

**PLANNING BOARD
RINDGE, NEW HAMPSHIRE
June 7, 2005**

DATE: June 7, 2005 TYPE: Public Hearing DATE APPROVED: June 21, 2005

TIME: 7:00- PM. James Hoard

CALL TO ORDER, at 7:00 PM

ROLL CALL: James Hoard, Katie Duffy, Dr. Gerald Parker, David Tower, Craig Cypret, Doug Gutteridge, Arthur Fiorelli, Roberta Oeser, Dick Isakson, Robyn Payson, Jo Anne Carr

APPOINTMENT OF ALTERNATES: Dick Isakson for Dave Tower (excused from the remainder of the meeting following the Sonja Drive Amended Site Plan) Doug Gutteridge for Dr Jerry Parker (Excused from the meeting following Canterbury Square Major Site Plan Continuance) Katie Duffy also left at this point but there were no sworn alternates to replace her.

OLD BUSINESS

Review of Meeting Minutes

- Minutes 05/17/05 Public Hearing, Motion to accept Art Fiorelli Dave Tower 2nd approved unanimously.

Announcements-

- Jo Anne distributed the Planning Office Updates.
- Jo Anne announced the series on Growth on New Hampshire Public Radio this week. She will make transcripts of the programs available to the Board.
- Jo Anne announce the South West Regional Planning Quarterly meeting and that any board members wishing to attend needed to let her know before Friday 6/10/05. Jo Anne has been asked to speak about growth management and planning at the meeting.
- Jo Anne distributed copies of the Site Plan Review Checklist to the Board.
- Katie Duffy signed the mylar copy of a Technical Subdivision approved April 1, 2003 for Matt Despres. The decision was subsequently appealed. Mr. Despres will be coming in to amend this Technical Subdivision which has yet to be recorded with the registry.
- Art Fiorelli announced the breakfast meeting being held by the Economic Development Committee at the Woodbound Inn June 28, 2005 at 7:30 a.m.. The purpose of this is to assess the needs of the present business community on Rindge. A couple of members of the Planning Board are encouraged to attend.

Alternates

James opened the floor to any candidates who wanted to speak on their behalf prior to the Board Voting. None of the candidates chose to speak. Art Fiorelli announced that Robyn Payson has been appointed by the Board of Selectmen as the designated alternate for the Ex Officio. Art went on to say that this gave the Board the option of appointing an additional alternate, if the Board chose to reserve Robyn as solely the alternate for the ex-officio. Katie Duffy said that the point of the secretary being an alternate was that she was most likely to be at all of the meetings and it would not be practical to limit her availability. Katie Duffy nominated Robyn Payson to be a regular alternate to the Planning Board, Craig Cypret 2nd. David Tower suggested in view

of the fact there are 6 candidates for alternates, each member list their preference 1-6, giving each member of The Board an opportunity to vote with the 3 top candidates filling the positions. Katie agreed with this method and withdrew her motion. The Board voted and the result was as follows; Tom Coneys, Keith Halloran, Robyn Payson, Kim McCummings, John Vorfeld and Maryanne Harper. Dr. Jerry Parker moved that the Planning Board Accept the vote as it stands, Craig Cypret 2nd the results of the vote were accepted by the Planning Board unanimously. James welcomed the newly appointed members of the Board. Katie Duffy moved that the terms fall in the order of the vote, follows Tom Coneys-2 year term, Keith Halloran-2 year term, Robyn Payson 1 year term. Craig Cypret 2nd the terms for the alternates were accepted by the Board unanimously.

NEW BUSINESS

Technical Subdivision-Merger

Map 4, Lots 45, 45-1A, 45-2, 45-3

Society for the Protection of New Hampshire Forests

Steve Perron presented the plan for a technical subdivision for the purpose of reducing the acreage of the existing house lot from 49.3 acres to 5.93 acres. The remaining land is proposed to be merged into a single parcel to remain under SPNHF ownership. No new building lots are created. Abutter Laurie Renasto said he had a deeded right of way and was concerned about the impact this may have. Mr. Perron assured Mr. Renasto that his right of way would not be affected by this project. Dave Tower made a motion to accept the plan Katie Duffy 2nd the plan was accepted unanimously. Dave Tower made a motion to approve the plan, Art Fiorelli 2nd the plan was approved unanimously.

OLD BUSINESS

Amended Site Plan: Athletic Fields and Dorms

Map 10 Lot 17 Athletic Fields and Dorms

Franklin Pierce College

Jeff Kevan of TF Moran presented the amendment for the restoration landscaping for the Athletic fields, the final landscaping plan for the Dormitories and along the shoreline of Pearly Lake, as stipulated in the original site plan approval. The College is requesting an extension for the landscaping for the dormitories and the vegetation on the shore of Pearly Lake. The deadline was May 30, 2005. They are looking for the extension to do the extent of the work necessary to the dormitories because of the expense of the restoration effort following the tree cutting violation. The Selectmen and the Conservation Commission have approved these plans. Art Fiorelli said that the college was to be complimented on the replanting done so far, it was even better than what the Conservation Commission had asked for. He also informed Mr. Kevan that he had noticed the access road gate was no longer locked. Mr. Kevan said he would look in to that. Dave Tower moved to grant the extension for the landscaping to May 30, 2006.

Re: parking lot application. The Conservation Easement has not been recorded yet. Per Mr. Kevan, monumentation has been set up. Jo Anne said that the easement needs to be recorded before 6/21 prior to the Site Plan Amendment hearing for the Parking Lot.

Major Site Plan

Map 6 Lot 99-6-1 Sonja Drive Office Park

Navian Development Co., LLC.

Navian Development is presenting an amended site plan for the proposed retail/commercial building on route 202. Changes include the addition of a guardrail and the revision of the drainage basin as discussed at the Planning Board hearing on May 3. Changes include the relocation of the easement for the road ROW, removal of the road wetland crossing at the location permitted by DES. Kirk Stenersen presented the plan revised to show the original easement location which was approved May 3 by the Planning Board. Jo Anne reminded the applicant that the plan recorded at the registry was the one showing the easement crossing the wetland which was approved by D.E.S. The plan will now be recorded showing the amendment.

Dave Tower said he was troubled with how busy the site was and suggested a traffic study to define the best traffic configuration for the property. Chris Asaff said that there had been a professional traffic study done on the Dunkin Donuts site but he was not able not share the results. Art Fiorelli stated that Police Chief Sielicki made his concerns about safety regarding access to this site very clear in his memo. He said the Planning Board has a responsibility to consider the safety of the access to the site, not only the traffic pattern around the site. The Chief of Police has stated that a comprehensive traffic study needs to be done to make this project as safe as possible. Art Fiorelli said, "You are saying a traffic study has been done, and there are recommendations to solve the problem, yet you are unwilling to share the results with the Planning Board." He went on to say that without all of the information he was concerned about approving a plan with outstanding safety concerns.

Chris Asaff asked if Chief Sielicki had seen the traffic study that had been submitted with the plan prior to writing the 6/6 memo. Art Fiorelli said that the Police Chief was not referring to the traffic pattern around the buildings but the access to the site from the Car Wash/Dunkin Donuts Site. Jo Anne said that Chief Sielicki had seen the flow pattern that was submitted. Art Fiorelli pointed out that the "Traffic Study" submitted showed traffic flow only with no numbers on volume of traffic, or how many cars a day. It was arrows showing how the vehicles would drive around this complex. And it didn't address the issue of concern which is the access to the site. Kirk Stenersen said that a traffic study was discussed but not asked for by the Planning Board.

Art said that based on the information given by the applicant, the main concern was around the current building and the access to the proposed site. Dave Tower asked why Mr. Asaff would not share the results of the Traffic Study. Asaff replied that Scott Honkala said that if the Navian Development didn't own the Dunkin Donuts site, they wouldn't be asked to do a traffic study. Asaff suggested that the Phase 10 is a completely different project broken off at the lot line and should not be connected to the Dunkin Donuts in any way. Dave responded that if they were unwilling to share their expert's opinion then the Planning Board had the right to ask that a Traffic Study be done. Chris Asaff said he would have to come back to the Planning Board to improve the Dunkin Donuts site anyway.

Art Fiorelli recommended that an independent traffic engineer be hired to look at this entire site to determine if there is a more safe way to access this site. And what is currently planned may be fine but there is no one present qualified to make that determination. Chris Asaff said what do we study if we don't know what we are putting in? Art Fiorelli said that when the Chief of

Police recommends a traffic study to determine what the best way to access the site is then the Planning Board should pay attention. Craig Cypret said that what Mr. Asaff was saying that he didn't want to set a precedent and revisit sites that had already been approved, and this is a recommendation from the Chief of Police that the board may or may not require. Cypret went on to say that to re-visit a site to look at something that is approved is setting a precedent that maybe some of us don't want to set.

Art Fiorelli said that nobody could predict how this site would develop you can only address these issues as they come up. The setback from Dunkin Donuts is 37' from the right of way instead of 75' there fore the Car wash is 50' instead of 75', now we are increasing traffic and that is a different situation than existed when Dunkin Donuts was approved.

Kirk Stenersen asked what the appeal from the selectmen was for. Art Fiorelli said based on the Zoning issue of the building setback from the right of way and if that was resolved it would be dropped. But the safety issue was one of concern by the Board of Selectmen and that was expressed to them at the BOS meeting. Chris Asaff said It's a matter of retro-active Site Plan Review and setting precedents. Katie Duffy said that the point of this hearing was to amend the plan to move the easement to the original location and move the building to bring it into conformance with Zoning. A traffic study could be a condition to the amendment.

Jo Anne cautioned the Board against amending this plan prematurely. Moving the easement back to satisfy the Zoning issue you may be creating a situation where the next lot is inaccessible due to the extensive wetlands impacts. The DES has already approved a crossing at a lesser impact site. From a planning standpoint, it may be prudent to leave the easement where it is and ask for a variance from the ZBA for the setback – it would appear to be the best location for the site plan.

Dick Isakson asked if Fire Chief Donovan had any input on the project. Jo Anne said that she received a memo from him stating that as the use of the building is not given they don't know what would be needed for fire protection. Once use is determined, an amended site plan will be necessary if a cistern or tank is needed for fire protection. Jim Callahan, lawyer for Navain Development, asked that the scope of the review be confined to the Phase 10 building site, which is the purpose of the public hearing. Katie Duffy said she had asked that all the department heads accompany the Planning Board on Site Walks so they can share information at the same time, as these issues come up. Jo Anne said that would be an issue for the Selectmen to address, as she cannot request department heads to go on overtime. Craig Cypret said there is also a memo about Sears Drive in the Memo's from Chief Sielicki is recommending a traffic study for another plan that has been approved. Are we going to set a precedent to keep revisiting approved plans. Art Fiorelli said the only precedent being set was when no attention was paid to the Police Chief's recommendation to do the traffic survey.

Dr. Parker said that there are a finite type of tenants that could occupy that development and a traffic engineer could estimate the use. Katie Duffy said she wanted to move forward with the Site Plan amendment and the associated safety issues. She made a motion to approve the revised plan with the condition that there be a traffic study for that piece of property from the Dunkin Donuts access. Craig Cypret 2nd Vote as follows, Roberta Oeser-yes Katie Duffy-Yes Dave

Tower-Yes Art Fiorelli-No Craig Cypret-Yes James Hoard-Yes Dr. Parker-Yes The Site Plan Amendment was approved

Art Fiorelli said that he voted no because the scope of the traffic study was too limited and did not address the safety concerns clearly expressed by the Chief of Police in his memo to the Planning Board.

Dave Tower is excused from the meeting.

CONTINUANCES

Major Site Plan-Continuance

Map 6 Lot 75, Canterbury Square

Robert Van Dyke

Frank DeMarinas presented the changes to the site plan requested by the Board at the previous meeting. Lights on the front and rear of the building were changed from 400watt bulbs to 250watt. There was also a pole mounted fixture in the parking lot. A traffic study is in the process of being completed and will be forwarded to NH DOT. A copy will be forwarded to the Planning Board. Septic Design is in the process of being submitted to DES with minor changes. There was a letter from abutter Elizabeth Varnum read into the record. It is on file at the Planning Office. Attorney Silas Little, representing Leona Letourneau stated that reasons in his determination this plan should not be approved due to a boundary line dispute. Bob VanDyke responded by stating that he will submit a stamped State Survey Plan. He also disagreed that the property lines are inaccurate.

Jo Anne shared Fire Chief Donovan's letter with the Board stating that the building does not need sprinklers or a water supply. Dick Isakson made a motion to continue this matter to the meeting of July 5, 2005 Katie Duffy 2nd motion carried unanimously.

Major Site Plan-Continuance

Map 50 Lots 46 and 47 Taggart Meadow Condominiums Phase I

Robert Van Dyke

There was some confusion as to whether the violations were resolved and whether the board should hear this case. The Board decided to proceed with the preliminary review. This is a development of Townhouse units with 5 buildings/unit. The Septic Plan had been approved over a year ago.

Information necessary to complete the application

- Grading Plan
- Drainage systems and structures
- Sedimentation and Erosion Control
- Phasing
- Fire Safety
- Stormwater Management and Soil Erosion Control.

Other outstanding Issues

- Screening for Dumpsters
- Construction Drawings with steps, curbing and elevations.

When asked if there would be underground utilities Mr. VanDyke said there would. The lots are also designed in a way that headlights will not shine into other people's windows as they come and go. This project will be exempt from the Impact Fee. This matter is continued to July 5th.

**Planned Unit Residential Development-Final Plat Hearing
Map 50 Lot 52-2 off Meadow View Road.**

Robert Van Dyke

This is the hearing to sign the Final Plat for this project. Town Counsel has received the language for the Home Owners Association Agreement and the Conservation Land Easement, and feels it is appropriate. Jo Anne recommended the Board should approve this plan. Roberta Oeser made a motion to accept the plan, Art Fiorelli 2nd the plan was accepted unanimously. Dick Isakson made a motion to approve the plan Roberta Oeser 2nd The Plan was approved unanimously.

Major Subdivision-Continuance

Map 3 Lot 72, East Monomonac Rd.

ATA Construction

Bedford Design Consultants reviewed the updated plan for a 4 lot subdivision on East Monomonac Rd. The update included the addition of silt fencing down slope of all disturbed areas. Tom Peragallo is no longer doing Environmental Consulting, he recommended Sanford Engineering. They submitted an estimate of inspecting the septic systems at \$350.00/system or \$250.00 each with a minimum of 4 inspected at a time. They didn't give an estimate for full build out. There was no firm plan from Mr. Aho for potential build-out at this time. Art Fiorelli said that it was important to consider total build out because it was important to consider the possible impact to the lake of any development.

Lake Residents who spoke

Dr. Joseph Hill-He said he had done extensive research on the subject of Cyanobacteria and stated that it is caused by fertilizer, farmland, failed septic systems, fertilizing lawns and sunlight. Cyanobacteria is potentially deadly to animals and to children, his own dog almost died from Cyanobacteria poisoning. He said that there needed to be a limitation on growth around the lake for the purposes of public safety. He went on to say that if a tragedy happened the Board of Selectmen and the Planning Board would be held responsible

Charles Phillips-Differed with the wetland delineation and said that there was much more surface water than was represented on the plan. He said that the least the applicant could do was show where the shoreline was.

Bob Shepherd of the Conservation Commission said that the wetlands needed to be clearly delineated on the map.

Art Fiorelli affirmed that there are water flows on that property year round and the surface water needs to be shown on the plan. The wetland area drains into the lake. He agreed that the Enviro-Septic System was a better septic system but he didn't know if it was good enough for this location. Jo Anne asked for a vote to use Sanford Engineering as Roberta Oeser said the motion was for Tom Peragallo specifically and felt that the board should vote if the agent doing the inspection had changed. Dick Isakson made a motion to accept Sanford Engineering as the firm to perform the peer review, Art Fiorelli 2nd the motion was passed unanimously.

The representatives from Bedford Design Consultants said that they felt that this project was being held responsible for the failing septic systems and problems already on the lake. DES approves highly of this system and this development will not contribute to the lake's problems. Mr. Aho is doing everything he can to make sure that this development is built responsibly. Craig Cypret said agreed that the 4 lots should be considered on their own and not be

complicated with the other lot at this time. Craig Cypret made a motion to accept the application Roberta Oeser 2nd. Vote as follows Dick Isakson –Yes Roberta Oeser-Yes Art Fiorelli-No Craig Cypret-Yes James Hoard-Yes Doug Gutteridge-Yes.

Art Fiorelli voted No, because he did not think that the Board had enough information for the plan to be accepted at this time.

OTHER BUSINESS

James read Katie Duffy's letter of resignation from The Planning Board. She is resigning for personal reasons.

Meeting Adjourned 11:30 pm

NEXT MEETING

June 21, 2005

Respectfully submitted,

Robyn Payson