

PLANNING BOARD MINUTES
December 1, 2004

ROLL CALL:

Lee Mahoney, Chairman – Excused	Nancy Prendergast, Vice Chairman – Present
Ross McLeod, Secretary – Present	Walter Kolodziej, Regular Member – Present
Phil LoChiatto, Regular Member – Present	Pam Skinner, Regular Member – Present
Bruce Breton, Selectmen – Present	Chris Doyle, Selectmen Alternate – Present

STAFF:

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

Ms. Prendergast replaced Ms. Maloney. She opened the meeting at 7:30 pm.

MINUTES:

- Mr. LoChiatto motioned to approve the October 28 minutes as amended. Mr. McLeod seconded. Passed 6-0;
- Mr. McLeod motioned to approve the November 17 minutes. Mr. Breton seconded. Passed 6-0;
- Mr. Breton motioned to approve the November 28 minutes. Mr. McLeod seconded. Passed 5-0-1. Mr. Kolodziej abstained.

ROAD BONDS:

- Dunraven Road: release \$4,080 and retain \$13,920. Mr. Kolodziej motioned to approve. Mr. McLeod seconded. Passed 5-0-1. Mr. Breton abstained;
- Overton Road: release \$11,168 and retain \$51,168. Mr. LoChiatto motioned to approve. Mr. McLeod seconded. Passed 5-0-1. Mr. Breton abstained;
- Cardiff Road: release \$5,040 and retain \$11,136. Mr. Kolodziej motioned to approve. Mr. LoChiatto seconded. Passed 5-0-1. Mr. Breton abstained;
- Cardiff Road Ext: release \$61,638 and retain \$68,592. Mr. McLeod motioned to approve. Mr. LoChiatto seconded. Passed 5-0-1. Mr. Breton abstained;
- Edinberg Road: release \$113,331.60 and retain \$89,226. Ms. Skinner motioned to approve. Mr. McLeod seconded. Passed 5-0-1. Mr. Breton abstained;
- Leeds Road: release \$73,866 and retain \$48,072. Mr. LoChiatto motioned to approve. Ms. Skinner seconded. Passed 5-0-1. Mr. Breton abstained;
- Ludlow Road: release \$125,558.40 and retain \$49,557.60. Mr. McLeod motioned to approve. Ms. Skinner seconded. Passed 5-0-1. Mr. Breton abstained.

CORRESPONDENCE:

- Request to continue the North Lowell Road Residential Site Plan to the January 5 meeting. Mr. McLeod motioned to grant. Mr. Breton seconded. Passed 6-0;
- Letter from Labrador Enterprises to be moved to the next available meeting. Ms. Skinner motioned to move to the January 5, 2005 meeting. Mr. McLeod seconded. Passed 6-0;
- Request to be a Planning Board alternate. Ms. Ruth-Ellen Post was invited back to meet with the Board next Wednesday at 7:00 pm;
- Request for a building permit on a private road; 17 Lake Shore Road. Mr. Gregory Carlson: replacing current house, variance obtained. Mr. McLeod motioned 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, a plan for material staging, and obtain comments from the police and fire departments. Mr. LoChiatto seconded. Passed 5-0-1. Mr. Breton abstained;
- Letter from Scott Weymouth regarding positive experience working with staff regarding the Shaws Supermarket;
- Technical advisory memo from the RPC;
- Site Plan Development book;
- Affordable Housing Seminar;

- Letter from Alfred Marcelle regarding Bear Hill Subdivision.

OLD/NEW BUSINESS:

Discussion: Windham High School site, Monday 7:00 am site walk, discontinued road, CIP hearing next week, Griffin Park sign.

PUBLIC MATTERS:

Pawtucket Estates Open-Space Residential Subdivision – 4 lots (20-E-200) – Public Hearing 58 Lowell Road

Ms. Way: overview. Mr. McLeod motioned to accept for public hearing. Mr. Kolodziej seconded. Passed 6-0. Ms. Way: reviewed requested waivers. Discussion: bike path. Mr. Kurt Meisner, Meinsner-Brem: acreage, plans, wells, DOT easement, wetland. Ms. Prendergast read department comments. Discussion: waiver, plans, department comments, water supply requirements.

Public comment: Mr. Thomas Siniow, 62 Lowell Road; Mr. Wayne Morris, Trails Committee; Mr. Tom Case, 21 Corliss: concerns: pedestrian easement, cul-de-sac radius, manipulates open space development, trails access, open-space zoning, deed restriction for school bus pick up, has open-space spirit been met, subdivision.

Mr. Meisner: open space access, school bus and fire truck access from Lowell Road, cul-de-sac radius, landscaped island, provide 15' right-of-way with 4' wide path along existing pathway.

Discussion: boundary marker, conventional plan, closed drainage, bike path, cul-de-sac design, school board comments regarding bus stop, staff comments.

Mr. McLeod motioned to approve the requested road width waiver of the typical roadway section from 28 to 26 foot widths in consideration of the small scale of the development and that these roads are not through roads. Mr. Kolodziej seconded. Passed 6-0.

Mr. McLeod motioned to approve the requested waiver of the 4-foot cover requirement in the typical roadway section in consideration of the wetland and the related topography. Mr. Kolodziej seconded. Passed 6-0.

Mr. Breton motioned to continue to January 5. Mr. Kolodziej seconded. Passed 6-0.

Armco Flooring Site Plan – 40' x 40' Warehouse (13-B-74) – Public Hearing 38 Rockingham Road

Ms. Way: overview. Ms. Skinner motioned to accept for public hearing. Mr. LoChiatto seconded. Passed 6-0. *Mr. Doyle replaced Mr. Breton.* Mr. Gerry Forton, Vollmer Associates: project details, Rt 28 widening, land swap, variances obtained, lot merger, wetlands permit, driveway permit. Discussion: stamped plans, display area, parking calculations, sign. No public comment.

Mr. McLeod motioned to grant the waiver of Sections 603 and 607 in consideration of the NH DOT agreement, and include the state plans (reference #2, sheet 1) as part of the plans before the Board. Mr. LoChiatto seconded. Passed 6-0.

Mr. LoChiatto motioned to approve the requested waiver of Section 704.1 as the lots will nearly triple in size after the merger and the project does not propose any increase with the existing septic load, and substituting the state's certification for our requirements. Mr. Doyle seconded. Passed 6-0.

Mr. LoChiatto motioned to grant the waiver of Section 700, which requires wetlands to be stamped by a wetlands scientist. The wetlands delineation was obtained from the NH DOT survey data and is not being challenged by the applicant. The DOT has obtained a wetlands permit as referenced on note 14 on the cover sheet. Mr. Doyle seconded. Passed 6-0.

Mr. McLeod motioned to approve the Special Permit in accordance with the variance. Mr. LoChiatto seconded. Passed 6-0.

Mr. McLeod motioned to approve the plan with the following conditions: 1) The applicant should provide the property bearings and distances and setback lines on sheet 1 of 5 to fulfill Section 603 of the Site Plan Regulations, prior to the issuance of a building permit. 2) The plans should have the seal and

signature of a professional land surveyor or engineer prior to Planning Board signature. 3) All State, Federal and Local permits shall be received prior to the start of construction. 4) Applicant should paint directional arrows and stripes to define three lanes of traffic at the entrance to meet the requirements of Section 615.6.4 of the Windham Zoning Ordinance; Route 28 Access Management Overlay District, driveway width. Mr. LoChiatto seconded. Passed 6-0.

Mr. McLeod motioned to waive the by-laws and hear new business after 10:30 pm. Mr. Doyle seconded. Passed 5-0-1. Mr. Kolodziej abstained.

London Bridge Road Residential Subdivision – 27 lots (20-D-3000) – Public Discussion

10 London Bridge Road

Mr. Turner: overview and development issues. Mr. Peter Zohdi, Herbert Associates: Johnny Hill Road, discontinued road, right to pass and repass, 50' right-of-way to Gage Lands, next development. No public comment. Mr. Everett Ryan, owner: covenants, land for public use, right-of-way size. Discussion: round about, curved roads, send the plans out for comments.

Goodhue Road Residential Subdivision – 2 lots (8-B-5700) – Public Hearing

61 Goodhue Road

Ms. Way: overview, special permit for work in WWPD, no frontage on a town road. Mr. Doyle motioned to accept for public hearing. Ms. Skinner seconded. Passed 6-0. Attorney Mason: frontage, variance. Mr. Zohdi: subdivision, variance. Discussion: waivers, driveway.

Public comment, Ms. Nancy Craddock, 67 Goodhue Road; Mr. John Raymond, 69 Goodhue Road; concerns: well, wetlands, drainage, driveway, wet basement, culvert under capacity. Mr. Zohdi: drainage will stay the same, grading is staying within the property. Mr. Turner: drainage. Discussion: topography for adjacent lots, grades, abutter impacts, distance between lot line and driveway. Mr. Zohdi: he will certify no impact to abutters post development. Attorney Mason: drainage.

Mr. McLeod motioned to approve the requested waiver to Section 605.3 frontage on town road, in consideration of the granted variance. Mr. Doyle seconded. Passed 6-0.

Mr. McLeod motioned to approve the requested waiver of Section 701.1 with the pdf submittal to occur before the plans are signed. Mr. Doyle seconded. Passed 6-0.

Mr. McLeod motioned to approve the requested waiver to Section 701.2.10 for sheet 2 of 7. Mr. Doyle seconded. Passed 6-0.

Mr. McLeod motioned to approve the Special Permit for construction within the WWPD as noted in the construction sequence. Mr. LoChiatto seconded. Passed 6-0.

Mr. McLeod motioned to approve with the following conditions: 1) Erosion control notes should be added to the plan along with details for silt fencing and mulch berms; 2) The applicant should provide a restoration sequence including slope stabilization, for all disturbed areas in the WWPD; Staff should approve this plan prior to construction; 3) The impact to the WWPD shall not exceed the impacts illustrated in the driveway grading plan and the driveway width illustrated on the plans dated August 3, 2004; 4) The 10K and 30K areas should be shown on the plans; 5) Construction details should be provided for the culverts, headwalls and the driveway (cross-section) prior to driveway construction. All documents should be reviewed and approved by the Planning and Development Department; 6) The statement from Section 601.20 should be entered on the plan regarding no alteration of the land within the WWPD; 7) All Federal and State approvals shall be received prior to construction; and 8) Note on the plan certifying that post-development will not result in an adverse differential surface water drainage impact related to pre-development for the abutting properties. Mr. Doyle seconded. Passed 5-1. Mr. Kolodziej opposed.

Jarosky Special Permit (13-D-40) – Public Hearing

5 Harris Road

Mr. Turner: overview, variance granted, WWPD protection. Mr. Doyle motioned to accept and open for public hearing. Ms. Skinner seconded. Passed 6-0. Discussion: state bought portion of the land. Mr.

Zohdi: set back of 150' from Flat Rock Road. Attorney Mason: state took land. Ms. Prendergast read a letter from Christa Foran, Rebecca and Peter LeRoy, 3 Harris Road. Mr. Zohdi: WWPD. Discussion: setbacks, development issues.

Mr. Doyle motioned to approve with staff's recommendations titled "development issues." Mr. LoChiatto seconded. Failed 3-3. Mr. McLeod, Mr. Kolodziej, and Ms. Skinner opposed.

Mr. Doyle motioned to approve the Special Permit with staff's recommendations and staff to send a letter to the state reprimanding them on their land-taking procedures. No second.

Discussion: state left unbuildable lot. Mr. LoChiatto motioned to continue to the January 5 meeting. Mr. Doyle seconded. Passed 5-1. Mr. Kolodziej opposed.

Mr. Doyle motioned to adjourn. Mr. LoChiatto seconded. Passed 6-0. Meeting adjourned at 12:25 am.

These minutes are in draft form and have not yet been reviewed and approved.

Respectfully submitted, Nancy Charland