

**PLANNING BOARD MINUTES**  
**MARCH 3, 1999**

**ROLL CALL:**

David Dubay-Chairman-Present  
Bernie Rouillard-Vice Chairman-Present  
Jack Gattinella-Secretary-Present  
Wayne Morris-Regular Member-Present  
Russell Wilder-Regular Member-Excuse  
Annette Stoller-Regular Member-Present  
Keith Goldstein-Alternate-Present  
Walter Kolodziej-Alternate-Excused  
Margaret Crisler-Selectman-Excused  
Galen Stearns-Selectmen's Alternate-Present

Mr. Goldstein replaced Mr. Wilder and Mr. Stearns replaced Mrs. Crisler on the Board.

Mr. Dubay reported he received a telephone call from Mrs. Nancy Surette, Chairman of the Conservation Commission, concerning the postponement of their recent commission meeting. As a result, the Commission was unable to review the Fritschy Site Plan and the Murphy Subdivision.

**BUSINESS:**

Mr. Goldstein motioned to approve, as written, the minutes of February 10, 1999 and Mr. Rouillard seconded. Passed 7-0.

Mr. Rouillard motioned to approve, as written, the minutes of February 17, 1999 and Mr. Gattinella seconded. Passed 4-0-3 (A. Stoller, W. Morris, K. Goldstein abstained).

Mr. Morris motioned to approve the amended minutes of February 24, 1999 and Mr. Stearns seconded. Passed 6-0-1 (B. Rouillard abstained).

**CORRESPONDENCE:**

The Board received the following communications:

- o Memorandum from Mr. Turner regarding the public hearings to be heard;
- o Notice received from the Greater Manchester Chamber of Commerce regarding legislative meetings and hearings on sprawl;
- o NH Planners Association spring conference concerning road design standards;
- o Letter received from Mr. William Ohla commenting on the Thibodeau Site Plan (on file);
- o Notice of MPO meeting being rescheduled;
- o Copy of Town & City;

- Copy of The Source, a newsletter of the NHDES.

## **ROAD BONDS:**

The Board received two (2) road bonds:

8. Partridge Road and Quail Run Road in the amount of \$70,056.00.
9. Off site improvements to Mitchell Pond road and North Lowell Road in the amount of \$43,080.00.

Mr. Turner discussed the amount of pavement presently on the roadways and the off site improvements. The recordable plans would be marked, if not bonded, on the Mitchell Pond Subdivision mylars. Mr. Morris questioned the procedure and the amount of pavement on Partridge Road. Mr. Turner stated this procedure has not been done in Windham but has in other towns. Mr. Goldstein motioned to accept the bonds amounts as stated and clearly written on the recordable plan which lots are not to be recorded. Mr. Rouillard seconded and passed 6-1 (W. Morris opposed).

## **THIBODEAU SITE PLAN & SPECIAL PERMIT (19-A-800) - PUBLIC HEARING CONTINUED**

80 Mammoth Road

Mr. Turner reported the hydrogeologist hired for the limited study was GeoInsight, Inc., of Londonderry. The report was not ready for this meeting and will be ready for March 17, 1999. Mr. Turner did not agree with Mr. Ohla's letter and explained the process of an administrative appeal. Discussion followed on the appeal process. Mr. Turner reminded the Board of a need for an extension on the application as it was submitted 60 days ago.

Mr. Turner reported he had been in contact with the hydrogeologist and preliminary findings show a possibility of the project being four (4) acres short of the density requirements at 28 acres.

Atty. William Mason, representing the developer, reviewed the history of the project and explained the parcel is presently 83+ acres and the applicant would not subdivide until the study was complete by the hydrogeologist. Atty. Mason stated the time limit was over and would like an answer from the Board. Mr. Peter Zohdi, of Edward N. Herbert Assocs., Inc., discussed the loading impact of single family homes versus elderly housing with a maximum of two (2) bedrooms. Mr. Rouillard was concerned with the possibility of the study causing a relocation of part or all of the units.

Mr. Zohdi explained the review process with Mr. Turner and his staff which was on going for approximately three (3) months before submittal. Mr. Zohdi requested the Board approve the plan subject to the study. Mr. Turner reviewed the process of interpretation of the elderly

housing ordinance and the aquifer protection district ordinance.

Mr. Rouillard requested the applicant reconsider an extension of time so the Board could receive the report and consider the report at the March 17th meeting. Mr. Gattinella questioned whether this site plan met all requirements, exclusive of the hydrogeologist report. Mr. Turner stated in his opinion the plan met all zoning and site plan requirements as presented.

Mr. Zohdi indicated the applicant had met with the Fire Department and a letter is on file. The applicant has agreed to contribute to the installation of an opticom system at the intersection of Mammoth Road and Route 111, in the amount of \$5,000.00 to \$6,000.00. Mr. Zohdi reviewed a detailed landscaping plan with the Board and discussion followed on the planting in the area of the Pelham border.

Mr. Ohla, an abutter, explained he was not opposing the project but raising questions about the codes and felt a licensed attorney should address the issues he had raised in his letter.

Mr. Morris reiterated the previous motion requesting a report by the hydrogeologist and questioned the 65 day time constraints per state statute. Mr. Morris explained the conceptual meeting did not have 80 units and felt the Board would have requested a study be done if it had known of the project size at that time. Mr. Zohdi stated the Board had not asked for the report at the February 3rd the first public hearing. Atty. Mason reiterated the applicant would leave the project on the 83+ acres site at this time pending the outcome of the report from the hydrogeologist.

Mr. Goldstein motioned to approve with the following conditions: The applicant leave the project on 83+ acres pending the hydrogeologist report, the opticom system be installed at the intersection of Mammoth Road and Route 111. Mr. Stearns seconded. Discussion followed on the revised landscaping plans, the promised community van, the screening for a buffer, status of state permits. Atty. Mason would give Mr. Turner a construction sequence.

Mr. Morris questioned the deferment of six (6) units and Atty. Mason agreed to the deferment of six (6) units. The developer reserves the right to rent a maximum of 20% of the units.

Mr. Goldstein and Mr. Stearns agreed to amend the motion as follows, approve the site plan and special permit with the following stipulations:

10. Applicant to leave the plan on 83+ acres pending favorable outcome of the hydrogeologist report and a majority approval of the Planning Board;
11. Applicant to incur the cost of the opticom system at the intersection of Mammoth Road and Route 111;
12. Revised landscaping plan to be submitted;
13. Purchase of a van for the use of the Whispering Winds community after 30 units were sold;

14. Trees to be planted no lower than six (6) feet of elevation below the first (1st) floor elevation of the adjacent unit and trees no smaller than six (6) feet tall;
15. Pending receipt of state permits, i.e., dredge & fill, driveway permit and septic permit.

Mr. Morris was opposed to the process and wanted to wait for the report. Mr. Rouillard felt the Board should wait until all the evidence was submitted for consideration. Ms. Stoller asked if the report was to show problems would the Board be within their rights to reduce the number of units. Motion passed 4-3 (A. Stoller, W. Morris, B. Rouillard opposed).

## **COSTA SUBDIVISION (9-A-1501) - PUBLIC DISCUSSION CONTINUED**

23 Meetinghouse Road

Mr. Turner presented the proposed four lot subdivision located on Meetinghouse Road. One lot has an existing house and the applicant is proposing a thirty (30) foot easement be given to the town for future use if the town wished to improve the roadway.

The plans depicted the W.W.P.D., a flood plain, and the aquifer protection district. The applicant is requesting the plans be sent to the various agencies for review. A common driveway is shown for three (3) of the house lots with a thirty (3) foot easement for the driveway. Mr. Gattinella questioned the location of the houses.

Mr. Terry Trudel, representing the owner, reviewed the issues and has hired a hydrogeologist to do a study of the site and will submit a report to the Board. The subdivision is currently based on aquifer protection district requirements. Mr. Gattinella read a portion of the subdivision regulations which states, the Planning Board should hire the hydrogeologist. Mr. Turner explained the process for hiring and the time required.

Mr. Morris questioned whether the Planning Board has allowed shared driveways in the past and if there was a limit. Mr. Turner explained this would be at the discretion of the Planning Board and current trends recommend shared driveways for both residential and commercial sites. The Board would need to see a cross section of the driveway and a driveway profile. The Board would need documentation of the agreement on the shared driveways. Mr. Gattinella expressed concern with a 12" width for the driveway. Mr. Turner suggested a pull over halfway up the driveway and the location of the driveway entrance should be moved higher up on the hill to where an old driveway existed. This would increase the sight distance in both directions.

Mr. Trudel reviewed the two (2) waivers he is requesting for scale of plans and on contiguous area and lot shape. Mr. Morris discussed the need for proper controls during construction of the driveway due to the W.W.P.D. This proposal will require a special permit for construction within the W.W.P.D.

Mr. Dubay suggested the Fire Department focus on the shared driveway in regards to fire equipment. Mr. Rouillard suggested the driveway be shifted to minimize impact on the

W.W.P.D. Mr. Morris suggested the driveway standards be reviewed. Mr. Stearns suggested a minimum of 15 feet width for the driveway. The Board requested a driveway profile from the street to the dwellings. Mr. Stearns motioned to send the plan to the Fire Department, Police Department, Historic District Commission and the Conservation Commission for review. Mr. Morris seconded Passed 7-0.

## **KENDALL POND PIZZA SITE PLAN (9-A-3000)- PUBLIC DISCUSSION**

7 Mammoth Road

Mr. Turner reviewed the proposed reuse of the commercial site with a portion to be a restaurant and a convenience store. The plan reviewed depicted pavement to be removed in the front of the parcel, two landscaped islands, a seasonal picnic area and a display for seasonal sales of Christmas trees. The gas tanks have been removed from the site. Mr. Turner asked if the Board would consider the applicant share the cost of the opticom system for the intersection of Mammoth Road and Route 111. Mr. Stearns disagreed this proposal would bring any further impact, as this is a similar commercial use as in the past.

The parking spaces are existing and the applicant is requesting to have 28 seats for the restaurant portion. Mr. Turner suggested the area of the removed pavement be landscaped to prevent any parking in those areas. The location of the sign was depicted. It will be a 4'X4' sign and the lighting will remain the same on the site.

The Board discussed the various departments the plan should be sent to for review. Mr. Rouillard questioned the location and condition of the septic system. Mr. Morris asked if the hill behind the store would be landscaped.

Mr. Rouillard motioned to send the plans to the Fire Department, Police Department, the Historic District Commission and the Conservation Commission. Mr. Morris seconded. Motion failed 3-4 (A. Stoller, B. Rouillard, W. Morris in favor). Motion by Mr. Stearns and seconded by Mr. Goldstein to send the plans for review to the Fire Department and Police Department. Passed 5-2 (B. Rouillard, W. Morris opposed).

## **FRITSCHY SITE PLAN (11-C-180) - PUBLIC HEARING**

75 Indian Rock Road

Mr. Turner reported this application was the result of an enforcement action. The applicant is changing the use from residential to office use. The applicant is requesting waivers and has submitted a detailed request of waivers (on file). Mr. Turner is in support of the waivers and the plan meets the zoning and site plan requirements. The plans depicted the driveway, a detention pond and a new parking lot for employees.

Mr. Jack Semplenski, of Benchmark Engineering, reviewed the site plan and improvements to the driveway entrance and drainage. There will be two (2) additional catch basins, a detention pond two (2) feet deep and eleven (11) new parking spaces. The applicant is

presently conducting an appraisal business on the site.

The applicant is planning retail use in the garage and Mr. Fritschy stated the garage will be used as an antique shop. Discussion followed on the setback requirements and they are grandfathered. The septic system will remain in place and will be adequate for office use.

Mr. Dubay read the comments from the Historic District Commission, the Fire Department, Police Department and Conservation Commission. There were no objections. Mr. Turner requested the Board approve the plan with two conditions, the site improvements be bonded within ten (10) days and a sign would need Planning Board approval.

Mr. Rouillard motioned to approve with the following conditions:

16. The improvements be bonded within ten (10) days;
17. Any future signage would need the approval of the Planning Board;
18. Approval of all waivers requested.

Mr. Stearns seconded Mr. Gattinella suggested the bond be posted within ten (10) working days. Motion passed unanimously 7-0.

Meeting adjourned 11:00 P.M.

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