

PLANNING BOARD MINUTES

October 8, 2008

ROLL CALL:

Phil LoChiatto, Chairman – Present	Nancy Prendergast, Vice Chairman – Present
Rick Okerman, Secretary – Present	Walter Kolodziej, Regular Member – Present
Ruth-Ellen Post, Regular Member – Excused	Pam Skinner, Regular Member – Present
Louis Hersch, Alternate Member – Present	Kristi St. Laurent, Alternate Member – Not Seated
Sy Wrenn, Alternate Member – Not Seated	Bruce Breton, Selectmen Member – Present
Galen Stearns, Selectmen Alternate – Excused	

STAFF:

Al Turner, Director of Planning and Development – Present

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

MINUTES:

- Mr. Breton motioned to amend the approved the September 10 site walk minutes to include the address. Mr. Kolodziej seconded. Passed 7-0;
- Mr. Breton motioned to approve the October 1 minutes as amended. Ms. Prendergast seconded. Passed 6-0-1. Mr. Kolodziej abstained.

BOND:

- Lancelot Road, final release of \$3,250. Mr. Breton motioned to approve the final release and recommend to the Selectmen to hold a public hearing to accept as a Town road. Mr. Kolodziej seconded. Passed 7-0.

CORRESPONDENCE:

- Letter from Attorney Campbell regarding impact fees;
- Letter from NH DES regarding an amended restoration plan for 17-21 Farmer Road;
- Letter from NH DES regarding decision-makers survey for state water plan process. Kevin Waterhouse stated that he filled out the survey;
- Flyer from RPC titled Providing Opportunities for Workforce Housing;
- Copy of a letter to Attorney Campbell regarding Jackman Ridge Road Extension. Board discussion with Mr. Turner regarding land banking the portion of land that was formerly a part of the cul-de-sac for future use by the Town, it is a natural extension of the homeowners yard, sell the land to the homeowner and retain the rights to use the land, and this issue should be discussed at a workshop meeting to come up with a standard approach;
- Letter from RPC regarding membership;
- Copy of a letter to David Sullivan regarding 5 Industrial Drive;
- An invitation to a western rodeo from the Greater Salem Chamber of Commerce;
- Greater Nashua Habitat for Humanity fall newsletter;

LIAISON REPORT:

Mr. LoChiatto, CIP, stated that the CIP has met with the fire department, library, and Selectmen. The next meeting will be with the school and police.

OLD/NEW BUSINESS:

- Board discussion that a Hancock Road resident is not satisfied with the work done by Ken Bergeron to fix his lawn, the Board needs to be careful about mediating between builders and homeowners, do not want to set a precedent, the builder has met the Town standards, and Mr. Turner should send a letter to the homeowner that the standards have been met. Mr. Turner stated he will send a letter and also tell the homeowner that the bond will be discussed at next week's meeting. Mr. LoChiatto stated he has spoken to Ken Bergeron and has driven by the site.

CORRESPONDENCE (continued):

- Letter from Herbert Associates requesting an extension to the Willows Site Plan approval. Board discussion that they will need to go through the application process.

PUBLIC MATTERS:

Transit Study Discussion with Peter Griffin – Public Discussion

Peter Griffin, NH Railroad Revitalization Association, distributed a draft of the I93 Transit Investment Study. He then discussed meetings he has attended regarding transit options which included bus on shoulder and restoration of train service of service to and from Manchester and Lawrence (M&L), bus on shoulder would begin in Boston and would probably be completed in 2030, the first rail phase would be from Lowell to Concord, the Manchester to Lawrence line would impact land to be developed and result in more tax revenue, he discussed projections of ridership, do not want to have duplication of services, there are competing interests in the corridor, there is still time to comment, and it is an incredible opportunity.

Board discussion with Mr. Griffin included bus on shoulder will use the breakdown lane, busses would still deal with the traffic issues, the \$80,000,000 cost would cover MA and NH study and pay for the accommodations of the lanes and other engineering, the bus is a recommendation, and each community needs to evaluate the service and give input to the DOT.

Public input from Wayne Morris, Windham Rail-Trail Alliance, stated he also attended the meeting regarding the M&L, he discussed the potential costs and potential ridership, doesn't agree with Mr. Griffin, it is a large expense to take 5,000 cars off the highway, rail will probably not get funded, the automobile gives more flexibility in getting places, they will be diesel trains, a station has not been planned for Windham, teaming up with the MBTA who is in debt, Salem and Derry are working on their rail-trails, the Board should wait for the study before they make a decision, and what will Windham gain with no stop in Windham.

Mr. Griffin stated the study stressed the economic development for towns that had rail service going through them, Windham does not have a station planned but that is not set in stone, there is a potential for having the train go to the Manchester airport, and the Board should take action. Board discussion with Mr. Griffin that the trains would be compatible with the MBTA, and freight trains could be considered.

Kevin Waterhouse, State Representative, stated that priorities are for the widening of Rt 93, and railroad dollars will be from Lowell and north, and buses are better for the environment and less expensive.

Mr. Griffin stated he never suggested stopping the widening of Rt 93, doesn't like that his elected official are not giving him a choice for transportation, Boston is a medical, education, and cultural destination, people of Windham should have a choice, and the Board should consider the plan for the future.

Potential Zoning Amendments – Public Discussion

1. 42-52 Lowell Road – from Residential to Business

Mr. Turner gave an overview of the area and showed the area on a map, the Board should discuss whether the area should be rezoned, leave it as it is and businesses have to get variances, and what does a zoning change do to the abutters? Board discussion regarding the lots involved, Board should walk the area, the area is bordered by open space and the Pawtucket cul-de-sac, the current uses are there by variance, they may have more value zoned commercial rather than non-conforming, and Rural and Business Commercial A and Limited Industrial are in the area.

Public comment from Ronald Cyr, Lowell Road, asked if his abutting lot should have the zone changed. Amy Spencer, 50 Lowell Road, owns one of the parcels, and asked if the taxes would go up immediately, that would be answered by the assessor, and is in favor of the proposal.

Board discussion that this will be discussed this at another workshop and public hearing, scheduled a site walk on October 18 after the Ledge Road site walk, the abutting property is Pawtucket Road Subdivision which is an approved plan, and the developer is moving ahead. Mr. Cyr stated that the Limited Industrial property is being used as a garage, it used to be used for loam, not used much, and he would like to discuss the zoning of the property with the Board.

Potential Zoning Amendments – Public Discussion

2. Waterhouse Convenience Store – from Neighborhood Business to Commercial

Mr. Turner showed the property on the map and described the surrounding area, Mr. Waterhouse and the owner across the street would like to change their zoning to Commercial A, he reviewed what is allowed in the Neighborhood Business district and Business Commercial zones and discussed the differences between the two zones, and the change in zoning would bring Mr. Waterhouse's property more into conformity.

Public comment from Kevin Waterhouse, 175 Haverhill Road, suggested that all the Neighborhood Business district properties in this neighborhood should be changed to commercial, a few parcels have been for sale and have not sold, and not looking to expand his business hours or stay open later.

Michael Farris, 15 & 17 Mammoth Road, stated it is a natural commercial area, it would allow more opportunity for businesses, it would serve the neighborhood, it is a major intersection, and is in favor of the change.

Marc Sneider, 5 Galway Road, stated that the owners want the change so they can make more money, it would be opened to a broad amount of businesses, and this opens the door to change all of Rt 111 to commercial.

Lewis Zachas, 22 Faith Road, stated he is not in favor of the change, it is a residential area with limited businesses, West Windham will lose its character, Waterhouse's store is an asset to the community, concerned about what future owners would do with the property.

George Davidovich, 7 Galway Road, is against the change, Rt 111 traffic has increased, can hear the traffic from his home, it will change the character, it does not serve the Town, a group has formed called the Neighbors of West Windham, they have 60 members, and he is speaking for the group.

Tracey Partington, 17 Galway Road, a member of the Neighbors of West Windham, she opposes to the change, love going to Waterhouse's store, want to keep the neighbor, something like a McDonalds

would change the neighborhood, and concerned about traffic.

Mr. LoChiatto read letters from: 1) Rebecca & Lewis Zachas, and 2) Tracey Partington, President of the Neighbors of West Windham.

Potential Zoning Amendments – Public Discussion

3. Route 111 and west side of Londonbridge Road – from Residential to Business

Mr. Turner showed the area on the map and described the surround properties, 4 of the homes have access to Londonbridge Road and the traffic lights, property is currently zoned rural residential, is there a better use for these properties, difficult to get of the driveways, the Board should walk the site, he showed the wet areas, and it is a major advantage having access to the traffic light.

Public comment from Beth Robson, 63 Haverhill Road, agrees with the West Windham group regarding the previous potential zoning change, what would be a better use of her property? is opposed to the change, respects her neighbors, will be upset if her neighbors sell and she get a business beside her, and will the change make her home more difficult to sell? Mr. Turner stated those homes would have a higher value as a business rather than a home. Board discussion that this is a Board initiative, the property may have a higher value if it is rezoned, a neighborhood was sold in Salem for the mall, and the school does not have a separate zoning.

Marc Sneider, 5 Galway Road, stated that the Neighbors of West Windham are against this change also, this will profit a few and be terrible for others, he explained there are no boundaries for their committee, and members come from all over Windham.

Julia Wissell, 55 Haverhill Road, stated she would like Meadowcroft Development to buy all the homes, does not want a strip mall like Rt 28, the Ledge Road problem has not been resolved, does not trust what will happen, selling the properties is impossible, can't guarantee that the change will make the properties worth more, there's a lot of unresolved issues, doesn't know where she stands regarding this, and can't sell her home to anyone because of the water issue. Board discussion what is the best value to get out of the property, can't see into the future, could potentially provide an opportunity to sell her home, this has to go for Town vote, if she wanted she could have a protest petition, there will be a public hearing also, and asked Mr. Turner to ask the Assessor about how the values would change.

Jack Hamburger, 57 Haverhill Road, asked if the notice could be sent registered or certified mail, strongly in favor of the proposal, and thanked the Board for bringing it up. Board response that there is no requirement that notification letters be sent.

Ken Phillips, 47 Haverhill Road, stated he has been trying to sell his house for over a year, the high school road is preventing him from selling his house, would like to see the property be commercial, thinks the four properties that have access should be changed, Ledge Road is a quarry, and has damaged his home.

Dennis Scott, 51 Haverhill Road, stated it is difficult to weigh in on this, what will the zoning be, some residents will be against this, understand that they're looking for the best use, the Limited Industrial zoned land across the street has not sold, and there are rumors that this Board is being pressured to get more commercial land in Town. Board discussion regarding it would be a good place for a business that could benefit the high school, a gas station would not work because of the pond, and the traffic light makes the properties more desirable, the Master Plan objective is to increase the commercial tax base, there's no individual putting pressure on the Board, the residential taxes cannot support the request of

increased services, and economic develop may not change the tax base.

Impact Fees – Public Discussion

Board discussion regarding reading Attorney Campbell's letter before discussing the impact fees, and the Board would like to discuss recreation fees.

Mr. Kolodziej motioned to adjourn. Mr. Breton seconded. Passed 7-0. Meeting adjourned at 9:45 pm.

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