

Planning Board

Minutes of February 13, 2002

ROLL CALL:

Alan Carpenter, Chairman - Present Ross McLeod, Vice Chairman - Present

Lisa Linowes, Secretary - Present Margaret Crisler, Selectmen Member - Excused

Walter Kolodziej, Regular Member - Excused Wayne Morris, Regular Member - Present

Russ Wilder, Regular Member - Excused Lee Maloney, Alternate - Present

Nancy Prendergast, Alternate - Excused Roger Hohenberger, Selectmen Alternate - Present

Mr. Hohenberger replaced Mrs. Crisler on the Board; Ms. Maloney replaced Mr. Wilder on the Board.

Also Present: Al Turner, Director of Planning & Development; Eric Twarog, Assistant Planner

Mr. Carpenter opened the meeting at 7:30 pm.

MINUTES:

Board decided to review the minutes at their next meeting.

CORRESPONDENCE:

Mr. Carpenter reviewed the following correspondence:

Letter from Al Turner to Pennichuck Water Works, Inc. concerning the Pump house being constructed at 6 West Shore Road in Windham.

Notice of NHDOT Resource Agency Meeting on Wednesday, February 20, 2002 at 4:00 PM to be held at the Mary A. Fisk School Cafeteria in Salem, NH.

Brochure announcing program to be held on May 1, 2002 on "Getting Successful Results in New Hampshire Eminent Domain Actions".

Brochure announcing a workshop to be held Thursday, February 21, 2002 from 6:30 PM - 9:00 PM on "Intermunicipal TIF District"

Brochure announcing meetings to be held in Salem and Plaistow concerning updating the Long Range Transportation Plan for the Salem-Plaistow-Windham Metropolitan Planning Organization (MPO).

OLD BUSINESS:

Mr. Carpenter read into the record a letter he received at home from Grace Cotton with over 125 Windham resident signatures who are opposed to connecting Squire Armour Road to Brookdale Road in Salem.

NEW BUSINESS:

Mr. Morris gave an update on the status of the NHDOT Resource Agency Meetings that have been held to date. Mr. Morris suggested that the Board send a letter to Governor Sheehan's Office in conjunction with the Board of Selectmen and the Conservation Commission stressing the importance of wetlands mitigation for Windham as a result of the I-93 Expansion Project. Discussion ensued to include the need for an expanded list of parcels for possible mitigation in Windham, recognizing that time is becoming short. Mr. Turner suggested sending three separate letters from these boards. The Board concurred and directed staff to write a draft letter from the Planning Board to Governor Sheehan's Office to be reviewed by the Board.

Mr. Carpenter suggested a joint meeting with the Board of Selectmen and the State Economic Development Corp. to discuss the Professional, Business, & Technology District and how to get companies and businesses interested in locating to Windham. Mr. Hohenberger also suggested inviting commercial realtors to this meeting.

PUBLIC HEARING:

Ballard Subdivision Revocation (22-A-300) - Public Hearing

Birchwood Road

Mr. Twarog recommended that this application be accepted for public hearing. Motion made by Mr. Morris to accept the Ballard Subdivision Revocation for public hearing. Seconded by Mr. Hohenberger. Passed 6:0. Mr. Morris recommended adding a note to the plan stating that stumps and their associated root systems are to be retained within 50 feet of the waters edge of Canobie Lake. Board discussed material to be used for the proposed walkway. Attorney Mason, who represents the owner of lot 22-A-301, discussed his proposed language to protect lot 22-A-301 from clearcutting. Motion made by Mr. McLeod to repeal the Ballard Subdivision Revocation subject to the following: 1) Proposed walkway construction to minimize erosion and runoff per planning staff review; 2) Stumps and their associated root systems are to be retained within 50 feet of the waters edge of Canobie Lake; and 3) Attorney William Mason's revised Declaration of Restriction for lot 22-A-301 be recorded at the Registry of Deeds to force jurisdiction to the Town of Windham. Seconded by Mr. Hohenberger. Passed 6:0.

80 Mammoth Road Earth Removal (19-A-801) - Public Discussion

80 Mammoth Road

Mr. Turner discussed the earth removal operation occurring at 80 Mammoth Road in Windham and explained the sections of the Windham Zoning Ordinance being violated (Sections 609.4.2 and 707). Mr. Turner stated that he is looking for guidance from the Board on how to handle this situation. Board discussion ensued. Motion made by Mr. Hohenberger to have the applicant do the following: 1) Applicant to remove rock material placed in excavated hole on lot 19-A-801; 2) Prior to backfilling, the material under the rock fill be tested for contamination. The parameters of this testing is to be agreed upon by the Town; 3) The excavated hole be backfilled with surrounding sand material; and 4) Once the hole has been tested for contamination, backfilled, and appropriately sloped, the applicant is to come back before the Planning Board within six months if no additional work is done in that time frame. Seconded by Mr. Morris. Passed 6:0.

P&S Realty Trust 4-lot Subdivision (20-E-200) - Public Discussion

59 Lowell Road

Mr. Twarog described the proposed plan to the Board to include the proposed hammerhead with common driveway, house locations, wetland crossing, and requested waivers from the Subdivision Regulations. The Board questioned whether the proposed hammerhead would be a town road. Mr. Twarog stated that it would be a town road maintained by the Town and that the road would have to be named. Mr. Morris asked if any portion of this property is located in the Aquifer Protection District, Mr. Twarog stated that it is and that the lot sizing took this into account. Mr. Keith Murray of Meisner Brem Corporation further described the intent of the proposed plan. The Board questioned the location of the proposed house on lot 20-E-202 shown on the proposed plan. Mr. Murray explained that the applicant is the current owner of the lot and that he wants to put his house in the back for privacy reasons. He also stated that the proposed driveway location for lot 20-E-202 is in a location that results in the least amount of impact to the wetland on the property. Mr. Carpenter questioned if the applicant could get four lots without a town road involved. Mr. Turner explained that he could not without a variance of the frontage requirement from the ZBA, and that the ZBA has not granted such variance requests in the past. Board discussed location of proposed hammerhead, addressing of the new homes, location of mailboxes, existing vegetation in the area, and possible bicycle paths along Lowell Road. Mr. Carpenter read a letter dated February 6, 2002 from Thomas and Brenda Seniow of 62 Lowell Road concerning this proposed subdivision into the record. Public comment began with Thomas Seniow of 62 Lowell Road. Mr. Seniow is concerned about the proximity of the proposed hammerhead to his property, that his house is not shown on the plans, as well as Mr. Thorndike's review comments dated 10/30/01. Mr. Carpenter explained that this is only a public discussion of the proposed subdivision and that these types of details will be worked out during the public hearing process. The Board reached a consensus that they did not like the proposed layout of the subdivision, that it does not serve any useful purpose for the Town, and that it does not meet the intent of the Town's zoning and subdivision regulations or the Master Plan. Mr. McLeod suggested placing the location of all existing driveways and structures on the plans. Mr. Murray stated that he would, and that the location of the proposed ROW would be moved if necessary to ensure that Mr. Seniow's house would not become nonconforming. The Board discussed sending the plan out for comments to the Highway Safety Committee,

fire, police, Conservation Commission, Historic District Commission, Highway Agent, and the School Dept. Mr. Tom Case questioned whether the Board should send this plan out for Department review if they are against the current layout.

Workshop Session

Mr. Turner passed out the Draft Planning Board 2002 Goals and Objectives to the Board. Discussion of the proposed goals and objectives ensued. The Board directed staff to add the following to the draft list: 1) Research impact fees for Public Safety for the Route 28 Corridor, and 2) Revisit the intersection of Route 111 and Range Road; and to e-mail the Board members the revised list. Mr. Carpenter suggested that each Board member prioritize the revised list by number, put his/her name next to items he/she would like to work on, and to e-mail the prioritized back to planning staff. The revised prioritized list of 2002 goals and objectives will then be reviewed at a future meeting of the Board.

Mr. Hohenberger made a motion to adjourn. Seconded by Mr. McLeod. Passed 6:0. Meeting adjourned at 10:15 pm.

These minutes are in draft form and have not been submitted for approval.

Respectfully submitted, Eric Twarog