

**PLANNING BOARD MINUTES  
NOVEMBER 3, 2004**

**ROLL CALL:**

Lee Maloney, Chairman – Present

Ross McLeod, Secretary – Present

Phil LoChiatto, Regular Member – Present

Bruce Breton, Selectmen – Present

Nancy Prendergast, Vice Chairman – Present

Walter Kolodziej, Regular Member – Present

Pam Skinner, Regular Member – Present

Chris Doyle, Selectmen Alternate – Excused

**STAFF:**

Al Turner, Director of Planning and Development – Present

Rebecca Way, Town Planner – Present

*Ms. Maloney opened the meeting at 7:30 pm.*

**CORRESPONDENCE:**

- Letter from T.F. Moran regarding Villages of Windham Site Plan application. Ms. Prendergast motioned to continue to November 17 at 8:00 pm. Mr. Breton seconded. Passed 6:0:1; Mr. Kolodziej abstained.
- Bank of America sign application. Mr. LoChiatto motioned to waive site plan review and approve the requested sign application with the red background as a minor change, as presented on November 3, 2004. Mr. Breton seconded. Passed 7:0.
- Letter from Jonathan and Kay Normington, 128 North Lowell Road, regarding a seasonal sales license for the sale of Christmas trees. Discussion: Jonathan Normington: lighting, use, signs. Mr. Kolodziej motioned to approve the seasonal sales license as requested, as a minor site plan change: spotlights to not be directed towards the roads; exclusive of temporary signs, which will be overseen by staff. Mr. LoChiatto seconded. Passed 7:0.
- Letter from FEMA regarding the adoption of the *Flood Insurance Study and Rate Maps* in Rockingham County.
- Letter from Eric Nickerson regarding the rezoning of 150 Haverhill Road. Public Input: Tom Case, 18 Simpson Road: zoning by variance. Planning Board to meet with Mr. Nickerson on Tuesday, November 9 at 7:00 pm, location TBD.

**BONDS:**

- Candlewood Road. Mr. McLeod motioned to approve a partial release of the road bond in the amount of \$12,692, retaining \$22,000, and converting the remainder to a maintenance bond. Mr. LoChiatto seconded. Passed 6:0:1; Mr. Breton abstained.

**OLD/NEW BUSINESS:**

- Requested staff to coordinate the Planning Board's calendar and publish it on the town's website.
- Husak Special Permit Public Hearing was left off tonight's agenda. Mr. Kolodziej motioned to move it to November 17, 8:00 pm. Mr. Breton seconded. Passed 7:0.

**PUBLIC MATTERS:**

**Bear Hill Ext Open Space Subdivision – 22 lots (20-E-250, 255 & 20-D-307) – Public Hearing  
Bear Hill and Lowell Roads**

Mr. McLeod motioned to reopen the public hearing. Ms. Skinner seconded. Passed 7:0. Mr. Turner: overview; requested waivers. Ms Way: WWPD; trails; stonewalls; setbacks; Gage Lands access easement relocation; drainage report. Attorney Bill Mason, representing the applicant: historical phasing of the development; open space; connection to Westchester Road. Peter Zohdi, Herbert & Associates: road connections; WWPD crossings; state approvals; easement. Public Input: Gene

Boucher, 31 Bear Hill Road: right-of-way; Kerry Hennessey, 36 Bear Hill Road: right-of-way, cul-de-sac should be removed; Paul Keller, 17 Bear Hill Road: traffic, nearby development, water; John Giles, 12 Westchester Road: Bear Hill connected to Westchester, traffic; Wayne Morris, Trails Subcommittee: foot traffic, trails and trail connections, trail easement. Board discussion: topography, right-of-way, traffic, design speed, drainage, connection. Mr. McLeod motioned to approve the requested waiver of § 602.10 as described in the staff report, in consideration of minimizing wetlands impacts and potential traffic calming. Mr. Breton seconded. Passed 7:0. Mr. McLeod motioned to approve the requested waiver of § 602.5 as described in the staff report, in consideration of minimizing wetlands impacts. Ms. Prendergast seconded. Passed 7:0. Mr. McLeod motioned to approve the request to delay the compliance with § 701.1 until prior to construction of the subdivision. Mr. Breton seconded. Passed 7:0. Mr. McLeod motioned to approve the WWPDP Special Permit for the listed wetland and WWPDP impacts. Mr. Kolodziej seconded. Passed 7:0. Mr. McLeod motioned to approve the subdivision plan, incorporating staff's recommended conditions of approval, but with the right-of-way on lot 20-E-307 to be removed. Mr. Kolodziej seconded. Failed 3:4; Mr. LoChiatto, Ms. Maloney, Ms. Prendergast, Ms. Skinner opposed. Ms. Prendergast motioned to approve the site plan with staff's recommended conditions of approval, and moving the right-of-way to the presented alternate layout. Mr. Breton seconded. Passed 5:2; Mr. McLeod and Mr. Kolodziej opposed.

### **Shaws Supermarket Site Plan (11-C-950) – Public Hearing** **43 Indian Rock Road**

Ms. Skinner motioned to reopen the public hearing. Ms. Prendergast seconded. Passed 7:0.

Motion by Mr. Kolodziej to move Forty Acres Subdivision and Armco Flooring Site Plan Public Hearings to November 17 at 8:00 pm. Mr. LoChiatto seconded. Passed 7:0.

#### *Recess.*

Mr. Turner: overview. Karl Dubay, MHF Design: introduction; Dan Ellingson, architect: elevation changes, roofing, materials; Jim Strainer, Shaw's: roofing; Art Scarneo, traffic engineer: traffic. Board discussion: signs, bike rack, staff recommendations, waivers. No public input. Correspondence supporting the application from Lisa Rice, FLOW; Anissa Matthews. Mr. McLeod motioned to approve the requested waiver of § 701 as described in the staff report. Ms. Prendergast seconded. Passed 7:0. Mr. McLeod motioned to approve the requested waiver of § 702 as described in the staff report. Mr. Kolodziej seconded. Passed 7:0. Mr. McLeod motioned to approve the requested waiver of § 704.1 as described in the staff report. Mr. Kolodziej seconded. Passed 7:0. Mr. McLeod motioned to approve a WWPDP Special Permit for the listed WWPDP impacts, Areas 1-3, as described in the staff report. Mr. LoChiatto seconded. Passed 7:0. Mr. McLeod motioned to approve the Site Plan subject to the following conditions: 1) all state and federal approvals shall be received prior to the start of construction; 2) the Route 111 road construction improvements should be substantially complete prior to occupancy; 3) the traffic light at the intersection of Route 111 and Wall Street should be fully operating prior to occupancy; 4) emergency water supply shall be installed and operating prior to occupancy; 5) architectural shingles shall be used; and 6) tenant sign drawings are to be reviewed by the Board as they become finalized, via the sign application process. The Planning Board accepts for the record the applicant's *Revised Architectural Plans* (SK-1 dated Oct. 18, 2004, SK-2 dated Oct. 7, 2004) and the applicant's offer: Route 111 and North Lowell Road intersection mitigation survey and design to be submitted to the Town and NHDOT prior to occupancy. Seconded by Mr. LoChiatto. Passed 7:0.

Mr. LoChiatto motioned to adjourn. Mr. Kolodziej seconded. Passed 7:0. Meeting adjourned at 11:50 pm.

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