

PLANNING BOARD MINUTES

October 4, 2006

ROLL CALL:

Phil LoChiatto, Chairman – Present	Ruth-Ellen Post, Vice Chairman – Present
Nancy Prendergast, Secretary – Present	Walter Kolodziej, Regular Member – Excused
Ross McLeod, Regular Member – Present	Pam Skinner, Regular Member – Present
Neelima Gogumalla, Alternate – Excused	Rick Okerman, Alternate – Excused
Margaret Crisler, Selectmen Member – Present	Alan Carpenter, Selectmen Alternate – Excused

STAFF:

Al Turner, Director of Planning and Development – Present

Mr. LoChiatto opened the meeting at 7:30 pm.

MINUTES:

- September 13 minutes held for review of the propane tank capacity;
- Mrs. Crisler motioned to approve the September 20 minutes. Ms. Post seconded. Passed 5-0-1. Mr. McLeod abstained;
- Mrs. Crisler motioned to approve the September 27 minutes. Ms. Post seconded. Passed 6-0.

CORRESPONDENCE:

- Letter from Sam Nassar regarding previous correspondence;
- Confidential legal communication from Attorney Campbell regarding Mr. Nassar's letters;
- Petition from the Hadleigh Woods Association opposing the construction of a traffic island on Flat Rock Road. Discussion: Would it need a public hearing? is the road a Town approved road? and what is the process to revise the subdivision plan;
- Letter from Joe Maynard, Benchmark Engineering regarding the request for a building permit on a Class VI and Private Road, Fourth Street, lot 16-P-1011. Discussion: To be a year round home, well and septic locations, soil base, and tabled to the end of the meeting when Mr. Maynard will be present;
- The Making of Main Street, NH's Downtown Conference brochure.

OLD/NEW BUSINESS:

- October 11 agenda will start at 7:30 pm;

PUBLIC MATTERS

Gauthier Open Space Subdivision – 5 residential lots and 1 open space lot – Public Hearing Marblehead Road – lots 25-G-50 & 70

Mr. Turner: Subdivision of lot 25-G-50 & 70, indicated the location on a map, the application is ready for public hearing. Ms. Prendergast motioned to open for public hearing. Mr. McLeod seconded. Passed 6-0.

Mr. Turner: The proposal is for 5 residential lots and 1 open space lot, located in Residence A district, a portion of Smith Road will be reconstructed, Smith Road is a private road, a portion of the road will be located to the edge of the proposed lot line, there are some development issues, need to preserve the access to 7 Smith Road, Marblehead Road has had reconstruction by the Town, pond side improvements are needed, a parking drop off area should be designed, and staff recommendations. Discussion: Lot 25-G-70 as part of the subdivision, and ownership of the lots.

Peter Zohdi, Herbert Associates: There is a 1960's recorded subdivision by Mr. Thorndike, the assessors records show as one lot, all house lots will have access to Marblehead Road, showed the location of Smith Road on the map and where it will be moved to, NH DES has approved the plan, Mr. Zohdi has been to the Conservation Commission, the Conservation Commission does not have a problem with the plan, applicant offered to donate \$1000 per lot for the rail trail, he gave a September 21, 2006 letter from the Furlong Family sent to the Planning Board stating no problem with the subdivision, the stonewall will not be removed, and asking for a WWPD crossing for the water system. *Mr. Kolodziej joined the Board.*

Discussion: Smith Road maintenance is covered in the covenants, covenants are being reviewed by Town Attorney, Special Permit required for the well in the WWPD, Mr. LoChiatto read the department comments, Discussion: there should be a parking area near the pond so as to not block emergency vehicles, and it is a private shared driveway. Mr. LoChiatto read a letter from Attorney David LeFevre on behalf of the Furlong Family.

Public comment from: Wayne Morris, Vice President of the Rock Pond Improvement Association and Trails Committee member; Allan Decker, Rock Pond Board of Directors; Dave Eder-Mulhane, Bernice Furlong's son; Alan Carpenter, Selectmen Alternate, speaking as a property owner on Rock Pond: Thanked the applicant for the generous donation to trails, no objection to subdivision, looking for clarification regarding summer maintenance of the driveway and to what standards, the driveway should last a long time, applicant agreed with Conservation Commission for a 30' no cut zone, would the applicant consider a no-cut along the shoreline? make the open space a no-cut zone, prefers no parking, and what type of clearing would need to be done for parking, open space is under the control of the homeowners, logging and forest maintenance can be for profit, it is very invasive, could have a lot of siltation and runoff and could effect the Rock Pond watershed, would like no parking, parking would be a mess, homes are a walkable distance to the pond, litter will become a problem, who will maintain the parking area, it creates issues with little benefit, people who don't belong there will use the parking area, would like a no-cut zone along the waterfront with an appropriate buffer, and Mrs. Furlong should deal with the part of the road she's been dealing with for years.

Mr. Zohdi responded to the public comments: A driveway profile is in the file, worked with staff, 18' width with 12' of pavement, summer maintenance split between the six neighbors, 30' no-cut zone will be on the plan, and open space is no-cut zone. Mr. Turner: Open space is not a no-cut zone.

Discussion: Accepted forestry plan may be needed, the land to remain wooded, a no-cut zone is valid, no place to put a parking lot without blasting, where should the no-cut zone be? parking would probably be an issue for the first summer season only, no need to create the parking, maybe the new owner's would like a parking area, open space is for the homeowners, what is being provided is beyond what is usually provided in open space, enough room for two owners to be unloading, how will the people access the pond? it is a private road, not the Board's job to design the site plan, how parking is handled at Hayes Hart Road is a different set of circumstances, no parking along Smith Road, drop off for Smith Road resident's only, road should be a fire lane, buyers do not read covenants, and have a private road sign.

Mrs. Crisler motioned to authorize the Special Permit for a well in the WWPD as shown on the plan dated 8/31/06. Mr. McLeod seconded. Passed 7-0.

Mrs. Crisler motioned to approve the application dated 8/31/06 with the following conditions: 1) All property bounds shall be set prior to recording the plan; 2) All state and federal approvals should be in place and submitted prior to recording the plan; 3) No parking along Smith Road; 4) The Board will

accept the \$1000 per lot for the rail trail; 5) No cut zone in the open space. Mr. McLeod seconded. Discussion: \$1000 donation not a part of the approval. Mrs. Crisler amended her motion to remove the donation from the conditions of approval. Mr. McLeod seconded. Passed 6-0-1. Mr. Kolodziej opposed.

Mrs. Crisler motioned to recommend to the Selectmen to accept the \$1000 per lot donation from the applicant for the rail trail which meets the recreation requirement. Ms. Post seconded. Should the money go to the general recreation fund? Joe Gauthier, owner: Wanted to help out the rail trail project. Passed 6-0-1. Mr. Kolodziej opposed.

Heritage Baptist Church Plan – Public Hearing
108 Rockingham Road – lot 8-B-1000

Mr. Turner: Site plan to use the existing house as a church and activities for the church, the submitted application was not complete, waiver requests were submitted at a later date, and not ready for public hearing. Discussion: Hoping to hear tonight, parking cannot be on grass, Board choices regarding accepting the plan, going against Town process, applicant was given the option to resubmit and would not have lost any time, against the state law, downgrade to a public discussion, and the site will most likely have minimum impact.

Mr. McLeod motioned not to open for public hearing based on staff's comments. Mr. Kolodziej seconded. Passed 7-0. Mr. McLeod motioned to downgrade from a public hearing to a public discussion. Mr. Kolodziej seconded. Passed 7-0.

David Jordan, SFC Engineering: Disturbed with the action that the Board took, did submit application without the waivers and it was brought to their attention, on September 11 Mr. Jordan sent a letter to the Planning Departments withdrawing the application, on September 11 he also resubmitted the plan with a letter regarding the waivers, he believed that there would be a public hearing this evening, September 11 was 16 days prior to the deadline, and he believes they followed the regulations. Discussion: Letter to withdraw is not in the file.

Mr. Jordan: It is a 6 acre parcel, described the location of parcel, the church owns the property, currently uses the Woodbury School in Salem for services, eventually would like to build a church on this property, proposing to occupy the existing house, will be a 2 phase project, use as is for Wednesday evening services for up to 35 people, explained how they will use the current site, would like three services per week accommodating 78 parishioners, expand the parking at that time, the interior would be renovated, maximum of three employees, interim measure during their fund raising campaign, will come back for a proposal for a church, several waiver requests will be required, wetlands have been flagged, building well outside the WWPD, and not impacting any wetlands.

Discussion: Why put the maximum attendance of 78 parishioners? parking requirements are in the zoning ordinance and cannot be waived, there is some pavement existing, and submit the paved parking lot plan but not pave it at this time.

Matt Fagan, Pastor: The square footage is driving the numbers, and get the parking to suit it.

Discussion: The applicant should be able to get back to the Board in a timely manner, need details for the two proposed light poles. Pastor Fagan: 20' pole with 400 watt dark sky lighting, the same as St. Matthews Parish. Discussion: Include the light information for the public hearing, code enforcement officer will look into the gravel parking, expedited review process, and down lit shield lights.

Teresa Roche, 12 Hunt Road; Maureen Richard, 8 Hunt Road; Can a residence be used as a meeting place, would like a buffer for the lights, where is the location of Hunt Road in regards to the church, and where is the location of the lights. Discussion: A church is an allowed use in the rural zone, and down-lit shielded lights to be used.

90 Indian Rock Road – Granite Hill – Public Hearing

90 Indian Rock Road – lot 17-J-70

Mr. Turner: Hearing to revise the condition of approval and some minor site issues for 90 Indian Rock Road, location of the site is next to Castleton on Cobbetts Pond, one house is existing, required actions, and adequate information to open for public hearing. Mr. McLeod motioned to open the public hearing. Ms. Post seconded. Passed 7-0.

Mr. Turner: The applicant is proposing to install slope granite curbing to eliminate the road side swale as shown on the approved plan, drainage is flowing into the street instead of the ditches, concerns include the plan was built differently than it was designed and there is a safety issue with the water in the street, there are some catch basins in the street, also want to change the drainage along the property line toward the lake to a long treatment swale, the proposed trail would be eliminated because of the construction of the treatment swale, they have maximized (not minimized) the lawn area, did not work with staff as required in the site plan approval, the more lawn there is the more fertilization is used which flows into the lake, the approved fertilizer has not been used, requesting a Special Permit to improve the trail along the shoreline, and staff supports the changes except for the lawn change.

Discussion: Staff is okay with the sloped granite curbing, currently water is eroding at the edge of pavement and this will take care of it, the water crowns to keep the water off the road, catch basin is less than 300' feet away, catch basins go untreated to the pond, upright granite vs. slope granite curbing, drainage velocity where the curbing ends, rip-rap will take care of that, lawn area seems excessive but how to enforce it, steep slope towards the lake, could be a wild flower garden or blueberries, need to be more specific regarding the meaning of minimize, and no attempt to work with the staff.

Joseph Maynard, Benchmark Engineering: Mr. Turner did have some issues at the time of the CO, the drainage as calculated has not increased the runoff, explained the design of the road without the ditch lines, slope granite curbing would work better, slope granite is more reasonably priced, not a large watershed coming down the driveway, did not want to take down so many trees and changed the site specific permit, eliminate the trail along the filter strip, keeping the other trail, 1.4 acres of lawn area for 4 lots, most of the lots along Cobbetts Pond have the trees cut in front, this lot will keep the trees, does not think the lawn is excessive, limited by the Shore Land Protection, showed current photos, there will be landscaping added, Special permit for the driveway, small portion of the existing trail is in the WWPD, would like to clean up the trail, no more trees are being proposed to be cut, and light green (on the map) is the proposed lawn areas.

Public comment from Barbara Calt-Dooley, 7 Heron Cove Road; The changes will be good and help the quality of the water, and how will they access the water. Mr. Maynard: Residents will use the current trail.

Discussion: Concerned with fertilizer, would like to look at the site, would like to hear what Conservation Commission has to say, who checks that the plan is in compliance in the future, and decisions should be based on the site.

Mr. Dave D'Vries, owner: Discussed the contour lines and the steepness of the land, based on the lines

and pictures doesn't think it's real steep, 250 residences on the lake and many of the lots are 50' x 100' long, could have taken down 50% of the trees, had an arborist check for diseased, dead or overcrowded trees and those were the trees taken down, most people on the lake take down the trees so that they can be seen and these residents don't want to be seen, the closest septic fields are 350' from the lake, and there are lots of green lawns on the lake. Discussion: Appreciate Mr. D'Vries efforts, and would like a site walk.

Public comment continued with Marilyn Bailey, 3 Heron Cove Road: Had a letter from the CPIA (Cobbett's Pond Improvement Association) but not going to submit it because of differences of opinion and misrepresentation.

Discussion: Need a site walk because of not working with staff. Mr. Maynard: First time that he heard that he wasn't working with staff is when Mr. D'Vries asked for his certificate of occupancy, and there had been inspections for the past year looking at silt fencing and erosion control measures. Discussion: Site walk scheduled for October 14 at 2:00 pm, building boxes are staked, and need permission to go on the property. Mr. McLeod motioned to continue the public hearing to October 18. Mr. Kolodziej seconded. Passed 7-0.

CORRESPONDENCE (continued):

Request for a building on a Class VI or Private Road, lot 16-P-1011, Fourth Street. Discussion: Access to the property from Third Street, to C Street, to Fourth Street, and Mr. Tokanel owns property in the area, has been building in the area, and has an area for staging.

Mr. McLeod motioned to request the Selectmen to: 1) Receive input from police, fire, and highway safety; 2) To find an area for material staging; and 3) To provide a through passageway for emergency access for Fourth Street. Ms. Post seconded. Passed 7-0.

Ms. Post motioned to adjourn. Mr. McLeod seconded. Passed 7-0. Meeting adjourned at 10:55 pm.

These minutes are in draft form and have not yet been reviewed and approved
Respectfully submitted, Nancy Charland