

**PLANNING BOARD MINUTES**  
**February 20, 2008**

**ROLL CALL:**

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

**STAFF:**

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

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

**MINUTES:**

- Mr. McLeod motioned to approve the February 6 minutes. Ms. Prendergast seconded. Passed 4-0-2. Mr. Carpenter and Ms. Post abstained.

**CORRESPONDENCE:**

- Letter to the Board of Selectmen regarding the option agreement for the post office site, and a letter to the Planning Board regarding the option agreement for the post office site. This will be discussed under Old/New Business;
- Letter to Herbert Associates regarding several bond releases;
- Letter to Rebecca Zachas from David Sullivan regarding a protest petition;
- Rockingham Planning Commission meeting notice and agenda;
- Email from Bruce Mayberry regarding the public safety fees second draft;
- Email from Jennifer Czysz regarding housing and conservation planning program grants;
- Letter from NH DES regarding an alteration of terrain permit for lot 14-A-925 & 930 for Kenneth Bergeron;
- American Planning Association flyer on available books.

**SIGN PERMIT:**

XXXPosed of Windham, Inc. LLC, 53 Rockingham Road, lot 13-D-80. Board discussion regarding it is a manual changeable copy sign that is allowed in this district, meets the square footage requirements, do not like the red background, and do not like the graphic. Mr. McLeod motioned to approve the sign as requested. Mr. Carpenter seconded. Board discussion that it meets the requirements, we encourage the dark background, and will probably get complaints but it meets the design guidelines. Passed 6-0.

**OLD/NEW BUSINESS:**

Board discussion of the post office approval in regards to access to the land behind the post office, a condition of approval for the post office was an easement, the option was not documented as part of the plan, the Housing Authority wants to use the option, Selectmen have asked the Planning Board to get the option signed, and it is an administrative matter. Mr. Turner wants the Selectmen to have one more look at it as it is a different Board of Selectmen. Discussion ensued regarding what the process should be,

Attorney Campbell has written a lengthy letter regarding this, Board members should read the letter, can't change the agreement without reopening the hearing, and will discuss this at the next meeting.

#### **LIASION REPORTS:**

Ms. Skinner, Conservation Commission: the Commission voted 4-3 for the land swap for the high school.

*Mr. LoChiatto joined the Board.*

#### **PUBLIC MATTERS:**

##### **Spruce Pond Development Agreement**

Mr. Turner stated that there is an updated agreement that was emailed to the Board. Ms. Post read a letter from Attorney Bronstein regarding the Spruce Pond Development Agreement. The Board tabled this discussion to later in the evening.

##### **Pelletier Amended Subdivision – 2 lots – Public Hearing Continued** **66 West Shore Road, lot 22-L-1**

Mr. Turner stated that the applicant and abutters are not present though they were notified, the plan had a survey error, and the Highway Safety Committee recommended denying the plan as a 14' road fails to meet the minimal road standards. Mr. McLeod motioned to open for public hearing. Ms. Skinner seconded. Passed 7-0.

Board discussion the plan was approved with a 32' right-of-way, a survey error was found after the approval, and it requires an amended plan. Mr. Turner reviewed the circumstances of events. Board discussion regarding not meeting NFPA road standards, and the plan should be denied. Mr. Turner showed the right-of-way on the plan, the Highway Safety Committee reviewed the plans and recommended it be denied as it does not meet the standards. Board discussion as to why it is not a shared driveway.

Mr. Carpenter motioned to deny the plan based on the determination that 14' road widths fail to meet minimal standards of the width of a Town roadway, and the Highway Safety Committee comments that the road width fails to meet NFPA Standards and they do not recommend the reduction in road width. Mr. McLeod seconded. Mr. Logue stated that the engineer said he would be here tonight with an amended plan, but the engineer is not here. The Board asked to see the Highway Safety Committee letter. Passed 7-0.

##### **A-Top Polymers Parking Lot Site Plan & Special Permit – Public Hearing Continued** **47 Rockingham Road, lot 13-D-90 & 95**

Mr. Turner stated the plan is for 47 Rockingham Road, the previous public hearing was continued because a variance was needed and more information was needed for the Special Permit. Mr. McLeod motioned to reopen for public hearing. Mr. LoChiatto seconded. Passed 7-0.

Mr. Turner described the plan including the building location, parking lot reconfiguration, it will have more parking spaces with 9,354 sq ft of less pavement, the driveway will be upgraded to be safer, one driveway will be closed off, there will be a treatment swale in the back, 31 parking spaces (27 required) and 2 will be designated for handicapped persons. Variances were requested because the parking and building are in the WWPD, variances have been received, also received the DOT driveway permit, it is a minor site plan approval, and staff are changing the site plan regulations to not require the waiver for minor site plan approval.

Board discussion regarding the lot merger will be done through the Assessor's Department, hard to tell how many parking spaces are currently there because it is an odd design, it was built without approvals, staff feels it meets the requirements for a minor site plan change, and the plan was accepted as a minor site plan at the previous meeting.

George Fredette, SFC Engineering, stated that he didn't have anything to add as Mr. Turner described the plan as safer, greener, and better. Board discussion regarding that the business is administrative office space and a cleaning company, and no toxic materials. Mr. Fredette showed the drainage on the property. Board discussion continued with Mr. Fredette regarding handicapped access, not choosing to build the handicapped ramps, not required as they are not rehabbing the building, building the ramps would be the right thing to do, a handicapped person with a cane works there currently, and they will install a ramp when the person cannot make the stairs. No public comment.

Mr. LoChiato read the requested waivers. Mr. LoChiato motioned to grant the following waivers of Section 800 of the site plan regulations: to grant the waiver from section 801 general floor plans and exterior sketches as it is an existing building, and from section 813 drainage computations for a 10-year storm in light of the fact that the impervious surfaces have been reduced by over 9,000 sq ft and drainage improvements have been made. Mr. Carpenter seconded. Discussion regarding what is being waived, and the motion was amended to the correct sections. Passed 7-0.

Mr. LoChiato motioned to approve the minor site plan for A-Top Polymers at 47 Rockingham Road. Ms. Skinner seconded. Discussion that the 30' pole lamps will remain, they were put in place years ago as a request from the police department, light pollution is a concern, it is not a residential area, the security problem was from 20 years ago, the Board has removed pole lamps in the past, and the Board can change the lighting on a minor site plan. Mr. Fredette showed the lights on the plan, they are mounted on the telephone poles, the poles are 120-150' apart, not a problem in this district, and have never received a complaint about the lights. Passed 6-1. Mr. McLeod opposed.

Mr. Fredette stated that a Special Permit is also requested, they are altering the land within the WWPD, pavement is being removed and making it greener, treatment is being introduced to the storm water runoff, has the endorsement of the Conservation Commission, and he reviewed the requirements of a Special Permit. Board discussion regarding another waiver is needed. Mr. McLeod motioned to waive Section 603.3.3 a & b of the site plan regulations in consideration of the existing and proposed changed conditions that will result in a marked benefit to WWPD protection. Mr. Carpenter seconded. Passed 7-0.

Mr. McLeod motioned to approve the Special Permit in consideration of the marked increase in the WWPD protection that this design affords. Ms. Skinner seconded. Passed 7-0.

**Graff Subdivision – Public Hearing**  
**41 Londonderry Road, lot 5-A-200**

Mr. Logue stated the applicant is requesting to subdivide lot 5-A-200 into 2 lots, 1 single-family lot of 2 acres and the other lot of 9.77 acres to be deeded to the Conservation Commission. The property is located at 41 Londonderry Road, in the rural zoning district, and partially in the WWPD. The land being deeded to the Conservation Commission will have approximately 250' of frontage on Londonderry Road, and the discontinuance of approximately 5,313 sq ft portion of the Westerly line of Londonderry Road is to be conditional on the approval. Staff reviewed the plans, wetlands are delineated, and soil types have been calculated. The barn was built in the right-of-way, and there is a petition on the warrant to discontinue a portion of Londonderry Road. Mr. Logue reviewed potential conditions of approval,

and he recommended it for public hearing. Mr. McLeod motioned to open for public hearing. Mr. Carpenter seconded. Passed 7-0.

Wes Aspinwall, Herbert Associates, further described the plan including leaving 2 acres for the existing house and barn, Mr. Graff was a long time resident, the property is in a trust, in Mr. Graff's will he is leaving the land to the Town, the home will be left to his heirs, the boundary line issue is not a common problem now but did occur years ago, the right-of-way goes through the barn but the travel way does not, he has discussed this with Attorney Campbell, it will be on the Town warrant, witness points have been set and exist on the site, and all outside approvals are in hand.

Public comments from Kyle Moniz, 49 Londonderry Road, representing his parents, asked if any roads or cul-de-sac will be built. It was explained that the land will be given to the Conservation Commission and it should stay in its natural state.

Mr. Carpenter motioned to approve the subdivision as presented with the following conditions: 1) All state, federal and local approvals shall be received prior to the recording of the plans; 2) All property bounds that are adjacent to Town property or right-of-ways shall be marked with granite (4" sq x 36" long) and shall be installed level with the final grade. All other corners shall be marked with permanent boundary markers (stone or iron or off sets as shown on the plan); 3) Stone walls should be retained in place on the Conservation Land, stonewalls should be retained in place, relocated or stockpiled for future use on the residential parcel; 4) Discontinuance of approximately 5,313 sq ft of land of the Westerly line of Londonderry Road (Parcel "A"); 5) Copy of final plans sent to the Conservation Commission; 6) conditioned on passage of the relevant warrant article by the voters on March 11. Mr. McLeod seconded. Board discussion regarding the stonewalls. Passed 7-0.

### **Spruce Pond Development Agreement**

The Board discussed reviewing the development agreement and the minutes of the Spruce Pond II meetings, it's a public discussion, and no decision will be made.

Review of the agreement included adding the dates as plans have been approved. Board discussion that the development agreement was a condition of approval, the 18 month timeframe begins at the approval date. Also discussed were deadlines for recording, approval, start and finish dates; phasing and bonding paragraph wording, developer has 10 years, the area has a master plan rather than separate subdivisions, how the phasing relates to each other, completing all the through roads will be substantial, impact fees should not be in the agreement, when the homes will be built, 10 year exemptions from our zoning, drainage has to work from day one, roads do sit at binder stage, road construction sequence, time that the road sits before it is finished, and has not been a problem in the past. Mr. LoChiatto showed the phasing on the map.

Board discussion continued regarding substantial completion includes the rail-trail underpass, using standard procedures for bonding, can't get any building permits until they're bonded, and the Board read the Spruce Pond minutes. Board discussion of what the next action will be, edits to be made, should all members sign the agreement, consensus for the Chairman to sign at the direction of the Board. The Board clarified the amendments including the start of the 18 month clock is October 3, 2007; section V on page 2 the first sentence that includes the word "therefor" should be wordsmithed, and the signature edit to the back.

### **Post Office Option Agreement**

Mr. Carpenter read the minutes from the Post Office approval, the only way to change the option agreement is for the Planning Board to reopen it, and it is a Planning Board negotiated document and the Selectmen have never seen it. Discussion ensued regarding changing it releases the land owner from any obligation to sign it. Ms. Post stated that the Board should read Attorney Campbell's letter and discuss this next week. Staff should bring a small plan to the next meeting.

Mr. LoChiatto motioned to adjourn. Mr. McLeod seconded. Passed 7-0. Meeting adjourned at 9:35 pm.

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