



## COMMUNITY DEVELOPMENT

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### Planning Board Minutes

August 21, 2013

#### **Board Members:**

Kristi St. Laurent, Chairman – Present  
Margaret Crisler, Vice Chair – Excused  
Pam Skinner, Member – Present  
Jonathan Sycamore, Member – Excused  
Sy Wrenn, Member – Present

Ross McLeod, Selectman – Excused  
Kathleen DiFruscia, Selectman Alternate, Excused  
Vanessa Nysten, Member – Present  
Alan Carpenter, Alternate Member – Excused  
Jim Fricchione, Alternate Member – Excused

#### **Staff:**

Laura Scott, Community Development Director  
Mimi Kolodziej, Planning Assistant

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

Chair St. Laurent called the meeting to order at 7:09 pm, followed by the Pledge of Allegiance, member attendance and gave a brief synopsis of the agenda.

#### **Public Hearings**

Ms. Skinner read Case#2013-21 into the record.

#### **Final Major Site Plan and WWPDP Special Permit Application (11-A-150L1) Case #2013-21**

A Major Site Plan Application and WWPDP Special Permit has been submitted for 54 Haverhill Road (11-A-150L1) in the Limited Industrial and WWPDP Districts. The applicant, Karl Dubay of The Dubay Group, on behalf of property owner Dave Elliot and Doug Desautels of Windham Mobil, is proposing a Major Site Plan for an automobile service and repair shop, in addition to the existing wholesale distributor/office use. Associated site work (paving, grading and drainage), landscaping, lighting and signage are also proposed. A WWPDP Special Permit is proposed for new access and circulation areas within the site. Waivers have been requested from Section 603.1 to waive the Preliminary Site Plan Application Process, Section 603.2.4.12 to waive the existing tree inventory with a diameter greater than 12” and Section 703.1.2 to waive the 20’ setback for pavement from Rt 111. If the waiver from Section 603.1 is not granted, this application will be heard as a Preliminary Site Plan.

- The Chair asked Ms. Scott if the application was complete. Ms. Scott stated yes. She explained that the Board first must decide whether to grant the waiver to a Preliminary Site Plan before considering the application.

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**Mr. Wrenn motioned to grant the waiver from Section 603.1 for the Preliminary Site Application. Seconded by Ms. Skinner. Motion passed: 4-0.**

**Mr. Wrenn motioned to hear Application (11-A-150L1), Case #2013-21 as a Major Site Plan Application. Ms. Skinner seconded. Motion passed: 4-0.**

- Ms. Scott briefly introduced the various memos included in the packet and noted that there were a few outstanding items that may later be considered Conditions of Approval. Ms. Scott further explained that the applicant did provide the drainage study for which Keach-Nordstrom had not yet replied. This item may also be added as a Condition of Approval.

- Mr. Dubay explained that this project in the Industrial District is basically a clean-up project. The plan is to improve the building which had previously been a small engine repair shop, expand the single route 111 access, and clear vegetation between the building and Route 111 to make the business visible from the road. The business will be an auto service station, not a body shop. There will be no additional impervious surface added, and they are working with Code Enforcement on signage. There will be one tenant who will use a very small portion of space.

### Questions/Comments from the Board

- Chair St. Laurent asked about storage and disposal of auto fluids. Mr. Dubay stated that there are notes on the plan from KNA regarding this and that there are many ordinances and regulations that service stations must adhere to. The owner is currently working with his mechanical vendors to install a waste oil burning furnace to recycle. Additionally, he is in close proximity to the Town recycling station for his plastics and metals. The plan's drainage improvements should encapsulate higher potential run-off. Ms. Scott added the applicant must meet DES standards and Fire codes which go above and beyond the Town's regulations.
- Ms. Nysten asked about the TRC report. Ms. Scott stated TRC had no outstanding concerns. Mr. Dubay said he met with the Conservation Committee and resolved their concerns.
- Ms. Scott walked through her memo of August 16 noting the four outstanding items and reminding the Board they needed to decide on the two outstanding waiver requests.
- Mr. Wrenn asked if the driveway will still be a common drive with the Police Supply business next door. Mr. Dubay, stated that it would be, and the intent is to improve and widen the drive for better access and to create a more inviting appearance.
- Chair St. Laurent asked if it would be possible to keep more of the trees which are intended to be removed and how much visibility is needed. Mr. Dubay explained that it is critical for the success of the business to be seen from the road and many of the trees to be removed are large bull pines. He plans to keep the large trees with solid trunks and a good canopy. The space underneath the trees will be cleared and kept natural. Drainage from across the street will continue to flow into the State drainage system.
- Mr. Dubay stated that the plan is to bring the site up 3ft so the loading docks will not be seen and the access off Route 11 will be less steep.
- Ms. Nysten asked about traffic circulation. Mr. Dubay drew the Board's attention to page 8 of the plan set and walked through the traffic and parking plans. He also explained the location of walk-in doors and the 24ft car drop-off doors.
- The Board asked about access from Route 111. After a thorough discussion, it was decided to:
  - 1. Lengthen the double yellow center line into the service site, and
  - 2. Add a stop-bar and stop sign coming out of the Police Supply business.
- There was discussion about signage and Mr. Dubay explained he was currently working with Ms. Prendergast on the wall and the free-standing sign.
- There was discussion about the proposed design modifications to the existing building. Ms. Scott stated that Design Regulations do not apply to this application.
  - Chair St. Laurent asked how much space the other business in the building would occupy? Mr. Desautels stated 700sqft and the other business in not interested in any signage.

**Chair St. Laurent opened discussion of the Hearing to the Public. Hearing none, the Public Hearing was closed.**

- Mr. Wrenn inquired about the Mobil name and whether the facility would sell any gas. Mr. Dubay stated that there would be no gasoline sales. Mr. Desautels has corporate authorization to use the Mobile branding and signage because he uses Mobil products.
- Chair St. Laurent asked about the two wells. Mr. Dubay stated that the well closest to the building would be used.
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**Mr. Wrenn motioned to approve the waiver from Section 603.2.4.12 to waive the existing tree inventory with a diameter greater than 12” and Section 703.1.2 to waive the 20’ setback for pavement from Rt 111. Seconded by Ms. Skinner.**

- Ms. Nysten asked how the trees would be removed. Mr. Dubay stated they would be cut and flush cut. They will not be stumping.
- Mr. Wrenn’s justification for the waiver in this existing site is that he is in agreement with the difficult access to this site and agrees with the safety steps being taken, the inventory provided for the kept trees, along with the 20ft setback already in existence. Altogether, the alterations result in an improvement.

**Motion passed: 4-0.**

**Mr. Wrenn motioned to approve the Major Site Plan application for 54 Haverhill Road, 7 Ledge Rd, Case #2013-21, Lot 11-A-150L1 and the WWPD Special Permit with the following conditions of approval:**

- 1. NHDOT Permit is required for the reconfiguration of driveway/guardrail on Rt 111 and approval that tree clearing within Rt 111 ROW is permitted, per the submitted plan,**
- 2. Concerns as outlined in Ms. Scott’s 8/16/13 memo,**
- 3. Concerns regarding wall signage as outlined in 8/8/13 Code Enforcement Administrator’s memo,**
- 4. Notes to be added to the plan as outlined in 8/9/13 Conservation Commission email,**
- 5. That the elevation on sheet 10 of the plans be corrected to show there are no doors in the front,**
- 6. To extend the double yellow line into the proposed site, and to**
- 7. Add a stop sign and stop bar at the entrance.**
- 8. Concerns listed in Mr. Keach’s 8-16-13 memo**

**Chair St. Laurent clarified that the applicant should work with Staff and Mr. Keach to address the concerns and fix the issues for the approval.**

**Seconded by Ms. Skinner. Motion passed: 4-0.**

Ms. Scott requested that the Board move the agenda items to accommodate the one member of the Public waiting to hear the results of the Financial Guarantees. The Board was in agreement, and the agenda was adjusted.

**Financial Guarantees:**

- **Fieldstone Woods Subdivision**

Ms. Scott provided the Board with an 8/7 memo in which she noted that the Town has been holding a Letter of Credit and a Financial Guarantee totaling \$34,000 since 2002. The guarantees are for Appleton Dr., Glendenin Rd, Poplar Drive, Sagamore Drive, and Butternut Lane. All outstanding items have been addressed, including the Conservation Commission easement. The legal documents have been signed and are ready to be recorded. The release is scheduled for a Public Hearing at the next Board of Selectmen meeting on 8/26.

**Mr. Wrenn motioned that the Planning Board recommend to the Board of Selectman to accept Appleton Dr, Glen Dennin Rd, Poplar Drive, Sagamore Drive, and Butternut Lane and return the cash financial guarantee in the amount of \$17,082.50, plus any accrued interest, and release the Letter of Credit in the amount of \$17,082.50. Seconded by Ms. Skinner. Motion passed: 4-0.**

- **Settlers Ridge Subdivision**

Ms. Scott provided the Board with an 8/7 memo in which she noted that the Town has been holding this guarantee since 2000 and all outstanding items have been addressed.

**Mr. Wrenn motioned that the Planning Board recommend to the Board of Selectman to accept Settlers Ridge Road and Parcel “A” and return the approximately \$12,000, plus interest, cash financial guarantee. Seconded by Ms. Skinner. Motion passed: 4-0.**

- Chair St. Laurent asked about Parcel “A.” Ms. Scott explained that it is a small, swampy parcel of road that was previously deeded to the Town.

**Site Plan Regulation Workshop:**

- **Design Review Regulations**

Ms. Scott stated that at the 7/10 Planning Board meeting the Board made some changes to the Village Center language slotted to be added to the Design Review Regulations. The Board then asked Ms. Scott to send the changes to legal and post it for a Public Hearing. While Ms. Scott was doing the edits, it occurred to her that there was a large section of the Design Regulations in the Site Plan Regulations about the Village Center District. Ms. Scott recognized that it was necessary to make the VCD language consistent in both documents. Ms. Scott proceeded to edit for consistency both the Design Review Regulations and the Site Plan Regulations and send them both to Attorney Campbell for comment. As yet, neither document has been revised. Attorney Campbell’s comments were provided to the Board in his 8/8 memo, and Ms. Scott has no concerns or questions with them. Ms. Scott numbered the three documents for ease of comparison.

**Questions/Comments from the Board:**

**Site Plan Regulation Edits**

- #1 The Board’s first decision was to decide whether they wanted the proposed language change to Section 708.2.2 as shown in the 1A or 1B proposal. The Board decided on the language expressed in 1B.
- #2 The Board decided to edit the language of the first sentence in Section 709 by removing the word “design” and remove the next sentence that begins “these standards” and ends “village setting.”
- #3 The Board agreed with and accepted Attorney Campbell’s language recommendation for Section 709.1.

Ms. Scott asked the Board if they had any other changes before the Public Hearing posting in two weeks, 9/4. The board had none.

**Design Regulation Edits**

- #4 The Board agreed with and accepted the language changes recommended by Attorney Campbell for Section 300: Scope of the Design Regulations.

**Ready Set Go! Certified Sites Program**

Ms. Scott walked the Board through her 8/14 memo highlighting the history of Ms. Scott’s recommended draft changes to the Site Plan Regulations in order to participate in the SNHPC’s Certified Site Program. The recommended draft changes were sent to Attorney Campbell and provided to the SNHPC. Ms. Scott has no concerns with Attorney Campbell’s comments.

- Ms. Nysten questioned if there was a definition conflict in Section 1100 of our existing Site Plan Regulations and proposed Section 1153.2, with the terms “active & substantial development.” Ms. Scott and Mr. Wrenn agreed that Section 1153.2 would only apply to the Certified Sites Program. However, Ms. Scott will check with Attorney Campbell before posting for Public Hearing.
- The Board discussed the practicality of the investment by a landowner/developer in Level 1 of the Program. Ms. Scott thought that developers are more likely to use Level 2. Mr. Wrenn stated that the Board is providing developers another option, and it will be up to them if and how much they choose to invest in their property.
- Ms. Nysten noticed that Business Commercial B District was not listed. Ms. Scott will add this District.
- Ms. Scott will add Business Commercial B District, add Attorney Campbell’s edits, ask him about the Section 1100 conflict, and post for a 9/4 Public Hearing.

**2014 Town Meeting Workshop:**

**Impact Fees**

Ms. Scott explained that in preparation for the 7/31 Planning Board Impact Fee workshop, she found some areas in the Ordinance that she felt should be amended. Most of the changes are under the Definition Section and her edits also include changing the Code Enforcement Administrator to Building Inspector. Ms. Scott noted that Mr. Case said that there was a numbering issue; but she does not see it and will look into it. Ms. Scott walked through her edits.

**Questions/Comments from the Board:**

- Ms. Nysten asked if the Building Inspector was aware of Ms. Scott’s proposed edits to the Impact Fee Ordinance regarding changes to his responsibilities. Ms. Scott said yes. Ms. Nysten stated that she thought the Building Inspector should be more closely involved in the process and attend the Impact Fees’ once a year Planning Board meeting because calculations and assessing Impact Fees is a very important job with many nuances; and he could have input. Ms. Scott will consider this suggestion prior to the meeting next year. Mr. Wrenn disagreed with Ms. Nysten’s position stating that the Building Inspector is an administrator of the rules and regulations that the Boards adopt. He needs to be aware of the current regulations, but not necessarily be part of the process and evolution of the regulations. Ms. Scott agreed with this.
- Ms. Nysten stated that, in her opinion, the Building Inspector should be involved in the TRC meetings to familiarize himself with the incoming projects and to be kept in the loop. Ms. Scott said that the Board is discussing Impact Fees to TRC; and she could discuss this later
- Clarification of Section 715.11.3 – Refund of Fees Paid. Ms. Scott will talk with the Financial Director to ensure that the logistics of the refunds has language that supports it. Ms. Nysten would like the Financial Director’s input on whether 60 days is sufficient time to issue a refund given other departments are involved. Ms. Scott will check with the Financial Director on this entire Section.
- Ms. Nysten wanted to know if the “Town’s public capital facility” is the correct terminology. Ms. Scott stated she took that language from Page 1 of the Purpose Section. Mr. Wrenn thought that it was the appropriate language.
- Ms. Nysten asked if the School Board was going to be notified of Ms. Scott’s proposed edit of Section 715.6 which adds the School Board. Ms. Scott stated they would not be notified because it is a Town project. The School Board meets annually with the Planning Board and public citizens are always welcome to attend the meetings.

**Ms. Skinner motioned to move the Impact Fee edits to a Public Hearing at a time and date in November. Seconded by Mr. Wrenn. Motion passed: 4-0**

**Building Code**

Ms. Scott informed the Board that it had recently come to her attention that the State Building Code does not require submitted plans to show easements (public or private) or Zoning Ordinance setbacks. Therefore, the Town is proposing to amend the State Building Code with the 2 suggestions in Ms. Scott’s memo or 8/16/13.

**Questions/Comments from the Board:**

- Ms. Skinner confirmed that the Town/Department is using the State Building Code.
- Mr. Wrenn asked how the language should read. Ms. Scott suggested “or as may be amended.” She will check with Attorney Campbell on the correct wording and suggested moving it to Public Hearing.

**Mr. Wrenn motioned to move the State Building Code changes to Public Hearing... Seconded by Ms. Skinner. Motion passed: 4-0.**

#### **NBD Subcommittee Scope**

Ms. Scott explained that in the Rules of Procedure it is the Planning Board’s responsibility to set the scope of all subcommittees

Mr. Wrenn explained that the NBD Subcommittee found that while they were reviewing NBD parcels on Route 28, they determined that there were several parcels that were zoned rural in a very commercial area of Town. Also, there were two multi-zoned parcels that were not previously evaluated by the Multi-Zone Subcommittee because the zoning map was incorrect and showed these two parcels as a single zone, Commercial A, at the time. Consequently, to address this issue rather than disregard it, they would like the Planning Board to expand and clarify the scope of the NBD Subcommittee’s charge to include these other parcels.

#### **Meeting Minutes – Review and Approve**

- July 31<sup>st</sup> (public and non-public)- Postponed.
- August 7<sup>th</sup>

**Ms. Skinner motioned to accept the 8/7/2013 minutes as amended. Mr. Wrenn seconded. Motion passed: 4-0.**

#### **CIP Budget Request**

After a brief discussion, the Board decided there would be no CIP budget request this year from the Planning Board.

#### **Member Binder Update – Tab #3**

**Old/New Business** (Not to include discussion of pending applications or decisions on matters requiring public notice)  
**Adjournment**

**Ms. Skinner motioned to adjourn the meeting at 9:35pm, Ms. Nysten seconded. Motion passed: 4-0.**

These draft minutes are respectfully submitted for your approval by Mimi Kolodziej, Planning Assistant.