

**PLANNING BOARD  
RINDGE, NEW HAMPSHIRE  
February 15, 2005  
MINUTES**

**DATE: February 15, 2005 TYPE: Public Meeting DATE APPROVED: 3/15/05**

**TIME:** 7:00-9:15 PM. Dr. Gerald Parker Chair-Person

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**CALL TO ORDER, at 7:00 PM**

**ROLL CALL:** Dr. Gerald Parker, Kim McCummings, Dick Isakson, James Hoard, Katie Duffy, Roberta Oeser, Cheves Walling, Paul O'Connor, Arthur Fiorelli, Robyn Payson, Jo Anne Carr

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**APPOINTMENT OF ALTERNATES: Paul O'Connor for Dave Tower**

Dr. Parker opened the meeting by reading the mission statement of the Planning Board.

**Announcements by Jo Anne Carr**

Jo Anne distributed registration forms for the "Office of Energy, Planning and Zoning's" training session for new Planning Board members which will be held in April. She also distributed the evening's project reviews to the board.

**Code Enforcement**

Jo Anne shared a letter from code enforcement officer Dave Duvernay, informing the Board that a notice of violation has been issued to Walmart for Site Plan violations.

**Water Resource Plan**

Katie asked Jo Anne to draft a letter to the selectmen to update them on the changes made to the Site Plan Regulations that would effect water resource management.

**OLD BUSINESS**

**Approval of Minutes:**

**02/01/05** Dr. Gerry Parker moved to approve the minutes Cheves Walling 2<sup>nd</sup>. The minutes of February 1, 2005 were approved unanimously.

**Appointment of Alternates**

Dr. Parker decided the most fair way to appoint alternates was to base it mainly on attendance.

**Site Plan Review Regulations**

Dr Parker stated that the remaining outstanding issue was the question of limiting impervious surface to 50% of a parcel. Jo Anne Carr presented a short commentary on Groundwater Protection requested by Dr. Parker. She referred to the "Water Resources Management Protection Plan" which was adopted by the Rindge Planning Board as a component to the Master Plan in 2002, and the "Best Management Practice to Control Non Source Point Pollution" by NH DES in 2004 as sources. Dr. Parker stated he and Cheves Walling spent 2 years studying these topics, he stated that the issue of uncontaminated groundwater is critical to the Town of Rindge. To respond to the legal opinion presented to the board by Mr. Les Cypret, which stated that it was illegal to include limiting impervious surface in the Site Plan Regulations. Jo Anne responded to this by presenting a summary of information from three legal sources asserting that limiting impervious surface could indeed be included in the Site Plan Regulations. She consulted Paul Sandersen of the NH Municipal Association, Steve Buckley of Bossie, Hodes, Buckley, McGrath & LeFevre in Manchester, and Town Counsel Beth Fernald. Attorney

Buckley represents communities in the Nashua Regional Planning Area, where impervious surface imitation has been implemented. Jo Anne read the responses, which affirmed the legality of including a limit of impervious surface in the "Site Plan Regulations" Attorney Buckley stated in his letter, "The fact that the Rindge Zoning Ordinance limits impervious surface in the Aquifer Protection District does not prevent the Planning Board from limiting impervious under Site Plan Review. While it is true that the Planning Board cannot approve a site plan that would violate the strict terms of the Zoning Ordinance, this does not mean that the Planning Board is deprived of the authority to regulate simply because the proposed regulation would impose a greater burden than would The Rindge Zoning Ordinance." Town Counsel Beth Fernald reviewed the entire document and although she recommended minor changes, stated that the regulation is consistent with statute. Katie Duffy stated that she still felt that this issue belonged in Zoning. In addition, if it is to be in Site Plan it should be in the Zoning Ordinance first. Jo Anne pointed out that the Board has the ability to adjust or wave any requirements in the Site Plan Regulations. In Zoning there is not that flexibility. Cheves Walling stated that it was important to remember that this was a resource management tool not a way to try to limit development. The board then reviewed the additional minor revisions suggested by Town Counsel and Katie Duffy.

Cheves Walling moved to approve the Site Plan Review Regulations Art Fiorelli 2<sup>nd</sup>

Katie Duffy moved to amend the Site Plan Review Regulations to remove 50% limitation on impervious surface. James Hoard 2<sup>nd</sup>.

Vote on amendment as follows:

Katie Duffy-Yes James Hoard-Yes Paul O'Connor-Yes Cheves Walling-No Art Fiorelli-No Kim McCummings-No Dr. Parker-No The motion to amend the Site Plan Regulations to remove the 50% limitation impervious surface was not carried.

Vote to approve the Site Plan Regulations as recommended by Town Counsel as follows:

Katie Duffy-No James Hoard-No Cheves Walling-Yes Art Fiorelli-Yes Paul O'Connor-Yes Dr. Parker-Yes Kim McCummings-Yes. The motion to approve the amendments to the Site Plan Regulations was carried.

### **NEW BUSINESS**

#### **Advisory Opinion-Sign Permit, Map 6 Lot 99-4**

#### **Directory Sign at 29 Commercial Lane off US 202**

#### **Paula Aucoin**

Paula Aucoin representing property Leona Letourneau, presented a plan for a 56 sq ft Directory Sign to replace the individual signs currently at the location. As this Directory Sign does not conform with the current sign ordinance. Mrs. Aucoin will be presenting this matter to the BOA for a variance . The purpose of this hearing is to obtain an advisory opinion from the Planning Board to submit to the BOA prior to the hearing. Code Enforcement Officer, Dave Duvernay recommended the Directory Sign for both safety and aesthetic reasons. The board asked questions as to the various specifications of the sign, following which James Hoard moved to recommend the sign to the BOA. Katie Duffy 2<sup>nd</sup>. The board voted unanimously to recommend the installation of the Directory Sign to the BOA.

**Planned Unit Residential Development – Continued Hearing  
Map 50 Lot 52-2, off Meadow View Road**

**Robert Van Dyke**

Norm Soney of Vorce and Soney, presented the updated plan for Phase 2 of Taggart Meadow Estates. The update, per DES was to connect the common land, to make it contiguous. Dr. Parker asked Mr. VanDyke why it was necessary to use any poles for electricity. Other developers had been required to install underground wiring and he wanted to know why it was not possible for this project. Mr VanDyke said that it was impractical for all of the wires to be underground for maintenance and technical reasons. His intention is to install underground wiring wherever it is feasible. All of the residences will be fed underground. Poles would be located along the property line and then go underground. He pointed out that houses in other developments were located about 400 ft from the road, the homes he would be building were going to be located about 900ft from the road and would require more transformers and more maintenance. Art Fiorelli said that it would not be fair to require others to spend the money to put all their wiring underground and not Mr. VanDyke..

**Outstanding Issues**

- ◆ Pre and post development drainage calculations
- ◆ Erosion and sedimentation control plan.
- ◆ Construction Sequencing
- ◆ Drainage Details
- ◆ Road Construction Detail
- ◆ Proposed above ground electrical service with PSNH

**Permits Pending**

- ◆ State Subdivision
- ◆ State Wetlands
- ◆ State Subsurface
- ◆ NPDS Construction Permit (to be addressed in construction plan)

**Issues The Board Needs to Consider**

- ◆ Phasing Schedule
- ◆ Impact Fees
- ◆ What would constitute Vesting
- ◆ The name of the road would need to be changed per the Fire Chief.

Jo Anne recommended continuing until the next public hearing.

This matter is continued until March 15, 2005

**Meeting Adjourned 9:15pm**

**NEXT MEETING**

**March 01, 2005**

Respectfully submitted,

Robyn Payson