

PLANNING BOARD MINUTES

January 7, 2009

ROLL CALL:

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| Phil LoChiatto, Chairman – Present | Nancy Prendergast, Vice Chairman – Present |
| Rick Okerman, Secretary – Present | Walter Kolodziej, Regular Member – Present |
| Ruth-Ellen Post, Regular Member – Present | Pam Skinner, Regular Member – Present |
| Louis Hersch, Alternate Member – Excused | Kristi St. Laurent, Alt Member – Seated @ 9:10 pm |
| Sy Wrenn, Alternate Member – Not Seated | Bruce Breton, Selectmen Member – Present |
| Galen Stearns, Selectmen Alternate – Excused | |

STAFF:

Al Turner, Director of Planning and Development – Excused

Mr. LoChiatto opened the meeting at 7:00 pm. The Board stood and recited the Pledge of Allegiance.

MINUTES:

- Mr. Okerman motioned to approve the November 19 minutes. Mr. Breton seconded. Passed 7-0;
- Ms. Prendergast motioned to approve the December 3 minutes. Ms. Post seconded. Passed 7-0;
- Mr. Breton motioned to approve the December 10 minutes. Mr. Kolodziej seconded. Passed 7-0.

SIGN PERMITS:

- There are a couple of new signs in the Village Bean Plaza that have not come before the Board such as the financial service and the tutoring services. Mr. Turner should look into these.
- Masiello Group, 33 Indian Rock Road. Board discussion regarding it is changing the existing sign, and is the same size. Mr. Breton motioned to approve the design for the Better Homes sign. Ms. Skinner seconded. Passed 7-0.

OLD/NEW BUSINESS:

Board discussion regarding the Planning Board amendment that was dropped because of a similar citizen petition, by dropping the amendment the public doesn't have a chance to comment and the Board can't change a citizen petition, should we check with Attorney Campbell, town council says the citizen petition trumps the Board's amendment, they may not have been identical if there had been public input, the public has not been excluded, discussions will occur when the citizen petition is discussed, it was removed prematurely, and what would happen if both go forward and get approved.

Mr. Breton motioned to move the Griffin Park discussion to the top of the agenda as it is a Town project. Mr. Kolodziej seconded. Passed 7-0.

PUBLIC MATTERS:

Griffin Park Additional Parking Lot – Public Hearing

112 Range Road, lot 17-L-15

Mr. Zohdi stated his office designed the parking lot, he has worked with the CPIA (Cobbetts Pond Improvement Association), would like to hear from the abutters, and he read a portion of Mr. Turner's staff report. Board discussion with Mr. Zohdi regarding no proposing lighting, and complying with drainage regulations. Mr. Zohdi further explained the drainage.

Public comment from Kathleen DiFruscia, representing the CPIA, stated how much they appreciate the time Mr. Zohdi has put in designing the drainage and water treatment plan but are not satisfied with the plan, Mr. Mesiti's donation of the land was gracious, want to bring forth the point of view of the CPIA

as we are an impaired water body, several DES and Geocentric personnel have reviewed the parking plan, she discussed the quality of Cobbetts Pond water, a restoration grant has been received, there are matching funds from the pond's village district taxes, she discussed the depth of the study to be done, sheets of water drain down Horseshoe Road and into the pond, the proposed parking lot is in the pond's watershed, the study is expected to be completed by the Spring 2010, she discussed the reasons for the problems of the water drainage, there is a direct relationships between impervious service and water quality, the parking lot is a significant development in the watershed, the clear cutting of the exit 3 area has had an impact on the pond including a sediment plume coming into the pond near Castleton, the timing couldn't be worse for this parking lot, the DOT needs to do a better job protecting the pond, the Griffin Park parking lot needs a better drainage and treatment plan, some of DES and Geocentric's suggestions to the plan have been incorporate and some have not, the Selectmen have been told that the plan is not satisfactory, CPIA feels that we need to exercise extraordinarily due diligence with any construction in the watershed, do not accept the plan as it is, more can be done for best management practices, porous concrete could help, 65,000 sq ft of land will be disturbed, she explained other permits and plans which will be required, the plan as is would not meet the TMDL requirements, if not done now it would be costly for the tax payers to retrofit later, there are a lot of sand filters and DES has concerns with sand filters, and have serious concerns for the plan. Mrs. DiFruscia corrected herself and stated they are asking for porous pavement not porous concrete which is interlocking pavers.

Peter Zohdi, Herbert Associates, stated at this point because of what is happening they are withdrawing the donation to the Town and will not be doing the parking lot, and this it is not just because of the CPIA.

Board discussion that this is with great regret, the Planning Board's job was to offer advice, and it is the Selectmen's job to make a decision on the plan.

CVS Pharmacy Site Plan – Public Discussion **1 Wall Street, lot 11-C-701**

Peter Zohdi, Herbert Associates, presented the plan, there is an existing Park and Ride on the property, they are proposing a CVS Pharmacy and a two-story retail and office building, he discussed the square footage of retail, office and storage for each building, parking calculations have been done and there will be 154 parking spaces, he explained each of the variances received, NH DOT would like 75 parking spaces reserved until the new Park and Ride is built, would like to build the second building after the Park and Ride moves, complying with the all the other regulations, working the engineers from DHB for drainage and traffic, his engineers and attorney are present to answer any questions, have met with the fire and police chiefs and they don't have any problems with the plan, and would like to go through the check list.

Board discussion with Mr. Zohdi regarding the variances for the height of the sign, the top of the sign is a triangle which brings the sign to 15', the writing on the sign is 12', the triangle is just to dress up the sign, the variance has been granted, there will be two free standing signs with a variance because of the Shaw's sign on the property easement.

Robin Bowes, DHB traffic engineer, described the process of meeting with Town staff, looking at the traffic light and the lane drop, and the study will cover all three phases. Board discussion regarding the Rt 111/exit 3 work should be done by 2015, the last component will be the new Park and Ride, how will they keep the parking for CVS and the Park and Ride separate, signage and striping will be key, why not segregate the entrances and parking lots, having the entrance come off the Shaw's driveway is not feasible because of elevations, and the drainage plan is complete and approved by the State of NH.

Brian Anderson, site engineer, explained the underground drainage plan, no more water will come off the site than is coming off today, there will be three water treatment devices, and there is a maintenance program also. Mr. Zohdi stated that Mr. Gove would be at the next meeting, and he would like to schedule a site walk.

Patrick Poore, Windham resident, stated that the people that reviewed the Griffin Park parking lot from the CPIA, Geocentric, and DES should be involved with this project to protect Cobbetts Pond as the drainage flows to the pond, and asked who is responsible to make sure the maintenance is done of the drainage system. Mr. Zohdi stated that DES has already approved the plan, does not object to the CPIA giving the plan to their consultants, the annual report is sent to the state for the first five years and the Planning Board can make it a condition of approval that it be sent to the Planning Department every year, and the plans for the public hearing will be in color and have the architectural details.

The Board discussed the upstairs windows need some work, concerns with the traffic circulation around the back of the building, the two drive-thrus have one car length to figure out who goes first, and send the plan out for department comments. Mr. Zohdi stated he will contact the CPIA and cc the Board.

Spatharos Lot Line Relocation – Public Hearing
26 & 28 Ash Street, lots 16-F-5 & 6

Joseph Maynard, Benchmark Engineering, stated this is a lot line relocation on Ash Street. Mr. Breton motioned to open for public hearing. Mr. Kolodziej seconded. Passed 7-0.

Mr. Maynard discussed the plan including the history of the properties including a variance from a previous owner requiring the lots to be merged, the lots were never merged as there was a building on each lot, and the ZBA removed the condition with a condition of approval which is why they need the lot line relocation.

Board discussion with Mr. Maynard including the addition goes over the lot line, there was a discrepancy found in the 1946 plan, Mr. Maynard read the ZBA decision from July 2008, the building coverage can be 20% and the change will make the building on lot 6 coverage correct, both properties are owned by the same owners, the deck is within the property line, and the Board read a confidential letter from Attorney Campbell (not aloud).

Bill Mason, attorney, discussed a meeting with staff, Attorney Campbell's letter is a result of the meeting, and he discussed the issues that this relocation will fix, the lots cannot be merged as there is a building on each parcel, want to enlarge the building on lot 5, Attorney Campbell is comfortable with the lot line relocation which balances out the 20% lot coverage. Board discussion that this is not a subdivision as the original merger was unenforceable.

Mr. Maynard stated that there are three waiver requests: 1) Section 601.6; 2) 601.17 and 701.1.5; and 3) Section 605.5.

Mr. Breton motioned to grant the waiver request of Section 601.6 as individual septic and topo plans are available in the Town Offices. Ms. Prendergast seconded Passed 7-0.

Mr. Breton motioned to grant the waiver of Sections 601.17 and 701.1.5 soil types as they are not creating new lots. Ms. Prendergast seconded. Passed 7-0.

Mr. Breton motioned to waive Section 605.5 for the requirement of 100' radial lot line as the lot line is being adjusted to satisfy the ZBA's request. Ms. Post seconded. Passed 7-0.

Mr. Breton motioned to grant the request of the lot line adjustment between lots 26 & 28 Ash Street as requested as per the plan dated 10/12/2008. Mr. Kolodziej seconded. Passed 7-0.

Carr Landscaping Site Plan Revocation – Public Hearing
20 Rockingham Road, lot 13-B-50

Mr. LoChiatto read the staff report summary as follows: The applicant is seeking Planning Board approval to void the original site plan approval for a landscaping business at 20 Rockingham Road on lot 13-B-50. The site work was never finished and they are requesting the site plan performance bond release. An affidavit has been signed by the applicant giving up their rights to the site plan approval. If the landscaping site plan is voided, the old site plan approval for retail used car sales would be in effect. The property is zoned Business Commercial A and is located in the Route 28 Access Management Overlay District. Thirty days has passed, and we have not received any protests, therefore the site plan bond can be released subject to the affidavit to void the site plan approval. Actions Requested are to release the Site Plan Bond and there is a letter from Attorney Campbell.

Ryan Carr, one of the owner of Carr's Landscaping, stated he was asked to attend this evening's meeting, they no longer have a business at 20 Rockingham Road, the bond is in excess of \$7000, there are different owners to the property, and asked for the bond to be released.

Board discussion that the applicant wants to revoke the site plan, and some work had been done on the property. Mr. Carr described the changes to the property that were complete. Board discussion that it goes back to a used car lot, notices were sent out to interested parties regarding the revocation, and no inquires have been received within the 30 days of the notice.

Mr. Kolodziej motioned to revoke the original site plan approval dated May 18, 2005. Board discussion regarding the affidavit. Mr. Breton seconded. Passed 7-0.

Mr. Breton motioned to recommend that the Board of Selectmen release the bond due to the site plan revocation. Mr. Kolodziej seconded. Passed 7-0.

Clarke Farm Roundabout – Public Hearing
Intersection of Faith Road and Scotland Road

Mr. LoChiatto recused himself as an abutter. Ms. Prendergast took over as Chairman, and Ms. St. Laurent sat for Mr. LoChiatto.

Ms. Prendergast read the staff report as follows: The Applicant is requesting that that the original condition of approval requiring a roundabout be removed. This was a condition in 2006 when the "Clarke Farm Subdivision" was approved. To modify or remove a condition of approval a public hearing is required. If the condition of approval is removed/modified then a document or amended plan can to be recorded in the registry. Further reduction in the performance bond can then be considered.

Mr. Breton motioned to accept for public hearing. Ms. Skinner seconded. Passed 7-0.

Peter Zohdi, Herbert Associates, discussed the history of the site including the subdivision approval #9 for the construction of a turnabout, the Selectmen did not want the turnabout built, so therefore condition #9 needs to be removed from the subdivision approval.

Board discussion that the two stop signs are in place, Faith Road is a thru-road, if the Faith Road residents want stop signs on Faith Road they can petition the Highway Safety Committee, and the residents in the area were against the roundabout. No public comment.

Mr. Kolodziej motioned to remove condition #9 from the original condition of approval (to build the roundabout on Faith Road). Mr. Breton seconded. Passed 7-0.

Mr. Kolodziej motioned to adjourn. Ms. Skinner seconded. Passed 7-0. Meeting adjourned at 9:30 pm.

These minutes are in draft form and have not yet been reviewed and approved.
Respectfully submitted, Nancy Charland