

PLANNING BOARD MINUTES
October 17, 2007

ROLL CALL:

Ruth-Ellen Post, Chairman – Present	Ross McLeod, Vice Chairman – Excused
Nancy Prendergast, Secretary – Excused	Walter Kolodziej, Regular Member – Present
Phil LoChiatto, Regular Member – Present	Pam Skinner, Regular Member – Present
Neelima Gogumalla, Alternate – Present	Rick Okerman, Alternate – Excused
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.*
- *Ms. Gogumalla replaced Ms. Prendergast.*
- *The Board stood and recited the Pledge of Allegiance.*

MINUTES:

- Mr. LoChiatto motioned to approve the October 11 minutes as amended. Mrs. Crisler seconded. Passed 6-0;
- Mr. LoChiatto motioned to approve the September 26 minutes. Mr. Kolodziej seconded. Passed 4-0-2. Ms. Gogumalla and Ms. Skinner abstained.

CORRESPONDENCE:

- Copy of a letter to the Conservation Commission inviting them to attend the October 27 Planning Board site walks;
- Draft of the Recreation Master Plan from Cheryl Haas. Mrs. Crisler stated that the plan was presented at the Selectmen's meeting, and Ms. Haas was disappointed in the input from the RPC. Board discussion regarding the Planning Board's concerns, the Board should review at next week's workshop. Ms. Haas should be invited, Mr. Sinnott will be at the October 31 meeting, and Ms. Haas can attend if she'd like;
- Letter from Frederick Ford regarding Windham Meadows II issues;
- Letter from Patrick Wallace regarding changing the zoning on his property from Residential to Commercial. Board discussion regarding the neighborhood, and this will be added to the zoning meeting;
- Letter from Donigan Properties regarding the condition of Pawtucket Estates Subdivision property;
- Email from the Heritage Commission regarding properties with historical significance;
- Notice of potential regional impact from the Town of Derry;
- Meeting notice from the NH Chapter of the ITE;
- Email regarding the 2007 Watershed Conference;
- Shaun Logue's registration form for the Sign Codes seminar;
- Request from applications from ULI Boston;
- October 2007 Town and City booklet.

BOND:

Granite State Animal Hospital, final release of \$1,500. Mrs. Crisler motioned to release. Mr. LoChiatto seconded. Passed 6-0.

LIAISON REPORTS:

- Mrs. Crisler, Selectmen, stated that the Selectmen got an 1½ hour report from the blasting consultants, several residents came to the Selectmen who have trail easements that were not known and the resident will petition at Town meeting to remove the easements, and the Selectmen will be holding public hearings for each petition prior to Town meeting.
- Mr. LoChiato, CIP, stated that the meetings are ongoing, they are in the evaluation period, and are meeting tomorrow.

OLD/NEW BUSINESS:

Ms. Gogumalla reported on a Global Warming and Energy Resources conference that she attended. Board discussion regarding that the Board has gotten behind lately and the Board should control the time for public discussion to 30 minutes, get through the business timely without rambling.

PUBLIC MATTERS:

DeLuca Lot Line Adjustment – Public Discussion **17, 19 & 21 Farmer Road, lots 17-L-59, 60 & 61**

Mr. Turner described the plan regarding relocating the lot lines for lots 17-L-59, 60, & 61, the site is on Cobbetts Pond, the homes will need variances, they are non-conforming lots, and the applicant has applied for the variances.

Peter Zohdi, Herbert Associates, further described the lot line adjustments for the three lots of record, a variance was received for a leach field but was never built, the lot line adjustment will allow for legal leaching fields away from Cobbetts Pond, variances are needed and he has applied to the ZBA, and will come back after the ZBA. Ms. Post read a portion of Mr. Turner's letter.

Board discussion regarding legal wells, does not comply with High Intensity Soil mapping but the septic systems will comply with the Town and State requirements, and they will be much larger houses with much larger footprints. No public comment. The Board completed the checklist to send the plan out for comments. Mr. Zohdi stated the area behind the homes is wooded and would not be blocking anyone's view of the pond.

The Commons Special Permit – Public Hearing **25 Indian Rock Road, lot 11-C-1100**

Mr. Logue stated the applicant is requesting approval for a Special permit to allow the replacement and enlargement of a septic system serving building #1 which is in the WWPD, the property is zoned Commercial A, a variance has been granted from Section 601.4.6, and the leach field is proposed to be 50' from the edge of the wetland where 100' is required. He described the current conditions of the septic systems which was designed for 531 gallons per day, and the current use is 700 gallons per day. He reviewed the outstanding issues and the plan is ready for public hearing. Mr. LoChiato motioned to accept for public hearing. Mrs. Crisler seconded. Passed 6-0.

Joseph Maynard, Benchmark Engineering, described the history of the building and the two septic systems, the property was purchased in the 1990's and the second building was built, building #2 has a separate system, the loading of the building has been reviewed, the load is more than the system was designed for, a new test pit shows a 12 minute per inch percolation rate, a variance was granted to replace and enlarge the system, needs the Special Permit for the State permit, the new design is a pump system, the finished surface will be at grade, and would like to replace it this year.

Board discussion with Mr. Maynard regarding system #1 will remain, #2 is being replaced, it will be a concrete chamber system, the land abuts the Historic District, there is a bridge on the assisted living property, there are some stone structures listed on the historic list, located in the Business Commercial A district, it is a proposed betterment, the existing field is close to the water table, the new system is 4' above the water table, the area could be mulched if the excavation occurred in the winter, mulch berms are ground up stump and wood materials to stabilize the area until it could be seeded, and the area is currently gravel. Mr. Turner stated substantial mulch will be needed, and the septic should be put in as soon as possible, and he reviewed the staff's issues.

Mr. Maynard stated it is a huge improvement over the current system, and there is no other location on the property for a septic system. No public comment.

Mr. LoChiatto motioned to approve the Special Permit for construction of a septic system partially within the WWPD in light of the fact this is an allowed use by variance and will improve the existing condition by improving ground water quality and will not adversely affect surrounding WWPD by keeping the finished grade the same as existing. Proposed construction sequence to be implemented with #10 being amended as follows: All slopes shall be hydro seeded and the use of erosion control mat is required. If the growing season is past, a minimum of erosion control fabric and 6" of stump grinding mulch will be applied over entire work area. Mrs. Crisler seconded. Passed 6-0.

Butler Subdivision – 11 lots – Public Discussion

Wilson Road, lot 24-F-1120

Mr. Logue stated the application is for a conceptual design to review an 11-lot subdivision on 26.6 acres of land, the property is in the rural zone and partially in the WWPD, the property is located at the end of Wilson Road, will extend the current Wilson Road creating a 1450' permanent cul-de-sac and a 1700' temporary cul-de-sac, and there is an existing network of trails which is a Town owned right-of-way which the applicant is requesting to have discontinued. He reviewed the outstanding issues.

Joseph Maynard, Benchmark Engineering, further described the subdivision including 26 acres of land, proposing to extend Wilson Road, he showed and explained the roads on the plan, he explained the ownership and use of the abutting properties, trying to minimize the road length in case the next property wants to continue the road, there will be cistern centrally located, he described the vernal pool and wetlands on the property, a Special Permit request is needed for a portion of the road, there is a 1930-1940's trail, the courts declared it a Town road, the road was not found in the survey of the property, he stated that Mr. Turner remembered hearing about the road from Bob Thorndike, and Mr. Maynard researched and found the court case in Hillsboro County, they would like to discontinue the road, the road is not really defined, looking for the Board support, and it was a similar situation for the Bissell Camp Road discontinuance.

Mr. Turner stated that the old town road would go to the Pelham boundary, the old town road goes through other developed subdivisions and they have been notified, and should the rights of the road be kept? and the Board should get input from the departments. Mr. Maynard stated that the Wilson Road subdivision has a stub, the old road is 10' wide trail, and the court decree does not define the width. Mr. Turner stated there is a formal agreement with the land owner as to the location of the road.

Board discussion with Mr. Maynard included the location of the stub, it would be another long dead end road with no conceivable way out, the development needs another way out, and the length of roadway to Lowell Road is 2400'. Mr. Turner stated the definition of measuring a cul-de-sac was determined in 1988, and explained it on the plan. The Board discussed it is in conflict with the ordinance, the

ordinance has not changed since 1988. Mr. Turner showed where Timberland Road had a 50' stub which was reduced to a 10' stub. Board discussion continued regarding Town-owned land, Bear Hill Road was over 2400' with no way out and was forced to find a way out, the problem is for the next property, do not want to have people stranded on long roads in an emergency situation, the access to the next property was blocked by conservation land even though a previous Planning Board left a stub, and Town counsel should be consulted regarding the right-of-way. Mr. Maynard asked to be continued to the next meeting, and he'll bring back another plan. No public comment. Mr. Kolodziej motioned to continue to November 7 at 7:30 pm. Mr. LoChiatto seconded. Passed 6-0. The Board completed the checklist to send the plan out for comments.

Trimmers Landscaping Site Plan – Public Hearing

17 Mammoth Road, lot 14-B-5000

Mr. Turner stated that the property is located on Mammoth Road, the staff has been working with the applicant since June, and has sent letters in June, July, and August, has also met with the applicant, the plan as presented cannot be recommended by the staff as it is not complete, and it is not in conformance with our regulations. Mr. Turner read a portion Mr. Logue's October 5, 2007 letter to the applicant outlining the many deficiencies. The letter was hand-delivered to the applicant and mailed to the property owner, and the applicant has not responded to the letter.

Board discussion regarding the business has been expanded without permits, it is currently in court, the applicant wants to expand the business, sign permits have become before the Board previously, and downgrading the hearing to a discussion.

Mrs. Crisler motioned to reject for public hearing because the plan application is incomplete as per Mr. Turner's letter to Mr. Farris dated October 5, 2007. Mr. Kolodziej seconded. Passed 6-0.

Mrs. Crisler motioned to open for public discussion. Mr. Kolodziej seconded. Passed 6-0.

Mr. Turner stated the public discussion is a non-binding meeting but gives guidance to the applicant.

Attorney Peter Solomon, representing the owner and current tenant, disagreed with Mr. Turner's presentation, he reviewed the history of the site including variances, permits, and use. He stated that Trimmers has cleaned up the property, it is a minor site plan approval, has met with Attorney Campbell, a law suit has been filed over the minor matter, cinder block storage with awnings were added, the shed could be removed if asked to, trees were removed, deliveries are received six times per year and trucks do not turn around on the street, and Attorney Solomon responded to Attorney Campbell regarding the October 5 letter. Attorney Solomon stated they are trying to work with the Town, and it is a small business, and it is a minor change to the property.

Board discussion stated that this is a similar situation with another landscaping business and the Town won in court, it is adjacent to residential use, the driveway permit is 30 years old, every commercial site plan in Town shows the truck traffic circulation for safety reasons, the site is in the Aquifer Protection District, the site uses chemicals, an engineer may need to be hired, the applicant needs to work with the staff. Attorney Solomon stated that the applicant has met with the staff, and there is a difference of opinion of whether it is a minor site plan. Board discussion continued with Attorney Solomon regarding the Board has not seen a summary of changes, the applicant should respond to Section 306, it is a the minor site plan change, the Board should be talking about the plan not the legal issues, and should the meeting be continued? Attorney Solomon stated he will work on a Section 306 plan. Board discussion that it has not been accepted as a 306 plan, but needs to see the answers to Section 306, Section 306 is

for small businesses. Mr. Turner stated that he has been working with the applicant, he has documented everything since June, he has directed the applicant towards Section 306, and he also has photos from before and after. The Board discussed continuing the meeting. Mr. Kolodziej motioned to continue to November 7 at 7:30 pm. The motion was put on hold until public comment.

Public comment from Karen Elgar, 6 Colonial Road #3, has been abutter for 22 years, the site is difficult to get in and out of, their well is near the site, over the last few years it has become noisy especially on the weekends starting as early as 6:30 am, can see the buildings because of the cutting of trees, enormous trucks make deliveries to the site, the site has changed a lot, would like more trees and the noise to stop, and not to expand the business.

Jacques Dorchoehe, 6 Colonial Road #2, has concerns regarding chemicals, water testing should be required, and also require protection for their well.

Mr. Kolodziej motioned to continue the meeting to November 21 at 7:30 pm. Mrs. Crisler seconded. Passed 6-0.

Mr. Kolodziej motioned to adjourn. Mrs. Crisler seconded. Passed 6-0. Meeting adjourned at 10:00 pm.

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