

PLANNING BOARD MINUTES

March 21, 2007

ROLL CALL:

Phil LoChiatto, Chairman – Present	Ruth-Ellen Post, Vice Chairman – Present
Nancy Prendergast, Secretary – Excused	Walter Kolodziej, Regular Member – Present
Ross McLeod, Regular Member – Present	Pam Skinner, Regular Member – Present
Neelima Gogumalla, Alternate – Present	Rick Okerman, Alternate – Excused
Margaret Crisler, Selectmen Member – Present	Alan Carpenter, Selectmen Alternate – Excused

STAFF:

Al Turner, Director of Planning and Development – Present
Shaun Logue, Town Planner – Present

Mr. LoChiatto opened the meeting at 7:30 pm. Ms. Gogumalla replaced Ms. Prendergast.

ELECTED MEMBERS:

- Mrs. Crisler swore in Ruth-Ellen Post and Walter Kolodziej for three-year terms as a result of the March 13 election.

BOARD REORGANIZATION:

- Mr. McLeod motioned to nominate Ms. Post as Chairman, Mr. McLeod as Vice Chairman, and Ms. Prendergast as Secretary. Mrs. Crisler seconded. Board discussion regarding block nomination. Passed 4-3.

Mr. LoChiatto was thanked for an excellent year of service as Chairman. Board members took their new positions. Ms. Skinner left the Board because of illness.

MINUTES:

- Mr. McLeod motioned to approve the revised February 21 minutes. Mrs. Crisler seconded. Passed 5-0-1. Ms. Gogumalla abstained;
- Mrs. Crisler motioned to approve the February 28 minutes. Mr. McLeod seconded. Passed 5-0-1. Mr. Kolodziej abstained;
- Mrs. Crisler motioned to approve the March 7 minutes. Mr. McLeod seconded. Passed 5-0-1. Ms. Post abstained.

SIGN PERMITS:

- Trimmers Landscaping, 17 Mammoth Road. Mr. Turner: We received the information the Board requested today, the sketch has been modified, and the sign will be 10' from property bounds. Board discussion with the applicant, Eric Skinner: The sign is not illuminated, the sign meets the requirements, and the size requirements are met. Mr. McLeod motioned to approve the design of the Trimmers sign. Mr. LoChiatto seconded. Passed 6-0;
- Bank of New England, 58 Range Road, replaces the current Southern NH Bank signs. Jason Perrillo, Back Bay Sign: The institution has changed their name, and it is a face change with the only exception to the wall sign which will have a panel on the brick to cover any damage to the brick. Board discussion: Is it 10% or less of the façade? Mr. McLeod motioned to approve the design specifications of the Bank of New England sign as presented except for the window/wall signs. Mrs. Crisler seconded. Passed 6-0.

CORRESPONDENCE:

- Email from Mr. Turner regarding recommending that the Planning Board reconsider their motion

regarding 9 Princeton Road. Mr. McLeod motioned to reconsider the motion not to accept the Goyette Special Permit public hearing. Mr. LoChiatto seconded. Passed 6-0. Mr. McLeod motioned to not accept the Goyette Special Permit for public hearing because of non-compliance of Section 601.4.8 of the Zoning Ordinance, specifically there is no evidence that a plan was submitted to the Conservation Commission and there is no documented evidence of compliance with Section 601. Mr. LoChiatto seconded. Passed 6-0;

- List of upcoming events for CTAP. Mr. Stearns has resigned and a replacement is needed, the topic will be discussed at the April 2 Selectmen meeting, does the Board have nominees? and CTAP has a busy schedule;
- Flyer from the US Census Bureau regarding LUCA Information Workshops;
- Notice regarding DES Annual Drinking Water Protection Workshop;
- Letter from Attorney Campbell regarding Londonbridge Road improvement donations. Mr. Turner further explained the letter, and he will get clarification of the procedures from Attorney Campbell. Board discussion: Ask staff to get Salem's procedures, and the Board to discuss at next week's workshop meeting;
- Letter from Attorney Peter Loughlin regarding McIntosh Hollow. Mr. Turner further explained the letter and Attorney Campbell is reviewing. Board discussion: Crossing the rail-trail? The Town Attorney should review. Mr. Okerman: This is in response to a March 8, 2007 letter from Mr. Nassar;
- Email regarding a professional develop course offered named Comprehensive Planning;
- Brochure for 2007 Local Official Workshops;
- Confidential legal communication from Attorney Campbell regarding affordable housing;
- Letter from Attorney Campbell regarding and upcoming meeting for the Windham High School lot line relocation and right-of-way.

LIAISON REPORTS:

- Mrs. Crisler, Selectmen: The Selectmen reorganized. Mr. Carpenter is the Chairman and Mr. Senibaldi is the Vice Chairman. *Mr. Okerman joined the Board and replaced Ms. Skinner.*

PUBLIC MATTERS:

Willows Site Plan – 21 units – Public Hearing Continued

Mammoth Road / Rt 28, lots 14-A-925 & 930

Mr. McLeod motioned to reopen the public hearing. Mr. LoChiatto seconded. Passed 7-0. Mr. Turner stated that the Willows will be 21-units, 8 units accessed from Cobblestone Road on a 400' private road, the remaining units will be accessed from Mammoth Road, the Board has been waiting for the book which describes the essential services. Studies completed include a drainage report, aquifer determination study, the edge of all wetlands were delineated, and on-site H.I.S.S. Soils were conducted.

A variance was granted on January 11, 2005. The applicant is requesting Special Permits for pedestrian pathways, drainage grading, a well, and two foundation drains within the WWPDP. The applicant is requesting a waiver from Section 702 of the Site Plan Regulations to not show all of the single trees with a diameter of 12" or greater. Development issues include: The Applicant will need to provide assurance and evidence that the age-restricted units will remain occupied by qualifying persons, even upon resale; As part of the approval mechanism, the Planning Board should document that sufficient facilities and services are available to support the physical or social needs of older persons 55 or older, and provide assurance and evidence that these services will continue; The proposed project will need to be consistent with the requirements of State law (RSA 354-A:15 (IV)), Federal Fair Housing law and the Windham Zoning Ordinance, Section 610.8.1; The Planning Board may want to discuss the strengths, weaknesses,

opportunities and threats (S.W.O.T) that the project presents over similar senior facilities in Town; Unless and until the Town prevails in the current proceedings before the Human Rights Commission, it would be prudent for the Board to presume that the “spouse” exception may violate State law and therefore, the Board must require compliance with the law. Attorney Campbell believes that requiring all persons to be over the age of 55 (as was done in Hadleigh Woods) does comply with State law; The Applicant may want to propose or discuss the possibility of providing a recreation center onsite; The Applicant should discuss Sections 610.8.1, 610.8.2, 610.8.3, 610.8.4 and 610.8.5 of the Windham Zoning Ordinance and how they relate to the proposed ‘Willows’ development; The Applicant should provide a summary detailing what makes this project unique over other senior housing developments in Town; The Applicant should discuss and answer the three questions pertaining to each of the programs provided in the summary handout: 1) Location of such facility; 2) if the program is provided by the Applicant or the Town; and 3) is the program specifically designed for older persons?; The Applicant should discuss how the Proposed Covenant for Declaration of Condominium and how it will be enforced now and in the future.

Attorney Mason distributed books and a summary to the Board. The summary includes letters from area service providers, a list of 21 items of significant facilities and services which are located on site for needs of older persons, and the book includes information of needs of older persons. Attorney Mason offered to answer any Board questions, and the applicant would offer to pay to have Attorney Campbell review the documents.

Board discussion: The burden should not be put on Attorney Campbell to review the document.
Attorney Mason: The Board can ask for Attorney Campbell’s opinion but not for a yes or no vote.
Board discussion: Table the discussion until the Board can review the book as there is too much information to have a meaningful discussion. Mr. LoChiatto motioned to table the discussion until the Board members have a chance to review the documents submitted. Mr. Kolodziej seconded. Board discussion: continue to a time and date certain. Attorney Mason offered to give Attorney Campbell a copy of the book. Mr. LoChiatto amended his motion to continue to the April 4 meeting. Mr. Kolodziej seconded. Mr. Turner asked for a point of order because there is more information that needs to be presented to the Board. Mr. LoChiatto tabled his motion.

Attorney Mason stated that the book provides general information regarding social activities and services that are available to meet the needs of older persons, there are handouts from service providers for this community, enforceability aspect for the community, significant facilities on site, Attorney Mason further reviewed the summary sheet. Board discussion: Issues of concern include Attorney Campbell’s opinion, and giving the Board more time. Mr. Turner suggested to not turn it over to Attorney Campbell, the Board should make the determination, and he received a call from CART (Cooperative Alliance for Regional Transportation) who is impressed with Mr. Bergeron and are looking to fund CART though elderly housing projects.

Board discussion: Not sending the book to Attorney Campbell as the Board may have other questions,
Attorney Mason: The Board is the decision makers, and he wants the Board to make an informed decision. Mr. LoChiatto untabled his motion to continue to April 4. Attorney Mason offered to extend beyond the 65-day deadline. Mr. Kolodziej seconded. Passed 7-0. Mr. Turner: There are still other issues beside the covenants and the book.

Cyr Lumber Special Permit – Public Hearing
39 Rockingham Road, lot 13-A-33

Letter from Herbert Associates requesting to withdraw the application. Mr. LoChiatto motioned to

accept the withdrawal. Mr. McLeod seconded. Passed 6-0-1. Mrs. Crisler abstained.

Site Plan and Subdivision Regulations – Discussion

The Board went into a workshop session to discuss the site plan and subdivision regulations.

Mr. LoChiatto motioned to adjourn. Mr. Kolodziej seconded. Passed 7-0. Meeting adjourned at 9:30 pm.

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

Respectfully submitted, Nancy Charland