

Planning Board Minutes 04/08/10

Contributed by Lisa Fellows-Weaver
Friday, 30 April 2010

Planning Board

Minutes

April 8, 2010

Official as of April 22, 2010

Chairman Bob Strobel calls the meeting to order at 7:00 p.m.

PRESENT: Chairman Bob Strobel, Vice Chairman Herb Johnson, Selectman Representative Alden Dill, Roger LeClerc, Rick Wolf, Deborah Couch, Robert Press, Alternate Victoria Parmele, Town Planner Elaine Planchet, and Board Secretary Lisa Fellows-Weaver.

VOTING DESIGNATION: Bob Strobel, Herb Johnson, Alden Dill, Roger LeClerc, Rick Wolf, Deborah Couch, and Robert Press.

ABSENT: Alternates Pat Bell and Scott Campbell.

PUBLIC: Approximately 15 members of the public are present.

MINUTES:

March 25, 2010

Mr. Dill makes a motion to approve the March 25, 2010 minutes, as written. Mr. Johnson seconds. Motion passes unanimously; 7/0.

Letter of Resignation

Mr. Strobel states that he has received a letter of resignation from alternate member Scott Campbell. Mr. Dill makes a motion to accept the letter of resignation with regret. Mr. Johnson seconds. A discussion is held regarding the board appointing members. Motion passes unanimously; 7/0.

Mr. Strobel states that there is now a vacancy and notes that there was another letter of interest previously received, from Babette Morrill. Mr. Johnson makes a motion, second by Mr. Dill, to accept Babette Morrill as an alternate member to the planning board. Ms. Planchet references RSA 673:7 which states that there can be no more than two planning board members serving on the same board or commission. She notes that Ms. Morrill is a member of the economic development committee and budget committee and planning board member Herb Johnson is also a member of those committees.

Ms. Morrill withdraws her letter of interest and the motion and second are withdrawn.

The board discusses advertising the vacant position. Mr. Johnson makes a motion, second by Mr. Dill to advertise the vacancy in the Suncook Valley Sun. Discussion ensues on whether there is a need to fill the vacancy. Motion passes; 4/3/0. Mr. Strobel, Mr. Dill, and Mr. Wolf are opposed.

CASE 09-14: Mark Lopez (Family Dollar), Rte. 202 & 9. Map 234; Lot 7; Sublot 2. Applicant is seeking a site plan review for construction of a 9,250 sq. ft. retail store to include Family Dollar and one rental unit. (Property currently owned by Beth Grimes, and Gregory Lalish.) Application accepted as complete on 2/25/10; 65 day 5/1/10.

Mr. Johnson recuses himself for this case and leaves the table.
Mr. Strobel designates Ms. Parmele as a voting member.

Mark Lopez is present along with Chris Berry of Berry Surveying and Engineering.

Ms. Planchet distributes town counsel comments for the board to review regarding the application regarding the access easement for an abutting lot. After review, Mr. Dill makes a motion, second by Ms. Couch, to accept the document as a public document. Motion passes unanimously; 7/0. A copy of the opinion is provided to the applicant and Mr. Strobel reads the information into the record. Ms. Planchet notes that she has been a part of various emails from the applicant and has indicated that she should not be included in the emails as there is no purpose for them for the planning board.

Mr. Lopez states that he agrees with the legal opinion provided and states that they will continue to work with the abutters to reach a suitable agreement and they will continue to present their proposal.

CASE 09-08: Coe Brown Northwood Academy, 907 First NH Turnpike, Map 217; Lots 65 and 66; Dana and Cindy Davidson, 35 Bow Lake Road, Map 218; Lot 1. Applicants are seeking site plan approval to add an educational facility with proposed 1,500 +/- sq. ft.; to expand athletic fields; and to create access onto Bow Lake Road. Application accepted as complete on 7/23/09; 65-day 9/26/09. Continued to 3/25/10.

Rick Wolf has recused himself from this case and has moved from table. Mr. Johnson returns to the board. Ms. Parmele remains as a voting member.

Neil Rapoza from Civil Consultants is present representing CBNA and Jim Colburn, President of CBNA trustees.

Documentation and revised plans are provided from Civil Consultants and are reviewed by the board. Mr. Rapoza notes that he has provided responses to staff's comments. Ms. Planchet reviews the status of the case and refers to her memo dated April 7.

Ms. Planchet refers to an additional waiver request for additional disturbed area fees as a result of the state permitting process. Mr. Rapoza explains that this is the additional disturbed area due to the regrading of the gravel by the track and the new paved parking area which has been changed to accommodate state comments. Ms. Planchet states that this increased disturbed area fee is due to an amendment to the site plan application before the planning board, not only at the state DES level. Therefore, the planning board may decide to waive this additional fee.

Mr. Rapoza explains that they would prefer to have a conditional approval prior to obtaining the state's permits due to the fact that once the state permits have been received they can resubmit and go further. He explains that they believe the changes made are all of the required changes for the state. They have a verbal agreement from Gloria Andrews at NHDES. They are waiting on one abutter's agreement letter.

Ms. Planchet notes that there is an additional 16,700 sq. ft to be disturbed. Ms. Planchet states that the maintenance building has been approved with the idea that nothing else would impact and the drainage would still hold true. Mr. Rapoza states that all of the drainage that comes off of the new graded parking area will come down the swale and will cut across the access way to a separate section of the brook.

Ms. Couch asks if there is another area that this could be proposed as this is on top of a wetland and there is a lot of land that could be used. Mr. Rapoza states that they need to get the wetland filled. He adds that this wetland is a mosquito breeding ground and by filling this wetland, they will eventually get more area out there and will re-grade the area for the future. He notes that they have spoken to NHDES and this is not a protected wetland. Ms. Couch states that to her it seems that they are trying to get rid of a valuable resource and maybe it would be possible to put the parking lot somewhere else. Mr. Rapoza goes through the assessment and states that the wetlands in this area are not high value wetlands. He states that due to the hydrology of the site they just want to keep the water flowing and maintain the quality of the area.

Ms. Parmele asks about the mitigation plan. Mr. Rapoza explains that the preliminary mitigation application must be submitted with the wetlands application. He states that this is complete and they have contacted Lori Sommer who has agreed with their proposal to have the Mead lot be the lot for the mitigation. He adds that they have also contacted Bear Paw, and states that Dan Kern is receptive to the proposal. Estimates have been obtained for Bear Paw to take over the area. Mr. Rapoza states that the mitigation plan will appear to go through when the wetlands application goes through.

Bob Strobel states that there are two functions for wetlands, water quality and wildlife. In this case, the water quality and permeability will remain with the paving; the wildlife would be the problem. Ms. Couch states that filling a wetland and the parking area proposed on top seems to be a large scheme of things when there are other options that could be simpler and done somewhere else that may not create an engineered structure that might need maintenance in the future. Mr. Rapoza states that there will be maintenance required and they would still be filling the wetlands to eliminate some of the insect problems. He states that more disturbance would be created if the parking area were proposed elsewhere.

Discussion ensues regarding the permitting process. Ms. Planchet asks if there are any written comments from the state relative to the wetland and mitigation plan. Mr. Rapoza states that nothing has been received from Ms. Wiggin; however, he expects that something would be received after the final review.

Further discussion ensues relative to the amendment portion of the application and if re-noticing is necessary. Ms. Couch feels that there is a change to what was proposed. Mr. Johnson feels that this is not really much of a difference. Ms. Planchet explains that a notice is to make people aware that there is something on going and she does not believe that this amendment would be outside the realm of the initial description of the proposal. Discussion ensues regarding the original intent of the application and the initial application which was a big impact. Mr. Strobel notes that this modification

is totaling less than 10%. Ms. Parmele asks if a conditional approval could be done for each proposed section. Mr. Rapoza states that they would prefer to keep everything together.

Additional discussion is held regarding the intersection and crosswalk. Mr. Rapoza states that NHDOT will be addressing the intersection in general. Mr. Colburn states that the crosswalk, lane lines, and arrows were originally installed on Bow Lake Rd. as part of the original reconstruction. Mr. Colburn adds that this is a basic agreement and NHDOT would be supportive to re-mark as part of the original design. Responsibility is discussed for paving. Mr. Colburn states that the NHDOT typically repaints stop bars and does not necessary do this every year. He adds that any crosswalks are usually the responsibility of the town.

Mr. Press asks about a traffic light for this intersection. Mr. Colburn states that when the intersection was designed; a conduit was placed across the roads. Mr. Strobel states that engineering reports state that a traffic signal is not warranted; however, the infrastructure is there.

Ms. Couch states that this area will be used by student drivers, people will still be walking, and utilizing this crosswalk. She asks if two years from now when it needs to be re-painted, would there be something else that could be used. Mr. Dill states that typically pavers do not work in this area due to plowing. Discussion ensues and Mr. Colburn notes that CBNA will put money into an escrow account for maintaining and addressing the markings. Ms. Couch expresses concern regarding the safety of walkers as the traffic in this area will increase. She asks if a flashing walk light could be added and asks how much pedestrian traffic there is. Mr. Colburn states that the amount of walkers will not increase and Ms. Couch agrees; however, she adds that this is increasing the amount of traffic in this area. Mr. Dill states that there is minimal amount of pedestrian traffic. Ms. Parmele asks if this issue could be monitored to see if the pedestrian traffic increases. Mr. Colburn states that the school zone is being expanded and the sign is lighted.

A discussion is held regarding Bow Lake Rd and adding double yellow lines and side lines. Ms. Planchet states that she contacted the police chief for his opinion via email and Chief Drolet questioned whether double lines would actually slow people down. Mr. Press asks about the width of the lanes. Mr. Colburn states that the lanes are 11 ft. He adds that many state roads have 11 ft. lanes with 24 ft. of pavement. He adds that the edge line is pulled in towards the road to allow enough room. Mr. Colburn states that the state paints lanes at 11' 6" to ensure the edge line is on the pavement. Mr. Colburn states that the vicinity of the entrance was 24'. Discussion ensues and Mr. Colburn states that the proposal is to go 300 ft. beyond the entrance. Mr. Rapoza states that Bow Lake Rd. can handle the traffic; the issue is if the town wants to get it painted. Mr. Strobel states that the striping and lanes were addressed due to the concern of speed noted by abutters. Mr. Dill states that he wants to make sure that the lanes would fit prior to having a discussion on striping.

Ms. Planchet states that the town's traffic engineer has recommended 100' turning lanes at the end of Bow Lake Rd. onto Rte 4. Mr. Dill adds that there is not room for that unless pavement modifications are completed. Mr. Rapoza states that they would like to have this included in the post development traffic monitoring requirements. Ms. Planchet states that the reports for both traffic engineers were very similar. She notes that these engineers did not have the comments and concerns expressed by abutters and the attendees of the meetings who witness the traffic. She adds that the board is within its parameters to listen to the town's engineer and make its own decision based on everything in the file.

Lengthy discussion is held regarding traffic and queuing of the traffic lanes. Mr. Dill states that if this is lengthened then there will be more cars in the lanes. Ms. Planchet states that there will be a difference for the amount of cars sitting there.

Widening the road is discussed and the right of way. Abutter, Derek Severance, states that widening the road will impact his driveway. He states that it will take some time to get out. He expresses concern with the fact that if the road is widened then he will be losing some property, which will depreciate the value of his property. Mr. Severance states that there are a lot of cars that travel this road and at times some vehicles travel at excessive speeds around the corner and this is not safe. He states that he has children and would like to be able to utilize his front yard but it is not safe. Mr. Severance states that as far as the lengthening of the road and stacking, it is hard to decipher at this time and it is a tough decision.

Ms. Couch states that the board has discussed having a mitigation study after everything is built and then things could be changed around if it were not working out. Mr. Severance replies that he feels that something should be written to state that if something does not appear to be working, it could be altered. Mr. Wolf states that the right of way is 49½'; and the town has the right to widen the road wherever it may be. Mr. Press asks if there is a required footage amount for driveways approaching an intersection. Mr. Dill notes that there is sight distances based on speed limits of roads.

Mr. Strobel states that some of the items proposed to be monitored are traffic queuing or stacking distance, and the number of cars at Bow Lake Rd. to be tracked by turning direction. Ms. Planchet refers to the third supplemental report from TEPP Engineering, and reads that monitoring was suggested and notes conditions. Time lines are discussed and Mr. Colburn suggests October 2010, April 2011, and then perhaps 2 years beyond that. He notes that this should be done prior to winter to allow time for changes. Mr. Colburn states that drivers will consider all options that are available to

them and will select whichever method and access that they find to be the most convenient for them.

Mr. Press asks about the school bus routes for the elementary school and this may be acceptable now. He adds that traffic typically changes and will increase not decrease. Mr. Colburn notes that there are school bus routes already in place.

Mr. Strobel asks if there are any differences from TEPP's recommendations for post development monitoring and Mr. Aleva's proposal, dated April 5. Ms. Planchet replies that the details are different on some items. She suggests that the board determine what should be monitored, at what levels, and specify who is to do the review.

Ms. Parmele suggests speed and potential accidents be monitored. Discussion ensues as to how this could be monitored. Ms. Parmele states that this is quantitative information and TEPP noted the stakeholders. Mr. Strobel states that he feels that this would be the abutters and people who drive the road. Ms. Planchet states that it should be the responsibility of the applicant to provide this information and the board can ask the police department to keep records for the applicant to obtain. She states then a compliance hearing can be held. Mr. Strobel states that the applicant could do a traffic study based on the review of TEPP.

Discussion ensues relative to the population of the school and future building. Mr. Johnson states that CBNA has made it clear that they cannot take on anymore students and should they need to accommodate more students, then they would need to appear before the board again. Monitoring discussion continues and Mr. Strobel suggests late October, late April, and one year. Mr. Colburn states that nothing would be critical for safety aspects and applying anything more than what is necessary would not be effective. Mr. Strobel states that there is a consensus of the board relative to TEPP's report for monitoring items and to include counts for pedestrians. Mr. Dill asks what will change if the pedestrian traffic increases. Ms. Couch states that there is a cross walk that is not visible. Ms. Parmele suggests flashing lights and Mr. Strobel suggests adding signage noting pedestrians ahead.

Mr. Dill suggests that the applicant provide the board with some type of language proposal for monitoring. Mr. Colburn states that CBNA will address these issues in an appropriate manner and will draft some language.

Additional discussion ensues regarding the turning lanes. Mr. Colburn states that to make the intersection work correctly would be to have a short section of double yellow lines to define the center of the road. Mr. Strobel asks for a consensus of the board for who would like 60' turn lanes and 6 members are in favor, with one member in favor of 100'. Mr. Strobel states that the 60' lanes could be accepted now and that could be an issue to consider in the review of monitoring.

Mr. Strobel asks for a consensus of the board regarding striping the 100' first from Bow Lake Rd. would not be a double yellow line up to the access way. The vote is 4 short, 2 long-up to access way. Mr. Strobel and Mr. Press voting for the long option; Ms. Parmele abstains.

The board agrees to reference the TEPP information and CBNA will provide language for this monitoring.

Time frame is agreed to be 3 months, 6 months, and 18 months post construction which provides for flexibility for vacations and summer months.

Mr. Rapoza indicates that a voluntary merger will be completed by CBNA.

Ms. Planchet references her earlier memo and the CBNA response to it and notes that the following items have been addressed: signage, timing, seal, hours of timer at light which is on plan, street lighting, parking numbers.

Discussion is held regarding the timing of the gate being closed. Mr. Rapoza states that they are proposing closing the gate at midnight and unlocking it at 6 a.m. Discussion ensues and the board's consensus is that the gate should be closed at 10:00 p.m. and re-opened at 6 a.m. as CBNA had suggested, with the exception for special events. Language will be provided by the applicant. A caveat will be added relative to the fire department needing a key. Abutters respond positively to the amended time frame of 10:00 p.m.

Bonding is discussed and Ms. Planchet states that the applicant indicated they prefer a letter of credit. She suggests that the board re-visit this item when costs are determined.

Mr. Dill makes a motion, second by Mr. Johnson, to grant a waiver for \$6,250 for reviewing the new disturbance. Mr. Rapoza states that the fee should be covered and if there is an outstanding balance it will be paid. The amount is approximately \$4,100. Motion passes; 7/0.

Mr. Rapoza submits a letter requesting a continuance to May 6. Discussion ensues and Ms. Couch suggests that they come in April 22 to address the key elements. Mr. Rapoza submits a letter requesting a continuance to the next planning board meeting. Mr. Johnson makes a motion, second by Ms. Couch, to continue this case to April 22, 2010. Motion

passes unanimously; 7/0.

Recess

Mr. Strobel calls for a recess at 9:30 p.m. Session resumes at 9:37 p.m.

OTHER:

Planner's Items

Ms. Planchet asks for a concrete direction from the board as for the planner's role. She would like to know what the board would like her to do. She explains that she reports to the board and takes direction from the chair or the full board. She further explains options as to requirements and expectations of the board. She states that she would appreciate a concrete consensus from the board as to how to proceed, for example, on the third tier application process once implemented.

Discussion ensues and Mr. Strobel states that one of his roles is to be the interaction from the board to the planner. Mr. Johnson states that the planner should be able to address all applications to make sure they are complete. Ms. Planchet states that staff time may need to be addressed especially if there is to be interaction with an applicant to have everything complete. Mr. Strobel states that another job of the planner and planning board is to be working on planning. This does not occur when time is used working on completing applications. Mr. Press expresses concern with items that come before the board that could be potentially harmful. He states that he has come to a conclusion that the board is required to protect all people and to discontinue the non-conformity. Ms. Planchet explains that there are areas outlined in the development ordinance and there are specific areas where this is acceptable if determined by the ZBA.

Upcoming Conferences

Mr. Strobel notes the upcoming training seminars and workshops.

Subcommittees

Mr. Strobel reviews prior subcommittees and items these subcommittees have addressed. He requests that board members consider and identify three areas of interest or concern that they may have that could be addressed by the board, possibly with a subcommittee and to bring those ideas to the next meeting.

Adjournment

Mr. Johnson makes a motion, second by Ms. Couch, to adjourn. Motion passes unanimously at 10:15 p.m.

Respectfully submitted,
Lisa Fellows-Weaver
Board Secretary