

PLANNING BOARD MINUTES

August 2, 2006

ROLL CALL:

Phil LoChiatto, Chairman – Present	Ruth-Ellen Post, Vice Chairman – Excused
Nancy Prendergast, Secretary – Present	Walter Kolodziej, Regular Member – Excused
Ross McLeod, Regular Member – Present	Pam Skinner, Regular Member – Present
Neelima Gogumalla, Alternate – Present	Rick Okerman, Alternate – Present
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 7:30 pm. Mr. Okerman and Ms. Gogumalla replaced Mr. Kolodziej and Ms. Post.

MINUTES:

- Mrs. Crisler motioned to approve the July 26 minutes as amended. Ms. Prendergast seconded. Passed 6-0-1. Mr. LoChiatto abstained.
- Discussion of whether or not the July 12 minutes have been approved. Ms. Prendergast will check with Mrs. Charland.

BONDS:

- Ledge Road Business Park, Wheeler Road, new bond in the amount of \$1,149,654.26. Discussion: Station numbers, length of the road, table the bond until Mr. Turner checks the station numbers.

SIGN PERMITS:

No sign permit requests this evening.

The “Workout Club for Women” got ZBA approval for their sign but never came before the Planning Board for approval, and the sign is internally lit with a white light and does not coordinate with the plaza’s yellow lit main sign. Staff will look into this further.

CORRESPONDENCE:

- Letter from Trails Committee in support of relocating the trail in the Ironwood Subdivision.

OLD/NEW BUSINESS:

Mrs. Crisler: Reminder to vote on August 10.

Mr. Turner: Impact fee proposals should go out any day. We’re asking for separate proposals for the fire department and police department.

PUBLIC MATTERS:

Great Mountain View Loop Road – Public Hearing **Off Ryan Farm and Field Roads, lot 24-F-30, 45, 600, 700, 850 and 910**

Mrs. Hebert: The applicant is back before the Board to review the Great Mt View Subdivision because the decision was reversed and remanded from the NH Courts. She gave an overview of Great Mt View Subdivision which included merge 6 lots, 102 acres, re-subdivide into 46 residential lots with a connector road to Field Road, it was the Judge’s opinion that the board did not fully review the loop road, The Judge has asked the Planning Board to compare the loop road with the previously approved design, document the subdivision regulation waivers that would be required for connection and the loop

road, compare public safety issues and improvements to response times if the road is connected, compare wildlife and environmental impacts between the two alternatives, and review how the road connection is supported by the Master plan. The Board may reaffirm its approval, direct the developer to pursue the loop road, or deny the subdivision application. Mr. McLeod motioned to open for public hearing. Mr. Okerman seconded. Passed 7-0.

Staff has reviewed all the studies which include the technical drainage review by Keach-Nordstrom Associates, ground water resource impact assessment, wildlife habitat assess study prepared by Gove Environmental, traffic impact evaluation prepared by CLD and storm water pollution prevention plan prepared by Gove Environmental.

Mr. Turner: Judge and Town Attorney asked the Board to go over the Master Plan compliance in detail. He then read and entered the following text into the record.

Implementation of Master Plan Visions

	Loop Road	Connector Road
<u>Natural and Cultural Resources</u>		
1. Preserves Open Space and provides open space linkage.	Yes	No *1
2. Preserves water quality and quantity	Yes	Yes
3. Provides trail and recreation	Yes	Yes
4. Limits potential threats to historic properties	N/A	N/A
<u>Economic Development and Transportation</u>		
1. Assess commercial development by infrastructure and environment	N/A	N/A
2. Traffic solutions through street, bikeways and transit connectivity.	No	Yes
<u>Land Use and Housing</u>		
1. Attract land uses with positive tax revenue.	Yes	Yes
2. Provide road connections that alleviate Route 111 congestion	No	Yes
3. Fine tune Wetlands and Watershed Regs.	N/A	N/A
4. Remaining Farms are important to town.	N/A	N/A
5. Protect scenic roads without impacting rights.	N/A	N/A
6. Street trees and usable open space in cluster subdivisions should be reviewed.	N/A	N/A
7. Allow for housing types options such as elderly.	N/A	N/A
<u>Community Facilities and Utilities.</u>		
1. Plan for adequate parking for Town facilities.	N/A	N/A
2. Growing police and Public works force may require new building.	N/A	N/A
3. Plan for Town Center development.	N/A	N/A
4. Provide Plan for town Conservation and space land.	N/A	N/A
5. Public Health is a growing issue.	N/A	N/A

6. Traffic is threat to quality of life, alternative to Route 111 must be developed.	No	Yes
7. Identify true costs of Town sewer and water systems.	N/A	N/A

Recreation.

1. Playing fields are in high demand, maintenance is difficult.	N/A	N/A
2. A Recreation Director is needed.	N/A	N/A
3. Additional parking is needed at Griffin Park, safe walking route are needed.	N/A	N/A
4. Bike lanes should be added to major roads.	N/A	N/A
5. Integrate High School Rec. field plans.	N/A	N/A
6. Amphitheatre, outdoor skating, non-athletic programs and facilities are needed	N/A	N/A

Master Plan Goal, Objectives, and Strategies Implementation Plan

- Land Use Goal 5 (LU-5) is to “promote development that enhances connections between destinations and neighborhoods.” Strategy LU-5.1 further states “Encourage roadway connections that facilitate neighborhood connectivity. Discourage residential development that incorporates additional cul-de-sac streets.” (page 16)
 - The loop road would isolate the proposed neighborhood and the Heritage Acres subdivision by building another dead end street, the connector road supports this goal by providing a road connection to the older, more established neighborhood off of Field Road.
- Land Use Goal 5 (LU-5), Strategy LU-5.3 “Revise Subdivision Regulations to require new commercial and residential development to contain a more interconnected street network to facilitate vehicular and non-vehicular movement to and through development.”
 - The loop design does not provide an interconnected street network. The Field Road connection connects the proposed development with Field Road, opening up options for vehicular and pedestrian traffic.
- Transportation and Circulation Goal 3 (TC-3), Strategy TC-3.4, “Establish a task force to work with the Town on a detailed study of possible connection corridors to ease existing congestion on major roadways including but not limited to:”
 - Timberland Road to Pelham. The subdivision connects Timberland Road to the Field Road and Rowe Road intersection which will provide access to Route 128 and to Pelham.

*1. The connector road crosses an electric company power line easement that may be utilized as a wildlife open space corridor. Although this electric power line easement is crossed by several roads and driveways in this area, the proposed road crosses the power line between two other roads and driveway crossings. Therefore the connector road interrupts this open area.

There’s a letter in the file from the Fire Chief and he has been authorized to represent the Highway

Safety Committee to address public safety. Mr. LoChiatto read the letter from the Fire Chief McPherson which was endorsed by David Sullivan, Town Administrator; Police Chief Lewis; Al Barlow, Director of Maintenance; Jack McCartney, Highway Agent; and Alfred Turner, Director of Planning and Development. The letter was in support of the connector road as a second means of entry to the subdivision for the safety of the Town's residents.

Fire Chief McPherson, representing police department, fire department, and the Highway Safety Committee: He takes the residents concerns and also looks at the ability for the quickest response to an emergency, response would be dramatically reduced with the loop road, the connector road benefits the mutual aid pieces also, from an emergency stand point he supports the connector road whole heartedly. Discussion: Mutual aid is for medical emergencies also not just large fires. Chief McPherson: the need for EMS is up and the need for fire response is down, and we rely on mutual aid heavily, the fire department receives 37% simultaneous calls which means 1-2 in queue when responding to the first call received, the fire department needs to respond to a heart attack victim within 2-4 minutes, another few minutes and a persons life is in jeopardy, and the connection also benefits the residents of the Ryan Farm Road development. Discussion: The loop road systems dead end road length is close to 2,400 feet.

Sumner Kelman, attorney representing the applicant: A genius can take something complicated and make it easy. The Board has absorbed a tremendous volume of information regarding approving the plan, an abutter used his right to appeal the subdivision, he read the following items from the Judge's decision: 1) On remand, the Board shall conduct a more thorough comparative analysis of GMVE's original loop road proposal and its final plan; 2) The record of this analysis should completely replay the Board's concerns, if any, regarding a loop road design; 3) In particular, the Board should elaborate on the "safety issues," Certified R. at 102. p. 3, presented by the loop road design that are mentioned in the minutes of its February 15, 2006 meeting; at present, the court cannot discern from the record what those issues might be; 4) Further, the Board shall clearly articulate its reasons for preferring the Field Road connection to a loop road design, while referencing evidence that supports that preference; and 5) At present, it does not appear that the negative environmental impacts of the Field Road connection are offset by any substantial benefits. This renders the Board's approval of the GMVE application unreasonable, particularly in light of the Board's active discouragement of GMVE's original loop road proposal. The record does not seem to address the loop road in the Judge's opinion. He presented the following chart that compares the loop road to the connector road regarding safety and environmental issues. The court is very specific about the issues that need to be addressed.

Great Mountain View Estates
Windham, New Hampshire
Safety and Environment Summary
August 2, 2006

Item	Connector Road	Loop Road
Gross Project Area (acres)	102	71
Approximate Disturbed Area (acres)	50	35
Lots Created	46	31
Length of Road on Property (feet)	6100	3600
Safety		
Number of entry points into project area	TWO	ONE
Is there a second means of emergency vehicle access to the neighborhood in the event of a roadway blockage?	YES	NO
The culvert at the beginning of the road where it crosses the ravine: If the culvert, its headwalls or the roadway over the culvert failed, is there an alternate means of access to the neighborhood	YES. Field Road	NO
Is there alternate means of access if a portion of the road needs to be shut down for maintenance?	YES	NO
Will the configuration provide an improvement to the current access restriction on the existing dead-end road, Ryan Farm Road?	YES	NO -- The Existing Dead-End Road is Already 2,254 feet long.
How many homes would be completely cut off from emergency access if a blockage occurred on Timberlane Road at the culvert?	0	48 Homes (Including the 17 Homes that Already Exist)
What total length of dead-end road is proposed?	0 feet	5,955 feet
Configuration Supported by Safety Committee?	YES	NO
Configuration Supported by Police Chief?	YES	NO
Configuration Supported by Fire Chief?	YES	NO
Meets the Intent of Windham Subdivision Regulations?	YES	NO
Is Configuration Compliant with the National Fire Protection Association (NFPA), International Fire Chiefs Association and U.S. Fire Administration recommendations?	YES	NO - Single access Road Length Exceeds the maximum recommended length of 300 feet without providing a divided roadway.
Is Configuration compliant with American Society of Civil Engineers, National Association of Homebuilders and Urban Land Institute guidelines ?	YES	NO - Single Outlet Road Exceeds the maximum recommended number of house lots of 20-25 lots.
Is Configuration Compliant with the <i>Planners Handbook</i> published by Massachusetts Federation of Planning Boards?	YES	NO - Single access Road Length Exceeds the maximum recommended length of 500 feet.
Is Configuration Compliant with the American Society of Planning Officials guidelines?	YES	NO - Single access Road Length Exceeds the maximum recommended length of 500 feet. AND Exceeds the maximum recommended number of house lots of 14 lots.
Is Configuration Compliant with the National Association of Home Builders guidelines?	YES	NO - Single access Road Length Exceeds the maximum recommended length of 600 feet.
Is Configuration Compliant with the American Association of State Highway and Transportation Officials (AASHTO)	YES	NO - Single access Road Length Exceeds the maximum recommended length of 1,000 feet.
Is Configuration Compliant with the <i>Subdivision Design Standards</i> of the Institute of Transportation Engineers?	YES	NO - Single access Road Length Exceeds the maximum recommended length of 1,000 feet.
Is Configuration Compliant with the <i>Community Builders Handbook</i> ?	YES	NO - Single access Road Length Exceeds the maximum recommended length of 1,000 to 1,200 feet.
Is Configuration compliant with the most Flexible of the Accepted Planning and Engineering Practices as defined by the American Planning Association?	YES	NO - Single access Road Length Exceeds the maximum recommended length of 1,200 feet.
Is Configuration consistent with published standards on dead-end roads?	YES	NO
Environment		
Beaver Brook (Incl. Floater Mussel)	No Impact ^{(1) (2) (3)}	Can also be built w/ no impact.
Vernal Pool at Power Line	Is NOT Located Near Connector Road. Loop and Connector layouts are similarly configured around the vernal pool and will have similar impacts.	
Large Vernal Pool in Northern Section of Project	Is NOT Located Near Connector Road. No Impact ^{(1) (2) (3)}	Loop Road Development in Closer Proximity to Vernal Pool
Natural Heritage Inventory (NHI) Exemplary Natural Community - Appalachian Oak-Hickory Forest	Is NOT Located Near Connector Road. Area was clear cut 25 to 35 years ago. Loop and Connector layouts are similarly configured where NHI Community previously existed.	
Wildlife Travel Corridor in Power line Easement	Currently provides little opportunity for wildlife use or to move between blocks of unfragmented land.	
Eastern Box Turtle	None Located on Property -- No Impact	

Notes:

- (1) See Provisions of NHDES Site Specific Permit No. WPS-7407
- (2) See Provisions of NHDES Wetland Permit No. 2005-02647
- (3) See Provisions of EPA NOI Permit NHR10B018

Dan MacRitchie, General Manager of Great Mt View Estates: Presented supporting documents including: 1) storm water pollution protection plan which is a supplement to the plan the Board already has; 2) historical information of the meetings; 3) loop road waivers information.

He discussed the above chart and indicated items on the maps. At the conceptual stage there were several loop conceptual maps proposed, the Board at that time wanted him to find a connector, he purchased an additional 30 acres which made the project a 100 acres project rather than a 70 acre project. He read and showed on the map the below chart of the Loop Configuration Road Length Summary is as follows:

Description	Start Sta	End Sta	Length	Cumulative Length
Timberlane Road to center of Ryan Farm Road	0+00	6+89	689	689
Ryan Farm Road Existing	0+00	15+65	1,565	2,254
Ryan Farm Road Ext to GMV Property Line	15+65	16+02	37	2,291
GMV Property Line to Loop Intersection	16+02	16+73	71	2,362
Loop Length	16+73	52+66	3,593	5,955
Length of Ryan Farm Road				
Existing	0+00	15+65	1,565	1,565
Proposed	15+65	52+66	3,701	5,266

Mr. MacRitchie further read from the Safety and Environment Summary (above) regarding the configuration and environment portions.

Mr. MacRitchie listed the waivers of the Subdivision Regulations to be requested for the loop road would include Sections 505.1, 601.1, 602.1, 602.2, 602.8, 602.10, 602.15, 702.7 and for the waivers for the connector road would include Section 601.1, 602.6, 602.10, and 702.7. He also submitted a document into the record describing the basis for each potential waiver request. The second package submitted to the Board include: 1) Transcript of the April 4, 2004 Public Discussion of the Great Mountain View Loop Road Proposal; 2) Transcript of the continued Public Discussion of the Great Mt View Loop Road Proposal that took place on May 5, 2004. This discussion includes Mr. Everett Ryan's testimony regarding the need for a second access point to the project and opposition to the loop road; and 3) Summary includes the chronology of the plan from inception from 2003 until today, meeting by meeting, and the position of GMVE current approval of the connector road.

Discussion: Design velocity requirement question to be turned over to Mr. Karl Dubay, staff has not had the opportunity to review the packages given the Board this evening except for the waivers. The road length not to exceed 2400 feet per the Subdivision Regulation. The beginning of the loop road would begin at 2400'. Mr. MacRitchie: Discussed the waivers for Sections 602.8 and 602.15 and that a 5,955' loop road does not meet the spirit and intent of those sections. He stated that it would be difficult to show hardship as required in the subdivision regulations for requiring a 2400' cul-de-sac length because he is willing and able to make the connection.

Karl Dubay, MHF Design: Distributed an 11 page memo for the record which summarizes the engineering components and environmental protection of the plan, the Board does not normally hear all of the details that are required. Six key design components of the plan are: 1) Roadway alignment through the site; 2) Drainage design of the entire site but most especially at the connection; 3) Wetlands and vernal pool protection as per Town and State requirements; 4) Protection of the vernal pool near power lines; 5) Wetland crossing design; and 6) Field Road drainage improvement at the intersection. Also included in the memo is the background and methodology, a 50 item detailed list of key design components over and above what is required to protect the environment, notes taken from the approved plans relative to the Ordinance and Subdivision Regulations which includes the WWPD Special Permit,

and also a listing of key permits in place for the project and they met several times with the State for these permits. He highlighted some of the 50 items including the minimum wetlands impacts at an existing disturbed area, only one impact for 100 acres, closed drainage used in this area, not a pristine area, NH does not have stream crossing standards (#45) MA Division of Fisheries and Wildlife.

Mr. MacRitchie: Some work had been started, there was a stop work order placed, they put erosion controls in place and stopped work. He submitted for the record and discussed the photograph, taken today, and it was taken in approximately taken in the same location as the other photo already in the file.

Mr. Dubay: The stream design crossing exceeds the minimum hydraulic capacity by 4 times what is required, the bridge is prefabricated at the plant including the footings and put together on site which is a safe environmental friendly 10 foot open stand crossing. A lot of storm water treatment for subdivisions is not required, but he has permitted and has over-designed the treatment of the storm water. The other design was costly and implements safe, viable option.

The Board asked about design velocity for the pipes. Mr. Dubay referred to item #19 in his list and described the design including outlet pipes have a velocity over 7.5 fps, angled headwalls with stone outlets, extended boulder low walls to retain the existing trees, full-sized treatment swales, stormceptor catch basins, the Board should consider some of document for Site Plan and Subdivision Regulations, he discussed cleansing velocities of sediment in the pipes, and would need the same waiver for the loop road design.

James Gove, Gove Environmental: Distributed a letter titled "Comparative Natural Resources Impact Analysis – Loop and Connector Roads." The Judge was right in the fact that there was not a comparison of the loop road vs. through road which led to confusion that there would be a dramatic difference between the two. The letter gives the point by point comparison of the natural resources that are on site. Regarding the Dry Appalachian Oak-Hickory Forest: He showed the location of the forest on the map. The area was clear cut 25-30 years ago, it is not a mature forest and it has a number of saplings, and it will go through what any forest that has been clear cut will go through, and regenerate and but may not be Oak-Hickory. The loop road and the connector road both have the same impacts. Regarding the Eastern Box Turtle Habitat: After spending several days looking, there was no indication of turtles and therefore no impact with either the loop road or the connector road. Regarding the Wildlife Travel Corridor: In general it is safe to say the power lines do provide a wildlife corridor that is until you find other corridors, this site has nearby unfragmented habitat located to the north of the proposed site, this power line is not any great shakes for a wild life corridor. Regarding the Vernal Pool Liability: NH Fish and game has said there needs to be a 100' buffer and to make sure no storm water enter the vernal pool area which has been done for both options which makes them the same. Regarding Beaver Brook, an unnamed Tributary and the Brook Floater Mussel: Brook floater mussels were found 1,800 feet away from the project. The brook floater is sensitive to water quality. The stormwater prevention plan has an elegant system to control the runoff as well as a very well designed stormwater management plan following construction and there will be no impact on the brook floater or Beaver Brook. Therefore, it is a wash for the loop road or the connector road. Regarding Increase in Edge Habitat/Decrease in Interior: It makes no difference for the loop or connector road, there will be impact to the wildlife that use the area. From this perception it makes no difference, it will have the same environmental impacts whether you have a loop road or connector road.

Mr. LoChiatto read a letters from: 1) The Conservation Commission stating opposition to the connector road; and 2) Attorney Mason regarding his client, Everett Ryan, stating his support of the connector.

Public comment from James Finn, Conservation Commission Chairman: A lot of information has been presented this evening, the Conservation Commission wants to hire civil engineer, this plan should take more than one evening, it is feasible to put a road there but is it reasonable, he has walked the wildlife corridor, and has another viewpoint as to which is the most reasonable approach, NH Fish and Game and DES believe the loop road is the most reasonable, NH Fish and Game does not come out to every subdivision, only to the important ones and that speaks volumes, yes the construction area can be cleaned up, but it wouldn't need to be cleaned if it wasn't built, he applauds the efforts for the best techniques at this point in time, but doesn't believe they are perfect. The Conservation Commissions continues to oppose this and it is not a reasonable approach and would like more input from an engineer in a timely manner. This decision should not be rushed, there is lot to consider. Not opposed to connector roads, but opposed to connector roads that cause that much damage. Similar situation is at Jackman Ridge. Safety is an issue, but the likelihood of not being able to get through a 28' road during an emergency is slim. Appreciate all the information, it is inappropriate to rush through this. The concerns are with the safety issues. Mrs. Crisler: Would the civil engineer hired by the Conservation Commission verify or check the information already checked by the police chief, fire chief, and Highway Safety Committee which they have spent a lot of time on? Dr. Finn responded to Board questions: We understand that there is a Highway Safety Committee, but there are other opinions that the other roadway is safe. All of the items delineated should be evaluated like response times, mutual aid, one-way in and one-way out, emergency vehicles to come in, be able to come in, nothing is cut and dry and there is more than one side to an issue, not saying anyone is wrong, but it should be evaluated. The type of expert is a professor at the University of NH, a civil engineer, like Mr. Dubay. The Conservation Commission has begun evaluating who to hire and will vote at the next meeting. Mr. McLeod: There were conceptual discussions on May 7, 2003; March 17, 2004; May 5, 2004; April 20, 2005; May 25, 2005 site walk (no independent members Conservation Commission present, but they did walk it on their own); June 1, 2005; June 15, 2005; public hearing on January 4, 2006; January 18, 2006, February 1, 2006, and finally February 15, 2006. The specter of no due process is disingenuous as Dr. Finn was present at these numerous meetings. This is not a rush to judgment in one night and the statement completely ignores the history that this project has and it is irresponsible for that statement to go uncontested and that would get us into trouble with the court if they take Dr. Finn at his word and say that this Board is hiding something in one night, it is not the case. We have been very deliberate in discussions, and why would the Conservation Commission to wait until the last minute after it has been approved to hire a civil engineer, what is the real motive, up front it's understandable, it's been over three years. Dr. Finn: First time he saw the plan was 2005, and not involved or informed from the beginning, no one is trying to say that the Planning Board has not been acting in deliberative manner, would like the opportunity for other input, the position of the Conservation Commission has not changed, go by whatever the hired engineers says, engineer would not look at drainage but would look at the key issue of safety, would take at least a week to look at, the engineer specialized in safety. Mrs. Crisler: Civil engineer is not the appropriate person to look at safety, safety is the pervue of the Planning Board, the Conservation Commission looks at environmental issues, looking at safety to step over into the Planning Board shoes. Dr. Finn: Not trying to be the Safety Committee. Discussion: Do we become obligated to the engineer's option because the Town hired him, the study would probably take three months to duplicate what the fire chief, police chief, and Highway Safety Committee have already done, Mr. McLeod read Dr. Finn's comments from the February 1 minutes which state: this represents a compromise between development and environmental impacts, a second access is desirable, the loop road design would be preferable, but above all this was a detailed plan and well thought out. Discussion continued: Mr. McLeod is surprised at second guessing this, and safety is not a Conservation issue, why isn't the Conservation Commission looking at drainage? if your expert comes to the same conclusion as the Town's expert for future discussions regarding conservation vs. safety, would that change the Conservation Commission's opinion. The Planning Board may support hiring an expert for future

discussion regarding conservation vs. safety. Dr. Finn: Not always against connector roads, likes the loop road when it causes less damage. Would like another opinion on safety issues: can emergency vehicles get there in a timely fashion? Conservation would still be in opposition to the connector road regardless of expert opinion. Discussion: Hire an expert for the future, the expert should have a joint meeting and also should meet with the fire department, police department, and Highway Safety Committee, need to proceed in a reasonable time with this case, proper study would take from 1 ½ months to 3 months.

Chief McPherson: Taken aback that the Conservation Commission is now going to be helping out in the response times and traffic studies, the Conservation Commission has never been involved in traffic studies for roads before, thought that the Conservation Commission looked at economic impact and environmental purposes, finds it odd that the Conservation Commission wants to get involved with traffic studies and safety aspects, not had one person visit him, concerned with the safety of the residents in an expodicious time, any time there is a second way in to reduced response times in any part of town will err on that rather than a loop system, there are loop systems in town and those people are rescued, but there are times when you are standing in someone's driveway and you can hear traffic from a nearby road but the roads are not connected, a second access gives added protection for emergency services.

Jay Koutavas, 15 Field Road: He presented a package of materials to the Board, he has been before the Board before, is opposed to the Ryan Farm access, prefers the loop road for environmental reasons, last time he was at the Board was February 15 where he expressed his opinion then, not going to go over the same data, had a slide show prepared but a lot of his concerns had been addressed already, he is the abutter who appealed to the Superior Court because the access road is unreasonable and the court agreed, noted that the section of the Judge's document covered by the developers was the last page of a six page document, the process had begun and doesn't think a decision could be made in one meeting, he read one of the concerns noted in his letter as follows: First Concern: Through legal research I have found that a wetlands variance is needed for the proposed Ryan Farm Road, GMVE needs to submit a variance in addition to the Special Permit (601.4.8 Regulations). The regulations permit certain low-impact uses in the wetland and watershed protection district including, but limited to, forest, tree farming, agricultural uses, recreational uses, and, under certain conditions, driveway access (601.3 Uses Permitted). Further, unlike driveways, roads are not permitted in the WWPD. I discussed this variance issue with Mr. Turner and he stated, "We've been interpreting driveway to mean a road for quite a while and that's why we didn't have to apply for the variance." I'm concerned. Either Ryan Farm Road is a road or it is a driveway. The town regulations clearly state the required and distinct procedures for each, and the issue should be addressed accordingly, whether or not roads have historically been treated as driveways. The Planning Board should realize that this is a "road" and not a "driveway".

He stated that it's been referred to as a road throughout the whole process but legally it's been referred to as a driveway, regulations call for variance for a driveway access but not for a road, is this in fact being considered a driveway and historically the town has been interpreting driveways to mean roads. Mr. Turner: The regulations were passed in 1974 and for some 30 years we've been interpreting that a road or street were allowed in the WWPD and current Code Enforcement is not allowed to over turn that, it is known as a administrative gloss doctrine, it's always been interpreted that way. Mr. Koutavas: Mr. Turner's comments match his understanding, his concern is that this needs to be resolved with the ZBA, either it is a driveway, Mr. Koutavas then finished reading the paragraph in his letter: "The Planning Board should realize that this is a "road" and not a "driveway" and the applicant should be required to request a variance from the ZBA. A decision to approve a subdivision plan with the Ryan Farm extension would, in fact, be unlawful without this variance or a change to existing zoning regulations.", either it goes to the ZBA for a change in the regulations or realize it is a road and needs to

have a variance as per the regulations. Discussion: Planning to appeal Mr. Turner's decision to the ZBA. Mr. Turner: He did not make the determination it was decided 30 years ago and you have to appeal within 30 days. Discussion: The 30 day appeal process is expired and cannot not be appealed. Mr. Koutavas: Good decisions are made with good data, trying to provide data to the Board, not his responsibility to make a decision about this, but through circumstances it has fallen into his hands because he feels things were not done as thoroughly as they could've been, he's before the Board to say this is what he sees as an issue and wants the Boards consideration, not interest in personally going off and appealing, feels that all the people in the room can come down to a right and reasonable decision, but it is still a concern of his. Mr. Koutavas read the following: "The regulations permit certain low-impact uses in the wetland and watershed protection district including, but limited to, forest, tree farming, agricultural uses, recreational uses, and, under certain conditions, driveway access (601.3 Uses Permitted), he does not see anywhere where it says roads are allowed, and it is being interpreted as a driveway per the regulations. Mr. Turner: Roads are an allowed use since 1974. Mr. Koutavas: Would like to see that in writing, it's a concern that probably needs ZBA input. Discussion: Mr. Turner and his staff are Code Enforcement officials of the Town and they frequently make administrative decisions to interpret the zoning ordinance, the only recourse is to appeal to the ZBA within a time frame, it's not the pervue of the Board to go to the ZBA. Mr. Koutavas: He is making the Board aware of the issue and read it into the record, providing new information, it is a concern of his. Discussion: The Judge remanded for a specific issue, the road issues, this is a mute point for this Board. Mr. Koutavas: The plan has been reverse and remanded for further review assuming GMVE's continued interest in pursuing subdivision approval, and because it has been reversed and remanded can one appeal to the ZBA for clarification. Discussion: Not part of this hearing, and it belongs with another Board. Mr. Koutavas: Will not bring up his second point, it's in his letter as part of the record, his intention to bring this issue before the Board, trying to be forthright, and he is in support of the idea of bringing in an expert, here to uphold the spirit of the Judge's findings, the Judge did not say it had to be done fast, though it has taken too long, have we crossed all of our T's and dotted all of our I's, if we handled the issues they'd be building now, not his interest to drag it out but to be thorough, when he hears that we should get an expert but just not now then a little red flag goes up, and are we cutting a corner. Discussion: Takes offense that we were not thorough, and the Board does a good job. Mr. Koutavas: Apologized for any offense taken, not intended, intended to be concerns with it being done thoroughly, and the developer would like it done quickly.

Everett Ryan, 98 Castle Hill Road: When Dr. Finn was speaking about another expert being paid for by the land use tax, he believes the sole use of the Conservation funds is for the purchase of land, would not like to see the funds used dispersed for other purpose without some kind of control. Mrs. Crisler: The Conservation Commission can use the funds to hire experts though usually it is to have someone assess land for value and environmental concerns. It is only under their control. Mr. Ryan: Regarding safety, talked earlier about t-wall bridge which narrows the availability in case there were ever an accident at that one point for emergency vehicles to come though, what is the probability at that one point at a special time when vehicles need to come through, but in the case of Ryan Farm Road there is much more to consider because of the steep grades to the right and upward grade to the left of the road, there are considerable lengths of that road that there are no places where an emergency vehicle could pull off onto someone's lawn or driveway to get through, for about ¼ mile or more emergency vehicles could not skirt by, and wanted to make sure his letter becomes part of the record.

John Peabody, 2 Field Road: He lives across the street from where the roadway will enter, concerned with safety, impressed with the developers team, he also builds houses, concerned with his family, concerned with what went on last winter, wants to voice his concerns about what happens when all the lawyers and fancy guys leave, if they decide they don't want to do something like they did last winter

and he got flooded out, a stop work order was issued and were told to create an erosion control plan and two months later is still wasn't done, he got washed out and there's no recourse, he has to take them to court, they need to be supervised when everyone else goes home, why didn't they have an erosion control plan, why did they dig when they weren't suppose to, why were they hauling dirt, the road will work well for the Town, the Chief helped fill sand bags in his cellar during the storm, has gone to Conservation Commission and Mr. Turner and was told there was an argument about the erosion control methods, the Town provided erosion control after the fact, the developer had two months to do it, and if it's approved put some regulations so we have some control and safety for everyday work. It is a good road, the access is needed, and need someone in control during construction. Discussion: The approved plan was going to start at the top of the project, why did the work start at the bottom. Mrs. Hebert: A stop work order was issued, there was an erosion control plan, CLD did inspections, and the site was stabilized. Discussion: Clearly remembers the construction sequence starting at the top of the hill and the control to be in place. Mr. Turner: Need to ask the applicant why work was started, the Town found out from Mr. Peabody and issued a stop work order, Town put down rip-rap to control run off from the Mother's Day storm, under orders of the Planning and Development staff they restored the and reloaded and reseeded and planted, and yes, they were in violation of their approval.

Bob Peterson, one of the owners: There was a telephone pole that needs to removed, he received a verbal okay from Mrs. Hebert the day before the appeal to clean out along the telephone pole. Mrs. Hebert stated that she had no recollection of receiving a telephone call from Mr. Peterson. Mr. Peterson: He said that if he wasn't in the right-of-way he could, so he cleanout around the pole and lowered the grade by the house, then there was the big storm and the water overflowed from the pond in the back of the house and some of the water went down to Mr. Peabody's house, whether or not he had done this work it would've ended up in the same position, no work was done near the pond, and no matter what the erosion controls were nothing would've stopped the pond from overflowing. Discussion: Doesn't want to get into a back and forth about this, concerned that it happened, as long as the site has been restored, developer be more respectful of the approvals in the future, point of order that this in not germane to tonight's meeting. Mrs. Hebert: Wanted it noted that she had no such conversation and the first she heard about the work going on from the abutters, and there was a lot of work done in excess of what would be necessary to move a pole, and not something that would be given a verbal okay.

Mr. LoChiatto closed the public input of the meeting.

Mr. McLeod motioned to approve the waivers for Section 601.1 due to the fact that the pipe can handle the design velocity satisfying exit velocity requirements and therefore reducing sedimentation build up. Mrs. Crisler seconded. Passed 7-0

Mr. McLeod motioned to approve the waiver of 602.6 given that the unique geometry of the street intersection and the road layout of the property necessitates this waiver. Mrs. Crisler seconded. Passed 7-0.

Mr. McLeod motioned to approve the waiver of 602.10 given that the unique geometry of the street intersection and the road layout of the property necessitates the waiver and the huge alignment matches the alignment of the existing Rowe Road. The increases the slope at the intersection decreases the depth of cut at the top of the slope. Mrs. Crisler seconded. Discussion: Going by the submitted plan not the loop. Passed 6-0-1. Ms. Skinner abstained.

Mr. McLeod motioned to approve the waiver of 702.7 given the project's scale. Mrs. Crisler seconded. Passed 7-0.

Mr. McLeod favors the connection and read the following into the record:

1. Express statutory support for favoring the connection over the cul-de-sac:
 - 1.1. Subdivision Reg. § 602.8.5 Permanent cul-de-sacs with lengths over 1200 feet shall be discouraged and will be considered only if hardship can be shown to exist in the land
 - “[I]n no case shall length exceed 2400 feet.”
 - A cul-de-sac would be 2,362 feet.No hardship exists.
 2. Immediately consistent with Subdivision Reg. § 101 (Purpose)
 - 2.1. § 101.1. To lessen congestion in the street;
 - By definition, a cul-de-sac necessarily requires all of the houses to use a single point of ingress/egress, thereby maximizing the impact on the street at that point. A connection, on the other hand, allows for some traffic to enter and exit via a different street, thereby reducing the impact on the former street.
 - 2.2. § 101.2. To secure safety from fires, panic, and other dangers;
 - Emergency service comments are consistently, historically crystal clear: connections allow for multiple points of access, thereby negating the possibility of isolating residents from emergency services in the event of unforeseen road closures (i.e., accidents, downed trees). Recent events are Morrison Road and North Lowell Road closures. Cul-de-sacs, on the other hand, increase the risk of isolation from emergency services. Forty-eight homes to be impacted. Also facilitates mutual aid and reduces response times.
3. In the long range, consistent with Master Plan 2005
 - 3.1. Strategy LU-1.4. Review subdivision roadway standards to complement community character (for example, foster neighborhood connectivity).
 - 3.2. Strategy LU-5.3. Revise subdivision regulations to require new commercial and residential development to contain a more interconnected street network to facilitate vehicular and non-vehicular movement to and through development.
 - In this case, two neighborhoods directly connected instead of one, with increased connectivity when considering indirect connections.
4. Immediately consistent with Master Plan 2005
 - 4.1. Goal LU-5. Promote development that enhances connections between destinations and neighborhoods.
 - 4.2. Strategy LU-5.1. Encourage roadway connections that facilitate neighborhood connectivity. Discourage residential development that incorporates cul de sac streets.
 - Again, two neighborhoods directly connected instead of one, with increased connectivity when considering indirect connections.
5. Immediately consistent with Master Plan 2005
 - 5.1. Goal TC-3. Maintain and improve vehicular traffic flow on roadways and at intersections.
 - By definition, a cul-de-sac necessarily requires all of the houses to use a single point of ingress/egress, thereby maximizing the impact and congestion on the nearest roadway and intersection to that point. A connection, on the other hand, allows for some traffic to enter and exit via a different street, thereby reducing the impact and congestion on the former roadway and intersection.
 - 5.2. Objectives. Identify new transportation links to improve intra-community and regional connectivity....
 - As evidenced from a street map, the connection will provide far more direct access to Hudson and Pelham. The Judge misread our Master Plan regarding connection to Pelham.
 - 5.3. TC-3.1. Maintain funding to ensure adequate preservation of public roadway pavement, bridge and sidewalk conditions throughout the Town.
 - The connection will allow for increased utilization of State Route 128 and decreased utilization of Town road Castle Hill Road (with respect to westerly access to Hudson, Nashua, et al), whereas a cul-de-sac will not utilize State Route 128 and instead maximize utilization of Town road Castle Hill Road, thereby maximizing the need for increased Town funding of road maintenance as opposed to availing ourselves of the opportunity to have the State subsidize some of our roadway maintenance needs.

5.4 TC-3.4 Establish a task force to work with the Town on a detailed study of connection corridors to ease existing congestion on major roadways including but not limited to: Timberlane Road to Pelham, Shelley Road not an option; this represents the nearest possible connection of relevance.

6. Master Plan 2005 was enacted by a unanimous vote of the Planning Board on April 27, 2005 after extensive public deliberations:
 - 6.1. Approximately 17 meetings were held where the Planning Board discussed the Master Plan, either as part of a meeting or as the entire meeting, once the Town voted to approve funding of the Master Plan 2005 update.
 - 6.1.1. March 10, 2004
 - 6.1.2. March 24, 2004
 - 6.1.3. April 14, 2004
 - 6.1.4. May 12, 2004
 - 6.1.5. May 20, 2004
 - 6.1.6. May 26, 2004
 - 6.1.7. June 9, 2004
 - 6.1.8. June 23, 2004
 - 6.1.9. August 11, 2004
 - 6.1.10. September 22, 2004
 - 6.1.11. October 27, 2004
 - 6.1.12. December 8, 2004
 - 6.1.13. January 19, 2005
 - 6.1.14. February 9, 2005
 - 6.1.15. February 23, 2005
 - 6.1.16. March 30, 2005
 - 6.1.17. April 27, 2005
7. Note: Wildlife growth within the [overhead power line] easement is chemically and mechanically controlled on a routine basis, so any wildlife corridor value is somewhat lessened.
8. The loop road violating many numerous plan guidelines (see applicant's Safety and Environment Summary dated 8/2/06) for maximum length where the connector, by definition, does not. While not authority for our decision, the other guidelines lend professional, industry support to the strategies embedded in our Master Plan. "Standards for Dead-End Streets," Carol J. Thomas, AICP (November '85)
9. Connection would require fewer waivers, indicating a general scope more in compliance with our subdivision control regulations, noting that a fully engineered cul-de-sac would likely result in additional waiver requests.
10. Jim Gove, licensed wetland scientist termed the comparison a "wash", thereby removing environmental impact from weighing in the balance. His testimony covered wildlife, vernal pools, among others.

Given that the environmental impacts are a wash, it comes down to elements of safety and Master Plan goals. Based on all of that, Mr. McLeod finds it rather compelling to reapprove this as a connection. A hard copy of the above was given for the record including markups from tonight's discussion.

Mrs. Crisler: Mr. McLeod definitely stated the Master Plan goals very well and concur with, Mrs. Crisler was on the Planning Board for the 2000 and 2005 Master Plans, the type of connectivity was clarified in the 1990's for safety reasons, quite a few plans have been forced to make connections such as Bear Hill and Heritage Hill, also Easy Street and Landcaster Road were forced to make a connection, this is not the first time we're requested connection, we've made the determination in the Master Plan, this is not new, the applicant has addressed all the concerns that the Conservation Commission brought up, there is comprehensive stormwater control, and looking at what has been done for the wildlife, the sequence for the road construction, the catch basins design, design of the culvert, he has listened to the Board, in favor of the connection, and will be putting the residents at risk with the loop road.

Ms. Skinner: Always favored the loop road because of the impacts to Field Road and Rowe Road, developer worked with the Conservation Commission and abutters to pull the road away from the vernal pool, for 36 years her home was one-way in and one-way out, understands connectivity and safety, being on the Conservation Commission she wears a different hat, is weighing everything, is in favor of conservation but there are other issues to look at, and if the developer has satisfied everything then she'd have to go back and renege on a vote taken before. Mr. McLeod was then questions about his list.

Mr. McLeod: Because the issue has come before the Board on a remand, it is imperative the Board to really make sure of its steps, so he took time listing out the steps before hand and there is substantial mark-up that we added while listening this evening, but had to start a template to get down all the rationale, highly doubts that the Judge expected them to wipe their memories clean about this case, it's reasonable and fair. Discussion: It was not a motion written before hand, there were fifteen previous conditions, and more items need to be added to the previous approval motion. Mr. Turner: NH DES issued a site specific permit with some conditions. He referred to item #7 of the DES letter: The permittee shall employ the services of a Certified Professional in Erosion and Sediment Control (CPESC) to monitor the construction and erosion controls. He would like to add the applicant shall required Certified Professional in Erosion and Sediment Control expert and that person shall do all the items listed in items 8, 9,10, 11 and it can not be either of the applicants, feels we can't trust them right now, hire someone outside for all phases of construction, #8 monitor rainfall events of 0.5'inch or great in a 24-hour period, #9 e-mail the DES and the Planning Department, not be either of the applicants.

Discussion: Applicant to work with staff to choose Certified Professional in Erosion and Sediment Control, someone mutually agreed by applicant and staff, throughout all phases. Mr. MacRitchie: Agreed to work with staff.

Mr. McLeod motioned to approve the plan subject to the following conditions:

- 1) All public improvements, roads, cisterns, etc. shall have a performance guarantee in the form of a bond or L.O.C. prior to the recording of the final plans. The entire length of Ryan Farm Road will need to be bonded prior to recording any lots within the subdivision;
- 2) All state and federal approvals shall be received prior to the signing of the plans;
- 3) Any work in the existing town right-of-way shall require a permit from the Board of Selectman;
- 4) Applicant shall provide to the Town, prior to the start of construction, evidence that cable, telephone, and electric utilities are available to service the proposed development and the proposed location of the utilities within the public right-of-way;
- 5) Applicant shall supply a warranty deed for the road and easements, which shall be reviewed by Town Council;
- 6) The applicant shall include a note on the final plans that will require the individual homeowners within the Great Mountain View subdivision if they choose to install irrigation systems then they shall be equipped with rain sensors and timers to prevent over watering;
- 7) The applicant shall work with Town Staff and the Road Agent to improve the sight distance at Field Road by clearing any necessary vegetation within the right-of-way and improving the shoulder along Field Road;
- 8) The applicant shall submit a landscape plan and planting specifications for the areas to be replanted and restored in the WWPD. The area that is currently lawn near the brook and manmade pond shall be restored with natural vegetation;
- 9) The applicant shall work with the Trails Committee and Town Staff to construct the trails within the trail easements shown on the submitted plans. The trails shall be marked with granite trail markers similar to the trails marker on Candlewood Road;
- 10) The applicant shall work with Town staff to incorporate any additional comments from Keach-

Nordstrom Associates regarding the drainage design;

11) Accept the applicant's \$110,000 into an interest bearing account. The money to be paid at first certificate of occupancy or 1 year from today's date;

12) "No Construction Vehicles" signs shall be posted at the applicant's expense regarding access to the Castle Hill Bridge;

13) Cost of vernal pool monitoring shall be covered by a bond as part of the road construction bond;

14) Applicant will satisfy the NH DES letter of February 6, 2006;

15) Updated plans shall be incorporated into the final plan set;

16) The applicant shall employ the services of a Certified Professional in Erosion and Sediment Control for the purposes of providing an independent professional environmental inspections to the project during construction, in all work zones, in all phases, such professional to be outside of the applicant and amendable to staff. Mrs. Crisler seconded. Discussion: Safety issues were discussed this evening should they be in the motion, the plans have not been recorded, which plans would be recorded, in regards to the Judge's request, the Board did elaborate on the safety, the Fire Chief was at the meeting, the Board's preference for the connector road is listed in Mr. McLeod's list, a licensed wetland scientist termed the environment issues as relative to the loop road and the connector as a "wash", the negative environmental impacts are the same, should these items be in the motion, as outlined in Mr. McLeod's rational submitted for the record, the board has reviewed the loop road and connection and which plan meets the regulations. Mr. McLeod amended his motion to include a preamble that says in the balance of environmental and safety issues that this Planning Board is called upon to weigh the testimony that we have received over time, at previous meetings as well as tonight, and as submitted by the applicant for the record clearly favors the connection to the loop road, rational attached. Mrs. Crisler seconded. Discussion: There is a special permit that needs to be approved. Passed 7-0.

Mr. McLeod motioned to approve the Special Permit request as described in the staff report as follows. The applicant is requesting approval for a special permit to disturb 127,188 sq. ft. of the Wetlands Watershed Protection District (WWPD) to construct a portion of Ryan Farm Road. All of the work within the WWPD is related to the construction of the road, the house lots and driveways have been designed to minimize disturbances to the WWPD and wetlands. Approximately 1200 feet of roadway crosses through the WWPD and will impact about 14% of the WWPD area on the property. Vegetative buffers have been maintained where possible, the plan includes building retaining walls in a few places to save vegetation and limit the amount of disturbance. Plantings are also proposed to revegetate disturbed areas, but it is not clear how many trees and shrubs will be replaced. Stormceptor catch basins will also be used to provide additional storm water treatment in the WWPD. Mrs. Crisler seconded. Discussion: Has not changed from before, and applicant has a detailed plan for controlling the water. Passed 7-0.

Mr. McLeod motioned to adjourn. Seconded by Mr. Okerman. Passed 7-0. Meeting adjourned at 11:30 pm.

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