

**PLANNING BOARD MINUTES  
MARCH 17, 2004**

**ROLL CALL:**

Lee Maloney, Chairman – Present  
Ross McLeod, Secretary – Present  
Walter Kolodziej, Regular Member – Present  
Phil LoChiatto, Alternate – Present  
Chris Doyle, Selectmen Alternate – Present

Nancy Prendergast, Vice Chairman – Present  
Roy Dennehy, Regular Member – Present  
Pam Skinner, Regular Member – Present  
Bruce Breton, Selectmen – Present

*Mr. McLeod opened the meeting at 7:30 pm.* Mr. McLeod reviewed the election results. Mr. Dennehy's read his letter that was printed in the Windham Independent regarding Windham Meadows II. Discussion ensued. Mr. McLeod motioned to censor Roy Dennehy, by ballot, on the following grounds: 1) Willful misrepresentation of facts; 2) Libelous and defamatory statements against the Planning Board and a member of the public who can be reasonably expected to have an ongoing need to come before the Board. Said statements: meant to expose the Board to public contempt; and convey an unjustly unfavorable impression; 3) Purposeful harm to one's ability to serve on the Board as an open-minded arbiter of proceedings before the Board; and 4) Disrespect of the members of the Board, failure to first address this issue with the Board in a sincere, genuine attempt to understand and resolve the issue. Mr. Breton seconded. Discussion ensued. Passed by ballot 6-0.

Mr. Kolodziej motioned to nominate Lee Maloney as chairman. Ms. Prendergast seconded. Passed 6-0-1. Ms. Maloney abstained. Mr. McLeod nominated Nancy Prendergast as vice chairman. Ms. Skinner seconded. Mr. Kolodziej nominated Roy Dennehy as vice chairman. No second. Mr. McLeod motioned to nominate Nancy Prendergast as vice chairman. Ms. Skinner seconded. Passed 6-0-1. Ms. Prendergast seconded. Ms. Maloney nominated Mr. McLeod as secretary. Ms. Prendergast seconded. Passed 4-1-1. Mr. Dennehy opposed and Mr. McLeod abstained.

Mr. Case stated that Mr. McLeod's comments were correct regarding the previous matter. Ms. Maloney read a letter from Mr. George Fredette regarding withdrawing from the agenda. Mr. McLeod motioned to accept the withdrawal of the building permit request on a Class VI and Private Road. Mr. Kolodziej seconded. Passed 7-0.

**MINUTES:**

- Mr. Breton motioned to approve the March 3 minutes. Ms. Prendergast seconded. Passed 6-0-1. Mr. Kolodziej abstained.

**CORRESPONDENCE:**

- Letter from Windham Farms requesting site plan requirements waiver. Discussion ensued. Mr. Jeffrey Pelletier discussed the temporary sales tent. Mr. Kolodziej motioned to grant the request to erect the tent as shown on the plan (letter by Stephen Wright, March 15, 2004) subject to working with police and fire departments. Mr. Breton seconded. Passed 7-0.

Mr. Peter Zohdi asked if his name had been discussed prior to his being at this meeting. Mr. McLeod reviewed the events of the beginning of the meeting. Mr. Zohdi requested that Mr. Dennehy not sit on any case that he is presenting, and will be sending a letter stating such.

- Letter from Domenic Paci regarding 26 Rockingham Road motor cycle sales requesting a waiver of site plan regulations to display motorcycles outdoors. Discussion ensued. Mr. Kolodziej motioned to have the applicant come to the March 24 meeting with more information. Mr. Breton seconded. Passed 7-0.
- Memo from David Sullivan regarding a request to reclassify Pine Hill and Gov Dinsmore Roads. To be discussed at March 31 meeting;
- Letter to Councilor Griffin from Galen Stearns regarding Interstate 93;
- Letter to RPC from Eric Nickerson regarding support of CMAQ Grant;
- 11<sup>th</sup> annual Spring Planning Conference information;

- Legal notice from the Town of Derry;
- UNH cooperative extension conference called Saving Special Places.

Mr. Kolodziej motioned to continue Great Mt View Estates to April 7. Mr. Dennehy seconded. Passed 6-1. Ms. Prendergast opposed.

#### **PUBLIC HEARINGS:**

#### **Windham Supermarket (11-C-950) – Public Discussion**

##### **43 Indian Rock Road**

Mr. Turner explained the plan including location, lot entrances, and traffic light. Discussion ensued regarding the new Rt 111 and bank location. Mr. Karl Dubay, MHF Design, discussed zoning, location, traffic, and off-site improvements. Mr. Jeff Santacruz, traffic consultant, discussed traffic impact, traffic signal, and site access. Mr. Jim Gove, Gove Environmental, discussed wetlands, wildlife habitat study, beaver dams, drainage, and tree cutting. Discussion ensued regarding unused land on site. Mr. Dubay continued regarding wetland impacts, parking, landscaping, 63,000 sq ft, one level building, well, septic, access, circulation, ADA compliant, and grading. Mr. Gove discussed WWPD encroachments, grading, replanting areas, and buffer. Mr. Dubay continued regarding the WWPD buffers, slope, loading area, drainage treatment and recharge, retaining walls, buffers, soils, and site walk. Discussion ensued regarding well thought out plan, landscaping along Rt 111, driveway easement, architectural design, DOT not taking the land, bike racks, traffic light, \$4000 escrow, litter and debris, signage, full service store, hours of operation, and pharmacy. Mr. Scott Weymouth, CenterPoint, stated the supermarket will have a pharmacy. Discussion continued regarding septic location. Mr. LoChiatto, alternate member, discussed building setback, future development, photo simulation, and viewshed. Mr. Dubay discussed building location. Discussion ensued regarding a traffic study, litter, impacts to Golden Brook and Cobbett's Pond, viewshed, sketches, and elevation.

Public comment from Attorney Bill Mason, representing Finlan Realty Trust, asked about the potential Wall Street connection to Pine Hill, look of building, and future development of the site.

Mr. Dubay continued regarding the site, and drainage. Mr. Dennehy motioned to have a site walk on April 3, 8:00 am with the Conservation Commission. Members to meet at park and ride. Mr. McLeod seconded. Passed 7-0.

Discussion ensued regarding the benefit to the town, drainage system operation, and viewshed. Board discussed sending the plan out to the Highway Safety, police department, fire department, Conservation Commission, Historic District Commission, transfer station, highway agent, Keach review drainage, air, noise, and water pollution, and trails subcommittee.

Mr. Kolodziej motioned to continue to April 21. Applicant will provide 1) viewshed 2) photo simulation, and 3) earlier layouts. Mr. Breton seconded. Passed 7-0.

Ms. Skinner motioned to waive the by laws to accept new business after 10:30 pm. Mr. Breton seconded. Passed 7-0.

#### **Bowes Site Plan (11-A-240) – Public Discussion Continued**

##### **1 Lexington Road**

Mr. Turner discussed outstanding issues and plan changes. Ms. Maloney read a letter from Dave Poulson. Mr. Tony Bassos, Hayner/Swanson Inc., discussed the entrance location, truck maneuvering, parking, landscaping plan, and building design. Ms. Maloney read the department comments. Discussion ensued regarding no wetlands, yard waste, compost, signage, pavement, stamping, materials storage, landscaping, driveway, and signs.

Mr. McLeod motioned to adjourn. Mr. Kolodziej seconded. Passed 7-0. Meeting adjourned 11:17 pm.

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

Respectfully submitted, Nancy Charland