

PLANNING BOARD
TOWN OF PETERBOROUGH, NH

Minutes of November 16, 2015

Members Present: Chair Ivy Vann, Jerry Galus, Ed Juengst, Joe Hanlon, Rich Clark, Alan Zeller and Matt Waitkins.

Staff Present: Peter Throop, Director, and Laura Norton, Administrative Assistant, Office of Community Development

Chair Vann called the meeting to order at 6:30 p.m. thanking all who attended and introducing the members and staff.

Minutes:

A motion was made/seconded (Zeller/Galus) to approve the Minutes of October 12, 2015 and November 2, 2015 as written with all in favor.

Public Hearings:

Chair Vann noted the first item on the agenda was an application for Site Plan Review. She noted the applicant had been on the Board's agenda last month with a Preliminary Conceptual Review for this project. She then read the request:

“This application proposes site plan review for a change of use on Parcel Number U018-063-000, located at 100 Grove Street, in the Village Commercial District. The existing condition of the property is a former bank branch with a drive-through operation. The proposed use will convert the property to a restaurant use, specifically a Dunkin Donuts coffee and donut shop. No structural changes are proposed for the existing building and no changes are proposed for the two curb cuts or the main parking lot. The drive through will be discontinued and the approach lanes converted into a parking area for employees.”

Project Manager Jay Heavisides of Meridian Land Services, Inc. introduced himself as well as Mike and Adam Quinn of Quinn Management Inc. (owners of the Dunkin Donuts franchise) and Steve Pernaw of Stephen G. Pernaw & Company, Inc. (Traffic and Parking Consultant).

Mr. Heavisides told the members “we have a very short and simple thing we are asking for” adding “and that would be to convert the former bank building to a Dunkin Donuts *without* a drive through.” He noted some of the site improvements included the addition of a dumpster and employee parking in the back of the

building in the area of the former drive through. “The total parking availability is 21 spaces” he said adding “14 are required.” He noted the plan to paint the building and add window awnings. He used a graphic to show the members what the signage would look like approaching the building. He noted the traffic flow would be via Route 202 and the Right Turn Only sign exiting to Route 101 would remain intact.

Chair Vann asked about the status of the drive through canopy with Mr. Heavisides replying “we are not sure if we would keep it or not, for the purposes of this application you can see we have kept it in.” Chair Vann then asked about the idea of outdoor seating noting Mr. Weeks had mentioned a specific formula for parking would have to be implemented if outdoor seating was added. She also asked about the color scheme on the building. Mr. Quinn (Jr.) replied the colors would be brown and beige with no monolith and no orange! Chair Vann then politely asked they unscrew and remove the non-functional shutters on the windows. “Make them go away please” she said.

Mr. Quinn pointed out the second page of the plan showed the building without the shutters. “That looks a lot better” interjected Mr. Juengst. Mr. Galus noted the consensus at the preliminary hearing was that the bank’s time and temperature sign would be a good thing to keep. Mr. Quinn noted that they just had not gotten that far into decision making. Pointing out the sign ordinance Mr. Throop noted the Code Enforcement Officer was responsible for sign regulations and adherence of those regulations. A brief review of the size (how the square footage is measured), number of signs allowed and the preferred way to depict the Dunkin Donut logo followed. Referring to the logo shown Chair Vann interjected “and the steam curl counts (for square footage).”



Mr. Quinn (Sr.) credited his son in his negotiations with the franchise Corporate Office to get the changes the Board had requested. “He did a good job in getting what you asked for, it was not easy” he said adding “I think it shows the respect we have for this town, it may not have happened this way in another town.”

Mr. Heavisides asked Mr. Pernaw to review his traffic study. Mr. Pernaw gave the members a brief biography and explained the process of a traffic study. He reviewed the process of evaluating the current conditions of a traffic site and then the future of the traffic site with and without the project. “Then there is a technical

analysis starting with a scope meeting.” he said. He pointed out data collection noting intersection capacity, levels of service, traffic signal warrants and need for turning lanes. He told the members the Institute of Traffic Engineers (ITE) “does not have a standard for a coffee shop without a drive through.” He noted the two driveways and three curb cuts on the site. Mr. Pernaw also noted DOT had done a traffic count in July of this year. “There are 14,000 to 15,000 cars a day going in both directions” adding “and it was pointed out that school is not open in July.

Mr. Pernaw then reviewed peak hours noting the morning peak was 7:00 to 9:00 “on the day we were there (October 20, 12015) it was 7:15 to 8:15 am.” He went on to note the evening peak was 3:15 to 4:15 pm, specifically noting the NHBB shift change with that time frame.

Mr. Pernaw told the members a summary is created and the raw data for 2015 is projected to 2026. “We factor the information up” he said adding “this includes estimated traffic generated and seasonal variations.” He reminded the members there was no ITE Standard for a coffee shop without a drive through but estimated a change in demand would be 1.5% adding “we witnessed a 6% change in demand in the three days we were there with the through traffic you already experience, those change from day to day.”

With regards to intersection capacity Mr. Pernaw noted good news and bad news. “Right now the Level of Service (LOS) is “D” and with an increase of 1.5% in demand it remains at “D.” The bad news is that by 2026 certain lanes will be over capacity and will need long term improvement with or without the Dunkin Donuts. “This is the elephant (the intersection) and that is the mouse (Dunkin Donuts site)” he said.

Mr. Pernaw noted his summary will be sent to the district office in Concord “and it is up to them from there on out.” He told the members that DOT would take a long hard look at the data and make recommendations (approach, exit or turning lanes) or determine if what currently exists is sufficient. “The state will decide” he said.

Mr. Waitkins noted his concern that it was difficult to see what is going on at the intersection and asked if Mr. Pernaw had any sort of software rendition of the data that could be used as a visual. He again noted the use of Synchro or other forms of traffic analysis software tools. Mr. Pernaw replied he had a visual of current condition but nothing for the extension to 2026. “I am just curious what the left hand turn would look like the day they open” said Mr. Waitkins. “I think we should wait to hear what DOT has to say” interjected Chair Vann. At this time Mr. Quinn (Sr.) respectfully requested a conditional approval of the application. With reference to his current lease status he told the members “we are under the gun, if

we could get a decision contingent on something that can be corrected we are happy with that.” Chair Vann sympathized but noted her true concerns of the implementation of “piece meal solutions” for the intersection. She looked around and said “if they agree to do X, Y, and Z, *we don’t get to talk to them* (the state) about X, Y and Z. That is my concern.”

Chair Vann opened the hearing to the public. Dennis Rosette introduced himself as a resident of Hancock and asked about the franchise not asking for a drive through window as reported in the Planning Board Minutes of October 12, 2015. He told the members certain members of the population (elderly, parents of young children) may be restricted from using the restaurant and suggested the Board consider a drive through “down the line.” Chair Vann replied “that would be an interesting conversation with the town of Peterborough” adding “under the current ordinances a drive through is not permitted for restaurants. It would take a majority vote at Town Meeting to change that.” With no further comments or questions Chair Vann closed the public hearing, reviewed the traffic data and asked the members what they would like to do. When asked about her concerns about the intersection Chair Vann reiterated what she referred to as piece meal solution by the state. “If DOT is going to do something with the intersection, we want to be a part of it” she said.

Mr. Throop interjected that the Board needed to make a determination of completeness with respect to the application. A motion as made/seconded (Zeller/Clark) to accept the application as substantially complete with all in favor.

Mr Throop took a moment to review an email received by an abutter to the west. “He evidently collected traffic data this past month and we need to address it” he said. A brief discussion about the traffic information presented not being available prior to the meeting followed with Mr. Throop telling the members “the data was not in hand prior to tonight, this is a properly noticed meeting for the public to attend.” Mr. Clark added “and the state is going to make the decision, “what would we have done differently?” he asked.

Chair Vann re-opened the public hearing at 7:20 p.m. for any potential input about the residential traffic volumes across the street. Mr. Pernaw reported one exit in the morning and one arrival in the evening. Mr. Galus asked “is this even our issue?” Chair Vann agreed adding “that is the question, it is my sense it is not our issue.” Mr. Hanlon interjected “there is no impact on the driveway – it is there today and it will be there tomorrow.”

Mr. Pernaw reminded the members “there is no ITE data for a coffee shop without a drive through so I am using my estimates.”

Mr. Galus noted a follow-up letter written by Mr. Weeks that stated the plan needed to be amended to reflect the proper date. He went to note Mr. Week's concern that the Board be satisfied that the change in use fulfills the requirements of RSA 233-35. He also noted the concerns of the residential abutter to the west of the site and suggested the applicant submit documentation that supports compliance with the RSA.

With some questions about the RSA itself Mr. Throop read it for the Board:

“The Planning Board shall not approve projects that would reduce the level of service (LOS) at public intersection impacted by the proposed project by two or more levels. Nor will projects be approved if in the Board's judgment existing condition do not provide sufficient capacity to support the project, or if approval of the project would result in large expenditures of public funds to address traffic problems caused by approval of the project.” Mr. Zeller replied “that is a pretty high bar.”

Chair Vann re-closed the hearing at 7:25 p.m.

A motion was made/seconded (Galus/Clark) to approve a site plan for Parcel Number U018-063-000 at 100 Grove Street Peterborough, NH, prepared by Meridian Land Services, entitled “Change of Use Plan Dunkin Donuts, prepared for Quinn Management Inc.” dated October 13, 2015 at a scale of 1” = 20’ subject to the following conditions prior to signature of the plan with all in favor:

1. The date shown on the plan is revised from 10/13/2017 to 10/13/2015
2. Demonstrate receipt of a driveway permit from NHDOT

Chair Vann read the second application for the night:

“This application proposes to subdivide a 2.8 acre parcel of land, Parcel No. U017-099-000, located at 18 Vine Street in the General Residence District, into two parcels: one parcel with a former church and grave yard to be located on 2.0 acres and the other parcel with a former rectory building to be located on .8 acres. The Applicant is seeking a waiver of the Peterborough Subdivision Regulations submittal requirements pertaining to providing contour information and soil and wetland delineation information. In accordance with Section 237-8 of the Planning Board Subdivision Regulations, this proposal is eligible for expedited review, wherein the application may be “submitted, accepted as complete, and voted on at the same meeting.” If the application is not decided at this meeting, it will stay on the Board's agenda until it is

approved or denied.” When done she also noted the request for a waiver for the existing and proposed topographic contours based upon the USGS topographical data, with spot elevations where necessary and for soil and wetland delineation.

Land surveyor Dennis McKenney introduced himself as the representative for Divine Mercy Parish. “I am also a parishioner” he said adding “Monsignor Jerry is unable to attend tonight.”

A motion as made/seconded (Galus/Clark) to accept the application as substantially complete with all in favor.

Mr. McKenney reviewed the plan pointing out the church, the garage, the rectory, the parking areas and the elementary school. “In general it is the school to the north with the remaining structures to the east and south being residential” he said. Mr. McKenney noted a Variance approved by the Zoning Board of Adjustment on September 3, 2015 (Case No. 1218 The Roman Catholic Church of Manchester (Divine Mercy Church)) is requesting a Variance to reduce the side building setback to zero feet for a garage, as regulated by Chapter 245, Article II, Section 7C (3) of the zoning ordinance. The property is located at 18 Vine Street, Parcel No. U017-099-000 in the General Residence District).

He told the members the Diocese would continue to own and maintain the parcel to the north (with the cemetery) leaving the new 0.8 acre lot up for sale. “I expect it would be used as a residence” he said. Mr. McKenney concluded by noting the perk test and septic issues “are at DES right now” and with the radical change in grade at the location the property owner has stipulated a condition of approval as being the residence be connected to the town sewer system when the onsite septic system fails and needs replacement.

Mr. Throop explained there was an existing on-site storm water drainage system running between the two lots and as a condition of approval a drainage easement and maintenance agreement should be prepared and approved by the town attorney prior to signature of the plan. “It is on the page 10 of the plan” he said adding “it needs to be clear who is responsible for these things if a problem comes up.” Mr. Hanlon agreed noting ‘It is a lot easier for the town when it is clear.’ Mr. Hanlon also suggested language to the effect of the easement being *centered above the current drainage*. “It floats a bit that way” he said.

“OK” said Chair Vann adding “so we have three things, the waiver for the existing and proposed topographic contours which I think is reasonable; the stipulation by the property owner that the septic system be connected to town sewer in the event of failure and language relative to drainage maintenance between the two properties.”

Chair Vann opened the hearing to the public and Judith Garabrant introduced herself as an abutter. Mrs. Garabrant pointed out clogged storm drains on Vine Street (plugged with leaves and sand) “and the drive way to the rectory is a mess so when you talk about town responsibility for drainage, these are not functioning very well” she said. Mr. Throop replied “thank you, we will pass that right along to public works.”

Mr. Hanlon suggested the members table the application until they had all the information they had requested. Chair Vann replied “we could but I think this is a pretty straight application.” She then suggesting approval contingent on the town attorney signing off on the drainage easement language. “They are not creating a new lot” she said. Mr. Throop agreed noting “if they were creating a new undeveloped lot that would be different but that is not the case here and I believe a waiver is reasonable.”

A motion was made/seconded (Galus/Zeller) to grant the requested waivers of plan submittal requirements for providing contour information and soil and wetland delineation information with all in favor.

A motion was made/seconded (Clark/Juengst) to Approve the two (2) lot subdivision of parcel number U-017-099-000 as shown on plan entitled “Proposed Subdivision Plan Adjoining Properties of Roman Catholic Bishop of Manchester (St. Peter’s Church of Divine Mercy Parish) at 18 Vine Street, Peterborough, NH at a scale of 1”=40’ dated August 2015 and revised October 26, 2015, subject to the following Conditions prior to signature of the plan with all in favor:

1. Parcel numbers for each of the two resulting lots are to be added to the plan.
2. Language for the drainage easement and maintenance agreement shall be prepare by the applicant and approved by the town attorney and recorded with the approved plan.
3. Note 11 shall be revised to state the following: “In the event of failure of the existing in-ground septic system on the rectory parcel, the property shall be connected to the Town of Peterborough Municipal Sewer System.
4. The Town of Peterborough Public Works Department shall verify that the Church building is presently connected to the Town of Peterborough Municipal Sewer System.
5. The applicant shall demonstrate receipt of State of New Hampshire Subdivision approval.”

Mr. McKenney clarified that the applicant would prepare the drainage easement and then it would be approved by the town attorney. Mr. Throop confirmed that was the case.

Other Business:

Formation of a Subcommittee to develop zoning amendment proposals

“I need some help” said Mr. Throop who went on to say the commitment would be short (two meetings) with a number of things to address. After a brief discussion Mr. Hanlon and Chair Vann volunteered to assist. Chair Vann noted Mr. Weeks may also be interested. The group decided on December 3rd and 15th at 10:00 am for meeting times.

Implications of the Jeff Speck talk for Peterborough

Chair Vann began with “what I took away is that I am convinced that we need to take our bike infrastructure more seriously” adding “we need to *have* a plan and *work* the plan.” She also noted “and I came to realize that we do not have many broken things in Peterborough and we should work to keep it that way.” Mr. Zeller agreed adding “there is not a lot to repair in this town.” Mr. Waitkins reviewed the progress made on Union Street. “It is more welcoming than ever before for all types of transportation” he said. The members agreed Union Street now seems to be a part of the downtown. They briefly discussed traffic calming with town roads not needing to be wider than 20 feet while 24-foot wide streets were appropriate for roads without interconnectivity. Mr. Clark interjected “it was a good evening, I liked it.”

Next Meeting:

December 14, 2015 at 6:30 p.m.

The meeting adjourned at 8:10 p.m.

Respectfully submitted,

Laura Norton
Administrative Assistant