

PLANNING BOARD MINUTES
February 15, 2006

ROLL CALL:

Nancy Prendergast, Chairman – Present
Ruth-Ellen Post, Secretary – Present
Phil LoChiatto, Regular Member – Present
Neelima Gogumalla, Alternate – Excused
Rick Okerman, Alternate – Present
Alan Carpenter, Selectmen Alternate – Excused

Ross McLeod, Vice Chairman – Present
Walter Kolodziej, Regular Member – Present
Pam Skinner, Regular Member – Present
Steven Griffis, Alternate – Excused
Margaret Crisler, Selectmen Member – Present

STAFF:

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

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

MINUTES:

- Mr. McLeod motioned to reconsider the January 11 minutes. Ms. Skinner seconded. Passed 5-0-1. Mr. LoChiatto abstained. Mr. McLeod motioned to approve the revised January 11 minutes. Ms. Post seconded. Passed 5-0-1. Mr. LoChiatto abstained;
- Mr. McLeod motioned to approve the February 1 minutes. Mr. LoChiatto seconded. Passed 6-0;
Mrs. Crisler joined the Board.
- Mrs. Crisler motioned to approve the February 8 minutes as amended. Mr. Kolodziej seconded. Passed 4-0-3. Mr. LoChiatto, Ms. Post, and Mr. McLeod abstained.

SIGN PERMIT REQUESTS:

- Workout Club for Women, 25 Indian Rock Road. Discussion: May meet sign requirements but cannot approve at this time; a non-conforming ground sign already exists at this location; staff will work with the applicant.
- Just Play Sports, 5 Rockingham Road. Discussion: Tabled to next meeting to allow staff time to review this.

CORRESPONDENCE:

- Letter from Windham Historic District/Heritage Commission regarding historic buildings in the Village Center District;
- Letter from Carol Pynn, Windham Historic District/Heritage Commission regarding Windham's list of historic or unique buildings and sites; the HDC seeks a workshop meeting with us regarding historic properties in town, perhaps in April.
- Notice of Voluntary Merger for Horne Road lots 21-Z-261 & 260. Discussion: Reviewed by Attorney Campbell. Mr. McLeod motioned for the Chairman to sign the Notice of Voluntary with the amendment that "Diane Robey" be changed to "Diane Hugel." Mrs. Crisler seconded. Passed 7-0;
- Notice of Voluntary Merger for lots 22-L-65 & 66 on West Shore Road. Discussion: Reviewed by Attorney Campbell, lot size, and lot location. Mr. LoChiatto motioned for the Chairman to sign the Notice of Voluntary Merger for lots 22-L-65 & 66. Mrs. Crisler seconded. Passed 7-0; Mrs. Crisler requests tax map to accompany all merger requests and staff agrees.
- News article regarding a law suit for a sprinkler system in a school;
- Letter from NH DOT regarding high school access onto Rt 111;
- Letter from the Office of Energy and Planning regarding 13th Spring Planning Conference;
- Town and City booklet;
- Letter from PSNH regarding transmission line easements, procedures and survey requirements, requesting copies of plans we receive that contain PSNH easements, concerned about safety and enforcement issues;
- Letter from NH DES regarding Cops Hill Road Site Specific Permit;
- Letter from the Town of Pelham regarding Castle Hill bridge, and Mrs. Hebert's response;

- Confidential legal correspondence regarding zoning.

Discussion: Castle Hill Bridge and Tallent Road Bridge will be closed on the Pelham side from April to August of 2006, and Selectmen will be meeting with the Pelham Selectmen on March 7 regarding Castle Hill Bridge.

- Letter to continue Ledge Road Subdivision to March 15. Mr. McLeod motioned to grant. Mr. Kolodziej seconded. Passed 7-0.

LIAISON REPORTS:

- Selectmen, Mrs. Crisler: Board of Selectman: Selectmen reconsidered several items on the Warrant Article including Harvest Road and Robert Coole's petition regarding Hopkins Road, Articles 27 and 28 are now "Recommended," School Board Chairman would like to move the high school hearing to the top of the agenda. Ms. Skinner motioned to move the School Board's application for the lot line change to the top of the agenda when it is submitted. Mr. McLeod seconded. Passed 6-0-1. Mr. Kolodziej abstained.

Discussion: Mrs. Crisler motioned to move 46 Lowell Road Site Plan and Pesando Subdivision to March 1. Mr. McLeod seconded. Passed 7-0.

PUBLIC MATTERS:

Great Mountain View Estates – 46 lots – Public Hearing

Off Ryan Farm and Field Roads, lots 24-F-30, 45, 600, 700, 850 & 910

Mr. LoChiato motioned to reopen Great Mt View Estate. Mr. McLeod seconded. Passed 7-0. Mr.

Turner: 65-day deadline is March 10, waivers requested, and special permit. Discussion: Letter from PSNH regarding requirements and regulations, letter from the Town of Pelham regarding Castle Hill Road bridge, Field Road connection, Ms. Prendergast read a letter from the Town of Pelham and Mrs. Hebert's response, the bridge is an issue that needs to be voted upon, and the bridge is red listed because it is narrow one-lane but is structurally fine.

Attorney Peter Bronstein: Gave a summary of Planning Board hearings, applicant has met with David Sullivan in regards to the bridge, \$100,000-110,000 cost for the bridge to be split between the two towns, update of the traffic study in respect of the bridge, donation can be used to rehab the bridge, and this subdivision does not make the traffic more intense.

Jim Gove, Gove Environmental: Discussed a meeting with NH DES regarding stormwater issues, plan corrections at the wetlands level, vernal pool concerns, home locations, catch basin locations, vernal pool monitoring program, addition of stormceptor, construction sequence, revegetation, and wetlands permit process. Discussion: Plans submitted to the State for site specific permit, monitoring programming during construction and for 2 years post construction, monitoring findings go to NH DES, and bonding of monitoring costs as part of road construction.

Karl Dubay, MHF Design: PSNH letter is a standard operating procedure letter, requested the Board to vote on the waivers, special permit and subdivision. Discussion: Bridge donation of \$65,000 to the Town of Windham, and donation can be used for multiple purposes.

Public comment from Jeff Gowen, Pelham Planning Director: Concerns with subdivision impacts to the bridge, red listed bridge, 3-ton limit, Pelham Selectmen would like to meet and discuss to resolve the situation, when the Tallent Bridge is closed for repairs will put stress on the Castle Hill bridge, use of the applicant's donation, wait on a decision on the subdivision until the Town's meet, and a condition of approval should be no construction vehicles to cross the bridge. Discussion: Post no-trucks construction signs at the applicant's expense, state's money is a reimbursement, use of the donation, bridge issue, bridge is not on Pelham's 2006 ballot, continuation of the meeting until after meeting with Pelham, access to the development, impacts to both towns, discussions with Pelham throughout the process, State aid is a reimbursement, needs to be voted on by each Town, bridge is not on either Pelham or Windham 2006 ballot, requests plan be continued to March 1 to allow time for both Towns to discuss the bridge, and cooperate with Pelham's request..

Attorney Bronstein: Contacts with Pelham and responses, asked not hold up the approval for a joint

meeting, and the subdivision can get along with out the bridge.

Public comment from Wayne Martin, 4 Field Road: Concerned with drainage, and Field Road traffic. Mr. Dubay responded.

Jay Koutavas, 15 Field Road: Asked about where the Board was in the process in regards to this application, Conservation Commission concerns regarding the road, would prefer a loop road, concerned that the Conservation Commission not at the meeting, and the road does not make sense. Discussion: Applicant first came in with a loop road, neighborhood connectivity, serious safety issues without the connection, and the Board directed the applicant in this direction.

Attorney Bronstein: The applicant increased the donation to \$110,000.

Mr. Gowen: Withdrew his request about waiting on the approval because the donation helps get the bridge getting taken care of, and he appreciates the innerconnectivity.

Mr. Koutavas: Premature to close the meeting because the Conservation Commission is not present. Discussion: Concerns are being heard, last week's Conservation Commission meeting, and the increased offer to fix the bridge.

Mr. McLeod motioned to approve the waiver of 601.1 in consideration of the fact that the applicant has demonstrated the drainage pipe can handle the additional velocity. Mr. LoChiatto seconded. Passed 7-0.

Mr. McLeod motioned to approve the waiver of 602.6 in consideration of the unique geometry of the street intersection and the road layout of the property. Mr. LoChiatto seconded. Passed 7-0.

Mr. McLeod motioned to approve the waiver of 602.10 in consideration of the unique geometry of the street intersection and the road layout of the property. Mr. LoChiatto seconded. Passed 7-0.

Mr. McLeod motioned to approve the waiver of 702.7 in consideration of the project's scale. Mr. LoChiatto seconded. Passed 7-0.

Mr. McLeod motioned to approve the Special Permit for the WWPD as per staff comments. Mr. Kolodziej seconded. Passed 7-0.

Mr. McLeod motioned to approve the subdivision plans as amended February 9, 2006 subject to the following: 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 maker 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; and 15) Updated plans shall be incorporated into the final plan set. Mr. Kolodziej seconded. Passed 7-0.

33 Rockingham Road Site Plan – Public Hearing

33 Rockingham Road, lot 13-A-31

Mr. Turner: Board gave the applicant 90 days to come back to the Board with a site plan, Rt 28 right-of-way changed, front building torn down, what is on the site currently, site plan waiver, no new construction or changes to the site other than DOT work, plans are complete and recommends to be accepted for public hearing. Mrs. Crisler motioned to accept for public hearing. Ms. Post seconded. Passed 7-0.

Mr. Turner: Approved for retail use, and state and federal approvals shall be received prior to signing of the plans. Discussion: Signage, and ADA compliance.

Dennis Rogers, owner: Sign relocation by the State outside the right-of-way, and sign will not change. Discussion: DOT authority, to relocate signs does not require Planning Board approval, one parking space may be too close to entrance for safety, stripe off that parking space, and no waiver concerns.

Mr. LoChiato motioned to grant the waiver to site plan regulations. Mrs. Crisler seconded. Passed 7-0. No public comment.

Mrs. Crisler motioned to approve with the following conditions: 1) Reduce parking spaces from 10 to 9 by removing one next to the driveway entrance; and 2) State and federal approvals shall be received prior to signing of the plans. Ms. Post seconded. Passed 7-0.

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

Next To Nothing Site Plan – Public Hearing

7 Rockingham Road, lot 13-A-4

Mrs. Hebert: Conceptual discussion in November, approximately 7000 sq ft, 2-story building, acreage, and ready for public hearing. Mrs. Crisler motioned to accept for public hearing. Mr. McLeod seconded. Passed 7-0.

Mrs. Hebert: Variance granted for the parking inside the setback, and waiver for section 704.1. Discussion: Drainage, property location, adjacent to the railroad bed, applicant has agreed to an evergreen tree buffer, parking spaces, retaining wall, staff would like to work with the applicant regarding the lighting plan, concrete wheel stop along the retaining wall, guardrail, and signs need approval.

Roy Tiano, project engineer: Have addressed CLD comments, required to join into the new drain line along Rt 28, catch basins, landscaping, three handicapped spaces, transformer location, turn around area, wheel out dumpster, driveway permits submitted to the State, property line change, sidewalk, 30' driveway radius, Rt 28 will be a five-lane road, 2 lanes in each direction with a center turning lane, and lighting.

Discussion: Deliveries, no truck dock, no residents in the area, tree screening for rail trail, fence around the dumpster, visual barrier along retaining wall, architecture, pale yellow building with green roof, looks like clap board, Board needs color rendering of architectural design, selling of books and videos, overnight parking, fire department access, Ms. Prendergast read the department comments, NFPA requirements, and Mr. Turner will discuss with the fire chief. No public comment.

Mr. LoChiato motioned to grant the waiver from section 704.1 of the Site Plan Regulations. Mrs. Crisler seconded. Passed 7-0.

Mrs. Crisler motioned to approve the application with the following conditions: 1) Applicant to work with staff to incorporate a guardrail to create a visual barrier where the parking and retaining wall come together; 2) All state, federal, and local approvals shall be received prior to the start of construction; 3) A separate sign application shall be submitted for Planning Board approval prior to occupancy of the

building. The Board will review the graphic layout of each proposed tenant sign for conformance to the Town's sign regulations; 4) Work with staff to revise lighting plan. All light fixtures shall be certified as dark-sky friendly and the lighting plan should be updated to reflect the new fixtures; 5) Submittal of colored 11" x 17" architectural rendering of 4 sides of the building with color samples for review and approval of the Board; 6) Correct sign height from 14' to 12'; 7) Incorporate all DOT changes to 5 complete sets of plans; and 8) Correct the plant count on landscaping plan. Ms. Post seconded. Passed 7-0.

Discussion: Saturday's site walk cancelled and the public discussion should be rescheduled.

Mr. Kolodziej motioned to adjourn. Mr. LoChiatto seconded. Passed 7-0. Meeting adjourned at 11:20 pm.

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

Respectfully submitted, Nancy Charland