

**PLANNING BOARD MINUTES
MAY 5, 2004**

ROLL CALL:

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| Lee Maloney, Chairman – Excused | Nancy Prendergast, Vice Chairman – Present |
| Ross McLeod, Secretary – Present | Roy Dennehy, Regular Member – Excused |
| Walter Kolodziej, Regular Member – Present | Pam Skinner, Regular Member – Present |
| Phil LoChiatto, Alternate – Present | Bruce Breton, Selectmen – Present |
| Chris Doyle, Selectmen Alternate – Present | |

Ms. Prendergast replaced Ms. Maloney and opened the meeting at 7:30 pm. Mr. LoChiatto replaced Mr. Dennehy.

MINUTES:

- Mr. McLeod motioned to approve the January 20, 2004 minutes as amended. Mr. Kolodziej seconded. Passed 6-0;
- Mr. McLeod motioned to approve the April 21 minutes. Mr. LoChiatto seconded. Passed 6-0.

ROAD BONDS:

- McIntosh Hollow, new bond \$218,718. Mr. McLeod motioned to accept. Mr. Kolodziej seconded. Passed 6-0;
- Gov Dinsmore Road, new bond \$320,858.40. Mr. McLeod motioned to accept. Mr. Breton seconded. Passed 6-0.

CORRESPONDENCE:

- Flyer for the Master Plan Visioning session;
- Motorcycle shop sign. Discussion ensued. Mr. Dom Paci, co-proprietor, discussed colors, location, building color, and meets signs specifications. Mr. McLeod motioned waive site plan review for the Revolution Cycle's sign request, as presented, in consideration of it conforming to the sign specification and to the spirit and intent of the sign ordinance. Sign permit to be obtained by way of working with staff. Mr. Breton seconded. Passed 6-0;
- Letter to Attorney Campbell regarding Osgood Road cistern;
- Letter from JRV Homes regarding a detention access road. Mr. Turner explained the request. Discussion ensued regarding the new location, Hopkins Road, pipe under the easement, use for detention pond maintenance, current status, stop-work order, lot 3-A-606, meeting with the Selectmen on May 17 to discuss the easement, and future homeowner. Mr. Joe Vachon, contractor, stated that waiting would not hurt the project. The Board will discuss at the May 19 meeting. Ms. Prendergast read the memo from David Sullivan regarding meeting with the Selectmen regarding Anderson Subdivision on May 17;
- Memo regarding Outlook Road name;
- Legal notices from Derry and Londonderry;
- Memo regarding a Selectmen's meeting reclassifying a portion of Gov Dinsmore Road to a Class V;
- E-mail from Karl Dubay regarding becoming a Master Plan volunteer;
- Letter regarding Spruce Pond construction area access, temporary crossing of a WWPD, and restoration. Mr. Turner explained the request. Mr. Joe Maynard, Benchmark Engineering, showed the areas on a map, discussed the construction entrance, special permit request, stock pile area, and restoring the area. Discussion ensued regarding stock pile area, WWPD, wetlands are well protected, and Conservation Commission input. Mr. McLeod motioned to approve the Spruce Pond request to utilize the existing race track for access to the construction area as a minor change to the approved site plan, in consideration of the benefits of the given reasons (Szemplinski letter of May 7, 2004). Temporary WWPD crossing issue to be sent to Conservation Commission due back to the Planning Board in time for the Board to act on that part of the request at the May 19 meeting. Mr. Breton seconded. Passed 6-0.

OLD BUSINESS/NEW BUSINESS:

Discussion ensued regarding Carr Landscaping doing business without coming before the Planning Board. Mr. Turner gave an overview of the history of the property, cease and desist, complaint to Selectmen, construction without permits, and turned over to the Town Attorney for prosecution. Discussion ensued regarding not going through the approval process, unfairness, enforcement, and Mr. Turner will keep the Board informed.

Mr. McLeod motioned to move Orchard Blossom and 128 Rockingham Office Building to May 19 at 8:00 pm. Mr. Nassar stated he is requesting to be continued to May 19 and will extend the clock. Mr. Kolodziej seconded. Mr. McLeod amended his motion to continue only Orchard Blossom. Mr. Kolodziej seconded. Passed 6-0.

PUBLIC HEARINGS:

Great Mountain View Estates – 31 lots (24-F-600, 700, 850 & 950) – Public Discussion Continued Off Ryans Farm Road

Mr. Turner discussed the development issues, open space vs. conventional, adjacent land and town-owned lands, road length, road design, connector, terrain, and road length issues.

Mr. Peter Zohdi, Herbert Associates, discussed the profile of the future road. Ms. Dawn Belleville, N Chelmsford, MA discussed the sale of lot 700. Mr. Zohdi continued regarding connection to Shelly Drive having steep slopes, and town land. Discussion ensued regarding road loop location, working with new owners, and something concrete with new owners.

Public comment from Mr. Everett Ryan, owner, discussed the development leading up to this development and his involvement, one-way in and one-way out situation, other connections in the area, off-site improvements, re-examine Shelly Drive connection, and Field Road connection to Castle Hill Road.

Discussion ensued regarding site walk, Field Road connection, loop length, staking the road, and loop emergency response time. Mr. Kolodziej motioned to have a site walk scheduled for June 5 at 8:00 am. Members to meet at the end of Shelly Road in Pelham. Mr. Zohdi to stake out center line of proposed road, Shelly Road connection, alternate loop, Field Road connector, and anything else the applicant may deem significant. Discussion ensued regarding staff informing the abutters on Field Road and the Pelham Planning Board. Mr. Breton seconded. Passed 6-0. Mr. Breton motioned to continued to June 16. Mr. LoChiatto seconded. Passed 6-0.

Castle Reach III – 54 lots (7-A-400) – Public Hearing Off Cardiff and Hancock Roads

Mr. Turner stated the plans were not reviewed by Keach when the application came in, several deficiencies, and stated the plans are complete enough for review but do not comply with the regulations, since that time the Keach comments have been incorporated, needs waivers that were not requested at the time of application, good design, and staff recommends the waiver for site distance. Discussion ensued regarding procedures, and ready for review. Mr. McLeod motioned to accept for public hearing subject to granting the waivers. Mr. Kolodziej seconded. Passed 6-0.

Discussion ensued regarding how to avoid this situation is to not accept the plan for public hearing. Mr. Turner discussed the last Phase of Castle Reach, approximately 300 acres for open space for the entire project, open space and density requirements, five waivers requested, special permits, blow up of WWPD area shown on new plans, other plan changes, Keach comments, and reviewing the revised plans. Mr. LoChiatto motioned to accept the revised drawings dated April 21, 2004. Mr. Kolodziej seconded. Passed 6-0.

Discussion ensued regarding WWPD impact areas, and special permits. Mr. Mike Gospodarek, Herbert Associates, discussed the waivers including street angle, intersection grade, site distance, tangent length, cul-de-sac road width, PDF file format, and Nottingham meets all regulations. Mr.

Zohdi further discussed the tangent length. No public comment regarding the waivers. Discussion ensued regarding wetlands, intersection waiver, and right-of-way remains the same even though the pavement is less.

Ms. Prendergast read: 1) Conservation Commission minutes. Mr. Gospodarek explained pulling the pipe back, and drainage; 2) Attorney Mason letter; 3) Site specific permit; and 4) Request Waivers after submission.

Mr. McLeod motioned to approve the waiver of Section 602.10 street angle requirement and intersection grades in light of development and topography. Mr. Kolodziej seconded. Passed 6-0.

Mr. McLeod motioned not to approve the waiver of Section 602.10 sight distance because of safety reasons. Mr. Kolodziej seconded. Discussion ensued. Failed 1-5. Ms. Prendergast, Mr. LoChiatto, Mr. Kolodziej, Mr. Breton, and Ms. Skinner opposed.

Mr. Breton motioned to approve the waiver of Section 602.10 sight distance because the road was designed for 30 mph road standards and meets ASHTO (for 30 mph). Mr. LoChiatto seconded. Passed 5-1. Mr. McLeod opposed.

Mr. LoChiatto motioned to approve the waiver of Section 602.5 for traffic calming techniques and rest of roadway is designed for 30 mph. Mr. Kolodziej seconded. Passed 5-1. Mr. McLeod opposed.

Mr. McLeod motioned to approve the waiver of Section 901.13 pavement widths from 28' to 26' in light of need for impervious surface in cul-de-sac and precedent. Mr. Kolodziej seconded. Passed 6-0.

Mr. LoChiatto motioned to approve the waiver of Section 500 for PDF format file with the condition the file be submitted prior to the recording of the plan. Ms. Skinner seconded. Passed 6-0.

Mr. LoChiatto motioned to continue to May 19 at 8:00 pm. Ms. Skinner seconded. Passed 6-0. Mr. McLeod motioned to waive the bylaws to hear new business after 10:30 pm. Mr. LoChiatto seconded. Passed 6-0.

Lake View Farm Subdivision (11-I-200) – Public Discussion **Off Range and Armstrong Roads**

Ms. Way stated the applicant has several options: 1) elderly housing. She discussed open fields, 24 single-family units, access from Armstrong Road, condo association, WWPD special permit for wetland crossing, water access to Cobbetts Pond, and a special approval needed for elderly housing; 2) 11-lot conventional subdivision; and 3) 8-lot subdivision with an adjustment of the right-of-way.

Mr. Joe Maynard, Benchmark Engineering, discussed the development options. Discussion ensued regarding open space, subdividing main house and frontage on Range Road, soils map, pond access, road length, 24' road width, and building layout.

Public comment from Ms. Georgette Sampson, 32 Walkey Rd; Ms. Vera Barone, 20 Bella Vista Rd; Mr. Vince Bonanno, 27 Walkey Rd; Mr. Al Walkey, 22 Walkey Rd; Mr. Joe Levis, 30 Walkey Road; Mr. John Sampson, 32 Walkey Rd; and Ms. Leslie Burno, 34 Walkey Rd. Concerns included cluster zoning, small beach front, save for conservation land, lake access, marsh, private road, tree buffer, community well, stream, elderly definition, rights to the beach, using Armstrong Road with smaller cul-de-sacs, road maintenance, beach parking, beach too small for that many houses, legal distinction in regards to beach access, and beach problems.

Discussion ensued regarding beach overcrowding, two separate clusters, 55+, beach rights between applicant and abutters, walking path, golf course greens, and open space. Mr. Maynard asked for Board support in form of a letter for second entrance off Armstrong road to the Selectmen.

Board discussed sending the plan out to Highway Safety, fire department, police department, Conservation Commission, Historic District Commission, transfer station, highway agent, traffic analysis, drainage study, schools, trails, and recreation. Discussion ensued regarding Planning Board

not sending a letter of support.

Mr. McLeod motioned to move to June 2 at 8:00 pm. Ms. Skinner seconded. Passed 6-0.

127 Rockingham Road Office Building – 12,500 sq ft (3-B-200) – Public Discussion

127 Rockingham Road

Mr. Maynard, H&B Homes representative, discussed the property, 3-acre lot, neighborhood commercial zone, 12,500 sq ft office building, 2 stories, access off Rt 28, drainage, buffer remain, elderly housing screening, current approved stockpile area, site distance, and site walk. Mr. Turner discussed commercial development on Rt 28 corridor, preserve 50' buffer, and Master Plan says access from back road. Discussion ensued regarding lot 200 access, right-turn in and right-turn out, road width, rather have access from Flat Rock Rd, and abutting property. Mr. McLeod motioned to continue to May 19. Mr. LoChiatto seconded. Passed 6-0.

Mr. Kolodziej motioned to adjourn. Mr. LoChiatto seconded. Passed 6-0. Meeting adjourned 11:45 pm.

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

Respectfully submitted, Nancy Charland