

PLANNING BOARD MINUTES
MAY 19, 1999

ROLL CALL:

David Dubay-Chairman-Present
Bernie Rouillard-Vice Chairman-Excused
Jack Gattinella-Secretary-Present
Wayne Morris-Regular Member-Present
Russell Wilder-Regular Member-Excused
Annette Stoller-Regular Member-Present
Keith Goldstein-Alternate-Present
Walter Kolodziej-Alternate-Present
Margaret Crisler-Selectman-Present
Galen Stearns-Selectmen's Alternate-Excused

The meeting opened at the Planning & Development Department and recess to Town Hall at 7:30 P.M.

Messieurs. Goldstein and Kolodziej replaced Mr. Wilder and Mr. Rouillard on the Board.

ZONING ISSUES:

Mr. Morris questioned the set up of the Planning Board meeting at Town Hall and Mr. Turner indicated the Town Hall would be set up in the future for the Planning Board. Mrs. Crisler requested the maps necessary to conduct business be set up for the Board.

Mr. Gattinella reported the Recreation Committee would like to have a workshop with the Board to discuss the drafting of the recreation section of the master plan. The Board requested a copy of the draft on or before June 16th and a workshop to discuss the draft on June 23rd. Mr. Gattinella will contact the Committee.

Mrs. Crisler indicated the Community Stewardship Committee would like to meet with the Board and discuss the reactivation of the committee and future projects. The Committee would like to discuss the appointment of a design review committee. Mr. Goldstein indicated the committee should send a letter stating specifics for the discussion. Mrs. Crisler will contact the Committee.

Mr. Turner reported a draft of the site plan checklist will be sent to the Board members shortly and he will use the same format for the subdivision checklist.

BUSINESS:

The Board received a merger requesting a signature of the chairman but the documents were not in order. Mr. Turner will return the documents to Mr. Norman, Town Assessor.

ROAD BONDS:

The Board received a road bond for Cobblestone Road, located off Mammoth Road and owned by K.P. Bergeron, in the amount of \$103,500.00. Mr. Turner reported this was sufficient to complete the road. Mrs. Crisler motioned to accept the road bond, in the amount of \$103,500.00 and Ms. Stoller seconded. Passed 7-0.

The Board received a bond for off site improvements to Beacon Hill Road, from H & B Homes, Inc., in the amount of \$10,080.00. Mr. Turner reported this amount was sufficient to complete the off site improvements. Mr. Morris motioned to accept the bond and Mrs. Crisler seconded. Passed 7-0.

CORRESPONDENCE:

The Board received the following communications:

- Notice of a workshop put on by FEMA on June 2, 1999. This conflicts with the Board's regular meeting.
- Letter received from the Rockingham Planning Commission with recommendations for the intersection of Route 111 and North Policy Street.
- Letter received from a resident of Horseshoe Road questioning the elevation of the new roadway being constructed directly across from Horseshoe Road. Mr. Turner has inspected and explained the roadway will be elevated and this will alleviate the problem.

SITE PLAN AMENDMENT - PUBLIC HEARING

The Board held a public hearing, to amend section 1202 of the Windham Site Plan Regulations, by deleting all the words after Zoning Board in this section. This amendment was overlooked at the last public hearing for site plan amendments. Mr. Goldstein motioned to accept the change as written and Mr. Morris seconded. Mr. Gattinella expressed concern with the application of design review to single family homes and indicated the ordinance needed clarification. Motion passed 6-1 (J. Gattinella opposed). Mrs. Crisler requested Mr. Turner prepared an amendment to include the village center district.

FIRE STATION SITE PLAN (16-L-100) - PUBLIC DISCUSSION

Fellows Road

Mr. Turner reviewed the proposed site plan for a fire station opposite the new police station. The plan depicted the location of the driveways, the public and working parking areas, and the interior building plan. Under state law municipal projects are exempt from zoning requirements but need to come before the Board for review and comments. A traffic study had been done previously and the Fire Department has applied for a state driveway permit. This site will include a special permit to cross the W.W.P.D.

Mr. Morris question the type of drainage to be used and Mr. Larry Wurster, of MHF Design, reviewed the drainage engineered to date. Mr. Dubay questioned the number of vehicles and type of maintenance to be conducted on site. The type of maintenance would be minimum with the larger jobs sent out. The drainage in the maintenance area will have a capture system and be removed by a licensed hazardous waste remover.

Mr. Gattinella questioned the position of the driveways of the Fire and Police Departments. There is a paper road at the backside of the property. This right of way could be graveled for an additional egress in case of the Route 111 intersection being blocked. Mr. Turner explained the fire station would have to state approvals and needed to do test pits and drill the wells before application. Mr. Turner recommended the plans be sent to the various agencies for review when they are significantly complete.

The lighting plan has not been developed but the applicant is aware of the lighting specifications. The application should include colored pictures of the signage and elevations. Mr. Morris motioned to send the plans out to the appropriate agencies and Ms. Stoller seconded. Passed 7-0.

Mr. Morris also questioned note # 3 and the type of the lighting to be used. The lighting at the Police Station is less expensive but illuminates the facility better from Route 111, as it is an emergency building.

MURPHY SUBDIVISION & SPECIAL PERMIT (25-R-2) - PUBLIC HEARING

27 Marblehead Road

Mr. Morris recused himself from the Board but retain his rights as a member of the public.

Mr. Turner reviewed the plan for 10 residential lots located off Marblehead Road. The application and plans were complete except the abutter's list was not dated. Discussion followed on the state law requirements concerning abutter's list and the options available to the Board. Mr. Peter Zohdi, of Edward N. Herbert Assocs. Inc., explained the process with the Assessor's Department and found one abutter had changed title. He notified the abutter and produced the signed certified card from the Post Office.

Mr. Dubay discussed the review of the checklist and the requirements for acceptance for public hearing. Mr. Turner has reviewed the application and indicated the applicant had notified the new abutter and the Board could accept the application for public hearing.

Mr. Goldstein motioned to accept the new information into the record and accept for public hearing. Mrs. Crisler seconded. Passed 6-1 (A. Stoller opposed, as the abutters list is not signed). Mr. Zohdi certified it was a complete abutter's list and will place into record written documentation.

Mr. Turner discussed the sight distance and the granting of a slope easement by the abutter.

A strip along the new road will be deeded to the abutter giving rights to use the roadway. The existing house will be conforming to the setback requirements. The proposal is for a ten (10) lot subdivision with a temporary turnaround. Abutters in the rear of the property have expressed an intention to extend the development. The cul-de-sac would be smaller than normal to reduce the impact on the abutting lot. The pavement would be 14' wide with an island and no curbing around the island.

Mr. Zohdi explained the engineering of the smaller cul-de-sac and the review by the Fire Department and the Road Agent. Neither agency had a problem with the design. Mr. Dubay questioned the size of a future tanker. Mr. Zohdi indicated Pelham has a new tanker and has no problem with the radius.

Mr. Gattinella questioned the radius and the amount of unpaved area. Mr. Turner explained this would be a temporary cul-de-sac and the plans for future development are currently being developed. The length of the roadway will be 1,780 feet and Mrs. Crisler expressed concern with traffic circulation and future connections. Mr. Dubay expressed concern with the approving of a smaller cul-de-sac and the impact on the abutting property. Mr. Dubay felt the argument of the reduction of impact on abutting property could be made for all cul-de-sacs in town. The reduction of cul-de-sacs will be taken as a workshop item in the future.

Mr. Dubay read the comments from the Conservation Commission, requesting a narrower road width for the development, the Historic District Commission, the Fire Department and the Police Department. Mr. Turner did not recommend reducing the width on the new road given the current conditions on Marblehead and the recent widening of Marblehead Road. He indicated the poor conditions on Marblehead Road should not be duplicated on the new road.

An abutter from 8 Copps Hill Road questioned the impact of drainage on his property and notification of dredge & fill permits. Mr. Zohdi reviewed the proposed drainage, which has been reviewed by Mr. Turner and Mr. Thorndike. It complies with the regulations. The Conservation has recommended the dredge & fill permit and has sent it to the state for approval. Mr. Morris questioned the extension of the drainage and Mr. Zohdi explained the placement of the catch basins and treatment swales. The pre and post development drainage will be the same. Mr. Turner and the staff recommended the smaller cul-de-sac as the better option and it would be temporary.

Mrs. Crisler requested staff recommendations for off site improvements with each developer making contributions towards the improvements. Mr. Turner stated the applicant would be cleaning up the embankment. Mr. Gattinella indicated the current subdivision regulations have a formula for off site improvements but did not feel this subdivision would cause excessive impact. Mrs. Crisler reiterated Marblehead Road was designed as a country road and with additional traffic an exactment could be put into a fund, which has been done before.

Mrs. Crisler motioned to continue to June 2, 1999 and schedule a site walk to view the property. Mr. Kolodziej seconded. Discussion ensued on the need for a plan for exactment

and the issues to be resolved with a site walk. Mr. Gattinella motioned to move the questions and Ms. Stoller seconded. Passed 5-1 (M. Crisler abstained). The main motion failed 1-5 (M. Crisler approved).

Mr. Goldstein motioned to approve with the following conditions:

4. Applicant to clean up the brush and trim the right of way toward the old dump;
5. Building or bonding of the roadway;
6. Setting or bonding of the bounds;
7. Bonding of the cistern;

Mr. Kolodziej seconded.

Mrs. Crisler motioned to amend the motion to calculate off site improvements to Marblehead Road. Ms. Stoller seconded. Mr. Gattinella motioned to move the question and Ms. Stoller seconded. Passed 6-0. The amendment failed 2-4 (D. Dubay, J. Gattinella, K. Goldstein, W. Kolodziej opposed). Main motion passed 5-1 (M. Crisler opposed).

The special permit was requested to cross the W.W.P.D. to construct the roadway and one (1) driveway. Mr. Turner recommended granting the special permit with best practice erosion controls to be applied. Mr. Goldstein motioned to grant the special permit with best practice erosion applied and Ms. Stoller seconded. Passed 6-0.

Mr. Morris returned to the Board.

COMMON MAN REVISED SITE PLAN (17-G-26) - PUBLIC HEARING

88 Range Road

Mr. Turner presented the proposed changes to parking at the site. These changes are necessary due to the need to keep the aisles clear for emergency vehicles. Mr. Turner recommended active enforcement done on the site by the applicant. The plan would give additional parking spaces. Mr. Goldstein motioned to accept for public hearing and Mr. Kolodziej seconded. Mr. Gattinella questioned what the current site violations were at this time. Mr. Turner reported the site is not as per the approved site plan. The parking configurations are not according to the previously approved plan and this plan would correct the deficiencies. The additional parking spaces would exceed the current requirements. The motion passed 7-0.

Mr. Turner reviewed the plan depicting additional parking spaces and the roadway in the rear of the site abuts the wetlands. The applicant will construct a stone retaining wall. Lighting will be added and the drainage is sheet drainage with catch basins depicted on the plan.

Discussion followed on the applicant policing the site for parking violations. Mr. Turner indicated this was a management problem and should be addressed by the applicant. Mr.

Turner recommended the applicant hire someone to police the parking areas and keep clear for emergency vehicles. Mr. Dubay felt this was an enforcement issue and not within the purview of the Planning Board.

Mr. Dubay read the comments from the Fire Department and the Conservation Commission. Ms. Stoller questioned the capacity of the building and parking areas and suggested the applicant set up an agreement with the Police and Fire Departments to keep fire lanes and access roadways clear. Mrs. Crisler indicated the Fire Department could close the restaurant down if the violations persist. Mr. Alex Ray, representing the Common Man Restaurant, commented on several points for clarification.

Mrs. Crisler motioned to approve the site plan with the following conditions:

8. Note # 15 be removed;
9. Improvements bonded for no more than six (6) month;
- 10.No Parking Fire Lane signs posted as per the Fire Department and Building Department;
- 11.No Parking sign posted at the drop off area;
- 12.Existing signs and building elevations to remain the same.

Ms. Stoller seconded. Passed 7-0

Mrs. Crisler motioned to grant the waiver of site plan regulations of building elevations and sign details because there is no change. Mr. Kolodziej seconded. Passed 7-0.

Ms. Stoller motioned to waive the existing Board rule to not accept additional items after 11:00 P.M. and Mrs. Crisler seconded. Passed 7-0.

Mrs. Crisler motioned to open and continue the Powers Subdivision and the sisters of Mercy Site Plan to May 26, 1999. Passed 5-2 (A. Stoller, J. Gattinella opposed).

WINDHAM TERRACE SITE PLAN & SPECIAL PERMIT (11-C-1101)- PUBLIC HEARING

3 Church Street

Mr. Turner presented the proposed site plan for 72 assisted living units adjacent to the Presbyterian Church, with access from Church Street. The parcel is 13.35 acres and the applicant has submitted a detailed analysis for Fire Department impact. The plan deficiencies were outlined by Mr. Turner as missing engineering stamps, missing soils scientist stamp, sign location not noted on the plan and the proposed building setback not noted.

Mr. Karl Dubay, of T F Moran, explained the stamped plans were available for the hearing if the Board would accept the new plans. Mrs. Crisler motioned to accept the application with the corrections altered by the applicant. Mr. Kolodziej seconded. Mr. Turner recommended the acceptance of the plan. Passed 6-1 (A. Stoller opposed due to deficiencies).

The plans depicted a two-lane roadway entering into a service area and a parking area with a drop off area in front of the building. The plans depicted two outdoor areas, landscaping, Collins Brook and the W.W.P.D. on site. A walkway will go to the right of way and the easement along the water. This would be used for public access. The applicant has met with the Historic District Commission and is sensitive to the historic area and proposes to preserve and enhance the area.

The proposed building is three (3) stories high, 35' high, with sign location and building elevations depicted on the plans. Mr. Turner reviewed the plan for design review requirements, as per section 1200 of the Site Plan Ordinance. The materials to be used for the building were reviewed with the architect and the applicant has met with the state Fire Marshall and the local Fire Department. The building will have a sprinkler system and alarm system.

Mr. Karl Dubay explained the water system as being a full public system and the well would be drilled and have to receive state approval before operation. A gravel access road in the rear will go to a utility building with a state of the art system. There will be 40 parking spaces.

Mr. Dubay, chairman, read the comments from the Conservation Commission. The concern of the Commission was with the proposed guardrails. The guardrails cannot be wood according to NH DOT standards. Mr. Turner explained wooden guardrails are only allowed if the town signs a waiver of liability. The comments from the Historic District Commission concerned preservation of the historic site. The comments of the Fire Department concerned the exactment of funds to offset fire equipment. A study was done by the applicant, (on file), as to the impact on the local Fire Department. The applicant will have to work with the Fire Chief and the planning staff on the amount of funds necessary.

Ms. Stoller questioned the number of beds versus units. The applicant stated 2-3% of the units could be joint units and house two people. Mr. Morris questioned the design of the septic system. The state septic approval is still pending. The soil scientist explained the septic design and a water meter to be installed. The project would generate approximately \$80,000 in taxes to the town.

An abutter from Newfound Road expressed concerns with the view, the need for a winter buffer to control light pollution, and parking on Newfound Road to access the walking path. Mr. Morris suggested a site walk of the area. Mr. Karl Dubay agreed the applicant would plant some evergreens to guarantee a buffer in all seasons. The lighting plan submitted appeared to be less intrusive than the commercial lighting from the abutting commercial properties.

Mr. Steve Carson, an abutter, also expressed concern with the light pollution in the winter months from the commercial properties. He was also concerned with the right of way and the parking that may occur on Newfound Road.

Mrs. Crisler motioned to continue the public hearing to June 2, 1999 and schedule a site walk for May 26, 1999 at 6:00 P.M. Ms. Stoller seconded and passed 7-0.

Meeting adjourned 1:00 A.M.

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