

PLANNING BOARD MINUTES

May 18, 2005

ROLL CALL:

Nancy Prendergast, Chairman – Present
Ruth-Ellen Post, Secretary – Present
Phil LoChiatto, Regular Member – Present
Bruce Breton, Selectmen Member – Present

Ross McLeod, Vice Chairman – Present
Walter Kolodziej, Regular Member – Present
Pam Skinner, Regular Member – Present
Margaret Crisler, Selectmen Alternate – Excused

STAFF:

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

Ms. Prendergast opened the meeting at 7:30 pm.

MINUTES:

Discussion: Minutes approval process.

- Mr. LoChiatto motioned to approve the May 4 minutes as amended. Mr. Breton seconded. Passed 6-0-1. Mr. McLeod abstained;
- Mr. McLeod motioned to approve the May 11 minutes as amended. Mr. Breton seconded. Passed 5-0-2. Mr. LoChiatto and Mr. Kolodziej abstained.

CORRESPONDENCE:

- Letter drafted by Mr. Wayne Morris for the Chairman's signature to the DOT regarding rail/trail improvements. Discussion: Changes to the letter. Mr. Breton motioned support of sending the letter with the editorial changes. Ms. Skinner seconded. Passed 5-1-1. Mr. Kolodziej opposed and Mr. McLeod abstained;
- Letter from the Tokanel Builders regarding Lake View Farm public hearing. Discussion: Process. Mr. Joseph Maynard: Abutters have been notified. Mr. LoChiatto motioned to consider the Lake View Farm to be first on the agenda at 8:00 pm at the June 1 meeting. Mr. Kolodziej seconded. Passed 7-0;
- Letter from the NH DOT regarding informational meeting regarding the 4' bike shoulders on Lowell Road for May 26 at 7:00 pm;
- Notification of aquatic treatment of Cobbetts Pond
- Protecting Drinking Water Sources in Your Community booklet. Board may schedule a discussion in the fall.
- Staff report: Pennichuck Water, salt additives, Lake View Farm water system;
- Letter from Comprehensive Environmental Incorporated regarding Phase II Regulatory Requirements;
- Letter from Mr. Mark Gross, MHF Design, requesting to withdraw 61 Indian Rock Road public discussion from this evening's agenda;
- 2005 Local Official Workshops flyer;
- Ecology and Conservation Fundamentals flyer;
- Local Government Center Publications Catalog flyer.

OLD/NEW BUSINESS:

Discussion: Rockingham Planning Commission meeting this evening, their topics, meet on another evening with RPC.

LIASION REPORT:

Mr. Bruce Breton: Workforce Appreciation Day today, open-space land on front page article of the newspaper.

Discussion: Cops Hill Site walk did not happen this evening. Ms. Lisa Linowes, 20 Bramley Hill: Requested to move Forty Acres Subdivision to the top of the agenda. Ms. Skinner motioned to move Forty Acres to the top of the agenda due to time-sensitive town business. Mr. Breton seconded. Passed 6-0-1. Mr. LoChiatto abstained.

Ms. Skinner motioned to move Castle Reach IV, High Pointe East Open Space Subdivision, and Kahuna Site Plan to June 1 at 8:00 pm. Mr. McLeod seconded. Passed 7-0.

PUBLIC MATTERS:

Forty Acres Subdivision – 3 lots – Public Hearing

168 Rockingham Road, lot 8-B-3000

Mr. LoChiatto recused himself. Mr. Turner: Location, lots, wetlands, flood plain, flood ways, meets lot sizing requirements, application is sufficient and ready for public hearing. Mr. McLeod motioned to open for public hearing. Mr. Breton seconded. Passed 6-0. Mr. Turner: Waivers requested: 1) Section 601.13 to not provide the percolation test locations and results; 2) Section 602.16 to not show driveway access on the plan; 3) Section 702.2.10 to have the final plans at a scale of 1"=200' and existing conditions, soils and proposed conditions plan with a scale of 1"=100'; 4) Section 601.17 not all areas of the lot have been surveyed for soils; and 5) Section 601.6 not all of the land has been mapped to illustrate 2' contours.

Mr. Peter Zohdi, Herbert Associates: Acreage, lots, lot sizing requirements, waiver for scale for recording purposes. No public comment.

Discussion: Topo mapping. Mr. Zohdi agreed to set all bounds and monuments, will give topography map of the land the Conservation Commission is purchasing, trail is shown on the plan. Ms. Linowes: Seller did agree to sell the land at a significantly reduced price. Mr. McLeod motioned to approve the waivers as requested with the condition that the topo will be provided for the lot the Conservation Commission is purchasing. Mr. Breton seconded. Passed 6-0.

Mr. McLeod motioned to approve the subdivision with the following conditions: 1) All boundary markers specified "to be set" shall be set; and 2) All state and federal approvals shall be received prior to the recording of the plans. Mr. Breton seconded. Passed 6-0.

Carr Landscaping Site Plan – Public Hearing

20 Rockingham Road, lots 13-B-50

Ms. Way: Continuation of a public hearing, previous meeting, location, change-of-use, outstanding issues, engineer has met with staff regarding the outstanding issues. Mr. Karl Dubay, MHF Design: Revised plans, performance bond, operation maintenance for storm septic, existing signs and what needs to be done to bring into conformance, stabilize the rear area of the site, sequencing and erosion control, paving, tracking pads, reduced slope grade, transition slopes, staff recommendations.

Attorney Saunders: Tenants given notice without a date certain as yet. Mr. Dubay: Auto parts is vacated. Towing will vacate as part of bonding mechanism. Mr. McLeod motioned to reopen for public hearing. Mr. LoChiatto seconded. Passed 7-0.

Discussion: Setbacks, fenced in areas, internal flood drains will be capped, storage area concrete blocks, inside uses, spill containers, inspection station, where will storage be while working on the site, compliance. Mr. Dubay: Phasing will be added to the plan. Discussion: 120 days after approval to come into compliance, sign removal, sign approval, storm septic, lighting. No public comment.

Mr. Kolodziej motioned to approve the site plan with the following conditions: 1) All state and federal approvals shall be received prior to the start of construction; 2) The applicant will apply and pay for all necessary sign permits and remove any unauthorized signs within 30 days of approval; 3) The project/site plan must be substantially complete 90 days after approval. The site will be substantially complete when all of the stormwater/drainage systems and additional paving is installed in working order and all of the slopes are stabilized for erosion. The uses on the site must only include those outlined in the Site Plan approved by the Planning Board on May 18, 2005; 4) All wetland violations need to be corrected within 30 days of approval with guidance of a NH registered wetland scientist; 5) The applicant must submit a letter that is signed by all of the tenants acknowledging the conditions of site plan approval; 6) Motorized vehicles will only be stored on the paved areas designated on the site plan; 7) Performance guarantee should be submitted for all required site improvements because the site has been occupied without approvals and permits; 8) Concrete blocks shown on Sheet 7 be made consistent with Sheet 6; and 9) Add sequencing note regarding moving stored items in rear area during stabilization. Mr. McLeod seconded.

Passed 7-0.

Discussion: Agenda will stay as posted.

Spruce Pond II Open-Space Subdivision – 89 residential lots – Public Discussion off Rockingham Road, lots 3-B-800, 890, 900

Mr. Turner: Lots, open-space subdivision, connector to Derry, 9,000 ft of new roads, Rt 28 improvements timing, access to land-locked parcels, gate at Derry town line, opticom, road maintenance, traffic calming, block length, trial connections, hydrogeological, road width, regional impact, coordination with Derry Planning Board.

Mr. Joseph Maynard, Benchmark Engineering: Alternate connections have been met with opposition, Derry has issue with a large Windham subdivision dumping traffic into Derry, intersection in failure, emergency vehicles access, opticom gate, updated traffic study, left-turn lane, block length, road widths, wells, environmental wildlife study, archeological study. Ms. Prendergast read letters from 1) fire department, and 2) police department. Discussion: Disagree with opticom access, Hopkins Road, recreational for the area, trails, planned crossings, secondary access.

No public comment. Discussion: Block length, roundabout, traffic study, traffic calming, road length, opticom gate for emergency access, residents cannot evacuate via gated road, letter to Derry Planning, connection, development will take years to build out, will add about 90 school-age children; destination study, RPC, have fire and police chief at next meeting, have traffic engineer at the next meeting. Mr. McLeod motioned to note that Spruce Pond II Subdivision has regional impact. Ms. Post seconded. Passed 7-0. Mr. McLeod motioned to continue to the June 8 meeting to allow to: 1) Invite testimony from fire and police departments; 2) Allow time to seek Rockingham Planning Commission involvement; and 3) Invite applicant's traffic engineer's testimony. Ms. Post seconded. Passed 7-0.

Mr. McLeod motioned to waive bylaws and hear new business after 10:30 pm. Mr. Breton seconded. Passed 6-1. Mr. Kolodziej opposed.

Millstone Place Site Plan – Public Hearing 127 Rockingham Road, lot 3-B-200

Ms. Way: 12,500 sq ft mixed-use building, location, acreage, Neighborhood Business District, Rt 28 Access Overlay, right-in/right-out on Rockingham Road, Flat Rock Road entrance, signs, buffers and screening, uses, plan is complete and ready for public hearing. Discussion: Recap of previous meeting. Mr. McLeod motioned to accept for public hearing. Mr. Breton seconded. Passed 7-0.

Ms. Way: Summary of previous issues, read the minutes from previous meeting. Ms. Prendergast read the department comments. Discussion: Unknown uses, side walks ADA compliant, more sign detail needed, parking calculations, vegetated buffer, waiver of Section 500.

Mr. Joseph Maynard, Benchmark Engineering: Building layout, right-in/right-out access, 12,500 sq ft, unsure of uses, detention pond, plantings, trees, flowering shrubs, fire cistern. Discussion: Paper-service restaurant, sign information once they know who the tenants will be, sidewalk to be ADA compliant, lighting, parking spaces, architecture, cape cod berm, sidewalk plowing, fire sprinkler, emergency response. Mr. Brian Harvey, H&B Homes: Fire department has used the Hadleigh Woods cistern. Discussion: Partly public road, emergency response comments from police and fire departments, number of parking spaces, sidewalk to service the neighbors.

Public comment from: Mr. Frank Walsh, 7 Flat Rock Road; Ms. Mildred Mathews, 25 Flat Rock Road; Mr. Jim Clarke, 11 Flat Rock Road; Mr. Len Kimball, 16 Hadleigh Road; and Mr. Tom Tosto, 4 Hadleigh Road. Concerns: Access to the property, lighting, sidewalks, doesn't like Flat Rock Road entrance, a lot of walkers on the road, site distance, dangerous intersection, would like a copy of the plan to show the Hadleigh Woods Condo Association and get comments, dangerous intersection.

Mr. Maynard: Addressed the issues including site distance, full access from Rt 28. Mr. Jack Szemplinski: Road placed to be across from Villages of Windham. Discussion: Access, Rt 28 Access Overlay, Neighborhood Business. Mr. Breton motioned to continue the public hearing to June 1. Ms. Skinner

seconded. Passed 7-0.

Mr. McLeod motioned to adjourn. Mr. Kolodziej seconded. Passed 7-0. Meeting adjourned at 12:00 am.

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

Respectfully submitted, Nancy Charland