

## PLANNING BOARD MINUTES

July 6, 2005

### ROLL CALL:

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

Ross McLeod, Vice Chairman – Excused  
Walter Kolodziej, Regular Member – Present  
Pam Skinner, Regular Member – Excused  
Rick Okerman, Alternate – Present  
Margaret Crisler, Selectmen Alternate – Present but not seated

### STAFF:

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

*Ms. Prendergast opened the meeting at 7:35 pm. Mr. Griffis and Mr. Okerman replaced Mr. McLeod and Ms. Skinner.*

### MINUTES:

- Mr. LoChiatto motioned to approve the June 22 minutes. Mr. Breton seconded. Passed 6-0-1. Mr. Kolodziej abstained.

### BONDS:

- Jackman Ridge Road Ext. Reduce \$414,990 with new amount to be \$331,500. Ms. Post motioned to approve. Mr. Kolodziej seconded. Passed 4-0-3. Mr. Breton, Mr. Griffis, and Mr. LoChiatto abstained;
- Tarbell Road, final release of \$6000. Mr. Kolodziej motioned to release. Mr. LoChiatto seconded. Passed 6-0-1. Mr. Breton abstained. Mr. Kolodziej motioned to petition the Selectmen to accept the road as a town road. Mr. LoChiatto seconded. Passed 6-0-1. Mr. Breton abstained.

### CORRESPONDENCE:

- Record of appointment for Mr. Okerman and Mr. Griffis;
- Photo of Fritz Wetherby and town officials;
- Letter to the Derry Planning Board regarding Spruce Pond Subdivision joint meeting;
- Letter from NH Housing regarding a study called “Housing and School Enrollment in NH: An Expanded View”;
- Letter from PSNH regarding tree trimming, and Mr. Turner’s letter of response;
- CIP needs request memo and forms;
- Letter from the Sunshine Sign Company regarding the Mortgage Specialist sign at 33 Indian Rock Road. Discussion ensued. Mr. LoChiatto motioned to approve the sign as submitted. Mr. Kolodziej seconded. Passed 6-1. Ms. Post opposed;
- Letters from: 1) Pennichuck; 2) Attorney Bronstein; and 3) Lewis Engineering regarding Lake View Farms. Discussion: Additional information requested. Mr. Joseph Maynard, Benchmark engineering: Pennichuck will service for water, no CO's until water system requirement is satisfied. Discussion: Existing well location, use of the Common Man wells, Mr. Don Ware: Well option, timeline, state permitting, Salem connection won't happen right now, will continue to pursue. Discussion: Existing homes, system water quality problems, W&E system, 7500 gallon holding tank, water treatment, salt, timeline, permitting, individual wells, construction without water too great of a risk. Mr. Kolodziej motioned to deny the request for a waiver due to lack of permits for well and uncertainty of water supply indicating this change is not a minor change to the site plan approval pursuant to Section 904 of Site Plan Regulations. Ms. Post seconded. Passed 4-1-2. Ms. Prendergast opposed. Mr. Griffis and Mr. Okerman abstained. Mr. Maynard: Construction, subdivision regulations. Discussion: Not met site plan regulations, road construction could begin. Mr. Kolodziej motioned to allow the developers of Lake View Farms to build the road and utilities but no foundations or other construction until there is a source of water supply as a minor change to conditions of initial approval. Mr. LoChiatto seconded. Passed 6-1. Mr. Breton opposed.

- UNH flyer called “The Dollars and Sense of Saving Special Places”.

Mr. Kolodziej motioned to move Clarke Farm Subdivision, Vessali Subdivision, MHB Subdivision, Waterhouse Site Plan, Cyr Lumber Site Plan, and 46 Lowell Road Site Plan to July 20. Mr. LoChiatto seconded. Passed 7-0.

#### **OLD/NEW BUSINESS:**

Discussion: Shaws concrete retaining wall, Peter Griffin RPC appointment has expired but willing to continue another 4 year term. Mr. Kolodziej motioned to recommended to the Selectmen to reappoint Peter Griffin to the RPC for another 4 year term. Mr. Lochiatto seconded. Passed 7-0.

#### **PUBLIC MATTERS:**

##### **Jarosky Special Permit – Public Hearing**

##### **5 Harris Road, lot 13-D-40**

Mr. Turner: Former plan denied, applicant filed an appeal, resubmitting with incomplete application, WWPD, variances granted, application complete and recommends for public hearing. Mr. Kolodziej motioned to accept for public hearing. Mr. Breton seconded. Passed 6-0-1. Mr. Griffis abstained. Ms. Prendergast read a letter from Gove Environmental. Mr. Turner: WWPD restoration.

Mr. Peter Zohdi, Herbert Associates: Gove Environmental report, erosion control, plantings. Attorney Bill Mason: History of property and state land taking, variance details, court, working with staff. Mr. Zohdi agreed to no chemical treatment of lawn or driveway. Discussion: Stonewalls, trees, wetland buffers, erosion controls. No public comment.

Mr. LoChiatto motioned to approve the special permit as submitted with the recommended change to item #5 in construction sequence, from “should” to “shall.” Mr. Breton seconded. Passed 5-0-2. Mr. Okerman and Mr. Griffis abstained.

##### **High Pointe East Open Space Subdivision – 3 lots – Public Discussion**

##### **Off Ironwood Road, lot 8-C-300**

Ms. Way: Second phase of Orchard Blossom, location, cul-de-sac, 3-lot, crosses the railroad bed and recreational trail, large size lots, road length, road slope, waivers, wetland crossing. Discussion: Required permits for crossing the railroad bed.

Mr. George Fredette, SFC Engineering: 3-lot subdivision, future development of Orchard Blossom 15-lot subdivision, zoning change, Jan 2005 were making provisions for this access and no provision to other zoning access, requested waivers, 24' road, block length, cul-de-sac length, grade, other town roads have steeper grades, right-of-way access, state suggestions. Discussion: Waiver of percent of grade not granted in recent history, raised trail bed, public trail, former approval, Rockingham Trail, emergency access, 9½% grade, road maintenance, trail access, parking, Ironwood Road dedicated right-of-way, Mr. Fredette: Bridge not on the table, New England road grade, 10% is a functional grade, trail parking. Discussion: Private road, road grade, private vs. class VI road, convergence of trails and road, not acceptable grade, parking issues, overpass suitable for trains, limited traffic for 3-lot subdivision, road width, raising the trail bed, non-binding discussion. No public comment.

Discussion: Trail off-road parking, send the plans out for department comments, site walk at 9:00 am on July 23 with Conservation Commission, Trails Committee, and Historic District Commission to be invited. Members to meet at end of cul-de-sac. Applicant to mark center line of the road.

##### **Kahuna Site Plan – Public Discussion**

##### **10 Industrial Drive, lot 13-A-195**

Mr. Turner: Previous approvals, site plan change, building size and parking change. Mr. Zohdi: Smaller building, drainage, minor change to site plan, reducing the size of the building. Discussion: Two-story building, elevation, proposed plan. No public comment. Discussion: Staff recommendations, site plan regulations, uses, parking calculations, office/warehouse use.

Mr. LoChiatto motioned to approve as a minor change due to it's a smaller building with a reduced footprint and reduced parking with the following conditions: 1) Separate sign application; and 2) New

plans should have all of the Town's signed certifications. Mr. Kolodziej seconded. Passed 7-0.

Mr. LoChiatto motioned to waive the bylaws after 10:30 to hear 8 Rock Pond Road Special Permit and Masterson Lot Line Adjustment. Mr. Kolodziej seconded. Passed 7-0.

### **8 Rock Pond Road Special Permit – Public Hearing**

#### **8 Rock Pond Road, lot 24-A-21**

Ms. Way: Applicant would like to build a house, deck, portion of lawn, and well within the WWPD, existing lot of record, septic location, variance granted, lot approved 1962, not exempt from WWPD regulations, needs construction sequence, erosion control and restoration. Discussion: Required information, buildable lot of record, impacts, application is lacking details. Mr. LoChiatto motioned to accept for public hearing. Mr. Breton seconded. Passed 5-2. Ms. Post and Mr. Kolodziej opposed.

Mr. Ron Coish, owner representative: Erosion control during and after construction, brook location, grandfathered except public safety, sewerage and health, septic outside the WWPD, well vegetated lot, WWPD location, 40-year-old lot, water quality. Mr. Turner: town owns brook and buffer. Mr. Coish: Wetlands, grades, no tree cutting beyond green line. Discussion: Erosion controls, trees to be saved, lawn, chemical treatment of lawn. No public comment.

Mr. Kolodziej motioned to approve the Special Permit with the following conditions: 1) Construction sequence as described; 2) Cut line as shown; 3) "No chemical treatment of lawn" added to the plan. Mr. LoChiatto seconded. Passed 7-0.

### **Masterson Lot Line Adjustment – Public Hearing**

#### **9 Beech Street & 15 Gardner Road, lots 17-J-300 & 143A**

Mr. Turner: Lot line relocation, surveyor found error with the lot line. Mr. LoChiatto motioned to accept for public hearing. Mr. Kolodziej seconded. Passed 7-0. Mr. Turner: Location, changes lot line locations, 4473 sq ft of land to be swapped, variance granted, John Thorndike reviewed lot sizing, waiver requested. Ms. Prendergast noted a letter from Peter Zohdi regarding the plans, and another letter regarding the waiver to Section 605.1 lot sizing requirements.

Mr. Peter Zohdi, Herbert Associates: Corrected mistake, variances granted, land swap. No public comment. Mr. Kolodziej motioned to grant the waiver of Section 605.1 of the Subdivision Regulations as it is consistent with the variance. Mr. LoChiatto seconded. Passed 7-0.

Mr. LoChiatto motioned to approve the subdivision for the lot line adjustment subject to staff recommendations: 1) Subdivision certifications statements; 2) State, federal, and local approvals before the signing and recording of the plan. Mr. Breton seconded. Passed 7-0.

Mr. Kolodziej motioned to adjourn. Mr. LoChiatto seconded. Passed 7-0. Meeting adjourned at 11:30 pm.

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

Respectfully submitted, Nancy Charland