



*OLD VALUES - NEW HORIZONS*  
**PLANNING AND DEVELOPMENT**

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**Planning Board Minutes**  
**June 17, 2009**

**Roll Call:**

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

Rick Okerman, Vice Chairman – Present  
Walter Kolodziej, Member – Excused  
Pam Skinner – Member – Present  
Kristi St. Laurent, Alternate – Present  
Bruce Breton, Selectman Member – Present

**Staff**

Laura Scott, Town Planner – Present

Mr. Okerman opened the meeting at 7:00 PM. The Board stood and recited the Pledge of Allegiance. Mr. Hersch and Ms. St. Laurent replaced Mr. LoChiatto and Mr. Kolodziej.

**Board Discussion of Previously Approved Plans**

Pawtucket Estates Subdivision (20-E-200)

Ms. Laura Scott, Community Planner, advised the Board that the property owner, unexpectedly, came into the office about another matter. Ms. Scott told the owner that his subdivision was on the June 17, 2009 Planning Board agenda and that his letter of credit had expired. The owner said that his letter of credit had been renewed for the original amount. Ms. Scott advised him that the Town never received a copy of the renewal. The owner does not want his subdivision revoked. He agreed to start work in August and be finished by the end of 2009. This subdivision has been sitting dormant since 2006. He will provide his renewed letter of credit by the next Planning Board meeting (July 1, 2009) for the original amount. Ms. Scott will write a letter to the property owner advising him that his letter of credit must be submitted by July 1, 2009; work on the subdivision must be started by August 1, 2009 and finished by the end of 2009.

Ledge Road Business Park (Meadowcroft) Subdivision (11-A-50)

Ms. Laura Scott, Community Planner, advised the Board of the following:

- Three lot subdivision on a new 1400 foot cul-de-sac Town Road off of Route 111.
- Application was conditionally approved on July 12, 2006.
- Road construction permit application approved on September 20, 2006.
- Request for extension of 2006 “substantial completion” approval requirement on September 10, 2008 and November 3, 2008.

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.

- Board denies extension request on February 11, 2009. There are no signed or recorded plans for this subdivision and it seems as if many of the conditions of approval have not been met within the one year timeline required per RSA 704.4.6 of the Subdivision Regulations.

There were nineteen conditions added to this approval in July 2006. Ms. Scott said that she could do one of three things:

- Do nothing.
- Send a letter asking for evidence that the conditions of approval have been met.
- The Planning Board can start the revocation process.

Since the plans were not signed or recorded the Board may not have to do anything regarding the revocation process.

The Board discussed prior actions and staff recommendations. Ms. Post said that the matter is in Superior Court and she requested that a letter be sent to the owner. By consensus of the Board Ms. Scott will send a letter asking for evidence that the conditions of approval have been met and will allow the owner one month to respond.

### **Continued Public Hearing**

#### Case 07-2009 Site Plan Review Application

A Site Plan Review application has been submitted for 1 Wall Street (11-C-701), which is located in the Professional, Business and Technology Zoning District. The applicant, G.B. New England 2, LLC, on behalf of the property owner Indian Rock Office Park II, LLC, is proposing a 3-phased site development plan to include a temporary 70-space NH DOT Park & Ride facility, a 13,600 square foot CVS/pharmacy building with a drive-thru, a two-story 19,500 square foot commercial/office building with a drive-up window, and associated parking, lighting, landscaping, and utilities.

Ms. Laura Scott, Community Planner, advised the Board that the applicant agreed to all changes outlined in the Keach Nordstrom memo and Ms. Scott's memos. The NHDES Sewage Disposal System, NHDES Water supply and NHDOT Driveway permits are outstanding. A note should be added to Plan B that states if/when this option would be necessary and a note should be added to Plan C that states when this phase will begin, i.e. number of months after Park & Ride is removed from the site.

Mr. Peter Zohdi of Edward N. Herbert Associates, Inc. stated that he responded to the Keach Nordstrom memo. Ms. Scott and Keach Nordstrom were satisfied with the report. The Planning Board wanted more architectural information such as colors, materials etc.

Ms. Scott advised that the applicant addressed all of Ms. Scott's issues and the Keach Nordstrom issues and made all the changes to the plans. The only outstanding issues Ms. Scott has are the three outstanding state permits and the two plan notes:

1. NH DES Sewage Disposal System Permit

2. NH DES Water Supply Permit
3. NH DOT Driveway Permit

The following notes should be added to the plan:

1. Add a note to Plan B that states if/when this option would be necessary.
2. Add a note to Plan C that states when this phase will begin (i.e. x months after the Park & Ride is removed from the site).

Ms. Sara Connolly of BKA Architects showed on the displayed photos that windows and columns have been added, dentals have been added to the gables, the siding has been changed and the brick removed from the CVS Building.

Ms. Prendergast asked how the buildings will compliment each other.

Ms. Alex Tokanel of Alexandra Design said that both the color and design of the Office Building and the CVS Building would be in the same family. Three areas have been bumped out on the Office Building and different vinyl sidings, that are not so generic, will be used. Shakes have been added along with transoms to the second level, the building will be more colonial in style.

Board discussion continued regarding architecture, location of mechanical equipment, screening and landscaping.

Mr. Bryant Anderson of Vanasse Hangen & Brustlin, Inc. discussed landscaping and described the types of trees and shrubs that will be used at the site. The Board discussed pavement binder courses with Mr. Anderson in reference to the recommendation by Keach-Nordstrom, drainage improvements that were discussed at the May 20, 2009 meeting. Mr. Anderson will include two details regarding binder courses to the drawings and having drainage improvements incorporated.

Ms. Scott asked about the timing of Option C.

Mr. Zohdi said that they have not been getting a clear time frame from NH DOT. Mr. Zohdi would like one year from when NH DOT has a home for the Park & Ride.

Mr. Breton motioned and Mr. Hersch seconded the motion to approve the CVS and the Office Building on Lot #11-C-701 with the following conditions:

1. NH DES Sewage Disposal System Permit be secured.
2. NH DES Water Supply Permit or water from Shaw's be secured.
3. NH DOT Driveway Permit be secured.
4. Plantings be added to the back of the building (Shaw's driveway).
5. Phase C starts 365 days after the Park & Ride vacates the facility.

6. Phase B will be implemented if Route 111 reconstruction happens before the Park & Ride leaves.
7. Amend Plans to address the Keach Nordstrom concerns regarding the pavement details mentioned in their June 9, 2009 memo.
8. The office building should have the same siding as CVS.

Motion passed 7-0.

### **New Public Hearings**

#### Designated Scenic Road Tree Removal

Notice is hereby given that the Windham Planning Board will hold a public hearing, per NH RSA 231:138(II), on the request by Public Service of New Hampshire (PSNH) to trim trees and brush adjacent to and beneath its power lines on Morrison Road, which is a designated Scenic Road.

Mr. Okerman read the notice into the record.

Ms. Scott advised the Board that a memo came in from HDC\ Historic after her cover letter was written. Included in the packet were the following:

- May 7, 2009 memo from PSNH.
- May 27, 2009 TRC Meeting memo.
- May 26, 2009 Police Department memo.
- NH RSA 231:158 Scenic Roads.

Ms. Prendergast motioned and Ms. Skinner seconded the motion to accept the scenic road tree removal for Public Hearing. Motion passed 7-0.

Mr. David Crane, arborist, for PSNH said the proposed trimming is part of their maintenance cycle. Trees are trimmed around power lines every 4-5 years. Their specifications have not changed since the last time they trimmed in Windham which was in 2005. In general they remove limbs and trees that are 4" in diameter or less that are within 8' to the side of their lines, 10' below their lines and 15' over their lines. The clearance specifications to the side and below the lines is to allow for normal growth in a four year period. The clearance specifications over the lines is to take into consideration bending of trees and limbs under normal snow and ice load conditions to allow bending without making contact with the power lines. Trimming will be done in 90% of Windham including Morrison Road. Mr. Crane went on to say that he did not find any large trees that needed to be removed. The Board questioned Mr. Crane about residents requesting trees to be removed. Mr. Crane said that the Board could put a condition on their motion that there would be no removal of trees or they could appoint a local *watch dog*, possibly someone from the Conservation Commission.

Mr. Okerman read into the record a letter from Carol Pynn of the HDC/Heritage Commission. Ms. Pynn spoke and stated her concerns regarding Morrison Road, the only scenic road in Windham.

Mr. Crane addressed Ms. Pynn's concerns. The company that will be doing the trimming has no incentive to trim anything that does not need to be trimmed. They will not be paid by the limb or the tree.

Mr. Breton motioned and Ms. Skinner seconded the motion to grant permission to PSNH under RSA 2231:158 to trim trees and brush adjacent to and beneath power lines on Morrison Road and to appoint Jack McCartney as contact person for problems. Police detail to be added. Identify trees and limbs larger than 5" in diameter and 4 feet above ground in accordance with statute. Motion passed 7-0.

#### Minor Site Plan Review/Change of Use Application

A Minor Site Plan Review/Change of Use application has been submitted for The Common Man "East House" at 84 Range Road (17-G-26), which is located in the Gateway Commercial Zoning District. The applicant, Karl Dubay of MHF Design, on behalf of the property owner Alex Ray, is proposing a change of use for the building from "office" to "café/restaurant", as well as adding a deck and ADA/sidewalk improvements. If the Planning Board does not deem this application to meet the Minor Site Plan criteria, then this will be considered a "Pre-Submission" application.

Mr. Okerman read the public notice into the record.

Ms. Prendergast motioned and Mr. Breton seconded the motion to accept the minor site plan/change of use application for 84 Range Road for public hearing. Motion passed 7-0.

Ms. Scott advised that all items listed on her May 23, 2009 memo have been taken care of except for NH DOT and NH DES approvals.

Mr. Karl Dubay of MHF Design, representing the owner, Alex Ray, introduced Mr. & Mrs. Goldman, proprietors of the proposed café.

Mr. & Mrs. Goldman, who have been on the Recreation Committee for five years, explained that the roasting of the coffee will be done on the premises. They will be selling coffee equipment, gourmet cocoa, fruit drinks, sandwiches etc.

Mr. Dubay explained that this property was approved for Professional Office Use. A café is an allowed use in the Gateway District. The Common Man East House will be restored both inside and out. A colonial looking deck will be added. The existing septic system will be used. There will not be any changes to the driveway. Landscaping will be natural and the stone wall will be saved. An architectural rendering of the proposed interior was shown. There will be 43 seats, no

commercial kitchen. The exterior will have brick walkways, underground electric and Pennichuck Water.

Ms. Post motioned and Mr. Breton seconded the motion that the Planning Board classify as a minor site plan based on compliance with the criteria of Section 305 of site plans. Motion passed 7-0.

Mr. Breton motioned and Ms. Post seconded the motion to open the minor site plan of the Common Man East House for public hearing.

Mr. Dubay said that the hours of operation would be from 6:00 AM thru the closing of the Common Man Restaurant. Peak hours would be in the morning. The existing wood siding would remain and there will be shared parking.

Mr. Okerman read into the record a letter from Carol Pynn. Ms. Carol Pynn of Heritage Commission/HDC stated that she did not receive beforehand information to review. Ms. Pynn went on to say that she is extraordinarily pleased with the proposed use and plan. Ms. Pynn asked if there was a possibility of the interior being photographically documented before any work is done. Mr. Dubay agreed to take photographs.

Mr. Breton questioned the location of the grease trap. Mr. Dubay replied that the grease trap, although it is not required, would not be under the deck or the pavement; it will be in the flower bed. They are working with both the Town and the State regarding this issue.

Mr. Breton motioned and Ms. St.Laurent seconded the motion to approve the Common Man East House on 84 Range Road as presented and that the NH DOT driveway permit be amended and the NH DES septic permit be amended. Motion passed 7-0.

Mr. Okerman granted a break.

Mr. Okerman called the meeting back to order.

#### Subdivision Application

A Subdivision Application has been submitted for the Lot 11-C-2500 (21 Camelot Road), which is located in the Residence A Zoning District, WWPD, and the 100-year floodplain. The applicant, Peter Zohdi of Edward N. Herbert Assocs., Inc, on behalf of Gregory & Stacey Marino Trust, is proposing to subdivide the existing 10-acre lot into 2 lots: new 2-acre lot and remaining 8-acre lot with the existing house.

Ms. Scott, Community Planner, explained that:

- The impact fees are only applicable to the proposed lot #11-C-2525 (Note #9 is incorrect).

- Certification above property owner signature area contains a typo.
- NH DES subdivision approval is pending.

Ms. Scott went on to say that the following information was submitted for the Board's review:

- TRC memo dated May 27, 2009.
- Police Chief memo dated May 26, 2009.
- John Thorndike memo dated May 14, 2009.
- Non-applicable subdivision check list items memo dated May 14, 2009.
- Subdivision Plans.

Mr. Peter Zohdi of Edward N. Herbert Associates, Inc. explained that a State Soil Scientist examined the site for the proposed two lot subdivision and found no problems.

Mr. Breton motioned and Ms. Prendergast seconded the motion to open the two lot subdivision application for public hearing. Motion passed 7-0.

Mr. Zohdi went on to say that there are no wetlands on the two acre parcel.

Ms. Post motioned and Mr. Hersch seconded the motion to approve the two lot subdivision application for Lot #11-C-2500 at 21 Camelot Road subject to obtaining NH DES subdivision approval also subject to revision of note #9 on the plan to show that impact fees are only applicable to proposed lot 11-C-2525 and subject to correction of typographical error in certification above property owner's signature area. Motion passed 7-0.

### **Meeting Minutes – Review & Approve 6/3/09**

Ms. Prendergast motioned and Mr. Breton seconded the motion to approve the June 3, 2009 minutes as amended. Motion passed 7-0.

### **Chair Report**

None

### **Planners Report**

The Planners Report was included in the packet that was submitted to the Board; it included the following:

- Organized Technical Review Committee meeting.
- Met with potential applicants to discuss possible Planning Board applications.
- Attended monthly Windham Economic Development Committee meeting.
- Attended NH Department of Economic Development training.
- Made offer to candidate for part-time Planning Assistant position (she accepted).
- Worked with residents who had concerns over activity on Fish Road and Route 111.

- Continued to work with Planning Board members, staff, and citizens on impact fees, signage and CIP.

### **Member Binder Update**

None

### **Miscellaneous Items**

Mr. Breton presented a 1959 Windham Land Use & Control book to be kept in the Planning Office.

Mr. Breton said that he and Ms. Haas of the Recreation Committee set up a points system with T-Bones Restaurant. Every time a Windham Resident stops at T-Bones points are accumulated to be used for lunches.

Ms. Skinner advised that the Conservation Commission accepted responsibility for the Trails Subcommittee at the June 11, 2009 CC meeting.

Ms. Scott informed the board of the new mailbox on the outside of the Planning Office where they will pick up their packets.

### **Adjournment**

At 9:35 PM Ms. Prendergast motioned and Mr. Hersch 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.