

PLANNING BOARD MINUTES

March 7, 2007

ROLL CALL:

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

STAFF:

Al Turner, Director of Planning and Development – Present
Shaun Logue, Town Planner – Present

Mr. LoChiatto opened the meeting at 8:10 pm. Ms. Gogumalla and Mr. Okerman replaced Ms. Post and Mr. Kolodziej.

CORRESPONDENCE:

- Mr. LoChiatto read a letter from Attorney Mason requesting to continue the Willows Site Plan to the March 21 meeting. Mr. McLeod motioned to continue to March 21 with the statutory clock tolling accordingly. Mrs. Crisler seconded. Passed 7-0.

PUBLIC MATTERS:

Goyette Special Permit – Public Hearing **9 Princeton Road, lot 24-G-127**

Mr. Turner: The Special Permit application is for disturbance of the WWPD, the staff cannot find in the application all of the information required for the Special Permit, the information was also not available to the abutters, and the submitted documents do not comply with our regulations. The applicant submitted a detailed Wetlands Report and Wetlands Restoration Plan. This document was required by DES and is not specific to the Special Permit application. Some of the required information can be found but requires digging through the document. Board discussion with staff: Has the applicant applied for a variance? The applicant has been informed that they need a use variance. There are old disturbances and new disturbances to the WWPD. The older disturbances to the WWPD do not require a variance and they include a dirt pathway, walkways, pedestrian bridge abutments, irrigation pump shed, pumps and suction pipe, small fish pond, landscaped garden areas and a railroad tie retaining wall. These disturbances should have had a Special Permit to be allowed and still require a Special Permit. The new disturbances are rear parking area for construction vehicles, front parking area, and widening of the existing dirt pathways. The new disturbances require a variance and are not approved uses in the WWPD, and staff recommends not approving the parking areas. Is there enough information to hear the case? The submitted information is not organized as required, it would be helpful if the applicant could show where the information is, and the application is missing information. There was a lengthy discussion of which sections of which regulations explain the requirements for disturbances in the WWPD. Requirements for a Special Permit are in the Site Plan Regulations. The applicant must meet the requirements of Zoning Ordinance section 601.8.4 and Site Plan Regulations section 703.3.3. The use must be an approved use within the WWPD or require a variance, and must satisfy section 601.1 of the Zoning Ordinance. The applicant was granted an appeal of an administrative decision last week by the ZBA, does that affect this application? Mr. Turner described the details of the appeal. The appeal dealt with farm animals on the site and does not impact this application. The applicant has been informed that they need a use variance for the farm animals on site. Discussion continued as to whether or not to allow the applicant to show the Board where the information is within the application. The Board raised concerns that the information was not easily and

readily available for abutters to review, Board's time is being wasted fishing for the information, the applicant should meet with staff for guidance, and the applicant should clearly present the information required. Mr. Turner further explained that staff reports are written the day of the meeting, staff meets with applicants and informs them of what is expected, and the office also experienced computer problems.

Mr. McLeod motioned to not accept the application as complete for public hearing under authority of RSA 676:4, I (c) (1) as the application is incomplete and missing information required in the Site Plan Regulation Section 703.3.3. Mrs. Crisler seconded. Board discussion: If the staff couldn't find the information then the general public could not find it, and the application should be clear. Passed 7-0.

CORRESPONDENCE (continued):

- Letter from Samuel and Jean Nassar requesting to extend the build time of McIntosh Hollow Subdivision to November 1, 2009 as a minor change not requiring a public hearing. Samuel Nassar stated that the paving would be done by November 1, 2009. Mr. Turner stated that there is a court order stating that the development be finished by the summer of this year, Mr. Nassar's attorney should submit a formal opinion to the Board and then the Board can have the opinion be reviewed by Attorney Campbell. Board discussion: The 4 year exemption may or may not also be extended, the subdivision was approved in 2002 and a court order agreement made in 2003. Mr. Nassar stated that his attorney says that the court would agree with the decision of the Planning Board and that it would be nothing for the court to change the date. Mr. LoChiato read a portion of the Statement and Agreement from the court. The Board consensus was that Mr. Nassar's attorney should put his opinion in writing for review by Attorney Campbell. Mr. Nassar said his attorney will write an opinion and he hopes the Board can act on that letter.
- Memo from the Office of Energy and Planning regarding the 14th annual Planning Conference;
- Town and City magazine;
- The new Windham Town Report;
- Notice regarding an available planning grant through the Northern New England Chapter of the American Planning Association;
- Flyer regarding the March Technical Session regarding Rt 93;
- Flyer regarding a conference titled Landscaping at the Waters Edge.

Mrs. Crisler motioned to adjourn. Mr. Okerman seconded. Passed 7-0. Meeting adjourned at 9:05 pm.

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

Respectfully submitted, Nancy Charland