



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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Planning Board Minutes September 4, 2013

Board Members:

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

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

Staff:

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

Call to Order/Attendance/Pledge of Allegiance

Chair St. Laurent called the meeting to order at 7:03 pm, followed by the Pledge of Allegiance, member attendance and gave a brief synopsis of the agenda.

The Chair appointed Mr. Carpenter to sit for Ms. Nysten and Mr. Fricchione to sit for Mr. Sycamore.

Ms. Crisler read Case #2013-22 into the record.

Preliminary Major Site Plan and Major Watershed Application (18-L-450) Case #2013-22

A Preliminary Major Site Plan Application and Major Watershed Application has been submitted for 43 Range Road (18-L-450) in the Professional, Business and Technology District and the Cobbetts Pond and Canobie Lake Watershed Protection District. The applicant, Peter Zohdi of Edward N. Herbert Associates LLC, on behalf of Cafua Realty Trust Lic, LLC is proposing to demolish the three existing buildings on the site and construct a 7,308 sqft building, which will be comprised of a Dunkin Donuts Restaurant (2,928 sqft) and 2 office/retail spaces (2,190 sqft each), as well as associated parking, landscaping, signage and lighting. Waiver requests have been submitted for Section 604.1, Section 502.3 and 504.2.1 of the Site Plan Regulations.

- The Chair asked Ms. Scott if this application was complete. Ms. Scott stated yes, all material has been submitted and this is a preliminary hearing which is non binding. Ms. Scott stated the application went before the TRC, the Design Review Committee, and to Keach Nordstrom. Comments can be found in Ms. Scott's memo of August 28, 2013.

- Mr. Peter Zohdi, of Edward N. Herbert Associates LLC, on behalf of Cafua Realty Trust Lic, LLC addressed the Board. He showed the location of the site on the computer and stated it was next to Delahunty's Nursery. Mr. Zohdi went through and spoke about each page of the plan set. He stated the building is 7,308 sq. ft, and within the building is 2,928 sq. ft for Dunkin Donuts and 4,380 sq ft for retail/office. (retail is proposed at 2 units of 600 sq ft each). He stated the plan has had TRC review and the only outstanding items are sign off from the Highway Department and Fire Department. The plan shows a 5' high fence around the dumpster and the Design Review Committee is asking for 6' and Mr. Zohdi is okay with that. There is porous pavement for some of the driveway and the parking areas. All the information is on the plan for the Town Engineer. The septic design and well permit have been submitted to the State and they are pending. Mr. Zohdi read all the notes on Page 1 of the plan and spoke about each one. The Town Engineer has reviewed the plans and sent them back, Mr. Zohdi has made changes and resubmitted them to KNA and is waiting for Mr. Keach's response. TRC is good with the plan, the Fire Department wanted a 10,000 gal. cistern at the beginning of the driveway, the Police Department has no concerns, he is in discussion with the Highway Agent and will be doing some painting on Delahunty Drive. He stated at the next Planning Board meeting the traffic engineer will be present to discuss traffic. Ms. Scott stated that what the Design Review Committee recommended is in the Board's packet. They would like more of a stone façade on the building as opposed to brick to match the Searles wall.
- Mr. Jim Smith, AIA, addressed the Board. He stated Mr. Cafua wanted something special with this project. Mr. Smith has designed 100's of Dunkin Donuts. He originally went with brick but spoke to Mr. Cafua and they will now design with stone. They have faux windows and wall art. They have since changed the plan per recommendations from the Design Review Committee against the wall art and will just do the faux windows. He will have samples of the stone that the Design Review Committee picked for the next Planning Board meeting. The signs are illuminated with gooseneck light fixtures and the back of the building will be not be stone it will be EIFS.

Questions/Comments from the Board

- The Board asked Mr. Smith what kind of blocks would be around the doors. Mr. Smith stated it will be stone, rectangular, all different sizes, and more linear looking.
- The Board asked Mr. Smith if there would be air conditioners on the roof. Mr. Smith stated it is a flat roof, the parapet goes all the way around the 4 sides and will be EIFS and water will be drained by scuppers. Mr. Smith stated the Dunkin Donut entrance will have an opening with two doors, one on each side. The Dunkin Donuts entrance will stick out but the other units are flush against the building. The Board stated the plans show all entrances are the same and the plans will need to be updated to reflect that.

- Mr. McLeod stated he liked the DD sign on 111. He would like the sign to have some visual pop to it. He would also like the wall art so the building does not look like an industrial wall. Mr. Smith stated the Design Review did not want the art. Ms. Scott stated the Committee was split on having the art as it would be an additional sign. The Board asked if the wall art could be removed if necessary. Mr. Smith stated yes but it is between two panes of glass and they don't change it regularly. The Board would like to see the design with and without the art. Mr. Smith will bring that to the next meeting.
- The Board stated the plan layout looked more conducive to a drive thru and asked Mr. Smith if he was designing for future flexibility if a drive thru ordinance is approved in the future. Mr. Smith stated he designed the plan without a drive thru. Mr. Zohdi stated they did design for a future drive thru if the ordinance does change and also for Fire Department access.
- The Board stated they wanted to make sure the lighting is not invasive to people driving by and the abutters. Mr. Zohdi stated the Design Review Committee asked Mr. Zohdi to take a look at his lighting plan and he has hired a lighting engineer to look at it and will bring the information to the next meeting. The Board asked Mr. Zohdi if there was hubble lighting on the sides of the building. Mr. Zohdi stated no, only in the back.
- The Board asked about the existing well on the property. It was not on the plan. Mr. Zohdi stated they will not be using it and will be digging a new well. He will add that to the plan.
- The Board asked about having only one gravel walkway from the sidewalk. Mr. Zohdi stated it is for pedestrian use and will change it to pavement and add that to the plan. The Board and Mr. Zohdi discussed the different types of pavement he is proposing. The Board asked Mr. Zohdi how expensive it would be to have all porous pavements on the project. Mr. Zohdi stated he will have that information at the next meeting. The Board would like some assurance for monitoring if the pavement is in failure. Mr. Zohdi stated that he will add to the plan that Mr. Cafua will provide certification to the Town every year and a note will be added to the plan.
- The Board asked about deliveries and if tractor trailers would be delivering, how they would get in and out and where would they park. Mr. Zohdi stated they will back in. They usually have a box truck, not a semi. The Chair questioned Mr. Zohdi about the traffic flow on Delahunty Drive stating the plan shows 2 arrows towards the driveway. Mr. Zohdi stated there are two lanes, the back of the building has two way traffic but the sides are one way. There are two lanes in the back so people can back out of the parking spots behind the building. The Board discussed the stop sign. It was decided the stop sign would be placed at parking spot #20 on the plan.

The Chair opened the hearing to the public at 8:04 pm.

- Ms. Betty Dunn addressed the Board. She stated she sees semi-trucks delivering material to DD all the time and sees problems with them parking in the travel lane. She would like the Board to look at that. She would like the Board to look at how the lighting will affect the traffic on Rt 111 and stated the elevation of the property is significantly higher than the abutters properties and it will affect them also. She would like to see and hear about the traffic study. She stated there is concern with Sunday morning traffic at this location as church is in session and there will be a lot more traffic in that location. She would like to know if the plan has been looked at by DOT considering the many discussions the Town has had about the light at Range Rd. She questioned if traffic from this project would necessitate traffic light sooner rather than later. She stated that there are two lanes behind the proposed building that could be a drive thru. She would like a note on the plan stating that if a drive thru ordinance were to be enacted that the applicant needs to come back to the Board. Ms. Scott stated they would have to come back as it would be a change of use. Ms. Dunn suggests a water garden for runoff and filtering into the watershed. She stated in the Hearing Notice, it states office/retail space. Section 614.2.10 was not mentioned and questioned if the storefronts would be manufacturing and selling on the property according to the ordinance. She stated retail is not an allowed use in this district except under 614.2.10 in which retail is allowed if merchandise is manufactured or assembled on the site and the sales area is limited to no more than 33% of the building's area. She stated the proposed building looked like a strip mall. Ms. Scott stated that there is a note #21 on the first page of the plan regarding the limited retail allowed. The Board stated it would likely be looked at as office space. Mr. Fricchione asked Ms. Scott if it was a limited retail project and Ms. Scott stated yes. Mr. Fricchione stated that Ms Dunn made a valid point – some of the designs say retail and that might be a mislabeling.
- Ms. Ruth Ellen Post addressed the Board. She stated she has heard that the wall art would improve the look of the site while others have disagreed. She thinks the landscaping should be shown on the elevation sheets. She stated Ms. Dunn had gone over the rest of her concerns.

The public portion was closed at 8:20 pm.

- Mr. Carpenter stated the elevation of the lot being higher than the abutters and the lighting are a concern.
- The Chair asked if the art panels would be permanent. Mr. Smith stated he believed they would be. The Chair asked if the faux windows would open. Mr. Smith stated no, there would be equipment against them. The Chair asked if a bike rack could be added. Mr. Zohdi stated yes.
- The applicant will show a stop sign at parking spot #20, add the well location to the plan, fix the entrances to be accurate, change the gravel walkway to pavement, 6' fence around the dumpster, clarify on page 14 of the plans the location of the pipes, bring in samples of the wall art and stones, shoe the drawings with wall art and

without, show landscaping on the elevation and adhere to all comments from all committees on Ms. Scott's memo of 8/28/13. Ms. Scott stated the applicant is having a retention pond with landscaping for a rain garden. She also stated DOT has no jurisdiction for this plan but she will send them a copy for comments. Sunday church traffic will be taken into consideration, a traffic study is complete and she will speak to Mr. Keach to make sure tractor trailer trucks can drive in and out safely. A note will be added to the plan if zoning ever changes to allow drive thrus or if there is a variance, the applicant will have to come back to the Board.

Ms. Crisler motioned to formally close the preliminary hearing, seconded by Mr. Wrenn. Motion passed 6 – 0.

The Chair stated after break the Board would reorganize the items on the agenda hearing the SNHPC Appointment next.

The Board took a recess at 8:35 pm and was back in session at 8:40 pm.

- The Chair stated per RSA 36:46 (III) the Planning Board shall nominate residents to represent the Town to the Board of Selectmen for appointments. Mr. Peter Griffin's 3 year term expired at the end of August and he is asking to be reappointed to another 3 year term.
- Mr. Peter Griffin addressed the Board. He stated he wishes to be reappointed and was on the Rockingham Planning Commission and now he is on the Board of the SNH Planning Commission as the Town switched Commissions. He has over 30 years experience in the areas of local and regional planning and zoning, transportation, historic restoration and preservation and economic development.
- Mr. Carpenter asked Ms. Scott if any other resident had expressed interest. Ms. Scott stated the Mr. Griffins was up for reappointment and we have 3 alternates if he wasn't interested in serving again.

Ms. Crisler motioned to recommend to the Board of Selectmen to reappoint Mr. Peter Griffin to the SNH Planning Commission, seconded by Mr. Wrenn. Motion passed 4 – 0 – 2 with Mr. McLeod and Mr. Fricchione abstaining.

- Mr. Griffin gave an update on the SNH Planning Commission's activities.

Ms. Crisler read the Site Plan Regulations and Design Regulations Public Hearing into the record.

Site Plan Regulations and Design Regulations Public Hearing

A public hearing is to be held in accordance with NH RSA 675:6 (Method of Adoption), to adopt amendments to the existing Site Plan Regulations, as allowed under NH RSA 674:43 (Power to Review Site Plans) and NH RSA 674:44 (Site Plan Review Regulations). The amendments include

- Amending Section 400 to add definitions for “Certified Site” and “Certified Site Program”
- Creating Section 1150 to add Certified Site Program
- Amending Section 708.2.2 to include Village Center District and clarify the date of the Design Regulations
- Deleting Section 709.1-709.6 and amending language in 709 to reflect this deletion
- Renumbering Section 709.7 and 709.8 and amending language in Section 709.7.1
- Amending the Design Regulations to add Village Center District to the regulations and add appropriate regulations for this District
- Amending Sections 300, 501, 502, 503, 504, 50, 707 and 709 of the Design Regulations
- Add Section 603.1.2.8 and 603.2.3.8 to the Site Plan Regulations stating “PDF of the site plan”

It was discovered that there was a typographical error in the hearing notice where it stated Section 50 and it should have stated Section 505.2. The Board decided this was a minor error and did not have to be re-noticed.

Ms. Crisler motioned to open the public hearing on Site Plan Regulations and Design Regulations, seconded by Mr. Wrenn. Motion passed 6 – 0.

Amending Section 400 to add definitions for “Certified Site” and “Certified Site Program

- Ms. Scott stated that in her memo dated 8/14/13, the attached language reflects the comments made by the Board at the 8/21/13 meeting and suggestions included in Legal Counsel memo of 8/6/13. In addition, she asked Counsel to confirm there were no conflicts between the proposed language and current Section 1100 of the Site Plan Regulations. The Board has a copy of Attorney Campbell’s memo in their packet.

The public hearing was opened for comments at 8:56 pm, hearing no comments the public portion was closed.

Mr. Carpenter motioned to Amending Section 400 to add definitions for “Certified Site” and “Certified Site Program and Creating Section 1150 to add Certified Site Program as presented, seconded by Ms. Crisler. Motion passed 5 – 0 – 1 with Mr. Fricchione abstaining.

Village Center District – Draft Language Design Review Regulations & Site Plan Regulations

- Ms. Scott stated in her memo dated 8/27/13 the changes requested by Legal Counsel in his 8/8/13 memo and the Board members at the 8/21/13 meeting have been incorporated into the proposed Regulations. The amended Design Review Regulations and Site Plan Regulations are attached for the Board’s review.

- The Board discussed the proposed changes and stated they added clarifying language.

The public hearing was opened for comments at 9:10 pm, hearing no comments the public portion was closed.

Ms. Crisler motioned to Amending Section 708.2.2 to include Village Center District and clarify the date of the Design Regulations, Deleting Section 709.1-709.6 and amending language in 709 to reflect this deletion, and Renumbering Section 709.7 and 709.8 and amending language in Section 709.7.1 as presented, seconded by Mr. Wrenn. Motion passed 5 – 1 with Mr. McLeod against.

Draft Design Review Regulations

The public hearing was opened for comments at 9:13 pm, hearing no comments the public portion was closed.

Ms. Crisler motioned to Amending the Design Regulations to add Village Center District to the regulations and add appropriate regulations for this District and Amending Sections 300, 501, 502, 503, 504, 505.2, 707 and 709 of the Design Regulations as presented, seconded by Mr. McLeod.. Motion passed 6 – 0.

Add Section 603.1.2.8 and 603.2.3.8 to the Site Plan Regulations stating “PDF of the site plan

The public hearing was opened for comments at 9:16 pm, hearing no comments the public portion was closed.

Mr. Carpenter motioned to Add Section 603.1.2.8 and 603.2.3.8 to the Site Plan Regulations stating “PDF of the site plan as presented, seconded by Mr. McLeod. Motion passed 6 – 0.

2014 Town Meeting Workshop

Open Space & Landscaping (Section 705)

Mr. Carpenter motioned to approve Section 705 as presented and move to public hearing, seconded by Ms. Crisler. Motion passed 6 – 0.

WWPD (Section 601)

- Language added for boundary markers.

Ms. Crisler motioned to approve Section 601.4.10 as presented and move to public hearing, seconded by Mr. Fricchione. Motion passed 6 – 0.

Meeting Minutes – Review and Approve

July 31, 2013 Public

Ms. Crisler motioned to approve the July 31, 2013 minutes as amended by Ms. Nysten, seconded by Mr. Carpenter. Motion passed 4 – 0 -2 with Mr. Wrenn and Mr. McLeod abstaining.

July 31, 2013 Non Public

Ms. Crisler motioned to approve the July 31st minutes as written, seconded by Mr. Carpenter. Motion passed 4 – 0 -2 with Mr. Wrenn and Mr. McLeod abstaining.

August 21, 2013

Mr. McLeod motioned to approve the August 21, 2013 minutes as amended by Ms. Nysten, seconded by Mr. Carpenter. Motion passed 4 – 0 – 2 with Mr. Fricchione and Mr. McLeod abstaining.

Liaison Reports

Mr. Wrenn gave an update of the Infrastructure Committee stating they are planning on a presentation to the BOS on the water supply.

Ms. Scott gave an update on the Communication Subcommittee.

Member Binder Update – Tab #16

Old/New Business

- Ms. Crisler stated that the cell phone tree does not have any branches on it. Ms. Scott stated that it does have tree camouflage branches on it and is not sure how many branches they are required to have. Ms. Scott stated they have added more devices to the tree tower and have put some branches back on after she and Mike McGuire had spoken to the owners. Ms. Scott will do some research on the plan to see if it states how many branches are required. Ms. Crisler and Ms. Scott will both look at the cell phone tree again.

Adjournment

Ms. Crisler motioned to adjourn, seconded by Mr. McLeod. Motion passed 6 – 0.

Meeting adjourned at 9:35 pm.

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

September 4, 2013 Approved Planning Board Minutes



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