

PLANNING BOARD MINUTES

July 23, 2008

ROLL CALL:

Phil LoChiatto, Chairman – Present	Nancy Prendergast, Vice Chairman – Excused
Rick Okerman, Secretary – Present	Walter Kolodziej, Regular Member – Present
Ruth-Ellen Post, Regular Member – Excused	Pam Skinner, Regular Member – Present
Louis Hersch, Alternate Member – Excused	Kristi St. Laurent, Alternate Member – Present
Sy Wrenn, Alternate Member – Excused	Bruce Breton, Selectmen Member – Excused
Galen Stearns, Selectmen Alternate – Excused	

STAFF:

Al Turner, Director of Planning and Development – Present

Mr. LoChiatto opened the meeting at 7:00 pm. The Board stood and recited the Pledge of Allegiance. *Ms. St. Laurent replaced Ms. Prendergast.*

MINUTES:

Ms. Skinner motioned to approve the July 9 minutes. Mr. Okerman seconded. Passed 4-0-1. Mr. LoChiatto abstained.

CORRESPONDENCE:

- Letter from Mr. Zohdi requesting the Golden Brook Crossing be heard as a public discussion. Mr. Kolodziej motioned to grant the request. Ms. Skinner seconded. Passed 5-0;
- Letter to Meadowcroft development regarding Wheeler Road deadlines;
- Flyer regarding a Shoreland Protection workshop;
- Municipal volunteer award forms.

Mr. Turner was called to an emergency.

Board discussion regarding the lengthy agenda. Mr. Kolodziej motioned to move Golden Brook Crossing, Site Plan and Subdivision Amendments, and Goyette Special Permit to July 30 at 7:30 pm. Ms. Skinner seconded. Passed 5-0.

PUBLIC MATTERS:

Gov Dinsmore Tower Addition – Public Hearing

59 Gov Dinsmore Road, lot 12-A-700

Phil McQuade, representing Metro PCS stated that the Board asked for a cumulative maximum exposure for the tower, and Dr. Donald Hayes will explain, and they also have photographs of the tower as requested. Mr. Kolodziej motioned to reopen for public hearing. Ms. Skinner seconded. Passed 5-0. Mr. Kolodziej motioned to accept the report by Dr. Donald Hayes on radiation safety. Mr. Okerman seconded. Passed 5-0.

Dr. Hayes explained his background and expertise, he reviewed his report including existing conditions and the addition to the tower, it is a low power transmitter for phones, and it is far below the standards and would remain below the standards with the addition. Board discussion regarding the tower once at a sign that stated that it may exceed the FCC regulations. Dr. Hayes responded that the sign is for those who climb the tower near the antennas, and glad the sign has been taken down as it is not appropriate. Board discussion regarding interference from the tower. Dr. Hayes stated that the FCC should be notified of the interference, and the new addition is at a different frequency and will not interfere with communication.

Public comment from Robert Skinner, Gov Dinsmore Road, stated he lives across from the tower, he gets interference from the tower, he gave his background in frequency coordination, he asked what is the power of the antennas? He believes it to be substantial, what is the ERP? Families across the street have gotten cancer; is it related? The interference was worse with the television signal, and what is the output from the tower? Wants to know the total power coming off the tower.

Dr. Hayes responded that he looked at the contribution from the antennas to the ground, he explained the FCC standards and frequencies, he stated that page 8 table 3 explained the details requested, he further described why there is no connection to cancer, they are 10,000 below the limit and will not cause further interference. *Mr. Turner returned to the meeting.*

Board discussion regarding that there is current interference from the tower, concerned with adding more to it. Dr. Hayes stated that 2300 mega hertz will not cause interference for television, those that are not tuned properly will but it is the jurisdiction of the FCC, a Board cannot deny because of interference, the interference has to be fixed as per FCC, he explained how to get all the information for all the antennas, he did the exposure from the tower, FCC rules are strict, the total radiation for the tower is 3% less than the total allowed based on field study. Board discussion of placing the photographs for the file.

Board discussion that the applicant has answered all of the Board's questions. Mr. Kolodziej motioned to grant the request to attach 6 panel antenna at 250' level on the 460' tower and the 10' x 16' equipment pad on the ground with the following conditions: 1) All state, local, and federal permits shall be approved prior to the start of construction; and 2) Erosion control best practices should be installed and monitored. Ms. St. Laurent seconded. Passed 4-1. Ms. Skinner opposed.

Board discussion with Joe Maynard, Benchmark Engineering, regarding limiting the Spruce Pond public hearing to the topic of traffic, he stated that Ms. Rauseo, traffic engineer, in on her way and can the Windham Animal Hospital be heard first. Mr. Kolodziej motioned to move the Windham Animal Hospital Special Permit up on the agenda. Ms. Skinner seconded. Passed 5-0

Windham Animal Hospital Special Permit – Public Hearing
176 Rockingham Road, lot 3-B-4900

Mr. Turner stated the application is for a waterline and well in the Wetland and Watershed Protection District, and the application is ready for public hearing. Mr. Kolodziej motioned to open for public hearing. Ms. Skinner seconded. Passed 5-0.

Mr. Turner further described the application including the zoning districts, it is a permitted use, received staff review and comments, and there is an erosion control plan.

Joseph Maynard, Benchmark Engineering, gave the background for the application including the well location for the Spruce Pond Estates, this new well is for mitigation for the Spruce Pond Estates, the animal hospital owns the abutting property, he showed and described where they would like to place the well in the WWPDP, there is a trail along the stonewall, the area is very sparse with vegetation, they would like the well in this location so it does not impact the abutting property, erosion measure would be in place until the area becomes stabilized, the waterline will be excavated quickly with a 3' wide disturbance, the well is not in a wetland but in the protected area, wells are an allowed use in the WWPDP, and there will be minimal disturbance.

Board discussion with Mr. Maynard regarding keeping outside the existing tree line, the waterline is

being placed to get it out of the WWPD quickly and also not impact the abutting lot, he further described the photos, replacing the stonewall, it is a minimally vegetated area, the well truck could drive along the old road/trail, the waterline will be 3' wide trench line disturbance, and wells are an allowed use in the WWPD. No public comment.

Mr. Kolodziej motioned to grant the Special Permit for lot 8-B-4900 to construct a water well and piping in the WWPD as they have adhered to regulation 703.3.1 with the following conditions: 1) Restore the area to its prior condition and restore the stonewall to its prior state; 2) All state, local, and federal permits shall be approved prior to the start of construction; 3) Erosion control best practices should be installed and monitored; and 4) Well be drilled outside the tree line to minimize the disturbance. Ms. Skinner seconded. Passed 5-0.

Spruce Pond Special Permit and Subdivision Amendment – Public Hearing
Rockingham and Northland Roads, lot 3-B-602, 650, 800, 900 & 2002

Board discussion to limit the discussion to the traffic study. Mr. Turner stated that this is an unusual application as it is asking to amend an approved plan, he described the changes requested, don't know what the off-site improvements would be, and the application is complete and ready for public hearing. Ms. Skinner motioned to accept for public hearing. Mr. Kolodziej seconded. Passed 5-0. Board discussion regarding the traffic study is for the elimination of the third access connection to Derry. Mr. Kolodziej motioned to continue the other aspects of this application not pertaining to traffic to August 6. Ms. Skinner seconded. Passed 5-0.

Joseph Maynard, Benchmark Engineering, stated the application is for the elimination of the connection to Derry known as Middleridge Road, he discussed how the third access point came about and the history of Hopkins Road, and Laurie Rausseo, traffic engineer, is here to discuss how the traffic patterns would be without the connection.

Board discussion with Mr. Maynard regarding spending the off-site improvement money in Windham on Morrison Road and other drainage improvements, Morrison Road is a scenic road, the approval of the development was contingent on the 3 access points, the end of Northland is 3400', why not come back with a new plan rather than change this plan, Derry approved the Derry portion of the subdivision last March, Mr. Maynard has gone back to Derry for extensions, he further explained the reason for the change is problems dealing with Derry, the Selectmen made a condition that in order to open Hopkins Road there needed to be a third access, and Hopkins Road is not being opened. Board discussion regarding the third access would relieve some of the Morrison Road traffic, why not eliminate the access to Morrison Road, and not having the cooperation of Derry.

Laurie Rausseo, traffic engineer, has done all of the previous traffic studies for this project, she reviewed the study from May 2006, she discussed the traffic volumes with and without the connection, Morrison Road is 22' wide and can handle the impact, the project increases the traffic by 20%, and the developer is offering to do improvements to Morrison Road as mitigation.

Public comment from Chris Rossetti, 3 Mitchell Pond Road, why didn't the applicant get rid of the third access when they came before the Board, Morrison Road is an unsafe road, how will they make the 90 degree blind curve safer, the third access will help relieve the traffic to Morrison Road, and having a problem with Derry is not a reason to not have the access.

Mike Savastano, 20 Mitchell Pond Road, stated that eliminating the Derry access means the traffic will come through Morrison Road, and doesn't think the traffic numbers will be a reality.

Nancy Costa, 11 Morrison Road, stated that she lives at the “Whoa” corner, a lot of changes have occurred over the last 25 years, each development that has been approved has increased the traffic on Morrison Road, the road was not designed for this much traffic, people ignore the speed limits, the police have been asked to put the sign that checks the speed limits on Morrison Road to monitor the traffic for 7 days, Morrison Road has become a cut through, the third access is necessary, and she also submitted letters from her neighbors.

Bob Coole, 20 Morrison Road, has lived on the road since it was only 8 houses, he reviewed some details from previous meetings, the road has dropped about 10” because of the drainage from Fox Crossing, asked if the road didn’t go in would the houses be built (response was that they would not be built), too much traffic for Morrison Road, it is a scenic road, and should keep the access to Derry.

Alan Carpenter, 8 Glenwood Road, stated he was a Selectmen at the time of Hopkins Road, they decided that if Hopkins Road was to be upgraded then a third access would be required, the applicant came before the Board with the third access even though it was decided not to upgrade Hopkins Road, it is 97 lot subdivision, this is the largest plan ever heard by the Board, and not sure of the benefits to the residents by eliminating the third access.

Travis Blais, 47 Mitchell Pond Road, stated that Mr. Maynard is being inconvenienced by Derry, and should not quit trying to get the third access because of that.

Mr. Carpenter asked if the 4-lot subdivision in Derry had been approved. Mr. Maynard stated the development was approved with the connection, it was a year long process to get the connection, the Derry approval expires in September and they will not grant another extension, he will need to reapply and it is a total new Board in Derry, one of the conditions from Derry is that the Windham Subdivision will be recorded before the road can be built, it can’t get recorded until next spring, the Windham approval is subject to the Derry approval, Morris Road is 22’ wide, hearings would have to be held to get the road widened, the speed study showed a speed of 46 mph, and offered to yellow stripe the road as a traffic calming measure.

Mr. Rossetti submitted the January 16, 2008 Derry Planning Board minutes to the Board which included their conditions of approval. Mr. Maynard read March 7 condition which states that the approval and recording of the Spruce Pond Phase II subdivision in Windham, and he has asked for an extension from Derry. Mr. LoChiatto read the letters from Mrs. Costa into the record from: 1) Jenna and Bruce Jordan, 12 Morrison Road; 2) Barbara Robinson, 15 Morrison Road; and 3) Nancy Costa, 11 Morrison Road.

Mr. Kolodziej motioned to deny that portion of the Spruce Pond application that asks for the elimination to the third access connection to Derry. Ms. Skinner seconded. Mr. Turner stated that the motion should be not to reconsider their approval. Board discussion to close this portion of the public hearing and make the decision when the other issues are heard. Mr. Kolodziej took his motion off the table. Mr. Kolodziej motioned not to consider the elimination of the third access connection to Derry of the Spruce Pond subdivision. Ms. Skinner seconded. Passed 5-0.

Lakeview Farm Approval Amendment – Public Hearing
94 Range Road, lot 17-I-200

Mr. Turner stated the application is to change the conditions of approval for Lakeview Farm, and the application is complete and ready for public hearing. Mr. Kolodziej motioned to open for public hearing. Mr. Okerman seconded. Passed 5-0.

Mr. Turner stated it is a 55+ development that is under construction, it was approved as single-family units with 2 bedrooms per unit, the applicant would like to alter four of the 2-bedroom units into eight 1-bedroom duplex units, housing for older persons is based on the number bedrooms, 1-bedroom units would be more affordable, issues include interior layout for the 1-bedroom use, site layout for the bigger duplex units, fire protection, will there be increased traffic, is there any increase in the septic demands, and there needs to be a stipulation that the 1-bedroom units remain as 1-bedroom units through a deed restriction.

Joseph Maynard, Benchmark Engineering, they want to take a small cluster of units and make them duplex units, the foot print increases by 250', the septic is sized on the number of bedrooms, the units have been reconfigured, will reapply to DES to move the septic field, the duplex units will only have 1 bedroom, there will still be the 24 units only that 4 of the units will be duplexes, he showed where the abutters are, and 8 Armstrong Road is about 200' away.

Board discussion with Mr. Maynard regarding the architecture of the buildings, would like to see exterior elevations, the loft area could become a bedroom, there can be deed restrictions, need drainage information for the road, the impervious area is less with the duplex design, it is sheet drainage, each unit has a garage space and another space outside, and cars can park in the turn around at the end of the street.

Public comment from Edwin Walkey, 2 Walkey Road, stated he is the nearest abutter not crossing Armstrong Road, thinks the Tokanel are doing a good job, they're having a hard time selling the units, does not like adding the units, should replace the four 2-bedroom units with four 1-bedroom units, it now becomes 28 units instead of 24 units, and should keep the same amount of units.

John Sampson, 32 Walkey Road, stated that the people in the development feel that they're not getting what they bought, and there may be lawsuits if the plan gets changed.

Brandan Tsetsilas, 31 Walkey Road, doesn't see too much of an issue, how many times can a development come back for changes, increasing the density increases the traffic, and can they say 28 units is enough.

Ann Barbagallo, 21 Walkey Road, stated that 24 units are enough, and the addition of duplexes affects her home value.

David Tokanel, the developer, stated that they are not trying to hurt anyone, the objective is to get the project completed, he has increased their property value by putting in the road, it is a minor change and doesn't affect the neighborhood, finishing the development will stop the traffic flow, will be connecting to Armstrong Road, and the people that live in the development are in favor with the change.

Board discussion with Mr. Maynard regarding 10 units have been built, 8 are occupied and the other 2 are sold, public input was closed, there is a letter from the residents saying they are okay with the change, this will be the only change for the number of units for this development, the Board would like to see more information regarding elevations, drainage, and landscaping. The homeowners are not in charge of the association yet, Mr. Tokanel met with the residents, and they signed the letter in support of the change.

Mr. Kolodziej motioned to continue Lakeview Farm to August 20. Mr. Okerman seconded. Passed 5-0.

Mr. Kolodziej motioned to adjourn. Ms. Skinner seconded. Passed 5-0. Meeting adjourned at 10:20 pm.

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

Respectfully submitted, Nancy Charland