

PLANNING BOARD MINUTES

July 9, 2008

ROLL CALL:

Phil LoChiatto, Chairman – Arrived 7:03
Rick Okerman, Secretary – Present
Ruth-Ellen Post, Regular Member – Present
Louis Hersch, Alternate Member – Excused
Sy Wrenn, Alternate Member – Not Seated
Galen Stearns, Selectmen Alternate – Excused

Nancy Prendergast, Vice Chairman – Present
Walter Kolodziej, Regular Member – Present
Pam Skinner, Regular Member – Present
Kristi St. Laurent, Alternate Member – Not Seated
Bruce Breton, Selectmen Member – Present

STAFF:

Al Turner, Director of Planning and Development – Present

Ms. Prendergast opened the meeting at 7:00 pm. The Board stood and recited the Pledge of Allegiance.
Mr. LoChiatto joined the Board and took his position as Chairman.

MINUTES:

Ms. Okerman motioned to approve the June 25 minutes. Mr. Breton seconded. Passed 6-0-1. Mr. Kolodziej abstained.

SIGN PERMITS:

- Happy Feet Dance Studio, 25 Indian Rock Road, to replace the wording of an existing sign. Board discussion that the previous sign was for the Workout Club, Mr. LoChiatto read the variance granted, the new sign meets the requirements, and the hardship is that the business is located in the back of the building. Mr. Breton motioned to approve the sign permit for Happy Feet at 25 Indian Rock Road. Mr. Kolodziej seconded. Passed 7-0.

CORRESPONDENCE:

- Letter from Cliff Sinnott regarding dates that he's available to meet with the Board regarding CTAP. Board discussion to schedule Mr. Sinnott for the August 27 meeting;
- Letter from Benchmark Engineering requesting to continue a portion of the Spruce Pond hearing to the July 23 meeting. The Board will deal with this issue when they get to it during the meeting;
- Letter from David Sullivan regarding a requested change to the CIP. Mr. Kolodziej motioned to hold a public hearing on July 23 for CIP increased minimum from \$50,000 to \$100,000. Mr. Breton seconded. Passed 6-1. Ms. Post opposed;
- The Golden Brook Crossing applicant would like to change from public hearing to public discussion;
Board discussion regarding the capacity of the room.
- Letter from the Registry of Deeds regarding an additional fee of \$25 for recording documents;
- Letter from RPC regarding land use maps;
- Memo from RPC regarding availability of planning assistance grants;
- Letter from a resident of Sharon Road (unsigned) regarding several ongoing projects on Sharon Road. Mr. Turner stated that the building inspector is working with the residents;
- Letter and photos from Freda Hardware regarding changing their roofing materials. The Board viewed photos and discussed the roof material, and it is industrial zoning. Mr. Kolodziej motioned to grant Mr. Freda a minor site plan change for a metal roof rather than the wood/single roof. Mr. Breton seconded. Passed 7-0;
- Town and City booklet.

The Board reviewed the agenda. Mr. Kolodziej motioned to continue Windham Animal Hospital, Lake View Farm, and Golden Brook Crossing to the July 23 meeting. Mr. Breton seconded. Passed 7-0.

PUBLIC MATTERS:

Windham Middle School Parking Lot Expansion – Public Hearing

112 Lowell Road, lot 24-F-2000

Mr. Turner stated it is a non-binding public hearing under the RSAs, there is an aerial photo, there is a wetland on the property, it is a permitted use, issues include lighting, night sky and neighborhood friendly, parking lot layout and design, drainage, and sidewalks. He reviewed the staff recommendations, and it does not need to be opened for public hearing as the school is exempt.

Barbara Coish, School Board, stated that this was in the CIP, and the warrant article passed. Mr. Turner stated that the police and fire departments have asked for the parking to be fixed so that emergency vehicles can get up the road without having vehicles parked on the sides.

Brad Mesquita, Appledore Engineering, showed the existing conditions and the proposed conditions on a map, currently there are 78 spaces, proposing to add 49 spaces, originally was to be 84 spaces, the 84 would have impacted the wetland buffer, are keeping away from the septic system, he described the drainage, two new light fixtures are proposed, and a sidewalk and crosswalk are also proposed.

Board discussion regarding the trailhead location, stayed clear of the trailhead, the hammerhead is gated, the parking lot has sloped curbing, it will cost less to build than the 84 spaced lot, no handicapped spaces in the new lot because it is too far from the building, there are more employees than current parking spaces, he showed the snow storage area, is the parking adequate, will we be looking to expand it in the future, the warrant article approved 84 spaces, is it okay to build 49 spaces? and that is a Selectmen's issue. Mrs. Coish stated that the warrant article did not mention the number of spaces.

Board discussion continued regarding underground drainage, the granite curbing is being used because the bituminous has not lasted, and Mr. Davis and the plan was complimented. Glenn Davis, owners rep for the high school project, stated that this can be completed while the school is in session, and currently cars are parked in the fire lane. Board discussion regarding kids walking to the ball park, adding spaces to the parking lot, there is a raised island, the plan is well done and comprehensive, and some trees should be added.

Gov Dinsmore Tower Addition – Public Hearing

59 Gov Dinsmore Road, lot 12-A-700

Mr. Turner stated that the applicant wants to put additional antennas to the tower, requesting to attach 6 panel antennas to the existing tower at 250 feet on the 460 foot tower and install a 10' x 16' equipment pad on the ground, property is zoned rural, an issue is maintenance visits. He reviewed the staff recommendations. Board discussion regarding the tower has been there since 1967, and no variances are required. Mr. Turner stated the plan is complete and ready for public hearing. Mr. Kolodziej motioned to accept Gov Dinsmore Tower Addition for public hearing. Mr. Breton seconded. Passed 7-0.

Bill McQuade, New England Wireless Solutions representing the applicant Metro PCS, gave a background on Metro PCS, the tower is currently on site, the parcel is 8.22 acres, there will be radio equipment on the ground, and 6 panel antennas at 250 feet on the tower. Mr. Turner read from the Town's ordinance requirements. Ms. Post motioned to accept as a minor site plan. Mr. Kolodziej seconded. Passed 7-0.

Board discussion that there will not be an additional access, what is the increase of radiation, and there is a sign that says it is currently it exceeds what is safe.

Franz Pierre, Metro PCS Engineer, stated this will be less than 3% of the maximum exposure allowed by FCC, will not interfere with radio and televisions as they are a lower frequency, and will be a tenant on the tower. Board discussion regarding moving our police equipment to the tower because of power outages. Mr. McQuade stated that this doesn't have backup power. Board discussion regarding radiation levels. Mr. McQuade stated that the other tenants of the tower are also 3% less, and it is somewhat cumulative. Board discussion that they cannot regulate the output, it is an FCC issue, the sign went up in 1997, Section 701.3.7 of the zoning ordinance discusses the output, there is no more broadcasting from the tower, there will be no additional fencing, the antenna will extend 6-8', and they are steel pipes that are smaller than your arm.

Public comment from Robert Skinner, Gov Dinsmore Road, stated that his home is across the street from the tower, the new use is a small addition to the tower, it is major cell tower, the total radiation from the tower is immense, where do we set the limit of radiation from the tower, and there was a sign that says the tower exceeds the FCC standards.

Board discussion regarding finding out how much radiation emits from the tower. Mr. McQuade stated that Section 704A Federal Telecommunications Act of 1996 which states that municipalities may not discriminate among wireless communication providers, he requested the Board to approve the plan, and it is not even close to the maximum from the FCC. Mr. Turner stated that asking for more information is not discriminating against the applicant, and there are ways to measure the radiation. Board discussion that the owner of the tower could get the information to the applicant, how many are on the tower, what's being emitted, and what is allowed by the FCC.

Mr. Kolodziej motioned to continue to July 23, and the Board requests a cumulative MPE for total tower vs. total allowed by FCC. Board discussion regarding bringing photos of the tower. Mr. Breton seconded. Passed 7-0.

Spruce Pond Recreation Fields – Public Hearing **179 Rockingham Road, lot 3-B-601**

Mr. Turner showed the location of the plan on the map, and the plan does not meet our requirements as the road and parking lots are not proposed to be paved. Mr. Turner read a letter from Attorney Campbell which states the requirement cannot be waived but would need a variance. Besides that the plan is complete and ready for public hearing. Board discussion regarding should it be a public discussion, the Recreation Committee has been working with the applicant, and it will be a Town facility.

Dennis Senibaldi, Chairman of the Selectmen and Chairman of the Recreation Committee, stated that he has spoken to Attorney Campbell, a variance has been granted regarding the paving, the Selectmen voted within the last month to have the project go forward, the Recreation Committee agrees that it is good for the town, and they gave Mr. Senibaldi the authority to work with this.

Joseph Maynard, Benchmark Engineering, stated that H&B Homes owns the land but as part of the condition of approval will deed the land to the Recreation Committee. Mr. Maynard is working on the design of the fields on behalf of the Recreation Committee, and he read a portion of the granted variance. Mr. Turner noted that the fields have been discussed at the Planning Board meetings since 2007. Mr. Breton motioned to open for public hearing. Mr. Okerman seconded. Board discussion of the road to the playground behind the cemetery. Passed 7-0.

Mr. Maynard stated that he represents the Recreation Department, the property has wetlands, because of the slopes the WWPD is increased to 200', some of the wetlands are man made, a Special Permit is in place for the existing gravel drive, a baseball field will be where the stockpile is, the lower fields are where the barn used to be, the area is currently an open field which will be regraded, he showed where the parking areas will be, he discussed the variances received, the existing well will be used for irrigation, and the Recreation Committee goal is for active recreation.

Board discussion regarding active vs. passive recreation, and there is handicapped parking next to the ball field. Mr. Maynard discussed the drainage including treatment swales, the paved areas will be removed and replaced with gravel, a crown could be made for the road with ditches on the sides, there have not been any drainage issues in the past few years as H&B has been using the area, the well is for irrigation, and the well is existing.

Public comment from Bert Jordan, 24 Dustin Road, stated he was not aware of this until two weeks ago, concerned with the traffic coming onto Northland Road, will it become a thoroughfare, is concerned with it becoming a busy road, doesn't understand why the Recreation Committee would want these fields, big equipment has been using the gravel road, and what about maintenance or security of the fields. Mr. Senibaldi discussed the uses for the fields, the fields will be used on Saturdays, there will not be the traffic that Griffin Park gets, the fields will not be lit, law enforcement will patrol the fields, the area could be gated, and the fields will be fenced and gated.

John Russnok, 12 Northland Road, stated that his home is near the fields, parking could be an issue just like at Griffin Park, Northland Road homes will have these ball fields in their back yards.

Mr. Maynard showed a larger scaled map which showed the abutting homes, the homes are 550' away from the fields and 850' away from the ball fields, and there is an open space parcel between the homes and the fields. Board discussion regarding the width of the gravel road is 14' with shoulders, the trail is 20' at its narrowest, and the gravel road is 700' to the parking area.

Mr. Russnok stated that the neighborhood had no idea that this was going on. Mr. LoChiatto stated that the Association was notified regarding the ZBA case in February. Mr. Maynard discussed the abutter notifications.

Dave Eicher, 15 Northland Road, stated his concern as whether an ambulance could get to the fields, asked about the number of parking space, he asked about the size of the fields, and concerned about the traffic impact to the neighborhood. Mr. Maynard responded that there are 62 spaces and discussed the type of fields.

Board discussion regarding Section 608 of the subdivision regulations, the need from the Recreation Committee is noted in the previous minutes, and the requirements and the sequence of things need to be done by the Board and applicant. Mr. Maynard stated that they are trying to meet the conditions of approval, he is working for the Recreation Department not H&B Homes, and the Recreation Committee has stated the need of fields. Board discussion that H&B Homes and Mr. Maynard are donating their time and the Board of Selectmen have waived all the fees which shows that this is a joint effort.

Board discussion whether the fire department could get up the gravel driveway, and should get information from the fire department.

Mr. Senibaldi discussed the width of the gravel road, would like it to be 18' wide, would like more parking, parking on the road should not be a problem because the fields are far from the street, the problem at Griffin is that there are so many sports happening at the same time, school fields are for the schools, Recreation Committee has voted to support this project and will certify that it is a necessity, and this field is at the beginning of a subdivision and not in the middle of it. Mr. Maynard discussed the parking areas.

Public comment from Mike Withington, 24 Northland Road, asked how far his home is from the fields. Mr. Maynard stated that he is 1200-1300' from the fields. Mr. Withington stated that he chose the lot for his home because of the open space covenants, doesn't think that open space is for ball fields but for walking and bike trails, there is a lack of openness, the ball fields are a disregard for the open space, and the neighbors should have been notified. Board discussion regarding this is a part of phase II not phase I, the fields have already been given a variance, and notification was given to the owner of the Association.

Mr. Eicher asked if the fields will be able to handle the use because of the wetlands. Mr. Maynard stated that there are standards that the fields need to be built to.

Mr. Senibaldi discussion the amount of parking spaces being proposed and compared those to Griffin Park and that the 60 spaces should be sufficient.

Mr. Maynard stated that this land could've had a commercial use on it, H&B rezoned it, the Recreation Committee requested the land, he is doing the work for the Recreation Committee, he feels that the 14' gravel roadway is sufficient for a seasonal field, it could be wider if the Board requested it, and there is a 300' no cut buffer to the residential neighborhood. Board discussion of the width of the access road.

Mr. Kolodziej motioned to grant the Special Permit to allow the existing gravel access road on lot 3-B-601 to remain in the WWPD with a gravel width of 20' excluding shoulders because of safety reasons. Mr. Breton seconded. Passed 5-2. Ms. Skinner and Ms. Post opposed.

Mr. Kolodziej motioned to grant the Special Permit to allow a portion of the baseball field to be constructed in the WWPD on lot 3-B-601 because the proposed activity is appropriate and safe to be built in the WWPD, and it is consistent the intent and purpose of Section 601 of the Windham Zoning Ordinance. Mr. Breton seconded. Passed 6-1. Ms. Post opposed. Ms. Post stated that she was feeling rushed.

Mr. Kolodziej motioned to grant the Special Permit to allow the gravel parking area in the WWPD on lot 3-B-601 and treatment swale #2 because the proposed activity will not contribute to the degradation of surface or groundwater quality, the proposed activity is appropriate and safe to locate in the WWPD, it is an existing gravel area, and is a use permitted by variance. Mr. Breton seconded. Passed 6-1. Ms. Post opposed.

Mr. Kolodziej motioned to grant the Special Permit to allow utility fields and treatment swale #1 in the WWPD on lot 3-B-601 because the proposed activity will not contribute to the degradation of surface or groundwater quality, it proposed activity is appropriate and safe to locate in the WWPD, and the use is permitted by variance. Mr. Breton seconded. Passed 6-1. Ms. Post opposed.

Board discussion with Mr. Senibaldi regarding the size and type of structure, it should be a masonry

structure for security purposes, and it is an existing well.

Mr. Kolodziej motioned to grant the Special Permit to allow the pump house and well in the WWPD on lot 3-B-601 because the proposed activity will not contribute to the degradation of surface or groundwater quality, the proposed activity is appropriate and safe to locate in the WWPD, the use is permitted by variance, and the pump house to be built of masonry material. Mr. Breton seconded. Passed 6-1. Ms. Post opposed.

Mr. LoChiato read a legal opinion regarding the Board can deny a plan even if it a permitted use by variance if the Board feels that use poses a general threat to the health and safety of the community.

Board discussion regarding who is the applicant, and H&B Homes is the landowner.

Mr. Breton motioned to approve the H&B Homes Windham Recreation Fields plan at Spruce Pond Estates dated March 8, 2008 as prepared for the Town of Windham Recreation Department with the following conditions: 1) All state and federal regulations will be met; 2) Use erosion control best measures; and 3) Inclusion of the Special Permits. Board discussion regarding compliance with the regulations. Mr. Kolodziej seconded. Passed 6-1. Ms. Post opposed.

Ms. Skinner motioned to continue the Spruce Pond Special Permit and Subdivision Amendment to July 23. Mr. Kolodziej seconded. Passed 6-1. Ms. Prendergast opposed.

Mr. Kolodziej motioned to adjourn. Ms. Skinner seconded. Passed 7-0. Meeting adjourned at 10:30 pm.

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