

**PLANNING BOARD MINUTES
JANUARY 5, 2005**

ROLL CALL:

Lee Mahoney, Chairman – Present
Ross McLeod, Secretary – Present
Phil LoChiatto, Regular Member – Present
Ruth-Ellen Post, Alternate – Present
Chris Doyle, Selectmen Alternate – Excused

Nancy Prendergast, Vice Chairman – Excused
Walter Kolodziej, Regular Member – Present
Pam Skinner, Regular Member – Present
Bruce Breton, Selectmen – Present

STAFF:

Al Turner, Director of Planning and Development – Present
Rebecca Way, Town Planner – Present

Ms. Maloney opened the meeting at 7:35 pm. Ms. Post replaced Ms. Prendergast. Ms. Maloney reviewed the agenda and noted that North Lowell Road Residential Site Plan and Freda Hardware were continued to February 2.

MINUTES:

- Mr. Breton motioned to approve the December 8 minutes. Mr. Kolodziej seconded. Passed 4-0-3. Ms. Post, Mr. McLeod, and Ms. Skinner abstained;
- Mr. McLeod motioned to approve the December 1 minutes. Mr. Breton seconded. Passed 5-0-2. Ms. Post and Ms. Skinner abstained.

CORRESPONDENCE:

- Request to continue the North Lowell Road Residential Site Plan to the February 2 meeting;
- Request to continue the Freda Hardware Site Plan to the February 2 meeting;
- Notice of Voluntary Merger for 60 Morrison Road (7-1-1910 and 7-A-1930). Mr. Breton motioned to approve the merger. Mr. McLeod seconded. Passed 7-0;
- Invoice from Taintor and Associates. Mr. McLeod motioned to pay the invoice dated Dec 13, 2004. Mr. LoChiatto seconded. Passed 6-0-1. Ms. Post abstained;
- Windham Master Plan 2005 newsletter;
- Notice of Conservation and Watershed Project Grants;
- Notice of Design Assistance for NH Projects;
- Notice of Assistance for Rapidly Growing Communities in New England;
- Site Plan and Development Review book available;
- Developing Construction and Post-Construction Programs flyer;
- Affordable Housing in NH flyer;

ROAD BONDS:

- Bear Hill and Westchester Roads: new bond, \$1,155,594. Mr. McLeod motioned to accept. Mr. Kolodziej seconded. Passed 5-0-2. Ms. Post and Mr. Breton abstained.

OLD/NEW BUSINESS:

Discussion: School Board meeting will be on January 11, Planning Board meetings.

PUBLIC MATTERS:

**Pawtucket Estates Open-Space Residential Subdivision – 4 lots (20-E-200) – Public Hearing
58 Lowell Road**

Mr. McLeod motioned to reopen the public hearing. Mr. LoChiatto seconded. Passed 7-0. Ms. Way: resolved issues, waivers, special permit. Discussion: updated plans. Mr. Kurt Meisner, Meisner-Brem: resolved issues. Discussion: trail easement, granite trail head posts, no chains, change to Pawtucket “Road”, landscape island. No public comment.

Mr. McLeod motioned to approve waiver of Section 602.8.5. Mr. LoChiatto seconded. Passed 7-0.

Mr. LoChiatto motioned to approve the Special Permit under Section 601.3.3 subject to the procedure for drilling wells in the WWPB be added to the plans. Mr. McLeod seconded. Passed 7-0.

Mr. McLeod motioned to approve the subdivision and site plan with the following conditions: 1) All roads shall have a performance guarantee in the form of a bond or L.O.C. prior to the recording of the final plans; 2) All state and federal approvals shall be received prior to the start of construction; 3) Applicant shall provide to the Town, prior to the start of construction, evidence that adequate utilities are available to service the proposed development and the proposed location of the utilities within the public right-of-way; 4) Open Space covenants are to be reviewed by Town Council and revised as necessary prior to recording the plans; 5) Note 21/page 5 – remove the chains; 6) Public easement – 2 trail markers at each property line; 7) Posting of the bond and setting of bounds. Mr. Breton seconded. Passed 7-0.

Mr. Breton motioned to continue North Lowell Road Residential Site Plan and Freda Hardware Site Plan to February 2 at the applicant's request. Mr. McLeod seconded. Passed 7-0.

Request for a Permit on a Private Road

1 Jordan Road. Mr. Norm Young, owner: addition, adequate room on-site. Discussion: garage, no encroachment to the pond.

Mr. McLeod motioned to inform the Selectmen that he Planning Board would like to have the Board of Selectmen request the applicant to provide: 1) A plan for emergency vehicle access during construction; 2) The ability to maintain a through travel way; 3) A plan for material staging; and 4) Obtain comments from the police and fire departments. Mr. Kolodziej seconded. Passed 6-0-1. Mr. Breton abstained.

Rogers Vehicle Storage Plan (13-B-1) – Public Discussion

2 Rockingham Road

Ms. Way: overview, issues, WWPD, stormwater treatment, parking area, variance, screening. Discussion: wetlands. Mr. Paul Carideo, TF Moran: 8,030 storage area with shed, guardrail type fence, ponds, drainage, parking, absorbent blankets for spills, Conservation Commission recommendations, run-off, number of vehicles, abutters, vehicle storage location, Salem land, lights. Mr. Dennis Rogers, owner: no towing, no spillage issues. No public comment. Mr. Luke Gove Environmental: wetland systems. Discussion: variance required.

Jarosky Special Permit (13-D-40) – Public Hearing

5 Harris Road

Mr. Breton motioned to reopen for public hearing. Mr. Kolodziej seconded. Passed 7-0. Ms. Way: overview, variance, 150' WWPD, house, driveway and septic in the WWPD, well. Discussion: split vote, nature and intent of WWPD ordinance, variance, regulations. Attorney Bill Mason: land taking from the State, WWPD impacts. Discussion: WWPD regulations, variance granted, procedures.

Mr. Kolodziej motioned to reopen for public hearing for public input. Mr. Breton seconded. Failed 3-4. Mr. LoChiatto, Ms. Post, Ms. Maloney, and Mr. McLeod opposed. Mr. Tom Case: point of order. Ms. Post motioned to move to reconsider. Mr. Kolodziej seconded. Passed 4-3. Mr. LoChiatto, Ms. Maloney, and Mr. McLeod opposed. Mr. Kolodziej motioned to reopen for public input. Mr. Breton seconded. Passed 5-2. Mr. McLeod and Mr. LoChiatto opposed.

Public comment: Ms. Lisa Linowes, 20 Bramley Hill Road; Mr. Case, 21 Corliss Road: violation of the intent of the WWPD ordinance, legal because of the variance, appeal of administrative decision.

Mr. McLeod motioned to deny the Special Permit based on it does not meet Section 601.4.8 specifically and is inconsistent with the intents and purposes of Section 601. 4.8 Uses Granted by Variances. Mr. Kolodziej seconded. Discussion. Motion withdrawn.

Mr. Peter Zohdi, Herbert Associates: history of property to date, no grading proposed, natural vegetation, existing roadway, construction sequence. Discussion: house size, driveway, regulations. Ms. Linowes: Harris Road contaminated sites, protect the water ways. Discussion: residential contamination, WWPD lines, land constraints. Mr. Chet Jaroksy: never any complaints regarding his work.

Mr. McLeod motioned to deny the Special Permit as it is inconsistent with the intent and purpose of

Section 601, in consideration of the proximity to Flat Rock Brook, and: 1) 601.1.1 –Development of a structure and associated lands use within the WWPD that would contribute to surface and groundwater contamination; 2) 601.1.2 – Preserve wetland areas which provide nutrient absorption (ability is compromised by the extent of house footprint and lawn; 3) 601.1.4 – Not safely located within the WWPD – no plans for controlling surface water and groundwater runoff; 4) 601.1.5 – Surface and groundwater quality is not enhanced or protected by the significant intrusion into the WWPD. Mr. Kolodziej seconded. Passed 5-2. Mr. LoChiatto and Mr. Breton opposed because the variance was granted. Discussion: insufficient information received with the plans.

Mr. Kolodziej motioned to adjourn. Mr. McLeod seconded. Passed 7-0. Meeting adjourned at 10:35 pm.

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

Respectfully submitted, Nancy Charland