

PLANNING BOARD MINUTES

October 19, 2005

ROLL CALL:

Nancy Prendergast, Chairman – Present
Ruth-Ellen Post, Secretary – Excused
Phil LoChiatto, Regular Member – Present
Neelima Gogumalla, Alternate – Excused
Rick Okerman, Alternate – Present
Alan Carpenter, Selectmen Alternate – Excused

Ross McLeod, Vice Chairman – Present
Walter Kolodziej, Regular Member – Excused
Pam Skinner, Regular Member – Present
Steven Griffis, Alternate – Excused
Margaret Crisler, Selectmen Member – Present

STAFF:

Al Turner, Director of Planning and Development – Present
Rebecca Hebert, Town Planner – Present

Ms. Prendergast opened the meeting at 7:30 pm. Mr. Okerman replaced Ms. Post.

PUBLIC MATTERS:

Master Plan – Public Hearing

Mr. Turner: Described the potential Village Center District Master Plan map including zoning, curb cuts, historic district, residential areas, mixed uses, town common, objectives, village center district, civic open space, ordinances, guideline. Discussion: Objectives, information from citizens and boards, procedures for adoption.

Public comment from: Mr. Bob Skinner, 68 Gov Dinsmore Road; Mr. Doug Yenacco, 14 Marblehead Road: Each land owner doing their own thing, order of development, not going to work, wetland issues, growth, housing, confusion of future growth, landowners input. Discussion: Workshop discussions, looking for information.

Public comment continued with: Ms. Carol Pynn, Heritage Commission: speaking for self; Mr. Bob Ashburn, 15 Johnson Street; Mr. David Sheldon, 6 Hardwood Road: Questions of the map, home owners homes, changing things as they are, doesn't like the roundabout, old homes could be businesses, historic building preservation, who is going to build the roads, traffic patterns, property values, guidelines, uses, wetlands, buffers, density, water and sewer, timeframe: Discussion: Relocating Rt 111, not a static document, public input, need of a master plan, overall guidelines, continuing the hearing.

Comment continued with Attorney Anthony Defruscia, State Representative; Eminent domain, public purpose means public use. Mr. LoChiatto motioned to continue the public hearing to November 16 at 7:30 pm. Mrs. Crisler seconded. Passed 6-0.

CORRESPONDENCE:

- Letter from Attorney Mason to withdraw Heritage Acres from the agenda.

2005 Site Plan Regulations – Public Hearing

Mrs. Hebert: Minor changes to 1310, clarify open spaces within the village district as places of public gathering. Mrs. Hebert read the changes. Discussion: Types of open space, buffers, public spaces, civic open space. No public comment. Mr. McLeod motioned to approve and adopt the amendments of Section 1301.5 of the Site Plan Regulations and Section 1310.6, Section 1310.5 Civic Open Space, move Section 1310.5.4 to Section 1310.6.5, and move Section 1310.5.4.1 to Section 10.6.5.1. Mr. LoChiatto seconded. Passed 6-0.

CORRESPONDENCE (continued):

- Letter from Attorney Kathleen DiFruscia regarding Next To Nothing Site Plan. Mr. Turner: Is this minor change of the property.

Discussion: Temporary location. Mr. Turner: Time frame, procedures, uses, decency ordinance, adult entertainment district, strict conditions of approval, relocation. Discussion: Location, zone, site changes. Attorney DiFruscia: Location, 600 sq ft less, temporary move, moving exactly the same business to a smaller space for approximately one year, no physical changes made to the property, property in the

front being taken by the State and moving to the back, used car lot needs approval, no more than 18 vehicles, already paved area, car accessory sales, parking.

Discussion: What constitutes temporary, enforcement, minor change as a correspondence issue, vehicle sales and storage issues, signage, needs public discussion/public hearing. Attorney DiFruscia: Withdraw the car lot, deal only with the Next To Nothing moving. Discussion: Signage, moving the business, Mr. Maurice Brancato, owner: Only one sign on the property. Discussion: Minor change under "Correspondence" approach, not enough information, previous approvals. Attorney DiFruscia: No changes to the business, eminent domain, minor change, limited period of time. Discussion: Type of business, all staying the same, timeframe, Armco Flooring site plan review, go to public hearing, taking of the property, known for one year, property just made available, car dealership concerns, previous conditions of approval, current ordinance, nature of the business. Mr. Turner: Issues with current site include sign, temp signs without permits, applicant not cooperative, not a good record of compliance with regulations, is cooperative with the interior of the building. Discussion: Self-created hardship.

Attorney DiFruscia: Has been working with architects and engineers, on November 2 Planning Board agenda, been meeting with Mr. Turner. Mr. Brancato: Property taking, looked for available buildings, just today found out to be closed on the 9th, losing square footage.

Mrs. Crisler motioned to require Next to Nothing applicant to return for a public hearing on a revised site plan but to waive the requirements for a preliminary public discussion using the submitted plans for departmental review. Ms. Skinner seconded. Discussion: Sixty day relocation, have public discussion, options. Passed 6-0.

Mrs. Crisler motioned to allow next Nothing to relocate to the back building, 33B Rockingham Road, under all existing conditions, for a period of 90 days beginning on November 9, 2005. The applicant to provide a signed agreement that at the end of the 90 days, if not extended by the Planning Board, that the applicant will voluntarily vacate the premises. Ms. Skinner seconded. Discussion: Opposed to the process of letting this stuff happen during correspondence. Passed 4-2. Mr. Lochiatto and Mr. McLeod opposed. *Mrs. Prendergast left the meeting.*

Spruce Pond II Open Space Subdivision – 89 lots – Public Discussion **Off Rockingham Road, lots 3-B-899, 890 & 900**

Mr. Joe Maynard, Benchmark Engineering, represent H&B Homes: Met with Selectmen, joint meeting with Derry coming up, Selectmen meeting continued to December 5, Windham issues, Derry cares about connection, wells drilled, wells capacity, Pennichuck system, Hopkins Road, Derry concerns. Mr. Turner: Water quantity issues, sprinkler sensors. Discussion: Moisture sensors, enforcement, permitting, backflow, wells, sprinklers, 6" loam, smaller lots, fire hydrants, water system property boundaries restriction, Rockingham Trail, block lengths, Derry lots access, traffic patterns, corridor. No public comment. Discussion: Recreational open-space requirements, terrain, department comments, rest spots along rail-trail, Depot area, Mr. McLeod read the department comments.

Public comment from Mr. Bob Coole, 20 Morrison Road: Windham maintain road with a bond by the developer.

Discussion: Cul-de-sac, road maintenance, drainage, emergency access, opticom systems, closed drainage vs. sheet drainage, renotify abutters for continued discussion in the joint meeting notice. Mr. LoChiatto motioned to continue to December 7 at 8:00 pm. Mrs. Crisler seconded. Passed 5-0.

CORRESPONDENCE (continued):

- Town and City Booklet;
- Letter from RPC regarding dues;
- The Dollars and Sense of Saving Special Places discussion on November 1;
- Letter from NH DES regarding Seavey Pond;
- Supply Well Questionnaire from 17 Londonbridge Road;

LIAISON REPORTS:

Selectmen: Mrs. Crisler: Met with DOT to review where we are on Rt 93, start 2007 and finish 2008 for most of exit 3 area, includes new part of Rt 111, replacement of commercial tax base, Gateway District, areas of development,

CIP: Mr. LoChiatto: Update on CIP Committee.

Mr. Lochiatto motioned to adjourn. Mr. Okerman seconded. Passed 5-0. Meeting adjourned at 10:50 pm.

These minutes are in draft form and have not yet been reviewed and approved.
Respectfully submitted, Nancy Charland