

## PLANNING BOARD MINUTES

August 1, 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 – Present
Neelima Gogumalla, Alternate – Excused	Rick Okerman, Alternate – Present
Alan Carpenter, Selectmen Member – Excused	Margaret Crisler, Selectmen Alternate – Present

### STAFF:

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

- *Ms. Post opened the meeting at 7:00 pm.*
- *Mr. Okerman replaced Mr. McLeod.*
- *The Board stood and recited the Pledge of Allegiance.*

### CORRESPONDENCE:

- Letter from Herbert Associates updating the Board regarding the Clarke Farm off-site improvement;
- Letter from Mr. Brockmeier requesting that his CIP interview occur after 9:00 pm because of a scheduling conflict.

### SIGN PERMITS:

- Super Suppers, 4 Cobbetts Pond Road. Rick Hammer, Hammer and Sons Sign, discussed the plan for the tenant signs at the Cobbetts Pond Plaza. He showed some samples. Discussion ensued regarding conformity of the signs, every tenant will come for permits, signs on the windows and doors are not allowed, and the existing tenant sign will be enlarged to include a directory of the new tenants which the Board will see separately. Mr. Hammer discussed the multi-tenant sign requirements. Board discussion regarding individually mounted letters, some damage is done but can be filled and painted, there is uniformity among the signs, and the Village Green has a range of colors on their signs. Mrs. Crisler motioned to approve the Super Supper signs as presented tonight as stated in the application. Mr. Kolodziej seconded. Passed 6-0;
- Granite Oaks, 127 Rockingham Road. Mr. Logue explained the variance and the sign application, and staff has reviewed the sign and it is compliance with the ZBA approval. Board discussion ensued with Brian Harvey, owner, regarding the ground lighting and colors coordinate with the red brick and grey siding of the building. Mr. Kolodziej motioned to approve the sign as submitted by H&B Homes for Granite Oaks at 127 Rockingham Road. Passed 6-0;
- Windham Cooperative Kindergarten. Mr. Logue discussed the revised sign and it conforms to our regulations. Board discussion regarding the free-standing sign, conflict with Section 706.10.2 regarding dark background with light letters, and need more lighting details.

### CIP CITIZEN MEMBER APPLICATIONS:

CIP Citizen Member applicant letters of interest and/or resumes have been received from Mark Brockmeier, Carolyn Webber, Bruce Richardson, Robert Gustafson, and Marcia Unger. The Board will meet with Mr. Brockmeier later in the evening as per his request. The Board conducted interviews with Ms. Webber, Mr. Richardson, Mr. Gustafson, and Ms. Unger.

Board discussion included that Mr. Breton is now a Selectmen and was appointed as a citizen member until 2009, decisions will be made at next week's meeting, it is a new process choosing the CIP citizen

member as there are five applicants, should Selectmen and School Board members not be a part of the CIP Committee and have more citizen members? the make up of the Committee is a part of the Planning Board bylaws, make a decision tonight regarding the CIP citizen member and a second tentative member as the Board sitting tonight has participated in the interviews, the selection should be made in a non-public session, next week's workshop discussion will include the interpretation of the bylaws, and input from Attorney Campbell is needed.

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

Mr. Kolodziej stated that at last week's meeting, Mr. Rosetti was writing comments and passing them to a Board member and unauthorized communication is not allowed. Board discussion included that it is not allowed, the communication should be shared with the entire Board, and the communication was given to Mr. Carpenter.

#### **PUBLIC MATTERS:**

##### **Spruce Pond II Open Space Subdivision – 95 lots – Public Hearing Continued**

##### **Rt 28/ Rockingham Road, lots 3-A-565 & 1000, 3-B-600, 601, 800, 860, 890, 900 & 1001**

Mr. Turner reviewed the topics discussed at the previous meetings and other topics to be discussed this evening. He stated that the applicant's presentation will begin with Attorney Bronstein addressing the Board.

Attorney Peter Bronstein, representing the applicant, gave a brief history of the subdivision including discussions about phase II have gone on since May 2005, the 3<sup>rd</sup> way out of the subdivision has been discussed for over two years, additional land has been purchased to accommodate the 3<sup>rd</sup> way out, the conventional layout review has been done twice by two different Town Planners, soils were calculated by John Thorndike, the Keach Nordstrom review was conducted in March and April of 2007, there are 5,700 lots available in Windham, the 95 lots in Spruce Pond II will be 1.7% of that number, the absorption rate is approximately 10 lots per year, and Spruce Pond will not be built out until 2019. He distributed phasing maps to the Board, they expect to start building phase II in 2009, he also distributed a lot/acreage comparison to other subdivisions, there is a 10% WWPD roadway impact, and he stated that is far below other subdivision which have been approved, not asking for anything that is not a permitted use, and the subdivision is large as it is a master plan of the subdivision all at once rather than several smaller subdivisions coming before the Board.

*Mr. Maynard, Benchmark Engineering, distributed an updated agenda.* Joseph Maynard, Benchmark Engineering, stated that the Spruce Pond lot calculation percentage is not any different that any other subdivision in Town, Spruce Pond is 1 lot for every 2.8 acres, the other recent subdivisions are between 2.5 to 2.9 acres. Board discussion with Mr. Maynard regarding the wetlands and soil types, many of the subdivisions have wetlands throughout the developments, a comparison should be based on wetlands, and Spruce Pond is comparable to Castle Reach. Mr. Maynard discussed the soil types and stated it is a very good piece of property based on soil types. The Board requested a comparison of wetlands and amount of disturbed wetlands for similar subdivisions. Mr. Maynard further explained the soil type calculations and will gather the information regarding the wetlands.

Mr. Maynard discussed and showed a map of the phasing as follows. Phase 1 – lot 3-B-602, the house lot along Northland near Spruce Pond I, no additional road is needed, should be completed around the year 2009. Phase 2 – Northland Road to Jacob Road to Nathan Roan to Buckland Road out to Windham Depot Road in Derry, 18 lots. Phase 3 – no addition roads, 7 homes. Phases 4 – will be another 44 homes. Board discussion with Mr. Maynard regarding the time frame for the last phases, the dredge and fill permits are only valid for 5 years, all the areas with wetlands impacts will be built within 5 years and

one road per year after the initial road infrastructure is in place, and what about the RSA regarding substantial completion? Mr. Turner stated that the developer would enter into a development agreement which ties in the phasing and completion, and Attorney Campbell would review this document. Board discussion continued regarding standards could change between now and then, a provision should be included, health and safety is exempt from the 4 year time line, the wetlands are a health and safety issue and are exempt from the 4 year time line, Attorney Campbell's input is needed, and are there any issues that should be addressed now with build out going out to 2019. Mr. Maynard stated that the connectivity will be built in a certain amount of time, the open space ordinance has been around almost 10 years, the WWPD ordinance has been around about 30 years, detention ponds and treatments swales have proven themselves, other methods may come about but something can be worked through.

Mr. Maynard distributed a list of and reviewed the waivers requested, and some of the waivers requested are no longer needed as the subdivision regulations have changed since the submittal of the subdivision application. Mr. Turner stated that the old regulations apply. Mr. Maynard stated the first waiver requested is for Typical Road Cross Section Cover Over Pipes. He explained where this is needed on the plan for Northland Road, Jacob Road, and Mallard Road. The next waiver is from Section 601.1 Velocity of Flow within Pipes. This is to allow the flow to be larger, and the outfall to the drainage system will be 7.5 ft per second as per the ordinance. The next waiver is waiver for Spacing Between Catch Basins for Northland Road, Nathan Road, and Mitchell Pond Road. He explained the locations and spacing of the catch basins, and stated that some of the spacing requirements have changed with the new regulations. The next waiver is for Section 602.10 Intersection Street Grades. This is for Northland to Jacob Road for 2.7% grade and Taninger Road at the turn-about for 4% grade and this will help minimize the wetland impact. The next waiver is for Section 901.8 Road Side Slopes for portions of Mallard, Taninger, and Northlands Roads to be construction with 2/1 side slopes to minimize the WWPD impacts. The next waiver request is for Section 605.5 Lot Lines. This is requested because: a) lot 3-B-801 is not perpendicular to the right-of-way as it exists; b) 3-B-887 to follow existing stonewalls; c) lot 3-B-825 and 826 to follow existing stonewalls; d) 3-B-876 and 877 the line is proposed between the road and the abutting property; and e) 3-B-877 and 878 the line is proposed between the road and the abutting property. The next waiver is requested for Section 601.17 Soils. This is requesting to not conduct a HISS survey of lot 3-A-1000 as the property is being utilized as open space and will not be physically developed. The 108 soil units were available before the purchase of this land and lot 3-B-1001. The parcels will be granted to the Conservation Commission. The next waiver is of Section 601.23 Wetlands. This is to not located the wetlands on lot 3-A-1001 as no development will be on this parcel. The next waiver requested is for Section 602.8.5 Length of Cul-de-Sac Roads. They are requesting Northland Road at 1600', Nathan Road at 1700', and Taninger Road at 1500' where 1200' is allowed. He showed an emergency access road which will remain. The last waiver requested is for Site Plan Regulation Section 702 Trees 12" or Greater in Diameter. This request is to not have to show the trees on the plan because of the size of the property, it is a lengthy process and about 75% of trees are being retained.

Mr. Turner stated that the Town requires 4' for cross section over pipes is required not 3' as shown on the list of waivers submitted. Board discussion regarding receiving written comments from the Highway Agent regarding the waivers, lot 3-B-819 looks like the Big Dipper and are they perpendicular, and do lots 855 and 854 meet the lot requirements? Mr. Maynard stated they were trying to keep a treed buffer for lot 819. Mr. Turner stated the lots should be reviewed. Mr. Maynard explained the lots are designed to save trees and not to have one house facing the back of another house. Board discussion continued regarding the waiver for the preserving stonewalls should have a reason for the waivers. Mr. Maynard stated wherever he could, a stonewall is used as boundary. Board discussion regarding the location of lot 3-A-1001 for waiver of Section 601.23. The actual lot number is 3-A-1000. Mr. Maynard was asked to

and explained Taninger Road including grade percentage, there is plenty of site distance, and there will not be a stop sign at the roundabout. Sheet 51 of the drawing needs to be updated to remove the stop sign note. Board discussion with Mr. Maynard regarding the waiver is to minimize cuts and fills, there aren't any driveways in that area, the roundabout will have signage, the 1.6' pipe cover is in a cross-country situation and not under a paved surface that would be plowed, and adding fill disturbs a greater area. Mr. Turner stated that the regulations are meant for under the roads and this isn't under the road, our regulations do not differentiate between off road and under road pipes. Board discussion with Mr. Maynard continued regarding the perpendicular lot line rather than the stonewalls, stonewalls are a natural boundary line, it's against state law to remove the stonewall if it is a boundary, and the pan-handle lots are offensive and are confusing for owners and future owners. Mr. Maynard explained the reason for the lot design is because of working with the grades, wetlands, and the buildable areas. Brian Harvey, owner, stated they were trying to create a few private settings which is not usual in an open space development, and also trying to create some flat lots. Mr. Maynard offered to over monument the lot lines for these lots and offered to relook at the lots. Board discussion continued regarding working with the slope of the land, having less confusing lots and less useless open space, having unfragmented open space, and wildlife corridors have been preserved. Ms. Post asked for public comment regarding this evening's topics.

Public comment from Chris Rossetti, 3 Mitchell Pond Road, asked for a copy of the list of waivers presented, he asked if the public safety officials will be asked to weight in on the road length waivers, and he asked that the agenda items be assigned firm dates. The Board responded that it's hard to have firm dates as you don't know how long a discussion will take, the file is public property and any citizen could have a copy of anything in the file for a nominal fee, and the road agent, fire chief, and police chief will be asked for written comments regarding the waivers.

Mike Savastano, 20 Mitchell Pond Road, stated that Mr. Carpenter brought up the issue in regards to the size of the subdivision because new information came to light, he bought his home because he was looking for a private setting, the clearing for Mallard Road will take that away, and he showed an area of open space that will have trees taken down because of a swale. Mr. Turner explained the swale area. Mr. Savastano stated a 300' clearing will be significant. Mr. Maynard showed where they will cut, and it will not be a permanently mowed area. Mr. Savastano showed the location of his home.

Board discussion regarding topics for future meetings, the 22<sup>nd</sup> of August meeting is a joint meeting with the Trails Committee, continuing the meeting to another public hearing, Mr. Maynard cannot make it to the meeting on the 15<sup>th</sup>, and an extension is not needed yet. Mr. Kolodziej motioned to continue to September 5. Mrs. Crisler seconded. Passed 5-0-1. Ms. Prendergast abstained.

#### **CIP CITIZEN MEMBER APPLICATIONS (continued):**

The Board interviewed Mark Brockmeier.

Mr. Kolodziej motioned to go into non-public session as per RSA 91A:3 reason being discussing reputations. Roll call. All yes.

Mr. Kolodziej motioned to appoint Rob Gustafson as citizen position of the CIP. Ms. Skinner seconded. Passed 6-0.

Mrs. Crisler motioned that if a second public member is needed this year, motion to appoint Ms. Unger to the CIP as a citizen member. Mr. Kolodziej seconded. Failed 3-3. Mr. Kolodziej, Ms. Skinner, and Mr. Okerman opposed.

Mr. Okerman motioned as runner-up to CIP citizen membership nominate Bruce Richardson. Mr. Kolodziej seconded. Failed 3-3. Mrs. Crisler, Ms. Prendergast, and Ms. Post opposed.

Mr. Kolodziej motioned to adjourn. Ms. Skinner seconded. Passed 6-0. Meeting adjourned at 11:00 pm.

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

Respectfully submitted, Nancy Charland