

## PLANNING BOARD MINUTES

July 19, 2006

### ROLL CALL:

Phil LoChiatto, Chairman – Present	Ruth-Ellen Post, Vice Chairman – Present
Nancy Prendergast, Secretary – Present	Walter Kolodziej, Regular Member – Present
Ross McLeod, Regular Member – Excused	Pam Skinner, Regular Member – Present
Neelima Gogumalla, Alternate – Present	Rick Okerman, Alternate – Not Seated
Margaret Crisler, Selectmen Member – Present	Alan Carpenter, Selectmen Alternate – Excused

### STAFF:

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

*Mr. LoChiatto opened the meeting at 8:15 pm. Ms. Gogumalla replaced Mr. McLeod.*

### PUBLIC MATTERS:

#### **Freda Hardware Site and Change-of-Use – Public Discussion**

#### **4 Ledge Road, lot 11-A-165**

Ms. Hebert: provided summary introduction and developmental issues from the staff report. Discussion: Propane storage facility on hand with hardware store. Variances granted by the ZBA were: 1) To allow 2,000 sq. ft. of retail space where only 500 sq. ft. is allowed; 2) To permit a 32' x 40' addition to an existing building that would have a rear setback of 23.5 feet where 30 feet is required and to allow the existing storage container to remain 7 feet from the rear property line where 30 feet is required; and 3) An equitable waiver granted to permit an existing building to remain 23.5 feet from the rear property line. Existing building location. Steep driveway – saw cut & regrade to driveway improve entrance slope. Will that be enough? Relocated business must operate within the rulings of ZBA. Truck access questions, applicant should consider re-shaping approach of driveway from Ledge Road to be more perpendicular. Applicant should review traffic flow and truck turning radius on site. Concern was expressed about access to propane storage location and its safety. Mr. Turner: Other Ledge Road applicants agreed to pay their fair share of off-site improvements to the Ledge Road Rt 111 intersection. May want to consider with this application also.

Joe Maynard, Benchmark Engineering, for the applicant: Variances have been granted. Prior use was refrigeration facility built in 1978. Existing driveway has probably not seen improvements in that time. Perpendicular drive would increase slope from its current 8%. Propane deliveries occur once every 2 weeks, UPS deliveries occur once a week. Mr. Freda will clean up the site; add farmer's porch. Pictures of existing structure were distributed to the Planning Board members. Applicant spoke with Fire Department about propane storage location. Parking lot to remain, striping to be added. Existing free standing sign to be relocated from Rte 111 site. 10,000 gallon fire cistern will be added to the site. Traffic generation will be low impact. Moving business because of the relocated Rte 111. Existing business is 4,000 square feet of which 2,000 is hardware store. Discussion: Drive aisle is 22 feet where 24 feet is required. Applicant will be asking for a waiver. Prior approval at Rt 111 location included circulation around building. Is circulation required due to propane location? Mr. Maynard: Business is filler for community, not looking to compete with large scale hardware stores. No trucks for air gas delivery. Circulation on prior site was needed because of outside storage.

Mr. Freda discussed the safety aspects of the propane tanks: coupling causes complete shut down of system if the system is disconnected. Discussion: square footage approvals by ZBA, minimum width of driveway. Mr. Maynard: 32' X 40' addition is for office space not retail. ZBA aware of prior approvals. Error during submission process led to separate applications. Minimum width of driveway is 20 feet. Mr. Freda: Propane truck is not a big truck. Tractor trailers bottoming out were destroying bottom of driveway in its previous use. Mr. Freda's trucks will not bottom out and hours of delivery will be restricted for deliveries of propane.

Mr. LoChiatto: bring back building elevations, color samples, examples of light fixtures, signage and

details. No public input. Checklist completed for department comments.

## **Clarke Farm South Temporary Construction Access – Public Hearing**

### **137 Haverhill Road, lot 14-B-100**

*Mr. LoChiatto recused himself. Ms. Post sat as Chairman and seated Mr. Okerman for Mr. LoChiatto.*

Mr. Turner: Read into the record Clarke Farm South open-space subdivision approval. Letter from DOT in file stating opinion on Rt 111 temporary access, logging operation used Faith Road as access point. Now road construction will come through temporary access unless that condition of approval is removed. Applicant is requesting Faith Road as construction access. Mr. Turner reviewed staff concerns from staff report. Application ready to open for public hearing. Discussion: Prior motion stated “if possible”, have they been denied by DOT or NHDES? Mr. Turner: No “no’s” yet. How far in the process should the applicant proceed. Mr. Kolodziej motioned to open for public hearing. Mr. Okerman seconded. Passed 7-0.

Ms. Post read letters from: 1) Conservation Commission Chairman; 2) Herbert Associates to the NH DOT; 3) Response from the DOT to Herbert Associates. Mr. Radwanski of NH DOT prefers Faith Road access and the Conservation Commission is opposed to the temporary construction access.

Ms. Post re-read letters from 1) Rebecca Zachas; and 2) Diane Howard of Faith Road concerning construction traffic and construction hours.

Mr. Zohdi, Hebert Associates, for the applicant: Subdivision access is from Faith Road. Prior approval required applicant to come back with proposal for using logging road as temporary construction access. Staff, NH DES, NH DOT, and Hebert Associate met and walked the site. Faith Road access was the preference. Received intent to cut permit. Accommodating one neighbor with a narrow access road caused trucks turning onto Ridgmont Road. Shut down construction when complaints of early start were received. Like to be a good neighbor.

Mr. Turner: Road construction has not started. Expect 90-120 days to finish road. Mr. Zohdi: Finish road from Faith Road first. Most gravel made on site. Do not have the traffic that people think. Equipment will come to site and sit on site. Will get everything off of Faith Road.

Discussion: Location for processing materials on site? Last 2 lots, 1,000 feet wooded separation from nearest neighbor. Applicant is bringing material on site, not off. Construction start time 7:00 or 8:00 am. Adjust approval to “7 am start of construction noise”.

Public comments: 1) Phil LoChiatto, 5 Faith Road: construction crew does not start before 7:00 am. Applicant has been very responsive. Traffic is done. See no issues with Faith Road access. Walked logging trail and it is not conducive for temporary construction access.

Mrs. Crisler: Concerned about line of sight for logging road. Logging road is more dangerous. Concur with Conservation Commission comments as this is a temporary situation. Concerned with rock crushing. Concur with condition of 7:00 am start for construction noise versus construction.

Discussion: Layout and slope of logging road. Impact to wooded view from Rte 111 that was to be preserved. Extent of cut and fill. How temporary is temporary? What happens after construction?

Mr. Turner: Logging road will remain open for 6-9 months. Then it will be loamed & seeded. New growth will begin and within 5-6 years area will be restored. When house construction begins, traffic will come from Faith Road. Mr. Turner discussed the process of road construction; expect 3 days of heavy traffic on Faith Road when gravel and blacktop is being put down. Discussion: Temporary accesses tend to be used for dumping.

Mrs. Crisler motioned to remove the request for a temporary construction access from rte 111 and let the applicant continue to use Faith Road access. Seconded by Mr. Kolodziej. Passed 7-0.

Mr. Zohdi: Would like to be able to work Saturdays on occasion. Discussion: Construction noise and neighbors concerns.

Mr. Kolodziej motioned to restrict hours of construction noise Monday through Friday from 7:00 am to 5:00 pm and Saturdays from 8:00 am to 5:00 pm excluding major holidays and Sundays. Seconded by Ms. Prendergast. Passed 7-0.

**The Willows Site Plan – Public Discussion**  
**Mammoth Road, lot 14-A-925 & 930**

*Mr. Okerman stepped down and Mr. LoChiatto re-joined the Board.*

Mr. Turner: Preliminary discussion, conceptual, waiting comments from public and applicant, nonbonding discussion. Applicant looking to gather information for formal submittal. Mr. Turner reviewed the proposal summary and development issues from the staff report. Walking trail to Waterhouse is proposed. Cobblestone Road access and Mammoth Road access. Affordability – possible deed restriction. Possible resale based on inflation rather than market value. Applicant would like to appeal the aquifer protection district. Locating within the aquifer protection district will limit density to ¼ of the calculated. Mr. Turner discussed process of appeal – PB hire hydrogeologist at applicant's expense.

Mr. Zohdi: Calculated density in accordance with zoning and soil based lot sizes. Proposing 6 units, affordable to increase density and would like to appeal aquifer protection district in hopes of increasing density. Discussion: All one bedrooms. What's the attraction? Why not two bedrooms? Provide rationale for decision. A lot of pedestrian traffic on Mammoth Road from 2 existing elderly developments down the road. Maybe consider sidewalks, include recreational trails on site, and provide access to Waterhouse convenience store.

Mr. Zohdi: Units have 1<sup>st</sup> floor bedroom with 2<sup>nd</sup> floor loft. 50% of units will be ADA compliant. Not fighting grades to provide level access. One car garage per unit. Discussion: Community water system, ADA accessibility, affordable units.

Mr. LoChiatto: Read the statutes, affordable may not be what you may think.

Mrs. Crisler: Historically, units do not remain affordable. Not in favor of increase density in exchange for affordability.

Dave Graff, attorney for the applicant: My view of affordability. NH Housing Authority website states \$285,500 as median house price however when asked they say that is not their definition for affordable.

Attorney discussed other ways of possibly evaluating affordability. Request that these methodologies be presented as documentation to the Board. Staff also has suggestions for determining affordability that would need to be reviewed and discussed by the Board.

Discussion: Affordability not meant for those selling a home and putting down 100%. How do we police/enforce affordability? Length of deed restriction? Deed restrictions lead to deterioration. Affordability was to provide a place for long time residents in town to go that could otherwise no longer afford to live here. Regulations state that the person who buys the unit must live there. Developer can not buy solely for investment purpose.

Public input from Paul Sullivan, 10 Cobblestone Road; Carol Doak, 8 Cobblestone Road; Al Doak, 8 Cobblestone Road; Joe Husson, 3 Cobblestone Road; Joe Curran, 2 Castle Hill Road: Neighbor's house on market, potential buyers back out once they learn of new development. Against affordability because it decrease property values. Support Mammoth Road access, against Cobblestone Road access. Concerned about the impact to wells. Location of access drive will shine lights in existing home front windows. This will change neighborhood – out of character for the neighborhood. Ms. Doak distributed photos of Cobblestone Road neighborhood. Concerns that this does not meet the elderly housing ordinance regarding minimum conflict with adjacent neighborhoods and whether the public interest is being served. A lot of wetland on property, within aquifer protection district. MTBE contamination exists. Not suitable site. Does this serve the public interest? What amenities are provided. Nothing special or beneficial with this development. Few sites in Town suitable for elderly housing – maybe behind Town Hall. Feels being taken advantage of. How does density change with affordability? Can

development expand to wetland? How do you show diminished home values? Concerned that damage to aquifer may occur. Whole area is encroaching on the water table. Well problems in nearby neighborhood. Need some kind of resolution. Something needs to be built. Something that works for everyone. Discussion: 15% bonus density for providing accessible units, aquifer versus wetland and densities.

Attorney Graff: Uses for Neighborhood Business zone. Everyone on Cobblestone Road signed a document stating that this land was zoned Neighborhood Business.

Discussion: Variance for this use. Variance states 'adult community'. Is elderly housing outside of that definition? Mr. Turner: Variance granted for this use - senior housing. Elderly housing meets that definition of adult community.

Mr. Zohdi: Request the Board allow attorney to work on documentation for affordability and allow applicant to work with staff in hiring a hydrogeologist to perform aquifer protection district study. Asking for a continuance.

Mrs. Crisler requested polling the Board regarding removing density bonuses for affordability. Discussion: Legal standing, review the zoning ordinance regarding bonuses. Need time to review drawings, input, study and review the results. Environmentally sensitive land, more information needed. Tools at our disposal, developer should be mindful of the dissatisfaction of neighbors, affordable different than low income, density bonuses are allowed according to our zoning ordinance.

Mr. Kolodziej moved to continue The Willows project until August 2 and work with staff to determine the aquifer protection limits at applicant's expense. Seconded by Ms. Post. Discussion: Not enough time to complete study, request continuance to September, re-notify abutters. Mr. Kolodziej amended his motion to continue The Willows project to such time when the applicant has completed the aquifer protection study at the applicant's expense. Seconded by Ms. Post. Passed 7-0.

Mr. Kolodziej motioned to adjourn. Seconded by Mrs. Crisler. Passed 7-0. Meeting adjourned at 11:25 pm.

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