

PLANNING BOARD MINUTES
JULY 1, 1998

ROLL CALL:

David Dubay-Chairman-Present
Bernie Rouillard-Vice Chairman-Present
Jack Gattinella-Secretary-Present
Wayne Morris-Regular Member-Present
Alan Kachanian-Regular Member-Excused
Thomas Case-Regular Member-Present
Russell Wilder-Alternate-Excused
Margaret Crisler-Selectman-Present
Galen Stearns-Selectmen's Alternate-Present

Mr. Dubay opened the meeting at 7:30 P.M., at the Planning & Development Dept. and recessed to the Windham Middle School.

BUSINESS: Mr. Rouillard motioned to accept, as written, the minutes of June 24, 1998 and Mr. Morris seconded. Passed 6-0.

CORRESPONDENCE: Letter received from Atty. Peter Slipp, representing the Carey Family Trust, an abutter to the Castle Reach Subdivision (on file). State Planning News letter received. Memo received from Mr. Turner regarding the goals and objectives of the Board for 1998. This will be taken up at a workshop, latter in the month. Letter received from an abutter of the Camelot III Subdivision to be addressed at the public hearing. Communication received from the Town of Salem regarding the Walmart expansion. A list of surveyors and natural scientists received from the state licensing board. Mr. Turner reported there was no news on the Langdon/Range Road intersection.

CAMELOT III SUBDIVISION & LOT LINE CHANGE (11-C-2550/3300/1700) - PUBLIC HEARING CONTINUED

Mr. Craig Francisco, of Bedford Design Consultants, Inc., presented the Board with the revisions requested by the Board at the June 24, 1998 meeting. The slopes and grades have been reduced at the intersection of Sheffield Road and a future road to 3.8%. The owner has given 1.5 acres to the Town on Pine Hill Road. Mr. Turner reported he has reviewed the revisions and they meet all the requirements except the intersection grade which requires an explanation by the engineer for any grade in excess of 2%. Mr. Francisco reviewed the 10' fill and the reason for exceeding 2% is due to the topography. The future road will access a landlocked parcel, which if developed could support three lots. Mr. Dubay read the comments from the Police Department (on file). Discussion followed on the sight distance north and south at the intersection of Camelot Road and North Lowell Road. Mr. Turner reported the staff recommends the connector road to Cochran Farm Road because the sight distance is superior to the Camelot/North Lowell Road intersection. The Board reviewed the improvements to Cochran Farm Road and the connection details. Mr. Dubay read the comments from the Conservation Commission and the Fire Department (on file). A letter

was read from abutters, Noreen and Steven Wright. Mr. Case questioned the placement of the cistern. The cistern will be placed on lot 11-C-2550. Mr. Turner reported the connector road is not part of the Coish Subdivision and the drainage and gravel is in place for Mr. Ramey to complete. Mr. Weight, of 14 Camelot Road, expressed his concern with traffic if the connection was made with Cochran Farm Road. Bill Burden was concerned with the negative impact the traffic would have on the existing development. Mr. Michaud, an abutter, asked for speed bumps as his driveway is directly across from the Sheffield Road intersection. Discussion followed with several abutters complaining of trucks and equipment blocking their driveways. Mr. Turner reported no one is allowed to block driveways and the citizen should call the police. Debate followed on the leaving of construction equipment on site for a lengthy time and the removal of a stone wall on the connector road. Mr. Turner stated this was not a boundary but a right-of-way. The connector was needed for school buses, plowing, safety and the splitting of traffic. Mr. Morris questioned the removal of the telephone pole on North Lowell Road to improve the sight distance. Mr. Turner will contact the NH DOT and the telephone company. Mr. Rouillard motioned to approve pending the following stipulations: 1. All remaining work on the previously approved Camelot Plan be substantially completed, i.e., grading, seeding, final paving and drainage; 2. That all construction equipment and materials be removed from site adjacent to the occupied subdivision and placed on the other side of Collins Brook away from development; 3. Bonding or setting of the bounds; 4. Receipt of a performance guarantee for road construction; 5. That the connector road to Cochran Farm Road be paved prior to the fifth building permit being issued on Sheffield Road. Mrs. Crisler seconded. Mrs. Crisler amended the motioned to include bonding of the cistern, stop signs at intersections, and recommend to the Highway Safety Committee the reduction of the speed limit on North Lowell Road, the removal of the telephone pole and to accept the 3.8% slope at the intersection of Sheffield Road. Mr. Morris seconded. Mr. Case questioned the paving on Camelot Road and Mr. Turner explained this was off site improvements on Aberdeen Road and the end of Camelot Road and the town is in receipt of a bond for completion of this work. The amendment passed 6-0 and the main motion passed 6-0.

DESJARDINS SUBDIVISION & LOT LINE CHANGE 14-B-3200/3450 - PUBLIC DISCUSSION

Mr. Wes Aspinwall, of Edward N. Herbert Assocs., Inc., presented the proposed subdivision of two parcels into three parcels.. There is an existing house on 14-B-3200 and the new parcel will be lot 3202 with the residue to go to lot 3450. A discontinued road on the southerly side is called other road on deeds and Mr. Morris questioned the access to town owned land. There are two egresses to the town property, Londonbridge Road and the other road. Mr. Turner reported the proposed subdivision does meet the requirements. Mr. Gattinella questioned the leachbed of lot # 3202 in the WWPD. This is the existing leachbed for lot # 3200 and was built in 1972. Mr. Rouillard motioned to forward the plans to the Fire Dept., Police Dept., Conservation Commission and the Historic Commission. Mr. Morris seconded and passed 5-1 (T. Case opposed).

LEDGE ROAD SUBDIVISION (11-A-200) - PUBLIC DISCUSSION

MHF Design Consultants, Inc., presented a proposed two lot subdivision of 38 Ledge Road, lot 11-A-200. The total acreage is 82 acres and the new lot would be 2+ acres and has state subdivision approval. The soil were mapped by Gove Environmental Services. Mr. Morris questioned the plans for the front lot. Last year a car wash proposal was before the Planning Board. Mrs. Crisler motioned to send the plans to the Fire Dept., Police Dept., Conservation Commission and the Historic Commission, also to send the minutes of the car wash with the plans. Mr. Rouillard seconded. Mr. Case questioned the need to send these plans to the Historic Commission. Passed 6-0.

DJR REALTY SITE PLAN (13-A-31) - PUBLIC DISCUSSION

Mr. Dubay read section 1000 of the Site Plan Regulations to the audience which outlines the duties of the Planning Board. Atty. Henry Hyder, representing the applicant Maurice Brancato, discussed the history of the adult entertainment ordinance. This would be an allowed use for 33 Rockingham Road, as it is located in the area designated for adult entertainment. The state DOT has asked for driveway revisions. Mr. Turner asked, for the record, what the applicant is proposing. Atty. Anthony DiFruscia, business attorney for Mr. Brancato, reviewed the proposed adult book/video store. Mr. Rouillard asked if a preliminary floor was submitted as is required by the site plan regulations. This will be submitted with the application for public hearing. The store will also fall under the cabaret portion of the adult entertainment ordinance. There will be no liquor and no food. Mr. Morris questioned the square footage. It is approximately 1300 square feet. Mr. DiFruscia stated if the client was to put up this business the town would have no other businesses of this nature. Mr. Morris reiterated the uses proposed as adult videos, books, devices and private dancing. Mr. Morris also questioned the accuracy of the newspaper articles, in particular the private booths. Mr. DiFruscia explained there would be possibly two booths and no touching. Mr. Morris questioned the handicap accessibility. Mr. Gattinella requested the uses be specified on the plan in the notes, i.e. books, videos and cabaret. Mrs. Crisler requested the notes specify no food and no alcohol. Mr. Turner explained the newspaper articles were placed in the folder for information purposes. Atty. DiFruscia explained how the story came about and the nude dancing will depend on the amount of space. Mr. Morris asked about the paper towels and waste basket inside the booths in the Haverhill establishment operated by Mr. Brancato. Atty. DiFruscia did not know but hoped to have an answer at the next hearing. Mrs. Crisler questioned the use of the second story of the building. It will be Mr. Brancato's office. Martin DeForge, engineer, reviewed the use of the site. It is currently a mixed use with a towing establishment in the rear. The pavement needs widening and there will be adequate parking. Mrs. Crisler requested information on fire protection, i.e. sprinkler system and the traffic impact on Rt. 111A and Rt. 28. Mr. Dubay requested the signage and lighting be on the final plan. Mr. DeForge clarified the septic system has been designed in case of failure on the septic system now in place. Mrs. Crisler required hours of operation and landscaping be included in the final plan. Mr. Turner explained there are 13 parking spaces and suggested an impact study be done on the effects of this business on municipal services. Mr. Gattinella questioned the signage in place now and felt the newspaper was not part of the record. Mr. Turner stated the applicant will be asking for a waiver of the requirement of HISS mapping unless the Conservation Commission requests this. Mr. Morris asked for a study on the tax impact on surrounding properties. Mr. Case expressed concerned with

trucks using the same entrance for both businesses on the properties. Mrs. Crisler requested comments be submitted from the Board of Health and the Police Dept. advise the Planning Board on legalities. Mr. Warren Monroe verified the ownership of the property as the Rogers family. Rev. Doug Stewart spoke of Mr. Brancato's business in Haverhill not being properly licensed. Father Demers expressed the concern of all the townspeople. Mr. Case suggested the people talk to the Rogers family. Mr. Rudy Pivovar spoke in opposition and he is a direct abutter to the proposal. Mr. Karl Mineholt expressed his opposition and asked Mr. Brancato to change his mind. Mr. Gattinella clarified the ordinance which does not give the Planning Board the authority to legislate morality. Mrs. Mahoney spoke of her move to Windham and finding the town very courteous and was opposed to this type of business in Windham. Mr. Roger Hohenberger was vehemently opposed to this business in town. Mr. Dennis Brown spoke of the health and welfare of the residents of Windham and wished the Board consider the impact of this type of business on the young people. Mrs. Shirley Boyer spoke of the good the Rogers family has done for the town and asked the Rogers family to reconsider. Mr. David Rogers spoke on behalf of this family. He stated that the property was vacant for four months and they could not discriminate. Mrs. Crisler motioned to require a study be done for impact on municipal services and waste disposal, traffic impact study, Police Dept. address the traffic and legality of activities to take place in the establishment, send to the Board of Health for comments, to the Fire Dept., Conservation Commission, remove the newspaper articles, and a study of tax impact for evaluation. Mr. Case seconded. Mr. Gattinella requested a definitive list of activities in this facility. Motion withdrawn. Mrs. Crisler motioned to have studies done on the impact to Police, Fire, waste disposal, traffic on Route 28 and 111A, traffic on 111 and 111A when submitted, Health Dept., including the CEA and tax impact on abutting properties. Mr. Rouillard seconded. Passed 6-0. Mrs. Crisler motioned to send the plans to the Police Dept to address traffic and legalities of activities within the establishment, Conservation Commission, Fire Dept., and Board of Health. Mr. Rouillard seconded. Passed 6-0. Mrs. Crisler motioned to remove the newspaper articles from the files and Mr. Case seconded. Passed 6-0. Mrs. Crisler also questioned the schedule for school buses in the area. Mr. Turner will check the schedule. Mrs. Crisler motioned have the Board designee have the studies done and funded by the applicant. Mr. Rouillard seconded and passed 6-0.

Mr. Rouillard motioned to open and continue the remainder of the July 15, 1998 agenda, Campbell Subdivision, Castle Reach Subdivision and Site Plan and the Exxon Site Plan. Mr. Morris seconded and passed 6-0.

Meeting adjourned 11:35 P.M.

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