

PLANNING BOARD MINUTES

January 21, 2009

ROLL CALL:

Phil LoChiatto, Chairman – Present	Nancy Prendergast, Vice Chairman – Present
Rick Okerman, Secretary – Present	Walter Kolodziej, Regular Member – Excused
Ruth-Ellen Post, Regular Member – Present	Pam Skinner, Regular Member – Present
Louis Hersch, Alternate Member – Excused	Kristi St. Laurent, Alt Member – Present
Sy Wrenn, Alternate Member – Present	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 7:05 pm. The Board stood and recited the Pledge of Allegiance. Ms. St. Laurent replaced and Mr. Kolodziej.

MINUTES:

Ms. Prendergast motioned to approve the January 14 minutes. Mr. Breton seconded. 4-0-3. Ms. St. Laurent, Mr. Okerman, and Ms. Post abstained.

CORRESPONDENCE:

Email correspondence from Joseph Malloch, 13 Gertrude Road.

PUBLIC MATTERS:

Citizen Petitions

Citizen Petition #2 – Petition of Charles McMahon and others to see if the Town will vote to rezone property at Range Road and Route 111 identified as lots 18-L-480, 18-L-450, 18-L-301, 18-L-400, 18-L-300, 18-L-303, 18-L-302, 18-L-310, 18-L-201 at 41, 43, 49, 53, 57, 59, 61, 63 and 67 Range Road from Professional Business and Technology District to Business Commercial District “A”. This will enable the parcels to be zoned in a manner consistent with the creation of the new Route 111.

Mr. LoChiatto recused himself. Ms. Prendergast took over as Chairman, and Mr. Wrenn joined the Board.

Ms. Prendergast reviewed the previous meeting's input, and there is a letter from Attorney Campbell to the Selectmen that has been released to the public. She read letters from: 1) David Sullivan; 2) Carol Pynn; and 3) Diane Wasilisian.

Board discussion regarding the consultant that reviewed the Planning Department stated there wasn't a clear plan for economic development, it is hasty and premature to rezone these areas, wait for the economic development person, a lot of people signed the petition, left with problematic language, portions of the lots are currently residential, the language of the petition is confusing, there is correspondence from Attorney Campbell, it has confusing language, the language is in draft form, the note helps clarify the petition, the people who signed the petition were clear on what they were signing, not questioning the intent, concerned with the language is so confusing which has serious legal problems, this is draft language and shuts down Board input, it is unfair to call it a draft, the Selectmen voted on how to clarify it, the citizen petition is verbatim to the Board's amendment, and there was some confusion with the maps. Ms. Prendergast read the petition and subsequent review notes.

Public comment from Betty Dunn, Woodvue Road, stated that Attorney Campbell's January 16 letter states that the faxed map was not legible, and therefore he did not have a map when he drafted the language.

Charles McMahon, petitioner, stated that he delivered his map to Attorney Campbell the next morning after the meeting, his review is after receiving this map, the 15 acres of Residence A is being left alone, and the Board had that map at the meeting.

Board discussion of what Mr. Turner faxed to Attorney Campbell and that he spoke with Attorney Campbell the next morning.

Karl Dubay, Telo Road, stated he signed the petition, he discussed the maps given to the Selectmen and the Town Administrator, he compiled a tax map and overlaid the zoning, and he further described the map and zoning. It was noted the official zoning map is the one the Board signs.

Carol Pynn, Cobbetts Pond Road, stated that one of the properties is historical.

Board discussion that Gateway Commercial would have been proposed if it went to public hearing on the Board's version, not in favor of Commercial A, Salem has a multi-use overlay that we should look at, our Master Plan discusses economic development, and Wayland Massachusetts has a similar situation and are going with mixed-use areas. Mr. Turner stated that our Gateway district is a very modern district, he further described the Gateway district, and he discussed why the Board could not go forward with their amendment once the citizen petition was received.

Mr. Breton motioned to recommend the citizen petition as presented to the Board and add the language as described in the January 20, 2009 memo from the Selectmen. Mr. Wrenn seconded. Passed 5-2. Ms. Post and Ms. St. Laurent opposed. *Mr. Wrenn stepped down. Mr. LoChiatto joined the Board and took over as Chairman.*

Citizen Petition #3 – Helen Cookson and others do formally request a zoning change be perpetuated from the status of “rural” to “neighborhood business” for the following properties: 1) Lot #603 @ 157 Rt 28, Windham, NH 03087, owners: Robert and Helen Cookson; 2) Lot #605 @ 159 Rt 28, Windham, NH 03087, owner: Angeline Denuccio; and 3) Lot #401 @ 151 Rt 28, Windham, NH 03087, owners: Christopher Paul and Maureen Kelleher. Mr. LoChiatto read the citizen petition.

Comment from the petitioner, Chris Kelleher, stated his in-laws are also on the petition, they have potential buyers for their property and the zoning change could help with the sale of the property, it seems the thing to do for the location of the properties, and stated he does wood working and carpentry and would like a neighborhood business for his work in the future.

Karl Dubay, Telo Road, showed a large map and discussed the current zoning of the area, the lots are across the street from Neighborhood Business district, two lots are surrounded by open space for Spruce Pond, 157 Rockingham Road was previously a doctor's office, there are pockets of wetlands, it is the appropriate scale for a neighborhood business, it makes sense to rezone this for small business opportunities, he signed the petition, and he is volunteering his time.

Board discussion with Mr. Dubay regarding whether a lot on the zoning map was changed last year in the open space, the petitioner is in Florida and did not receive the phone message from the Planning Department till late, there is excellent site distance, a carpentry shop would be allowed as a home

occupation, and the animal hospital is nearby.

Board discussion with Mr. Kelleher, discussion that lot 3-B-401 doesn't have any wetlands, there is a wooded buffer between these properties and abutting homes, and a 50' buffer is required with the rezoning.

Board discussion with Mr. Dubay of the abutting neighborhood is an open space development, a business would probably want to be closer to the road, and the Planning Board changed the home occupancy regulations regarding accessory buildings this year. No public comment.

Mr. Breton motioned to recommend citizen petition #3. Ms. Post seconded. Passed 7-0.

CORRESPONDENCE (continued):

Letter from Beverly Donovan regarding doing research for her college program. Mr. Turner explained the depth of the project. Board discussion that the RPC is looking at the regional area, need more information before she can start the research, can get information from the Assessor, we have information from RPC, and choose a workshop date to discuss. Mr. LoChiatto stated that he will email Ms. Donovan. Board discussion regarding when to schedule the workshop, the CIP public hearing is next week, the Board would like a copy of the CIP prior to the meeting, and the workshop is scheduled for February 11 for inclusionary housing, and to ask Attorney Campbell for any information he received at a recent workshop.

Economic Stimulus Package

Mr. LoChiatto read a letter from David Sullivan. Mr. Breton reviewed and the Board discussed the projects on Mr. Sullivan's letter: 1) Londonbridge Road; 2) Town salt shed/maintenance facility; 3) Police station garage; 4) Police station training room.

Attorney Campbell stopped by the meeting, and he discussed a workshop he attended workforce housing. The Board asked Attorney Campbell for a memo regarding the information he learned today.

Mr. Breton continued his review and the Board discussion of the projects: 5) Water/sewer conduit pipes; 6) Griffin Park drainage repairs; 7) Griffin Park amphitheater; 8) Spruce Pond recreational fields; 9) Several pending Highway Department projects; 10) Nesmith Library expansion; and 11) School District additional athletic fields.

Board discussion regarding other towns have extensive lists, a new Town Hall is not on the list, how far along is each project, the Middle School could be added to the list, each of the projects are ready, Selectmen will submit to the proper authorities, are there any other additional projects that should be added, any Cobbetts Pond projects, needs to be a labor intensive project to create jobs, Rt 111 corridor relocation study, a ladder truck and other fire department life safety equipment could be listed as someone has to make the trucks, how about the fire substation and Town hall, looks like President Obama is looking for infrastructure, will have the CIP next week, Nashua Road fields and parking, does Jack McCartney have any items, the roundabout in front of the Planning Department could be built, fix the roads that are in disrepair, and an energy audit is being conducted on the Town buildings.

Board discussion continued regarding the President's economic stimulus package, and other items to be added to the list such as high school track field and additional gym, fire department command center, the list should be prioritized, make it easy for our Senators, and also have a level of readiness. Mr. Turner offered to organize the list and send it out to the Board for prioritization and description of readiness.

Board discussion of the economic stimulus from the 1980's, and Town hall wasn't on the list.

Ms. Prendergast motioned to adjourn. Mr. Breton seconded. Passed 7-0. Meeting adjourned at 10:20 pm.

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

Respectfully submitted, Nancy Charland