

## PLANNING BOARD MINUTES

February 4, 2009

### ROLL CALL:

Phil LoChiatto, Chairman – Present	Nancy Prendergast, Vice Chairman – Excused
Rick Okerman, Secretary – Present	Walter Kolodziej, Regular Member – Present
Ruth-Ellen Post, Regular Member – Present	Pam Skinner, Regular Member – Present
Louis Hersch, Alternate Member – Excused	Kristi St. Laurent, Alt Member – Present
Sy Wrenn, Alternate Member – Excused	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. Ms. St. Laurent replaced and Ms. Prendergast.

### MINTUES:

- Mr. Breton motioned to approve the January 15 minutes. Mr. Kolodziej seconded. Passed 7-0;
- Mr. Breton motioned to approve the January 21 minutes. Ms. Skinner seconded. Passed 7-0.

### ROAD BOND:

- Harvest Road at Lakeview Farms, partial release \$22,400 and retain \$57,600. Ms. Post motioned to grant the release. Ms. Skinner seconded. Passed 7-0;
- Ryan Farm Road, final release of \$51,960. Ms. Post motioned to grant the release and recommend the Board of Selectmen schedule a public hearing to accept as a Town road. Ms. Skinner seconded. Passed 7-0;
- Clarke Farm South, Scotland Road, partial release of \$42,255.50 and retain \$4,464.50. Ms. Post motioned to grant the release. Mr. Breton seconded. Passed 6-0-1. Mr. LoChiatto abstained;
- Clarke Farm South, Clarke Farm Road, partial release of \$11,989.60 and retain \$17,410.40. Ms. Post motioned to grant the release. Mr. Breton seconded. Passed 6-0-1. Mr. LoChiatto abstained;
- Clarke Farm South, Buckhide Road, partial release of \$18,711.60 and retain \$14,210.80. Mr. Breton seconded. Passed 6-0-1. Mr. LoChiatto abstained.

### OLD/NEW BUSINESS:

- Board discussion regarding the golf store on Range Road has been torn down and a foundation has been built, the applicant went to the ZBA, had been before the Planning Board before, there is no change-of-use, the ZBA case was not appealed, there is a septic plan, what will the building look like, what about parking requirements, should have come before the Planning Board, should get input from Attorney Campbell, and what about signage;
- Board discussion regarding Bev Donovan was invited to the February 11 meeting, workforce housing is in limbo, and RPC is working on some of the information;
- The Board reviewed the evening's agenda, there will be no meeting on the 25<sup>th</sup> because of the February school vacation, and hear the Ledge Road discussion for a ½ hour and then continue to the 11<sup>th</sup>.

### PUBLIC MATTERS:

#### Capital Improvements Plan – Public Hearing

Mr. LoChiatto stated that the process was set back this year because of all the storms, and the

information has been given to the Selectmen.

Jack Merchant, CIP member, stated that the Selectmen and School Board have acted on the CIP, the Board should vote on it, and he explained some of this year's CIP requests and items that have been pulled. Board discussion that every item was discussed and voted on, it was completed on time but storms interrupted the hearings, and what is considered a capital expenditure needs to be discussed this summer between the CIP Committee and Planning Board. Mr. Hohenberger stated the Selectmen had full knowledge of the CIP. Board discussion regarding need more time to review. Passed 6-0-1. Ms. Post abstained.

The Ledge Road applicant requested to continue their public hearing to February 11. Mr. Breton motioned to grant the request to hear Ledge Road on February 11 at 7:00 pm. Mr. Kolodziej seconded. Passed 7-0.

### **Federal Stimulus Projects – Public Discussion**

Mr. LoChiato read a letter from Nancy Prendergast. Board discussion regarding Town officials met with Congressman Hodes, Ms Prendergast is working hard on this, and Senator Sheehan asked for a letter. Mr. LoChiato read the draft letter to Senator Sheehan. Board discussion regarding why just to Senator Sheehan. Mr. LoChiato read a letter from Carl Heidenblad, director of the library. Ms Prendergast was thanked for her hard work. No public comment. Board discussion regarding support of the letter, and should let Ms. Prendergast know it's okay to send the letter to the Selectmen.

### **NH DOT – Public Discussion**

#### **77 Indian Rock Road, lot 11-C-170**

Peter Stamnos, NH DOT, discussed the improvement and renovations to the former Freda Hardware Store, these changes are made as a part of the Rt 93 project, he showed an aerial view and a photo of the building as it is, it is vacant and owned by the State, and want to house construction field offices for the long-term.

Greg Goucher, project architect, stated that the building is in used condition, he further described the structure, the well and septic need to be replaced, parking will remain, landscaping will be minimal, the addition will remain unheated and be storage, he described the interior use of the building for offices, meeting room and labs, it will replace 4 construction trailers, and the building will be used for public information sessions also. Mr. Stamnos further described the use of the building.

Board discussion with Mr. Stamnos and Mr. Goucher that they shouldn't spent too much money as it will probably be eventually knocked down, there are problems with the building, the footprint does not change, the parking does not change, no new curb cuts, building color has not been decided upon, currently renting space on Wall Street, septic has not been designed yet, does not require a vote and is an informational meeting, there will be a flat wall-mounted sign, and the Freda sign is no longer there.

Public comment from James Rand, 66 Pleasant Street, asked how long the DOT will use the building. Mr. Stamnos responded they expect it to be 6+ years. Mr. Stamnos stated that this is one of the stimulus projects, and expect to open and operating by September 2009.

### **Ironwood Road Lot Line Adjustment – Public Hearing**

#### **6 & 8 Ironwood Road, lot 7-A-698, 697 & 703**

Mr. Turner explained where the lot line adjustment is, and the application is in compliance and recommends for public hearing. Mr. Kolodziej motioned to open for public hearing. Ms. Post seconded.

Passed 7-0.

Mr. Turner further explained the 50' right-of-way that was designed to go across the trail to another property, the Selectmen discontinued the connection, this would remove the right-of-way and move the lot lines to the centerline of the right-of-way, this eliminates a way to the trail, and there are other ways to get to the trail.

Peter Zohdi, Herbert Associates, said it was a right-of-way when the subdivision was made, the right-of-way was to another property which his client has purchased, there is no need for the right-of-way, Selectmen voted to eliminate the right-of-way, and before the Board for the lot line adjustment. No public comment.

Mr. Breton motioned to approve the lot line adjustment for lots 7-A-698, 697, and 703 (open space) as per the Herbert plan dated October 2008 which shows the removal of the right-of-way. Ms. Skinner seconded. Passed 7-0.

**Cyr Lumber Expansion – Public Hearing**  
**1 Jones Road, lot 13-A-33, 40 & 42**

Mr. Turner stated this site plan is on Jones Road and Rt 28, and the plan is sufficient to open for public hearing. Mr. Kolodziej motioned to open for public hearing. Mr. Breton seconded. Passed 7-0.

Mr. Turner further described the plan which includes driveways, 100' x 40' retail and office building, the lots will be merged to the larger lot, there will be a new 46 vehicle parking lot, the property is zoned Business Commercial A, it has a Flood Plain Overlay District, a Wetland and Watershed Protection District, Aquifer Protection District, and Rt 28 Access Management Overlay District. The developer has responded to the Highway Safety Committee's detailed questions, no waivers have been requested, there are drainage issues on Jones Road, the detention pond needs to be dredged and repaired, stored materials are diverting the water away from culvert, and he reviewed the staff recommendations. Board discussion regarding the Cyr Lumber is responsible for cleaning and maintaining the detention pond.

Chris Nickerson, Herbert Associates, stated that Mr. Turner covered most items in his presentation, he discussed and showed photos of how the building will look, he discussed that last year the detention pond pipe got clogged, it has been cleaned on a regular basis and has not been a problem since and the system is working as designed, the client has been advised not to put product in the way of the catch basins, Jones Road does not have a shoulder and runoff stays in the road rather than to a shoulder, they will create two large depressions to catch the runoff, he discussed how the detention ponds will work, and he showed where the curbing is on the driveway.

Board discussion with Mr. Nickerson regarding more details on the how the detention ponds work, the shoulder on Jones Road will be widened by removing trees and brush, the pond area will be mowed, a maintenance guideline is in the application, and there will be no snow storage or display in this area.

Peter Zohdi, Herbert Associates, stated that the French drain would be an insurance policy, the original system will work as long as no storage materials are in the way of the catch basins, he has explained this to the Cyr's and they assured him that it would not happen again, and could put as part of the approval. Board discussion regarding a "no materials storage area" on the plan.

Mr. Nickerson further explained the architecture of the building including it will have gray shingles, architectural shingles on the roof, retail on the first floor and office on the second floor, there is internal

stairway to the second floor, and there is wheelchair access to the first floor. Board discussion continued with Mr. Nickerson regarding the traffic flow for the entire site, and the equipment rental would probably be in the end unit with parking in front. Mr. LoChiatto read the Highway Safety Committee comments. Mr. Nickerson reviewed the traffic assessment including trips and deliveries, and there are approximately 25 deliveries a day.

Board discussion continued with Mr. Nickerson that there has not been any problems with deliveries to the site, the lighting will be similar to the existing lighting, there is a full landscaping plan, light fixtures are 10' mounted, add lighting on the back of the building, concerned with the number of truck deliveries and Jones Road, are relocating the offices to the new building, concern for the delivery trucks and the residences on Jones Road, the tractor trailer traffic is for the current plan not this plan, can't the entire site be looked at because of the expansion, can tractor trailer traffic to Rt 28 be limited, the site driveway was built to accommodate tractor trailers, the problem appears to be with the residents parking on the side of the road, and screening for car headlights.

Public comment James Rand, 66 Pleasant Street, asked if the stored materials got in the way for exit driveway, and did that compromise safety. Board responded that staff will check to make sure the materials are gone the point is mute if the material is moved, and the materials were on the shoulder. Mr. Rand stated that the existing detention pond wasn't properly maintained, it should have a new overflow structure, the cross drain is a good idea, by adding the conditions of approval you're burdening the staff, the plan should be revised, the Board should not relinquish their authority, and the Department has less staff. Board discussion that no decisions have been made regarding relinquishing authority.

Mr. Turner stated that the detention pond has not been maintained even though Cyr Lumber has received letters to do so, they were also asked to move the storage materials but did not, it was not a safety issue, a French drain across the road would take care of the issue if storage materials are placed on the side of the exit driveway, and the drain would also save tax payers money by not having to have staff go and check the site. Board discussion regarding requiring an annual maintenance report for the detention basins, and site plans usually keep a log.

Mr. Zohdi stated the repair to the detention pond is done, will go to the detention pond with Mr. Turner. Make sure the detention pond is clean before the construction begins, it will be checked again before the Certificate of Occupancy, and there's a note to send an annual report to the Planning Department.

Board discussion regarding getting a follow up from the Highway Safety Committee and is the Committee happy with the plan now. Mr. Zohdi stated that the Committee was sent an answer to their questions and did not respond, and they would have sent a response if they were not okay with the plan. Mr. Turner described a problem with tractor trailers coming off the Cyr Lumber site and going off the side of Jones Road making a depression. Mr. LoChiatto read the Highway Safety Committee's questions. Board discussion that the Highway Safety Committee has not met since December, and the plan could be approved with conditions of approval.

Mr. Nickerson stated that the deliveries have nothing to do with the new building, he read portions of a letter from Mr. Messina of the Manor Motel, and the site has been built as per the plan. The Board reviewed the potential conditions of approval.

Mr. Kolodziej motioned to grant the application for the Cyr Lumber expansion with the following recommendations: 1) Drainage detention pond to be cleaned, dredged, and repaired during construction; 2) The lighting behind the proposed building to light the three backdoors (on page 12 of 14) with the

same style lights as the other building; 3) From the northerly edge of the existing storage building to Jones Road, the areas will be striped with “no storage”; and 4) All stated, local, and federal permits shall be issued and current to start of construction. Mr. Breton seconded. Board discussion regarding getting a response from the Highway Safety Committee. Passed 6-0-1. Ms. Post opposed.

Mr. Kolodziej motioned to merge lots 13-A-33, 40, and 42 as shown on the Cyr Lumber site plan. Mr. Breton seconded. Passed 7-0.

**Whispering Winds Amendment – Public Hearing**  
**Pleasant Street, lot 19-A-800**

Mr. Turner stated the applicants want to modify a condition of approval that required a van be at the site for the use of the residents, and the file is complete and ready for public hearing. Mr. Breton motioned to open for public hearing. Ms. Skinner seconded. Passed 7-0.

Mr. Turner stated that the van was a condition of approval but it was sold, the association would like to substitute the van with the CART shared ride program, has seen the CART bus at the development, have been before the Board several times, and this first time offering to become a CART member.

David Anderson, President of the Whispering Winds Board of Directors, the request as written is clear and to the point, do not think it prudent to repurchase a van for reasons of insurance, liability, is not feasible to have to maintain a van, seeking relief from this restriction, and has a signed petition by most of the residents.

Board discussion that the executive director of CART is a former Planning Board member, Lee Maloney, says that ridership is increasing and is a viable program, the fire department should be called in case of an emergency, and the association pays for the CART service. No public comment.

Mr. Kolodziej motioned to grant the request to remove the condition that required the association to purchase and maintain a passenger van for use by the residents and the association pay for the CART shared ride transportation or similar program. Mr. Breton seconded. Passed 7-0.

**Covnett Emergency Veterinary Site Plan and Special Permit – Public Hearing**  
**3 Cobbetts Pond Road, lot 21-U-30**

Mr. Breton motioned to open for public hearing. Ms. Skinner seconded. Passed 7-0. Mr. Turner explained the site plan including the location, it is for an emergency veterinary business, there will be a 55’ x 40’ addition, a parking lot with 15 spaces, it is zoned Business Commercial A, in the Flood Plain District and the Wetland and Watershed Protection District, and variances have been granted. Reviews include staff review, zoning administrator permit denial, fire department review, photographs, Keach-Nordstrom review, and the engineer’s response to the Keach review. He discussed site plan issues and staff recommendations, and the drainage easement review and approval to be done by Attorney Campbell.

Board discussion regarding the Special Permit because the parking lot and driveway is in the WWPD, and need to meet the intent of Section 601.4.8.

Karl Dubay, MHF Design, stated that the sign variance request was removed, the signs will be in conformance, Keach did a full review of the plan, and it’s a good fit for the neighborhood. Board discussion with Mr. Dubay regarding handicapped parking, the space next to the door is for emergencies and it can be changed to an ADA parking space, waiver for request for not identifying trees 12” or

greater, retaining most of the vegetation, not cutting any trees 12" or greater, requesting a Special Permit, and it is a low-impact redevelopment, all the elevations have been verified, light pole heights have been adjusted as suggested by Keach, get a lot of light from the property across the street, and want to minimize the light spillage off the property.

Pat Wallace, current owner of the property, explained that the abutting properties have some lights on throughout the night which comes across his driveway.

No public comment. Board discussion continued regarding it is a good plan, sign will be internally illuminated, want a sign that stands out because it is an emergency service, will come back for the sign approval, building will be a light sage/green color, the fire chief has signed off on the project with a couple of conditions, and the siding is vinyl. Mr. LoChiatto read a letter from Chief McPherson. Discussion continued regarding Mr. Dubay has met with the DOT regarding the driveway entrance, and have only received department comments from the fire department.

Mr. Kolodziej motioned to approve the waiver of Section 602 requiring existing trees greater than 12" to be shown on the plan as no trees greater than 12" will be cut down. Mr. Breton seconded. Passed 7-0.

Mr. Dubay discussed the WWPD, they're taking the old septic system out of the WWPD and replacing it outside the WWPD, improving drainage which will nurture recharge, the expansion of the building will be located where the current septic system is which is already disturbed, intercepting the drainage from the driveway, it is a low-impact development, and the spirit and intent of the WWPD ordinance is to protect the groundwater which is what they have done with the design.

Mr. Kolodziej motioned to grant the Special Permit from Section 601.4.8 to allow pavement in the WWPD. Mr. Breton seconded. Passed 7-0.

Mr. Breton motioned to approve the plan as presented with the following conditions: 1) Space #7 shall be assigned as an ADA parking space; and 2) All federal, state, and local permits shall be issued and up-to-date prior to the start of the construction on the site. Mr. Kolodziej seconded. Passed 7-0.

Mr. Kolodziej motioned to adjourn. Ms. Skinner seconded. Passed 7-0. Meeting adjourned at 10:33 pm.

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