



OLD VALUES - NEW HORIZONS
PLANNING AND DEVELOPMENT

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Planning Board Minutes 6/16/10

Roll Call:

Phil LoChiatto, Chairman - Present	Rick Okerman, Member - Present
Nancy Prendergast, Vice Chair- Excused	Ruth-Ellen Post, Member - Present
Kristi St. Laurent, Member - Arrived at 7:11	Sy Wrenn, Alternate - Present
Pam Skinner, Member, - Present	Bruce Breton, Selectman Member - Present
Louis Hersch, Alternate - Present	Lee Maloney, Alternate - Present
Bruce Richardson, Alternate - Arrived at 7:06	Ross McLeod, Selectmen Alternate Member - Excused

Staff:

Laura Scott, Community Development Director - Present
Elizabeth Wood, Community Planner - Present
Tracey Mulder, Planning Assistant - Present

Sy Wrenn is seated for Nancy Prendergast.
Louis Hersch is seated for Kristi St. Laurent.

Call to Order/Attendance/Pledge of Allegiance

Chairman LoChiatto opened the meeting at 7:00PM, followed by the Pledge of Allegiance.

Call to Order/Attendance/Pledge of Allegiance

Continued Public Hearing

Case#2010-13 Minor Site Plan Application.

Chairman LoChiatto read the application into the record.

An application for a Minor Site Plan has been submitted for 132 North Lowell Road, (Lot 2-A-995) which is located in the Neighborhood Business District. The applicant, Carl M. Voas, on behalf of the owner, Jolley Associates, is proposing to locate a 10' high, 20 sq. ft, free-standing sign on the property to advertise the business located on the property.

Ms. Wood discussed the memo she included in the Board's packet and noted the applicant had two choices for the proposed sign per the Planning Boards request at the previous meeting:

1. If internal illumination is to be proposed, choose a sign with dark back ground and light colored lettering; or
2. Keep the existing design and colors but use down lights instead of internal illumination.

The applicant opted to keep the existing design and colors to use down lights instead of internal illumination. Ms. Wood noted the applicant has adequately met all requirements of the Town's Sign Ordinance and Minor Site Plan requirements.

Mr. Voas addressed the Board and provided his reasoning behind using option two. Mr. Voas noted that option two was the best option because the type of lighting they are using reduces glare and makes the sign easier to read from the road.

Bruce Richardson arrived at 7:06PM. Bruce was not a voting member on this case.

Chairman LoChiatto opened to the hearing to the public. Hearing no public comment, Chairman LoChiatto closed the hearing to the public.

Chair LoChiatto asked about the material used for the sign and Mr. Voas responded that the sign has changeable numbers due to pricing changes for regular unleaded fuel only.

Ms. Post asked if regular was the only gas they sell as indicated on the sign and Mr. Voas responded that they sell other grades of gas, but regular gas is the only price indicated on the sign.

Ms. Scott noted if the Board approves the sign, they should approve it with the color scheme submitted on the plans.

Motion by Mr. Hersch to approve case 2010-13 for the Minor Site Plan application for the free-standing sign as presented on the plans submitted for this meeting. Second by Mr. Breton. Motion passed 7-0.

Financial Guarantees

Spruce Pond II, Phases II & III

Ms. St. Laurent was seated at 7:11pm.

Ms. Scott addressed the Board noting at the 6/2/2010 Planning Board meeting the Board requested that Ms. Scott double check the cost for a cistern on Phase III to reflect the true number to ensure the financial guarantee was the proper amount. In addition, the Board requested to have the Town Road Agent and Fire Department sign off on the two letters of credit amounts prior to the Planning Board accepting them. Both have been signed-off on.

Ms. Scott noted that Spruce Pond II, Phase II is for \$92, 808 and Phase III is for \$10,800 of which \$8,000 is identified as enough money for the cistern.

Motion by Ms. Skinner to accept the \$92,808 Letter of Credit for Spruce Pond II, Phase II. Second by Mr. Okerman. Motion passed 7-0.

Ms. Skinner made motion to accept the Letter of Credit for Spruce Pond II, Phase III for \$10,808. Second by Ms. Post. Motion passed 7-0.

Johnson Street Subdivision

Ms. Scott noted to the Board the information provided to them in their packet. The Johnson Street Subdivision received conditional Planning Board approval on October 5, 2005 and final Planning Board

approval on September 15, 2006. The Subdivision was for 4 residential and 1 open space lots, as well as the extension of Johnson Street.

The Town's consulting engineer, Keach-Nordstrom Associates, and the Town's Highway Superintendent visited the site and have provided a punch list of items that need to be addressed prior to the financial guarantee being released. In addition, the Town's attorney has reviewed the deed for the road and there are needed revisions prior to the Board of Selectmen accepting the road.

The developer, Mr. Glenn Saba, of Century Builders is before the Board to ask if the Board would be interested in mediating some of the outstanding site plan issues. Mr. Saba is willing to complete the items on the KNA punch list but is looking for the Planning Board to provide him relief from the following 2 requirements:

1. The setting of all the property bounds
2. Not requiring a financial guarantee to be kept for one year for road maintenance.

Mr. Breton indicated he is not in agreement with waiving of setting property bounds because it is a state law. Chairman LoChiatto noted setting of the bounds was a condition of approval on the plans.

Mr. Saba addressed the Board and provided a brief history of the subdivision approval process. Mr. Saba is asking the Board to facilitate the completion of the project because it has been sitting dormant for the last 1.5 years.

Mr. Saba said that during a meeting with Ms. Scott, she provided him with a list of items that need to be completed on Johnson Street. Mr. Saba said that even though Century Builders has lost a considerable amount of money, they are still trying to work with the Town to resolve these outstanding issues. Mr. Saba is requesting to set only the 5 granite bounds and the 5 lot line bounds on the street and have the Planning Board waive the setting of the additional 19 bounds.

Mr. Breton asked about of Mr. Saba's letter referencing lot 22-B-15, owned by the Lewis family. Mr. Saba responded that the runoff from the Johnson parcel sheds water onto Lot 22-B-16, which is owned by Century Builders, and from there sheds water onto the abutting lot 22-B-15, which is owned by Mr. Lewis. Mr. Saba said a swale was built to temporarily divert the water and last week he regraded and installed a drainage structure and put in crushed stone on lot 22-B-16. The next step is to fix the Lewis' property from the water damage.

Mr. Saba indicated that usually a bond is held for one year after a road is finished to ensure that the road does not develop any sinkholes. Mr. Saba said this road has been finished for 4 years and it is fine.

Ms. Scott noted for the Board that Mr. Keach is not in agreement with relieving Mr. Saba the responsibility of setting the bounds on the property. However, since the road has been sitting for so many years, KNA did not believe it would be a detriment to the Town to release the money before the year is up if all the work on the punch list is complete and reviewed by the Town Engineer and the Road Agent and if found to be complete.

Ms. Scott said the issues with the site are workable and the reason the deed is has not been recorded is because the road has yet to be accepted by the Town.

Chair LoChiatto asked about drainage complaints on the site and Ms. Scott said the complaints were from the abutting property owner, Mr. Lewis regarding flooding issues with his driveway that caused cracking and heaving and issues with flooding around his house. Mr. Saba said that things are almost complete with the drainage on his property and Mr. Saba will fix the driveway.

Ms. Wrenn asked Mr. Saba about the drainage correction recently completed and if it was permanent. Mr. Saba said it was a permanent correction.

Mr. Breton asked Mr. Saba when the work on the entire site would be complete. Mr. Saba said if he could get confirmation of agreement from the Board tonight with the relief he is requesting, the work could be complete within the next 45 days. Mr. Breton would like to hold off on making a commitment to Mr. Saba until the abutter, Mr. Lewis, receives satisfaction.

Mr. Breton said he is open to giving Mr. Saba 45 days to correct the issues and then the Board could move forward with a decision. Chairman LoChiatto said this suggestion has merit but his biggest concern is if the plan was built to the originally approved plan. The Board had further discussion regarding the grading of the road and whether or not it was stable and perhaps it needed to be regraded. Mr. Saba said the grading was done three years ago and the road was stable.

Ms. Scott said that she is sure that the issues with the abutter could be resolved between the two parties.

Mr. Richardson said Mr. Saba's sincerity is obvious and since the bond amount that we hold is insufficient to complete all the work, consideration needs to be given based on the circumstances.

Chairman LoChiatto said that the fact remains there is an issue with drainage and he is not sure if the grading is correct, unless there is a certified plan on file. Chairman LoChiatto is concerned that because the slope on the property is very steep, water will continue leaching from of the hill, and therefore grading is critical. Chairman LoChiatto said he would like something that shows him documentation that is signed off by an engineer indicating that Mr. Saba has corrected the issues and the lot owners are protected.

Ms. Scott gave the Board an overview of some of their options and said that they could release the financial guarantee and put a one-year lien on the remaining property or have Mr. Saba do the work and come back before the Board for consideration, as suggested by Mr. Breton.

Mr. Saba asked the Board to come up with a solution to move forward on this issue. Chairman LoChiatto said the Board and Town staff appreciates that he is before the Board and but the Board has valid concerns and there are some things that can't be waived, such as the setting of the bounds.

Mr. Saba said is not asking for his bond money back until the Town engineers sign off on the property.

Ms. Scott explained that the applicant is asking that once all the work on the KNA checklist is complete and the Town Engineer and Road Agent sign off and agree the work is complete, instead of holding the money for a year, the Planning Board will recommend to the Board of Selectman to release the money and accept the road. The Board said they did not have a problem with that but they can't speak for the

Board of Selectman and cannot predict if they will agree with releasing the money before the year requirement.

Mr. Hersch left at 8:15pm.

Mr. Saba said that he understands that the Board will not waive the setting of the bounds and he will therefore set all the bounds.

Mr. Breton said he would like to table this decision and make it an agenda item in the future. Chairman LoChiatto said the applicant is looking for some assurance that if he completes the work, the Planning Board will recommend to the Board of Selectman to release the bond when accepting the road.

The Board discussed that this is a unique issue that needs careful consideration.

Chairman LoChiatto went over the list of outstanding items that Mr. Saba would need to complete in order to finish the site, which include: 1) Setting all the bounds 2) Finishing plan per specification on KNA checklist 3) Gaining approval of consulting engineer and Road Agent 4) Legal to sign off on road deed.

Chairman LoChiatto polled the Board to see if they were amendable to having Mr. Saba complete the work on the punch list and once complete, come back to the Board for a vote to recommend to the Board of Selectman release of the financial guarantee without waiting the required year. The Board was amendable in having Mr. Saba come back once the work is complete.

Mr. Saba said he can't give the Board a time frame when he will be back because he needs to think about this and might need to get new bids. Ms. Scott and Mr. Saba will work together and come up with an appropriate time frame.

Mr. Saba thanked Ms. Scott and the Board for their time.

Granite Hill

Ms. Scott said the financial release is a 5-lot detached condominium development on a private road. The site plan was approved in 2005 and modified in 2006. The applicant is recommending a partial release, retaining a portion of the money to resolve issues of erosion control and signage that are anticipated to be complete by the end of July.

Ms. Post motioned to grant a partial release for the Financial Guarantee at 90 Indian Rock Road in the amount of \$17,627.00. Second by Ms. Skinner.

Chairman LoChiatto asked about the letter from Mr. Maynard indicating the site is completely stabilized and all of the improvements proposed on the approved plans were finalized. Ms. Scott said the reason for retaining \$4,000 is for erosion control issues that Keach Nordstrom found when inspecting the site. Ms. Scott said there was some confusion about what Mr. Maynard and Mr. Keach wrote and it will require a short meeting to resolve.

Motion passed 7-0.

Meeting Minutes-Review and Approve

Ms. Skinner made motion to accept the 5/12/2010 minutes as written. Second by Mr. Breton. Motion passed 6-0-1. Ms. St. Laurent abstained.

Ms. Skinner made motion to approve 5/19/2010 minutes as written. Second by Mr. Wrenn. Motion passed 6-0-1. Ms. Post abstained.

June 2, 2010 – postponed until June 30th meeting.

6/2/10 & 6/16/10 Community Planner's Report

Ms. Wood discussed her Planner's report.

Community Development Director's May Report

Ms. Scott discussed her Community Development report.

Floodplain Management 101 Training Workshop-Summary

Ms. Wood noted that she attended the Floodplain Management Workshop and found it to be beneficial. The intent of the workshop was to present an overview of the Land Resource Requirements in the State of New Hampshire and to provide participants guidance about the National Flood Insurance Program Basics, reviewing of floodplain map and studies.

Miscellaneous

Ms. Scott said there would be workshop on June 30th to finalize the Open Space. The RPC needs this complete soon. Ms. Scott said that on 6/30/10 there would be a workshop with Steve Keach of KNA (Town engineers), Fire, Police, Highway, Storm Water and the public about Storm Water Regulations and Highway Standards.

Ms. Scott also noted that the Board has scheduled workshops in July and August for CIP and Impact Fees, the Master Plan as well as Town Meeting and she is in the process of confirming dates for CIP and Impact Fees.

Adjournment

Motion to adjourn at 9:05pm by Mr. Breton. Second by Mr. Okerman. Motion passed 7-0.