

**PLANNING BOARD MINUTES**  
**January 2, 2008**

**ROLL CALL:**

Ruth-Ellen Post, Chairman – Present	Ross McLeod, Vice Chairman – Excused
Nancy Prendergast, Secretary – Present	Walter Kolodziej, Regular Member – Excused
Phil LoChiatto, Regular Member – Excused	Pam Skinner, Regular Member – Present
Neelima Gogumalla, Alternate – Excused	Rick Okerman, Alternate – Present
Alan Carpenter, Selectmen Member – Present	Margaret Crisler, Selectmen Alternate – Excused

**STAFF:**

Al Turner, Director of Planning and Development – Present  
Shaun Logue, Town Planner – Present

- Ms. Post opened the meeting at 7:00 pm;
- The Board stood and recited the Pledge of Allegiance;
- Mr. Okerman replaced Mr. McLeod.

**MINUTES:**

- Mr. Carpenter motioned to approve the December 5 minutes as amended. Mr. Okerman seconded. Passed 5-0;
- Ms. Prendergast motioned to approve the December 12 minutes. Ms. Skinner seconded. Passed 4-0-1. Mr. Okerman abstained. *Mr. LoChiatto joined the Board;*
- Ms. Prendergast motioned to approve the December 19 minutes. Ms. Skinner seconded. Passed 4-0-2. Mr. Okerman and Mr. LoChiatto abstained.

**BONDS:**

- New bond, Golden Brook Crossing, Lowell Road, lot 20-E-260, for the amount of \$18,975. Ms. Prendergast motioned to accept. Mr. Okerman seconded. Passed 5-0-1. Mr. LoChiatto abstained;
- New bond, Cobbetts Pond Plaza, 4 Cobbetts Pond Road, lot 21-D-107 for the amount of \$58,937.50. Mr. LoChiatto motioned to accept. Mr. Okerman seconded. Passed 6-0.

**SIGN PERMIT:**

- Infinite Fitness and Personal Training, 4 Cobbetts Pond Road. Ms. Post read the application. Board discussion regarding the signs meets with the consistency of the other signs in the plaza, the sign criteria for tenants in the same plaza, Hammer and Sons did a presentation for all the signs, and the external illumination should be even and centered. Mr. LoChiatto motioned to approve the sign design as presented at 4 Cobbetts Pond Road. Ms. Skinner seconded. Passed 6-0.

**CORRESPONDENCE:**

- Copy of a Selectmen’s petition regarding discontinuance of an easement on lot 22-R-822;
- Letter from Peter Zohdi regarding a request to be scheduled on tonight’s agenda to discuss the road layout and design of the extension of Londonbridge Road from Station 39+00 to Station 97+7;
- Flyer titled NH Housing and Conservation Planning Program.

**OLD/NEW BUSINESS:**

Board discussion regarding the status of the developer agreement for Spruce Pond II. Mr. Turner will call the developer.

## **PUBLIC MATTERS:**

### **Capital Improvement Committee – Public Hearing**

Mr. LoChiato thanked Jack Merchant for all of his hard work on the CIP. Mr. Merchant, CIP Committee Vice Chairman, discussed the appropriations chart that he gave to the Board including scoring. Board discussion with Mr. Merchant regarding the relocated classrooms including need, availability, and reconfiguration. Discussion continued regarding the school septic system replacement, the need for a salt shed, and the formatting of the information.

Public comment from Wayne Morris, 12 Jordan Road, asked whether the former the septic replacement money for Golden Brook has been used for the Middle School, he questioned the grade, use and location of the relocated classrooms, any thoughts of a cycle of use for trucks for the Highway Department?, and there was no restroom at the Depot until the port-a-potties for the trail was added. Mr. LoChiato discussed the septic replacements. Mr. Carpenter stated the Selectmen are looking at leasing vehicles for the highway, police and fire departments. Board discussion continued with Mr. Merchant regarding the percentage growth of the Town. Ms. Post thanked each of the CIP Committee members which included Phil LoChiato, Chairman; Jack Merchant, Vice Chairman; Rob Gustafson, Secretary; Walter Kolodziej, Roger Hohenberger, Bev Donovan, Bruce Breton, Beth Valentine, and Dennis Senibaldi.

Mr. Okerman motioned to approve and adopt the CIP for Windham as presented and forward to the Board of Selectmen. Ms. Skinner seconded. Discussion regarding the portable classroom locations and department input. Passed 5-0-1. Mr. Carpenter abstained.

### **Waterhouse Mobil Station Site Plan – Public Hearing** **175 Haverhill Road, lot 14-A-1100**

Mr. Logue discussed that the application is to expand an existing gas station/convenience store including a new cell tower, the relocation of the existing garage, the construction of a diesel fuel pump area, a carwash and additional parking. There will be 51 parking spaces including 5 handicapped spaces, the property is located at 175 Haverhill Road in the Neighborhood Business district, it is in the aquifer protection district and partially in the WWPD, the property is 5.7 acres, the existing uses include an automobile repair garage, a convenience store, and a 15-seat restaurant. Mr. Logue stated that the application is complete and ready for public hearing. Ms. Prendergast motioned to accept for public hearing. Mr. LoChiato seconded. Passed 6-0.

The following waivers from the site plan regulations have been requested: 1) Section 602 – Waiver to not locate single trees with a diameter of 12” of more since this is an already developed lot; 2) Section 704.1 – Waiver to not have soil type and vernal pools certified, dated and stamped by a Soil Scientist since this is an already developed lot.

The following variances have been granted to: 1) Section 405.3 – Allow additional subsurface storage of petroleum and coverage; 2) Section 609.4.2.4 – Allow additional underground fuel tanks and gas pumps; 3) Section 702.5 – Not provide a 50’ wide buffer between the use and abutting residential district; 4) Section 701.3.1 – Allow the construction, operation and maintenance of a wireless telecommunications facility; and 5) Section 604.1 and 607.8 – Allow the construction, operation and maintenance of a multi-carrier wireless telecommunications facility within 51’ +/- of the nearest property line.

Issues that need to be discussed include: 1) Parking lot layout and design; 2) Landscaping recommendations; 3) Traffic impacts related to the proposed project; 4) Drainage; 5) How does the carwash recycle the water used to wash cars? 6) Where is the water being discharged? and 7) Additional

impervious surfaces and impacts to WWPD. Peter Zohdi, Herbert Associates, discussed the existing setbacks.

Mr. Zohdi further discussed the site including the location of the diesel gas pumps, addition of the carwash, the existing garage being reconstructed, has met with the staff 5 to 6 times, he explained the on-site traffic, there is more parking than required, and he described the draining and they are complying with pre- and post-development drainage. Board discussion with Mr. Zohdi regarding proposed parking, potential addition of concrete curbing to define the corner, and an addition of bollards and curbing to define parking. Mr. Carpenter stated that he will refrain from voting on or discussion of the proposed cell tower because of the potential conflict of interest regarding a wireless tower but does have questions regarding the site including the cueing of cars. Discussion continued with Mr. Zohdi regarding employee parking and drive-thru lane cueing, traffic flow for tractor trailers, State driveway permits have been requested, there are parking spaces for tractor trailers, the intersection angle is not perpendicular, and the Willows Site Plan has a pedestrian walkway to the site which needs to be on the plan. Mr. Zohdi showed the walkway on the map which will be made of stone dust. Discussion continued regarding a Special Permit is required, Mr. Zohdi described the area where the walkway will be and retention pond is not in the WWPD. The Board asked whether the soils are tested when new gas tanks are added and Mr. Zohdi replied that the Department of Environmental Services is involved with the project.

Kevin Waterhouse, owner, explained the treatment shed which is required by the DES, no additional underground gas tanks will be added, underground tanks will be for the water for the carwash, the water will be trucked off-site, the 200' cell tower is designed to bend inward in case of a severe storm, and he stated the cell tower would be the last thing to fall in a storm.

Board discussion that the variance received from Section 609.4.2.4 is for underground water tanks for the carwash wastewater which is stored, reused, and trucked off the site. Mr. Zohdi showed where the underground water tanks may be located, and the tanks are not shown on the plan. Mr. Zohdi stated he will add the tanks to the plan before the plans are signed, and no vacuum cleaners are proposed. Discussion continued regarding the on-site traffic pattern, drive-thru arrows should be added to the site, parking space #14 to be removed, the existing canopy will stay, new canopy for diesel pumps, signage is internally illuminated, vehicle cueing of vehicles from Mammoth Road to Rt 111, potentially moving the driveway further south and moving the diesel tanks, it is a nice plan, the use of the pavement 15' from the abutter is going to change and idling diesel trucks can be quite loud, create a substantial buffer, remove parking space #31, no propane filling station is requested, vacuum cleaner parking spaces are counted as parking spaces, and the carwash is not modular. Mr. Waterhouse stated that they want the carwash to look like a barn outbuilding with red clapboard. Board discussion that the design will need to come back to the Board.

Public comment from Wayne Morris, Trails Committee, asked if the walking path could be extended and connect to Mammoth Road and Rt 111 as the rail bed comes right into Anderson Road, and if the applicant could work with the proposed Clarke Farm North elderly housing project.

Mr. LoChiatto motioned to grant the waiver to Section 602 to not locate single trees with a diameter of 12" or more since this is an already developed lot. Ms. Prendergast seconded. Passed 5-0-1. Mr. Carpenter abstained.

Mr. LoChiatto motioned to grant the waiver to Section 704.1 to not have soil type and vernal pools certified, dated and stamped by a Soil Scientist since this is an already developed lot. Ms. Prendergast seconded. Passed 5-0-1. Mr. Carpenter abstained.

Mr. LoChiatto motioned to approve the site plan for Waterhouse Realty Trust with the following recommendations: 1) All state and federal approvals shall be received prior to the signing of the plans; 2) Lighting, signage, landscaping and screening shall meet the requirements of the Windham Zoning Ordinance and Site Plan Regulations; 3) All facades of the carwash to be reviewed and approved by the Planning Board before the final signing of the plans; 4) Install concrete curbing at the drive-thru and steel bollards at parking spaces 34 and 35; 5) Parking spaces #14 and #31 be removed as amply parking is provided; 6) Applicant to apply for a Special Permit for the walking trail through the WWPD from the southerly portion of the site as it abuts the Willows Site Plan; and 7) Add location of underground wastewater tanks for the carwash. Mr. Okerman seconded. Board discussion regarding the location of the cell tower. Passed 5-0-1. Mr. Carpenter abstained.

Board discussion regarding the cell tower location and associated building, the type of cell tower, the cell tower location is shown on the plan, the previous motion approves the cell tower, and the Board has met regarding the tower. Mr. Zohdi would like a separate motion to approve the cell tower as part of this site. Board discussion that the cell tower was accepted as part of this site plan.

Mr. Turner reviewed the cell tower and stated that the plan shows two future accessory buildings, and the tower company has been told that they need a variance. Board discussion stated that all the proposed equipment is within the box approved within the site plan, what needs to be approved, and it has town, state and federal regulations. Mr. Turner explained other tower approval processes, the difference with this tower because it is on an existing non-vacant lot, ZBA had concerns, this requires site plan approval, and some issues would be fencing, maintenance, and protection for the public. Board discussion regarding the use and location has been approved by the ZBA, a chain link fence is shown on the plan, buffer for the single-family home, and meets the setback requirements. Mr. Waterhouse further explained the site including stockade fencing, parking, and tower, if the tower were to come down it would not hit the home but would go towards the parking lot toward the garage. Mr. Zohdi showed the abutting home on the map. Board discussion that the Board does not have the leeway to change the location of the tower, is the 6' chain link fence enough for safety as it is near the walking path, section 702.5 requires a buffer to screen, the current vegetation will be cleared for the detention pond, provide a buffer right along the fence to hide the fence from view, and applicant to come back to the Board with a landscaping plan. Mr. Zohdi asked if the staff could approve without coming back to the Board. Board discussion that the large issues are out of the Board's hands, and a potential conditional approval.

Mr. LoChiatto motioned to approve and incorporate the plans from SAI Communication as shown with the associated equipment within the designated area of the previously approved site plan, and work with staff to provide appropriate fencing and buffer. Mr. Okerman seconded. Passed 5-0-1. Mr. Carpenter abstained.

### **Londonbridge Road Extension – Public Discussion** **Londonbridge Road, Station 39+00 to Station 97+7**

Mr. Turner discussed a letter from Attorney Campbell regarding the Board's authority, what needs to be done, and if the street makes sense. He showed the area and roads on the map, and stated that the connection helps the fire department response times, appears to make sense for the Town's street network as it allows another way in and out which spreads the traffic out, an approved street plat will come back to the Board, and the road provides access to the high school. Mr. Turner showed an aerial photo and further explained the area.

Board discussion with Mr. Turner that the letter from Attorney Campbell was written for the first portion of Londonbridge road and then explains what the Board needs to determine, why, and what is done next, and a citizen petition to layout this road is expected.

Peter Zohdi, Herbert Associates, stated he has been working with Mr. Sullivan under the direction of the Selectmen to design a road which extends the high school road along the existing Old Londonbridge Road. Mr. Turner stated that the recommendations do not need a public hearing but the approval of a street plat would, and the vote is needed for the Selectmen to continue. Mr. Zohdi asked the Board to review the plan, the plan would then go before the Selectmen, and would like a joint site walk with the Selectmen and Planning Board. Board discussion that the warrant articles will be discussed on the January 14 Selectmen's meeting, and this is one of the warrant articles. Mr. Zohdi described the existing centerline of Londonbridge Road is being held with very little changes (within 10').

Mr. Turner stated the first portion of the road has issues. Mr. Zohdi continued describing the road including the existing pavement, the gravel portion of the road, proposing to build from Station 4300 to Station 7650, it is an existing old wood road, he reviewed the road grading slopes, he asked for any feedback from the Board, not looking for a vote, and trying to match the road to the existing topography.

Board discussion with Mr. Zohdi regarding staying within the existing wood road, it is 10-15' wide, the existing paved areas are 18-20', the current road is inadequate, this is the best layout for this terrain, there are landlocked lots that will have a betterment, the fire marshal will be reviewing this, does it matter if this comes from the Selectmen or the School Board or citizen petition, there was a split among the CIP members for this request, what is the cost to develop the road, costs to build a road is \$300 per foot, it will be a million dollar road, the layout is fine, and the road is staked.

Public comment from Wayne Morris, 12 Jordan Road, stated his concern about the wetlands, and is it a large vernal pool? part of it is on the Gage Property, it should have a huge buffer, with high school kids on 7-8% grades there should be a guardrail, and it is open or closed drainage? Mr. Zohdi stated that this section will be closed drainage, the road has been moved away from the wetlands, and he has spoken with the abutter if more land is needed to move the road. Board discussion that the Selectmen can layout a road across private property.

Tom McPherson, fire chief, stated that he supports the new road as it improves emergency response times to the area, he is also meeting with NH State Fire Marshals office next week, the fire marshal has total control of schools, there is only one access to the high school, this road gives better access to that end of Town, there could be an evacuation problem without a second access, and supports this road before the opening of the school.

Ms. Prendergast motioned to approve the location and line of Londonbridge Road as proposed tonight with the recommendation that the design of the road incorporate all appropriate measures to minimize impacts to wetlands and vernal pools. Mr. LoChiatto seconded. Passed 6-0.

Mr. LoChiatto motioned to adjourn. Mr. Okerman seconded. Passed 6-0. Meeting adjourned at 10:15 pm.

These minutes are in draft form and have not yet been reviewed and approved.  
Respectfully submitted, Nancy Charland