINESS:

Mr. Dennehy replaced Ms. Maloney. Mr. Mark Santos gave a report on HB420 and requested a letter of support from the Board. Mr. Dennehy motioned to draft a letter in support. Mr. Hohenberger seconded. Passed 6-0.

Mr. Morris reported on the Bike Feasibility Study meeting, DOT meeting with the Selectmen on May 5. Mr. Morris read a letter from Mr. William Irvin regarding Whispering Winds lighting. Discussion ensued. Mr. Hohenberger motion for Mr. Morris to represent the Board at next Tuesday’s Senate Committee meeting regarding HB420. Mr. Kolodziej seconded. Passed 6-0. *Mr. McLeod joined the Board.*

Windham Meadows (19-A-801) – Public Hearing Continued

Mammoth Road and Pleasant Street

Mr. Dennehy recused himself. Mr. Warren explained the subdivision and site plan purpose, 2002 Elderly Housing Ordinance, zoning, WWPD, 100 year flood zone, new aquifer delineation, and actions to date. Mr. Hohenberger motioned to continue the public hearing. Ms. Prendergast seconded. Passed 7-0.

Mr. Warren continued regarding acreage, units, frontage, revised plans, access, gated cul-de-sac, building and configuration, utilities, fire hydrants, waste disposal, islands, sidewalk, crossing paths, sitting area, lighting, plantings, clubhouse, mailboxes, parking, drainage, traffic report, sight distance, draft covenants condo documents under town counsel review, and staff recommendations.

Discussion continued regarding covenants, and master plan made known to potential buyers, Attorney Bill Mason discussed the disclosure documents. Discussion continued regarding affordability with Mr. John Alosso, Whispering Winds Manager. He stated \$267,000 is the affordable amount for Windham residents and starting prices for Windham Meadows would be \$229,000. Discussion ensued regarding Hadleigh Woods costs with Mr. Brian Harvey, H&B Homes. Discussion continued regarding resale affordability with Mr. Peter Zohdi, Herbert Associates. Discussion continued regarding senior income, 10% price increase from Hadleigh Woods, number of bedroom restrictions, and amenities. Mr. Zohdi agreed to the prices of \$191,900 for a one-bedroom and \$219,800 and 10% of the units to be \$191,900. Discussion continued regarding 5% of the Whispering Winds residents are from Windham, floor plan, square footage, islands, sidewalk, lighting, mailbox location, handicapped adaptable, van, \$15,000 donation to Senior Center in lieu of van, and parking location. Mr. Morris read the Conservation Commission comments. Discussion continued regarding treatment swale, Mr. Zohdi agreed to show tree line, buffer to brook, loom, pavement, islands, utility connection, landscaping, treatment swales, gas line, and view from Beaver Brook. No public comment.

Mr. Hohenberger motioned to waive Section 701.2.10 scaling of plans. Mr. McLeod seconded. Passed 6-0.

Discussion ensued regarding tree cutting and locating trees. Mr. Kolodziej motioned to grant a waiver of Section 702, but only for trees inside the WWPD, and wherever possible 12” trees on the site not be cut during construction. Mr. McLeod seconded. Passed 6-0.

Mr. Hohenberger motion to approve with the subdivision following conditions: 1) Setting or bonding of bounds; 2) Town Attorney approve easements/deed though 802 for service to 801; and 3) No additional curb cuts or access points to Mammoth Road permitted on lot 801 or 802. Mr. McLeod seconded. Passed 6-0.

Mr. McLeod discussed problems with the site plan including congestion of pedestrian, vehicular movement, and parking activities all within one area, and the lack of handicap accessible or adaptable living. Mr. McLeod motioned to deny the site plan because it fails to comply with the language, spirit and intent of the following paraphrased sections: Subdivision Regulations: Section 101.1 To lessen congestion in the street. (1,2,3,4,6,7), Section 101.2 To promote health and the general welfare. (1,2,3,4,6,15), Section 610.2.1.1 To prevent the overcrowding of land. (1,3); Site Plan Regulations: Section 202 Adequate provisions for pedestrian safety and access. (1,2,4,6), Section 901 Plans are required to show the general floor area design and exterior sketches of buildings. (8), Section 908 Location and type of lighting. (11), Section 1204.2 Special consideration should be given in separating pedestrian pathways from large parking areas, which is crucial for a safe development. (1,2,4,6), Section 1203.4.1 Plantings shall be used to identify major entryways to sites, screen service and storage areas. (9,10), Section 1205.3.5 All freestanding signs should be in an appropriate landscaped setting. (10); Zoning Ordinance: Section 202.2.1 The proposed construction and design of the elderly housing complex shall contain the usual amenities and living aids found in housing designed for use by the elderly. (14), Section 610.2.5 The design and site layout of the development shall emphasize the rural character of the town, preserve the natural character of land, and provide for the separation of parking and living areas. (1,2,3,7,12), Section 610.4.1.6 “In addition to these off-street parking requirements...” (1,7). Mr. Kolodziej seconded. Discussion ensued. Denied 2-4. Ms. Prendergast, Mr. Morris, Mr. Hohenberger, and Ms. Skinner opposed.

Mr. Hohenberger motioned to approve Windham Meadows Site Plan with the following conditions: 1) No Certificates of Occupancy shall be issued until the proposed Brookview Road “loop road” is completed (to base coat of pavement) in accordance with the terms of the Approval; 2) A note be added to the plan indicating that no additional curb cuts or access points to Mammoth Road will be permitted for either lot 801 or lot 802; 3) Access to the existing Pleasant Street is to be restricted to emergency vehicle access only, via an electronically-controlled gate approved by the Windham Fire Department; 4) Covenants, acceptable to Town Counsel, be recorded that include provisions for maintaining the Pleasant Street connector in open and passable condition for emergency vehicles only at all times and this maintenance shall be the responsibility of the Windham Meadows Association; 5) Revise lighting plan to include lighting at the rear of the clubhouse and show the type of fixtures on each of the buildings; 6) Should such be requested by the Whispering

Winds Resident Association, temporary signage shall be placed at the entrance to the Whispering Winds development – during the period of Windham Meadows construction – clearly indicating that Pleasant Street is not a construction entrance and that construction traffic is not allowed; 7) The Public Offering Statement be reviewed and approved by Town Counsel and staff; 8) The developer provide a single page notification letter, approved by Staff, providing to perspective owners a detailed explanation of the future potential development of lot 19-A-802 and details surrounding the maintenance of Brookview Road; 9) On sheet 21, modify the garage flood light detail title to include the Rear and Side of Club House detail; 10) The cost of the units shall be offered for \$191,900 for at least 6 units and \$219,800 for the remainder of the units containing all amenities as listed on the attached sheet (initialed by the Planning Board Chairman); 11) Move mailboxes to the right hand side of the access road in the vicinity of Building 1, as highlighted in yellow; 12) All units shall be built to be ADA adaptable including modifications to the floor plan if required; 13) Work with the Seniors and Town to assist with the expansion of the Senior Center to the extent as stated by Mr. Peter Zohdi; 14) Work with staff to provide additional paved parking in the areas highlighted in yellow on sheet 2 (initialed by the Planning Board Chairman); 15) A No-Cut zone be approved by Staff and defined and delineated on site prior to construction. 16) Retain the 50 foot wide ROW strip on the Southerly side of lot 801 to Mammoth Road in its' natural state and permanently undeveloped; 17) Provide a minimum 4 inches of 'rolled' loam in all grassed and landscaped areas; 18) Box in all utilities at their entrance to the units; 19) Work with staff to provide additional vegetative screening behind Building 5; 20) Subject to setting of bounds or bonding of bounds; and 21) Subject to building or bonding of road. Ms. Prendergast seconded. Discussion ensued. Passed 4-2. Mr. Morris and Mr. Kolodziej opposed.

Mr. Dennehy rejoined the Board. Mr. McLeod motioned to waive the bylaws and hear Hadleigh Woods after 10:30 pm. Mr. Hohenberger seconded. Passed 6-1. Mr. Morris opposed.

Hadleigh Woods Condo Documents Revision (3-B-200 & 265) – Public Hearing

Rockingham and Flat Rock Roads

Mr. Jack Szemplinski, Benchmark Engineering, stated the property is under construction and people interested in the property are between 55-60 years of age, surrounding towns have 55+ housing, and ZBA matter. Mr. Kolodziej motioned to support the lowering of the age requirement from 62 to 55 to a minimum of 90% of the units. Discussion ensued. Ms. Elaine Unsworth, Listing Agent Hadleigh Woods, distributed information regarding sales interest, and the interest is from people ages 55-60. Mr. Morris read letters from 1) Errico D'Agostino and 2) Marie Fisichella. Mr. Brian Harvey, H&B Homes, discussed a variance. Discussion ensued regarding the age requirement and density, sales, relooking at the ordinance, and density. Public comment began with Mr. Tom Case discussed new elderly housing ordinance, supporting what we recommend, and density and age requirement. No second on the motion.

Mr. Hohenberger motioned to continue the hearing to May 21 at 8:00 pm. Mr. Dennehy seconded. Passed 6-1. Mr. Kolodziej opposed.

Mr. Hohenberger made a motion to waive the bylaws and hear Spruce Pond for five minutes. Mr. McLeod seconded. Passed 7-0.

Spruce Pond Road Layout (3-B-375, 600, 650, 800 890, 900, 1200 & 1300) – Public Discussion

Rockingham Road

Mr. Szemplinski, Benchmark Engineering, showed the road layout, connection to Derry, and reopen discontinued section of Hopkins Road with Selectmen approval. The Board discussed a consensus for a connection over Hopkins Road as long as the Depot connection made is made first or concurrently, and concern for recreational pathway. Mr. Morris read letters from 1) the fire department; and 2) the police department. No public input.

Mr. McLeod motioned to adjourn. Mr. Kolodziej seconded. Passed 7-0. Meeting adjourned 12:00 am.

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

Respectfully submitted, Nancy Charland