

# **Planning Board**

## **Minutes of March 6, 2002**

### **ROLL CALL:**

Alan Carpenter, Chairman - Present Ross McLeod, Vice Chairman - Present

Lisa Linowes, Secretary - Present Margaret Crisler, Selectmen Member - Present

Walter Kolodziej, Regular Member - Excused Wayne Morris, Regular Member - Present

Russ Wilder, Regular Member - Present Lee Maloney, Alternate - Present

Nancy Prendergast, Alternate - Present Roger Hohenberger, Selectmen Alternate - Present

*Ms. Maloney replace Mr. Kolodziej on the Board.*

*Mr. McLeod opened the meeting at 8:40 pm.*

### **PUBLIC HEARING:**

#### **Loureiro Special Permit (7-A-3006) - Public Hearing**

##### **71 Searles Road**

Mr. Twarog explained the special permit, disturbance, site, and the site is stabilized. The Board discussed the grading timing and restoration of disturbance. The applicant's son, Mr. Jack Loureiro, Jr., explained how the disturbance occurred and a variance has been granted for lawn. The Board discussed the well location, grading, contouring, adjacent areas, and wetlands. Mr. Turner stated no more erosion controls are needed and recommends the special permit be granted. No public input. Mr. Turner explained the variance. Mr. Morris made a motion to grant the special permit. Seconded by Mrs. Crisler. The Board discussed not using fertilizer. Passed 5-1. Ms. Linowes opposed.

#### **Armstrong Lot Line (17-J-2 & 17-M-17) - Public Hearing**

##### **37 & 35 Armstrong Road**

Mr. Twarog explained the location of the lots, lot line relocation, variances granted, and lot coverage. Mr. Charlie Zilch, Lavelle Associates, further described needing the additional land to meet the variance condition. The Board discussed lot access, road ownership, and stonewalls. No public comment.

Mrs. Crisler made a motion to approve the lot line adjustment to include setting and bonding the property bounds and relocate the stonewall to the new boundary line. Seconded by Mr. Wilder. Passed 6-0.

#### **Gogumalla Site Plan (17-J-70) - Public Discussion**

## **90 Indian Rock Road**

Mr. Twarog explained the applicant will present her idea to develop 90 Indian Rock Road, and he showed the location on a map. It was noted that there are no plans and no abutters were notified. Ms. Gogumalla explained the plan includes not changing the land much, doing nothing to the shoreline except expanding the docking, renovate current building for restaurant, add two greenhouses and a few gazebos, two new driveways, more parking, and office space for on-line store. The Board discussed traffic, delivery truck size, driveways, on-line store, greenhouses, pesticides and fertilizer use, tree cutting, look from Cobbetts Pond, need a detail landscaping plan, Route 111 reconfiguration, drainage, septic system expansion, turning lane, least amount of land disruption. No public input. *Mr. Carpenter joined the Board and took over as Chairman.*

## **Stolarz Subdivision - 6 lots (25-R-103) - Public Discussion**

### **10 Osgood Road**

Mr. Turner explained the subdivision has a WWPD situation which requires a variance, and to not accept the plan because of a violation of the zoning ordinance. Mr. Jim Troisi, attorney, stated they are looking for a route to the ZBA. The Board discussed 12% steep slope and variance needed. Mrs. Crisler made a motion to reject this plan and strongly suggest to the applicant that he reconfigure it to meet our zoning requirements. Seconded by Mr. McLeod. Discussion ensued regarding houses not being built in the WWPD, rejecting the plan, and procedures. Mrs. Crisler modified her motion to advise the applicant that this is an unacceptable plan and would not consider it in it's current form. Seconded by Mr. McLeod. Discussion ensued regarding procedures.

Public input began Mr. Barbar Khan, 23 Osgood Road, stated that the neighbors will have input when the plan comes before the Board again.

Board discussion ensued regarding variances received by the Presbyterian Church, restrictions on the land, design it properly now to conform with the WWPD and the natural layout of the land, and this design is creating hardship that doesn't currently exist. Mrs. Crisler stated her motion to inform the applicant that the plan in its current form in completely unacceptable to the Board due to the WWPD impacts. Seconded by Mr. McLeod. Passed 7-0.

Mrs. Crisler made a motion for Kiddie Academy and 8 Ledge Road grading plan to be moved to the March 20 meeting at 8:00 pm. Seconded by Mr. McLeod. Passed 7-0.

## **Armco Flooring Sign (13-B-74) - Public Hearing**

### **38 Rockingham Road**

Mr. Turner explained the sign application, it meets the requirements, and recommends it for public hearing. Mrs. Crisler made a motion to accept the Armco Flooring sign application for public hearing. Seconded by Ms. Maloney. Passed 7-0. Mr. Turner explained a former sign

location and location for the new sign. The Board discussed meets zoning requirements, 12' height, reverse lit, sign already made, across from Cyr Lumber, internally lit sign, wording on both sides, unknown brightness, sign size, no scrolling, taking bulbs out if too bright, ground signs will go away, no portion of the sign can be within the 10 feet of the right-of-way, and work with staff for placement of the sign. No public comment. Mr. Wilder made a motion to approve the Armco Flooring sign application as presented tonight. Seconded by Ms. Maloney. Passed 6-1. Mr. McLeod opposed.

## **Klemms Site Plan (17-H-1) - Public Hearing**

### **54 Range Road**

Mr. Wilder made a motion to go into non-public as per RSA 91-A:3,II(e) to discuss a legal matter with our attorney. Seconded by Ms. Maloney. Roll call - all yes. Upon the advice of the Town attorney two members, Mr. Carpenter and Mr. Wilder, recused themselves from this hearing. *Ms. Prendergast replaced Mr. Carpenter, and Mr. McLeod took over as Chairman.*

Mr. Turner stated the court ruled the Board may discuss the following outstanding issues of signage, color scheme, parking, water supply, and the applicant previously agreed to 1) increase the left turn lane; 2) right turn only after stopping on Route 111; 3) left turn lane only for west bound Route 111; 4) contribute to Opticom system at intersection; 5) add brick to portions of the building; 6) cupolas on the building and canopy; 6) peak roof to canopy; 7) underground utilities except for one roof pole for electricity, cable, and telephone lines; 8) removal of signs if variance granted for third side of sign. Mr. Richard Landry, Landry Architects, disagreed with the removal of the building sign; 9) turn off all outdoor lights when McDonalds is closed; 10) canopy color to be gray with white trim; 11) rear wall sign removed in violation of zoning ordinance; 12) letter from Pennichuck water for water supply. Mr. McLeod read letters from Pennichuck Water and Louis Companies; 13) entrance way signs 3'x 1'3" entrance and exit signs. Mr. Frank Monteiro, MHF Design, explained the sign changes; 14) building materials; 15) parking under the canopy allowed; and 16) window grids.

Attorney James Troisi stated the court overturned the Board's denial and only minor modifications are needed as per the Judge. He then discussed the letters from Pennichuck regarding water supply; 1,930 gallons are required for the site and they can get 2,665 gallons of water. The Board discussed a tanker at the West Shore Road water pump and well location. No public input. Mrs. Crisler made a motion to accept the letter supplied to the Board regarding water supply is satisfactory to the Board. Seconded by Ms. Maloney. Passed 6-0.

The Board discussed entrance signs. No public input. Mr. Morris made a motion to approve McDonalds directional signs as presented on the plan dated February 1, 2002. Seconded by Ms. Maloney. Passed 6-0.

The Board discussed the rear sign with Mr. Richard Landry of Landry Architects. Mrs. Crisler made a motion to accept the removal of the rear wall sign (misplaced sign) from the plan. Seconded by Ms. Prendergast. Passed 6-0.

The Board discussed the mismatched color scheme. Mrs. Crisler made a motion to approve the change of the canopy color to gray with white trim to compliment the building colors. Seconded by Ms. Maloney. Passed 6-0.

The Board discussed building materials with Mr. Landry. Mrs. Crisler made a motion to accept the brick on the front of the building as proposed on the plan. Seconded by Ms. Prendergast. No public comment. Passed 5-1. Mr. Morris opposed.

The Board discussed no parking signs. Mrs. Crisler will ask the Selectmen to write a letter to the State.

The Board discussed windows. Mrs. Crisler made a motion that the windows facing the pumps to be kept clear of all obstructions such as advertising materials and posters for safety reasons. Seconded by Ms. Prendergast. No public comment. Mrs. Crisler amended her motion to windows facing the gas pumps and the drive-thru. Seconded by Ms. Prendergast. Mr. Landry suggested all windows be clear. Mrs. Crisler amended her motion for all windows to be kept clear of all obstructions such as advertising materials and posters for safety reasons. Seconded by Ms. Prendergast. Passed 6-0.

Mrs. Crisler made a motion to accept offsite improvements as presented in the plan dated February 1, 2002 and additional Opticom money not to exceed \$5000. Seconded by Mr. Morris. Discussion ensued regarding the Opticom cost. No public input. Passed 5-1. Ms. Linowes opposed.

Mrs. Crisler made a motion to approve as depicted on the plan 1) the cupola added to the roof; 2) peaked roof added to canopy; 3) all utilities underground except for one pole to capture overhead electric, cable and phone lines; and 4) all indoor and outdoor lighting for McDonalds shall be turned off when McDonalds is closed except for minimal lighting as required for safety. Seconded by Ms. Prendergast. Discussion ensued. Mr. Paul Landry, McDonalds Corporation, discussed lighting. Passed 6-0.

The Board discussed excessive signage with Mr. Richard Landry. Mrs. Crisler made a motion for the sign panels with the stacked McDonalds name on the left building be removed and the sign be reduced/compressed to match the front McDonald's sign. Seconded by Mr. Morris. Mr. Paul Landry discussed the signs with the Board. The Board questioned how additional concessions for signs can be a part of the record. Mr. Turner stated that if the applicant pursues a sign variance, the staff will submit these minutes as proof of the applicants commitment toward sign concessions. No public comment. Passed 6-0.

Mrs. Crisler made a motion to approve the plan presented tonight dated February 1, 2002 as amended to include the architectural renderings as amended. Seconded by Ms. Maloney. Passed 6-0.

Ms. Prendergast made a motion to adjourn. Seconded by Mr. Morris. Passed 6-0. Meeting adjourned at 11:40 pm.

These minutes are in draft form and have not been submitted for approval.

Respectfully submitted, Nancy Charland