TOWN OF TILTON
PLANNING BOARD MEETING
NOVEMBER 28, 2006

MEMBERS PRESENT:

Chairman Michelle Jackson            Sarah Paratore, Vice-Chair
George Helwig                          Mike Curley
Katherine Dawson                       Sandy Plessner

OTHERS PRESENT:

Craig Snow                              Bill Rollins
Chuck & Kathy Mitchell                  Fritz Moeckel
Cindy Balcius                           Bill Goebel
Jeffrey Gaeta                           Karl McKinster
Eric Proulx                             Ted Kupper
Paul Cirjak                             Kevin Dillon
Joe Plessner

AGENDA:

6:30 PM     Call to order
Minutes of November 14, 2006
Correspondence and any other business
6:35 PM     Continuation: Case #06-33 for a Site Plan and Special Use Permit for
Mark Investments, Inc. (Walgreens)
Conceptual: Ted Kupper, engineer, to discuss possible development of a
17,000 square foot stand alone retail store in the parking lot of the Tanger
Outlet Mall. Property is located on Tax Map R-20 Lot 3 in the Regional
Commercial District.
Workshop: Master Plan and possible zoning changes for the 2007 town
meeting.

MEETING:

6:30 PM     Call to order. Chairman Jackson asked if the Board Members had read the
minutes of November 14, 2006. There was a brief discussion on a word change on page
5. Hearing no further discussion, Sarah Paratore made a motion to approve the amended
minutes of November 14, 2006. Mike Curley seconded the motion. No further discussion.
Motion carried.

CORRESPONDENCE:

1.       Peer review report from Bill Rollins from Vollmer on the Walgreens project.
2. Standard dredge and fill application from Dennis Manning for a proposed wetlands crossing.

3. Letter dated 11/21/06 to Christopher Spaulding of Stantec Consulting Services regarding information requested for property known as the Anchorage on Lake Winnisquam.

4. NHDES site specific permit # WPS-7633 dated 10/31/06 for the Tilton Hotel Partners project located on Tax Map R-23 Lot 22.

6:35 PM Continuation of case #06-33 for a site plan and Special Use Permit (Conditional use permit) for Mark Investments. (Walgreens)

Fritz Moeckel, attorney, told the Board they were there to address the issues discussed at the previous meeting which included the Vollmer report, the Conservation Commission comments and the traffic issues regarding the right turn only off of Rt. 3. Chairman Jackson asked if they had heard anything from the DOT yet and Mr. Moeckel stated they had not but they did bring some documentation to support the proposed use of the right turn in off of Rt. 3.

Katherine Dawson stated the wetland had flooded with the last three 100 year flood events and asked if any increase to the flow to the wetland would only increase the flooding.

Bill Goebel stated their project would not have any impact to the actual flood elevation. Ms. Dawson stated she felt it would have to impact the flood elevation if they increased the flow into the wetland and decreased the wetland area. Mr. Goebel stated there was four to five square miles of drainage above this property and the water would have already left this site before the water above the site would get to the site. Mr. Goebel stated it could be as much as 24 hours after the storm before all the water would find its way down and the highest flooding or water elevation would occur on this site. Mr. Goebel stated the purpose of their proposal was not to hold the water back but to get it off site before the drainage peak would occur. Ms. Dawson asked if that wasn’t just theoretical and Mr. Goebel said it was not.

Discussion began on Mr. Rollins peer review.

Before beginning the peer review, Mr. Moeckel stated it was his understanding the conditional use permit would take care of the wetland buffer issue and that an additional variance was not required. Chairman Jackson stated no variance was required as far as the wetland went; the conditional use permit would cover it.

Mr. Goebel began address the comments Mr. Rollins made in his report. Mr. Goebel’s comments included:

They had a meeting with the NHDES and determined the on site detention/retention would not provide a benefit and so was not required due to the unique location of the site. NHDES did recommend a significant improvement to the water quality.
discharge and those recommendations are incorporated into the proposed design. Though the site proposes a slight increase to impervious area, which will result in a negligible increase in peak rates of flow from the site, the project would not have any measurable impacts to Gulf Brook and up and down the area. Mr. Goebel stated they had calculated pre and post development runoffs for the 100 year storm to be 8.4 cfs and 9.1 cfs with a negligible increase from the 0.2 acre increase in impervious coverage. Mr. Goebel stated the appropriate applications regarding wetlands had been filed with the Planning Board and the Chairman agreed.

Bill Rollings, engineer, added the flood plain and flood way were handled by the Army Corp. Mr. Rollins stated the Army Corp. was very concerned with the flow water through the flood way. Mr. Rollins continued by saying he believed the Army Corp would get the opportunity to look at the proposal as part of the DES process for this application. Mr. Rollins continued by saying FEMA dealt with the actual storage volume in the flood plain. FEMA has a 0 rise policy which means if one is doing any filling in a flood plain, they have to do the calculations to show there is no rise to the 100 year flood elevation. Mr. Rollins stated his advise would be to have the applicant contact FEMA. Mr. Rollins stated this was also under the jurisdiction of the Town and the Town could either wave this requirement or direct the applicant to contact FEMA and determine if they needed to do a study. Mr. Rollins stated he knew this was a small area but it was work in a flood plain and might need some kind of mitigation to restore the storage that would be taken away and there was some possibility there could be a rise in the elevation and as small as it might be, FEMA’s policy is zero rise.

Chairman Jackson stated that was what the Board had discussed before and felt it was counter intuitive to think one could fill a large area of the flood plain and not have it rise. Chairman Jackson stated the Board was very concerned with the culvert and the flooding potential with the culvert. The Chairman stated the area beside Shaw’s was lost due to the volumes of water. Mr. Rollins stated that although a lot of people had jurisdiction over the wetland and flood plains, ultimately it was the Town that had to protect the Town.

Cindy Balcius, wetlands, stated that part of the permitting process would required review of the project by the Army Corp. Ms. Balcius stated the reason for part of the pre-application meeting with the DES was to red flag the issues they were now talking about. Ms. Balcius discussed projects in other towns that she worked on that were totally within the flood plain and stated this project was a pre-developed site with an existing building and pavement. Chairman Jackson asked if the other sites Ms. Balcius had discussed had a culvert handling the overflow like this site did. Ms. Balcius stated the concern on the other site was whether or not the river would flood.

George Helwig asked what the condition of the culvert running under Rt. 3 was and Mr. Goebel stated it was in good shape. Ms. Dawson stated no one really knew but the road seemed to be alright that was over the culvert area. Ms. Dawson stated the culvert did not handle the flood water at all.
Discussion continued on the various aspects of the flood plain and Mr. Goebel stated work done on the proposed site would have a zero increase. Mr. Goebel went over a table on floodway data he had given the Board. Mr. Helwig asked what the writer of the table was using when reference was made to “without floodway” and “with floodway.” Mr. Goebel stated “without floodway” was what the water surface elevation was without any encroachment. Mr. Helwig asked how much encroachment made it “with floodway” and Mr. Goebel replied that would be completely filling the flood plain up to the flood way lines. Mr. Helwig asked what difference it would make with this site as this site had a culvert. Mr. Helwig stated that perhaps the culvert was causing the problem. Mr. Goebel agreed and stated the culvert could only accept so much water. Mr. Helwig suggested the culvert could be enlarged. Mr. Goebel stated a larger culvert could handle more water and might reduce the flood plain in this particular area but it could also increase the flood plain downstream.

Bill Rollins stated he understood this site was small but also understood there had been flooding at this site in the past. Mr. Rollins stated he felt, at the very least, the applicant should consult with FEMA and talk to their hydrologist.

7:25 PM Open to public comment.

Chuck Mitchell, Conservation Commission Chairman, gave the Board particulars on an incident he was aware of and told the Board he personally felt it was a good idea to get in touch with FEMA and discuss the issues with their hydrologist.

Chairman Jackson asked Mr. Mitchell how he felt about the site going without retention. Mr. Mitchell stated he felt that it was probably a good idea as he agreed that the faster the water left the site the better.

7:35 PM Close to public comment.

Traffic was discussed. Jeffrey Gaeta passed out a letter prepared by his office for the Boards request to provide justification for the limited access driveway off of Rt. 3. Mr. Gaeta stated they had initially recommended a full access driveway be constructed on Rt. 132 and a right turn in and right turn out be constructed on Rt. 3 but because of wetland issues, the Rt. 3 access was changed to a right turn in only. Mr. Gaeta stated that providing a right turn in off of Rt.3 was beneficial in that it provided a second means of access to the site for westbound vehicles. Mr. Gaeta stated the right turn in would not be detrimental because this movement had virtually unlimited capacity and would not involve delay. The recommended raised median on Rt. 3 would limit the traffic turning in to right turn only. Mr. Gaeta stated he did not feel it would be a safety concern to have a right turn only onto the site off of Rt. 3.

Chairman Jackson asked how many trips Mr. Gaeta stated Walgreens would have and Mr. Gaeta replied it would be about 125. Mike Curley stated that would be 2 vehicles per minute and he didn’t see that would make that kind of impact to have the vehicles go up Sanborn Road and turn into the site. Mr. Gaeta stated it could create queuing issues on
Rt. 132. Mr. Curley stated he did not feel it out-weighed the safety factor of crossing the intersection to take the right turn in. Mr. Gaeta stated crossing the intersection only involved a right turn in and Rt. 132 involved a right turn and then a left turn.

Sarah Paratore stated it took the vehicles off of the busy Rt. 3. George Helwig added there was no right turn only lane so the flow of traffic could have to slow for traffic entering the Walgreens site. Mr. Gaeta stated if you forced all the traffic up Sanborn Rd, (Rt. 132) you would be creating more of a demand and possible stacking problems.

Ms. Dawson asked if the Police were asked what they thought if the right turn in was eliminated. A general discussion on the staff meeting with the Walgreen’s representatives ensued. The police liked the right in only with a raised median. Ms. Dawson asked again if the police had been asked what they thought if the right turn in was eliminated and was told they had not been asked but they did like the raised median as that would prevent left turns into the site.

Discussion turned to the possibility of a traffic light at the Tilton Diner site and the impact it might have with this site with a right turn in access. The Chairman stated she had not heard anything regarding the issue but wondered what would happen as she felt it could have a major affect on this site. Mike Curley stated it was his understanding the DOT was not in favor of the light. Ms. Dawson said she thought the latest was they would consider it.

Chairman Jackson asked the applicant to see what they could find out from the DOT. Mr. Moeckel asked if a letter would be okay if they could not get a DOT representative to come to the meeting. The Board agreed it would be better if a representative were there so they could answer questions. Mr. Moeckel stated he would see what they could do.

At this point the applicant went over the items raised at the Conservation Commission meeting. Mr. Moeckel stated there had been some confusion but they had arranged to meet with the Conservation Commission on the following Monday night (December 4th) in order to go over the conditional use permit.

Issues the Conservation Commission listed included and commented on by Chuck Mitchell:

Trees within the snow storage area can be relocated so they won’t reduce the amount of snow storage or be destroyed by the loader or excess salt on site. Mr. Mitchell stated the Commission felt the snow should be trucked off site if they were going to plant trees in the storage area. The applicant stated they would move the trees.

There should be no stockpiling of salt or sand. Applicant agrees not to stock pile salt or sand. The Chairman asked Mr. Mitchell if the Commission felt there should be no salt used on the site and Mr. Mitchell agreed.
Notation should be added to plans that all existing wells and septic should be removed. Applicant agreed and stated they would be removed according to regulations.

A chain link fence with a minimum height of 4 feet in addition to the guard rail should be required to avoid snow dumping into the wetland. The applicant understands this comment but believes that the proposal is adequate for the proposed use.

The proposed drainage system may not have enough pitch to allow proper drainage and it does not appear to be below frost line, in which case freezing will be an issue. Applicant believes the proposed drainage system has been designed with enough pitch within the underground piping system to convey runoff without freezing and is designed to properly carry off the drainage.

At least quarterly for the first two years, water quality should be monitored during a storm event and adjustment made to the maintenance schedule as needed to maintain the system. The applicant believes the proposed operation and maintenance plan provides appropriate protection to the resource areas. If the Board feels appropriate, increased inspection and maintenance can be proposed (if needed) within the operation and maintenance program for the first two years of operation. This would allow the site to achieve permanent stabilization before normal operation and maintenance plan would be implemented.

There was much discussion on this last issue. Board members explained they were looking for something that would show the system worked and that the Brook would not be contaminated. Mr. Moeckel stated at the present time there was no system in place and Ms. Balcius added the proposed drainage system in place would have oil/water separators and a downstream defender. Chairman Jackson stated this was a workable issue and could be resolved.

The last issue the commission had raised requiring the hiring of an independent hydrologist was addressed earlier in this meeting.

Mr. Moeckel asked if there were any other issues the Board had and was told there didn’t appear to be than those discussed.

Hearing no further discussion, Chairman Jackson made a motion to continue Case #05-33 for Mark Investments until December 12th at 7:00 PM. George Helwig seconded the motion. No further discussion. Motion carried.

8:20 PM Conceptual with the Tanger Outlet Mall.

Ted Kupper, engineer, told the Board the Tanger Outlet Mall would like to develop a 17,000 square foot stand alone store in the parking lot of the mall and had come before the Board tonight to discuss the Board’s concerns. Mr. Kupper stated the utilities were available on site for the proposed project.
Chairman Jackson asked what the business would be and was told they could not give the name yet as it was part of the contract agreement. The Chairman stated it wasn’t necessary to know who was coming but the type of business it would be and the projected parking requirements. Mr. Kupper stated it would be a retail sales store similar to the other stores in the mall.

Parking was discussed at length and whether or not there would be adequate parking. The applicant was asked how many spaces would be lost for the construction of the new site and the applicant stated they did not know at the present time. The Board was given a parking space ratio chart which showed the ratio of parking spaces to the building area. The chart seemed to indicate the mall would have enough spaces with the proposed store.

Other items the Board members mentioned included the intersection and whether or not a building located in the front section across from the Uno’s (Starbucks side) might create traffic back up. The Board recommended talking to the Fire Department to see what issues, they would be concerned with. The proposed plans showed the addition of 96 parking spaces behind the stores and some of the Board members wondered if that would leave room for emergency vehicles to move around.

Ms. Plessner mentioned the Conservation Commission had raised the question concerning the snow storage in the location of the proposed site and was told the outlet mall had a contract with Casey Nickerson for snow storage on his property. Board members were concerned it might be on wetland areas. Mr. Mitchell stated the storage was close to wetland but not in the wetland. Members agreed the situation would be looked at when the formal site plan came before the Board. The Chairman added that if the snow was being stored in a wetland area, it would be Mr. Nickerson’s problem to deal with as he was the one storing the snow in what might be a wetland.

Board members took time to discuss possible zoning changes. They looked at adding definitions in order to add clarity to the regulations. Also discussed were the Master Plan chapters and the progress of the update. The Board is planning public hearings early in 2007 once zoning and petition hearings are done.

9:45 PM Meeting adjourned.

Minutes prepared by, Sandy Plessner