

PLANNING BOARD MINUTES
October 10, 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 – Present	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.*

Mr. LoChiatto motioned to move Forty Acres Land Transfer public hearing to the top of the agenda as it is Town business. Mr. Kolodziej seconded. Board discussion regarding what the hearing is about. Attorney Mason stated that Clarke Farm has offered to let the Heights of West Windham be after Forty Acres. Mr. Turner stated that the abutters have been notified that Clarke Farm would be first. Passed 7-0.

The Board discussed the agenda order, and the remainder of the agenda will be as posted. Mr. Kolodziej motioned to continue the DeLuca Lot Line Adjustment, Commons Special Permit, and Butler Subdivision to October 17. Mr. LoChiatto seconded. Ms. Post read a letter requesting the Commons Special Permits and Butler Subdivision be continued to October 17. Passed 7-0.

CORRESPONDENCE:

Letter from Attorney Campbell regarding reconsidering a motion within 30 days. Board discussion regarding revisiting, and could a motion could be reconsidered at the next meeting. Mr. Turner recommended addressing the issue this evening. The Board will take up administrative issues at 10:00 pm.

PUBLIC MATTERS:

Forty Acres Land Transfer – Public Hearing
Rockingham Road / Rt 28, lots 8-B-3000 & 3001

Mr. Logue reviewed the application, the subdivided parcel “A” will be deeded to the Town, location of the property is off Route 28, and the land will be conservation land. Mr. LoChiatto motioned to open for public hearing. Ms. Skinner seconded. Passed 7-0.

Mr. Turner discussed access easements for lots 3-B-3700 and 3-B-5000, lot 8-B-6100 does not have direct access, there are woods roads, he showed the areas to be deeded to the Conservation Commission and the area for the developer. Board discussion that the Historic District Commission has noted that School House #7 is on this property but the location is not known.

Peter Zohdi, Herbert Associations, explained the land transfer, he stated he did not have a problem with the staff recommendations, and the 19 acres will be added to the conservation land. Mr. Zohdi did not know the location of the schoolhouse.

Public comment from Dennis Senibaldi, 20 Partridge Road, asked about the recommendation of approval regarding the granite bounds as he has not seen them for other parcels. Mr. Logue explained the delineation of boundaries. Mr. Senibaldi asked about the stone walls. Mr. Turner responded that the stone walls should be protected or stockpiled for use on site. The Board noted that this is a common practice for stonewalls in Town, this is the first time for Conservation to get land through a subdivision of property, and the conditions are standard for a subdivision. Mr. Zohdi stated that he did not have a problem with the markers and the bounds are required by law. Board discussion to add the words “in place” to the note about stonewalls.

Mrs. Crisler motioned to approve the subdivision with the following conditions: 1) All property bounds that are adjacent to Town property or rights-of-way 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, if any are disturbed, they should either be retained in place, relocated or stockpiled for future use on site; 3) Trail heads, wooded roads and access easements should be clearly identified with trail/granite markers at Rt 28 and Goodhue Road. Mr. LoChiatto seconded. Discussion of the motion. Passed 7-0.

Mr. Okerman stepped down and Mr. McLeod joined the Board.

Clarke Farm North Elderly Housing – Public Discussion
150 Haverhill and Anderson Roads, lots 9-A-500 & 500A

Mr. Logue discussed the application is for 55+ adult community, lot 9-A-500 is 42.34 acres and lot 9-A-500A is .3 acres, they will be single family detached units, this type of unit is not allowed in the Neighborhood Business zoning district, access to the property will be from Rt 111 and Anderson Road, they’ll have a community center, architecture will look like Windham Meadows II, and there are wetlands are on the property. Studies include: 1) Staff review; 2) HISS soil mapping; and 3) Soil based lot sizing. He reviewed the issues that need to be discussed, and the density calculations show that 75 units are able to fit on the site.

Board discussion regarding whether Mr. LoChiatto should recuse himself as per statute 673 section 1 Chapter 500 A 12. Board discussion that there is an alternate available, can another member of the Board ask another member to step down, and it is not an option to step down. Mr. LoChiatto stated he does not have any personal interest in the project and offered to step down. Mr. LoChiatto asked that Mr. McLeod also will step down if any cases come before the Board that the firm he works for is representing. Mr. McLeod stated he has done so. Mr. McLeod also stepped down in fairness for the process. Mr. LoChiatto and Mr. McLeod are still free to speak as members of the public. *Mr. Okerman joined the Board.*

Chris Nickerson, Herbert Associates, discussed the elderly housing project including the location, he has met with Town staff several times and looking for input from the Board, soils and wetlands have been mapped, will be detached single-family units with a two-car garage, there will be a variety of elevations and he showed photos, and he listed on-site recreation opportunities.

Mr. Turner stated the development needs to show that they meet the State standards for elderly housing, is there a need for elderly housing developments? he previously gave the Board a newspaper article that another town rejected a plan because there was not a need for elderly housing, standards have increased since the Whispering Winds development was approved, the density appears to be high but the amount of bedrooms is the same as a regular development, is there another development that the Board likes and could direct the applicant towards. There are design issues including traffic, landscaping, connection to

Gallway Road, and should there be a right turn in and right turn out from Rt 111. The Board needs to give the applicant guidance even though it's non-binding, need to hear from the traffic engineer, Anderson Road has restrictions, what about that intersection? what is needed in that area? is the buffering sufficient, and connections to the neighborhoods have worked well in the past. The Board asked to see a zoning map. Mr. Turner continued regarding what makes this a unique development as required by State law as a 55+ housing. Board discussion regarding sharing with the applicant the legal opinions received during previous 55+ housing and is there a phasing plan.

Peter Zohdi, Herbert Associates, responded that the phasing will go with the market, hopes to be completed in four years, and other projects have been about 20 units per year. Board discussion regarding concerns about the view from Rt 111 and the landscaping of the units adjacent to Rt 111, want a substantial buffer between Rt 111, and may want to use berms. Mr. Zohdi stated that Jack Trembley is doing the landscape design. Board discussion regarding an increase in emergency medical response for this type of development, pedestrian easement to Gallway Road for access between neighborhoods, need walking/biking trails, like the putting green idea, is there a need for elderly housing for Windham? does the applicant have data supporting another elderly housing development in Windham? Mr. Zohdi responded the attorney's are researching and will have the information at the public hearing stage. Board discussion with Mr. Nickerson and Mr. Zohdi regarding access to the property, a right-turn in and right-turn out for Rt 111, access to Anderson Road, no access directly across from Faith Road, a traffic engineer will present to the Board at a future meeting, and the level of service needs to be known for the intersection of Anderson Road and Rte 111.

Public comment from Kenneth Gminski, 6 Kendall Pond Road, asked why he was not notified as an abutter. Mr. Zohdi stated that Mr. Gminski is not a direct abutter, but agreed to notify him. Mr. Gminski stated that people use Anderson Road as a cut off, and the Kendall Pond Road is difficult.

Roger Wheeler, 26 Kendall Pond Road, concerned about any blasting that could hurt his dug well, has been there for 45 years without any problems with water, the traffic builds up along Kendall Pond Road, and Anderson should not be used, and there's a lot of units for the land. Mr. Zohdi responded that they'll be working with a traffic engineer regarding the traffic and they will hire a blasting company for the blasting, and pre-blast information will be requested from the abutters regarding wells. Mr. Turner stated that there is no requirement for pre-blast surveys, usually the Board requires a quality tests for 15 wells, quantity tests are not done any longer because it would blow out the pumps, and there could be temporary turbidity problems.

Eric Hovling, 20 Kendall Pond Road, stated he would like to be notified as an abutter, he's also concerned about his well as there is a lot ledge and blasting will be required, concerned that the development will drain the water in the area.

Richard Teixeira, 18 Gallway Road, shouldn't there be a bond for blasting damage? Mr. Zohdi stated that a bond is posted. Mr. Turner stated the bond doesn't cover blasting damage, and the Town attorney stated that the Town should not be involved in these type of issues, and damage should be covered by insurance. Mr. Teixeira asked about the buffer zone. Mr. Nickerson showed the buffer on the map. Mr. Teixeira also stated that he didn't think it was a good idea to connect to Gallway Road.

Board discussion with Mr. Zohdi of the location of Gallway Road, trying to bring water from Mammoth Road with a booster station, they will be private roads and not gated, there are not any density bonuses, the Board would like to review the density numbers. Mr. Turner discussed the ADA laws and universal adaptability guidelines, and he will get the Board more information regarding this. The applicant should

bring back information regarding connecting to Gallway. The Board reviewed the packet of information provided by Mr. Nickerson, the divided boulevard looks better, paved walking paths like Griffin Park are beneficial, like the loop and butterfly shape paths, the paths could be stone dust or crushed stone, there will be benches along the path, the community center is a good idea, there is also outside gathering areas, the size of the recreation center would be based on the number of units and the applicant will supply that information, the current 55+ developments could be asked about their recreation center use and size, some of the current attractive trees should be retained, and would like the fire chiefs response regarding the road way. Ms Post polled the Board regarding the density, and a site walk is needed.

Mr. Zohdi stated that Windham Meadows II is a similar development though it is not 55+, Windham Meadows is approximately 26-29 acres with 57 units, this is 43 acres with 72 units, and do not want to clear cut the lot. Mr. Turner stated that keeping the lawns to a minimum keeps the costs down for residents for maintenance.

Mr. Zohdi stated he would stake the centerline of the roadways. Site walk scheduled for October 27 at 9:00 am. Members to meet at Clarke Farm North where the house used to be, the driveway is still there, then the Board will go to Windham Meadows. The Board completed the checklist to send the plan out for department comments.

Mr. Kolodziej motioned to continue Clarke Farm North elderly housing to November 7 at 7:30 pm. Mr. Okerman seconded. Passed 6-0.

Mr. Okerman stepped down. Mr. McLeod and Mr. LoChiatto rejoined the Board.

Heights of West Windham Amendment – Public Hearing **London Bridge Road, lots 20-D-3000**

Mr. Turner stated the Town Attorney and Selectmen have asked the Board to look at the approval for the Heights of West Windham, money was donated for the reconstruction of London Bridge Road, the original approval was not clear, and was it a donation or a required improvement because of the impact of the development. He review the subdivision regulations regarding off-site improvements, the Terra Bella subdivision applicant offered \$1000 per lot and should have been based on the formula, we have a recent estimate to reconstruct a road, and London Bridge Road will eventually connect to the high school, Mr. Turner distributed to the Board a letter from Mr. Zohdi of Edward N. Herbert Associates in which Mr. Zohdi determined, through working with staff, the number of lots that would use London Bridge Road from each development. Total number of lots was determined to be 65 with the Heights of West Windham portion being 7 lots. The total estimated cost of improvements to London Bridge Road were calculated as 2,100 ft of road x \$140/ft = \$294,000 or \$4,524 per lot. The application is complete and ready for public hearing. Ms. Prendergast motioned to open for public hearing. Mr. McLeod seconded. Passed 7-0.

Mr. Turner stated that an existing condition survey has been completed at a cost of \$5000, the new estimate is approximately \$32,000, and therefore EJR Development's remaining share would be \$27,000. The Board discussed the road agent's estimate and the number of homes (potential and existing), and the need to upgrade the existing conditions of approval. Mr. Turner explained that "donation" is in the approval and needs to be amended to include justification. Board discussion that the amount of impact is the same as originally approved. No public comment. Attorney Mason showed the map of existing conditions and further described the calculations.

Mr. McLeod motioned to amend condition of approval #14 of the Johnny Hill Road subdivision and to approve the calculation of the developer's share of off-site improvements for London Bridge Road, as provided by Peter Zohdi by letter to Al Turner dated June 12, 2007 with a remaining balance of \$26,668. Mr. LoChiattio seconded. Passed 7-0.

Pike Assisted Living Site Plan – Public Discussion

23 Mammoth Road, lot 14-B-4800

Mr. LoChiattio motioned to limit the time span to ½ hour in light of the fact that this is a specially convened meeting and another Planning Board meeting is schedule for tomorrow evening. Mrs. Crisler seconded. Passed 5-2. Mr. McLeod and Ms. Post opposed.

Mr. Turner stated it is a non-binding meeting, the proposal is for an assisted living facility, the location is across from the approved Willows Development on Mammoth Road, there is currently a house on the site, they are proposing a new building, the fire department would like a circular driveway, there are wetlands and WWPDP on the property, it is zoned rural and is an allowed use, and no new public road ways. Board discussion that the property is on the historic resource list.

Peter Zohdi, Herbert Associates, showed the location on the map, it will accommodate 18 people with 4-5 staff, has been meeting with the staff, one way in and one way out traffic pattern and it goes around the building, and the second proposal has less pavement.

Susan Pike, 5 Pilgrim Road, stated that she is a resident Windham and a nurse, concerned about quality of care in large facilities, it will look like a cape style home, it will be small and simple, will have a small sign, the residents do not drive, it will fit the neighborhood, and doesn't want to get larger than 18 residents. Mr. Zohdi posted a drawing of the home.

Board discussion with Mr. Zohdi could the building be closer to the road with the parking behind, trying to avoid the WWPDP, and a driveway is an allowed use in the WWPDP. Mr. Zohdi will review the parking spaces with the staff, and will look at moving the parking to the back of the building. Board discussion regarding downward facing flood lighting, food service will be family run and operated, there will not be large deliveries, the wetland in the front is hydric B soil, the building is two-stories under 6,000 square ft, where is the dumpster location, a stonewall will remain, and Historic District would like to keep the dam.

Mr. Turner stated that the large driveway is at the request of the fire department, and he will discuss a gravel way that would support a fire truck with the fire department.

Public comment from Janice Koch, 541 Mammoth Road, Pelham, directly abuts this property, does not object but has concerns regarding the health of the residents, concerned with the wetlands, pond, and machinery in her hayfield and residents wandering away, would like to see the property fenced in, and concerned about parking for the employees and visitors. Mr. Zohdi stated he would like to cut down the parking, the applicant doesn't have a problem with fencing the property, and the home has alarms on the doors.

Stephen Koch, 553 Mammoth Road, Pelham, concerned with the parking moving to the back because of the use of salt could runoff onto their field, worried about liability, would like a fence, and concerned about trash coming onto their fields. Mr. Zohdi stated they wanted to use sheet drainage, and the landscape plan will be done by a landscape architect.

Board discussion location of snow storage, site walk for October 27 immediately following the Clarke Farm site walk, and completed the checklist to send the plan out for department comments.

OLD/NEW BUSINESS:

Board discussion regarding last week's Spruce Pond approval. Ms. Prendergast reviewed former meetings and the Board's concerns regarding Morrison Road off-site approvals, Ms. Prendergast costs came to \$5400 based on traffic report numbers, and asked for staff to review the numbers. Mr. Turner asked if the Board wanted to pursue this issue? Board discussion using the traffic engineer report, and the subject was brought up at the first meeting and never finalized. Ms. Post reread an August memo from the highway agent. Mr. Turner noted the problems with the road. Board discussion regarding Morrison Road is a scenic road.

Joseph Maynard, Benchmark, stated that the impact to Morrison Road is 1% which equals \$1,050-\$1,100, has been meeting with the Board since July, none of the other development have done their fair share, and offered to get a letter from Ms. Rausseo regarding the 1%. The Board discussed the calculations depends upon the scope of the work, typical costs were used in the calculations, should the staff do the research? more money would be spent than it is worth, reach a compromise solution, a precedent is being set, Ms. Prendergast was thanked for her efforts and this consideration needs to be applied to future projects, the matter should be closed, and the traffic impact is approximately 2% percentage.

Mr. McLeod motioned to reconsider Spruce Pond II approval of October 3, 2007. Mr. Kolodziej seconded. Passed 7-0.

Mr. McLeod motioned to restate his prior motion and include the following condition: 1) Off-site improvements to Morrison Road will be in the amount of \$2700 based on testimony of the applicant, staff, and Laurie Rausseo's report that the traffic impact is approximately 2%. The total is due when the first building permit is issued. Mr. Kolodziej seconded. Passed 7-0.

Mr. Kolodziej motioned to adjourn. Mr. LoChiatto seconded. Passed 7-0. Meeting adjourned at 10:15 pm.

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