



OLD VALUES - NEW HORIZONS
PLANNING AND DEVELOPMENT

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PLANNING BOARD MINUTES
June 3, 2009

ROLL CALL:

Phil LoChiatto, Chairman – Present
Nancy Prendergast, Secretary – Present
Ruth-Ellen Post, Regular Member – Present
Louis Hersch, Alternate – Excused
Sy Wrenn, Alternate – Excused
Ross McLeod, Selectmen Alternate – Excused

Rick Okerman, Vice Chairman – Present
Walter Kolodziej, Reg. Member – arrived 8:30
Pam Skinner, Regular Member – Present
Kristi St. Laurent, Alternate – Present
Bruce Breton, Selectmen Member – Present

Staff

Laura Scott, Town Planner – Present

Mr. LoChiatto opened the meeting at 7:12 PM. The Board stood and recited the Pledge of Allegiance.

The Chairman appointed Ms. St. Laurent to sit in place of Mr. Kolodziej for this meeting.

Public Presentation

Appledore Engineering, on behalf of SAU #28, presented Site Plans for the proposed modular kindergarten classrooms, as well as associated parking, landscaping, drainage and other site work, for Golden Brook School.

The Chairman read the public presentation request into the record.

Ms. Scott advised that there was additional information given to the Board from the Highway Safety Committee. The following was included in the Board's packets for their review:

- Comments from the May 26, 2009 TRC Meeting.
- Site Plan from Appledore Engineering.

Mr. Brad Mezquita of Appledore Engineering displayed the proposed site plan for the ten (10) modular kindergarten classrooms that will be located at the Golden Brook School location. Mr. Mezquita said that they submitted a full drainage report and are trying to incorporate the following:

- Recreate parking in the back and increase the number of spaces by approximately 20.
- Clean up front drop off loop; there is parking over property lines and in the right-of-way.
- Straighten the curb cut on Lowell Road.
- Provide new entrance from the Middle School driveway.
- Relocate the existing playground.

No new business after 10pm unless agreed to by the Planning Board.
Any remaining items will be placed on the agenda for the next available Planning Board meeting.
Information pertaining to any item on the agenda is available for public review at the Planning Department during normal business hours or by calling for information at (603) 432-3806.

- Submitted a full drainage report.
- Proposed increase in the number of parking spaces.

The Chairman read the Highway Safety Committee's concern regarding the traffic flow design into the record. The Committee requested a traffic flow design be submitted to the Police Department, Fire Department and Highway Safety Committee for further review.

Ms. Donna Claremont, Business Administrator for the School District, discussed the following with the Board:

- Parent pick up and drop off areas.
- Alleviate stacking and traffic back up
- Minimize children's exposure to traffic.

Ms. Claremont also introduced Mr. Warren Billings who is the new Facility Mnager for the school district.

The Chairman thanked the applicant for the presentation.

Public Hearings

Windham Restaurant (18-L-302) Site Plan Review Application

A Site Plan Review application has been submitted for the Windham Restaurant at 59 Range Road (18-L-302), which is located in the Professional, Business and Technology Zoning District. The applicant, Edward N. Herbert Associates, Inc., on behalf of the property owner V&L Realty Trust, is proposing to enclose the existing deck on the front of the building to make it usable year-round and construct an open deck above it on the second floor. No additional restaurant seating or customer parking is proposed.

The Chairman read the public notice into the record.

Ms. Scott included the following items in the Board's packets for their review:

- May 12, 2009 TRC Memo.
- May 21, 2009 email from HDC/Heritage Commission
- Waiver request from Site Plan Review Section 1209.1.
- Non-applicable Site Plan Review items.
- ZBA Variance Notices of Decision for Case 11-2004 and Case 8-2009.
- Proposed Site Plan.
- Proposed architectural designs.

Mr. Breton motioned and Ms. Post seconded the motion to accept the Windham Restaurant Site Plan Application for public hearing. Motion passed 7-0.

Mr. Peter Zohdi of Edward Herbert Associates presented the plan. The existing deck will be enclosed. Mr. Zohdi worked with the Historic/Heritage Commission and they were satisfied with the plan. Currently there is seating for 99 patrons and there will not be an increase in the seating.

The seating on the second floor will be eliminated because it is difficult to maneuver the stairway.

Ms. Alex Tokanel, of Alexandra Design, the architect for the project, explained that with the aid of the Historical Commission she did do research for the project and came up with a Queen Anne style. Ms. Tokanel showed the materials that will be used.

Ms. Carol Pynn, Chair of the Historic/Heritage Commission, asked how the windows would open. Ms. Tokanel said that they would slide open. Ms. Pynn will take the materials shown by Ms. Tokanel back to the Commission for their review.

Ms. Betty Dunn questioned the interior wall behind the deck and the entrance door. Mr. Zohdi explained that the interior wall will remain and the entrance door will not change.

The Chairman asked the Board to consider this as a minor site plan application. Mr. Breton motioned and Mr. Okerman seconded the motion to consider the Windham Restaurant as a minor site plan review application. Motion passed 7-0.

Ms. Post motioned and Mr. Breton seconded the motion to grant a waiver request from Section 1209.1 of the Windham Site Plan Regulations as it is a minor Site Plan Review Application. Motion passed 7-0.

Mr. Breton motioned and Mr. Okerman seconded the motion to approve the Minor Site Plan Review Application for the Windham Restaurant, Lot #18-L-302, as presented and that the applicant shall submit material selections to the Historic Committee for their use. Motion passed 7-0.

Lot Line Adjustment and Land Dedication

An application has been submitted for lot line adjustments of 8 parcels of land and the subsequent dedication of land to the Town of Windham for the Extension of London Bridge Road. The applicant, Edward N. Herbert Associates, Inc., submitted this application on behalf of the property owners Twin Harbor Irrevocable Trust; Paula & Michael Peters; McKenna Revocable Trust; and the Town of Windham. The adjustments to the Lots and subsequent land dedication to the Town is as follows: 14-B-2800 will be reduced by 1.061 acres, 20-D-2300 will be reduced by 0.948 acres, 20-D-2000 will be reduced by 0.224 acres, 20-D-1950 will be reduced by 0.131 acres, 20-D-1800 will be reduced by 0.070 acres, 14-B-2500 will be reduced by 0.108 acres, 14-B-2600 will be reduced by 0.758 acres, and 20-D-1900 will be reduced by 42 square feet.

The Chairman read the public notice into the record.

Ms. Scott included the following items in the Board's packets for their review.

- May 12, 2009 TRC Meeting memo.
- May 14, 2009 HDC/Heritage Commission email from Carol Pynn.
- Plan Set.

Ms. Scott explained that this is not a road design plan or construction plan, it is a lot line plan to allow the land for the road to be deeded to the Town of Windham.

Mr. Peter Zohdi of Herbert Associates displayed the plan and explained that the lot line adjustment is required because the land is being deeded to the Town. The majority of the land being dedicated is coming from the McKenna Family Trust. A drainage easement and slope easement for temporary construction, are included in the plan.

Mr. Breton motioned and Ms. Post seconded the motion to accept the lot line adjustment for the London Bridge Road extension per the plan dated June 3, 2009 as presented by Edward N. Herbert Associates. Motion passed 7-0.

Meeting Minutes – Review & Approve 5/20/09

Miss Skinner motioned and Mr. Okerman seconded the motion to accept the May 20, 2009 minutes as amended. Motion passed 6-0-1. Ms. Post abstained.

Financial Guarantee Release Requests

Windham Plaza Trust, Lot # 21-D-107

Ms. Scott advised that a Letter of Credit was put in place in January of 2008 in the amount of \$58,937.50 by the Windham Plaza Trust. The Town has been holding the entire amount to ensure the completion of the site work on the approved 2007 and amended 2008 Site Plan. A request was made on April 29, 2009 for the entire amount to be released. Ms. Scott visited the site on May 27, 2009 to see if the site work was done per the approved and amended plans. Based on her visit she felt that the applicant has met their obligation and that the Letter of Credit should be released.

Ms. Post motioned and Mr. Breton seconded the motion to release the Letter of Credit in its entirety, \$58,937.50 for Windham Plaza Trust. Motion passed 7-0.

Spruce Pond Estates, Phase I, Northland & Duston Roads

Ms. Scott advised that Letters of Credit were put in place in August 2004 for Northland Road in the amount of \$654,186.00 and for Duston Road in the amount of \$567,990.00 by H&B Homes. A request was made on May 12, 2009 by Joseph Maynard of Benchmark Engineering on behalf of H& B Homes to reduce the letter of credit to the following amounts;

- Northland Road \$56,613.00
- Duston Road \$32,832.00

Ms. Scott explained that because she had not been involved with this subdivision she felt that it would be best to ask Jack McCartney of the Highway Department and CLD Engineering to review the Letter of Credit reduction request. Mr. McCartney supports the reduction request and CLD agreed with the amounts for Northland and Duston Roads.

Mr. Breton Motioned and Mr. Okerman seconded the motion to allow a partial release to H&B Homes for Spruce Pond Phase I Northland Road, with a retained amount of \$56,613.00 and Duston Road with a retained amount of \$32,832.00. Motion passed 7-0.

Mr. Kolodziej arrived at 8:30 PM.

Sign Permit Application Reconsideration – 4 Cobbetts Pond Road, Unit #7

Ms. Scott informed the Board that at the May 20th, 2009 meeting the Board voted to approve the sign permit with the following amendments:

1. The “Under Driver Instruction” portion of the proposed sign can be a window decal or sign behind the glass window but not as part of the main sign.
2. The “Training Wheels Driving School” sign should be centered under the three lights currently on the building.

Ms. Scott went on to say, that after she sent the decision to the applicant, he provided supplemental information that she did not have at the May 20, 2009 meeting. The “Driver Under Instruction” yellow box is the company’s logo and not an additional sign and the Planning Board made a decision in July of 2007 that the signage for the Cobbetts Pond Plaza would allow for a variety of colors and logos for each unit. The applicant has installed a temporary mock-up of the sign at the proposed business location for the Planning Board Members to review.

Ms. St. Laurent said that she did see the temporary sign (banner)and the yellow color is not as intense as what was shown at the May 20, 2009 meeting it is more like a construction yellow not a neon yellow.

Mr. Breton said that he did not realize at the May 20, 2009 meeting that what was shown was a logo and not another sign. Mr. Breton did visit the site and felt that the color is not as bold as what was shown at the May 20th meeting.

Board discussion continued. Ms. Prendergast stated that no new information was being provided, the company logo was discussed and bright colors are discouraged and was included in the original motion.

Mr. Breton motioned and Ms. St. Laurent seconded the motion to reconsider previous action by the Planning Board regarding the sign permit application for 4 Cobbetts Pond Road, Unit 7. Motion failed 3-3-1. Mr. LoChiatto, Mr. Breton and Ms. St. Laurent voted for the motion. Mr. Okerman, Ms. Prendergast and Ms. Skinner voted against the motion. Ms. Post abstained.

Board Member Updates

NH Legislative Update – Mr. Kolodziej

- Gay Marriage Bill Passed
- Tremendous shortage of cash in the budget

Board of Selectmen – Mr. Breton

- Reviewing applications for the Director of Economic Development.
- Signed Tax Anticipation Notes to pay bills.
- Town revenue is down 25% for the first quarter.
- The budget will be reviewed at the six month mark.

Conservation Commission – Ms. Skinner

No report.

Windham Economic Development Committee – Ms. Post

- Mr. George Fredette and Mr. Karl Dubay, Co-Chairs of the Committee, were interviewed last week on Rockingham Round Table; the program will be shown on local cable TV. Hopefully this will become an independent series of cable shows by the committee.
- Planned event will be scheduled for later in the summer, possibly July, to introduce the results of CURP Survey.

Planners Report – Ms. Scott

- Memo written to the Conservation Commission regarding the Trails Subcommittee.
- Conducted interviews for the part-time Planning Assistant position.
- Participated in the Board of Selectmen Strategic Planning Session.
- Assisted Board of Selectmen and Conservation Commission with encroachment of landowner onto Town land that will have a conservation easement.
- Worked with Planning Board Members, Staff and Citizens on impact fees, signage, Workforce Housing and CIP.

Member Binder Update – Ms. Scott

- Tab #3 - Riggins Rules
- Tab #17 - Zoning Map

Miscellaneous Items

Ms. Scott mentioned that RPC has a training meeting scheduled for June 25, 2009.

There was a brief discussion about the email Distribution List. The minutes, agendas and hearing notices are posted on the Town website, so the Planning Board felt that there is no need for the email Distribution List. Ms. Scott was directed to talk to Mr. DeLong about removing the Distribution List.

Adjournment

At 8:57 PM Ms. St. Laurent motioned and Mr. Breton seconded the motion to adjourn. Motion passed 7-0.

These minutes are in draft form and are respectfully submitted for approval by Patricia Kovolyan, interim Planning Board Assistant.