

PLANNING BOARD MINUTES
JUNE 16, 2004

ROLL CALL:

Lee Maloney, Chairman – Present
Ross McLeod, Secretary – Present
Walter Kolodziej, Regular Member – Present
Phil LoChiatto, Alternate – Excused
Chris Doyle, Selectmen Alternate – Present

Nancy Prendergast, Vice Chairman – Present
Roy Dennehy, Regular Member – Present
Pam Skinner, Regular Member – Present
Bruce Breton, Selectmen – Present

Ms. Maloney opened the meeting at 7:30 pm.

Ms. Skinner motioned to move Carr Landscaping to the July 7 meeting. Mr. Dennehy seconded. Passed 5-0.

MINUTES:

- Mr. Breton motioned to approve the June 2 minutes. Mr. Dennehy seconded. Passed 5-0;
- Ms. Prendergast motioned to approve the January 14 minutes. Mr. Breton seconded. Passed 5-0.
Mr. McLeod joined the Board.

CORRESPONDENCE:

- Two requests for building permits on Class VI and Private Roads: 1) 72 Turtle Rock Road. Ms. Way discussed staff concerns. Mr. McLeod motioned to inform the Selectmen that the Planning Board would like to have the Selectmen request the applicant to provide a plan for emergency vehicle access during construction, the ability to maintain a through travel way, and a plan for material staging, and obtain comments from the police and fire departments. Ms. Prendergast seconded. Passed 5-0-1. Mr. Breton abstained; and 2) 6 Moulton Road. Mr. McLeod motioned to inform the Selectmen that the Planning Board would like to have the Selectmen request the applicant to provide a plan for emergency vehicle access during construction, the ability to maintain a through travel way, and a plan for material staging, and obtain comments from the police and fire departments. Mr. Dennehy seconded. Passed 5-0-1. Mr. Breton abstained.
- Legal notice from Derry;
- Cancellation letter for Great Mt View Estates site walk;
- Note from Susanne Jortberg expressing interested in being a CIP member. Discussion ensued regarding CIP requests out by June 22;
- Copies of letters to the Selectmen from the Conservation Commission and the Trails Committee regarding Hopkins Road;
- Letter from Herbert Associates regarding Cristy Road conditions of approval. Mr. Wes Aspinwall discussed the road approved at 26' road and built as 28' road. Discussion ensued regarding road length, and permanent cul-de-sac. Mr. McLeod motioned to approve as a minor change to the approved site plan and the change of pavement with from 26' to 28' as presented in light of the following factors: 1) permanent cul-de-sac; 2) existing construction; 3) no fault of the Planning Board; and 4) cost of reconfiguring existing road construction outweighs potential benefits. Mr. Breton seconded. Passed 5-1. Ms. Skinner opposed;
- Letters requesting to remove Great Mt View and Pawtucket Estates from the agenda.

ROAD BONDS:

- Cristy Road, reduce bond to \$101,940. Ms. Prendergast motioned to reduce the bond. Mr. Dennehy seconded. Passed 6-0.

OLD BUSINESS/NEW BUSINESS:

Discussion ensued regarding the Strawberry Festival success, Biothon, and Lake View farm area watering ban.

Mr. Breton motioned to got into non-public as per RSA 91:A legal communications. Roll call. All yes.

Mr. Breton motioned to come out of non-public. Mr. McLeod seconded. No decisions were made.

PUBLIC HEARINGS:

**Flat Rock Road Open Space Subdivision – 2 lots (3-B-260 & 261) – Public Discussion
16 & 18 Flat Rock Road**

Ms. way discussed the subdivision including lots, open space subdivision, location, reconfigure existing lots, acreage, conforming lots, and variance required. Discussion ensued regarding existing 2 buildable lots.

Mr. Matt Hamor, Meisner-Brem, discussed existing lots, preserving wetlands, variance required, and well received by Conservation Commission. Discussion ensued regarding frontage, area to be cleaned up, and soil testing. Ms. Maloney read correspondence from the Conservation Commission.

Public comment from Mr. Tom Case, 8 Simpson Road; and Mr. Mike Salvo, 137 Rockingham Road. Comments included tie into Hadleigh Woods water system, Class VI improvements needed, soils testing needed, Flat Rock Road entrance floods, renaming the roads for safety reasons, Outlook Estates should be revoked because Mr. Salvo was not informed as an abutter, and Mr. Salvo's address.

Mr. Hamor discussed Outlook Estates is a separate issue, a clerical error, discussions with Mr. Salvo regarding Outlook Estates, and Flat Rock Road improvements meeting with the Selectmen. Discussion ensued regarding land ownership, future road improvements, applicant will come back to the Board after variance, and no comments. *Mr. Kolodziej joined the Board.*

**Rolling Meadows Site Plan (14-A-925) – Public Discussion
34 Mammoth Road**

Ms. Way discussed the site plan including 15-units elderly housing development, location, neighborhood business and aquifer protection district, WWPD, dead-end private road, special permit required for well, and driveways, grading plan, and road widths not shown on the plan. Issues include number of elderly housing units allowed, condominium documents, aquifer protection district, and one-story buildings.

Mr. Aspinwall, Herbert Associates, discussed building configuration, zoning, variance, neighborhood business district, acreage, aquifer district, development outside WWPD except for well, topography, and parking. Discussion ensued regarding number of bedrooms, well location, hammerhead, garage, sidewalks, road width, and variance granted needs to be reviewed.

Public comment from Mr. Joe Husson, 3 Cobblestone Road; Mr. Alan Doak, 8 Cobblestone Road; Mr. Paul Sullivan, 10 Cobblestone Road; Mr. Tom Case, 8 Simpson Road; and Mr. Patrick Kusior, 1 Cobblestone Road; Concerns included use of the land, residential area, traffic, number of units, water quality because of the number of septic systems, density of houses, access from Cobblestone Road, doesn't fit the neighborhood, abutters support single family residences, rezoning, elderly housing ordinance requirements, safety issues, age 55 and older vs. elderly, Mammoth and Cobblestone Road intersection, water supply, septic, property values decrease, and alternatives for use.

Discussion included access from Cobblestone Road, 4 residential lots based on soils, number of bedrooms, abutter property values, development plans for 14-A-930, density calculations, status of variance, school impacts, layout, neighborhood impact, 50' setback, acreage, elderly bonuses, and build away from WWPD. Mr. Ken Bergeron, owner, discussed access, and wetlands. Discussion continued regarding dangerous intersection, speed limits, and approved curb cuts.

Public comment continued with Mr. Bill Irvin, 5 Cobblestone Road discussed not being in favor of the project.

The Board discussed sending the plans out for comments from the Highway Safety Committee, fire department, police department, Conservation Commission, transfer station, highway agent, traffic report, drainage study reviewed by Keach, tax rate and Trails Committee.

Windham Farms Site Plan (18-L-300) – Public Discussion

53 Range Road

Ms. Way discussed the plan including temporary greenhouse, temporary tent, outdoor display area, location, zoning, applicant will be affected by the construction of Route 111 and the proposed site plan is provisional, and plants are currently being displayed in the state right-of-way. Issues include parking and ADA access, lighting, signs, display area, consider application as a minor change for a number of years to be determined, and conditions of approval.

Mr. Jeff Pelletier, Windham Farms, answered the Board's questions including seasonal use from April through December, plants in the right-of-way, display areas, state right-of-way, ADA compliance, signs, former building condemned, curbing, staff recommendations, structure will have heater, rope off area during installation, and 12' setback.

Mr. Kolodziej motioned to grant the temporary site plan with the following conditions: 1) Setback of not less than 12' from the edge of pavement should be kept free of the display of all goods; 2) Two portable toilets to be behind the tent (one ADA compliant); 3) Construction area to be roped off; 4) Approval for a maximum of two years; 5) Get building permit and CO before occupancy; and 6) Lighting and signage to be reviewed by staff. Mr. Dennehy seconded. Passed 5-2. Mr. McLeod and Ms. Prendergast opposed.

Mr. Breton motioned to waive the by-laws to hear new business after 10:30 pm. Ms. McLeod seconded. Passed 7-0.

Orchard Blossom Estates – 18 lots (7-B-30 & 8-C-300) – Public Hearing

Off Searles Road

Ms. Way discussed the subdivision including location, 15 residential lots, rural zoning, Phase I, open space, lot frontage, previous agricultural land, plan reviewed by staff and Keach-Nordstrom, and comments incorporated. The application is complete and recommends for public hearing. Mr. Breton motioned to accept for public hearing. Ms. Prendergast seconded. Passed 7-0.

Ms. Way explained the waivers requested. Discussion ensued regarding pavement widths. Mr. Kolodziej motioned to approve the requested waiver of Section 901.13 to allow a 24' wide road where 28' is required in light of the permanent cul-de-sac serving 15 lots. No wider, no narrower. Ms. Skinner seconded. Passed 7-0.

Mr. McLeod motioned to approve the block length reduction to 450', Section 604.2, so as to minimize impact to wetlands and to preserve the George Wilson foundation site, and considering the adequate and safe sight distances. Mr. Breton seconded. Passed 7-0.

Mr. George Fredette, SFC Engineering, discussed no monuments, and deep woods. Mr. McLeod motioned to waive Section 602.11 for property bounds on open space areas and reserve development area, owing to the deep woods characteristics of what would be the permanent boundary markers as noted on the plan by Mr. Fredette, and the points of curvature along the railroad bed trail. Mr. Breton seconded. Passed 7-0.

Ms. Way discussed the Special Permits requested. Impact #1 – The impact involved the construction of a culvert and headwall for treatment swale #1, which is parallel to Searles Road and has been located to avoid disturbances to the George Wilson cellar hole. No public comment. Mr. Kolodziej motioned to grant the Special Permit for Impact #1. Ms. Prendergast seconded. Passed 7-0.

Ms. Way explained Impact #2 – Treatment swale #2 is located within a drainage easement in the open space. The impact involves the construction of a culvert and headwall discharging to a stormwater treatment swale. Mr. Fredette further explained. Mr. Dennehy motioned to grant the Special Permit for Impact #2. Mr. Breton seconded. Passed 7-0.

Ms. Way explained Impact #3 – The location of 2,832 sq ft of Orchard blossom Road and the drainage

associated with the road is within the WWPD. Mr. Kolodziej motioned to grant the Special Permit for Impact #3. Mr. Dennehy seconded. Passed 7-0.

Ms. Way explained Impact #4 – The driveway to lot 7-B-32 was located to provide the safest entrance onto Orchard Blossom Road, and this location is within the WWPD. Mr. Dennehy motioned to grant the Special Permit for Impact #4. Mr. Breton seconded. Passed 7-0.

Ms. Way explained Impact #5 – The cross culvert at station 0 + 92 is located within the WWPD and also required a NH DES dredge and fill application. Mr. McLeod motioned to grant the Special Permit for Impact #5 conditional upon approval of the NH DES dredge and fill approval. Mr. Kolodziej seconded. Passed 7-0.

Discussion ensued regarding development issues including access to rail bed, and off-site improvements. Ms. Maloney read 1) department comments; and 2) letter from Jack McCartney, Highway Agent. Discussion ensued regarding off-site improvements, and staff recommendations.

Mr. Kolodziej motioned to approve the subdivision and site plan subject to: 1) All roads shall have a performance guarantee in for the form of a bond or LOC prior to the recording of the final plans; 2) All state and federal approvals shall be received prior to the start of construction; 3) Any work in the existing town right-of-way shall require a permit from the Board of Selectmen; 4) Applicant shall provide to the Town, prior to the start of construction, evidence that adequate utilities are available to service the proposed development and the proposed location of the utilities within the public right of way; 5) Marking the bounds and bonding of the roads; and 6) Recorded plan to have the seal of a registered land surveyor. Mr. Breton seconded. Passed 7-0.

Mr. Dennehy motioned to adjourn. Ms. Skinner seconded. Passed 7-0. Meeting adjourned 12:00 midnight.

These minutes are in draft form and have not been submitted for approval.
Respectfully submitted, Nancy Charland