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**PLANNING AND DEVELOPMENT**

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**Planning Board Meeting Minutes**  
**March 3, 2010**

**Roll Call:**

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

**Staff:**

Laura Scott, Community Development Director – Present  
Elizabeth Wood – Community Planner - Present  
Tracey Mulder – Administrative Asst. – Excused

**Call to Order/Attendance/Pledge of Allegiance**

Mr. LoChiatto opened the meeting at 7:20 pm, followed by the Pledge of Allegiance.

Seated for Pam Skinner is Kristi St. Laurent.

**Public Hearings**

**Case # 2010-1 WWPD Special Permit Application**  
**71 and 67 Heritage Hill Road (Lots 24-F-193 & 24-F-194)**

A Wetland and Watershed Protection District (WWPD) Special Permit Application has been submitted for Lots 24-F-193 & 24-F-194 located at 71 and 67 Heritage Hill Road, zoned Rural and WWPD. The applicant, Peter Zohdi of Edward N. Herbert Associates, Inc., representing EJR, Jr. Development, LLC, is proposing to install a pool and a patio on each lot, as well as the associated retaining walls and grading, within the WWPD.

Mr. LoChiatto read the application into the record.

Ms. Wood addressed the Board explaining the application has gone before the Technical Review Committee and at that time concerns were raised and addressed.

Ms. Wood noted for the Board that included in their packet is a memo from Jim Finn, Chairman of the Conservation Commission outlining his recommendation to add a few items on the final plan set:

1. Shrubbery must be planted to reduce velocity of runoff.
2. Reduce the grade to no more than 10%.

In addition, there is a final site plan submitted by the applicant. Ms. Wood went on to explain prior to the meeting with the Technical Review Committee, the appropriate variances were received. Ms. Wood believes that the application is sufficiently complete.

Motion by Mr. Breton to accept the application in for review. Second by Ms. Post. **Motion passed 5-0.**

Mr. Peter Zohdi addressed the Board regarding the WWPD Special Permit application. Mr. Zohdi explained to the Board that when he did the original subdivision, per the zoning regulations, the development needs to be 100 feet from the WWPD. However, if there is a slope of more than 12%, then there is a 200 foot buffer requirement. Mr. Zohdi explained that all development in the entire subdivision is 100 feet away from the WWPD with exception of this small area of land that needs to be 200 feet.

He has met with the Conservation Commission on this application, the Conservation Commission completed a site walk of the property, and they had no concerns with what was being proposed.

Mr. Zohdi showed on the map the proposed location of the pools, decking, retaining walls and associated grading within the WWPD. He went on to explain that a portion of the parcel is within the WWPD but is not within the Town of Windham's flood plain district or 100-year flood plain. In addition, he added that by installing the retaining wall he is reducing the velocity of water.

Mr. Zohdi went on to say he has received a Variance and the Conservation has no concerns and he would like to get a WWPD special permit from the Board.

Ms. Post asked to see the note regarding the variance from the ZBA on the plans. Mr. Zohdi said he would get her a copy and Ms. Post asked what section of ordinance the variance was granted. Mr. Zohdi responded that the variance is from Section 601.4.5 and provided a copy of the ZBA Variance application to Ms. Post. Ms. Post asked that in the future to please provide zoning information regarding variances for the Planning Board's review.

Mr. LoChiatto asked Mr. Zohdi to discuss the height of the retaining walls at the easterly end of the parcel because there appears to be a 12-foot difference in the grade between the two retaining walls and he asked how this will be resolved. Mr. Zohdi said that the retaining wall would be structured using geofabrics, which is noted on the plans provided. Mr. Zohdi said

the note on the plans indicate that fencing needs to be placed on the top of the retaining walls.

Ms. Prendergast asked about the recommendation of shrubbery and what type of shrubbery will be used to reduce the velocity of runoff. Ms. Wood noted that the recommendation came from Jim Finn as noted in the letter. Mr. Zohdi said the shrubbery came as a result of the recommendation from Mr. Finn.

Mr. LoChiatto opened the hearing to the public.

No public comment and discussion closed to the public.

Ms. Post asked Mr. Zohdi if there was evidence that this proposal will not contribute to the degradation of surface or ground water quality and wants to ensure it is consistent with intent and purposed with section 601.4.3.

Mr. James Gove, of Gove Environmental Services, addressed the Board to answer Ms. Post's questions. He stated that there is 50' of forested vegetation condition to surface waters and that is sufficient to control most of the runoff pollutants. He went on to say the 100' buffer is considered the gold standard to provide the best runoff by absorbing or trapping most of the total suspended solids, nutrients or pathogens.

Ms. Post also asked about Section 601.4.8.2 regarding Construction Techniques and Sequence and questioned if it to minimizes the impact on the WWPD. Mr. Zohdi said that staff would not issue a permit until everything is inspected to ensure that erosion controls are in place. Mr. LoChiatto noted that the last page of the plan outlines the construction sequence.

Motion was made by Mr. Breton to grant the WWPD special permit application submitted for lots 24-F-193 & 24-F-194 as it complies with section 601.1-601.4.8. Seconded by Ms. St. Laurent. Ms. Post asked if they should note the variance on the plan. It was agreed to add the variance request. **Motion passed 5-0.**

### **Case # 2010-2 Lot Line Adjustment and Minor Subdivision Application 150 Lowell Road & 5 Wilson Road (Lots 24-F-4000 & 24-F-4002)**

A Lot Line Adjustment and Minor Subdivision Application has been submitted for 24-F-4000 (150 Lowell Road) and 24-F-4002 (5 Wilson Road) located in the Rural Residential Zoning District, WWPD, and Aquifer Protection District. The applicant is Peter Zohdi of Edward N. Herbert Associates, Inc., on behalf of Susan and John Tokanel (24-F-4002) and Valerie Megna (24-F-4000) they are proposing a lot line adjustment in which 10,937 sq. ft of Lot 24-F-4000 (150 Lowell Road) is transferred to Lot 24-F-4002 (5 Wilson Road). The applicant is then proposing to subdivide Lot 24-F-4002 into (3) lots: this would create a lot with (1) existing house sized 5.089 acres; a lot with (1) existing commercial garage, sized 3.137 acres; and a vacant lot sized 3.404 acres.

Ms. Wood addressed the Board stating that there are no outstanding concerns with this application.

Mr. Breton motioned to accept the application in for review. Second by Ms. Prendergast.  
**Motion passed 5-0.**

Mr. Zohdi addressed the Board explaining how they are proposing to transfer and subdivide the property. In addition, he noted that the Town's soil scientist checked the lot sizing and a portion of the land is in the aquifer district and because of this, they were required to do the lot sizing per the Aquifer District. Gove Environmental Services did the soil classification and that information is provided in the packet. Mr. Zohdi noted there is sufficient frontage and lot sizing for this three-lot subdivision. In addition, the plan has been reviewed by the NH DES and they approved the subdivision permit.

Ms. Scott addressed the Board and noted that she had four small edits to the plan and the Board could make them as a condition of approval:

1. Lot 24-A-6, corrected house number to 141 Lowell Road.
2. Lot 24-F-5213, abutter added to mailing list.
3. Note #2 on the plan needs to have NHDES subdivision approval # listed rather than pending.
4. Note #9 needs to have the amount of the impact fee listed.

Ms. Post asked for clarification that there would be no new driveways and Mr. Zohdi said that there would be no new driveways.

Mr. LoChiatto asked if it was an existing paved driveway and Mr. Zohdi said that it is gravel. Mr. LoChiatto asked if the gravel driveway was over the property line. Mr. Zohdi said to address this issue he would put a barrier up to outline driveway so that no one will encroach on the neighbors lot.

Mr. LoChiatto opened hearing to the public.

No public comments. Hearing closed to the public.

Ms. Prendergast made a motion to approve the Lot Line Adjustment and Minor Site Plan application for Case # 2010-2, 150 Lowell Road and 5 Wilson Road with the following conditions (1) revise the abutters list as stated by Ms. Scott , (2) Add NH DES subdivision approval # for note #2, (3) add the addition actual amount of the impact fee for note #9, and (4) add iron bounds along the edge of the property line for the driveway. Second by Mr. Breton. **Motion passed 5-0.**

**Case # 2010-3 Minor Site Plan/Change of Use  
33 Rockingham Road (Lot 13-A-31)**

An Application for a Minor Site Plan Change of Use has been submitted for 33 Rockingham Road, Lot 13-A-31, zoned Commercial District A. The applicant, Dealers Trust Corp, represented by Howard Shafman is proposing to locate a pre-owned retail automotive sales and service business on the site. This is a change of use and requires site plan review from the Planning Board.

Ms. Wood addressed the Board indicating the memo she included in the Board's packet where she addressed several comments and concerns she would like addressed by the applicant:

1. Add a note on the plan regarding the maximum capacity of the number of vehicles that will be on display and for sale outside, and to be located on the property site.
2. Add a signature block to the Site Plan for the Planning Board Chair to sign and Date.
3. Add a signature block to the Site Plan for the Property Owner to sign and Date
4. Five errors on the abutter list provided by applicant. Staff corrected these errors for the hearing notice mailing. They are as follows:
  - a. Include property address and lot number for 29 Rockingham Road (Lot 13-A-30A)
  - b. Include property address and lot number for 3 Rockingham Road (Lot 13-A-33)
  - c. Include property address and lot number for 30 Rockingham Road (Lot 13-B-71)
  - d. Add abutter 38 Rockingham Road (Lot 13-B-74) to mailing list.
  - e. Added property owner to abutter mailing list.

Ms. Wood noted for the Board that one more item the members received was an email dated March 2, from the Conservation Commission requesting additional information on the proposed grading in order to review the plans. Ms. Wood explained that the plans had been proved to the Commission and that there were no grade changes proposed.

Mr. Breton made a motion to accept plan for lot 13-A-31 in for review . Seconded by Ms. Post.  
**Motion passed 5-0.**

Mr. Howard Shafman representing Dealer's Trust Corporation addressed the Board stating that they were proposing to put an automotive dealership retail location at 33 Rockingham Road. He stated they are not changing anything on the lot. He addressed the concerns regarding oil and noted they will not be doing any oil changes on the premises.

Ms. Post asked what the use of the property was prior to their proposal. Mr. Shafman replied that it was an adult bookstore.

Ms. Post also asked if there were a fixed number of cars that would occupy the site. Mr. Shafman responded that the they would have 26 parking spaces for retail cars, three employees, two customer, and one handicap for a total of 32 vehicles.

Mr. LoChiatto asked Mr. Shafman to explain the plans. Mr. Shafman explained how the parking spaces would be laid out on the property.

Mr. Dennis Rogers, of DJR Property, addressed the Board explaining that they were using the original site plans that have been used in the past for other proposals. He explained the parking spaces on the plans that have been crossed off are because the Department of Transportation does not want these parking spaces too close to the road. Mr. LoChiatto asked where the edge of pavement is on the plans. Mr. Rogers showed on the plans the paved driveway and the areas of the parking lot that are paved; however, the side of the building is concrete slab that has a fence alongside and behind the fence is gravel.

Ms. Scott addressed the Board noting that she understands the plans are somewhat confusing but because this is simply a change of use, she felt it would be too much of a financial burden on the applicant to request an entirely new set of plans be developed. Ms. Scott stated that if the Board approved the plans tonight she would work with the applicant and Ms. Wood to make the plans clearer.

Mr. LoChiatto said that his only concern was with the gravel area and it is difficult to contain how many vehicles will be on the property because you cannot outline parking areas on gravel as you can on pavement. And, if the Board is approving a certain number of vehicles on the property, it will be too hard to ensure compliance. He went on to say perhaps there is a way to outline and show where the vehicles should be parked on the gravel.

Mr. Rogers indicated that he did not believe that customers would park behind the building and that if an employee were showing a vehicle to a customer, the employee would bring the vehicle to the front of the building for the customer. Mr. LoChiatto understood and reiterated that he wants to ensure that the applicant cannot have a sprawl of cars in the parking lot.

Mr. LoChiatto opened the hearing to the public.

No public comment. Closed to the public.

Ms. St. Laurent stated that during his presentation the applicant mentioned one handicap-parking place indicating the law requires two handicap parking spaces, and the plans show two spaces. Mr. Shalman said he would make sure there were two handicap parking spaces noted on the plans.

Mr. Breton made a motion to approve the Minor Site Plan for lot 13-A-31 with the following conditions: (1) that the applicant work with staff to provide a more clarified site plan that shows the proposed use of the site, (2) that two handicap spaces be shown on the plan and marked on the site, (3) that applicant to work with staff on the sign, (4) correct abutter list on plan that was presented, (5) add signature block on the site plan for the Planning Board to sign, (6) add a signature block on the plan for the property owner to sign, and (7) add a note on the plan regarding maximum capacity of cars being stored on the site.

Mr. LoChiatto asked Ms. Wood about sign lighting and she responded that at this point, it is a freestanding sign and at this time it is conceptual and not on the plans. Mr. LoChiatto said regardless it needs to be on the plans.

Mr. LoChiatto also asked about business hours of operation and Mr. Shafman responded that they will be in compliance with the state for a retail dealer's license and will most likely be open seven days a week from 8 AM to 7PM Monday through Friday, Saturday 9AM to 5PM and Sunday 12PM to 4PM. Mr. LoChiatto requested this information be included on the plans.

Ms. Scott asked about lighting on the sign and Mr. Shafman responded that there is no lighting on the sign. Mr. LoChiatto told the applicant that if he wants to have lighting then it needs to be on the site plan. Mr. Shafman said that in the future they will want lighting but will come back to the Board at a later date. Mr. LoChiatto indicated that this should be put on the plans now and that down lights will be the best.

Ms. St. Laurent asked if there was additional lighting proposed for the site and Mr. Shafman indicated that there is existing lighting for the property but nothing new proposed.

Mr. LoChiatto thought that perhaps due to all the conditions requested of the applicant that it might be better to hold off on the motion until these changes can be put on the plans. Mr. Scott recapped the changes that she has heard the Board members mention:

1. Hours of operation added to the plan
2. Existing free standing sign and if lights are added they will be 'down' lights
3. If there is a sign on building no lights on building
4. Clean up existing conditions plan by working with staff
5. Add note to plan regarding maximum capacity of vehicles to be on site
6. Add signature blocks for chair and applicant
7. Correct abutter list
8. Note two handicap parking spaces
9. Add parking calculations to the plan

Ms. Post asked the Board if there was a need to note there is no alteration of terrain on the site. Ms. Scott answered that the applicant was not requesting to alter the site so having a note stating that is not really necessary..

Mr. LoChiatto addressed the Board and said there was a motion on the table by Mr. Breton as outlined by Ms. Scott. Second by Ms. Prendergast. **Motion passed 5-0.**

Board took a five-minute break from 8:30-8:35.



**Case # 2010-4 WWPDP Special Permit and Preliminary Site Plan Application (Lot 16-D-450)**

An Application for a Wetland and Watershed Protection District (WWPD) Special Permit and Preliminary Site Plan Application for Lot 16-D-450, located in the Village Center District. The WWPDP Special Permit Application is to allow a portion of a building and driveway, as well as drainage, grading, and a well, to be located within the WWPDP. The Site Plan Application is for the construction of a gas station, convenience store, and multi-tenant retail building, as well as associated parking landscaping, and signage.

Ms. Scott noted for the Board the information in their packet including:

- Application review memo dated February 17, 2010
- Code Enforcement Administrator memo dated February 25, 2010
- Preliminary Site Plans

Ms. Scott indicated for the Board that this is a Preliminary Site Plan application, which means that there are items that are outstanding and that the Board cannot grant a final approval at this time. She went on to say that this is a public hearing for the applicant to present their plan and for the Board and public to ask questions and look at the list of outstanding items and if there is anything else the Board or public believes should be addressed this should be done tonight so the applicant can incorporate these changes in their plans and come back for a final public hearing.

Ms. Scott went on to say this application has been presented to the Technical Review Committee (TRC), and unless there are major changes proposed to the site, it would not go back to the TRC.

Ms. Scott indicated that the Conservation Commission has been provided with the WWPDP Special Permit request, per the regulations, even though they have already commented on the application, as part of the Zoning Board of Adjustment Variance application..

Ms. Scott noted for the Board that the items that are outstanding are listed on her review, along with hearing back from Conservation regarding the WWPDP, hearing back from the Historic District regarding the sign, as well as providing the application material to Keach Nordstrom.

Mr. LoChiatto asked Ms. Scott about the WWPDP Special Permit portion of the plan and wondered if it was a separate item. Ms. Scott said that the Board could grant the special permit tonight or hold it until the Final Site Plan Application public hearing. Mr. LoChiatto asked Ms. Scott why she would list a WWPDP Special Permit Application with a Site Plan as he thought this was confusing because historically this was reviewed with the Final Site Plan Application. Ms. Scott responded that she included it in case the Board had any questions about the WWPDP that could be answered at this meeting.



Mr. LoChiatto thought that if the Board agreed, he would like to leave the review and granting of the WWPDP Special Permit for the Final Application. The Board agreed.

Mr. Breton made a motion to move to Preliminary Site Plan review to Public Hearing for Lot 16-D-450. Seconded by Ms. Prendergast. **Motion passed 5-0.**

Mr. Peter Zohdi of Edward Herbert and Associates addressed the Board. Mr. Zohdi said the parcel is located at 32 Indian Rock Road, Route 111, owned by 32 IRR Realty LCC and the area of the parcel is 3.31 areas and indicated the location of the property on the Plans using an area map. Mr. Zohdi went on to say they are proposing to construct Building One and Building Two as indicated on the plans. He went on to explain that Building One will be for a convenience store (3200 SF) and building two (8800 SF) will be a multi tenant with a drive through and he is hoping this will be occupied by a bank. Mr. Zohdi indicated the site is not within the 100-year flood plain and the wetlands and WWPDP areas are outlined on the plans. The wetlands have been classified by Gove Environmental Services. There is a house on the property that will be removed. There have been a couple of meetings with the Conservation Commission and a Site Walk that has been completed. After the site walk, the Conservation Commission was in agreement with the proposal.

Mr. Zohdi began his presentation of the preliminary site plan beginning with Sheet 2 of 35.

### **Sheet 2**

Mr. Zohdi explained **Sheet 2** to the Board and explained that this sheet outlines the legend, abbreviations, notes for the contractor, guidelines on how to construct, layout and materials, utility notes and site notes. Mr. Zohdi went over the parking calculation noting that building one needs (16) sixteen parking spaces and building two needs 38 parking spaces. In addition, Mr. Zohdi discussed the hours of operation and the delivery schedule. With respect to the delivery schedule, Mr. Zohdi asked the Board if he could have some latitude for the delivery time. The next item Mr. Zohdi discussed was open space on the site, the Town's Zoning Ordinance requires 30% open space, and the way this site is designed, he is providing 49% open space. In addition, all utilities to the site will be underground, sprinkler systems will have rain sensor.

### **Sheet 3**

Mr. Zohdi explained that sheet 3 shows the whole boundary of the site along with the existing house, existing pond, existing wetlands and 100-year flood plain, and driveway easements to abutting lots.

### **Sheet 4**

This map identifies the high intensity soils mapping performed on the site. Location of driveway and leach beds. Mr. Zohdi asked the Board at this time, since they were discussing soil and wetland if he could have Mr. Gove address the Board for this portion of the presentation. The Board indicated this would be fine.

Mr. Gove of Gove Environmental Services addressed the Board regarding the soil and wetlands mapping. Mr. Gove said this particular site was somewhat deceptive because it is difficult to see much of the adjacent wetland which is the basis for the WWPD. Mr. Gove went over the plans outlining for the Board how he arrived at the soil classification on the property. He discussed the manmade pond and the change in the wetlands. He went on to say a beaver dam has backed up a portion of the wetlands and has attributed to many dead trees. In addition, because there is not a significant wetland impact on this property, there is no evidence of endangered species and did not see any, but for due diligence purposes they checked to see if there was any listing of rare and endangered species, and there were none. Mr. Gove said his main point was the actual area of encroachment into the WWPD which are areas that have already been modified by an existing paved driveway and lawn area and this does not have the same functions a forested WWPD.

Ms. Prendergast asked for clarification regarding the Wetlands and the adjacent property with respect to the culvert and the beaver dam Mr. Gove mentioned. Mr. Gove said the water is stagnant and the water has reached such a level that the trees are dying due to the beaver dam.

Ms. Post asked about impact on Cobbetts Pond. Mr. Gove said there is no impact to Cobbett's Pond because the runoff from this site bypasses Cobbetts Pond.

Ms. St. Laurent asked what the crescent shape represented on the diagram of the pond. Mr. Gove replied it is an area that was disturbed during construction of the manmade pond.

Mr. LoChiatto asked if the manmade pond would have a role in the drainage and runoff of the site. Mr. Gove indicated that yes it would be a suitable use for the drainage and runoff from the site. Mr. Gove said that under the existing conditions a lot of the runoff from around the house area is already going to the pond. However, he reiterated that the runoff would be treated before it enters the pond but it is essentially functioning now as a pond that fluctuates and controls stalling water runoff.

Mr. Zohdi provided the Board with a copy of the USGS map and will provide a copy of Mr. Gove's report to the Board. Mr. Zohdi went on to explain that the pond already has an outlet with culvert on the property and the culvert directs the water to the wetlands on the abutting property.

### **Sheet 5 & 6**

Mr. Zohdi explained these are the grading and drainage plans for the site with respect to catch basin, treatment swells, culverts, and emergency spillways. Mr. LoChiatto asked about increasing flow of velocity across a property line. Mr. Zohdi submitted the hydrology study and Ms. Scott submitted the information to Keach Nordstrom. This shows that pre and post development does not affect the abutting properties. Ms. Scott mentioned that no waivers are being requested to allow drainage to impact abutting properties..

### **Sheet 7 & 8**

Mr. Zohdi said that they did these sheets to show the entire layout of the site. Included in this layout is the driveway off Route 111, the site parking, and the drive thru to the bank. The plans indicate in the back of Building Number Two there are (4) four parking places. Mr. Zohdi noted that during the TRC meeting the fire department was concerned about having enough space to get their emergency vehicles in the parking lot. Mr. Zohdi said the radius around the building is fine and there is no problem for these vehicles. In addition, he pointed out picnic tables, location of the proposed well, and the water line from the well to the buildings.

### **Sheet 9 & 10**

Mr. Zohdi indicated that these sheets show where the spot elevations are and how the drainage flows to the catch basins. He went on to say they used the spot elevation to make it easier for the engineer and Town staff to review to ensure there will not be any drainage issues. Mr. Zohdi noted on Sheet 10 they are making a small embankment on the existing pond for more capacity for the pond, as shown on the drainage study and on the plans on this page.

### **Sheets 11 & 12 & 13**

These sheets show how traffic will circulate on the site.. Mr. LoChiatto asked about the driveways and the two-way circulation and wondered from a safety perspective if it would not be better to have a one-way circulation. Mr. Zohdi said the police and fire departments wanted two-way traffic, with exception behind Building Number Two where there is one-way traffic. Mr. Zohdi said they are open to what the Board wants but he would like the Board to understand that he will have the traffic study of the site available at the next meeting on this application and a presentation. Mr. LoChiatto said that is fine but he is concerned with the traffic circulation within the site and thinks it needs more thought. Mr. Zohdi said they would look into this and get back to the Board.

### **Sheet 14**

The plan and profile for the drive area by the pond area and they will be grading to improve the drainage.

### **Sheet 15 & 16**

These sheets refer to the landscaping and the lighting of the site. The lighting will be shoebox lighting, down spot lighting and some residential lighting. Ms. Scott wanted to have it look more like a neighborhoods with the residential lighting, which has been incorporated. Mr. Zohdi said the reason we have all this different type of lighting is to illuminate the area according to the zoning regulations. Mr. Zohdi discussed the landscaping on the plan and also the proposed dumpster location.

Mr. LoChiatto recommended to Mr. Zohdi that in the future that it would be best to color code or use a graphic symbol for the lighting to make it easier to read. He went on to ask about the residential lamppost and thinks three of these on a 3.5 acre site may not make sense and

it may be better to have them sprinkled around more or maybe none at all. He thinks the lighting issue needs to be reviewed in more detail from an aesthetic point of view. The Board had a discussion between the footcandle and the lamppost lighting and what would be the best choice for this site and it was decided that Mr. Zohdi would take the Board's comments into consideration.

Ms. St. Laurent asked about the lighting on the elevated walkway to the gathering space thought it might make sense to have some lights there as well. Mr. Zohdi indicated he plans to have an answer for her when he comes back before the Board.

### **Sheet 17**

Mr. Zohdi discussed that the traffic engineers are working on the traffic study and referenced the Dunkin Donuts bypass lane along Rt 111. His plan is to continue the bypass lane to the plaza. Mr. Zohdi said he is improving approx 350' of Route 111. As soon as he has the traffic results from the NH DOT he will provide the Board with that information.

Ms. Prendergast asked if there was a way to share a driveway with DunKin Donuts. Mr. Zohdi explained that at the time Dunkin Donuts was being proposed, this property owner was not interested in providing access to Dunkin Donuts. Now, Dunkin Donuts is not interested in providing access for this development. Mr. Zohdi stated he will continue to pursue the situation and get back to the Board.

### **Sheet 18**

Mr. Zohdi moved on the sheet 18 discussing the guardrail Plan. The existing guardrail is not safe and they are proposing to replace it.

### **Sheet 19**

Mr. Zohdi discussed the site distance plan and noted they will be cutting an area to provide better visibility. All vegetation within the line of sight shall be removed and disturbed areas shall be loamed and seeded.

### **Sheet 20**

This sheet provides information for the contractor with respect to erosion control, silt fencing to ensure that the impact to the wetlands and WWPD are minimized.

### **Sheet 21**

This sheet details the handicap symbol for parking, catch basin, pavement detail and everything needed for construction.

### **Sheet 22 & 23**

Mr. Zohdi outlined specifications of the driveway and DOT guardrail specifications. He outlined the suitable materials needed to complete the driveway and noted that the guardrail must be in accordance with the section 606 "Guard Rails" within the NH DOT Standard Specifications for Road and Bridge Construction.

### **Sheet 24**

This sheet shows the proposed retaining wall. They are specifying on the plans that the owner and contractor must have a retaining wall designed by a structural engineer before they get the building permit and the retaining wall must be reviewed by the Town engineer.

### **Sheet 25**

This sheet outlines the gas pumps in the canopy shown on the site plan. This plan outlines the specifications and distances between the (12) twelve pumps and all the material the contractor needs.

### **Sheet 26**

This sheet shows the proposed pump and the proposed concrete pads on the area of the proposed island pumps, catch basins.

### **Sheet 27**

This sheet outlines the signage the applicant is proposing and it will comply with the Village District requirements. They do not have an actual sign yet because they do not know who the tenant will be at the time they know who it will be they will present the information to staff. Ms. Scott noted that the signage size for the freestanding sign as well as for the wall sign meets all current and proposed sign ordinance zoning. Ms. Scott went on to say the way the proposed sign ordinance is written, on the final site plans the location of the size sign will be approved by the Planning Board but the applicant would not be coming before the Board every time a tenant moved in or out for the sign permit to be approved.

### **Sheet 28 & 29**

These sheets show the various elevations and architectural details of the convenience store (Building One) and the retail store (Building two) from the south, north, and the side elevation of the buildings. In addition, lap siding similar to the Cobbetts Pond Plaza will be used along with gooseneck lighting for the signs.

### **Sheet 30**

This sheet shows the improvements on Route 111 by widening the road by one lane and tapering it off.

### **Sheet 31 & 32**

This sheet is the WWPD Impact Plan that outlines the disturbance this site plan will have on the WWPD. In addition, the proposed WWPD disturbance is the minimum necessary to affect the proposed improvements.

### **Sheet 33, 34 and 35**

These sheets provide an overview of the proposed septic system and a general overview of the site. They are proposing two septic systems as regulated by the state of New Hampshire.

Ms. Post made a comment that the architectural plans seem to be identical to the Cobbetts Pond Plaza and she is wondering why the Board can't be presented with more imaginative plans and something that sets the site apart from other sites in Town and more in keeping with the Village Center District vision. Mr. Zohdi said he will reassess the architectural plans with his clients and present new information the Board at the Final public hearing.

Ms. St. Laurent questioned the why building plans were shown with restaurant space and wondered if there was restaurant proposal. Mr. Zohdi said this was just for loading purposes for the septic design. Ms. St. Laurent also asked about the two buildings and the parking plans on **Sheet 5** with respect to the handicap parking spaces. She went on to say that for the whole site there is the correct number but for the individual building there may not be enough. Mr. Zohdi said he will add additional spaces and amend the plans.

Ms. Post added up all the WWPDP impact square feet on **Sheet 31** and she said she is came up with 24,000 SF of impact to the WWPDP. She wondered if any thought was given to pervious paving to lessen the impact. Mr. Zohdi said that because of the gas station this would not be allowed. Ms. Post wondered if in other areas for opportunities for pervious paving. Mr. Zohdi said he would look into it and see how it works with the drainage system.

Ms. St. Laurent asked about the proposed slab site on Building One, the proposed slab height is 228.2, and the parking is at 229.2 and questioned why it is a foot lower. Mr. Zohdi noted that this is a mistake and he will make the correction.

Mr. LoChiatto mentioned that he is particularly concerned with Building Number One because it obscures the view of Building Number Two and he has some safety concerns. He is wondering if there is any way to rearrange the building or change the roofing. Mr. Zohdi said the architect is going to be reviewing he plans again and he will mention this concern.

Mr. LoChiatto would like to see the applicants come back before the Planning Board for the signage for continuity or at least have something in the plans so that all the signs on the site are kept consistent. Ms. Scott said that the reason it wasn't mentioned in the Plans is because the new sign ordinance says if the sign locations, number, and size were approved though site plan only a sign permit was necessary, which is issued by the Department. Mr. LoChiatto asked about adding a designated area for the signage on the canopy of the gas pumps. Mr. Zohdi will add it to the plans.

Mr. LoChiatto noted that on some of the sheets where the type of siding is indicated, it appears as though the type of siding indicated in writing does not match the siding pictured and he would like this corrected--particularly on the back of Building One. It was noted that the canopy is the same height as the other proposed buildings.

Ms. Post asked if the gas station would have freestanding sign. Mr. Zohdi said there will be one freestanding sign for the entire site.

Mr. LoChiatto opened the public hearing for the Preliminary Site Plan application to the public.

Ms. Carol Pynn, Windham resident, addressed the Board indicating her concern about the Town needing an architectural design review board. She thinks we took Cobbetts Pond Road and placed it right in the middle of the Village Center District (VCD) and this is not what she perceived the VCD to resemble. Ms. Pynn indicated that she liked the way the Commons looks and would like to see more of that type of architecture in the District. She would like to see something that is complimentary to the VCD and she thinks the Town made a poor decision with the Dunkin Donuts and she thinks this plan needs to be redesigned. Ms. Pynn provided the Board with a picture of a gas station and convenience store in Meredith, NH and she likes the architecture of this building and thinks it would work well in Windham.

Having no one else interested in speaking, Mr. LoChiatto closed the hearing to the public.

Mr. Zohdi said he would work on the plans and come back to the Board with revised plans based on the requests.

Ms. Post commented that we do have design standards for the Village Center District in the Site Plan Regulations and thought this might provide more guidance.

Mr. Zohdi noted for the Board that Mr. Howie Glynn does not own this Plaza.

Ms. St. Laurent commented that when she was looking at the Village Center District requirements and read Section 612.3.10 to the Board noting that when discussing the VCD the Board is supposed to discuss this section before they review each proposal. The Board discussed how to approach this section and thought they were proceeding in the correct fashion.

The Preliminary Site Plan Application public hear was finished.

Motion by Mr. Breton to waive the bylaws to hear new business after 10PM. Second by Ms. Prendergast. **Motion passed 5-0.**

**2/17/10 Meeting Minutes Review and Approve** – Postponed until 3/17/10 meeting

**RPC 2/10/10 Regional Planning Workshop Summary**

Ms. Wood discussed with the Board that the workshop was beneficial and indicated to the Board if they were interested in materials listed in her memo they could get them from her.



### **Planner's Report & Community Development Director's Report**

Mr. LoChiatto asked about lighting and what time business turn off their lights in certain zones. Ms. Scott answered that businesses generally leave their lights on until they close.

Ms. Scott provided a report for the entire month of February.

Ms. Scott updated the Board on the Bachman case. She indicated that there are unannounced property checks done of the site and has found no violations.

Mr. LoChiatto asked about the Wall Street Corridor Study and Ms. Scott answered that there is going to be a website developed by Administration and the next Advisory Committee meeting is March 25.

Ms. Post asked what the Extended Learning opportunities committee. Ms. Scott said she and Mr. Breton are on this together at the High School and are working collaboratively with different staff members to provide students with different educational opportunities outside the classroom.

### **Member Binder Update-Impact Fee Report, Corrected Table (Tab 10)**

#### **Adjournment**

Motion to adjourn at 10:40PM by Mr. Breton. Second by Ms. St. Laurent. **Motion passed 5-0.**

These minutes are respectfully submitted in draft by Tracey Mulder.