

PLANNING BOARD MINUTES

May 2, 2007

ROLL CALL:

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

STAFF:

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

- *Ms. Post opened the meeting at 7:30 pm.*
- *Ms. Gogumalla and Mr. Okerman replaced Ms. Skinner and Mr. McLeod.*
- *The Board stood and recited the Pledge of Allegiance.*
- *Ms. Post thanked the cable volunteers who videotape the meetings.*

MINUTES:

- Mr. Okerman motioned to approve the April 25 minutes. Ms. Prendergast seconded. Passed 4-0-1. Mr. Kolodziej abstained;
- Mr. Kolodziej motioned to approve the April 18 minutes as amended. Mr. Okerman seconded. Passed 5-0.

CORRESPONDENCE:

- Email from Ms. Post regarding the Dunkin Donuts sign. Discussion: The sign was damaged and changed without coming to the Planning Board;
- Letter from Sam Nassar regarding a March 8 letter he sent to the Board along with a copy of the March 8 letter. Discussion: Attorney Campbell is looking into the deeds;

Ms. Skinner joined the Board. Ms. Gogumalla now replaced Mr. LoChiatto.

- Letter from Wendy Keller regarding Bear Hill Subdivision. Mr. Turner stated that the plan is being built as approved by the Board, all approvals have been obtained, the site has been monitored daily and after every storm, and sedimentation can happen during blasting. Mr. Turner offered to answer the letter in writing;

Ms. Gogumalla and Mr. Okerman stepped down and Mr. LoChiatto and Mr. McLeod joined the Board.

- Memo from Merrimack College regarding a transportation planning course;
- Email from Ms. Post regarding CIP term limits;
- CTAP Community Meeting flyer. Mr. Turner stated that he has been attending the CTAP meetings.

OLD/NEW BUSINESS:

- Ms. Prendergast attended the OEP Conference and shared some materials;

LIAISON REPORT:

- Pam Skinner, Conservation Commission, stated the Conservation Commission approved the purchase of Cyr Property off Rt 28;
- Mr. Turner stated he received a letter from a citizen about the Foster's Pond dam that has been damaged. The Conservation Commission has declined to rebuild the dam.

PUBLIC MATTERS:

Willows Site Plan – 21 units – Public Hearing Continued

Mammoth Road / Rt 128, lots 14-A-925 & 930

Mr. Turner reviewed the outstanding issues which include: 1) building construction, layout and design; 2) substantial completion defined; 3) rear and side yard elevations; 4) gazebo elevation; 5) clubhouse location, parking and elevation; 6) alternate layout, the unit orientation; 7) path extension along WWPD; 8) landscaping plan including the cross section of the berm; 9) depict all grass areas on the landscaping plan; 10) willow trees part of the landscaping plan?; and 11) statutory clock. He showed the new plan with a different building orientation which includes the addition of a clubhouse, the trail location, the landscaping plan, and elevations of the buildings. Mr. LoChiato motioned to reopen the public hearing. Mr. Kolodziej seconded. Passed 6-0. Mr. Turner explained the statutory clock, and the applicant has granted an extension to this meeting. Ms. Post stated her concerns regarding the statutory clock and urged the Board to work toward resolving all issues with the application.

Peter Zohdi, Herbert Associates: Reviewed the plan which shows the units on the other side of the road, the clubhouse would be moved, the plan shows the building elevations, and he showed the berm on the plan which is raised 4'. Mr. Turner expressed concerned with the trail along the WWPD to the Rt 111 corridor. Board discussion: It was the consensus of the Board that the trail fishhook to the cul-de-sac.

Jack Trembley, landscape architect: Further described the landscaping, will not use the Norway maple but will use the sugar maple, increased the size of the pine trees, added 25% more shrubs, added a buffer/screen between the units and the abutters, added 8 more flowering trees, and will have a planting plan for the gazebo.

Mr. Zohdi asked if the Board wants the both gazebo and the clubhouse, and he would like the clubhouse to be 30' x 40'.

Public comment Alan Doake, Cobblestone Road: Stated that the new design takes care a lot of his problems, Mr. Bergeron offered to add more trees if necessary, and doesn't think another clubhouse is necessary. Board discussion ensued regarding the location of the clubhouse on each of the plans. The public segment was closed.

Ms. Post polled the Board regarding the alternate building location, the plans meets the objective of Section 610.8.3, prefer the houses away from the WWPD, prefer the new orientation, objects to changing the plan this late in the game, the clubhouse is unnecessary, reluctant "yes" to the new plan, new plan is satisfactory and preferred by the abutter. The outcome was 3 yes, 2 probably yes, and 1 no. Mr. Turner stated that the gazebo should be eliminated because of the addition of the clubhouse, and he recommended moving the trail away from the decks.

Mr. Trembley further explained making the berm more natural than manmade. Ms. Post polled the Board regarding the berm, okay with the berm, leave the oversight to the staff. Board discussion regarding the location of the trail, 8 more crab apple flowering trees have been added to the plan, the grass area should end at the tree line, the gazebo will only get about 4 months worth of use, and eliminating the gazebo. *Mr. LoChiato left the Board.* Ms. Post asked for Board comments regarding the architecture, the garage doors will be steel, the colors are earthy tone and looks fine, and the esthetics are nicely done. Board discussion regarding the clubhouse elevations, it is handicap accessible, and the location of the clubhouse. *Mr. LoChiato rejoined the Board.* Board discussion that the clubhouse should be a stand-alone building with the back entry having a deck or patio. Mr. Zohdi agreed to add a deck, 12' x 12' deck would work, or 14'

x 14' deck, the Board keeps adding something new to the plans, and the deck could be added as a condition of approval. Mr. Turner marked the plans with the Board changes and labeled the drawing with the new orientation as site plan B.

Mr. Turner explained that the project needs to be substantially complete by one year of the date of approval, and the Board needs to define the term "substantially complete". Board discussion ensued regarding it could mean once the roads and foundations are in it would be substantially complete, the Board has discussed the subject at a workshop, it needs to be defined, all foundations should not be tied in as part of substantially complete, underground utilities and first coat of pavement may be sufficient, our regulations currently do not define substantially complete, we've never defined this before, there is case law on the subject and the hearing could be continued to read the law cases, should continue on with the plan and resolve the issue, substantially complete would be the road system in and utilities and one or two foundations, utilities and first coat of pavement is substantial, requiring only utilities installed and first coat of pavement would mean that there is no difference between subdivision and site plan requirements of substantial development, and add drainage and parking lots/spaces.

Mr. LoChiato motioned to approve the Special Permit for the pedestrian pathways, drainage grading, and 2 foundation drains within the WWPD in light of the fact it will not contribute to surface and ground contamination or diminish the water supply as per Sections 601.1.1, those uses will preserve wetland areas which provide flood protection as per Section 601.1.2, it will prevent unnecessary or excessive expense to the Town in providing and maintaining essential services and utilities such as sewage collection and treatment and public water supply which may arise because of the inappropriate use of land within the WWPD as per Section 601.1.3, and the walking trail will encourage the appropriate use in the WWPD as per Section 601.1.4. Mr. Kolodziej seconded. Passed 6-0.

Mr. LoChiato motioned to approve the waiver of Section 702 to not show all of the single trees with a diameter of 12" or greater as a majority of the site plan activity takes place within the meadow and the construction is outside of the tree line. Mr. Kolodziej seconded. Discussion as to why have Section 702 if the Board is going to waive it, and it serves the purpose that the applicant understands it's important to the Board. Passed 5-1. Ms. Post opposed.

Mr. LoChiato motioned to approve the Willows site plan as amended showing (site plan B) the units to the northerly side of the proposed Addison Road in light of the fact the submitted materials meet the requirements of Section 610.8.1 Significant Services and Facilities with the following conditions: 1) All property bounds that are adjacent to town property or rights-of-ways shall be marked with granite (4" Sq. x 36" Long) and shall be installed level with the final grade. All other corners shall be marked with permanent boundary markers (stone or iron); 2) Stone walls should either be retained in place, relocated or stockpiled for future use; 3) Work with staff and Pennichuck Water Works to design and install a state water system, and it is [shall] be in place prior to issuance of Certificate of Occupancies; 4) All state, federal and local approvals shall be received prior to the start of construction and recording of the plans; 5) The house address numbers and parcel numbers shall be approved by the Town Assessor prior to recording the plans; 6) Applicant shall provide to the Town, prior to the start of construction, a plan illustrating the proposed location of the utilities within the public-right-of-way or utility easements; 7) All disturbed areas not receiving treatment shall be loamed with 6" of loam and seeded; 8) The Groundwater Resource Impact Assessment recommends on-site irrigation systems be required to install rain sensors and timers to prevent over watering; 9) Define active and substantial development as drainage system, first coat of pavement, and underground utilities; 10) The applicant and Condominium Association require that all occupants of the Willows be age 55 and older; 11) Add a 14' x 14' deck or patio to the clubhouse, size and structure to be determined with staff; 12) Remove the gazebo and

associated path. Mr. Kolodziej seconded. Board discussion regarding should the non-binding motion of a previous meeting be reaffirmed? Mr. LoChiato stated that his opening statement sufficiently covered the fact that the Board was satisfied that the applicant met the requirements of Section 610.8.1 Significant Services and Facilities. Board discussion continued that the binder submitted satisfies Section 610.8.1. Mr. Case's email regarding significant services and facilities was discussed, the Federal law was changed but the applicant must meet State law and the zoning ordinance requirements. Mr. McLeod stated how he believes an elderly housing development could satisfy the zoning requirements. Attorney Mason disagreed with Mr. McLeod regarding the geographical service area. Ms. Post stated that the plan meets the heightened standards of significant services and facilities. Passed 5-1. Mr. McLeod opposed.

The Board discussed the agenda. Mr. Kolodziej motioned to continue the Meetinghouse Road Subdivision to May 16. Mr. LoChiato seconded. Passed 5-1. Ms. Prendergast opposed.

North Lowell Road Estates Circulation and Traffic Report – Public Discussion

Village Center District Residential Condominiums

North Lowell Road, lot 11-A-570 & 580 and Town owned lot 11-A-590

Mr. Turner stated this a more detailed plan than the Board has seen before, looking for an access point to the area, and their traffic consultant will address the Board this evening.

Stephen Pernaw, traffic consultant, stated it is a two phase development, the first phase is for 60 residential condominiums, and the second phase will be commercial, has completed most of the work for the traffic impact study, has met with DOT because the plan involves a state highway, he showed the site on a map, he indicated the areas of interest identified by Mr. Turner, there is a rear connection from Hardwood and another right turn only connection to Rt 111, he reviewed the process of getting the traffic information, has short range and long range projections, the key intersections are the triangle of North Lowell, Rt 111, and Church Road, he discussed the volume of traffic, future traffic projections include the high school and future office park, he reviewed the future traffic impact that the condominiums would bring, the commercial development is unknown but he used a mock development to forecast the phase II traffic numbers, North Lowell Road already has traffic backups, he distributed handouts to the Board which described the traffic numbers. Mitigation for phase I could be to construct a roundabout at the Church Road and North Lowell Road, add an exclusive right turn lane at North Lowell Road/Rt 111 intersection, North Lowell Road be widened from the roundabout to the Rt 111 signal. Phase II would be to make Church Road a two way street. Rt 111 will need to become a 5 lane highway in about 10 years whether this development is made or not.

Board discussion with Mr. Pernaw included traffic counts, is the roundabout warranted or is there another way, roundabout will operate at a level of service of A or B, and roundabouts are traffic calming devices which keep the traffic moving at a slower pace. Mr. Turner stated that pedestrians cross North Lowell Road between the Town offices and the roundabout would help slow the traffic, the parking lot is 80' wide and it should be narrowed to 60', Church Road shows expansion into the Town park, he showed the location of old Church Road, the area should be survey to find the right-of-way, there is plenty of right-of-way to widen North Lowell Road on the southbound side, and an island should be added in front of the former fire station. Board discussion regarding the change of grade from the Planning and Development building to the road, the plan helps the look of the Town buildings, the roundabout helps the safety of the vehicles, the sight line would be better with the roundabout, another applicant wanted a driveway across from Church Road, making Church Road a two-way road, cross walks across North Lowell Road, and should Church Road becoming two-way be a part of phase I.

Public comment from Doug Yennaco, Marblehead Road: What happens if all phases happen at once?
Mr. Zohdi explained the phasing.

Susan Hoey, 4 Eastwood Road: likes the idea of Church Road becoming a two-way road, the Town could give up part of the green for improving the traffic, doesn't understand the difference between the roundabout and a rotary, North Lowell traffic increases when the weigh station is open on Rt 93, and Rt 111 speed is in excess of 50 mph. Mr. Pernaw explained the difference in size and speed between rotaries and roundabouts, rotaries do not work, roundabout are smaller and slower and safer.

Catherine Donovan, 19 Indian Rock Road: Access road to Rt 111 is beside her home and would like more information, and concerned that the extra pavement will cause flooding to her home. Mr. Pernaw showed the right-turn-in and right-turn-out onto Rt 111. Mr. Turner stated the Church Road bridge has been fixed and lets more water through, the stream takes a turn, pictures have been taken of the flooded yards, and the water direction has to be dealt with in the Village Center District.

Mary Behl, 5 Eastwood Road: Where would the access be to Hardwood Road? She is concerned with the changes the development will bring to her neighborhood. Mr. Turner stated the right-of-way to Eastwood Road would be used.

The Board has had discussions regarding roundabouts and should share that information with the public, and there are websites with information that could be linked from the Town's website.

Ms. Hoey asked how she could be informed about the meetings. Mr. Turner stated that the Eastwood Road residents could be informed.

Board discussion that roundabout is just a new name for rotaries. Mr. Zohdi asked for Board consensus regarding the design. Feedback included that roundabouts are not liked, the circular traffic calming device is appropriate and data supports the safety, in favor of roundabout, design helps with the level of service for traffic, serious concern with roundabouts and rotaries in the district, there was once a mill on Church Road, the roundabout works in the right scenario, not sure it will help in this area because of the grading and U turn, concerned with the North Lowell Road grading, Church Road will have to be elevated to make it work with a substantial amount of work, the stream should be piped to fix the drainage problems and the Town Common raised to make it a usable place, there is hard data to support the roundabout, and what is the traffic number comparison between roundabout and sets of lights?

Mr. Kolodziej motioned to adjourn. Mr. McLeod seconded. Passed 6-0. Meeting adjourned at 10:45 pm.

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