



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

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Planning Board Minutes
May 16, 2012

Board Members:

Margaret Crisler, Chairwoman – Present
Ruth-Ellen Post, Vice-Chair– Excused
Pam Skinner, Member – Excused
Kristi St. Laurent, Member – arrived at 7:15 pm.
Jonathan Sycamore, Member – Present
Lee Maloney, Alternate Member – Excused

Carolyn Webber, Member - Present
Ross McLeod, Selectman Member – Excused
Kathleen DiFruscia, Selectman Alternate - arrived at 7:50
Sy Wrenn, Alternate Member – arrived at 8:10 pm
Vanessa Nysten, Alternate Member – Present

Staff:

Laura Scott, Community Development Director
Elizabeth Wood, Community Planner
Cathy Pinette – Planning Board Minute Taker

Call to Order/Attendance/Pledge of Allegiance:

Chairwoman Crisler called the meeting to order at 7:05 pm followed by the Pledge of Allegiance and attendance.

Seat Alternates

Ms. Nysten was appointed to sit for Ms. Post.

Public Hearings

Ms. Webber read Case #2012-9 into the record.

Case#2012-9/Customary Home Occupation/Conditional Use Permit

A Customary Home Occupation/Conditional Use Permit Application has been submitted by Michael Pisiello on behalf of himself and co-owner of the property Michelle Harris, for 12 Collins Brook Road (16-L-356), which is located in the Rural District. The proposal is for a business selling classic cars and motorcycles; all sales will be conducted through internet ads and by appointment only. All items for sale will be stored in an existing 3600 sq. ft. detached garage of which 2,400 sq. ft. will be used for a storage/viewing area and no site work is proposed.

- The Chairwoman asked Ms. Wood if this application was ready for acceptance. Ms. Wood stated yes.

Ms. Webber motioned to accept Case 2012/9, seconded by Mr. Sycamore. Motion passed 4 – 0.

- Ms. Wood stated that this application was presented to the TRC at the 4/12 meeting. Deputy Fire Chief William Martineau inspected the property and concluded that the owner/applicant will put up exit signs, upgrade the portable fire extinguishers and only store flammables in proper cabinets. There are no other outstanding concerns from the TRC Members. She stated the following were included in the Board's packets for this case: 4/11/12 email from William Martineau, 5/7/12 letter of intent from the applicant, Michael Pisiello, the plot plan of 12 Collins Brook Rd., Tax map of 12 Collins Brook Rd. and the sign design. She stated that the occupation takes place in a large garage which was located on the property when the applicant bought the property and it was used to store antiques and vintage cars. The occupation takes up no space in the dwelling. Ms. Wood stated the applicant meets the intent of the ordinance.
- Mr. Pisiello, of 12 Collins Brook Road, the applicant, stated that he had owned the property since 2004. The previous owner had sold antiques cars. The property is 10 acres, gated and the garage is not visible from the street. He showed the Board pictures of the garage and the gated entrance to the property. His business is by appointment only, internet sales. He believes his neighbors are fine with it and it has been going on for years. His fire protection is connected to the Fire Department.
- Ms. Webber asked the applicant if he would put up exit signs and upgrade the fire extinguishers per the Fire Department's inspection. Mr. Pisiello stated yes, he has done so. Ms. Webber asked if he cleaned engines. Mr. Pisiello stated no, he does not do repairs and does not store flammables other than a couple of spray cans.
- Mr. Sycamore asked Mr. Pisiello where the sign would be located. Mr. Pisiello stated it would be on the door and not visible from the street.

Ms. St. Laurent arrived at 7:15 pm.

- The Chairwoman opened the hearing to the public at 7:15 pm. Hearing no comments, the public hearing was closed.
- Mr. Sycamore asked Mr. Pisiello what the hours of operations would be. Mr. Pisiello stated they would be typical hours, Monday 10 – 4, Tuesday and Wednesday 9 – 4, Thursday 8 – 4, and Friday 11 – 3, and be closed Saturday and Sunday.

Ms. Webber motioned to grant case Case#2012-9/Customary Home Occupation/Conditional Use Permit with no oil changes, only minor repairs, the sign will be 3 feet square and placed on the rear door, the hours will be Monday 10 – 4, Tuesday and Wednesday 9 – 4, Thursday 8 – 4, and Friday 11 – 3, seconded by Ms. St. Laurent. Motion passed 5 – 0.

The Chairwoman stated that the Board should keep notes going forward for their motions.

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Ms. St. Laurent read Case 2012/10 into the record.

Case#2012-10/Minor Site Plan/Change of Use

A Minor Site Plan/Change of Use application has been submitted for 49 Range Road (18-L-400), located in the Professional Business & Technology, Residence A, & Cobbett's Pond & Canobie Lake Watershed Protection Districts. The applicant, Peter Zohdi of Edward N. Herbert Associates, Inc., on behalf of the property owner Mashop Development LLC, is proposing to change the use of Units 101-104 & 109-111 (10,640 sq.ft. total size) from vacant office space to medical office space including primary care practices, specialists, a lab, & an imaging center. No exterior renovations are proposed & signage will be per the previously approved Site Plan.

- The Chairwoman asked Ms. Wood if this application was ready for acceptance. Ms. Wood stated yes.

Ms. Webber motioned to accept Case 2012/9, seconded by Ms St. Laurent. Motion passed 5 – 0.

- Ms. Wood stated that this application was presented to the TRC on 4/24/12 and the only outstanding issues are from Deputy Fire Chief Martineau that the applicant has panic hardware installed on the interior connector/exit doors and one additional door from the proposed exam room to the proposed nurse's station in Suite 101. Ms. Wood also stated that there had been an emergency replacement of a septic line. There are provisions in the Cobbett's Pond Watershed for emergency permits and this was handled by staff.
- Mr. Chris Nickerson, on behalf of the property owner Mashop Development LLC, stated that his memo regarding the "sewer" line should have stated a "septic" line. The applicant would like to have medical offices in the vacant space. They have had two major clients come forward, Southern NH and Derry Medical. The services will involve lab and imaging. There will be no exterior work done to the building.
- Mr. Sycamore asked about the waste water flow and if the current septic system can handle that amount of waste. Mr. Nickerson stated that he had provided the Board with the flow and meter readings last year. The current system was designed for 125 employees, 2 shifts a day and was put in 30 years ago, for 3,000 gallons per day. He is at 1,500 gallons a day now. Biohazard waste is taken off site.
- Ms. St. Laurent asked about Deputy Martineau's recommendations for the application to be acceptable. Mr. Nickerson stated he took them back to Dr. Skivani and they will do what the Deputy recommended.
- Ms. Webber asked how the labs toxic chemicals will be treated. She stated that Soleil Salon also uses chemicals. Mr. Nickerson stated that medical waste is contracted to be removed from the site. Soleil has provided the town and the state inspectors with MSD sheets for their products. Ms. Webber asked if the lab was only going to be a drawing station. Mr. Nickerson stated yes.

- The Chairwoman stated medical offices are one of the original intentions of the PBT District. This use definitely fits the intent of the area.

The Chairwoman opened the hearing to the public at 7:30 pm. Hearing no comments, the public hearing was closed.

- Ms. St. Laurent questioned what the hours of operation would be. Mr. Nickerson stated that they would like convenient hours, possibly 7:00 am to 9:00 pm, Monday through Saturday, and closed on Sunday.
- Ms. Nysten commented that the building looks great.

Ms. Webber motioned to accept Case#2012-10/Minor Site Plan/Change of Use on the condition that the applicant have panic hardware installed on the interior connector/exit doors and one additional door from the proposed exam room to the proposed nurses station in Suite 101, and that the facility will be open 7:00 am to 9:00 pm, Monday through Saturday, and closed on Sunday, seconded by Mr. Sycamore. Motion passed 5 – 0.

Ms. St. Laurent read Case 2012/11 into the record.

Case#2012-11/Minor Site Plan/Change of Use

A Minor Site Plan/Change of Use Application has been submitted by James Littlejohn, of Cubicle Solutions, Inc., on behalf of the property owner Mark Bedrick, for 8 Rockingham Road (13-B-10), located in the Business Commercial A Zoning District. The proposal is to change the use of Units #1 & 2 to a 4,836 sq. ft dance studio; change the use of Unit #3 to a 2,398 sq. ft office space for Cubical Solutions, Inc. and reduce the size of the previously approved Unit #4 (Ideal Office Solutions) from 7,900 sqft to 5,216 sq. ft.. No exterior renovations are proposed & signage will conform to the previously approved Site Plan.

- The Chairwoman asked Ms. Wood if this application was ready for acceptance. Ms. Wood stated yes.

Ms. St Laurent motioned to accept Case 2012/11, seconded by Ms. Nysten. Motion passed 5 – 0.

- Ms. Wood stated the applicant has requested waivers regarding parking per Section 1300. She does not think parking will be a concern based on the nature of the parking requirements of the existing warehouse on site.
- James Littlejohn, of Cubicle Solutions, Inc., on behalf of the property owner Mark Bedrick addressed the Board. He stated that two units are being proposed to be leased to Dance Connection. The hours are from 4:00 pm to 9:00 pm. He expects them to utilize 15 parking spaces. Cubicle Solutions office staff will occupy one unit with hours of operation from 7:00 am – 5:00 pm. Cubicle Solutions office staff will only utilize 9 parking spaces.

- Ms. Webber questioned Mr. Littlejohn regarding the 81 total parking spaces he refers to in his waiver request. Mr. Littlejohn stated that the warehouse is currently allocated 56 parking spaces, and he expects to have a maximum of 20 parking spaces utilized by the warehouse, the majority of the time it will only be 10 – 15. This will leave him with a minimum of 36 parking spaces that are not utilized.
- Ms. St. Laurent stated that there is only one hour of overlap in the two businesses hours and that would free up some parking.
- Ms. Nysten asked how Section 1301.6 applies to this case. Ms. Wood stated because it is furniture.

The Chairwoman opened the hearing to the public at 7:40. Hearing no comments, the public hearing was closed.

- Ms. St. Laurent asked the Board if they were in concurrence that the applicant needs a waiver from Sections 1301.5, 1301.7 and 1301.6. Ms. Wood stated yes.

Ms. St. Laurent made a motion to grant relief from Section 1301.5, 1301.6 and 1301.7 because the applicant has demonstrated to the Board that the parking spaces allocated to the warehouse will not be fully utilized and can be utilized by the two businesses and the two businesses only have a small overlap in hours, seconded by Ms. Webber. The motion was amended to include that the business hours will be as the applicant proposed, seconded by Ms. Webber. Motion passed 5 – 0.

Ms. Nysten recused herself from Case #2012-12 Preliminary Site Plan/WWPD Special Permit/Lot Merger Application and left the meeting at 7:45 pm.

Ms. St. Laurent read Case #2012-12 into the record.

Case #2012-12 Preliminary Site Plan/WWPD Special Permit/Lot Merger Application

A Preliminary Site Plan/WWPD Special Permit /Lot Merger Application has been submitted by Karl Dubay of The Dubay Group, on behalf of Alex Ray and The Karen Heller 1997 Trust, for 60, 64 and 70 Range Road (Lots 17-H-10, 17-H-20, 17-H-25) in the Gateway, WWPD, and Cobbett's Pond & Canobie Lake Watershed Protection District. The proposal is for a phased development, with Phase 1 consisting of (1) Relocate the historic home from Lot 17-H-20 to 17-H-25; (2) WWPD Special Permit to allow relocated building and new parking and site work in WWPD on Lot 17-H-25; (3) Major Site Plan Approval for new commercial use, parking and associated site work for Lot 17-H-25; (4) Merge Lots 17-H-10 and 17-H-20; (5) Modification of Existing Site plan for Lot 17-H-10 to remove existing parking and create construction entrance onto Lot 17-H-20; and (6) WWPD Special Permit for Lot 17-H-20 staging and parking area to be constructed. Phase 2 is for Lot 17-H-20 and consists of (1) WWPD Special permit for parking, building, and associated site improvements within WWPD; (2) Major Site Plan for new 20,960 sqft showroom, parking, and associated site work; and (3) New access onto relocated NH 111A. Variances are required for WWPD impacts.

- The Chairwoman stated this is a Preliminary Site Plan application and the Board will not be approving it this evening.

Ms. DiFruscia arrived at 7:50 pm.

- Ms. Scott stated this is a notice to open to the public. This is the first step in the process.

Ms. Webber made a motion to open the public hearing on Case #2012-12 Preliminary Site Plan/WWPD Special Permit/Lot Merger Application, seconded by Ms. St. Laurent. Motion passed 5 – 0.

- Ms. Scott stated that this is a 2 phase application; there are three pieces of land. Phase 1 will include relocating the historic home from the middle parcel to the 3rd parcel, a WWPD variance, a major site plan approval for a new commercial use, merge two lots, modify an existing site plan and a WWPD variance for staging and parking. Phase 2 will require a WWPD variance, a Major Site Plan and new access onto the relocated NH 111A. (See Ms. Scott's letter to the Board dated 5/8/12 for a more detailed description). Ms. Scott stated that Mr. Dubay has spoken to NH DOT regarding access to the new Rt. 111. Some of the requests will require variances from the ZBA.
- Mr. Dubay spoke, on behalf of Alex Ray and The Karen Heller 1997 Trust, in regards to this application. He pointed out the new Rt. 111, RT. 111A, and the applicant's land on the plans. He stated this is part of the new Gateway District Plan. DOT will pipe the ditches behind these properties as part of the Rt. 111 Project. All the building entrances will now be on the backside. The applicants want to preserve the historic house that is on one lot. They have approached the HDC for input. They will improve the grade on Range Rd in front of the property. Mr. Nault would like to add a nice showroom to his business. It would be a two story showroom as the grade drops off on the new Rt. 111. It will be 20,960 sq. ft.

Mr. Wrenn arrived at 8:10 and was appointed to sit for Ms. Skinner.

- Mr. Dubay stated that they will need WWPD variances and would like support from the Board and then they will go to the Conservation Committee. They will be doing driveway interconnects. He stated Ms. Scott did an excellent job with the list of items that need to be done.
- Ms. DiFruscia stated there are two buildings flanking the Common Man. She asked if they were part of the overall plan for the future. Mr. Dubay stated yes they are part of the theme, but not part of this application. Ms. DiFruscia asked Mr. Dubay how he is working with the timeline of the relocation of Rt. 111. Mr. Dubay stated moving the historical house would be an off road move and not on Range Rd. DOT has notified Mr. Dubay that the work is being finished now on Rt. 111 and probably within the next year.
- Ms. St Laurent asked if there would be access to Woof Woof during Phase 1. Mr. Dubay referred the Board to page 8 of the plans. He stated that there will be access, they are

planning on feathering the driveway, they are not cutting trees and there is also a stone wall that will remain.

The Chairwoman opened the hearing to the public at 8:20 pm.

- Mr. David Resse, 2 Lakewood Rd., asked where the access would be to the Nault building. Mr. Dubay stated they are keeping the first one, eliminating the second one, and it would tie into the Common Man. The primary access would be the new Rt. 111A.
- Mr. Pat Nysten, 4 Edgewood Rd, stated he lives in the area and both the Nault's and Ray's have been good neighbors. He stated this is a very exciting plan. He questioned the addition to the Nault property. He wanted to know if this addition is going to be conducive to the Design Regulations and what the approximate size would be.
- Mr. Dubay spoke about the existing outside of the building and stated they wanted to fix the outside area. The building will be bumped 10 – 12 feet towards Range Rd. The addition would be approximately 10,000 sq ft. Some of the building that will be removed. Mr. Nysten asked if it would blend together architecturally. Mr. Dubay stated yes, it would look as good as the front of the building. Mr. Nysten was concerned about a massive building. He asked Ms. Scott and Mr. Dubay if Mr. Dubay would be asking for a Use Variance for the expansion of a motor vehicle dealership. Mr. Dubay asked Ms. Scott to correct him if he was wrong and stated that the proposed uses are allowed in the Gateway District. Mr. Nysten disagrees and believes that motor vehicle type of businesses is allowed in Commercial A and didn't see a provision in the Gateway District for that. Ms. Scott stated this was in the Gateway District and that the main use if the business is retail sales. Mr. Dubay stated that the main use of the business is sales. Mr. Nysten stated that the Commercial A District makes it clear in Sections 605.1.12 that retail and wholesale sales of automobiles is a distinct se from general retail and wholesale businesses. Mr. Nysten noted that the current use is a motor vehicle dealership and they sell motorcycles, etc. Mr. Nysten is also concerned about what this building could be used for in the future. He thinks a Use variance is in order. Ms. Scott will make a note to speak with Mr. Nault.
- The Chairwoman asked Mr. Nault if he was planning on selling cars. Mr. Nault replied no. Mr. Nysten thinks that it's nevertheless motor vehicles and that an expansion of an existing non-conforming use for that application, in his view, requires a Use Variance.
- Mr. Ralph Sinclair, co-owner of Woof Woof Doggy Day Care, asked if anyone had addressed whether Woof Woof will have access to their business during construction. Mr. Dubay stated that they will work in the area because the driveway is unsafe. Woof Woof will have access. Mr. Sinclair would like that in writing. Mr. Sinclair stated there are already numerous accidents in that area. Mr. Sinclair stated that in Phase 2, the applicant plans on connecting the Nault's driveway with the Woof Woof driveway. Mr. Sinclair asked how this would affect him as there are already at least 50 cars a day using that driveway. Mr. Dubay stated they would relocate the driveway and plan on different grades. Mr. Dubay stated that DOT has already told the applicant they must fix the Woof Woof driveway. Mr. Sinclair stated that the water levels are high crossing the driveway and wanted to know the impact of

the water flow. Mr. Dubay stated they will raise the platform and put in drainage. Mr. Sinclair asked who will be responsible for moving of the Woof Woof sign during construction and the permits. Mr. Dubay stated he would work with Mr. Sinclair, the Town and DOT. Mr. Dubay stated it would be noted on the plan. Mr. Sinclair asked if his driveway was an easement, as it was the old Range Rd. Mr. Dubay state it was part of the properties when it was discontinued. Mr. Sinclair stated he maintains the driveway now and has for years. Mr. Nault will work with Mr. Sinclair to maintain the driveway. Mr. Sinclair stated that Mr. Dubay and Mr. Nault keep speaking of the “Village Area”; he is concerned as people think he is leaving.

- Ms. Scott noted that the following need to be addressed: Driveway maintenance, signage and construction access during the phases.
- Mr. Pat Nysten, 4 Edgewood Rd, stated that where the patio is currently, there is an area to stage motorcycles. He wanted to know if Mr. Nault would continue to stage in this area. Mr. Dubay stated yes.

Public comment was closed at 8:50 pm.

- Ms. DiFruscia asked if the current driveway to Woof Woof is owned by Mr. Ray. Mr. Dubay referred the Board to Sheet 18 of the plans. He stated Mr. Sinclair leases the property from the state. There would be notes on the plans to reaffirm his rights to the easement.
- Ms. St. Laurent stated that on page 14 of the plans it appears that the driveways on the Nault and Ray property will be not be moved but the Woof Woof driveway will. Mr. Dubay stated that is correct.
- Ms. St Laurent asked if the historic house would be raised up. Mr. Dubay referred to page 9 of the plans. He stated that in Phase 1 they will be blending it into the existing topo, there will be blending of the grades and there will be 0 – 8 ft of fill added in various spots. They are doing a lot of naturalistic landscaping.
- The Chairwoman asked if the roads going in Phase 2 will be public or private. Mr. Dubay stated the driveway will be private with an easement. In Phase 2 the barrel coming off of Rt. 111 will have an easement by DOT for an interconnecting road. Ms. Scott stated DOT is working on that.
- The Chairwoman is concerned about cut-through traffic and drainage and would like to see walkable and bikeable ways; she is also concerned about lighting but would like it to be dark sky friendly. The Chairwoman thinks the building should compliment the Crucius house. She is concerned about motorcycle repairs and combustibles getting into the wetlands.
- Ms. St. Laurent stated she thinks there should be a sidewalk at the relocated house. Ms. Dubay stated that was a good point. He stated they could add that.

- Mr. Sycamore asked the Board how far the sidewalks will go on Range Road. Mr. DiFruscia stated it stops before the farm stand. Mr. Dubay will work with DOT regarding the sidewalks. He prefers an interconnect of the properties. Ms. DiFruscia stated there was a concept of having sidewalks coming up Rt. 111A and continuing down Range Rd but there is no plan for that. Mr. Dubay will add a sidewalk in front of the Common Man to interconnect the sites.
- Ms. DiFruscia is concerned with people cutting through the property as they will not be able to take a left onto Rt. 111A from Range Rd. Mr. Dubay stated that Ms. Scott was speaking with DOT regarding that intersection and the left turn onto Rt. 111.
- Mr. Dubay asked the Board if they would support the plan. The Chairwoman stated that the plan meets the goals of the Town. Mr. Sycamore stated that we can preserve a historic building and they are creating a nice commercial district. Ms. DiFruscia stated that this project sets the tone for the Gateway District and she highly endorses it.

A motion was made by Ms. St. Laurent to end the preliminary hearing for Case #2012-12 Preliminary Site Plan/WWPD Special Permit/Lot Merger Application, seconded by Ms. DiFruscia. Motion passed 6 – 0.

The Board took a 10 minute recess at 9:18 pm and was back in session at 9:28 pm.

Ms. St. Laurent read Case #2012-8 into the record.

Case #2012-8/Final Major Site Plan & WWPD Application

A Final Major Site Plan & WWPD Application has been submitted for Lot 12-A-532 (125 Indian Rock Road) in the Gateway Commercial District, Cobbett’s Pond and Canobie Lake Watershed District, and the Wetland and Watershed Protection District. The applicant, Karl Dubay of The Dubay Group, on behalf of Jeff Thompson, of MacThompson Realty, Inc., is proposing to amend the April 6, 2011 approved Site Plan to remove the 2,400sqft freestanding bank building and instead, have a single building on the site, which will consist of a 32-seat café, 2,100 sqft of office space, 515 sqft of retail space, and 5,000 sqft for an urgent care facility. The site grading, landscaping, lighting, parking, traffic, drainage, and signage will also be amended.

- The Chairwoman asked Ms. Wood if this application was ready for acceptance. Ms. Scott stated yes. Ms. Scott read her memo of May 8th into the record stating 1, 2, and 3 were addressed, and the one outstanding item was signage. On page 17 of the plans it shows two wall signs where only 1 is applicable per the regulations. The applicant has applied for a variance for this. They have also applied for a variance on the freestanding signs, but they are shown on the plans.

Ms. DiFruscia motioned to grant a public hearing on Case #2012-8, Final Major Site Plan & WWPD Application, seconded by Mr. Wrenn. Motion passed 6 – 0.

- Mr. Dubay, representing the applicant, Jeff Thompson, of MacThompson Realty, Inc, stated that the DOT and septic permits are already issued. The WWPD permit is now in the packet.

There are letters from Golde Planning Design and Keach on the traffic count. Both of Version "A" of the signage does not need a variance, Version "B" does. Mr. Dubay respectfully asked for a conditional approval.

- Ms. St. Laurent asked if the colors scheme on the buildings were changed. Mr. Dubay stated he does not believe that to be true, he stated the roof is in place and it its weatherwood color, gray, brownish, the trim is white, the siding is pebblestone and the color meets the Design Regulations of using earth tone colors. The color at the bottom of the building is Carmel Country.
- Ms. DiFruscia asked about the hours of operation. She also asked what the weathervane would be at the top of the copula. Mr. Dubay stated they would like to have the option to be open 24/7 and not having a limitation. He cannot address the cupola at this time because they haven't decided.
- Mr. Sycamore stated it appeared that the left side of the building was one style and the right side was another. Ms. Dubay stated that the right side is one level, and the left is two levels. The front of the building has not been completed yet. He is trying to carry the window styles along the building.
- Mr. Dubay spoke regarding the signage. The free standing sign will be strategically placed with red lettering. Max Puyanik, of ConvenientMD is working with a sign designer. On the building they now have a big white sign; they would like to do cut out letters instead. The Chairwoman asked if it would be back-lit. Mr. Dubay stated no, internal lit.
- Ms. DiFruscia asked Mr. Dubay if he was looking for signs for the other businesses, Mr. Dubay stated no.
- Ms. Scott stated that all tenants would be listed on one sign, on page 17 of the plans, Option A meets the ordinance.
- Ms. Webber asked how many business names would be on the sign. Mr. Dubay stated the urgent care center, the café, a 500 sq ft retail shop and one or two offices that are upstairs in the building.
- Ms. St. Laurent stated that by being open 24/7 the lighting from cars would affect the abutters. She questioned if it was possible to dim the lights or redirect traffic after certain hours as not to go around the building. Mr. Puyanik stated that dimming the lights would be a safety concern. Ms. St. Laurent suggested they just dim the lights in the back. Mr. Puyanik stated that from a liability standpoint that is not good. He stated that no one would drive around back in the evenings, the lights in the back are much dimmer already, the lighting is very minimal and the wall is high to protect the abutters. Mr. Dubay stated there is a performance note on page 16 and the lights are designed to be dimmed.
- Mr. DiFruscia questioned if there would be shades for patient privacy on the windows in the rear of the building. Mr. Puyanik stated yes, patient privacy is essential.

- Ms. DiFruscia asked Mr. Dubay if the other tenants would be open 24/7. Mr. Dubay stated that they wouldn't want a restriction as sometimes people work in their offices at night. He would also like the café open late hours to extend beyond the normal business day. Ms. DiFruscia stated that the office area would be lit at night and that would be a concern for abutters. Mr. Dubay stated that if the Board wanted they could add reasonable language to the plan.
- Mr. Wrenn stated that the right side and left side of the building do not appear to look the same. He stated it looked like an addition was added on. He agreed with Mr. Sycamore's statements. He questioned if the mechanicals were on the flat roof. Mr. Dubay stated yes. Mr. Dubay also stated that the urgent care portion of the building was like an addition as it was put on later. Mr. Wrenn is concerned about the look of the building. Mr. Dubay stated that the roof angles are reflective of the back roof line. Looking at the building from the intersection it looks like a farmhouse with a large building then a smaller one. Mr. Wrenn does not like the different roof pitches. Ms. DiFruscia agrees with Mr. Wrenn stating that it does appear to be an addition.
- Ms. St. Laurent believes the sign letters will look out of place.
- Mr. Puyanik stated that they had spent a lot of effort to come up with this solution, they could not put a two story building on this lot, and they looked at a lot of designs and they worked within what was already approved and under construction. The corner element with the tower makes it very clear where the entrance is. Adding the corner element did a better job at balancing the building. They tried different roof pitches and this was the best one. The small windows in the corner element reflect light into the reception area. They put a lot of time into addressing the Board's concerns. The Carmel Country LedgeStone color would go all along the bottom.
- Mr. Dubay asked the Board to approve a Conditional approval at this meeting.
- The Chairwoman stated to the Board that they shouldn't be trying to decide an architectural design. Ms. DiFruscia stated that aesthetically it could be a lot better.
- Mr. Gerald Prunier, Attorney for the applicant, stated they had two architects look at the design and they did the best they could.

The Chairwoman opened the hearing to the public at 10:15 pm, hearing no comments, the public hearing was closed.

The Chairwoman stated the motion would be conditional and they need two variances.

- Ms. Scott stated the Board needed to decide on the following: wrapping of the Carmel County LedgeStone color around the tower, update changing the wall sign to reflect what the applicant is actually doing which is lit individual letters and updated on the plans, the hours of operation, dimming of the lights in the back at night after a certain hour, and be assured

that the HVAC units are properly screened from the street, (remove the second wall sign and the Option B and if they get the variances they will have to come back for the freestanding signs, although that isn't a condition of approval) , the DES and DOT approvals, and Pennichuck approval. Ms Webber added to the list, update on the plans per Keach memo of May 8th.

- The Chairwoman stated she believed the proposed hours of operation of 24/7 are reasonable for this location. Mr. Sycamore does not believe the café should be open 24/7. Ms. DiFruscia stated that practically there does not seem to be a need but those hours would give them some flexibility.
- Ms. Webber stated she wasn't sure if the offices, retail and café should be open 24/7. Mr. Sycamore stated that 24/7 for the café does not seem like a good idea. The Chairwoman stated the there would be a lot of landscaping.

Ms. DiFruscia motioned to grant Case #2012-8 WWPD Application for Lot 12-A-532, seconded by Ms. Webber. Motion passed 6 – 0.

Ms. DiFruscia motioned to approve Case #2012-8, Final Major Site Plan conditioned on the following: wrapping of the tower with Carmel County LedgeStone color, updating the wall sign to lit cut-out letters, hours of operation to be 24/7, lights to be dimmed in back of building after 10:00 pm, sign sheet be updated to show only signs approved by zoning, DOT, DES, Septic and Pennichuck permits are in place, and updates on the Plan per the Keach memo of May 8, 2012, seconded by Ms. St. Laurent. Motion passed 4 – 2.

Conditionally Approved Application Extension Request

Case #2010-20 Open Space Subdivision/Site Plan and WWPD Special Permit
Sheffield Road/Pine Hill Road (Lots 6-C-1, 6-C-100, 6-C-2000A, & 6-C-2000B)

- Ms. Scott stated that the applicant for Case #2010-20 has asked for an extension due to the fact that they have been in negotiations with the homeowner's association and Pennichuck Water. They are asking for a 12 month extension.

Ms. DiFruscia motioned to grant an extension for Case #2010-20, seconded by Mr. Wrenn. Motion passed 6 – 0.

Old/New Business

- Ms. Scott asked the Board if they would like to meet earlier for the May 30th meeting as there is a lot on the Agenda. Ms. Scott stated that on the May 30, 2012 agenda the Board will be adopting the Design regulations, Keach will speak on soil base and sizing, the Board will be discussing the rules and procedures workshop, Conservation Committee will be invited, and interview and appoint the Village District Committee. The Chairwoman decided to meet at 6:30 for interviews on May 30, 2012.

- Ms. Scott stated that Ms. Nysten would like to add to the April 25th minutes and have them reconsidered. The Chairwoman asked that this be added to the agenda.
- Ms. Scott was asked a question about Deacon Place, a WFH subdivision, and she wanted to confirm Condition #5, that the applicant, the applicant's lawyer, the town attorney and staff were to work out the third party monitoring agreement. She did not interpret that the applicant needed to come back to the Board. The Board's intent was that third party monitoring would not come back to the Board, and be handled by the applicant, the applicant's lawyer, the town attorney and staff. Ms. St. Laurent does not want the applicant to come back to the Board but would like to see the agreement. Ms. Scott stated that the Department now has a template that they could now use. It will set the standard and it will be the model they will use going forward. The Chairwoman recalled discussing this with Ms. Scott and the Board should not discuss this issue until they have an opportunity to read Attorney Campbell's letter. Ms. Scott stated it was her understanding that the applicant would appeal on Friday if the application is required to come back to the Board regarding monitoring. Ms. Scott will email the Board Attorney Campbell's email regarding his concerns.
- The Chairwoman stated that the Board had spent a lot of time on the Cobbett's Pond overlay at a previous meeting. Staff and Ms. DiFruscia have discussed this since the meeting and resolved the issue. The Board will need to look at this interpretation of the ordinance. Ms. Scott offered staff to come to the Board to walk them through an application if the Board wishes. Ms. DiFruscia watched the meeting and she believed it was a staff issue. She spoke to Ms. Prendergast regarding this issue. She didn't think it was questions that the Board should be addressing.

The Chairwoman made an announcement regarding the Garden Club sale on Saturday.

Adjournment

Ms. DiFruscia made a motion to adjourn the meeting at 10:42 pm, seconded by Ms. Webber. Motion passed 6 – 0.

These minutes were amended and approved by the Board at the June 27, 2012 meeting and respectfully submitted for your approval by Cathy Pinette, Planning Board Minute Taker.