

PLANNING BOARD MINUTES

August 20, 2008

ROLL CALL:

Phil LoChiatto, Chairman – Present	Nancy Prendergast, Vice Chairman – Present
Rick Okerman, Secretary – Present	Walter Kolodziej, Regular Member – Present
Ruth-Ellen Post, Regular Member – Excused	Pam Skinner, Regular Member – Present
Louis Hersch, Alternate Member – Excused	Kristi St. Laurent, Alternate Member – Excused
Sy Wrenn, Alternate Member – Present	Bruce Breton, Selectmen Member – Present
Galen Stearns, Selectmen Alternate – Excused	

STAFF:

Al Turner, Director of Planning and Development – Present

Mr. LoChiatto opened the meeting at 7:00 pm. The Board stood and recited the Pledge of Allegiance. *Mr. Wrenn replaced Ms. Post.*

MINUTES:

Mr. Breton motioned to approve the August 6 minutes. Ms. Prendergast seconded. Passed 5-0-2. Ms. Skinner and Mr. Wrenn abstained.

BONDS:

- Jackman Ridge Road release of \$54,600 and retain \$30,500. Mr. Breton motioned to grant the release. Mr. Kolodziej seconded. Passed 6-0-1. Mr. LoChiatto abstained;
- Copps Hill Road (town road), final release of \$18,720. Mr. Breton motioned to grant the release. Mr. Kolodziej seconded. Passed 6-0-1. Mr. LoChiatto abstained;
- Edinburg Road release of \$1,896 and retain \$21,510. Mr. Kolodziej motioned to grant the release. Mr. Breton seconded. Passed 6-0-1. Mr. LoChiatto abstained;
- Overton Road release of \$19,378 and retain \$42,950. Mr. Kolodziej motioned to grant the release. Mr. Breton seconded. Passed 6-0-1. Mr. LoChiatto abstained.

CORRESPONDENCE:

- Letter from Mr. Turner regarding reasons why 13 bond releases have not been recommended for release. Board discussion regarding the bonds, invite Herbert Associates to the September 10 meeting, and procedures for bond releases. Ms. Prendergast motioned to invite Herbert Associates to the September 10 meeting to discuss bond issues at 7:00 pm under Old Business. Mr. Kolodziej seconded. Passed 7-0;
- Letter from NH DES regarding an application for the alteration of terrain permit for Meadowcroft Development. Board discussion regarding getting a legal opinion;
- Letter from NH Land Surveyors Association regarding certified plot plans;
- Letter from Herbert Associates regarding potential zoning amendments. These are to be discussed on the 27th of August;
- Letter to Mr. Morris regarding inspecting the trail for Ironwood Road;
- Letter from NH DES regarding an alteration of terrain permit has expired;
- Letter from NH DES regarding guidelines for coordinated lake management and shoreland protection plans;
- Letter from NH DES regarding an application for the alteration of terrain permit for Kenneth Bergeron. Joseph Maynard, Benchmark Engineer, explained the new timelines for the review of a site specific permits;

- Letter to Herbert Associates regarding bond releases.

OLD/NEW BUSINESS:

- Board discussion of getting a legal opinion regarding the impact fee decisions made by the Board, Mr. LoChiato will contact Attorney Campbell, should another attorney be contacted as Attorney Campbell reviewed the original document, what the concerns are, were the fees adopted? the methodology was adopted, who should contact Attorney Campbell, and Attorney Campbell prefers something in writing rather than a phone call;
- Board discussion that CIP Planning Board members need to be chosen, CIP should have started by now, CIP members to be decided at the August 27 meeting.

PUBLIC MATTERS:

Spruce Pond Special Permit and Subdivision Amendments – Public Hearing Continued **Rockingham and Northland Roads, lots 3-B-602, 650, 800, 900 & 2002**

Mr. Turner stated the Board has until September 8 to make a decision, and the staff analysis has remained the same. Board discussion regarding the other items that have been discussed, and waiting for a letter from the fire department. Mr. Turner stated that he met with the fire chief and Joe Maynard this week to discuss the cisterns and the chief is fine with the plan. Mr. Breton motioned to open for public hearing for the fire cistern discussion. Ms. Skinner seconded. Passed 7-0.

Joseph Maynard, Benchmark Engineering, stated the change is because of the change to individual wells, he has a letter from the fire chief stating that he is in agreement with the cistern which he gave to the Board, he reviewed the turn offs for the cistern, float levels will be installed, five cisterns are proposed, they are all outside the WWPD, he discussed the phasing of the cistern installations, and phase I has a hydrant. Mr. Turner stated that there is a detailed list as to which cistern is for which lot.

Board discussion regarding the size of the homes and the size of the cistern. Mr. Maynard discussed how Chief McPherson came up with the 10,000 gallon cisterns, and the building department will not issue the building permit until the cistern is installed. Board discussion regarding the pump house needed a Special Permit, the cistern is smaller and does not require a Special Permit, and will not be building the pump house. Mr. Breton motioned to accept the letter from the fire department dated July 17, 2008 and fire cistern detail dated August 18, 2008 as submitted by Mr. Maynard. Ms. Skinner seconded. Passed 7-0.

Mr. Maynard stated he will include a plan to go along with the list of lots that go with each cistern. No public comment.

Mr. Breton motioned for Spruce Pond Phase I, that fire cisterns will be installed in place of hydrants as proposed in the original plan with the following conditions: 1) Cisterns locations to be noted on the plan and which cistern goes for which lot to be reviewed and approved by the fire chief; and 2) Include the letter from the fire chief dated July 17, 2008. Mr. Kolodziej seconded. Passed 7-0.

Lakeview Farm Approval Amendment – Public Hearing Continued **94 Range Road, lots 17-I-200**

Joseph Maynard, Benchmark Engineering, distributed the plans and explained which units have been built. Mr. Turner stated this is a continuation of a public hearing, the applicant is asking to exchange some 2-bedroom units for 1 bedroom units, and the Board asked for more information from the applicant. Mr. Breton motioned to reopen for public hearing. Mr. Kolodziej seconded. Passed 7-0.

Mr. Maynard stated the plans have been amended to include the information from the last Planning Board meeting, units 7, 8, 9 & 10 are the units to be changed, the 2-bedroom footprint is 2300 sq ft and the 1 duplex footprint will be 2630 sq ft, would like to take the 4 units and turn them into 1-bedroom duplex units, the septic system plans will be updated, the size will remain the same as they are designed by the number of bedrooms, he showed the elevations and architecture, he showed the landscaping on the plan, one of the trees will be moved back as so not interfere with a driveway, the interior design does have a loft space that overlooks the living room, willing to put deed restrictions stating these units are to remain 1 bedroom units, and the septic design also guarantees they will remain as 1-bedroom units.

Board discussion with Mr. Maynard that trees would be better for privacy, arborvitaes will never become a hazard as large trees do, have added additional trees, and can add more if requested. Mr. Maynard described the unit configuration and the drainage patterns have not changed from the approved plan, the septic systems are oversized, reapplying to DES because of the number of units has changed, the architectural style will remain the same, the property values should not be effected, the reason for the change is for economics, and 12 units have been sold in 3 years out of 24 units. Board discussion with Mr. Maynard continued regarding the units will be more affordable, could the buildings be angled differently for privacy, the driveways are about 26', landscaping is limited on top of the septic system, have to go to the ZBA to change the setbacks, 1-bedroom units to remain 1-bedroom, condo documents should be reviewed by town council, the buildings could be twisted if the setback was released, get more landscaping around the back of the unit, move the septic a bit for more landscaping, building can be rotated about 10%, the units should not look substantially different, have two units face Harvest Road, and can work for one unit but not the other.

Public comment from Ann Barbagallo, 21 Walkey Road, is opposed to the change, sounds like they're being jammed in, do they need to go to the ZBA, the density is increasing even though the number of bedrooms is not changing, there will be four cars per building rather than two cars per building, and we should not make decisions based on economics but on what is best for the area. Mr. LoChiato responded that the buildings comply and do not need variances, and there will be no further proposals for conversions.

Mr. Breton motioned to approve Lakeview Farms housing for older person, lot 17-I-200, with the following conditions: 1) All local, state, and federal permits shall be approved prior to the start of construction; 2) All 1-bedroom units will remain 1-bedrooms units per deed restriction; 3) All other units will remain as the initial site plan; 4) Appropriate screening and between the buildings and along Harvest Road using rhododendron and maple tree mix rather than arborvitae to be no less than what is shown on the plan; and 5) Condo documents to be reviewed by town council at applicant's expense. Mr. Kolodziej seconded. Passed 7-0.

Site Plan and Subdivision Regulation Changes – Public Hearing

Mr. Kolodziej motioned to open for public hearing. Mr. Breton seconded. Passed 7-0. Mr. Kolodziej motioned to table the Site Plan and Subdivision Regulation changes and continue to the September 17 meeting. Ms. Skinner seconded. Passed 7-0.

Dunkin Donuts Site Plan – Public Discussion **30 Indian Rock Road, lots 16-L-1**

Mr. Turner stated the site plan is for a 100' x 40' multi-tenant commercial building with parking lot with 25 spaces, a drive-up window and stacking lane, and construct a right-turn-in and right-turn-out and entrance across from Church Road, it is in the Village Center District, it is in a Wetland and Watershed Protection District and Flood Plain District, the retail use and restaurants are allowed but the drive-up

window and building in the WWPD is not allowed, several variances are being requested, there are ariel photos in the file, Conservation Commission did a site walk, he reviewed the site plan issues, and there is a letter from an abutter.

Board discussion regarding the drive-thru is not allowed in the Village Center District. Mr. Turner read the portion of the zoning ordinance regarding food must be consumed on site. Board discussion regarding the drive-up means the primary consumption is off-site, Village Center is for sit down restaurants and cafes, the master plan for the Village Center District has a large circle as a bypass road built behind Fellows Road, an easement would allow that to happen, and the post office site has an easement for the Town.

Chris Nickerson, Herbert Associates, stated the applicant had a Dunkin Donuts on Rt 111 which has been taken by the State, would like to construct a 2-unit building approximately 4000 sq ft in size for a 25 seat restaurant and a retail/storage/warehouse unit, meet the requirements for parking spaces, architecture is in keeping with the Village Center District, the former building was 4 units, all the wetlands have been mapped by Jim Gove, been to the Conservation Commission, met with Code Enforcement and have applied for variances, Stephen Pernaw, the traffic engineer, can answer any questions about traffic, and the former building was approximately 100' by 50'. Board discussion with Mr. Nickerson regarding the former building housed 4 units, moving the building out of the wetlands, the existing house that has been removed, are reducing the impacts to the WWPD, discussion of the required setbacks for the Village Center District, want integration of residential and retail, and Mr. LoChiatto read section 612.3.1 of the zoning ordinance. Board discussion regarding the 50' buffer in not required within the Village Center District, and right-turn in and right-turn out access.

Stephen Pernaw, traffic engineer, has been asked to conduct a traffic study, has not completed the study, have been looking at the peak traffic hours, has done other studies in the area, predominate traffic is going east in the morning and west in the evening, should have an eastbound right-hand turn, allow a left turn entrance because of the center turn lane that already exists, without that turn the traffic would go down Church Road to North Lowell Road to the set of lights, left turn departures is tough but would recommend two exits lanes, and it would probably only be used during less peak traffic hours. Board discussion with Mr. Pernaw regarding problems taking a left out of the old Dunkin Donuts, this driveway would be wider, moving the driveway over 10' would allow the building to be taken out of the WWPD, maximum driveway width allowed is 50', and a 4-6' island is an option. Mr. Nickerson stated that they are looking for the Board's input regarding the access to the property.

Board discussion continued regarding the right-hand turn onto Church Road, the building will look very similar to the old Dunkin Donuts, Mr. Pernaw's study of other similar Dunkin Donuts had 63% of the customer through the drive-up with a 6 car cue, the cue number seems low, the drive-up going around the building will give more room for cueing, the former site had cars backing up into Rt 111, the 18-wheelers used to park on the side of Rt 111 to get to Dunkin Donuts, the site can accommodate delivery trucks, no parking signs were at the other site, it is a safety issue, there is not an area that trucks could pull over and park, should just be a right-turn-in and right-turn-out, there were numerous accidents at the other site, and this is not a good site for this business.

Mr. Pernaw stated the business is situated between two light signals which gives gaps in the traffic, his study is preliminary, and left-turns will be in the minority. Board discussion that the signal lights are timed from Center School to Shaws, there is a safety problem with the plan, the police could enforce the right-turn-in and right-turn-out, the former site didn't have enough parking, not enough parking for this site, left-turn-in and left-turn-out is a bad idea, and the sign meets the regulations. No public comment.

Mr. LoChiatto read a letter from Linda Brown-Jenkins.

Board discussion about filling out the checklist, and there were legitimate concerns in the abutter's letter and should be given to the applicant. Mr. Nickerson described the drainage, the plan has a lighting plan, and will provide the information for the speaker. Mark Cafua, applicant, described the speaker system is lowered so that the sound bounces off the car, looking for a variance to be open 24 hours but it will probably not be, and the traffic is less at this site as it is away from Rt 93.

Board discussion regarding mixed uses is over the entire site not per lot, get information from the departments before making a recommendation for the access, traffic study should look at all the options, and samples of the exterior are required.

Mr. Kolodziej motioned to adjourn. Ms. Skinner seconded. Passed 7-0. Meeting adjourned at 10:05 pm.

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