



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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Approved Planning Board Minutes

Wednesday, March 30, 2016

7:00pm @ Town Hall

Paul Gosselin, Chairman - Present
Kristi St. Laurent, Vice Chair - Present
Margaret Crisler, Member - Present
Kathleen DiFruscia, Alternate - Present
Ross McLeod, Alt Selectmen - Excused
Joel Desilets, Selectman – Present

Allan Carpenter, Member - Present
Dan Guttman, Member - Present
Ruth-Ellen Post, Member – Present
Matt Rounds, Alternate - Present
Gabe Toubia, Alternate – Present

STAFF:

Elizabeth Wood, Community Planner

Suzanne Whiteford, Minute Taker

Call to Order/Attendance/Pledge of Allegiance

Mr. Rounds seated for Ms. St. Laurent

Public Hearings on Application:-Continued from 2/10/16

Case#2015-34/Preliminary Major Site Plan/Design Review Major Subdivision/Simpson's Crossing/55+ Housing/36 Marblehead Rd, 50 Sharon Road (25-D-39; 25-G-30, 40)

A Preliminary Major Site Plan Application and Design Review Application for a Major Subdivision has been submitted for 36 Marblehead Road (25-G-30, 40) and 50 Sharon Road (25-D-29), located in the Residence District A zone and Wetland and Watershed Protection District (WWPD) Zone. The applicant, Joseph Maynard, of Benchmark Engineering, Inc., on behalf of the property owners, South Fork Properties, LLC, Windham Marblehead Properties, LLC, and the Sally D 'Angelo Trust, is proposing to adjust the lot line of Lot 25-D-39 and merge a portion of it with Lots 25-G-30, 40 for the purposes of constructing a 55+ housing community consisting of 37 single-family units and including related parking, drainage, and snow storage areas on property sized +/- 50 acres. New private roads are proposed to access the development. A WWPD Special Permit will be required at the time a final application is submitted due to proposed disturbance for the installation of roads, parking, and drainage features.

Ms. Wood reviewed the letters submitted into the file from Attorney Manzelli, town legal counsel, and town residents. Ms. Wood informed the Board the applicant has submitted a new design plan.

Chairman Gosselin stated the letters from Attorney Manzelli, town council, and residents will be read into the record.

Mr. Carpenter confirmed with Ms. Wood that this is not a final application, it is a preliminary review.

Attorney Morgan Hollis, representing the owner and applicant. Attorney Hollis reviewed some of the proposed changes to be explained in greater detail by the applicant Mr. Joseph Maynard.

Attorney Hollis stated his client's consultant met with UNH's consultant regarding storm water runoff and the applicant will be able to incorporate UNH's suggestions into the final design.

Attorney Hollis stated the applicant will be asking for a density bonus to achieve 28 units and amenities; without a density bonus, the proposal would be for 24 units without a multipurpose structure.

Ms. DiFruscia pointed out the lot number is actually 30, not 29. Attorney Hollis acknowledged that Ms. DiFruscia is correct.

Applicant Mr. Joseph Maynard, Benchmark Engineering reviewed the newly proposed plan for Case #2-15-34.

Ms. DiFruscia asked for the original plan to be displayed for comparison to the new plan.

Ms. Wood provided a copy of the original plan.

Ms. DiFruscia asked if the green lot (in the new plan without any structure) is included in the proposal and if the drainage from the lot is included on the plan; and what is the path extending to Rock Pond on the Plan.

Mr. Maynard confirmed the lot in question is not part of any of the plans submitted; there is no plan to do anything with the lot in question. The path on the plan is a dirt road to Rock Pond that will not require any construction or cutting.

Mr. Rounds asked if the community building shown on the lot could be moved more centrally within the development.

Mr. Maynard stated it is an option to have the community building moved more central within the development.

Ms. Post asked if lot #39 is included in the soil based calculations.

Mr. Maynard replied that lot #39 was not included in soil based calculations.

Mr. Guttman asked for clarification between the club house and the one individual dwelling on the plan and about the proposed culverts.

Mr. Maynard confirmed the structure standing by itself is a house and the other structure is a club house. Mr. Maynard stated he has suspended the application with the state. UNH recommends a box culvert at a stream crossing and Mr. Maynard stated he is not opposed to the suggestion.

Mr. Guttman stated he is happy to see the rain garden and asked Mr. Maynard what is the total impervious coverage.

Mr. Maynard replied the total impervious coverage is 14%.

Mr. Guttman asked how the plan would be reconfigured if the bonus density is not granted.
Mr. Maynard stated the road would not be changed; three units would be removed if the bonus density is not granted, and he does not have a plan for which ones will be removed.

Mr. Carpenter asked how much open space is being proposed.
Mr. Maynard stated the open space area is 65% as required.

Mr. Carpenter asked the applicant to point out the 8% bend on the plan.
Mr. Maynard replied pointed it out on the plan.

Mr. Carpenter stated the one house in the front of the development does not fit in with the spirit and intent of elderly housing.
Mr. Maynard replied some people want to be by themselves.

Mr. Carpenter asked how much of the area is wet.
7:30pm, Ms. St. Laurent arrived and took her place at the Board. Mr. Rounds returned to his alternate position

Mr. Maynard replied it should be in the minutes of the last meeting, he did not bring the calculations with him today.

Mr. Carpenter asked Mr. Maynard if he has considered a community well system.
Mr. Maynard replied has considered a community well system and it is not in his plans to pursue a community well system.

Mr. Carpenter Mr. Maynard his opinion about the intersection at Marblehead Rd. with regards to safety and if he is planning to take the hump down.
Mr. Maynard replied the traffic consultant is here to speak about the traffic. Mr. Maynard does not intend to remove the hump as he is not required to do so.

Mr. Carpenter asked Mr. Maynard where and how many test pits were done.
Mr. Maynard responded that close to 50 test pits were done and the locations are shown on the plan.

Ms. Crisler asked the applicant to point out the trails on the proposed plan
Mr. Maynard stated he is considering the road as a walking trail, and that it is not a nature trail.

Ms. Crisler asked about the proposed stone wall and will it have a gate.
Mr. Maynard stated it will be a fancy wall at the entrance and not a gated entrance.

Ms. DiFruscia asked the applicant to describe the change in size of the retention pond, why is it proposed to be smaller than what was on the original plan and how much smaller is the retention pond on the new plan?

Mr. Maynard stated he has not completed the final calculations; it is basically a number game, now that he has an upstream retention pond the one at the bottom doesn't need to be as large as originally proposed.

Ms. DiFruscia commented that with the topography there is a lot of drainage towards the retention pond, and it seems to be better safe than sorry; and suggested to leave the retention pond at the original size.

Ms. DiFruscia asked the applicant for the dimensions of the club house.

Mr. Maynard replied the club house is 24 x 36 multipurpose building with a basement and can be utilized year round. Mr. Maynard does not have a floor plan at this time.

Ms. DiFruscia asked how many overflow parking spaces are proposed.

Mr. Maynard replied there will be 1 extra parking space for each unit in addition to individual parking.

Ms. DiFruscia commented she encourages rain gardens; it will help with the flow of water especially in regards with drainage towards Rock Pond.

Ms. DiFruscia asked Mr. Maynard if a landscaping plan will be submitted with the final plans.

Ms. DiFruscia commented she finds it very difficult to assess the plan without a storm drainage plan.

Mr. Maynard stated he will submit a landscaping plan completed by a professional landscaper with the final plan.

Ms. Post asked how many of the 50 test pits that were completed were tested on lot #39.

Mr. Maynard replied that 15 test pits were done on lot #39.

Kim Harzarvartian, Traffic Engineer with Temp. LLC was hired by Mr. Maynard to conduct a traffic study of the proposed site. Mr. Harzarvartian explained his methodology for making his decision regarding traffic safety and volume. Mr. Harzarvartian stated there will not be any change in traffic volume as a result of the development therefore a travel impact study is not needed.

Mr. Harzarvartian stated that the sight lines coming out of Marblehead road were not an issue.

Mr. Harzarvartian stated the low volumes will be split up directional and not impact traffic volume.

Mr. Harzarvartian stated the number of predicted trips are minimal and not a concern for safety or volume.

Mr. Guttman asked Mr. Harzarvartian why make the assumption that traffic will split directional, half to Windham and half to Pelham.

Mr. Harzarvartian stated his calculations are based on an average of 120 trips per day (trips in, out, towards Windham and towards Pelham). Mr. Harzarvartian stated he divided 120 by 4. Mr. Harzarvartian stated the variability in numbers is a small number, trip distribution is not critical; the impacts are not sensitive due to the low number of trips. Mr. Harzarvartian stated if he

considered all traffic going in one direction the impact will be minimal. Mr. Harzarvartian stated the 120 trips are calculated based on peak hour traffic and not necessarily the entire day.

Mr. Carpenter asked Mr. Harzarvartian what type of traffic study was conducted.

Mr. Harzarvartian stated he physically looked at the sight. Mr. Harzarvartian explained that he used data from Southern NH Regional that a traffic counter (placed this past summer) counted 1300 vehicles per day.

Mr. Carpenter stated the traffic counter data does not give any data concerning speed.

Mr. Harzarvartian replied the (referenced) study gives information on total traffic count. Mr. Harzarvartian stated the posted speed limit is 25mph; the sight lines are adequate, even for traffic going faster than 25mph.

Mr. Harzarvartian stated the traffic from the proposed development will not impact the sight line at the Marblehead Rd. intersection.

Mr. Carpenter stated the additional traffic count is not necessarily the issue; the issue is the Marblehead Rd. intersection is one of the more dangerous intersections (and accident prone) in town. Mr. Carpenter stated the intersection of the new road with Marblehead is concerning. Mr. Carpenter stated the ordinance is not all encompassing; the Board has to plan for safety of the residents.

Ms. Crisler asked Mr. Harzarvartian if his calculations are based on elderly populations or general population.

Mr. Harzarvartian stated he based his calculation on a development of detached senior adult.

Ms. Crisler stated we are dealing with elderly people whose reflexes are not the same as younger drivers. Currently, it is a very difficult intersection; additional cars will make the intersection more dangerous.

Ms. St. Laurent stated she heard the Mr. Harzarvartian say the sight distance is adequate sight distance but she questions if it is good sight distance. Ms. St. Laurent stated the ordinance is a set of minimum standards. She would like to see a proactive approach based on residents accounts of how unsafe the area is. Ms. St. Laurent stated it doesn't sound like an actual study was conducted; rather data was used to make calculations. Ms. St. Laurent stated the senior houses in this development are isolated; residents will not be able to walk to anything, medical offices, grocery shopping, recreation, etc. Ms. St. Laurent stated Mr. Harzarvartian's prediction of 20 trips generated during peak hours does not seem practical.

Mr. Harzarvartian stated the trip generation, if it was done on non age restricted, would go from 20 to 30 which are still in the low impact range. Mr. Harzarvartian stated the sight distance is based on slow reaction time and national guidelines, and not the town ordinance.

Ms. St Laurent asked Mr. Harzarvartian if his calculations of trips per day took into consideration of services likely to be required by an elderly population such as delivery services,

home care, grocery delivery, etc. Ms. St. Laurent stated the location is remote without any walkable amenities and she believes that will impact traffic volume.

Mr. Harzarvartian stated the traffic study he conducted captured the expected value of all the things Ms. St. Laurent addressed.

Ms. St. Laurent stated this type of development will not have the same spike in trips such as leaving for work and dropping off children at school.

Mr. Harzarvartian stated that all of this was taken into consideration.

Mr. Toubia stated he echoes what Mr. Carpenter said regarding the site; people speed on the road and reducing the hump and improving the line of sight should be considered.

Mr. Rounds asked Mr. Harzarvartian if he physically viewed the site.

Mr. Harzarvartian stated he drove to the area and visually inspected the area. Mr. Harzarvartian stated that taking the crest down is not necessary; it would open the appearance of the road but will not change the sight distance. Mr. Harzarvartian stated that opening the visibility could increase the speed in traffic.

Ms. St. Laurent read the following letters into the record:

1. A letter from Margot and Carl Luhrmann dated February 24, 2016.
2. A letter from Robert and Christine DiLeo dated March 15, 2016.

Alan Decker, 35 Abbott Rd., asked for clarification about the Board's ability to deny or approve the plan. Mr. Decker stated that based on a letter from Ms. Wood the Board's decision is not binding. Chairman Gosselin stated this is not a formal application, it cannot be approved or denied, we simply provide feedback.

Bruce Riel, 34 Marblehead rd., showed a video clip demonstrating the dangerous driving situation on Marblehead Rd. Mr. Riel stated the traffic study references were done during the summer; it does not take into account school traffic or bad weather; the typical speed on the road is 40-60mph with some vehicles traveling in excess of 70mh. Mr. Riel is concerned about safety.

Mike Furey, 27 Emerson Rd., provided aerial views of the proposed development. Mr. Furey spoke in opposition to the plan. He does not believe it is not the right location and should not be in the Rock Pond watershed. Mr. Furey's wife was in an accident (referenced by Mr. Riel) on Marblehead Rd. on Christmas Eve. Mr. Furey stated Marblehead Rd. is a windy road; a lot of water rolls off the (proposed, undeveloped) property directly into Rock Pond. Mr. Furey believes property values will diminish as a result of the proposed development. Mr. Furey does not believe the proposed location is the right location for 55+ housing. The current residents surrounding the proposed property are against the dense development. Mr. Furey's displayed photos were entered into the record.

Charles Nickerson, 7 Emerson Rd., stated he is concerned about quantity and quality of water and disrupting the tranquility of Rock Pond. Mr. Nickerson stated he is concerned about the traffic. Mr. Nickerson pointed to his home on the proposed plan and stated the proposed development ends at his backyard. Mr. Nickerson stated the development will create public access for the shore front; 28 houses are sharing 40 foot of frontage on Rock Pond.

Patricia Barstow, Canterbury Rd., read a letter of concern and opposition for the development into the record. Ms. Barstow's written document was entered into the file.

8:30 pm Mr. Desilets joined the Board

Ms. Crisler stated verbal communication from the public will be summarized in the minutes, written documents will be entered into the file.

Mr. Barstow read a letter of concern and opposition to the proposed development which was entered into the file.

Barbara Robinson, 7 Canterbury Rd., stated she does not believe the proposed development meet the criteria of the Town of Windham Zoning Ordinance and Land Use Regulations, Section 610.9.1. Ms. Robinson asked what will be included in the multiuse building, will it be ADA accessible.

Ms. Robinson stated the proposed development is in violation of the Town of Windham Zoning Ordinance and Land Use Regulations, Section 610.9.3; she believes the development will diminish property values of existing homes. Ms. Robinson stated the proposed cul de sac is longer than 1200 feet and asked what provisions are being proposed by the applicant. Ms. Robinson asked if the new plan meets the Town of Windham's Water Supply regulations 2.5 and 2.9; testing one well in isolation will not yield valid results. The sight lines are not sufficient for the actual speed traveled on the road; most cars cut the corner when turning and it is dangerous. The traffic study referenced by Mr. Harzarvartian was not on the NH web site.

Mr. Guttman asked Mr. Maynard to share the traffic study results with staff for publication and to have them placed in the file.

Attorney Amy Manzelli, representing The Rock Pond Association questioned the Boards process and options with regard to the plan. Attorney Manzelli believes the Board can deny a preliminary site plan application.

Chairman Gosselin reviewed the regulations concerning the Boards part in the design review process. Theoretically the Board can vote to continue the application. Historically, the Board gives the applicant guidance on amending their application and bringing it back for review. The Board is only providing guidance and can only vote to continue to allow for additional feedback, or close the hearing.

Attorney Manzelli respectfully disagrees with Chairman Gosselin. When a residential development is phased, the best practice for planning is to consider all the phases at once. Together as a whole, all of the phases will exhibit the entire plan. The board has the option to accept the application as complete or incomplete. The Board has a duty to make sure there is a

good faith claim of adequate site control. The Board can reverse acceptance based on restrictive covenant.

Ms. Crisler clarified the Board has not accepted the application as complete.

Attorney Manzelli stated the Board has gone through a process that the plan was accepted.

Mr. Rounds stated the Board has to state the plan is adequate for 55+.

Ms. Crisler stated the vote was nonbinding.

Attorney Manzelli distributed and reviewed the content of a letter stating the reasons why the project should be denied; the letter was entered into the file.

Mr. Carpenter stated it would not be a prudent use of the applicant's money to pay for a drainage plan during a preliminary design review. The applicant did state he will work with the UNH storm water team and the level of detail will be included in a final application. Mr. Carpenter stated the Board may make a recommendation to the applicant to work with UNH storm water; a detailed report cannot be expected until a final plan is submitted.

Attorney Manzelli stated this is the first time hearing this will be a condominium. She encouraged the applicant to keep the Rock Pond Association in the loop. Attorney Manzelli submitted 3 letters from the beneficiaries of the restricted protective covenant that are not in agreement with amending the covenant.

Doug Roberts, 15 Canterbury rd., submitted a picture of his back yard, concerned about water quantity and quality. Submitted an aerial view of the homes surrounding Rock Pond describing that they are large, million dollar homes. The proposal is too dense. He requested a guarantee on the well, and to decrease the density.

Shannon Webster, 2 Marblehead Rd., spoke in opposition of the plan and stated her concerns about traffic safety in the proposed location. Ms. Webster is concerned about the effect of elderly person disposing of medications and the effect it will have on Rock Pond.

Chairman Gosselin stated that all the septic systems are approved by NH DES.

Mr. Guttman asked if it is possible to add a requirement for septic systems to be pumped on a regularly scheduled basis.

Mr. Desilets thinks it would be asinine to have the government dictate when the septic systems should be flushed.

Wayne Morris, 14 Jordan Rd., stated the notice is wrong; the project is not 50 +/- acres. The notice is incorrect about the acreage and should be posted correctly. Mr. Morris stated a letter from the certified wetland scientist was submitted requesting the applicant look at the wetland delineation; it was not a letter from a certified wetland scientist and he could not find the letter in the record. The letter was not available for Mr. Morris to verify where the wetland scientist did the test augers. Mr. Morris requested to revisit the wetland delineations. When Mr. Morris attended the site walk, the slopes on the property are not justified by the plan and questions if

there is actually connectivity. Mr. Morris stated 8 acres carrying 28 homes, (with that in mind) and 15 out of 50 test pits were done on the Dangelo property. Mr. Morris requested the Board to request the applicant to submit a yield plan showing that 28 homes can fit on the parcel. Mr. Morris stated water quantity and quality should be seriously considered by the Board for all projects based on all the testimony of residents running out of water and having to build new wells. It doesn't make sense to have 27 wells that possibly you can't even get to know the surrounding properties difficulty with their wells. Mr. Morris stated to please consider a community well and community septic system; flushing of pharmaceuticals are a serious concern, and they will all end up in Rock Pond. Mr. Morris believes the town may have better control with a community septic system. The proposed development is 4x the density of residence A., and questions if is this an appropriate spot.

William Bradley, 9 Emerson Rd., stated water flows down to the residents at the bottom of the development and the wetland shown at the bottom of the plan is not accurate; it should be larger

Darin Leeman, 9 Jordan Rd., reviewed the fair housing act. The housing for older persons is essentially legalizing discrimination. The plan does meet the required criteria of section 610.9.1.

Edwin Crean, 5 Canterbury Rd., asked for the footnotes on the traffic study indicating the location of the counters; he believes the counts may be invalid based on the location of the counters. Mr. Crean is concerned about enforcing 55+ residing in the development, and believes the covenants need to be considered before moving forward with the proposed plan.

Gregg Mann, 43 Abbott Rd., spoke in opposition of the project and asked how many residents have to be 55+ living in the home. Mr. Mann stated he is concerned about the quality of the water in Rock Pond being damaged by septic and lawn runoff into Rock Pond.

Mr. Desilets stated he expects the Board will commence the actual design review.

Mr. Post asked what Mr. Desilets means by commences. Mr. Desilets did not respond.

Ms. St. Laurent stated that the standards used are minimum; testimony is the road is tricky, and she would like to see the applicant get ahead of it and be proactive. The development looks and feels very dense. The abutters have long standing residence and the Pond needs to be protected. What can the applicant take into consideration to address the density issue? Ms. St. Laurent is concerned about the slope of the road, it will be difficult; 8% slope is difficult with a walker to walk. Ms. St. Laurent would like to see some creativity to make the development warm, welcoming, and beneficial to the elderly population.

Ms. DiFruscia stated the proposed development is very dense. She is concerned about protecting Rock Pond, and concerned about the negative impact on Rock Pond due to dense development. Ms. DiFruscia stated she has seen (experienced) the negative effect of dense development on Cobbetts Pond. Given the topography and location of the property and expected storm water. Ms. DiFruscia would like a little more information about the consultation between the applicant and UNH storm water team. What amenities are planned to satisfy the ordinance criteria for elderly housing? Ms. DiFruscia requested to see exactly what type of services are going to be provided to satisfy the needs of the people as they age, a yield plan, an independent traffic

study, a detailed landscaping plan, and a buffer (preferably natural) on the Dangelo property and throughout the development to minimize fertilizer use. Ms. DiFruscia requested that a covenant be written to eliminate chemicals that would hurt Rock Pond. Ms. DiFruscia is concerned non residents and non visitors of the residents will utilize the overflow parking spaces to access Rock Pond, and is requesting the applicant show in the plan how that will that be addressed. Ms. DiFruscia stated it is critical to protect Rock Pond and encourages the applicant to consider a community well and community septic system, and arrange for an independent wetland scientist study.

Ms. Crisler stated she agrees with everything Ms. DiFruscia said. Rock Pond is a pristine body and should be protected. Ms. Crisler stated the houses are too close to the boundary and too dense; they should be pulled back from the northern borders in particular. The development will create too much drainage for Rock Pond. Ms. Crisler stated she is concerned about the lack of planning to meet the ordinance criteria for elderly housing. Ms. Crisler stated the road does not meet the definition of the trail. Ms. Crisler is requesting restrictive access to Rock Pond, consideration of community well and community septic is important, cooperative with the Rock Pond Association, and a deed restriction. Ms. Crisler asked what happens if the town does not enforce 55+ and requested the question be posed to Attorney Campbell.

Ms. Post stated the following concerns and made the following recommendations to the applicant:

1. Regarding density, the development of 28 homes would be expected in Somerville, not on Rock Pond; it does not characterize the rural feel of the town.
2. The proposed plan does not maximize the privacy of the dwelling units rather it virtually destroys the privacy of the residents in the dwelling units.
3. The Board should request less houses in consideration of density; density is the number one consideration. The greater the density the greater the demand on the local aquifer
4. The location is not an adequate site for 55+ housing and criteria is not met for the location.
5. Requests data on a community well specifically demonstrating why 28 individual wells are preferable to a community well.
6. Consider a community septic system due to medical issues faced by this elderly population and pharmaceutical waste impact on Rock Pond.
7. Density and diminution of abutting property values, the location of 55+ housing surrounded by a very different type of residential environment is a concern, would like to see some indication abutter's property values will not be diminished.
8. The pictures were worth a 1000 words. Ms. Post is concerned about safety and can see how the crest can be challenging especially to an elderly population with slower reaction times, diminished capacity of one kind or another. Ms. Post requests an independent traffic study that looks at safety of the entrance looking through the lenses of elderly population.
9. Increase facilities and services for an elderly population.

10. The existing road is not a walking path, and Ms. Post would like see something far more appropriate for the elderly population
11. Ms. Post requested the Board take a second vote with regards to appropriate location due to the fact that the proposal before the Board tonight is different from the proposal the Board voted on.

Mr. Guttman believes the applicant should focus on meeting the criteria for Section 610.95. Mr. Guttman would like the applicant to consider community wells and septic from a contamination perspective. Mr. Guttman emphasized and encouraged cooperation with the Rock Pond Association. Mr. Guttman believes the isolated, outlier, single dwelling should tie into the community.

Mr. Rounds encouraged the Board to take another vote on the appropriateness of the location for 55+ housing.

Mr. Desilets stated he appreciates all the public and Board members input. Mr. Desilets would like to see a traffic study; 55+ is the new middle age and he is hesitant to speculate a traffic study should be any different from any other, do not denigrate folks 55 and over.

Mr. Carpenter stated the new plan before the Board tonight proposes more houses than the original plan. Mr. Carpenter would like the applicant to look at soil type as that determines how many 4 bedroom units can be placed on the property; then based on their calculations, come back with an engineered yield plan to help the Board better understand the density. Mr. Carpenter requested the applicant eliminate the stranded house, it is contrary to the ordinance. Mr. Carpenter does not want a future Board to look at the plan later and interpret that this Board was expecting the land be developed. Mr. Carpenter is concerned about traffic safety. Mr. Carpenter does not see any benefit to the parking lot. He advocates the community well. Mr. Carpenter would like to see the test pits, where they were done on the land, and permission to walk the land and compare the test pits while walking the land. Mr. Carpenter stated DES tests the ponds in the state annually and grades the ponds. Rock Pond scores very high on clarity and phosphorous and believes there is not a large stream feeding into the Pond. It is a potentially big deal, and is today relatively unique; the Board has a responsibility to keep it that way.

Chairman Gosselin concurs with the Board's comments.

Mr. Maynard wants permission to drill a couple of wells in the best place to do so which will be through the WWPD.

Attorney Hollis stated there was a nonbinding vote in favor for the site being appropriate for 55+ housing, Attorney Hollis encouraged the Board to vote again if the Board is not in favor of the location. Attorney Hollis is troubled about the density comments, and wanting the applicant to do more than the requirements. Attorney Hollis stated the plan will not move forward without communicating with the Rock Pond Association and he has been very cooperative with Attorney Manzelli.

**Motion by Mr. Carpenter to close the public hearing
Second by Mr. Guttman**

Mr. Desilets reiterated the Board got a lot of great input. Mr. Desilets personally owns property that nearly abuts the proposed property and he is in favor of moving forward and closing the hearing.

Chairman Gosselin stated other studies may be required and decisions will be made when a final application is submitted.

Ms. DiFruscia stated Attorney Hollis asked the board be polled if this is an appropriate site for 55+

Mr. Carpenter stated the plan that was reviewed when the motion was made for appropriate site for 55+ is different from the plan seen tonight. An independent polling of the Board is not necessary.

Vote 7-0-0

Motion carries

Motion by Mr. Desilets to adjourn

Second by Mr. Guttman

Vote 7-0-0

Meeting adjourned at 10:45pm