

## PLANNING BOARD MINUTES

April 5, 2006

### ROLL CALL:

Nancy Prendergast, Chairman – Present  
Ruth-Ellen Post, Secretary – Present  
Phil LoChiatto, Regular Member – Present  
Neelima Gogumalla, Alternate – Present  
Rick Okerman, Alternate – Not Seated  
Alan Carpenter, Selectmen Alternate – Excused

Ross McLeod, Vice Chairman – Excused  
Walter Kolodziej, Regular Member – Present  
Pam Skinner, Regular Member – Present  
Steven Griffis, Alternate – Not Seated  
Margaret Crisler, Selectmen Member – Present

### STAFF:

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

*Ms. Prendergast opened the meeting at 7:30 pm. Ms. Gogumalla replaced Mr. McLeod.*

### BOARD REORGANIZATION:

- Mrs. Crisler motioned to nominate Mr. LoChiatto as Chairman, Ms. Post as Vice Chairman, and Ms. Prendergast as secretary. Ms. Post seconded. Discussion: Separate motions for each position, process, others interest and qualifications, and withdrawing the motion. Vote taken. Passed 4-3. Ms. Skinner, Mr. LoChiatto, and Mr. Kolodziej opposed.

*Board members took their new positions. Ms. Prendergast was thanked for a great year as Chairman. Ms. Prendergast left the Board and Mr. Okerman joined the Board.*

### CORRESPONDENCE:

- Proposal for a Sweat lodge at 150 Lowell Road. Mr. Turner: Explained the Indian Sweat lodge request, the applicant has cleaned up the wetland, flatten out small area for a temporary lodge made of bent willows for the religious ceremony, no flood plain impacts, and the altering terrain of the WWPD. Discussion: Religious ceremony, not for profit, house used for bathroom facilities, not much rain this season, high and dry area, fill, fire department would issue fire permits, owner has granted permission for Recreation Committee to clean up the brook because it is flooding the fields, large lot, and has cleaned up a lot of truck parts from the WWPD. Ms. Valerie Megna, 150 Lowell Road: Wants to flatten the land, it doesn't get water, didn't know they weren't supposed to use fill, have cleaned out about 20 tires, 3 days planned for sweat lodge use, 20 people, discussed the ceremony including food. Discussion: Incidental use, parking available on property, sauna-like, and location within the WWPD. Mrs. Crisler motioned to consider this use as an Indian sweat lodge an acceptable use for recreation and religious purposes and does not require a Special Permit. Mr. Kolodziej seconded. Discussion: Reuse of rocks, and no accelerants used. Passed 6-1. Ms. Post opposed;
- Letter from Herbert Associates regarding rescheduling the Giordano discussion to reschedule to April 19. Mr. Kolodziej motioned to grant. Ms. Post seconded. 7-0;
- Letter from the RPC regarding membership dues;
- Letter from DiFruiscia Law Offices regarding parking lot for Griffin Park at 112 Range Road.

### ROAD BOND:

- Jenny's Hill; release \$136,387 and retain \$21,000. Mrs. Crisler motioned to grant. Ms. Post seconded. Passed 7-0.

### MINUTES:

- Ms. Post motioned to approve the March 22 minutes as amended. Mrs. Crisler seconded. Passed 6-0-1. Mr. Kolodziej abstained;
- Ms. Post motioned to approve the March 29 minutes as amended. Mr. Okerman seconded. Passed 6-0-1. Ms. Skinner abstained.

### PUBLIC MATTERS:

### **Lot Merger Regulations – Public Hearing**

Mr. Turner: Merger applications require review but not public hearing, requirements, process, need for regulations, Code Enforcement Officer review, and formalizes process. Discussion: Planning Board being informed, administrative procedure, and mergers are positive for the town. No public comment. Mrs. Crisler motioned to adopt the lot merger regulations as presented. Ms. Post seconded. Failed 2-5. Ms. Gogumalla, Ms. Skinner, Mr. LoChiatto, Mr. Okerman, and Mr. Kolodziej opposed. Ms. Post motioned to approve the proposed regulations subject to a report to the Board of lot merger applications as they occur. Mrs. Crisler seconded. Discussion: After the fact and no Board input, staff needs direction from the Board, and Code Enforcement authority, and we need process. Passed 5-1-1. Mr. Kolodziej opposed and Mr. Skinner abstained.

### **Forty Acres Subdivision and Lot Merger – Public Hearing**

#### **168 Rockingham Road, lots 8-B-3000, 4700, 3001, and Derry lot 3026**

Mrs. Hebert: Location, staff reviewed and ready for public hearing. Mr. Kolodziej motioned to accept for public hearing. Ms. Post seconded. Passed 7-0. Mrs. Hebert: Subdivision includes Derry land, effort by the Conservation Commission to acquire the land, 136 acres to be conservation land, 27 acres developable land, zoning, aquifer protection district, meets regulations and density requirements, WWPD should be marked on plans, Neighborhood Business District line on the plan, copy of plan in DXF format.

Peter Zohdi, Herbert Associates: Conservation land ownership, and working with town of Derry for subdivision. Discussion: Survey.

Public input from Mr. Griffis, alternate; Mr. Karl Frank, 41 Goodhue Road: Land locked parcels, and property location. Discussion: Access for land locked lots. Mr. LoChiatto read a letter from Douglas Yennaco. Public comment continued with Wayne Morris, Jordan Road: Trail access.

Mrs. Crisler motioned approve the application for subdivision and merger to subdivide Parcel “A” from lot 8-B-3000, then merge Parcel “A” with lots 8-B-4700 and 8-B-3001 with the following conditions: 1) All boundary markers specified “to be set” shall be set as a condition of approval; 2) The Neighborhood Business District line should be clearly defined on all appropriate sheets within the plan set; 3) All state and federal approvals shall be received prior to the recording of the plans; 4) Locate the wetlands and Wetlands and Watershed Protection District on the recordable plans; 5) The applicant shall submit a copy of the plans on a CD in DXF (drawing exchange file) format. The plans shall be referenced to NH State Plane coordinates using the North American Datum of 1983 (NAD83) and the North American Vertical datum of 1988 (NAVD88). The plans shall be tied in to real world State Plane coordinates using the datum specified above. To demonstrate this tie down, all features shall be stored in the NH State Plane Coordinate System and the plan location and coordinate values of at least two points shall be included in the submitted CAD file. The applicant will work with staff to determine what CAD layers should be included in the file. Mr. Okerman seconded. Passed 7-0.

### **Gauthier Subdivision – 4 residential lots – Public Discussion**

#### **Marblehead Road, lot 25-G-60**

Mr. Turner: Review of the project, site walk, lot access from Marblehead Road, Smith Road, building areas, line-of-sight issues, Marblehead Road improvement may be needed, and shared driveways. Mr. Zohdi, Herbert Associates: Site walk, locations of driveways, Marblehead Road improvements, and Smith Road access.

Attorney David LeFeure, representing Bernice Furlong: Not opposed to the subdivision, protected and legal rights to use, would like deeded right to the easement to her property, easement to include turnaround, septic system easement, no need for the easement to cross over her property to be gone. Discussion: Location of septic system, lake access right-of-way, private road use, and road location.

Attorney Ed Richards, representing the Gauthier’s: History of property, right-of-way over the Furlong property, septic system location agreement, grant permission for the septic until it fails or until subsequent ownership, Mrs. Furlong’s rights, subdivision requirements are met, relocation access to Marblehead

Road, and adverse possession or consent. Discussion: Continued passage to Mrs. Furlong, work out the issues before coming back to the Board, shared maintenance of the road, and no blocking of the road. Attorney LeFeure: Mrs. Furlong rights, and public interest of the new lot owners. Attorney Richards: Full disclosure.

Discussion: Legal disputes are not the Planning Board's issues, send out for department comments, Attorney Campbell's comments regarding accepting the plan, other efforts, line-of-sight, outcropping blasting, shared road access, road profiles, legal issues worked out as much as can be, town council questions, location of Smith Road right-of-way and the effect, resolution of the Furlong's septic easement, line-of-sight for driveways before and after Marblehead Road improvements, town council advice or current jurisdiction of Smith Road. Public comment from Mr. Morris, Rock Pond resident: Protect the Furlong's way-of-life that they've had for 40+ years.

Mr. Zohdi: Work with staff, two councils will or will not work with each other, or should be sent to Attorney Campbell. Discussion: Substantial complete application, Board opinion regarding discussion vs. hearing, consideration current owners, and continue the discussion. Mr. Kolodziej motioned to continue Gauthier subdivision April 19. Mrs. Crisler seconded. Passed 7-0.

### **Johnny Hill Estates – 27 residential lots – Public Discussion**

#### **Heritage Hill Road, lot 20-D-3000**

Mrs. Hebert: 27 lots, location, road length, connection to other proposed subdivision, no WWPD impacts, long dead-end road if the other subdivision were not completed, and potential connection to Terra Bella subdivision. Discussion: Johnny Hill Road on this property is discontinued, Gage Land access, groundwater study completed, road connectors, emergency response times, and road configuration.

Peter Zohdi, Herbert Associates: Abutting potential subdivision, parcel access, Johnny Hill Road ownership, temporary cul-de-sac, hammerhead, right-of-way to Gage Property, and complying with checklist. Discussion: Road layout includes curves to slow traffic down, Ryan Family natural preserve, lot access, Terra Bella subdivision, hold up back lots until connection can be made, send plan out to fire, police and Conservation Commission, and site walk scheduled April 22 at 9:00 am.

Mr. Okerman motioned to adjourn. Ms. Post seconded. Passed 7-0. Meeting adjourned at 10:25 pm.

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

Respectfully submitted, Nancy Charland