

PLANNING BOARD MINUTES
MARCH 4, 1998

ROLL Bruce Richardson-Chairman-Excused Thomas Case-Vice Chairman-Present Bernie Rouillard-
CALL: Secretary-Present Alan Kachanian-Regular Member-Present Wayne Morris-Regular Member-
Present John Spinney-Regular Member-Present David Dubay-Alternate-Present Charles
Sweetser-Alternate-Present Russell Wilder-Alternate-Present Margaret Crisler-Selectman-
Present Ralph Williams-Selectmen's Alternate-Present

Mr. Dubay replaced Mr. Richardson on the Board. BUSINESS: Mr. Rouillard motioned to accept the minutes of February 18, 1998 as amended and Mr. Morris seconded. Passed
CORRESPONDENCE: A postcard was received from Chairman Bruce Richardson. Letter received from Candlewood Estates regarding the placement of pads for utilities. The consensus was to address this problem in the subdivision regulations. Memo received from Mr. Turner regarding the ZBA appeal for Waters Edge Office Park. Mrs. Crisler motioned to have Mr. Turner be the Planning board agent on this appeal and Mr. Dubay seconded. Passed.
ROAD BONDS: Mr. Turner recommended a guarantee bond for the Dubois property, 7-B-2, located at 32 Searles Road in the amount of \$1,000.00. So moved by Mrs. Crisler and seconded by Mr. Morris. Passed. Letter received from Beaverbrook Estates requesting an extension of their road bond on Mitchell Pond Estates. Mr. Spinney motioned to approve the extension and Mr. Morris seconded. Memorandum received from the Board of Selectmen regarding a warrant article to sell a parcel located on Wyman Road to G. Dinsmore. Mrs. Crisler motioned to recommend if the town owned said parcel and Mr. Rouillard seconded. Passed with one (1) abstention, Mr. Morris who wanted more information on the ownership of the parcel. Copy of a letter from Atty. Anne Ross regarding the Waters Edge project. Letter received from Mr. R. Coish requesting release of the road bond on Washington Road. Mr. Turner has met with Mr. Coish concerning some removal of top soil and drainage problems. Mr. Coish will repair the issues still outstanding. Letter received from Mr. Dennis Root supporting the Costa Site Plan (placed in file). Received the State Planning News and the Rockingham Planning News. Mr. Case reported on the environmental meeting held in Hampstead. A reminder the meeting in Windham will be held May 4, 1998 at the Library. Mrs. Crisler distributed minute of the Water Supply Needs Committee. The Master Plan Sub-Committee and the Planning Board will hold a joint meeting March 5, 1998 at the Planning & Development Dept., 7:30 P.M. Mrs. Crisler reported the Design Review Committee will be ready soon with a presentation and final draft for the Board. The Board will tentatively set aside March 25, 1998 for this presentation. Mr. Turner reported on the progress with the Langdon Road/Range Road intersection. He has reviewed the plans with the Department of Transportation and asked the Board of Selectmen to write the DOT for an appointment with them in Concord. Mr. Turner also reported the traffic lights at Route 111 and North Lowell Road will be installed on or before mid-June. The New lights will have the opticom system. Mr. Morris discussed the possibility of synchronizing the new lights with the Hardwood road lights. This will be discussed with DOT. SIMPLISTIX PLUS SITE PLAN (19-B-776) - PUBLIC HEARING Mr. Turner reviewed the site plan for a computer school for six students in a residence at 6 Mary Street. Mr. Turner explained the waivers needed. There will be no construction. Mr. Case read the comments received from the Fire and Police Dept. Mr. Rouillard reported the Conservation

Commission did not have a quorum at their recent meeting and did not have any comments. Mrs. Crisler motioned to accept this plan for public hearing and Mr. Rouillard seconded. Mr. Spinney requested notes be put on the plan limiting the number of students to six (6) and no parking on the street. No abutters were present. The consensus of the Board was that the waivers were not required for this site plan. Mr. Dubay motioned to approve with the following conditions, notes stating no more than six (6) students, no more than six (6) vehicles, and no parking on the street. Mr. Spinney seconded and passed unanimously.

GLENWOOD ROAD SPECIAL PERMIT (1-B-1071/1072) - PUBLIC HEARING Mr. Turner reported the plan met all technical requirements of the zoning and subdivision regulations. Mr. Rouillard motioned to accept for public hearing and Mr. Morris seconded. Passed. Mr. Turner reviewed the history of the original plan and the need to apply for a special permit to re-grade within the WWPD at 9 & 11 Glenwood Road. Mr. Rouillard did not see any major problems with the plan. There were no abutters present. Mr. Spinney motioned to approve the special permit as presented and Mrs. Crisler seconded. Passed.

COSTA SITE PLAN (13-B-20) - PUBLIC DISCUSSION Mr. Peter Zohdi, of Edward N. Herbert Assocs., presented the proposed site plan at 12 Rockingham Road, next to Park Lanes Bowling Lanes. The applicant proposes a 6,000 sq. ft. building to house Trans Medic. There will be 47 parking spaces and 1 entrance. The applicant has applied for the state driveway permit and septic system approval. The Conservation Commission has walked the site and made recommendations for sheet drainage and a detention pond. Mr. Zohdi reviewed the drainage for the area and the placement of culverts. Mr. Case expressed concern for the transmission fluids and the need for a cleaning schedule for the gas/oil separators. Mr. Turner reported the applicants other site on Roulston Road is in violation at this time. Mr. Zohdi requested the plan be sent to the various agencies for comment. Mr. Spinney requested no outside repairs on site. The Board recessed to Town Hall at 9:00 P.M.

STAR VECTOR SITE PLAN (18-L-201) - PUBLIC HEARING CONTINUED Atty. Donovan, representing the Windham Coalition, requested Mr. Case recuse himself as he was quoted in the newspaper as saying the shooting range was an allowed use in the Business Commercial A District. Mr. Turner explained when the Board excepted this plan for public hearing it confirmed this was an allowed use in this zone. Mrs. Crisler read from the Planning Board By-Laws regarding board members removing themselves. Mr. Case stated he has no monetary interest in this plan and it was the consensus of the Board Mr. Case remain on the Board as a voting member. Mr. Case introduced and welcomed the newest Planning Board member, Mr. Russ Wilder. Atty. Rubega, representing the applicant, summarized the previous meetings and submitted a package organizing the issues. Atty. Rubega stated the Board cannot restrict this application, under the current ordinance this is an allowed use in the Business Commercial A Zone. Atty. Rubega reviewed the Conservation Commission comments stating a WWPD does not exist on this parcel. Mr. Rogers, representing the applicant, reviewed the safety issues, in particular the concerns with the accidental discharging of weapons in the parking lot. Mr. Rogers also addressed the property values and suggested the shooting range would increase the presence of law enforcement therefore affording the town additional safety. Mr. William Peterson, supporting the shooting range, read a letter (on file) into the record. Mr. Peterson is a firearms instructor and discussed the clientele that would be using the facility. Mr. Rogers reviewed the AAF Intl. Filtering system. Mr. Doug Lees, of Bedford Design consultants, Inc., discussed the drainage areas and has compiled a map of the area from two plans

prepared by Mr. Thorndike. His research shows no wetlands over one acre. Klaus Kleinschmidt addressed the noise issues in particular the sound levels outside the proposed shooting range. Ms. Debbie Morris read a letter in support of the shooting range. Mrs. Crisler questioned the filtration system with concerns for maintenance monitoring and the disposal of filters. Mr. Rogers explained the maintenance schedule with an alarm or light. Discussion followed on the method of disposal and the cleaning of equipment and clothing. Mr. Rouillard questioned the sound levels from the filter system and the fans. Mr. Morris questioned the exhaust of nitrogen dioxide. Mr. Rogers explained the amount of exhaust. Mr. Spinney expressed the concerns for public safety and land values. Mr. Dubay discussed the air filtration system and the fact that every meeting a different company has given a presentation. Atty. Rubega explained the change to AAF since they were more cooperative and responsive. Questioned followed from the Board on the type of weapons sold and fired at the range. The collection system was discussed and the three ways would be water, a plate, and some companies use old tires to stop bullets and then into a collection area. Mr. Dubay expressed concern with the type of clientele. Mr. Kachanian's concerns were for the health and safety of the neighborhood. Mr. Ralph Williams discussed the air filters, safety issues and the negative impact to property issues. Atty. Rubega addressed the perception of a shooting range, a supreme court decision, and the fact that this is a commercial property. Mr. Williams was concerned with the inconsistency of the clientele, the gunsmithing, cleaning of the facility, noise and air pollution. Atty. Donovan, representing the Windham Coalition, discussed the reasons for rejecting this application, quoting section 605.1.1 of the Windham Zoning Ordinance and sections of the site plan regulations. The opponents expressed concern with this site bordering a residential area. Abutters' concerns included the exhaust containing lead particles. Atty. Donovan reiterated the points of opposition, 1. Not a permitted use, 2. Not retail services, 3. WWPD issue. Mr. Wilder explained the ordinance on the WWPD and the ways of measurement. Mr. Soucy addressed the noise and exhaust from the fans and the hazards of lead. Mr. Turner explained the use is permitted use even though shooting ranges are not listed in the ordinance. Mrs. Crisler motioned that this Board reject this plan for this site for the following reasons:

- There is an unacceptable potential for accidental discharge of firearms by customers transporting their weapons out of their vehicles, across the parking areas, and later securing them back in their vehicles. A discharge of firearms in this congested area poses an unacceptable risk to public safety, specifically to the adjacent residential areas, abutting and nearby office and retail buildings, school children at the nearby bus stop, golfers on the abutting golf course, and motorists on the heavily traveled Route 111, Range Rd., and Interstate 93.
- The applicant has failed to show that this facility will comply with the Town's noise ordinance. (Section 714 of the Town of Windham Zoning Ordinance and Land Use Regulations). Indeed, if automatic weapons are fired, it will definitely fail to meet the requirements.
- This site is in a GA-1 wellhead/watershed protection area, a water supply for a large number of people. This plan would place a source of toxic and hazardous substances specifically heavy metals (lead) and nitrate compounds, directly on and adjacent to the watershed area. The potential for an accidental discharge of these substances poses an unacceptable risk for this environmentally sensitive area.

- The conditions needed for the protection of water and public health would be unenforceable, specifically:
 - the cleaning, maintaining, and monitoring of the air handling system and filters,
 - the proper disposition of contaminated filters, the floor sweepings, and any water or oil used in collection of spent bullets and shells.
 - the proper maintenance and monitoring of cleaning equipment,
 - the proper monitoring and laundering of employee clothing, cleaning of hands, etc.
 - the prevention of employee & customer's tracking polluting dust and debris out into the environment
 - the prevention of any human error or oversight which could result in an accidental discharge of toxic and injurious substances.
 - A fire on the premises would cause pollutants and toxic substances to be washed into the watershed area by sprinkler water and fire hoses.
 - The Windham Master Plan mandates the protection of the water resources of Windham and this plan does not. (specifically Policies one and two)
- This plan is unacceptable when considering both Section 100 and Section 1000 of the Town of Windham Site Plan Regulations. These sections charge this Board to ensure the public health, safety, and general welfare of the public in general and the residents of the immediate neighborhood in particular. The risks to public health by environmental pollution and the risks to public safety by accidental discharge of weapons, and the excessive noise which would be generated, make this plan unacceptable for this site.

Mr. Dubay seconded the motion. Voted six (6) to deny this plan one (1) abstention, Mr. Case. Mr. Case abstained so as not to jeopardize the decision.

The consensus was to continue the Subdivision Amendments public hearing to March 18, 1998.

Meeting adjourned 1:05 A.M.
Mona Feciuch