

**PLANNING BOARD MINUTES**  
**SEPTEMBER 29,1999**

**ROLL CALL:**

Keith Goldstein-Chairman-Present  
Russell Wilder-Vice Chairman-Present  
Annette Stoller-Secretary-Present  
Bernie Rouillard-Regular Member-Excused  
Wayne Morris-Regular Member-Present  
Walter Kolodziej-Regular Member-Present  
Alan Carpenter-Alternate-Present  
Fred Noyles-Alternate-Present  
Betty Dunn-Alternate-Present  
Margaret Crisler-Selectman-Present  
Galen Stearns-Selectmen's Alternate-Present

Mr. Noyles replaced Ms. Stoller and Mr. Carpenter replaced Mr. Rouillard.

**ZONING ISSUES:**

Mr. Wilder informed the Board of a hearing at the Derry Public Library regarding the state's ten year transportation plan. The Board of Selectmen now has a complete schedule of state hearings on transportation issues. Mrs. Dunn suggested the delegates attending question the state on their plans for controlling noise pollution.

Mr. Turner has met with Rockingham Planning Commission concerning the completion of the Master plan. The RPC has matching grants available up to \$3,000.00. The RPC will draft a housing chapter to comply with federal and state laws. The maps will be incorporated into the appropriate chapters and an executive summary drafted to hand out at public hearing. Mrs. Crisler presented the Board with a draft of the Land Use section and it will be discussed at the next workshop. Mr. Carpenter motioned to charge the RPC with the first draft of the housing section and Mrs. Crisler seconded. Passed 7-0.

Mr. Turner informed the Board he is in the process of putting together the budget for next year and would like the support of the Planning Board in requesting an assistant planner. This item will be tabled to the next workshop.

**ROAD BONDS:**

Mr. Turner reported the work has been completed by H & B Homes on Londonderry Road and Kendall Pond Road, i.e., cleaning roadside ditches. Mr. Morris motioned to release the bond in the amount of \$5,000.00 and Mr. Noyles seconded. Passed 7-0.

**CORRESPONDENCE:**

The Board received the following communications:

- A request from Delahunty Nurseries to change the parking, as the state will be taking a portion of the property in the front and redesign the building without a formal site plan. The consensus of the Board was to have the applicant submit a revised site plan, as these would be major revisions.
- Letter received from the Office of State Planning regarding the formation of an association of planning boards. This item will be discussed at the next workshop.
- Copy of the Town & City.

## **MINUTES:**

Mr. Morris motioned to accept the minutes of September 8, 1999 and Mr. Carpenter seconded. Passed 4-0-3 (R. Wilder, W. Kolodziej, F. Noyles abstained).

Mr. Morris motioned to accept the minutes of September 15, 1999 and Mr. Noyles seconded. Passed 7-0.

Mr. Morris motioned to accept the minutes of September 22, 1999 and Mr. Kolodziej seconded. Passed 6-0-1 (A. Carpenter abstained).

## **RT. 28 MINI MART SITE PLAN & SPECIAL PERMIT (13-D-70) - PUBLIC HEARING CONTINUED**

57 Rockingham Road

Mr. Turner gave a brief history of the application, which was rejected April 7, 1999 due to several studies missing, i.e., drainage study, traffic study and lighting details. These items were included in this application. Mrs. Crisler motioned to accept the plan for consideration and Mr. Wilder seconded. Passed 7-0.

Mr. Turner presented the proposed mini mart, gas station and restaurant. The restaurant is Numero Uno and will remain as is with seating for 68 patrons and 42 parking spaces total for the parcel. There will be off site improvements required by the NHDOT and the commercial site being developed across the street from this site, Rocky Ridge, will share these.

Elevations of the building were given but the applicant does not have a tenant as of yet and the plans depict a generic building and signage. The plans depicted lighting details, exits and entrances, the septic system and a detailed lighting plan. The hours of operation are noted on the plan but not the hours of trash removal. Landscaping details and snow storage areas are shown on the plan. The Aquifer Protection District study has been done on the site.

The Board questioned the number of snow areas, plowing with cape cod berm in place and the site improvements to Route 28.

Mr. Peter Zohdi, of Edward N. Herbert Assocs., reviewed the improvements to Route 28, which will have an extra lane, added to both sides of the roadway. The sight distance was

discussed and number of new trips per day into the area. The sight distance is 400 feet from both north and south of the site and NHDOT will approve the improvements to Route 28.

Mr. Steve Haight, of Edward N. Herbert Assocs., reviewed the drainage with the Board in particular the treatment area. Mr. Carpenter questioned the entrances and exits, especially the close proximity to the gas pumps. The Board discussed different methods of controlling the traffic flow and Mr. Turner informed the Board the current planning lectures recommend narrowed down entrances.

Mr. Wilder reviewed the elevations of the convenience store and suggested a gabled roof to conform to the adjacent restaurant. Mr. Zohdi stated this could be done. Mr. Goldstein read the comments from the Historic District Commission, Police Department, Fire Department and Conservation Commission.

Mr. Turner suggested there were two issues, the existing building to remain as is and stop signs should be placed at the exists. Mr. Morris questioned the drive up window and suggested stenciling on the driveway to direct traffic through the correct lane and signage at the front island.

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

4. Before construction the applicant submits design review colors and architectural design;
5. Off site improvements to be bonded;
6. Dumpster hours, Monday through Friday, 10:00 A.M. to 5:00 P.M.;
7. Existing building, Numero Uno, to remain as is;
8. Stop signs at the exits;
9. Lane to the drive-up window to have signage.

Mr. Noyles seconded. The Board discussed the drainage and Mr. Zohdi informed the Board off site improvements on Route 28 would have to be bonded with the state. Passed 6-1 (A. Carpenter opposed).

The special permit request is to construct the parking within the W.W.P.D. and the applicant requested a waiver of the site plan regulation to depict trees greater than 12" in diameter. Mrs. Crisler motioned to grant the waiver and Mr. Kolodziej seconded. Passed 7-0.

Mr. Zohdi reviewed the W.W.P.D. crossing for the driveway and parking. The plan has been reviewed by the Conservation Commission and has received a variance. Mr. Wilder motioned to grant the special permit and Mrs. Crisler seconded. Passed 7-0.

Ms. Stoller and Mr. Stearns replaced Mr. Noyles and Mrs. Crisler respectively.

**SHEFFIELD ROAD SUBDIVISION (11-C-3100) - PUBLIC HEARING CONTINUED**

Off Sheffield Road

Mr. Turner reviewed the proposed two lot subdivision located of Sheffield Road. The applicant is proposing a 650' road built at 26' wide with a smaller radius, landscaped cul-de-sac. The applicant has requested waivers of these two items and Mr. Turner recommended acceptance for public hearing. Mr. Wilder motioned to accept for consideration the Sheffield Road Subdivision and Mr. Stearns seconded. Passed 7-0.

Mr. Turner reviewed the plans depicting two lots with separate driveways, septic areas, the placement of the houses and the wetland. The staff supported the smaller cul-de-sac. Mr. Goldstein read the comments from the Historic District Commission, requesting saving of the stonewalls, the Conservation Commission and the Fire Department. The Fire Department did not request a cistern and Mr. Morris questioned the status of this cul-de-sac. The cul-de-sac is a permanent cul-de-sac.

The Board discussed drainage and the road width. Mr. Stearns motioned to approve the subdivision pending setting or bonding of the bounds and granting the waiver for the road width and the smaller cul-de-sac. Mr. Carpenter seconded. Passed 7-0.

## **COSTA SUBDIVISION & SPECIAL PERMIT (9-A-1501) - PUBLIC HEARING CONTINUED**

### 23 Meetinghouse Road

Mr. Turner reported the proposal for a four lot subdivision was located opposite Easy Street on Meetinghouse Road and the plans and application were complete and recommend for public hearing. Mr. Stearns motioned to accept for public hearing and Ms. Stoller seconded. Passed 7-0.

Mr. Turner reviewed the proposed subdivision and special permit. The parcel contains flood plains, wetlands, W.W.P.D. and is in the Aquifer Protection District. The delineation of the aquifer has been studied and the Conservation Commission agreed to the new delineation of the district. There is an existing dwelling on lot 1501 and is grandfathered as to the 10,000 sq. ft. requirement. The section of roadway in front of the parcel has a sharp corner and the applicant is proposing to give the town an easement to allow for future improvements. The right of way will serve four lots with a 15 feet wide driveway. Mr. Turner informed the Board the issue would be should a town road be serving the four lots. The applicant requested two waivers and a special permit to cross the W.W.P.D. with a driveway. The subdivision will also require a state dredge and fill permit.

Mr. Goldstein read the comments from the Fire Department requesting the common driveway be given a name to avoid confusion and the identification of each home would be necessary. The applicant is proposing Costa Lane. The Police Department reiterated the same problems with a common drive serving four houses. The Conservation Commission had no issue with the aquifer protection report. Mr. Wilder had reviewed the aquifer report as an individual and was satisfied the report was adequate. The plans depicted the difference in the delineation line of the aquifer.

Mr. Morris questioned the sight distance for the driveway and Mr. Turner reviewed sheet one depicting the area to be cleared to maintain the line of sight. Sheet three shows a line of sight to be maintained at 250' in both directions. The applicant would clear the vegetation the first time and the town would continue maintenance. The owners of the property would be required to maintain the line of sight on their own property. Mr. Wilder questioned the maintaining of the line of sight on private property.

Mr. Morris questioned the width of the right of way and the length. The right of way is 30' and the pavement will be 15' wide and 650 feet in length. The plans showed a cross section of the driveway.

Mr. George Moran, of Meetinghouse Road, expressed concern with the traffic from Route 111 and Easy Street. The corner in question has created numerous accidents. Mr. Moran would like to see a double line on Meetinghouse Road and the sharp curve cut . It was suggested a letter be sent to the Highway Safety Committee outlining the situation. Mr. Goldstein read a letter from Mrs. Karen Moran (on file) into the record.

Mr. Morris questioned the driveway standards and Mr. Turner explained an as built would be done by the surveyor and the driveway would be inspected. Ms. Stoller suggested the widening of the driveway entrance to expand line of sight. Mr. Turner stated making the radius onto Meetinghouse Road 25' would not effect lots 1503 or 1504.

Mr. Terry Trudel, of S.E. Cummins and Assocs., stated the widening of the radius would not change the lot configuration and agreed to the increased radius. Ms. Stoller motioned to approve the four lot Costa Subdivision pending:

10. Setting of the bounds,
11. Careful consideration of the wetlands,
12. Widening of the radius of Costa Lane as it enters and exits onto Meetinghouse Road to 25',
13. Grant the appeal of the Aquifer Protection District,
14. Waivers granted,
15. All addresses posted clearly at the front entrance to be seen both ways on Meetinghouse Road,
16. Land deed to the town for an easement on Meetinghouse Road
17. Line of sight maintained by the applicant and the easement on the current property the applicant and the heirs maintain in perpetuity.

Mr. Stearns seconded. Mr. Wilder discussed the problems of having private parties maintaining the line of sight. Mr. Wilder discussed the poor location of the private driveway and having four homes off one driveway. Mr. Carpenter questioned the deeding of the land to the town and could the town improve the line of sight. Mr. Turner explained the clearing on private property could be enforced with a court injunction and the maintenance could be put into covenants. Mr. Trudel suggested the applicant clear the line of sight the first time and the maintenance added to a covenant on the deed. Mr. Goldstein stated this was poor

planning in trying to create sight distance and felt the parcel could support two lots at best. Mr. Trudel explained the reason for a common driveway was to avoid impact to the wetlands. The four lots would have frontage on Meetinghouse Road. The motion failed 3-4 (K. Goldstein, W. Kolodziej, A. Carpenter, R. Wilder opposed).

Mr. Wilder motioned to deny the Costa Subdivision and special permit based on the poor configuration of the subdivision with the junction of Easy Street and Meetinghouse Road and introducing problems with keeping the line of sight. It was a one or two lot subdivision at best. Motion passed (G. Stearns, A. Stoller, W. Morris opposed).

## **WINDHAM PLANNING BOARD BY-LAWS AMENDMENT - PUBLIC HEARING**

Mr. Turner reviewed the amendment to the by laws that would allow for alternates on the Capital Improvements Committee. Mr. Stearns motioned to approve the amendment and Mr. Kolodziej seconded. Passed 7-0.

## **ATC SITE PLAN & SPECIAL PERMIT (11-A-350) - PUBLIC HEARING**

Haverhill Road

Mr. Carpenter recused himself for this item and Mr. Noyles replaced him on the Board.

Mr. Turner presented the proposed tower located off Route 111. The tower has received a use variance and is requesting a waiver for drawing scale and soil survey. Mr. Turner recommended acceptance for public hearing. Mr. Stearns motioned to accept for public hearing and Ms. Stoller seconded. Passed 7-0.

The plans depicted an existing roadway on the site to be improved for line of sight, drainage with a treatment swale and complete fencing of the area. The tower will resemble a tree. A major concern was erosion on the site and more attention needs to be taken with the drainage flow towards Route 111.

The applicant submitted a site alternative analysis for the area and Mr. Wilder questioned whether there were any other sites available. The analysis does not find another site in Windham for the location of a tower. Mr. Blaine Hopkins reviewed the elevations in Windham and reported the tower has four companies committed to the site with a possible fifth. The tower will accommodate only five carriers.

The Board and Mr. Hopkins discussed visual buffering for the adjacent property. The driveway has been moved closer to the property line to reduce construction within the W.W.P.D. The site anticipates approximately four site visits per month for maintenance.

Ms. Stoller motioned to waive the 11:00 P.M. deadline and make it 11:20 P.M. Mr. Wilder seconded and passed 6-1 (W. Kolodziej opposed).

Mr. Goldstein read the comments from the Historic District Commission, Police Department,

Fire Department and Conservation Commission. The conservation commission requested the erosion control methods be shown on the plan. Ms. Karla Doukas, a direct abutter, read an agreement (on file) regarding the tower and screening. Mr. Hopkins explained the tower will not be lit, as noted on the plan, and additional screening will be done. Mr. Troy Heath showed the Board photos of the rear of his property during the winter months. Mr. Heath was concerned with the maintaining of the pine trees and requested a bond be posted to maintain the tower if it deteriorated.

Ms. Stoller motioned to approve the ATC site plan and special permit with the following conditions:

18. Stealth appearance indicated in the pamphlet be maintained throughout the life cycle of the tower;
19. Maintain the stonewall as per the Historic District Commission comments;
20. Work with the staff on erosion control;
21. No lighting of the tower;
22. Bond posted for removal or maintenance repair of the tower;
23. Make an effort to work out additional screening with the staff and the abutter;
24. W.W.P.D. depiction be added as an addendum to sheet three (3);
25. Police and Fire Departments have access to the fenced in area;
26. Limited to five (5) tenants only.

Mr. Noyles seconded and passed 7-0.

## **COLLINS SUBDIVISION (7-A-2000) - PUBLIC DISCUSSION**

104 North Lowell Road

Mr. Turner reviewed the proposed two lot subdivision and the applicant is requesting the plans be sent out for departmental review. There is an existing building on one lot, which is grandfathered for the 10,000 sq. ft. requirement. The new lot has an accessory building which could be converted to a residence or taken down. Tim Peloquin, representing the owner, discussed the location of the second driveway to be on County Road as far from the intersection as possible. Ms. Stoller motioned to send the plans to the various departments for review including the Road Agent. Mr. Wilder seconded and passed 7-0.

Meeting adjourned 11:30 P.M.

Mona Feciuch