

**PLANNING BOARD  
RINDGE, NEW HAMPSHIRE  
May 3, 2005**

**DATE: May 3, 2005 TYPE: Public Hearing      DATE APPROVED: May 17, 2005**

**TIME:** 7:00- PM. James Hoard

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**CALL TO ORDER, at 7:00 PM**

**ROLL CALL:** James Hoard, Katie Duffy, Craig Cypret, Doug Gutteridge, Arthur Fiorelli, Roberta Oeser, Dick Isakson, Robyn Payson, Jo Anne Carr

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**APPOINTMENT OF ALTERNATES: Dick Isakson for Dave Tower**

James Hoard reconvened the meeting following the site walk at Sonya Drive.

**OLD BUSINESS**

Minutes 04/19/05 Site Walk-

Minutes of 04/19/05-

**Announcements-**

- The Rindge Board of Adjustment met April 26, and rejected the Special Exception applied for by Edgewater Realty Trust to build multi-family housing on Fitzgerald Rd. The applicant will be returning to the Planning Board with an updated plan.
- Jo Anne distributed copies of the Planning Office Update.
- Jo Anne reminded the Board of the conditioned lighting revision approval at the “North of the Border Food Mart”. She wanted to know if the Board felt that it was time to schedule the Public hearing to ascertain the impact of the new lighting on the abutters. Craig Cypret said that the work was not complete. Jo Anne said she would follow up with the owners to schedule the hearing.
- Art Fiorelli reminded the Board that there will be a joint meeting with the Board of Selectmen at the Meetinghouse at 6:00pm on Wednesday, May 4 2005, . All Boards, Committees, Commissions are invited.

**Alternates**

Kim McCummings asked about the status of appointment of alternates. James said that the 3 remaining alternate positions would be advertised for two weeks and once letters of interest had been received, the issue will be discussed further.

**CONTINUANCES**

**Major Subdivision -Final Plat Hearing**

**Map 6 Lot 85, Lord Hill Rd**

**Albert and Elizabeth Mayer**

Roberta Oeser recused herself. Doug Gutteridge appointed alternate in her place.

Maurice C. DeLisle is purchasing this property from the Mayer's. To complete this subdivision he is addressing necessary road improvements, which has been the only outstanding issue. Mr. DeLisle is also requesting a waiver for utilities and site work. Katie Duffy made a motion to grant the waiver. Dick Isakson 2<sup>nd</sup> the waiver was granted unanimously. Katie Duffy made a motion to accept the plan Dick Isakson 2<sup>nd</sup> the plan was accepted unanimously. Katie Duffy made a motion to approve the plan with the following conditions:

1. Owner/Builder will supply equipment and operators needed for road upgrades for gravel road. As stipulated in site walk approval dated 11/16/04 on Lord Hill Road, extra gravel if needed will be supplied by the Town of Rindge.
2. In lieu of posting a performance bond no building permits to be issued for lots 85-1, 85-2, 85-3, 85-6 until road improvements are complete.
3. Driveway to existing house lot 85-7 to be regarded at time of road improvements.
4. Selectmen must approve final condition of roadwork on Lord Hill Road.
5. State Septic Approval.

Craig Cyprett 2<sup>nd</sup> the plan was approved unanimously.

**Vesting and Active and Substantial:**

Phasing:

3 Single Family Dwellings in 2005

3 Single Family Dwellings in 2006

For the purposes of vesting under RSA 674:39 Roadwork and Drainage must be complete on Lord Hill Rd within 12 months of final approval. Substantial Completion will be determined as allowed under the Phasing schedule. The project will be considered substantially complete and vested for a four year period after final approval providing that the developers maintain the Phasing Schedule. This project is subject to the Impact Fee.

**James Hoard opened the Public Hearing for the Final Plat**

Katie Duffy made a motion to accept the Final Plat Craig Cypret 2<sup>nd</sup> The Final Plat was accepted unanimously.

**Public Hearing for the Final Plat is Closed.**

Roberta Oeser reassumes her Planning Board Seat. Doug Gutteridge is appointed as alternate for Dr. Gerry Parker.

**Major Site Plan**

**Map 6 Lot 99-6-1 Sonya Drive Office Park**

**Navian Development Co., LLC.**

Kirk Stenersen reviewed what was discussed at the site walk earlier in the evening. At the location, the Board viewed the proposed locations of the buildings, access roads and the intended drive up to the proposed Bank. He discussed the locations of the site access, wetlands crossing and the service road. Katie Duffy asked for the opinions of the Department Heads from their site walk the previous day. Chris Asaff said there was very little said about the Office Park Development. Concerns discussed were about adequate fire truck and ladder truck access to the buildings via the access road and the ability for the easement to be widened to enable it to become a town road if necessary. Mr. Asaff asserted that it was, so if some tenant down the road wanted to connect all of the parcels and turn it over to the town, this could be done. The Department Head's main concerns related to the Dunkin' Donuts/Car Wash which he said, they discussed some different ideas to rectify that with signage and striping. Dick Isakson asked about the car counts in the "Traffic Study" Mr. Stenersen presented to the board at the end of the

previous hearing. Mr. Stenersen said that there were no car counts in that Traffic Study. It was only to show the traffic flow around the building. Dick Isakson asked about a Traffic Study being done. Mr. Stenersen said it was his understanding it was not required unless the consensus of the board required it. Art Fiorelli stated he thought that conducting a Traffic Study was understood if further development was to occur on Sonya Drive based on Planning Board minutes of March 23, 2004. Dick Isakson said that the development would increase the number of cars and the flow of traffic in the existing access, which would warrant a traffic study. Chris Asaff said that they did not have anyone else other than the bank, committed to the office park yet. At this point, he assumes he will have white-collar tenants. Roberta Oeser said she did not know what difference a traffic count would make because it's all on a private road and its not impacting a town road. Katie Duffy said that she agreed that, there is a light at that intersection with RTE 202 and that Chris had said he had spoken to Peter Goewey about using stop signs and various signage to deal with the traffic flow.

Jo Anne said that Chief Sielicki had submitted notes outlining his concerns about this project on April 18<sup>th</sup>, when he reviewed the Sears and Canterbury Square projects. In his comments about Sonya Drive, he stated he was concerned about the traffic pattern, questioning a clear delineation as to which site was which, in order to assess the flow of traffic and he recommended a Traffic Study once it is determined what types of businesses will be placed in the area. Art Fiorelli said, whether it is a public or a private road there is still a responsibility to public safety.

Chris Asaff said that they took the next lot into consideration finding the location where there was the least impact for the wetlands crossing, and making sure there was enough room to allow the road to be upgraded to town specifications if someone chose to do that some time in the future. Roberta Oeser asked Mr. Asaff he was going to paint striping on the pavement to aid traffic. He said that he was perfectly willing to discuss that with the tenant, separate from this site plan that there is a problem.

Dick Isakson asked Mr. Stenersen if he had time to review the drainage review by Normandeau Associates. He said he had just received it but was willing to review it with the board. Mr. Stenersen agreed to follow the recommendations of Normandeau Associates, supply and update the plan accordingly.

Jo Anne asked Mr. Stenersen if he had specific language for the easement as it will be shown on the Site Plan, because the decision is recorded not the Site Plan. Mr Stenersen said he would get a legal description of the easement to be recorded on the decision, referencing the plan on file.

James Hoard and Katie Duffy said they were not in favor of a traffic study. John Vorfeld said that this is the first development of this type in Rindge on a long access, with many small businesses and what he is hearing is that the road is not going to be built to town spec until it is developed to its fullest. Katie Duffy said she thought the road construction, as far as they have gone is town spec it's a continuation of the width, the width is a private driveway (20'). Art Fiorelli said he didn't know how the town could ever accept that road as a Town road. Because the 50 ft right of way is literally up against the vacuum machines and the concrete posts. How are you going to plow it? How are you going to move snow as a Town road? If its 25 or 20 feet, which is about what it is now, that's one thing.

Katie Duffy asked, can't a Town road be 24 feet? Art said, yes, 24 feet but you have shoulders, and all kinds of issues with that but again like Chris said on that site walk, The Dunkin Donuts was approved, and I hope we have learned from this. John Vorfeld said, that was what he was getting at. The Board can set precedents in some of these cases where we have always set precedents in past cases and then when we have learned from something that led us to set new precedents. And say, if the Board is going to look at further development, to really look at the safety and traffic flow issues carefully. If you are going to err on one side you should err on the public safety side.

Kirk Stenersen said that any change of use would have to come back before the Planning Board. Jo Anne said, how can we know if it's a change of use when we don't know what its going to be in the first place. Art Fiorelli said that this was the reason the issue of traffic counts came up. There is also the issue, of what happens to pedestrian traffic and they want to go to Dunkin Donuts? Where do they walk? They will have to walk on the road way. There are issues, although the plan for the Office Park its self is very good.

Katie Duffy said that she would prefer not to see a build out, the road is being built as a town road but the width may be different. You have a 50ft easement that allows for expansion. Or you may have only one small little office where you only have 2 cars a day and you don't need to build it out to a 24 ft road. You don't know what's going to be there. You are leaving a 50ft easement for construction of the road if they want the Town to take it over to allow for expansion, but not have it be built out now, especially as a private road at this point. Kirk Stenersen said that he disagreed with the statement that the road does not meet town spec at 20 ft. The Board recommended 24ft but that doesn't mean the regulation says 24ft, the regulation states 20ft paved.

Art Fiorelli said, regulations aside if you are there, and you look at the distance between that fence and the vacuums and you consider the fact you have 18 wheelers going past there and pedestrians and people walking to their cars any reasonable person would say that you have a problem there. Mr. Stenersen said he didn't disagree but that was looking at the Dunkin Donuts site.

David Drouin said whether you are in a private zone or a public zone you should do a traffic flow study because you have the tractor trailers sitting in one lane you can barely get by with one vehicle now. Now you are going to add an office building and more traffic going through? I think your Dunkin Donuts site plan doesn't allow for a loading dock and a 48ft tractor trailer pulling into that private service road/driveway. Now, were going to add more traffic a bank has to have on Thursdays and pay day's and Fridays there is going to be tremendous traffic now. So I think if you are going to let it go without a traffic count or study you are putting people at risk. That is a dangerous driveway.

Katie Duffy said that Chris partially answered by saying that the tractor trailers are not supposed to be backing in there especially at 9:00am and there is a spot designated for them in the back where employees have been parking and that could be addressed through the person running the business now, that they need to be removed so they are backing into the designated site on the Site Plan, so they wouldn't be on the road. David Drouin went on to say that there are no dividers now, so there is nothing to tell the truck drivers to tell the drivers where to go. You can

understand the truck drivers confusion. In practice, regardless of what should or shouldn't be you are down to one lane and you are saying we don't need to study that. I hope its no one we know that gets hurt.

Katie Duffy said that more than a Traffic Study its working with the tenant, and whoever is responsible and I think Chris and Scott Hakala is very willing to work with Chief Sielicki and Peter Goewey in setting up a way to make markings on that, but that isn't part of the site plan requirements.

Jo Anne Carr said actually, it is in the Site Plan Regulations to address access.

John Vorfeld said, his point was as you do more of these developments if you face the same issues over and over again you have to say my hands are tied, that site is already wrapped up and signed we can't do a thing about it and say we could have done something about this in the beginning with a little more foresight, a few more feet of pavement.

Craig Cypret said, I think that was pointed that out at the site visit, what's here and now is here and now. They are willing to put up stop signs and paint to try and remedy the problem. Chris Asaff said that there were constraints that existed at the time the Dunkin Donuts / Car Wash was built. There is flexibility with nodal development that didn't exist before. Quite honestly, when that was built, they didn't want to add the car wash but because of the regulations that did exist then that's what did end up happening.

John Vorfeld said, That's what I am saying Site Plan is all about. Addressing issues that come up like vacuums too close to the roadway. In this type of case if its already set in stone, you can't do anything about it. Roberta Oeser asked if the Site Plan Review for Dunkin Donuts specified where the loading dock is.

Chris Asaff said he didn't specifically remember, but he believed that a condition of approval was that the drive-through be designed to accommodate a loading dock. He went on to say at his meeting with the department heads, he will be discussing ways to improve traffic in that area. Katie Duffy said putting a sign indicating where deliveries should be directed to go, to direct them off the highway would help the a Site Plan. Perhaps it was not designed perfectly but we have to deal with so we can make it work. Jo Anne brought the Site Plan for the Dunkin Donuts for the Board to view. Kirk Stenersen stated that the area was shown on the Site Plan for a loading dock, although t does not state it is a loading dock per-se.

Katie Duffy said she would feel comfortable to add the condition that the road way be designated for through traffic that way you don't have tractor trailers parked there it has to be designated for through traffic however you have to go about it. Whether by painting or re-arranging the parking so it is on more of a diagonal or signage to get the trucks off so they can't be parked there and block the right of way. Its more of getting used to where the trucks will come in and not to block that access. Chris Asaff said that they have a certain amount of leeway as they wrote their lease. Craig Cypret suggested a letter from the police chief. Kirk Stenersen said that his thought was that it was a matter of good faith that they were more than willing to address the issue.

James asked the Board what they wanted to do about the present site. Katie Duffy said she had no problem conditioning the Plan with the Right of Way be left as through traffic because the

right of way is an access she went on to say she would be happy to put a condition on it without a Traffic Study. Chris Asaff said he would be happy to receive a letter from the Planning Board based on the other lots stating that they can't block the right of way. The gentleman who drew up the Dunkin Dounuts lease was in the audience and he stated that there was a provision in the lease stating that they would abide by all local and Federal ordinances. If there was a letter stating that blocking the right of way was a potential violation of local ordinances, it would solve that problem. Jo Anne noted the the Planning Board does not have the authority to enforce easements. Art Fiorelli said the easement and right of way would be a civil issue.

Tom Coneys said you have a road here that is probably inadequate to handle this load, you really ought to look at this, an office park sound simple but a Doctor's office turns over parents every 15 minutes about 56 a day. You have to take a real solid look at what access you have to the site and not ignore the fact that professional office buildings have tractor trailers regularly deliver all the time. Its not uncommon to see a turn over of equipment coming through, a moving van or paper delivery. No matter what the other Site Plan was, you have the ability to set a precedent and address access to the site.

Katie Duffy asked what our regs stated at this point because they weren't very clear. Jo Anne asserted that was true, road standards are vague but there have been recommendations from the Police Chief to do a Traffic Study based on use. Kim McCummings also stated that office parks have more traffic than just cars. There is water delivery and package delivery. Doctor's offices have medical supplies and patient transport, so the combination of that as well as car traffic should be looked at as well. Art Fiorelli stated that the Planning Board is responsible for Public Safety. And even if it does not specifically state it in the regulation, we are responsible for the safety of the site. He said he was not sure how to specifically address this issue but it needed to be addressed.

Dick Isakson said based on the Chief asking for a Traffic Study based on use. Is there a problem conditioning the occupancy permit the use is known at that point and then a Traffic Study is done. Roberta Oeser asked how wide the Road was built. Chris Asaff answered 24 ft Roberta said a Traffic Study was a moot issue, because he over built the road to 24 ft, which is wider than any of our requirements, are. Katie Duffy asked if the 24 feet was at the turn in to the business. The answer was yes. Katie went on, Which is going to be the access eventually to the other property one way traffic with a 50ft easement which can be widened, so she felt Chris in good faith the easement past Dunkin Donuts will be addressed so she didn't know what else could be done about it. So she didn't know what a traffic study would do. They couldn't put a 30 ft road in there because there wasn't room for it.

Jo Anne said that it might be in the interest of looking ahead, to know the car counts and trip counts on an average daily basis and whether the Board asks for it or whether NHDOT asks for it at the entrance of the site, someone is going to ask for how many cars are going up there based on use. Katie asked it was premature with only 8,000 sq ft (10,400)of business being added now. It is a larger road than the regs DOT hasn't requested a Traffic Study as of yet, it doesn't seem necessary at this time. She understood the condition of the right of way.

Jo Anne asked for clarification on remaining outstanding issues. For example, the guardrail. Craig Cypret asked what the drop off was. Mr. Stenersen said it was 16 feet. Katie Duffy said

that for safety reasons a guardrail would be a good idea. Mr. Stenersen and Mr. Asaff agreed to the Guardrail.

Motion to approve the plan with the following conditions by Dick Isakson

- Drainage changes per Normandeau Associates
- Additional Guardrail

Craig Cypret 2<sup>nd</sup>. Plan was approved with Art Fiorelli abstaining based on concerns with safe access to the site, he favors the development proposal.

Dick Isakson made a motion for the Planning Board to ask the Police Chief and Fire Chief write a letter to Navian Development addressing concerns with the the right of way at the Dunkin Donuts Site Craig Cypret 2<sup>nd</sup> The Motion was carried unanimously.

## **NEW BUSINESS**

### **Preliminary Conceptual Plan-Major Subdivision**

#### **Map 12 Lot 3-6-3, Old New Ipswich Road**

##### **Isaac Traffic**

Isaac Traffic presented his conceptual plan for an 8 lot Subdivision. He will be building a road and wants the Town to accept it at the end of the project. Katie Duffy said that the Board is asking for underground power in new Subdivisions. Art Fiorelli was concerned about 7 more houses further burdening a dirt road. Katie Duffy said that the issues with the road can be addressed through the Department Heads. Jo Anne suggested that Mr. Traffic meet with Peter Goewey to begin discussion about what the road will need to be up to Town specifications. Mr. Barrett, who is a resident of the road addressed the board by stating that in his opinion the road already had too much traffic and should be graded at least 3 times a year. This Subdivision will add traffic to an already over burdened road.

### **Preliminary Conceptual Plan-Parking Area**

#### **Map 10 Lot 17**

##### **TF Moran –Franklin Pierce College**

Jeff Kevan of TF Moran presented the plan for the proposed 130 space parking lot off Mountain Road. The new Site Plan Regulations require a 75ft swath of trees along the road. This will cause a loss of 30 parking spaces. Mr. Kevan asked the Board if there could be some flexibility within that requirement. The board decided to independently visit the area and make a recommendation at the next hearing. A 50' landscaping buffer is proposed as follows: 30' of existing vegetation from the edge of pavement; 10' of landscaping and plantings; 10' of grass bordering the parking area.

Mr. Kevan asked about the landscaping deadline of May 30 for the Town Houses and the shore of the lake as well as the re-planting of the area by the Ball Fields. The college needs an extension. A plan should be submitted so the Board can amend its decision – this could be heard on June 7, 2005

### **Building Permits**

Jo Anne Presented a review of the number of available building permits under the growth management ordinance.

There are 24 permits allowed this year, aside from exempt lots from pre-existing subdivisions. Of those, 45% are reserved for owners of single lots. Which is 11. This leaves 13 permits available for new lots for building in 2005. We can assume the following

Taggart Phase II        5 Permits

Mayer                    3 Permits

The Planning Board's next hearing includes one new 4 lot subdivision, therefore all non-exempt permits will be allowed for the year.

Art Fiorelli said that the applications should continue to be accepted and date stamped. In December, any left over building permits from the single lot reserve will be allowed to those on the list in chronological order. Otherwise they will be in line for the permits available in 2006. The Board decided it will reserve the last Planning Board meeting in December for managing remaining building permits.

**Continued discussion on Rules of Procedure:**

On the first page of the Rules of Procedure, under the "Membership" section the mention of the ex officio member of the Planning board will be removed. All references to "Planning Assistant" will be replaced with "Planning Director."

A new version will be distributed with the date of May 3, 2005.

Meeting Adjourned 10:00pm

**NEXT MEETING**

**May 17, 2005**

Respectfully submitted,

Robyn Payson