

## **Planning Board**

### **Minutes of May 29, 2003**

#### **ROLL CALL:**

Ross McLeod, Chairman – Present Wayne Morris, Vice Chairman – Present

Lee Maloney, Secretary – Present Roger Hohenberger, Selectmen Member – Present

Walter Kolodziej, Regular Member – Present Nancy Prendergast, Regular Member – Excused

Pam Skinner, Regular Member – Excused Roy Dennehy, Alternate – Present

Christopher Doyle, Selectman Alternate - Present

#### **OTHER ATTENDEES:**

Town of Windham Atty.: Bernard Campbell

Attorney Peter Laughlin, Representing Nassar Investment Trust

Sam Nassar and Jean Nassar

Windham Planning & Development: Al Turner, Walter Warren

*Mr. McLeod opened the meeting at 8:00 pm. Mr. Dennehy replaced Ms. Prendergast on the Board.*

#### **MacIntosh Hollow - Public Hearing Continued:**

Mr. Turner provided brief synopsis of correspondence dated May 29, 2003 regarding status of Governor Dinsmore Road, the MacIntosh Hollow subdivision, roadway reconstructions on Searles Road, Gov. Dinsmore Road, and Mockingbird Road paid by developers and the burden of road subsidies on Windham taxpayers.

Attorney Campbell discussed the Land/Vest Properties decision with the Board, where the planning board when granting approval cannot pass 100% of all off-site improvements to developer, Board can only require applicant to pay proportionate share of offsite improvements and provide good rationale for the allocation percentage of off-site improvements. Three issues are before the Board: 1) Proportionate share of road improvement cost due to front door improvements; 2) Does the municipality have resources available to bring their share to the table immediately or can it be deferred; 3) Does the town have the availability of funds now.

Mr. Kolodziej motioned to go into non-public session under RSA 91A-3 for legal matters. Mr. Doyle seconded. All affirmative. Discussion of conditions of appeal.

Mr. Turner provided an excerpt from Windham Sub-division Control Regulations -Section 506 discussion ensued.

Atty. Laughlin provided the Board with a document package containing information regarding an outline of relevant law, citing *Simonsen v. Town of Derry*, for the proper allocation of costs for improvements to Governor Dinsmore Extension.

Mr. Nassar provided the Board with a document package containing information regarding formulas for the allocation of costs for the upgrading of Governor Dinsmore Road citing *Land/Vest Properties, Inc. v. Town of Plainfield* identifying factors to be taken into consideration in calculating the proper allocation for off-site improvements, as well as an informational report on trip generation, and an addendum to a Traffic Impact Study of Searles Road and Morrison Road.

Mr. Nassar provided the Board with a document package containing information regarding roadway widths (15' –16'), existing road conditions recommended road widths and discussion of costs associated with off-site improvements citing the 1985 and 2000 Master Plans. Drawings of the MacIntosh Hollow subdivision plan and a NHOSP Technical Bulletin on Roads.

Discussion ensued pertaining to the current width, condition and drainage features of Governor Dinsmore Road, cost of upgrades \$111,000+ and methods for allocating costs of upgrades to the Road and the proportionate share of upgrade costs to be born by Nassar. Discussion of possible saving to be achieved by reducing road widths to 24' in MacIntosh Hollow sub-division to offset cost of Gov. Dinsmore Rd. upgrade. Staff will prepare a cost analysis. Mr. Hohenberger made a motion to continue to June 11 at 6:30 pm. Ms. Maloney seconded. Passed 7-0.

Mr. Hohenberger made a motion to adjourn. Mr. Dennehy seconded. Passed 7-0. Meeting adjourned 10:55 pm.

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

Respectfully submitted, Lee Maloney