

**PLANNING BOARD MINUTES
SEPTEMBER 2, 1998**

ROLL CALL:

David Dubay-Chairman-Present
Bernie Rouillard-Vice Chairman-Present
Jack Gattinella-Secretary-Present
Wayne Morris-Regular Member-Present
Russell Wilder-Alternate-Present
Margaret Crisler-Selectman-Present

BUSINESS: Mr. Rouillard motioned to accept, as written, the minutes of August 12, 1998 and Mrs. Crisler seconded. Passed 6-0. Mr. Morris motioned to accept, as amended, the minutes of August 19, 1998 and Mrs. Crisler seconded. Passed 6-0.

CORRESPONDENCE: The Board received a copy of a letter sent to the State Fire Marshall by Mr. Bruce Richardson concerning fire suppression requirements for lot 8-C-1, 105 Rockingham Road.

Nault's Honda bond received for completion of the landscaping, on lot 17-H-10, in the amount of \$3,150.00. Mrs. Crisler motioned to accept \$3,150.00 for completion of the landscaping of lot 17-H-10 and Mr. Rouillard seconded. Passed 6-0.

Letter received from Atty. Kidd regarding the connection of Heritage Hill Road to Castle Hill Road proposed in the Heights Of West Windham Subdivision. Mr. Rouillard suggested the public hearing be held in the town hall.

Confidential communication received from town counsel, Attorney Campbell, regarding the Star Vector case.

Notification received from DES Water Council reaffirming DMVD's site specific permit.

Notice received regarding the municipal law lecture series beginning Sept. 23rd on consecutive Wednesdays.

Application for the Annual Municipal Volunteer Awards was received. The NPS newsletter was received and Mr. Wilder will review. Pamphlet received regarding a subscription to Zoning News.

REPORTS: The Water Supply Needs Committee met and Mr. Turner drafted amendments to the subdivision and site plan to address this issue.

The Planning Board attended a joint meeting with the Board of Selectmen and School Board to address school needs.

RAILROAD BEDS - DISCUSSION

Mrs. Crisler explained the Board of Selectmen is pursuing the acquisition of the railroad bed between Depot Road and Mill Road. The Board of Selectmen requested input from the Planning Board. Mr. Peter Zohdi, representing Mr. R. Devlin, reviewed the section of railroad bed being offered by the state to the town. Mr. Devlin owns a parcel adjacent to the Foster Pond Conservation area and is the only landowner without an easement to his property. The parcel is approximately 18 acres and the rear of the parcel is currently being leased to the town, for \$10.00 per year, for a ballfield. Mr. Devlin would like to build a single family home on the front portion of the lot for his son. In exchange for a legal easement, Mr. Devlin would give a fifteen (15) year lease to the town for \$10.00 per year to continue the use of his property for a ballfield. Mr. Rouillard asked whether Mr. Devlin would consider selling this parcel to the town and Mr. Devlin stated he would accept offers on this parcel. Mr. Wilder spoke of the need to gate the area to stop the dumping of trash and vandalism, the usefulness of the railroad bed as a utility easement and the historic value of the railroad bed. Mr. Morris questioned the maintenance of the railroad bed and expressed concern with the amount of traffic over a private driveway. Mr. Gattinella stated he would support the Conservation Commission purchasing the parcel. Mr. Wilder explained the drainage problems associated with the railroad bed and suggested any driveway constructed should be on top of the railroad bed. Mr. Rouillard motioned to support the efforts of the Board of Selectmen to acquire the railroad bed and the Town consider the purchase of the property, through the Conservation Commission, to add to the Foster Pond area. Mr. Gattinella seconded. Mr. Wilder suggested the motion be amended to asked the Board of Selectmen consider the preservation of the historic right-of-way and involve the Heritage Commission in any action they may take. So moved by Mr. Rouillard and Mr. Gattinella. Passed 5-0-1 (M. Crisler abstained). Mr. Wilder motioned that if the option to acquire the property does not occur, the Planning Board would support an easement to access the lot for a single family home. Mr. Morris seconded. Passed 3-2-1 (J. Gattinella, B. Rouillard opposed and M. Crisler abstained).

DESJARDINS SUBDIVISION & SPECIAL PERMIT (14-B-3200, 3450) - PUBLIC HEARING

Mr. Turner reported the application meets all zoning and subdivision requirements. Mrs. Crisler motioned to accept for consideration and Mr. Wilder seconded. Passed 6-0. The proposal is to subdivide two (2) lots into three (3) lots. The parcels are zoned rural and include W.W.P.D. and 100 year flood plain. The leachbed for lot 14-B-3200 is located on lot 14-B-3202. Mr. Rouillard questioned the buildable area on the 42 acre lot. Mr. Peter Zohdi, of Edward N. Herbert Assocs., Inc., reviewed the proposed subdivision and the driveway easement on lot 14-B-3200. The state has approved the leachbed location for 14-B-3200. This septic system was installed in 1974 and will be used until it fails, at which time the new leachfield would be installed on lot 14-B-3200. Mr. Morris questioned note #6 on sheet 2. This note refers to Johnny Hill Road, a discontinued road. Mr. Dubay read the comments received from the Conservation Commission, Fire Department, Police Department and the Historic District Commission. The Fire Department will require a cistern or sprinkler system and the Historic District Commission requested the stonewalls be preserved. Mrs. Crisler motioned to approve with the following stipulations;

1. A note placed on the plan, "Building permits will not be issued until the requirements for emergency water supply have been satisfied per the Town of Windham Fire Chief or his designee;"
2. Relocate the easement between the stonewalls and preserve the stonewalls;
3. Place a note on the plan, "House on lot 14-B-3200 is on the Heritage Commission's Resource List;"
4. Setting or bonding of the bounds.

Mr. Wilder seconded.

Mr. Peter Zohdi stated, at this time, the applicant would like to withdraw the application for a special permit. Mr. Rouillard motioned to amend note 6 on sheet 2 of 7 to read as follows, "Discontinued road by the Town of Windham in 1935 is subject to the rights of other abutting landowners to pass and repass including the Town of Windham who is an abutter." Mr. Morris seconded. Passed 4-2 (J. Gattinella, more latitude as written, D. Dubay). Main motion passed 5-1 (J. Gattinella, Fire Dept. requirement not part of Planning Board procedures and HDC resource list not part of Master Plan). Mr. Wilder motioned to accept the withdrawal of the special permit application and Mr. Morris seconded. Passed 6-0.

OTHER BUSINESS: Mr. Morris has been in contact with Jim Spaulding, of the state, concerning new technology for treating storm drainage. The Planning Board will set up a joint meeting with the Conservation Commission to hear Mr. Spaulding speak on this subject.

The Planning Board will hold a workshop on September 9, 1998, at 7:30 P.M., to discuss zoning issues and amendments to the subdivision and site plan regulations.

Meeting adjourned 10:30 P.M.

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