

PLANNING BOARD MINUTES
APRIL 21, 1999

ROLL CALL:

David Dubay-Chairman-Present
Bernie Rouillard-Vice Chairman-Present
Jack Gattinella-Secretary-Present
Wayne Morris-Regular Member-Present
Russell Wilder-Regular Member-Excused
Annette Stoller-Regular Member-Present
Keith Goldstein-Alternate-Present
Walter Kolodziej-Alternate-Present
Margaret Crisler-Selectman-Present
Galen Stearns-Selectmen's Alternate-Present

Mr. Rouillard opened the meeting at the Planning & Development Department and Mr. Goldstein motioned to move the meeting to Town Hall. Mr. Morris seconded and passed 6-0.

Mr. Kolodziej replaced Mr. Wilder on the Board.

BUSINESS:

Mr. Turner reported on the joint meeting with the Board of Selectmen and NH DOT to discuss various roads in Windham. The meeting is scheduled May 6th, at 7:00 P.M., at Town Hall. Mr. Morris questioned the progress with the intersection of Route 111 and Searles Road. The applicant has applied to the NH DOT and the intersection is currently being surveyed. Mr. Turner reported on the progress at the Langdon Road and Range Road intersection. The state is in the process of finalizing plans and should be contacting the town within two (2) weeks.

Mr. Rouillard requested a copy of the Windham W.W.P.D. ordinance be sent to the Town of Londonderry as they are compiling and ordinance.

Ms. Stoller requested an update on the Beacon Hill Road violation. Mr. Turner reported the developer has stopped work in the area.

CORRESPONDENCE:

The following communications were received by the Board:

- Memo received from the Historic District Commission and Mr. Turner's response concerning road names and the process. The Board agreed Mr. Turner could contact the Commission earlier in the process.
- Letter received concerning the H & B Subdivision (on file).
- Memo received from Mr. Turner regarding the applications on this night's agenda.

- Copy of a memo from Mr. Turner to the Rockingham Planning Commission regarding upcoming traffic counts in Windham.
- Memo received from Mr. David Sullivan, Town Administrator, confirming the May6th meeting with the NH DOT.
- Letter received from Ms. Diane Sullivan regarding the Jackson Subdivision and the proposed connection with Coventry Road (on file).
- Legal communication received from town counsel, Atty. Campbell.
- Copy the current Town & City received.

ROAD BONDS:

The following road bond amounts have been reviewed by Mr. Turner and deemed sufficient to complete the work:

- Mockingbird Hill Road - \$822,229.00
- Jenny's Hill Road - \$418,225.00
- Netherwood Road - \$100,699.00
- Gov. Dinsmore Road - \$60,038.00
- Sheffield Street - \$543,774.00
- Cochran Farm Road - \$11,175.00

Ms. Stoller motioned to accept the road bonds and Mrs. Crisler seconded. Passed 7-0.

OTHER BUSINESS:

Mr. Dubay received a letter from Mr. Sullivan regarding appointments to the Planning Board. Mr. Morris questioned the process due to the recent passing of a petition for an elected Planning Board. Mrs. Crisler indicated the Board of Selectmen has not discussed this item.

Mrs. Crisler questioned the number of people planning to attend the Planning & Zoning Conference, May 22nd. If several members are attending she will request use of the town van.

KENDALL POND PIZZERIA SITE PLAN (9-A-3000) - PUBLIC HEARING

7 Mammoth Road

Mr. Turner reviewed the proposed site plan for a pizzeria and convenience store in the existing building. The applicant proposed improvements to the driveway, pavement, and an addition of a picnic area and a seasonal display area.

Mr. Turner reviewed the request for waivers of sections 702, 703, 901, and 913 of the Windham Site Plan Regulations and recommended the waivers. The submitted plan did not have sign details and the colors of the sign, the pavement in the front was not shown as being

removed, the number of employees was unclear and the applicant was proposing the use of the existing floodlights for the exterior. Mr. Turner did not recommend accepting the plan as submitted.

Mr. Peter Zohdi, of Edward N. Herbert Assocs., Inc., reviewed the process of freezing an application and explained he would present the Board with a plan addressing the deficiencies. Mr. Zohdi requested the Board take jurisdiction of the plan.

Mrs. Crisler questioned the number of parking spaces and Ms. Stoller questioned if there were any complaints concerning the floodlights. Mr. Zohdi indicated there were no complaints regarding the lighting and there will be 44 parking spaces with the plan requiring 27 spaces.

Mr. Rouillard motioned to accept the plan for public hearing and Ms. Stoller seconded. Passed 7-0. Mr. Rouillard motioned to waiver section 702, 703, 901 and 913 of the Windham Site Plan Regulations for this plan and Mr. Gattinella seconded. Passed 7-0.

Mr. Turner presented the proposed site plan located at the corner of Kendall Pond Road and Mammoth Road. The area is zoned Neighborhood District and the parking lot has been striped and well defined. The total development coverage of the lot is 24% of the parcel. The additional sign information submitted depicted the size, 4'X4', and the colors of the sign. The sign is stationary with no electronic display.

Mr. Morris suggested a workshop with Mr. Turner concerning expectations of the Board on submitted applications. Mr. Rouillard questioned the exterior lighting and discussion followed on the compliance of the lighting plan.

Mr. Zohdi explained the phasing of the landscaping and the lighting changes. Mr. Turner reviewed the standards for lighting addressed in section 1205.4 of the Site Plan Regulations. Mrs. Crisler suggested leaving the one floodlight to light the sharp turn onto Kendall Pond Road and facing the other lighting downward to prevent light pollution. Ms. Stoller requested the applicant work with Mr. Turner on an appropriate lighting plan and then come back to the Board for approval of the lighting plan.

Mr. Rouillard motioned to approve the plan as presented, revision dated 4/6/99, including the sign package as detailed. The condition of a lighting plan brought to the Planning Department and the Board within four (4) months and the lighting plan, if approved, implemented within 18 months. Mr. Morris seconded. Mrs. B. Dunn suggested the Board note the dates of seasonal display on the plan. Mr. Turner noted the dates were indicated on the plan. Motion passed 7-0.

STAR VECTOR SITE PLAN (18-L-201) - PUBLIC DISCUSSION

67 Range Road

Mr. Turner presented the proposed site plan for a sporting goods store. This site was

originally proposed to be a firing range and is currently in litigation. The plan depicted retail, offices and a storage area with no area for the firing of firearms. The building would use a sprinkler system and work has been completed on the dredge & fill permit.

Discussion followed on the parking changes and the 50' setback required. The applicant is proposing a 6' stockade fence on the boundary and haybales to be used during construction. Mr. Turner suggested a three- (3) foot berm landscaped on the residential side of the parcel. Mr. Turner indicated this would prevent headlights from encroaching on the abutting residence. The berm could be landscaped with evergreens.

Mr. Turner indicated the previous studies done for the firing range would be adequate for this proposal. Mr. Dubay questioned the type of goods to be offered. Atty. Rubaga, representing the owner, explained sporting goods, clothes, bicycles and possibly firearms, as is offered in the nearby Walmart.

Mr. Morris questioned the type of architecture and Atty. Rubaga indicated the plan proposed would be cinder block construction as previously proposed for the firing range. Mr. Gattinella indicated the previous submittal does not apply and the applicant should submit a complete new plan. Mr. Turner reported the applicant is aware of the recent changes to the zoning ordinance and will submit the required information.

Mr. Rouillard requested a lighting plan and Mr. Morris questioned the date of the dredge & fill permit. Mr. Turner will research the information for the Board. The applicant agreed to the suggestion of a landscaped berm.

Mr. Dubay expressed concerned with traffic in the area with the type of sales. Mr. Turner explained the regulations require notation of truck deliveries.

Mrs. B. Dunn questioned the plan presented and Mr. Turner reviewed the state law regarding conceptual plans and public discussion with abutters notified. Mrs. Dunn questioned the recent work in moving a pile of loam. Mrs. Dunn indicated this was an alteration of the site before site plan approval. Mr. Turner worked with the applicant and explained the need to move the loam as debris was being left behind the pile of loam. The applicant spread the loam and will be seeding the loam and will revise the topo sheet. Mrs. Dunn requested the Board review the parking requirements carefully and the type of building proposed next to a residence.

Ms. Donna Morgan explained the notification from the water company and the serious problems in the area. She requested the Board know the impact to the service in the area.

Mrs. L. LaChance questioned the type of guns and the laws that would govern the sale of firearms. Mr. Dubay explained state and federal laws govern the sale of firearms.

Discussion followed on the need for an opticom system, the setback requirements and Mr. Morris questioned the water system. The applicant will contract with Pennichuck Water Company. Mr. Morris requested the water concerns be addressed. Mr. Gattinella suggested

the applicant could drill his own well if he so chose.

Mrs. Crisler expressed concern with the sale of guns and ammo, the storage, impact on municipal services, and the repair of guns on site with the chemicals involved. Also, the impact on fire protection, trash, design review and expectations of a New England type concept that would fit the area. Mrs. Crisler requested a detailed report evaluating the water and if it will service the site and questioned whether the dredge & fill permit included a septic main going across the wetland.

Ms. Stoller questioned whether there would be motorized vehicles and gasoline stored on the site and Mr. Dubay questioned the parking plan being relative to the storage and retail areas. Mrs. Crisler suggested a site walk with the Conservation Commission when the plans are sufficient for review.

Mrs. Crisler motioned to send the plans out for department review, including the Transfer Station, when they are sufficiently detailed. Mr. Morris seconded and Passed 7-0.

Ms. Stoller motioned to schedule a site walk with the applicant's permission on Saturday, May 8th, 9:00 A.M. and Mr. Morris seconded. Passed 7-0.

Mrs. Crisler motioned to open and continue to May 5, 1999 the Beacon Hill Subdivision, the Jackson Subdivision and the Windham Water works Site Plan. Mr. Kolodziej seconded and passed 7-0.

MARTEL ELECTRONICS SITE PLAN - DISCUSSION

Mr. Turner reviewed the request to leave the temporary trailer on the site and add one additional trailer for storage to the site. The facility is located next to Castleton on Route 111. The plan depicts the existing building and the temporary trailer now in place. The property is currently in the appeal process in the courts.

Mr. David DeVries, the owner, explained the type of business conducted at the site and the need for more storage. The trailers would only be used for storage.

Mr. Kolodziej motioned to grant the request of the applicant. Mr. Turner indicated the granting of a waiver could only be done at a public hearing. Mr. Rouillard had no objection to the proposal as long as no alterations were made to the site and Mrs. Crisler concurred. Ms. Stoller agreed as long as the plan noted for storage only. Mr. Morris agreed there was no problem with the proposal but indicated public input should be allowed.

Mr. Turner gave a brief overview of the site plan in litigation. Ms. Stoller suggested the Board receive input from town counsel before making any decisions on this property. Mr. Gattinella explained the Board could not waive a site plan only the ZBA had that authority. Mr. Turner suggested the applicant consult with his attorney as this could jeopardize his plan currently in the appeal process.

The consensus of the Board was to consult town counsel and the applicant should consult his attorney.

Mr. Morris motioned to open and continue the H&B Subdivision to May 5, 1999 and Mrs. Crisler seconded. Passed 7-0.

MARBLEHEAD ROAD SUBDIVISION (25-R-602, 630, 675, 802) - PUBLIC DISCUSSION

Off Marblehead Road

Mr. Morris recused himself but retained his rights as an abutter. Mr. Goldstein replaced Mr. Morris on the Board.

Mr. Turner reviewed the proposed 50-lot open space development. Improvements to Marblehead Road were done last year. This parcel abuts the town landfill that is capped. The applicant is proposing a cul-de-sac for an abutting parcel that is landlocked. The lots meet the requirements for the open space ordinance and the road widths have been reduced to 26' and 24'.

Mrs. Crisler requested trail and logging roads be depicted on the plan. Mr. Peter Zohdi, of Edward N. Herbert Assocs., Inc., reviewed the 129-acre parcel of which 40 acres will be developed and 89 acres will remain open space. Two soil scientists have mapped the area and the Conservation Commission has walked the parcel and agreed to the wetland delineation. The proposal would have a community well with private septic systems on each lot. The current proposal would have Pennichuck Water Company take over the maintenance of the wells. Most of the lots have 110' frontage with 5-6 lots having 60' frontage. The community would have the necessary cisterns for fire depression. The lot sizing has been reviewed by the town surveyor, Mr. Thorndike and meets all the requirements.

Mr. Gattinella discussed the type of roadways, i.e., connector or secondary roads, and future connections. Ms. Stoller questioned the length of the roads. Mrs. Crisler expressed concern with the additional traffic added to Marblehead Road. Mr. Turner reviewed the improvements done last year and the possible improvements needed.

Mrs. L. LaChance questioned the position of the entrance, septic systems, water system, price and size of the lots, improvements to Marblehead Road and the safety concerns of the abutters.

Ms. Osgood, of 69 Marblehead Road, questioned the sight distance of the new road and expressed concern with the number of accidents in the area the impact to area wells.

Mr. Rouillard requested the pre and post development drainage be part of the public hearing.

Ms. Mary Walker, of 63 Marblehead Road, presented the Board with a letter expressing

concerns with privacy, blasting, damage to her leachfield and impact to her well. The blasting company does a pre blast survey. Ms. Walker also requested a fence or plantings be placed to afford privacy to her residence. Mr. Zohdi indicated the developer would work with Ms. Walker to alleviate some of these problems.

Ms. Sue Higgins, of owner of a landlocked parcel, discussed the proposed right-of-way and presented the Board with a letter addressing this subject.

Mr. Lurhman, of 59 Marblehead Road, discussed impact to water supply, fire protection, and sight distance.

Mr. Tom Furlong, of Smith Road, requested the developer clean up the front area of the property and a guarantee of no drainage in the watershed of Rock Pond. The Board will have the drainage reviewed by an outside consultant. Mr. Furlong also addressed the need for further improvements on Marblehead Road and suggested taking the rise out in front of 59 Marblehead Road.

Ms. R. Peckhan, of 55 Marblehead Road requested similar improvements to Marblehead Road.

Mrs. L. LaChance addressed concerns with blasting and requested the stonewalls not be moved. Mr. Zohdi will have the blasting information for the public hearing and will work on improvements to the road with staff. Mr. Rouillard requested a projected traffic report with an analysis of the impact on Marblehead Road. Mrs. LaChance questioned whether this project had regional impact and Mr. Turner will review and consider any future development in the area. Rockingham County Conservation District will review the drainage.

Mrs. Crisler motioned to send the plans to the various departments and the Road Agent for review, both with paper roads and one without the extension roadway. Mr. Rouillard seconded and passed 7-0.

Meeting adjourned 12:10 A.M.

Mona Feciuch