

PLANNING BOARD MINUTES
November 28, 2007

ROLL CALL:

Ruth-Ellen Post, Chairman – Present	Ross McLeod, Vice Chairman – Present
Nancy Prendergast, Secretary – Excused	Walter Kolodziej, Regular Member – Present
Phil LoChiatto, Regular Member – Present	Pam Skinner, Regular Member – Present
Neelima Gogumalla, Alternate – Not Seated	Rick Okerman, Alternate – Present
Alan Carpenter, Selectmen Member – Present	Margaret Crisler, Selectmen Alternate – Excused

STAFF:

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

- *Ms. Post opened the meeting at 7:00 pm;*
- *The Board stood and recited the Pledge of Allegiance;*
- *Ms. Okerman replaced Ms. Prendergast.*

MINUTES:

- Mr. LoChiatto motioned to approve the November 14 minutes. Mr. Okerman seconded. Passed 5-0-2. Mr. Carpenter and Ms. Post abstained.

CORRESPONDENCE:

- Copy of a Citizen Petition to change the zoning on 3 Cobbetts Pond Road;
- Letter from Anitra and Todd Brodeur regarding purchasing 19 Seavey Road. This letter should be directed to the Selectmen;
- A revised letter from David Sullivan regarding a request for warrant article language for the discontinuance of pedestrian trail easement;
- Public hearing notice from Derry regarding a 4-lot subdivision;
- Public hearing notice from the NH Office of Energy and Planning regarding a housing and conservation planning program;
- An email from Plan NH for a call for Charette applications;
- Flyer title “Consequences on Land Use Policy: Why and How NH Communities Can Grow Smart”;
- Flyer titled “The Development Approval Process in NH”;
- Town and Country publication.

ROAD BONDS:

- Burnham Road, partial release of \$1,101,907.20 and retain \$50,964. Board discussion regarding what the retained money will cover, if Mr. Turner is not available a note should be attached to the bond release, and hold the release to next week;
- Clark Farm Road, partial release of \$87,146.40 and retain \$29,400. Mr. McLeod motioned to approve the partial release as stated. Mr. Kolodziej seconded. Passed 6-0-1. Mr. LoChiatto abstained;
- The Board revisited the Burnham Road bond as Mr. Turner and Mr. McCartney have signed off on the release. Mr. LoChiatto motioned to approve the Burnham Road release. Mr. McLeod seconded. Passed 5-1-1. Mr. Carpenter opposed, and Ms. Post abstained;
- Scotland Road, partial release of \$15,861.60 and retain \$6,720. Mr. McLeod motioned to approve the partial release as stated. Mr. Kolodziej seconded. Passed 6-0-1. Mr. LoChiatto abstained;

- Buckhide Road, partial release of \$10,233.60 and retain \$22,922.40. Mr. McLeod motioned to approve the partial release as stated. Mr. Kolodziej seconded. Passed 6-0-1. Mr. LoChiatto abstained.

SIGN PERMIT:

The Masiello Group, 33 Indian Rock Road. Ms. Post read the application and distributed photographs to the Board. Board discussion regarding it is a minor change. Mr. McLeod motioned to approve the sign permit application as presented. Mr. Kolodziej seconded. Passed 7-0.

LIAISON REPORTS:

- Mr. LoChiatto, CIP: The CIP to meet tomorrow evening, they are doing the final evaluation, the meeting time has been changed to 6:00 pm.
- Mr. Carpenter, Selectmen: Budget meetings are occurring every Monday and Thursday for the next few weeks, the meeting on December 3 is in regards to the concept of using Town property for a community water system for the Village Center, and the meeting on December 10 will be to review the blasting ordinance and noise ordinance.

OLD/NEW BUSINESS:

- Mr. Kolodziej requested a short recess. Ms. Post granted a five-minutes recess. The Board reconvened and discussed that the Trimmers' abutters were not properly notified, they will not be heard this evening, and they will be on the next available agenda;
- Letter from Herbert Associates requesting to continue the Clarke Farm North Elderly Housing to the December 5 meeting. Mr. Kolodziej motioned to grant the request. Mr. LoChiatto seconded. Passed 6-0-1. Mr. McLeod abstained;
- Mr. Logue stated that Bein Soinge Day Spa has withdrawn their application;
- Letter requesting to continue the Pelletier Subdivision public hearing to early January. Mr. Kolodziej motioned to continue to January 16, 2008 at 7:30 pm. Mr. McLeod seconded. Passed 7-0.

PUBLIC MATTERS:

Butler Subdivision – 11 lots – Public Discussion Continued **Wilson Road, lot 24-F-1120**

Mr. Logue reviewed the application including 11 residential lots, it is 26.4 acres in the rural zoning, it is partially in WWPDP, he explained the location of the property and the access, the Highway Committee has met regarding this plan, he showed the existing trail which traverses the lot, and he reviewed the outstanding issues.

Joseph Maynard, Benchmark Engineering, stated at the last meeting the Board wanted input from the departments, the fire and police departments do not have a problem with the plan, the fire department had some conditions and Ms. Post read a letter from the fire department. Mr. Maynard read the minutes from the Highway Safety Committee and submitted them to the Board. Board discussion with Mr. Maynard regarding the temporary cul-de-sac. Mr. Maynard described the stubs that have been blocked by land purchases, there is a court case on file from the 1930's regarding a town road on the property, looking to discontinue the Butler portion of the road as a Citizen's Petition similar to the Bissell Camp Road discontinuance, and the regulations allow for a 2400' road and the road is not at the limit for this property. Board discussion regarding the length of road from Lowell Road, still only has one-way-in and one-way-out. A lengthy discussion followed regarding Attorney Campbell's interpretation of a cul-de-sac, retracing the steps in-and-out of the subdivision, road length from Lowell Road, and cul-de-sac being built at the end of another cul-de-sac.

Mr. Maynard stated that Presidential Estates went to court because it is a loop road and not a cul-de-sac, he discussed the methods of measuring a cul-de-sac length, the Town road goes to Timberlane Road and possibly through someone's home, looking for direction from the Board to proceed with the subdivision, the next parcel could possibly make a road connection, he is measuring from the nearest intersection that loops as directed by Mr. Turner, and not trying to dead end the next property.

Board discussion regarding the reason for cul-de-sac lengths is for traffic circulation and public safety, the Board needs a reasonable expectation of another way out, and can't support without it. Mr. Maynard stated that the ordinance allows 2400' with certain requirements, and he is meeting those requirements as he is under the 2400'.

Board discussion continued regarding a diagram sense of the cul-de-sac, the interpretation of a cul-de-sac and the radius, the zoning ordinance definition of a cul-de-sac and temporary cul-de-sac were read, Attorney Campbell's letter is old, and the Highway Safety Committee okayed a temporary cul-de-sac but may not have okayed a permanent cul-de-sac. Mr. Maynard stated that Mr. Turner knows the future development potential and he brought it to the attention of the Highway Safety Committee, he wants to resolve the issues before extensive engineering is done, offered to do some research but does not want to do that if it's not going to go anywhere, the other issues for the subdivision are minor. Board discussion regarding showing the "temporary" of the temporary cul-de-sac. Mr. Maynard stated that is out of his hands as he is stubbing it for the next property,

Mr. Maynard read Section 602.8 of the zoning ordinance. Board discussion regarding Mr. Maynard is doing what other developments have done, the next property may develop their property with the temporary cul-de-sac, and three of the lots have a lot of area in the WWPD. Mr. Maynard stated the lots meet all the requirements including the buildable area, and the slopes and soils are good. Board discussion regarding making symmetric lots, based on past actions of the Board there is not a reason not to go ahead, the Town has won in court regarding cul-de-sac lengths, and there is a total of 47 lots between the Butler Subdivision and Presidential Estates.

Board discussion regarding the on-going discussion regarding the cul-de-sac has been discussed at great length, and should the public discussion be continued?

Mr. Maynard asked if the Board is in support of the discontinuance of the old road. Board discussion regarding they are okay with discontinuing the road with a new road built to Town standards, the old Town road is currently a walking trail and should get the input of the Trails Committee

Mr. Kolodziej motioned to adjourn. Mr. McLeod seconded. Passed 7-0. Meeting adjourned at 8:55 pm.

These minutes are in draft form and have not yet been reviewed and approved.
Respectfully submitted, Nancy Charland