

PLANNING BOARD MINUTES

March 2, 2005

ROLL CALL:

Lee Maloney, Chairman – Present
Ross McLeod, Secretary – Excused
Phil LoChiatto, Regular Member – Present
Ruth-Ellen Post, Alternate – Present
Chris Doyle, Selectman Alternate – Present But Not Seated
Nancy Prendergast, Vice Chairman -- Excused
Walter Kolodziej, Regular Member – Excused
Bruce Breton, Regular Member – Present
Pam Skinner, Regular Member – Present

STAFF:

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

Ms. Maloney opened the meeting at 7:30 p.m. Ms. Post replaced Ms. Prendergast and was appointed Vice Chair for the meeting. Ms. Post was asked to take the minutes, assisted by Mr. LoChiatto who recorded motions. Mr. Breton motioned to move the Flat Rock Road Subdivision to March 16. Ms. Post seconded. Passed 5-0.

MINUTES:

- Mr. Breton moved to approve the February 26 Site Walk minutes as amended. Ms. Skinner seconded. Passed 5-0;
- Mr. LoChiatto moved to approve the February 23 minutes as amended. Mr. Breton seconded. Passed 5-0.

CORRESPONDENCE:

- Request from MHF Design Consultants, Inc. to continue concept hearing for Windham Village Center, North Lowell Road site plan, to April 6. Motion by Mr. Breton to grant the continuance, seconded by Mr. LoChiatto. Passed 5-0;
- Letter regarding groundwater in Butterfield Estates. The Chair will hold that letter for the hearing on Butterfield Estates later during this meeting

OLD/NEW BUSINESS:

- Ms. Post congratulated Mr. Turner and Ms. Way on their contributions to a very informative and detailed article on growth and development in Windham, which appeared in the March issue of *Windham Life*;
- Mr. Breton reminded everyone to vote on March 8.

PUBLIC MATTERS:

Lake View Farm Elderly Housing – 24 units – Public Discussion **92 and 94 Range Road, lot 11-A-580**

Ms Way: 24 semi-detached, single family units, plus existing farmhouse-apartments. Loop road from Armstrong Road plus side drive to additional units. Ms. Way read the department's comments. Mr. Breton moved to accept the matter for public hearing. Ms. Skinner seconded. Motion passed 5-0.

Ms. Way noted that section 610.8 requires social or other services for residents, which a residents' association could coordinate. Mr. Maynard provided a list of services in the area. No recreational building or on-site recreational facilities are proposed at this time. Staff urged the Board to perhaps allow additional time to think about whether on-site amenities are needed. Mr. Maynard pointed out that this is a small elderly housing complex – 24 units, compared to Hadley Woods which has 60 units and also no clubhouse. He also mentioned that the developer has sought no density bonuses and sidewalks are being constructed on both sides of the new roadways

Mr. Joseph Maynard of Benchmark Engineering described the site plan. Condo documents for an age 55+ community will have to be reviewed by Town Council under the Elderly Housing Ordinance. Two-

car garage is in the front of each unit. All units are one-story with 2 bedrooms and a loft, with the main floor including 1600 to 1700 square feet. The units are clustered some distance from Range Road to preserve view and open space (although this is not an “open space” development). The interior road, which will be a private road, connects to Armstrong Road at two points, in keeping with Fire Department request. Conservation Commission supports dredge and fill application and location of one row of units closer to Bella Vista Road. State has approved permits for one WWPD disturbance, near Bella Vista Road. Historical Society requests that artifacts be kept and that an archeological study be done due to the somewhat unique history of this property. Artifacts will be logged and an expert/consultant has been hired to report findings.

One permit not yet obtained: DOT permit for Armstrong Road curb cuts. The developer is working with Pennichuck Water Works to bring in drinking/household water from the water system on Route 28. Local wells will be installed for irrigation only. Water will not be drawn from Cobbetts Pond, as was an earlier practice. Abutters’ easements for beach rights will remain in effect.

An open field near Range Road and along Armstrong Road will be maintained. Natural plantings will be used to preclude any need for fertilizers to establish grasses (since the area is near Cobbetts Pond) and winter road/sidewalk treatments will also be chosen to avoid harmful runoff. Mr. LoChiatto requested that these restrictions be put into the condo documents.

Drainage presently is towards Armstrong Road. After construction, drainage will be mainly easterly, into treatment swales and a retention pond. A fire hydrant will be installed. Utilities will be underground.

Staff suggests an easement be recorded to preserve scenic vista, taking into account subdivided lots on Range Road. The owner agrees to provide that and incorporate it into the deed. It will also be added to the sheets.

Mr. LoChiatto noted that Retention Pond #2 is located in very close proximity to Unit 12, involving a 9’ drop that could create safety risks and aesthetic concerns. The applicant is asked to find a way to address these concerns effectively. Mr. Breton would like to see a plan on landscaping, showing areas being irrigated and areas being left in a natural state. Mr. LoChiatto noted that 610.6.1 requires 65% open space, which applies to grounds and recreational areas, and that it could be clearer whether this requirement is being met. Ms. Post was concerned that the quantity of water being taken from the area be equal to, and preferably less than, the quantity taken previously. Mr. Breton expressed concern that Conservation may not have seen the plans for this site as they are being presented now.

Public Comments:

Georgette Samson, 32 Walkey Road, questioned the “elderly” character of such a project, given the lack of public transportation, and whether in reality this is just a form of low-cost housing for families with teenagers. She was assured that, under the ordinance, dependent residents must be over age 25. Ms. Samson also expressed concern that the beach used by abutters is small and barely accommodates existing neighborhood use.

Vera Barone, 20 Bella Vista Road, considered the area too densely developed, citing 24 septic systems on the property. Ms. Barone also requests a buffer of trees and vegetation between the units and Bella Vista Road.

Waiver and Permit Requests

1. Applicant requests waiver of Section 702 of Site Plan Regulations requiring trees with a diameter over 12 inches to be located on the plan. Reason is that there are few trees on the site and all but about three (located at one road connection to Armstrong Road) are being preserved. Ms. Post moved to grant this waiver request. Mr. LoChiatto seconded. Passed 5-0.
2. Applicant requests waiver of Section 500 of the Site Plan Regulations requiring plans to be submitted in electronic format prior to approval. Mr. LoChiatto moved to grant this waiver and have

applicant submit all plans and information in electronic format upon approval. Ms. Post seconded. Passed 5-0.

3. Special Permit request regarding six impacts to WWPD were acknowledged but not acted on. Mr. Breton requests input from Conservation Commission prior to decision on these requests.

Mr. LoChiato moved to continue Public Hearing on this application on March 16. Mr. Breton seconded. Passed 5-0. Ms. Post reiterated the following items for the applicant's attention at the next hearing: 1) Landscaping plans showing irrigated and non-irrigated/natural areas; 2) Proposed remedy for risks posed by retention pond # 2 close to unit # 12; 3) Easements to preserve scenic vista; 4) Propose a low-cost recreational amenity for residents; and 5) Buffer between proposed units and Bella Vista Road

Vessali Subdivision – 2 residential lots – Public Discussion
9 Sheffield Street, lot 11-C-2563

Motion by Mr. Breton to continue to March 16. Seconded by Ms. Post Passed 5-0.

Butterfield Open Space Development – 22 residential lots – Public Hearing
County and Jackman Ridge Roads, lots 8-C-200, 8-C-2000, and 8-C-200A

Ms. Way: This plan involves transferring a portion of one lot, merger of two larger lots (with separate owners) and then a subdivision of the merged lots. Although subdivision approval is a precondition of merger, the Board will consider only the subdivision application and make approval conditional upon completion of the merger. Ms. Way read the details of the Project Review for this subdivision. Road is about 2800 feet, 28' wide. Mr. Breton motioned to accept for public hearing. Ms. Skinner seconded. Passed 5-0.

Ms. Maloney read into the record portions of correspondence from Stonehill Environmental, Inc., written in reply to a letter from resident Charles Cottone, in which he questioned the data and conclusions of Stonehill's January, 2004 report analyzing wells and groundwater availability in the area of this development. It was pointed out that Stonehill was the Town's consultant, not the applicant's, and that Stonehill had helped the Town update our wells ordinance.

Several members of the Board indicated they want to hear from a representative of Stonehill to clear up the questions raised by the 2004 report and subsequent correspondence.

Mr. Peter Zohdi presented plans and details, noting that he has appeared 6 or 7 times on this application, and also before the Conservation Commission several times. He cited no impact to any wetland. There is a small crossing of WWPD at the north side, which is avoided as much as possible by a curve in the road. Drainage has been reviewed and DES has given its approval.

Improvement of County Road may be needed. A section of County Road to Rt. 93 is presently subject to gates and bars. The developer will dig it up, inspect it, and determine what improvements are needed, anticipating improvements to a minimum of 22 feet of the road. Staff recommends a 28' wide road. A letter of recommendations from the Highway Department was noted.

A buffer of open space is in the middle and additional open space surrounds the developed areas, so virtually every lot has access to open space. Route 93 is very close to some residents and soundproofing material will be used in that area.

There are no waivers requested. Mr. Zohdi indicated that plans meet all regulations except for one relatively small WWPD impact area, for which a special permit is sought. With regard to the wells questions raised earlier, Mr. Zohdi noted that the current wells ordinance requires two gallons per minute and no building permit is issued until that is established. On nearby Sheffield Road, where some wells have reportedly gone dry, building permits were issued before wells were tested, according to Mr. Zohdi. Also, the subsequent installation of irrigation systems worsened the problem. Emergency water system is shown.

Mr. LoChiatto asked about the slope at the curve in the road near the center open space area, which Mr. Zohdi indicated was about 2%. A site line easement is indicated on the plan for that curved area. The other major curve has a 3.5% to 8% slope and a sight easement is shown for that curved area as well.

Public Comments:

David Peard, 20 Jackman Ridge, indicated that he and some other abutters/neighbors were in fact not surveyed by Stonehill regarding their well. He was also concerned about the very different character of this neighboring development (as an open space development) and its possible impact on real estate values on Jackman Ridge. Mr. Zohdi responded with the example of Castle Reach, which is a similar open space development where homes are selling for \$600,000 to \$1 million. Mr. Peard is also very concerned about the impact of so many new wells drawing water from the area and requests that a performance monitoring plan be put in place. His question about safeguards for blasting were answered by Mr. Zohdi. He also expressed concern about safety of children on Jackman Ridge when the cul-de-sac becomes a continuous road with increased traffic from 25 new homes.

Peter Marsh, 15 Jackman Ridge, also was not surveyed by Stonehill regarding his well and voiced concerns very similar to the previous gentleman. He also asked to be kept informed of what disruptions he should expect as the cul-de-sac is physically modified, since the cul-de-sac is adjacent to his lot. Mr. Zohdi pointed out that removing the cul-de-sac was the Board's decision. Ms. Way agreed to work with this abutter on that.

The Board and staff want to see a traffic calming measure taken in lieu of the current cul-de-sac. Concerns were expressed regarding traffic information and design.

Neighbors would like to see well performance monitoring put into writing, especially regarding the effect of blasting.

In response to concerns about the lack of recent comments from Conservation Commission, Mr. Zohdi indicated that the Commission has seen the plans as they currently appear and has approved them.

Mr. LoChiatto motioned to grant the WWPD Special Permit to allow approximately 200 ft of the roadway in the WWPD. Mr. Breton seconded. Passed 5-0.

Motion by Ms. Skinner to continue this hearing to March 16, seconded by Mr. Breton. Passed 5-0. At that time, the Board will especially want to hear from Stonehill regarding the water and wells issues discussed earlier; re-examine new plans for "traffic calming;" and get written comments from the Conservation Commission.

Ms. Post motioned to hear new business after 10:30 pm and accept Master Lot Line for public discussion. Mr. Breton seconded. Passed 5-0.

Masterson Lot Line Relocation – Public Discussion

11 Beech Street and 17 Gardiner Road, lots 17-J-300 and 143A

Ms. Way: This application involves a land transfer between abutting neighbors, switching small areas that are not contiguous. Both lots are non-conforming undersized lots and will remain so after this transfer. A variance will still be needed due to setback problems.

Motion by Mr. Breton and seconded by Ms. Skinner that this application be recommend for public hearing. Motion passed 5-0.

Motion by Mr. Breton to adjourn, seconded by Skinner and passed 5-0. Meeting adjourned at 11:30 pm.

Respectfully submitted,
Ruth-Ellen Post, Alternate