

**PLANNING BOARD MINUTES
JANUARY 21, 1998**

ROLL CALL: Bruce Richardson-Chairman-Excused
Thomas Case-Vice Chairman-Present
Bernie Rouillard-Secretary-Present
Alan Kachanian-Regular Member-Present
Wayne Morris-Regular Member-Present
John Spinney-Regular Member-Present
Charles Sweetser-Alternate-Present
David Dubay-Alternate-Present
Margaret Crisler-Selectman-Present
Ralph Williams-Selectman's Alternate

Mr. Dubay filled in for Mr. Richardson on the Board. Mr. Sweetser will recluse himself and speak as a citizen.

BUSINESS: Mr. Rouillard motioned to approve the minutes of January 7, 1998 and Mr. Spinney seconded. Passed. Mr. Rouillard motioned to accept the minutes of January 8, 1998 as amended and Mr. Spinney seconded. Under the public hearing for petition # 1 the motion was to recommend. Passed. Mr. Rouillard motioned to accept the minutes of January 9, 1998 and Mr. Dubay seconded. Passed. Mr. Rouillard motioned to accept the minutes of January 14, 1998 and Mr. Dubay seconded. Passed with two (2) members abstaining.

CORRESPONDENCE: A copy of a letter to the Board of Selectmen from Mr. Rick Hancock regarding the public hearing for the Griffin Park Site Plan. Memo received from Mr. Michael Notini regarding the tower ordinance. Letter received from the Dept. of Resources and Economic Development concerning grants for trails.

Capital Improvements Program: Mr. Morris reported the CIP has been finalized and the Planning Board will hold a public hearing on February 4, 1998. The Board will have a discussion on the CIP after the zoning amendments on January 28, 1998.

Master Plan Sub-Committee: Mr. Rouillard reported the committee will begin re-writing chapters shortly.

Mrs. Crisler requested the State Planning Video on impact fees be re-scheduled on cable television. Mr. Case has contacted the Rockingham Planning Commission regarding the site specific soils mapping. There was a public hearing on this matter and the town was not notified. Mrs. Crisler brought forward a request from the Windham Web site for minutes of all boards in town to be placed on disk and dropped by the Police Station.

WATERS EDGE SITE PLAN (17-J-70) PUBLIC HEARING CONTINUED

WATERS EDGE SPECIAL PERMIT (17-J-70) PUBLIC HEARING CONTINUED

Attorney Carolyn Baldwin, representing Heron Cove, spoke to the primary issue of whether or not a W.W.P.D. was needed on this parcel. Supporting documentation was presented to the Board. Nancy Palmstrom addressed the W.W.P.D. definition in the Zoning Ordinance the key elements being section 601.2 and 601.4. Jim McManus, a soil scientist, field checked

the area in question and explained the criteria for a wetland, hydric vegetation, hydric soil and scoured channel. Ms. Palmstorm made a final point concerning the slope referencing section 601.4.5, 601.4.3, and 601.4.7 of the Zoning Ordinance. Discussion followed on the intent and purpose of the W.W.P.D. Atty. Baldwin discussed the purpose of the ordinance and there was no basis in exempting tributaries near lakes and ponds. Mr. Turner provided four cases in the past where the area was not depicted as needing a W.W.P.D. Atty. Baldwin read the letter from Mr. Turner regarding "administrative gloss" and quoted Peter Loughlin. Atty. Baldwin felt there was some inconsistencies in the past cases. Atty. Baldwin also quoted RSA 672.14 regarding subdivision and the fact that this was two (2) building and urged an analysis of the amount of imperious surface on buildable land on this property. Marty Kennedy addressed the traffic impact specifically the long delays and congestion this project will generate. Atty. Baldwin questioned the parking calculations, signage, interior and exterior lighting, noise pollution, height of the building, de-icing without salt, trash pickup, no loading zone or short term parking area. Mr. Wayne Bailey, abutter, encouraged the Board to use the site plan checklist he handed out to deny this plan. Mrs. Kathleen DiFrusia spoke of the concerns of the owners on the pond, in particular, the water quality and quality of life. Mr. Sweetser spoke of the effect on water quality this project would have and the comments from the DES representative heard at the last meeting on December 17, 1997. Mr. Richard Dooley, a resident of Heron Cove, addressed the reasons this plan should be safety, visual impact, over-development, lighting, and the detrimental impact on Cobbetts Pond. A letter from Duncan Wood, of Sanborn Head, was entered into the record (on file). Mrs. Barbara Dooley spoke of protecting the water resources as per the master plan. Atty. Baldwin stated point by point this project fails to meet site plan and zoning regulations. This is a large and prominent project and inappropriate development for this site. Attorney F. Anne Ross, representing the owner of the proposed project, Mr. David DeVries, responded to the issue of the W.W.P.D. in particular, the exempting of certain bodies of water listing Cobbetts Pond as exempt. Atty. Ross discussed the history of the W.W.P.D. ordinance and cited specific cases where the area in question was not depicted in the past as having a W.W.P.D. Atty. Ross read Mr. Turner's letter regarding W.W.P.D. into the record. Mr. Case agreed with Mr. Turner. Mr. Morris disagreed with Mr. Turner's statement on the 10 acres. Atty. Ross addressed the issues of coverage ratios, building height, the well and septic system. Ms. Rauseo addressed the issues on traffic and presented the Board with a package and new data collected January 14, 1998. Mr. Morris questioned the long delays. Atty. Ross discussed the number of parking spaces are adequate for professional buildings and will not be used for retail or banking. Mr. DeVries explained the signage on sheet four (4), the lighting which will be put on motion detectors and the wattage will be reduced to 250 from 400 on the exterior lights. Also, 50% of the exterior lighting will shut off after 7:00 P.M. Mr. DeVries addressed the buffer and the present trees between Heron Cove and his parcel. Additional 10' blue spruces will be planted which will grow to 65' to 80'. Discussion followed on the windows which will be tinted. Mr. DeVries discussed saving 25 trees if given permission to cross Heron Cove property. Mr. DeVries presented the rendition of the property from the lake by artist, Nancy Johnson. Atty. Ross summarized the reports and permits granted to the proposed office buildings. The history of the development was given by Mr. DeVries. Mr. Spinney questioned the pictures taken two (2) years ago and the depth of the well. Mrs. Crisler stated her concerns with noise from heating or air conditioning units to be placed on the roof and the hours of trash removal from the dumpster. Mr. Kachanian

questioned the sand and salt on imperious surfaces. Mr. Spinney was concerned with whether or not the town would assume liability for future water problems if the plan was approved. Mrs. Marilyn Bailey discussed the well on the Heron Cove property and the monitoring. The liability is with Sunoco. Mr. Anthony DiFrusia corrected the record on the variance requested several years ago on this property for a residence on a commercial property. Mr. Case expressed his appreciation to the audience for their orderliness and concern. Mr. Morris felt the W.W.P.D. does exist on this plan. Mr. Rouillard motioned to deny this plan at this time because the W.W.P.D. is not correct on this plan. Mr. Morris seconded. Mr. Morris motioned to amend the motion to deny on public safety, traffic impact, water quality to Cobbetts Pond, impact to abutters, i.e. light and noise, due to Section 205 of the Site Plan Regulations and Section 1000 of the Site Plan Regulations. Mr. Spinney seconded. Discussion followed on the specific items and Mr. Morris quoted Mr. Estabrook, of DES, regarding Cobbetts Pond water quality. Vote on the amendment was two (2) in favor and five (5) opposed, motion failed. Vote on the main motion was two (2) in favor and five (5) opposed, motion failed. Mrs. Crisler motioned to approve with the following conditions; 1) noise concern and dumpster hours 9:00A.M. to 500 P.M., 2) generator testing hours 9:00A.M. to 5:00 P.M., 3) motion sensor light be installed as per applicant, 4) water and sewerage systems as depicted on the plan, 5) landscaping to include 10' blue spruce as per applicant for buffer, 6) lighting as depicted by the applicant, 7) environmentally safe chemical for ice treatment to be used on imperious surfaces, 8) if necessary when widening Route 111 the flattening out of the Heron Cove driveway. Vote was three (3) in favor and four (4) opposed, motion failed. Mr. Spinney motioned to deny citing Site Plan Regulations section 1000 and Mr. Morris seconded. Motion withdrawn. Mrs. Crisler repeated her same motion with the addition of 9) to work with Heron Cove, if they are agreeable, to save the twenty-five (25) trees. Passed unanimously on the additional stipulation. Vote on the main motion with 8 conditions was four (4) in favor and three (3) opposed.

Meeting adjourned 1:15 A.M.

Mona Feciuch