

PLANNING BOARD MINUTES

March 16, 2005

ROLL CALL (*as per this evening's nominations*):

Nancy Prendergast, Chairman – Present

Ruth-Ellen Post, Secretary – Present

Phil LoChiatto, Regular Member – Present

Bruce Breton, Selectmen Member – Present

Ross McLeod, Vice Chairman – Present

Walter Kolodziej, Regular Member – Present

Pam Skinner, Regular Member – Present

STAFF:

Al Turner, Director of Planning and Development – Present

Rebecca Way, Town Planner – Present

Ms. Prendergast opened the meeting at 7:30 pm.

Mr. Breton swore in the newly elected members: Mr. McLeod, Ms. Post, and Mr. LoChiatto.

NOMINATION OF OFFICERS:

- Mr. Breton motioned to nominate Ms. Prendergast as chairman and Mr. LoChiatto as vice chair. Mr. Kolodziej seconded. Failed 3-3-1. Mr. McLeod, Ms. Skinner, and Ms. Post opposed. Ms. Prendergast abstained;
- Ms. Skinner motioned to nominate Ms. Prendergast as chairman. Ms. Post seconded. Passed 6-0-1. Ms. Prendergast abstained
- Ms. Skinner motioned to nominate Mr. McLeod as vice chairman. Ms. Post seconded. Failed 3-3-1. Mr. Kolodziej, Mr. LoChiatto, and Mr. Breton opposed. Ms. Prendergast abstained;
- Mr. Kolodziej motioned to nominate Mr. LoChiatto as vice chairman. Mr. Breton seconded. Failed 2-3-2. Mr. McLeod, Ms. Skinner, and Ms. Post opposed. Ms. Prendergast and Mr. LoChiatto abstained;
- Mr. McLeod motioned to nominate Ms. Post as vice chairman. No second.
- Mr. Breton motioned to nominate Ms. Skinner as vice chairman. Ms. Skinner declined.
- Ms. Skinner motioned to nominate Ms. Post as secretary. Mr. Breton seconded. Passed 6-0-1. Ms. Prendergast abstained;
- Mr. Kolodziej motioned to nominate Mr. LoChiatto as vice chairman. Mr. Breton seconded. Failed 3-4. Ms. Post, Mr. McLeod, Ms. Skinner, and Ms. Prendergast opposed;
- Ms. Skinner motioned to nominate Mr. McLeod as vice chairman. Ms. Post seconded. Passed 4-3. Mr. Kolodziej, Mr. LoChiatto, and Mr. Breton opposed.

MINUTES:

- Ms. Skinner moved to approve the March 2 minutes as amended. Mr. Breton seconded. Passed 5-0-2. Mr. Kolodziej and Mr. McLeod abstained;
- Mr. McLeod moved to approve the March 9 minutes. Ms. Skinner seconded. Passed 7-0;
- Mr. McLeod moved to approve the March 12 Site walk minutes as amended. Ms. Skinner seconded. Passed 4-0-3. Mr. Breton, Ms. Post, and Mr. Kolodziej abstained.

CORRESPONDENCE:

- Letter from MHF Design regarding the proposed residential development in the Village Center District;
- Master Plan invoice from Taintor Associates. Discussion ensued. Bill to be clarified;
- Letter from NH Div of Historical Resources regarding Shaws;
- Letter from Attorney Campbell to Attorney Mason regarding Jarosky vs. Town of Windham;
- E-mail from Attorney Campbell regarding meeting on March 30 regarding Jarosky. The Board confirmed they will meet with Attorney Campbell at 7:00 pm on March 30 ;
- Letter from Christa Foran, Rebecca LeRoy and Peter LeRoy regarding the Jarosky variance appeal;
- Letter of Voluntary Merger for 17-M-10, 17-M-27 and 17-M-29, Oak Street. Mr. McLeod motioned to approve the merger. Mr. Breton seconded. Passed 7-0;
- Letter of Voluntary Merger for 17-L-67 and 17-L-66, 29 Farmer Road. Mr. McLeod motioned to

approve the merger. Mr. Breton seconded. Passed 7-0;

- Letter of Voluntary Merger for 8-B-3000 and 8-B-4900, Rockingham Road. Mr. McLeod motioned to approve the merger. Mr. Breton seconded. Passed 7-0;
- Letter from Mark Samsel regarding position against SB121. Discussion ensued;
- Memo from NH DOT regarding traffic incident management plan workshop;
- Flyer for 2005 Local Officials Workshops;
- Flyer for NH Old House and Barn Exposition;
- Town and City booklet.

OLD/NEW BUSINESS:

Discussion: Thanks to the citizens for voting.

LIASION REPORT:

Mr. Breton, Selectmen: Charlie Bass at the Town Hall on Saturday morning at 8:00 am.

Mr. McLeod motioned to move Verizon Utility Building Site Plan and MHB Subdivision to April 6 at 8:00 pm. Mr. Breton seconded. Passed 7-0.

PUBLIC MATTERS:

Clarke Farm South Subdivision – 37 residential lots – Public Discussion

Rt 111 and Faith Road, lot 14-B-100

Mr. Turner: An additional option to this property, site walk, property access, wetlands, street layout, subdivision variations, open space development option, local land use, traffic, hiring a consultant.

Discussion: lots per each plan, elderly housing option.

Mr. Peter Zohdi, Herbert Associates: Curb cuts per each plan, sight distance, difference between plans, lot sizes. Discussion: road length, 65 / 35% needed for open space, buffer size, road incremental distances, no WWPD impact, traffic counts.

Public comment from Ms. Sue Malinowski, 10 Faith Road; Mr. Peter Kachavos, 11 Faith Road; Mr. Jeff Littlefield, 8 Faith Road; Mr. Lew Zachas, 22 Faith Road; Mr. Mike Malinowski, 10 Faith Road; Concerns included clear cutting, 4,000 square foot homes, not access Faith Road, acreage, size of homes in the area, construction impact, use Rt 111 as only access, impact on existing neighborhood, traffic study during normal school year, builder builds quality homes, sight lines, traffic flow issues, increased traffic, future traffic, none of the plans work.

Mr. Zohdi: past of Faith Road development, looking for direction to options.

Public comment continued with Ms. Lisa Linowes, 20 Bramley Hill Road: Rt 111 extremely busy, not open an another access road, wells in the open space, construction road off Rt 111.

Ms. Rebecca Zackas, 22 Faith Road: Mr. Melanowski: traffic problem on Faith Road already, lot sizing, sizes of houses, widening Rt 111, keep traffic on main roads.

Mr. Zohdi stated that no are wells proposed in open space, lot sizes based on soils. Mr. Eric Nickerson, owner: looking for direction, open space preferable.

Discussion: Mr. LoChiatto is a Faith Road resident, in favor of open space development, less clear cutting. Mr. LoChiatto stated he lives across from the Faith Road development. Discussion: for open space, other options for connection, one way connection, no negative impact of open space developments, traffic, access, school bus stops change every year, connectivity, traffic study, road width, traffic consultant, access, not binding during public discussion, go forward with plan "D" as submitted, send plan out to departments for comments.

Mr. McLeod motioned to move Vassali Subdivision and Flat Rock Road Subdivision to April 6 at 8:00 pm. Mr. Kolodziej seconded. Passed 7-0.

Lake View Farm Elderly Housing site Plan – 24 units – Public Hearing **92 & 94 Range Road, lot 17-I-200**

Ms Way: Continuation of public hearing, 24-unit detached units, location, private easement, Harvest Road access, previous meeting issues, abutter issues, waivers granted, Conservation Commission comments for the Special Permit, criteria for elderly housing. Mr. McLeod motioned to reopen the public hearing. Mr. LoChiatto seconded. Passed 7-0.

Mr. Joseph Maynard, Benchmark Engineering: Gazebo gathering place with a patio connecting to the sidewalks, irrigation, Bella Vista Road screening, road connection procedure. Ms. Prendergast read letters from 1) Jim Finn, conservation Commission; 2) Pennichuck Water. Discussion: Social life for residents requirements, donations to the senior center, impact to Senior Center, covenants, services available, elderly services, requirements for elderly housing.

Public comment from Ms. Linowes: 55 and over requirements, abiding by the law, Attorney Campbell's review of 55 and over communities, pump house and well in WWP, soils, view from Range Road, fire hydrant, access, Town of Windham vote regarding the easement, illegal plan.

Mr. Maynard: Some loam will be sold off but it won't be stripped, fire hydrant will be on the property. Discussion: Selectmen meeting with council regarding easement, Attorney Campbell letter regarding easement, scenic vista. Mr. Breton motioned to continue the public hearing to April 6 at 8:00 pm and the applicant to work with staff. Mr. McLeod seconded. Passed 7-0.

Mr. McLeod motioned to waive the by-laws and hear new business after 10:30 pm. Mr. Breton seconded. Passed 7-0.

**Butterfield Open Space Development – 22 residential lots – Public Hearing
County and Jackman Ridge Roads, lots 8-C-200, 2000, 2000A**

Ms Way: Continuation of public hearing, location, StoneHill Environmental representative to discuss the study. Mr. McLeod motioned to reopen the public hearing. Ms. Skinner seconded. Passed 7-0.

Mr. Tim Stone, StoneHill Environmental: Impact assessment review 2004, requested to respond to an abutters questions regarding the impact assessment, well yield ordinance, well use, hydrogeological studies, wells are doing well based on the available data, well problems are usually with the well itself not with the aquifer, community well vs. individual wells. Discussion: Residents surveyed, well drilling procedures, well ordinance, well tests, abutter concerns.

Public comment from Ms. Linowes: Sheffield Street wells situation. Mr. Stone: Well success.

Mr. McLeod motioned to continue to April 6. Mr. McLeod withdrew his motion.

Mr. Peter Zohdi, Herbert Associates: Conservation Commission letter, Mr. Stone presentation, traffic calming.

Discussion: Is the fire department okay with the traffic calming, treed landscaping in the middle between, 15' and narrows to the ends, subtle bends in the road. Ms. Prendergast read letters from 1) Conservation Commission; 2) David Peard, abutter. Mr. Zohdi: Well and foundation testing before blasting. Mr. Kolodziej motion to move to April 6. Mr. McLeod seconded. Discussion ensued. Mr. Kolodziej withdrew his motion. Discussion: Road width. Ms Linowes: Transition to a less wide road. Discussion: 26' road width, bends in the road.

Mr. Breton motioned to approve the subdivision with the following conditions: 1) All roads shall have a performance guarantee in the form of a bond or L.O.C. prior to the recording of the final plans; 2) All state and federal approvals shall be received prior to the start of construction; 3) Any work in the existing town right-of-way shall require a permit from the Board of Selectman; this includes any proposed improvements to County Road and the removal of the existing Jackman Ridge Road cul-de-sac; 4) Applicant shall provide to the Town, prior to the start of construction, evidence that adequate utilities are available to service the proposed development and the proposed location of the utilities within the public right-of-way; 5) Applicant is to supply a warranty deed for the road, which shall be reviewed by Town Council' 6) Town Council should review open space covenants prior to recording the plan and any necessary changes should be incorporated into the document prior to the recording of

the plans' 7) The unimproved portion of County Road should be preserved as a trail throughout the open space; 8) The Developer should work with Town Staff to determine the necessary improvements, if any, to County Road. These improvements should be incorporated into the final set of plans; 9) The applicant should work with Town Staff to incorporate traffic calming measures at the transition from the existing to the proposed Jackman Ridge Road; 10) 26' road width; 11) Additional road curvature as proposed on plan dated 3/16/05. Mr. McLeod seconded. Passed 6-0-1. Ms. Prendergast abstained.

Mr. LoChiato motioned to approve the WWPD special permit with 26' road width. Mr. Kolodziej seconded. Passed 6-0-1. Ms. Prendergast abstained.

Discussion: Vice chair nomination.

Mr. Kolodziej motioned to adjourn. Mr. LoChiato seconded. Passed 7-0. Meeting adjourned at 12:05 am.

Respectfully submitted,
Nancy Charland