

## **PLANNING BOARD MINUTES**

**May 20, 2009**

### **ROLL CALL:**

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

### **STAFF:**

Laura Scott, Town Planner – Present

Mr. LoChiatto opened the meeting at 7:01 PM. The Board stood and recited the Pledge of Allegiance.

The Chairman appointed Mr. Wrenn to sit in place of Ms. Post for this meeting.

The Chairman reminded the Board Members to pick up their packets in a timely manner.

Mr. Kolodziej congratulated Mr. Breton on his recent marriage.

### **Trails Subcommittee Discussion**

The Chairman said that there has not been much communication or interaction with the Trails Subcommittee and read the five points listed in Ms Scott's May 15, 2009 memo asking the Board to take one of the following actions:

1. Keep the Trails Subcommittee as part of the Planning Board.
2. Dissolve the Trails Subcommittee.
3. Ask that the Board of Selectmen create a stand-alone Trails Subcommittee which will report to them.
4. Ask the Conservation Commission to take over the responsibility of the Trails Subcommittee and its duties.
5. Ask that the Recreation Committee take over responsibility of the Trail Subcommittee and its duties.

Mr. Wayne Morris, member of the Trails Subcommittee, explained that the subcommittee was formed when he was on the Planning Board. Trails would comment on both subdivision and site plans when applicable and ask developers to consider trails when they were subdividing. Mr. Morris said that he thought the Trails Subcommittee would be more aligned with the Conservation Commission. Currently there are no Planning Board Members on the Trails Subcommittee. The members of the Trails Subcommittee are Mark Samsel, John Magnon, Norm Babineau, Jim Finn, Dianna Fallon and Neil Fallon.

The Chairman asked Ms. Scott to send a letter to the Conservation Commission asking if the Trails Subcommittee could become a subcommittee of the Conservation Commission.

## **Public Hearing**

### Case 07-2009 Site Plan Review Application

A Site Plan Review application has been submitted for 1 Wall Street (11-C-701), which is located in the Professional, Business and Technology Zoning District. The applicant, G.B. New England 2, LLC, on behalf of the property owner, Indian Rock Office Park II, LLC, is proposing a 3-phased site development plan to include a temporary 70-space NH DOT Park & Ride facility, a 13,600 sq ft CVS/pharmacy building with a drive-thru, a two-story 19,500 sq ft commercial/office building with a drive-up window, and associated parking, lighting, landscaping, and utilities.

The Chairman read the legal notice into the record.

Ms. Scott noted that there was an additional letter from the Fire Department dated May 20, 2009 asking the Developer to continue to work with the Fire Department to ensure full compliance with the Town of Windham's Fire Department requirement and NFPA 1142 Emergency Water Supply. Ms. Scott went on to say that that Shaw's would not be providing water for this project so the owner would have to provide his own water source.

Mr. Peter Zohdi of Herbert Associates displayed the plans showing the proposed 13,600 square foot CVS building along with an 18,000 square foot +/- retail and office building that would be built at the existing Park & Ride location. The second floor of the retail building would house offices and storage. There will be one entrance and a drive thru for the bank and a drive thru for the pharmacy. The retail office building may not be built until 2013 because the Highway Department has the right to stay on the property until 2013. They may leave sooner than 2013. The applicant would like full site plan approval and are therefore presenting a phased approach.

Mr. Breton motioned and Mr. Kolodziej seconded the motion to accept Case #07-2009 for Public Hearing. Motion passed 7-0.

Mr. Zohdi went on to say that negotiations with Shaw's for water are on-going. If there is no water from Shaw's the project will have its own wells.

Park & Ride customers will not conflict with CVS customers. There will be signage showing parking areas for CVS and parking areas for Park & Ride customers. The existing Park & Ride entrance will also remain under Phase A. There will be a minimum of 57 parking spaces. Approximately 30-40 cars per day go thru the Park & Ride. The Board discussed bus traffic and circulation through the Park & Ride. Ms. Alex Tokanel, architect for the applicant, stated that design is the same as the Wal-Mart area in Salem, NH designated for bus traffic which has no problems. Mr. Zohdi discussed the entrance widths.

Mr. Zohdi said that they would like to start construction of the CVS building in three to four months.

Mr. Zohdi explained that there will be two septic systems and both will be built at the beginning of the project. The entire system will be installed at one time.. Mr. Zohdi further explained Phases A, B and C. Phase A shows the existing Park & Ride and the new CVS. Phase B shows the Park & Ride relocated to the area designated for the retail/office space and the new CVS. Phase B is required if NH DOT perform

the Route 111 improvements prior to building the new exit 3 Park & Ride. Phase C shows the final proposed site plan with no Park & Ride.

Mr. Zohdi introduced Bryant Anderson of Vanasse Hangen & Brustlin, Inc. Mr. Anderson referred to Sheet C6C of the submitted plan and explained that the underground detention system will contain three water quality units that will collect all the water from the pavement and roofs. Alteration of Terrain approval was received from the state in January 2009. Mr. Anderson said that he received a letter from the Cobbetts Pond Improvement Association asking that the system be enhanced. Mr. Anderson proposed an Isolater Row containing two drainage structures for low flow. The Board discussed the increased pipe size recommended by Keach-Nordstrom who reviewed the design for the Town. Mr. Anderson described the design differences and stated that they would comply with the recommendation. Mr. Anderson further discussed the changes required when the retail/office building is constructed.

Mr. James Gove of Gove Environmental explained that the existing pavement and packed gravel are essentially functioning as impervious surfaces. There is a small wetland adjacent to the road. Mr. Gove submitted information from the UNH Storm Water Center regarding the ADS Water Quality Unit and Infiltration System. An independent review of the system was done. The system did an exceptional job removing pollutants. Mr. Gove also discussed that substituting with porous pavement could lead to contaminated soil if a spill were to happen. In order to remedy the situation, the soil would then need to be removed.

Mr. Zohdi introduced Robin Bousa, Director of Transportation Systems at Vanasse, Hangen & Brustlin, Inc., who did the traffic study and submitted it to the NH DOT. A detailed analysis of the intersection of Rt. 111 and Wall Street were looked at as well as the Village Green and the Post Office. The road to Shaw's, the Park and Ride and the proposed driveway were also reviewed. These types of uses are low generators. At peak times there would be approximately 50 cars in and 50 cars out for a pharmacy and 50% of those would be "pass by" traffic. This would not cause a large increase in traffic considering the traffic flow on Route 111. Wall Street will need more green time. The traffic signals will be timed to increase the green time for Wall Street.

Mr. Zohdi introduced Sara Connolly of BKA Architects. Ms. Connolly described the proposed CVS building and the building materials. Mr. Kolodziej commented that the proposed design looked "cookie cutter" and aesthetically is not pleasing. Mr. Zohdi said that the plan will be subject to design review.

Mr. Zohdi introduced architect Alex Tokanel. Ms. Tokanel showed examples of the recommended materials and colors for the retail and office building. The Board discussed a *village look* and thought that would be preferable, the buildings should compliment each other, improve aesthetics of rear and sides of buildings that will be visible and identify locations of mechanical equipment.

Mr. Zohdi said that work will be done on the design of both buildings.

Mr. Zohdi advised the Board that he did receive a variance for a free standing sign. Mr. Kododziej questioned the height of the sign (15 feet). The Board discussed whether the variance should be used.

Mr. Anderson showed on the displayed plan the location of the proposed lighting. The Board discussed light spillage onto Wall Street. Mr. Anderson advised side shields will be added to the lights facing Wall Street.

Mr. Anderson showed the locations of the trees and shrubs along the perimeter of the parking lot and the location of the landscaped island.

The Chairman granted a five-minute recess.

The Chairman called the meeting back to order.

Attorney Kathleen DiFruscia representing the Cobbetts Pond Improvement Association advised the Board that she reviewed the drainage plans with Mr. Zohdi and Mr. Anderson. She was pleased with the plan in general because it affords maximum protection to Cobbetts Pond. Attorney DiFruscia requested that the Isolater Plan be included in the drainage plan and that a non-woven geo-tech material be used for the ADS system.

Mr. Charlie McMahon, Windham Selectman and State Representative, asked that the Board support the proposed plan because protection of Cobbetts Pond has been met, the pharmacy would be a service for the elderly and the approximately \$70,000.00 increase to the tax base.

A letter was submitted by email from resident Carol Pynn asking that the design of the building fit more with the character of the town.

A memo, dated May 8, 2009, was submitted by Chief Lewis stating that he did not have any additional concerns that have not already been addressed by the developer.

The Board discussed Keach-Nordstrom design review and proposed wall signs. The applicant will comply with all requests.

Ms. Scott suggested to the Planning Board that this case be continued to the June 17, 2009 meeting to allow the applicant time to address the issues raised by the Planning Board and review letters and hopefully case 07-2009 could then be approved with minimal conditions. Mr. Zohdi agreed to the June 17<sup>th</sup> date, but did note that if he was not ready by that time he would advise Ms. Scott and request a later date. Mr. Kolodziej motioned and Mr. Breton seconded the motion to continue the CVS and Commercial Building site plan to the June 17, 2009 meeting at 7:00 PM. Motion passed 7-0.

#### **Meeting Minutes – Review & Approve 5/6/09**

Mr. Breton motioned and Mr. Kolodziej seconded the motion to approve the amended minutes. Motion passed 6-0-1. Ms. Skinner abstained because she was not at the May 6, 2009 meeting.

#### **Sign Permit Application – 4 Cobbetts Pond Road, Unit #7**

After the Board reviewed the request Mr. Breton motioned and Ms. Skinner seconded the motion to allow the sign to be centered under the lights and allow the words *Driver Under Construction* as a decal on the glass and tone down the yellow color. Motion passed 6-1. Ms. Prendergast voted against the motion.

### **Board Member Committee/Subcommittee Opportunities**

Ms. Scott proposed adding to the agenda a monthly update for PB members to update the rest of the Board on the activities of other communities/boards that they are involved in. The list is as follows:

- Conservation Commission – Ms. Skinner
- Board of Selectmen – Mr. Breton
- Windham Economic Development Committee – Ms. Post & Mr. Wrenn
- Legislative Update – Mr. Kolodziej

Ms. Scott listed the upcoming projects. Following is the final list of members and opportunities.

- CIP – Mr. Okerman and Mr. Kolodziej
- CTAP Open Space – Ms. Skinner
- CTAP Road Mapping – Ms. St. Laurent
- RPC Wall St. Corridor Study – Mr. Wrenn
- Work Force Housing – Ms. Prendergast
- Sign Ordinance Compliance – Mr. Breton
- Impact Fees – Mr. LoChiatto
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### **Planners Report**

Ms. Scott reviewed the Planners report with the Board.

- Worked with the Windham Economic Development Committee to plan a summer outreach event to showcase the CURP Assessment results.
- Met with Bev Donovan and Ben Frost (NH Housing) to discuss moving forward on meeting requirements of Workforce Housing RSA.
- Attended the HDC/Heritage Commission meeting to introduce herself and explain the TRC process and role.
- Participated in a community meeting for Squire Armor Road residents with NH DOT regarding sound barriers.
- Attended Chamber event in Salem where NH DOT Commission was guest speaker.
- Celebrated grand opening of Home Free, LLC facility.

### **Member Binder Update**

Two items were added to the binders. At tab #3, Riggins Rules and at Tab 16, Dealing with the design review vesting rule chapter 285, laws of 2006 NH Planner's Review of recent court decision and legislation.

### **Miscellaneous Items**

Ms Scott reported to the Board that NH DOT did a study to see if there would be an increase in noise to the Squire Armour Road residents because of the I-93 expansion. The study showed that the increase in noise would be minimal; the area does not warrant a sound barrier because of financial considerations.

The Chairman told the Board that a letter of support came from Cliff Sinnott of the Rockingham Planning Commission supporting Windham's efforts for the CTAP request of \$3,000.00 for the cost of conducting an economic assessment of the town.

**Adjournment**

Mr. Kolodziej motioned and Mr. Breton seconded the motion to adjourn. Motion passed 7-0. Meeting adjourned at 9:55 PM.

These minutes are in draft form and are respectfully submitted for approval by Patricia Kovolyan, interim Planning Board Assistant.