

# **Planning Board**

## **Minutes of June 27, 2001**

**ROLL CALL:** Alan Carpenter, Chairman - Present

Ross McLeod, Vice Chairman - Present

Lisa Linowes, Secretary - Present

Margaret Crisler, Selectmen Member - Present

Walter Kolodziej, Regular Member - Present

Wayne Morris, Regular Member - Present

Russ Wilder, Regular Member - Present

Lee Maloney, Alternate - Excused

Nancy Prendergast, Alternate - Excused

Roger Hohenberger, Selectmen Alternate - Present

*Mr. Hohenberger replaced Mrs. Crisler for the Cyr Lumber portion of the meeting.*

### **MINUTES:**

Mr. McLeod made a motion to approve the June 6 minutes. Seconded by Mr. Wilder. Passed 7-0.

Mr. McLeod made a motion to approve the June 13 minutes. Seconded by Mr. Hohenberger. Passed 7-0.

### **CORRESPONDENCE:**

Mr. Carpenter reviewed the following correspondence:

Lot merger documents for lots 13-K-37, 37A, 35 & 36. Mr. Wilder made a motion to accept and approve. Seconded by Mr. Morris. Passed 7-0;

Lot merger documents for lots 16-E-25 & 26. Mr. Wilder made a motion to deny the voluntary merger because both lots have houses with separate addresses, and merging these lots would create a violation of zoning laws. Seconded by Hohenberger. Passed 7-0;

Memo regarding traffic count requests; Discussion ensued.

Derry Planning Board minutes asking for the Windham Planning Board's review and approval of a 2-lot subdivision. Mr. Turner will notify the applicant that they need to present their plan to the Board;

Confidential letter from Bernie Campbell (not read aloud);

Copy of a letter sent to all tree-cutting services in the Windham area regarding the Shoreland Protection Act;

Memo from Mr. Sullivan regarding Volunteer Immunity Law;

Letter from StoneHill Environmental regarding Aquifer Protection District Ordinance;

Letter from the residents of Squire Armour Road requesting a meeting with the Board. Discussion ensued regarding inviting them to a workshop;

Letter from the Office of State Planning regarding community cornerstones;

Notice of a June 28 meeting regarding Route 93 widening;

Flyer for a meeting of Stormwater II Designated MS4s;

Meeting notice flyer for the secondary impacts associated with the widening of Route 93;

Flyer for Creating Walkable Communities seminar on June 28;

Notice of RPC's 2001 Annual Meeting;

Flyer to purchase a publication from NH Fish and Game;

Flyer to purchase a publication from UNH Cooperative Extension;

Conference flyer for Water Boundaries on November 1-2, 2001.

**NEW BUSINESS:** The Board discussed the July 11 agenda. Mr. Wilder made a motion to revise and advertise the July 11 agenda to hear Site Plan Amendments, Castle Reach Subdivision, Koch Subdivision, Collins Subdivision, Pelletier Special Permit, Exxon Canopy Sign, and SEEA Realty Corp Sign; and move to July 25 at 8:00 pm Manor Motel Approval Renewal, Donovan Change of Use, Windham Presbyterian Church Site Plan, Ellen Field Apartments Site Plan, Stolarz Subdivision and lot Line Adjustment, Windham Auto Sales Plan Modification, Blanchard Subdivision, and Lamplighter Village. Seconded by Mr. Hohenberger. Passed 4-3. Mr. McLeod, Mr. Carpenter, and Mr. Morris opposed.

**PUBLIC HEARING:**  
**Cyr Lumber (13-A-33)**

**39 Route 28**

Mr. Carpenter read a letter from Cyr Lumber regarding storage of materials during construction. Mr. Turner explained that there are three items before the Board which include: 1) lot merger documents; 2) design review of the building; and 3) storage of materials to adjacent site during construction.

Mr. Turner stated that the lot merger document is as requested by the Board. Mr. Carpenter read the lot merger documents. Mr. McLeod made a motion to approve the merger of lots 13-A-32, 33 & 80. Seconded by Mr. Morris. Passed 7-0.

Mr. Turner explained the lot that Cyr lumber would like to use for the storage of materials. The Board discussed truck circulation. Mr. Ronald Cyr, Cyr Lumber, discussed with the Board that it's a temporary site, no public access, driveway permit, and leasing the property temporarily till March 31, 2001. Mr. Hohenberger made a motion to temporarily approve lot 13-A-30A to be used for lumber storage by Cyr Lumber until March 31 or until construction is complete, and trucks will not be allowed to load or unload from Route 28, there should be adequate circulation on the property for trucks to enter and exit via front access (frontward driving), and with no public access to the site. Seconded by Mr. McLeod. Passed 7-0.

Mr. Cyr reviewed the architecture design which included the two-story building which has mostly storage on second floor with office space, retail area on the first floor, and building orientation. The Board discussed the status of construction, building façade, and visibility from Route 28. Mr. Hohenberger made a motion to approve the architecture as presented. Seconded by Mr. McLeod. The Board reviewed the architectural review section of the site plan regulations. No public comment. The Board discussed the color red with Mr. Kevin Cyr. Passed 7-0.

*Mrs. Crisler replaced Mr. Hohenberger on the Board.*

## **Klemms Site Plan (17-H-1) - Public Hearing**

### **54 Range Road**

Mr. Turner reviewed the previous meeting and outstanding issues include architecture, signs, and closing statements. Mr. Carpenter read correspondence from Steven Pernaw, State DOT to Frank Monteiro, Jean and Kurt Roalsvig, and Grace Cotton. Attorney Jim Troisi gave a memo to the Board from Mr. Taylor McDermott.

Mr. Dick Landry presented the architecture including requested changes to the building and canopy. The Board discussed with Mr. Landry underground utilities, pole location, multi-pane glass, not conforming to the neighborhood, advertising posters, canopy height, entrance uses, access between McDonalds and the convenience store, drive thru sign location, too many signs, signs in compliance, third side of a sign instead of other façade signs, need ZBA approval, stone instead of red brick, and other signs not shown on the rendering. Mr. Frank Monteiro showed where the signs would be on the site and only two with the McDonalds logo, entrance and exits will have no logo, and he described the menu board. The Board discussed sign illumination, McDonalds signage will be shut off when the store is closed, sign height and line of sight, large vehicles going through the drive thru, walkway, canopy

height and color, uniform colors, canopy to match the building with gray with white trim, lowering the canopy height, softening the brightness of the signs, Pegasus horse, Gilford NH Mobile-convenience store photos, Mobile corporate image, boxed girders, and rounded columns.

Attorney Troisi thanked for Board for their attention, he compared the current use to the proposed uses, and he stated that the Klemms are long-time residents and care about the town, district, and state. He further stated they have constitutional rights, the plan complies with all zoning and site plan regulations, lighting and architecture have been discussed, no other site has this upscale design, traffic has been discussed, it's a good proposal, and he asked the Board to grant the approval.

Public discussion began with Mr. Ronald Grille, 9 Woodvue Road, stated he is a long-time resident. He's not against the Klemms earning a living, but is concerned about opening the door to other franchises, does this conform to the Town's master plan, McDonalds is a major traffic hazard, the other franchises would bring even more traffic, this does not meet with the Town's plans, a one-business situation would be more sufficient, and what would happened when school buses come onto the property.

Mr. Jack McStravock, 11 Edgewood, asked for support to reject the plan because of traffic on and offsite, the external improvements will aggravate offsite traffic problems, circulation is a problem onsite, there is no agreement to get water to the site, and he urged the Board to reject the application.

Mr. Bob Leonard, 88 Meetinghouse Road, showed photographs of other McDonalds have hardly any signage, the signage is overkill, 354 petition signatures against the proposal, not arguing zoning or constitutional rights, arguing for our town, it's a new concept of McDonalds-gas station-convenience store, 25-30% increase in traffic over an already almost failing intersection, still going to be a dangerous intersection, increase traffic on Route 111A, and he asked if what will be on the site if Capri pizza doesn't. He stated that this is not personal, it doesn't matter who owns or how long they've lived in town, and the uses of the of building are going down, but the traffic going up,

Ms. Elizabeth Marston, 18 Wilson Road, stated that 1/3 of the people who voted in the last election have signed the petition, she stated that there were disturbing inconsistencies with the presentation in regarding the water usage of the carwash and traffic numbers, concern regarding a contingency plan if the traffic numbers are worse, and the voters will hold the Board accountable.

Ms. Lillian Murphy, 2 Marblehead Road, asked if the Citizens to Preserve Windham Committee were registered with the attorney generals office to raise funds, Windham people go to McDonalds in Salem for donations, spot zoning in the area, shared driveway for vegetable stand and golf course, Range Road traffic, giving the Klemms an answer, and red is a country color.

Ms. Gail Webster, 2 Marblehead Road, stated they need to look at all the propositions, that the red light was great idea, people won't cut through Klemms to beat the light which will help with the accidents.

Mr. Matt Killian, 22 Squire Armour Road, resident for 1 year, worked for McDonalds business development office. He's stated he concerned that it takes 40 minutes to get to Walmart now, compounding the traffic, nice looking building, trash will be a problem, traffic onsite, no sidewalks, a lot packed in on a very bad corner, impressed with the Board, and corner is already being taxed.

The Board opened their deliberative session and discussed the pros and cons of the site including onsite traffic, getting off the site, site is being over utilized, it's more than the site can handle, other McDonalds sites, master plan, zoning, applicant responsive to Board and citizens, can't zone out fast food, water concerns, parking ordinance, traffic, North Salem being developed and generating traffic, traffic engineers agree, does mitigation offset additional traffic projected, soil contamination clean up, different types of commercial use, water should be performance related, cueing backup, hours of operation, number of signs, placement of signs, height of sign, canopy should be in proportion to size of building, many colors, window signs, parking spaces at the gas pumps, onsite traffic problems, traffic increase when Route 93 gets widened, permitted use, compliment the surrounding buildings, water developed before construction begins, north driveway too close to the light, cut through traffic a problem, closing north traffic, traffic backing up to Route 93 off ramp, keep connection to Country Shoppes, right turn on red after stop, not questioning zoning, boat and car turning radius for the other two entrances needed, "apples to apples" traffic numbers not received, lighting onsite, redesign of Route 111 not happening to 2007, up-to-date drainage system, Ms. Linowes traffic calculations, Londonderry McDonalds issues, premature situation, ratio of cars, parking for larger vehicles is an issue, no Mobile numbers, 400 sites like this why can't we have the numbers, too much on the site, can't handle the traffic on this site, architecture looks good but has some issues such as windows, colors, and canopy height, too many signs, signs too big, others drawing from the same water table, historic district commission concerns with pavement, traffic lights, opticom system funding, approved developments in the areas not taken into consideration, no alternate route, basing a decision on "maybe" types of numbers, parking spaces blocked by drive thru traffic, delivery times met at 98%, not enough snow removal space onsite, not enough parking spaces, lot size too small, Arthur Klemm's good work for the community, emergency water supply available, US Gas numbers, McDonalds web site, Route 111 and 93 construction process, building entrances, onsite traffic issues, and police concerns.

Mr. McLeod made a motion to deny the application based on the following grounds: 1) Cueing - it has not been satisfactorily shown that the cue size as stated is adequate; 2) Hours of operation - violates Section 605.1.1.3 of Zoning Ordinance no food or drink served after 10:00 pm; 3) Signage and quantity -Section 706.4.5 says a sign is permitted on the façade of the building (not a sign is permitted on a façade of the building), excessive signage; 4) Section 706.4.5 buildings fronting on more than one right-of-way - a façade is on the side of the building that is on the right-of-way which means the sign on the back is not on the right-of-way, and the Mobile sign not on the right-of-way, Capri would be allowed a sign even

though they're not on the right-of-way because a business certainly gets a sign. 5) Site plan regulation 1205.3.2 scale and proportion - the 7' high illuminated directional signs are out of scale and proportion of the signage such that it shall not overpower the application; 6) Site plan regulation 1205.3.3 and 1205.3.4 material and coordination - have plethora of sign colors, they have not settled on a particular color scheme; 7) Site plan regulation 1205.2 materials and colors - we have a large white canopy structure, we have a large gray building, and we have a brick section on the building that all seem to be out of harmony; 8) Section 704.1 parking - past practice in this Town has not been to count parking at gas pumps and vacuum in the parking spaces provided calculation, therefore, the site is 5 spaces short on parking. Parking should be free and unobstructed; 9) Offsite traffic congestion - the plan borders on premature. It has not been shown satisfactorily that we will avoid offsite traffic congestion by the nature of this project. I want to emphasize that commercial is commercial, but within that there are varying impacts on commercial sites, you can have high and low traffic counts all within commercial. Based on that it has not been shown clearly what we're looking at in terms of numbers and congestion. The varying traffic counts, as well as the pending future developments and road construction, leave the offsite traffic as a questionably addressed issue, one that still has serious concerns. In light of the pending significant development in the area and road construction, it's scattered and premature in this regard. 10) Site Plan Section 202 onsite traffic - we should be looking out for pedestrian safety and access; I think there are clear issues with respect to the drive thru exit across the site; 11) Site Plan Section 207 adequacy of vehicular access and maneuverability - large vehicles, cars with trailers, boats, and snowmobiles, it has not been clearly shown that there will be a negligible amount of issues relating to vehicles access and maneuverability on the site, and issues regarding congestion, egress, and ingress; 12) Water - it is still premature in respect to the water agreement, as it has not demonstrated that the Pennichuck can provide water in the quantity required by the site. Seconded by Mr. Kolodziej. Discussion ensued some of the motion items could be conditions of approval, traffic, source of information, traffic data, large vehicles onsite. Ms. Linowes reread the motion. Mr. Turner stated that note 13 on 4 sheet of 11 states parking is not restricted and Section 605.1.1.3 drive-up windows not allowed in the Neighborhood Business District. Mr. McLeod amended his motion to remove the hours of operation (item #2). Seconded by Mr. Kolodziej. Discussion ensued regarding zoning, traffic consultant numbers, and premature plan. Passed 4-3. Mr. Morris, Mr. Wilder, and Mrs. Crisler opposed. Mr. Wilder stated he voted the way he did because the motion had curable items.

The Board discussed appointing the CIP members at the next meeting.

Mr. McLeod made a motion to adjourn. Seconded by Mr. Morris. Passed 7-0. Meeting adjourned at 1:00 am.

These minutes are in draft form and have not been submitted for approval.

Respectfully submitted, Nancy Charland