



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

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Planning Board Minutes
September 18, 2012

Board Members:

Margaret Crisler, Chairman – Present
Ruth-Ellen Post, Vice Chairman– Present
Pam Skinner, Member – Excused
Kristi St. Laurent, Member – Present
Jonathan Sycamore, Member – Excused
Lee Maloney, Alternate Member – Excused

Carolyn Webber, Member – Present
Ross McLeod, Selectman Alternate – Present
Kathleen DiFruscia, Selectman, Member – Excused
Sy Wrenn, Alternate Member – Present
Vanessa Nysten, Alternate Member – Present

Staff:

Laura Scott, Community Development Director
Elizabeth Wood, Community Planner
Cathy Pinette, Planning Board Minute Taker

Call to Order/Attendance/Pledge of Allegiance

Chairman Crisler called the meeting to order at 7:03 pm, followed by the Pledge of Allegiance and attendance.

The Chairman appointed Ms. Nysten to sit for Mr. Sycamore and Mr. Wrenn to sit for Ms. Skinner.

Ms. Post read Case #2012-25 into the record.

Public Hearing: (Continued from 8/29/12)

Case #2012-25 Final Major Site Plan & WWPDP Special Permit Application

A Major Site Plan and Wetland and Watershed Protection District Special Permit Application have been submitted for 183 Rockingham Road (3-B-625) located in the Business Commercial A and Wetland and Watershed Protection District. The applicant, Joseph Maynard of Benchmark Engineering, on behalf of the Owner, Murray Properties, LLC., is proposing to demolish the existing 10,000 sq. ft. structure and build a 25,000 sq. ft. building containing 15,000 sq. ft. of office space, 5,000 sq. ft. of retail space, and a 40 seat restaurant. A parking area with 106 spaces is being proposed along with associated lighting, signage, landscaping and drainage work. A Special Permit has been requested to permit a portion of the proposed building, parking area, and a dumpster to be located within the WWPDP. Waivers are being requested from Section 401, 604.1, 1209.01, 1301, 1307, 1310, 1313.1, and 1313.3 of the Site Plan regulations.

The Chairman asked Ms. Wood if the packet was complete.

- Ms. Wood stated that all the necessary variances have been granted. The applicant has submitted a detailed list of waivers they are requesting. There are two memos from Keach Nordstrom Associates, one regarding site distance dated 9/5/12 and one regarding traffic dated 9/12/12. Mr. Keach evaluated the sight distance and traffic and was satisfied. Chief McPherson and Chief Lewis, representing the Highway Safety Committee and Police Department concur that there are sufficient sight lines for traffic (email memo dated 9/7/12), they did however, ask that any plantings within 15 feet of the curb line or edge of roadway on Rt 28 not exceed 24" in maximum height at mature growth. The Highway Agent, The Police Chief and Fire Chief all had items they wanted addressed by the Board. The TRC reviewed the plans and Ms. Carol Pynn representing the Historic District/Heritage Commission provided some comments about the cellar hole. The site walk was held and there were comments by the Board which are included in the packet.
- Mr. Joe Maynard, of Benchmark Engineering, on behalf of the Owner, Murray Properties, LLC, addressed the Board. He stated there are a couple of items that the Board was concerned about which include landscaping islands and parking. He will be taking some parking spaces and looming them He took spots #13, #48 and #71 and left them as a grass plot. They still have a waiver in place for the 110 spaces reducing them to 106. He would still like 106 spaces but will have the extra spaces if necessary. The Fire Department asked him to stripe the fire lane which they have done. The Police Chief and Fire Chief met with him on site and they are satisfied. Mr. Keach also agrees there need not be any additional studies for traffic.
- The Chairman asked Mr. Maynard about sight distance from the North. Mr. Maynard stated there will be unimpeded sight distance of 700 feet after he removes some existing scrub.
- Ms. Nysten asked Mr. Maynard about the traffic pattern for the parking lot. Mr. Maynard stated he as 24' parking and it is a full loop so there is no need to delineate it as one way traffic.
- Ms. Post was concerned about access to the back of the building. She stated Mr. Maynard assured the Board about the front and two side accesses. She questioned if the Police and Fire Departments weighed in on that. Mr. Maynard stated that Police and Fire go with the IRC Regulations which only include two access points for the building.
- Ms. St. Laurent stated that on the floor plan it appeared there was only one door to some of the units. She asked Mr. Maynard to address that. Mr. Maynard stated it was because they can use the doors and windows when calculating egress.
- Mr. Tom Murray, Murray Properties, addressed the Board. He stated the building is Type 2B construction which allows for 75 feet of travel length.

- Mr. McLeod asked Mr. Maynard about exterior lighting. Mr. Maynard stated that was on Sheet 4 of the plans. Mr. McLeod asked if any lights on the building shine out. Mr. Maynard stated there is one light on the front of the building and parking lot lights with downward shields.
- The Chairman questioned Mr. Maynard how deliveries were going to be made. Mr. Maynard stated that there will be typical office type deliveries and if there were restaurant type deliveries they would come after hours. The Chairman asked where a restaurant might go. Mr. Maynard stated they were not sure but they are making provisions such as grease traps, etc, so that if a restaurant wanted to come everything would be in place. He stated it would probably go on the first floor.
- Mr. McLeod commented that on Page 4 of the plans the notes were illegible. Mr. Maynard will fix that.
- The Chairman asked about a pedestrian easement to Spruce Pond or a potential bike path. Mr. Maynard stated they are looking at putting one in.
- Ms. Post expressed her ongoing concern about the 10,000 sq ft of snow storage immediately behind the propane tanks. She asked Mr. Maynard what provisions would be put into place to make sure no one drives over the tanks. Mr. Maynard stated the only purpose for the propane tanks is if a restaurant occupies the space. They would agree to put bollards around that area if the Board wants. Ms. Post stated she thinks it is a safety hazard. She stated the bollards are a good idea. The Chairman agreed with Ms. Post. Mr. Maynard stated that Mr. Murray uses snow throwing bobcats. The Chairman suggested they move the snow storage area to in front of the detention pond. Mr. Wrenn asked why they are not putting the propane tanks in back of the building. Mr. Maynard stated they are not, due to access, the back of the building has a 14 foot slope. Mr. Maynard conferred with Mr. Murray and Mr. Murray has no objections to putting bollards in if the tanks are out front or putting the tanks out back.
- Ms. Post stated that bearing on the waiver request for soil types, she understands there is significant ledge. Mr. Maynard stated the soil type is an "X" on the HIS scale meaning shallow and ledge. They have done many test pits for septic and the detention pond. They used a very conservative number. He explained soil types to the Board. They sized the septic on what could potentially move into the building. They tried to give the building a lot of flexibility. Ms. Post questioned how extensive the blasting would be. Mr. Maynard stated the back wall would need to be blasted but the rest is at fill or at grade.
- Ms. St. Laurent asked Mr. Maynard if he plans on monitoring abutter's wells. Mr. Maynard stated no, Spruce Pond is 100 feet away. She asked if they have done test pits near the detention pond. Mr. Maynard stated yes and the soil is good. Mr. St. Laurent asked about water sprinkling. Mr. Maynard stated they have not gotten that far but there is an existing well on the property and they could use that for lawn sprinkling. They are also putting in a new well and it will be geo thermal. Ms. St. Laurent commented that if sprinklers are added that would need to be provided to the

Board. Ms. St. Laurent asked if there were any other buildings proposed to go on the lot. Mr. Maynard stated no, the utilities will be in the building.

- Ms. Post was concerned about maintenance of the detention pond and what needs to be in place to make sure future owners maintain the pond. The Chairman stated a note should be placed on the plan. Mr. Maynard stated a note will be placed on the plan and the Board can add that as a condition.
- Ms. Webber stated at the 8/29 meeting she was concerned about fire truck access to the back of the building but she is now satisfied that the building will have sprinklers.
- Ms. Nysten asked Mr. Maynard if it would make sense to add another walkway across the parking lot. Mr. Maynard stated he could do that.
- The Chairman stated there were stone walls on the property and asked if the applicant planned on keeping them. Mr. Maynard stated they would try and maintain them if possible.
- Ms. St. Laurent stated that in Mike McGuire's email memo of 9/14 he was concerned someone could fall in the abandoned foundation on the property. Mr. Maynard stated he would like to keep that and it looks like it is a remnant of an old greenhouse. The Chairman stated Mr. McGuire was concerned someone could fall in. Mr. Murray stated it is only a remnant of an old wall.

The Chairman opened the hearing to the public at 7:43 pm.

- Ms. Post read a letter from Donna and Richard Markham, 43 Goodhue Road. They expressed their concerns regarding the traffic and sight distance.

The public portion of the hearing was closed at 7:45 pm.

- Mr. Maynard stated he has more than 570 feet of sight distance from the driveway to Goodhue Ave. It is outside the scope of this project and does not think Mr. Murray should be responsible for this improvement. If he is, then the project would have to be scrapped. He is currently moving the driveway further south.
- Ms. Nysten stated that the Markham's state the study was done in 2006. Mr. Maynard stated that when Kim Hazardarian did the numbers he took the 2006 study for Spruce Pond and projected 10 years out. He took the traffic counter numbers in front of the animal hospital and they are approximately right on what was predicted out. The Keach memo of 9/12 agrees with the traffic numbers. Ms. Nysten asked Mr. Maynard if he has a traffic study for 2012. Mr. Maynard stated yes, and he said the traffic study was done 8/29/12 and was called a "Traffic Assessment."

The Chairman entertained a motion.

Ms. Post motioned to grant a waiver from Section 601.4 regarding soil mapping as tests pits

have been done and calculations were done in a very conservative manner exceeding the requirements, seconded by Ms. Webber. Motion passed 7 – 0.

Ms. Post motioned to grant a waiver for Section 1209.01 regarding a 50 scale site plan and elevations at 20 scale which otherwise provides because what is shown is clearer than what is required, seconded by Ms. Webber. Motion passed 7 – 0.

Ms. Post motioned to grant a waiver for Section 1307 regarding the buffer to rural or residential land, stating that the abutting land is Town owned and used by the Town for recreation and drainage purposes, seconded by Ms. Webber. Motion passed 7 – 0.

Ms. Post motioned to grant a waiver for Section 1310 regarding Parking 20' from a public right of way and Section 1310 Parking 10' from the Lot Line stating that this waiver helps keep parking as far away as possible from the wetlands and achieves the desired sight distance, seconded by Ms. Webber. Motion passed 7 – 0.

Ms. Post motioned to grant a waiver for Section 1313.1 regarding Interior Parking Landscaping Requirements to allow a reduction from 5% to 4% in order to keep the WWPD impacts to a minimum, seconded by Ms. Webber. Motion passed 7 – 0.

Ms. Post motioned to grant a waiver for Section 1313.3 regarding Parking Lot Planting Requirements reducing the number of trees from 20 to 17 because this change improves sight distance, seconded by Ms. Webber. Motion passed 7 – 0.

Ms. Post motioned to grant a waiver for Section 1301 regarding Parking Requirements to allow 106 spaces where 110 is required in order to reduce the WWPD impact and some reduction in storm water run-off and also allowing the following spaces to be reserved as unpaved: 13, 48, 71, and 28 – 37, seconded by Ms. Webber. Motion passed 7 – 0.

- Ms. Wood stated that the applicant also needed a special permit. The 49,000sqft total impact of the WWPD was calculated by the applicant and it is detailed sheet 5 of 11 of the plan. A special permit has been requested to permit a portion of the proposed building, parking area, solar trees, well and service lines, drainage features and a dumpster. Mr. Maynard has displayed on the plan where the WWPD is impacted. 2000 sq ft for the building, 10,000 sq ft for solar trees, 1,000 sq ft for the well, 16,000 for the detention pond, 12,000 sq ft for pavement, 8,000 sq ft for parking grading and 8,000 sq ft for the dumpster. The Chairman questioned if the septic system was included. Mr. Maynard stated no.
- Ms. Post asked Mr. Maynard if there were variances for these items. Mr. Maynard stated yes, the only thing is the detention pond and the well. They have an easement for the detention pond so they included it.

The Chairman entertained a motion.

Ms. Post motioned to grant relief from the WWPD requirements to allow to the WWPD Special Permit with the findings that all but 17,000 sq. ft., of the request, comprised of a well and a detention pond, has already been granted by a variance, seconded by Ms. Webber. Motion passed 7 – 0.

- The Chairman stated that stumps will not be buried on the site, she read the Planning Review comments from Ms. Wood's memo of 9/13, there shall be a note on the plan for detention pond maintenance per the Highway Agent's letter, wherever possible stone walls will be kept on site.
- Ms. Wood suggested the Planning Board might want to add a note regarding what will happen if there is not enough snow storage on site. Mr. Maynard stated they have made more places available for snow storage in case of a big storm. Ms. Wood also suggested adding that the plantings within 15 feet of the curb line are kept to 24" or less for maximum height at maturity.

Ms. Post motioned to conditionally approve the Major Site Plan as presented with the following conditions:

- 1. Show a walkway on the plans in the center of the parking lot within designated spaces #48 & 71**
- 2. Show a gravel pedestrian path on the plan connecting the old paved roads and leading to the ball field. Add a note stating that this path will be installed if ball fields are built**
- 3. The propane tanks shall be moved back to the area north of the snow storage area.**
- 4. Indicate the location and size of any known wood, water, or stump burial sites in the proposed construction areas. If none are to be kept on site, add a note to the plan to this effect.**
- 1. Submittal Required:**
 - a. Submit a lighting plan that is legible. Staff cannot review the lighting specifications on Sheet 4 as presented. This plan must be reviewed by staff for compliance with town regulations.**
- 2. Fire Department Requirements:**
 - a. Label the Fire Access Lane on Sheet 3 of the plan. This lane must also be striped appropriately with paint and labeled as a "Fire Lane".**
 - b. Add a note to the plan stating that this site will meet the Requirements of, Fire Code, NFPA 101, Life Safety Code, NFPA 13, Sprinkler Code, NFPA 72, Fire Alarm Code, NFPA 1142, and Water Supplies for Suburban and Rural Fire Fighting.**
- 3. Notes:**
 - a. Add a note to the plan indicating the amount of the current rate of the Public Safety Impact Fee.**
 - b. Indicate the size of signage for the Handicapped Parking Spaces.**
 - c. Add a note to the plan indicating the square footage of the parking area and walkway.**
 - d. Add a note to the plan stating that whenever possible, the stones from any walls or the cellar hole will be retained on the property.**

- e. **Add a note to the plan stating that the property owner of Lot 3-B-625 is responsible for maintaining the detention areas shown on Lot 3-B-601, which is owned by the Town.**
 - f. **Chief Lewis' email dated 9/7/12 referenced plantings within 15ft of the curb line or the edge of roadway on Route 28 are not to exceed 24in (2ft) in maximum height at mature growth.**
- Ms. Nysten suggested the following additions that were added to the motion and motion was amended: Show a gravel pedestrian path on the plan connecting the old paved roads and leading to the ball field

Seconded By Mr. McLeod. Motion passed 7 – 0.

Mr. Maynard stated a walkway would be added between parking spaces 48 – 71.

Ms. Post amended her motion to add a walkway would be added between parking spaces 48 – 71, seconded by Mr. McLeod. Motion passed 7 – 0.

Old/New Business

- The Chairman stated she had an invitation for the Board for an Open House at Derry Medical Center at Castle Commons, 49 Range Road, on Thursday October 18, 2012 from 5:30 pm – 7:30pm.

Meeting Minutes Review and Approve

– August 29, 2012

--September 5, 2012

Minutes were postponed to a later date.

Liaison Reports:

Board of Selectmen

- The Chairman stated she understands the DOT was in attendance and brought the Board of Selectmen up to date. Ms. Post stated they are basically doing what the Planning Board recommended. There was a lot of discussion about the sidewalks, maintenance and safety. She stated the Board should attend the meetings if they can. Ms. Webber stated the gateway to Windham is a mess. Ms. Wood stated that came up at the Highway Safety Meeting. The Chairman stated that the Garden Club had been asked to care for it but cannot due to safety. Ms. St. Laurent suggested a community group helping but they would need help from the Town. Ms. Nysten thinks Ms. Scott had suggested an “adopt a Spot” program. The Chairman stated the Town needs to pay someone to get the area back in control.

Adjournment

The Chairman entertained a motion to adjourn.

Ms. Webber motioned to adjourn seconded by Mr. McLeod. Motion passed 7 – 0.

Meeting adjourned at 8:35 pm.

These minutes are in draft form and respectfully submitted for your approval by Cathy Pinette,
Planning Board Minute Taker.