



OLD VALUES - NEW HORIZONS
PLANNING AND DEVELOPMENT

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Planning Board Minutes 5/05/10

Roll Call:

Phil LoChiatto, Chairman – Present	Rick Okerman, Member – Excused
Nancy Prendergast – Vice Chair- Present	Ruth-Ellen Post, Member – Present
Kristi St. Laurent, Member – Present	Sy Wrenn, Alternate – Excused
Louis Hersch, Alternate – Present	Bruce Breton, Selectman Member – Present
Pam Skinner, Member – Present	Ross McLeod, Selectmen Alternate Member – Excused

Staff:

Laura Scott, Community Development Director – Present
Elizabeth Wood, Town Planner - Present
Tracey Mulder, Planning Assistant – Present

Mr. Louis Hersch is seated for Mr. Rick Okerman.

Call to Order/Attendance/Pledge of Allegiance

Chairman LoChiatto opened the meeting at 7:04PM, followed by the Pledge of Allegiance.

Alternate Planning Board Member Interviews

Lee Maloney
Gabriel Toubia
Paul Conroy
Bruce Richardson

Chairman LoChiatto noted for the Board that Mr. Paul Conroy rescinded his application.

Ms. Lee Maloney addressed the Board regarding her application as an alternate on the Planning Board. Ms. Maloney noted she is currently on the Rockingham Planning Commission (RPC) and she thought that being on the RPC would be helpful to her position on the Planning Board. She has served on the Planning Board in prior years and enjoys participating on the Board. The Board asked Ms. Maloney regarding her conflict with the RPC meetings and the Planning Board meetings and their concern about her ability to attend the meetings. Ms. Maloney stated that the RPC meetings are held monthly on the 3rd Wednesdays of the month in the evening. Ms. Maloney thanked the Planning Board for their time.

Gabriel Toubia was not present to speak to the Planning Board members.

Bruce Richardson addressed the Board indicating he would very much like to be an alternate and thinks he would be an asset to the planning process. The Board asked Mr. Richardson about his qualifications and he responded saying he was previously an alternate member of the Zoning Board of Adjustment and due to his schedule, he cannot make the Tuesday night meetings but is available on Wednesdays for the Planning Board. In addition, Mr. Richardson said he also served on the Planning Board several years ago and on the CIP committee. Mr. Richardson noted he enjoys participating on the town Boards and believes he has a lot to offer after living in Windham for 25 years.

Chairman LoChiatto indicated that the Board can appoint four alternates and they currently have openings for two. **Mr. Breton made a motion to appoint Ms. Lee Maloney and Mr. Bruce Richardson for a 3-year term as alternates. Second by Ms. Skinner. Motion passed 7-0.**

Rockingham Planning Commission Representative (RPC) Interviews

Carl Griffin

Annette Stoller

Chairman LoChiatto noted that each applicant has provided letters of interest and the letters have been provided in the Planning Board packet.

Mr. Carl Griffin addressed the Board and noted his interest in becoming a representative for the RPC. Mr. Griffin indicated that over the years, the Town has grown and he believes he is qualified because he is a concerned citizen who is interested in Town politics and the growth of the Town. In addition, he went on to say that because of some of the changes and decisions that have been made in the Town he believes he could add valuable input.

Ms. Post asked Mr. Griffin if he had a chance to follow the meetings regarding the Wall Street Extension/NH-111 Corridor Study. Mr. Griffin indicated that he has not attended any meetings but has been keeping apprised of the study. Ms. Post also asked Mr. Griffin if he had been keeping up with the I-93 Community Technical Assistance Program (CTAP) and Mr. Griffin said that he has not. Mr. Breton asked Mr. Griffin his thoughts on the joint study between Salem and Windham regarding sewer and Mr. Griffin said he was encouraged by the study and thought this would contribute to making Windham a more viable community.

Ms. Wood noted that Ms. Stoller was not present for tonight's interview and she was unsure if Ms. Stoller knew she should attend this meeting. Ms. Wood said she attempted call Ms. Stoller, but did not speak to Ms. Stoller directly to inform her of the interview time. Chairman LoChiatto read Ms. Stoller's letter into the record.

Mr. Breton made a motion to recommend Mr. Carl Griffin to the Board of Selectman as the RPC Representative. Second by Ms. Skinner.

Ms. Post indicated she would like to go into non-public session to discuss this issue. Ms. Prendergast thought that since staff did not know for sure if contact had been made with Ms. Stoller to attend tonight's meeting, then it may not be fair to go ahead with the recommendation.

Motion passed 4-3 with Ms. Prendergast, Ms. Post and Ms. St. Laurent opposed.

A letter will be send to the Board of Selectman regarding the Planning Board's recommendation of Mr. Griffin to be a representative to the RPC.

Public Hearings

Case # 2010-4: WWPD Special Permit and Final Site Plan Application.

An Application for a Wetland and Watershed Protection District (WWPD) Special Permit and Final Site Plan has been submitted for Route 111/Indian Rock Road (Lot 16-D-450), which is located in the Village Center & WWPD Districts by Edward N. Herbert Assoc. Inc, on behalf of 32 IRR Realty, LLC. The WWPD Special Permit Application is to allow a portion of a building and driveway, as well as drainage, grading, and a well to be located within the WWPD. The Site Plan Application is for the construction of a gas station, convenience store, and multi-tenant retail building, as well as associated parking landscaping, and signage.

Vice Chair Prendergast read the application into the record. Ms. Scott noted for the Board that the applicant previously came before the Board for the Preliminary Site Plan public hearing and at that time, the WWPD Special Permit was not acted upon. Ms. Scott noted the information regarding the case is included in the Board's packet.

Mr. Peter Zohdi of Edward Herbert and Associates addressed the Board showing the revised architectural changes that have been made to the plans and he noted that he had met with Ms. Scott on these changes. Mr. Zohdi indicated that he made changes to the lighting to make them more compatible with the Village Center District.

Chairman LoChiatto asked Ms. Scott if she felt that the application was complete, which she indicated that she did.

Motion by Ms. Skinner to accept the application for case 2010-4 for lot 16-D-450 for public hearing. Second by Mr. Breton. Motion was approved 7-0.

Mr. Zohdi presented the plans to the Board and how he addressed the concerns raised previously by the Board noting the traffic study results, the additional protections for the underground fuel tanks, and the other state permit requirements.

Mr. Stephen Pernaw, president of Stephen G. Pernaw & Company, Inc., addressed the Board regarding the traffic study on behalf of the applicant and provided a map and aerial photograph indicating where the proposed driveway will be on the property. He noted that he did a traffic study analysis and in addition the DOT put a traffic counter on Route 111 for a full week in October of 2007. Mr. Pernaw provided the DOT report noting the peak hour numbers of the study and how much traffic flowed during the course of the day and at what times had the highest volume of traffic. Mr. Pernaw provided data on the effects of the commuter flow without the proposed development and he then provided projections on how much traffic the new site will generate.

The Board asked Mr. Pernaw how he computed his projection numbers and net change in traffic flow. Mr. Pernaw explained the analysis used to project the traffic flow and he explained they use an annual background growth rate (what is happening in the region), they research other studies that have been done in the Town, utilize engineering expertise, type of businesses and time of day.

Mr. Pernaw said that the sight distance looking right from the proposed driveway was excellent. From the left because there is a knoll, the sight distance is not very good and it needs to be regraded in order to provide better site distance. Mr. Zohdi indicated that the knoll will be removed.

Ms. Post asked Mr. Pernaw if he reviewed accident data and Mr. Pernaw indicated that he had looked at crash data in Windham and his findings were that the Town had 6 crashes in the general area of the proposed site. The data does not indicate the type of crash. Nothing in the crash data Mr. Pernaw reviewed provided data specific to the Commons or the Commons area.

Ms. St. Laurent asked Mr. Pernaw regarding traffic crossing from the proposed site onto Church Road and expressed concerned with the high level of traffic being generated from the proposed site. Mr. Pernaw said it was too soon to tell if the Dunkin Donut site across from Church Street was going to be an issue and he did not have any predictions.

Ms. Post asked what the distance was between the Dunkin Driveway and the new proposed driveway. Mr. Zohdi said that center line to center line is 230 feet.

Chairman LoChiatto said that this was a perfect example where shared access between parcels could be beneficial. Mr. Pernaw said this may not be possible with two different property owners, and it would have to be studied further to see if it would change the traffic patterns with having one entrance into the Dunkin Donuts and one exit from the proposed site. Mr. Pernaw did not think this would make much of a difference.

Mr. Zohdi said that he met with the owner of Dunkin Donuts to discuss some sort of connectivity with a sidewalk etc., and is waiting for a reply from the owner of Dunkin Donuts

and that Mr. Glynn is open to the idea of connecting the two sites with an access way. Mr. Zohdi said he has made several attempts to negotiate with the abutters.

The Board discussed the history of why there is not an easement between properties on the 111 for this site. The former owners of this site did not want to have easements connecting it to the Dunkin Donuts site. Ms. Scott noted that the Board can require the applicant to put access easements on the side of their property so the easement is available in case the abutting property owners to change their minds in the future.

Mr. Zohdi continued his presentation discussing architectural signs, lighting, and changes in the building architecture. The Board discussed the changes and the designs that were presented for their review and it was noted that because the applicant does not know who the vendor will be for the gas station the applicant must come back before the Board for approval for the signage. The Board noted that they are aiming for consistency for signage and Mr. Zohdi said the applicant will come before the Board for approval for the free standing and canopy sign approval for this site.

Ms. St. Laurent noted the last time the Board met they had discussed a type of architecture more in line with the Village Center District rather than the appearance of a strip mall that the applicant is proposing. Ms. St. Laurent does not think this type of architecture lends itself to the unique setting of the Village Center District based on the Master Plan, the Zoning Ordinance and the Design Review Guidelines for the Village Center District. Ms. St. Laurent would like to see some variation within the buildings.

Chairman LoChiatto indicated that previous discussions on how to create the look of the Village Center District was focused on the opposite side of the street from the proposed site and that the proposed parcel of land was not part of the discussion when the Design Review Guidelines were being proposed for the Village Center District. He went on to say that from a land use prospective this parcel of land is more like Commercial B. Ms. St. Laurent noted that because it is across the street from the Village Center District the proposed architecture does not meet the threshold in her opinion.

Mr. Breton said he does think this plan is well suited for this area and Chairman LoChiatto said the proposed site lends itself to the Master Plan because it includes aesthetics such landscaped areas with tables surrounding a man made pond.

Chairman LoChiatto opened the discussion to the public.

Mr. Gerry Parsons, addressed the Board noting Windham is growing and changing and he is fond of the historic district. Mr. Parsons noted the Village Center District Ordinance is to protect the Historic District and he believes that a district should respect the district it abuts. Mr. Parsons compared the Commons development with the Village Green development, which he believes this is an eyesore. He thinks the proposed development is not conducive to

the Village Center District. He believes if this plan moves forward then the Planning Board is opening the doors to other developments to build the same type of architecture. He would like to see new architecture for this area that is more in line with the historical district features.

Ms. Carol Pynn addressed the Board regarding the proposed development. She reiterated what Mr. Parson's said and she is in full agreement. Ms. Pynn read the Village Center District design view guidelines for the Board. She provided to the Board pictures of areas in Bedford, NH that she believed were of tasteful designs that would fit into the Village Center District. The Board noted that this type of construction shown would not fit this site because it does not have as much land area . For the record she noted the color of the signage with dark background and light letters.

Ms. Prendergast provided a brief explanation of how the Village Center District came about and the Board had a brief discussion regarding the signage and coloring. Ms. Pynn wanted the Board to know that the Heritage Commission had strong feelings about the signage in the Village Center District and does not want cookie cutter architecture. Ms. Prendergast commented about Ms. Pynn's comments about the Heritage Commission signage and clarified as to whether or not the Heritage Commission would like to have internally illuminated signs only or signs that could have down lit lighting as well. Ms. Pynn said either type was fine.

Chairman LoChiatto closed the discussion to the public.

The Board discussed landscaping and the type of shrubs and plants that would be on the proposed site.

Ms. Post noted that she thinks there are some nice architectural touches and landscaping for the proposed site; however, she is disappointed in the overall architectural look of the buildings because they look like a line of storefronts that resemble a typical strip mall and she would like to see architecture with more imagination.

The Board continued their discussion on the landscaping and the freestanding signs. Mr. LoChiatto noted that the wall signs for each unit will use the existing fascia.

Ms. St. Laurent asked about the cistern, guardrail, ADA parking spots.

The Board discussed how the applicant met the WWPD Special Permit requirements. Chairman LoChiatto read the WWPD Special Permit notice into the record.

Ms. Prendergast noted she would like to have the WWPD special permit criteria noted on the plans.

Mr. Breton made a motion to grant the WWPD Special Permit for lot 16-D-450 to allow a portion of the building and driveway, as well as drainage, grading, and a well to be located

with in the WWPD stating the applicant has met the requirements in Section 601 of the Zoning Ordinance.

Seconded by Mr. Hersch.

Ms. Post asked if there were any efforts to diminish the impact on the WWDP. Mr. Zohdi noted that the drainage features of the site have been designed to minimize the impact on the wetlands.

Motion passed 6-1. Ms. St. Laurent opposed.

Motion by Mr. Breton to conditionally approve Final Site Plan Application case # 2010-4 with the following conditions:

1. Final plans must have original stamps and signatures of the owner, Licensed Professional Engineer, Licensed Land Surveyor, Certified Wetlands Scientist, Certified soil Scientist, and Licensed Designer of Subsurface disposal System.
2. Outstanding State Permits
3. Add a note on the Plans stating that the retaining wall design will be done by an engineer and submitted as part of the building permit application.
4. Signage
 - Wall Signs are to be dark letters on the white fascia of the building in the 8X2 prescribed area
 - Freestanding sign is to be a dark background with white lettering
 - Planning Board to review and approve the freestanding sign, gas canopy sign and overall color scheme for the plaza signs prior to sign permit issuance.
5. Canopy lighting to be reduced
6. Revise the ADA parking spaces to reflect a 9' wide parking spot with a 6' wide striped area.

Second by Mr. Hersch.

Ms. Post noted that she does not believe the classis strip mall configuration complies with the intent of Village Center District. Chairman LoChiatto said his belief is that this lot should be considered part of commercial B and for this application the design standard is appropriate.

Ms. Prendergast would like to see an access easement with Dunkin Donuts and the new site as a condition of approval.

Mr. Glynn said they have no problem with connecting to the abutting properties for future access. But if the Board makes this a mandatory condition of approval then Mr. Glynn has no bargaining power. He asked the Board not to make it part of the motion and he is willing to negotiate with Dunkin Donuts.

Motion passed 5-2 with Ms. St. Laurent and Ms. Post opposing.

Motion by Ms. Skinner to waive by laws to hear new business after 10:00 pm. Second by Mr. Breton. Motion passed 7-0.

Ms. Post was excused at 10:30PM.

Case #2010-11: Minor Site Plan Application

An application for a Minor Site Plan has been submitted for 49 Range Road (Lot 18-L-400), which is located in the Residence A, Professional, Business, & Technology, and Cobbetts Pond Watershed Protection Overlay Zoning District. The applicant, Edward N. Herbert Associates, on behalf of Mashop Development LLC, is proposing to modify an existing driveway, replace the visitor parking area removed by Rt 111, install a sidewalk, and other site landscaping.

Vice Chair Prendergast read the Minor Site Plan application into the record.

Ms. Scott noted to the board that she provided the Board and all relevant information regarding this application in their packet.

Motion to open the application to the public by Mr. Breton. Second Ms. Skinner. Motion passed 6-0.

Motion by Mr. Breton to hear the application as a Minor Site Plan per Section 306.1- 306.12. Second by Ms. Skinner. Motion passed 6-0.

Mr. Peter Zohdi, of Edward Herbert Associates presented the plan to the Board noting that DOT has by eminent domain taken the entire front parking area of lot 18-L-400. Because of this, the applicant is asking for additional parking space for the site. The site complies with the Cobbetts Pond Watershed Protection Ordinance and as part of this site application, the applicant completed a full drainage study. Ms. Scott said that because of the Cobbetts Pond Ordinance a full drainage study was needed.

The Board discussed the ADA parking spaces and noted the ADA requirements. The applicant will comply by changing striping on the lot so they will be 9' wide parking spots with 5' wide isles and they will provide a van accessible isle.

Chairman LoChiatto opened the discussion to the public. No public comment. Chairman LoChiatto closed the discussion to the public.

Ms. Scott noted for the Board the conditions per the Minor Site Plan.

Motion by Mr. Breton to conditionally approve the Minor Site Plan with the following conditions:

- 1. Correct Note #2 to include the Cobbetts Pond Watershed Protection District & Note #4 to clarify that the previous 40 space parking lot was removed.**
- 2. Restripe ADA spaces so that they are 9' wide, the isles are 5' wide, and that there is a van accessible isle provided.**

Second by Ms. Skinner. Motion passed 6-0.

**CVS & Office/Commercial: Indian Rock Road and Wall Street (11-C-701)
Request to extend Conditional Site Plan Approval**

Mr. Peter Zohdi addressed the Board for CVS asking for additional time to receive DOT approval. Ms. Scott noted this is the 3rd extension. They would like to extend this to July 2010. Mr. Zohdi said the highway entrance permit is the delay.

Motion by Mr. Breton to grant a 60-day extension from May 16, 2010 – July 16, 2010 for lot 11-C-701. Second by Mr. Hersch. Motion passed 6-0.

CTAP Sewer Grant Application-Review and Approve

Ms. Scott addressed noting that the Towns of Salem and Windham are submitting a joint grant application for a \$20,000 in CTAP funding for a Sewer Extension and Upgrading Feasibility Study. Ms. Scott is seeking support for this grant application from the Board and is requesting a letter.

Motion by Mr. Breton that Chairman LoChiatto writes a letter in support of the CTAP joint sewer study between Salem and Windham. Second by Ms. Skinner. Motion passed 6-0.

Meeting Minutes-Review and Approve 3/17/10 – postponed until May 12, 2010

Meeting Minutes Review and Approve 4/21/10 – postponed until May 12, 2010

Motion by Ms. Skinner to adjourn at 10:55PM. Second by Mr. Hersch. Motion passed 6-0.

These minutes are respectfully submitted in draft by Tracey Mulder.