

**MINUTES
CHARLESTOWN PLANNING BOARD
DECEMBER 3, 2013**

Members Present: Robert Frizzell (Chair); Sharon Francis (Vice-Chair); Steve Neill (Ex-Officio); James Jenkins, Pat Royce; Rose Smith-Hull, Roger Thibodeau

Alternates Present: John Bruno, Richard Lincourt

Staff Present: David Edkins – Planning & Zoning Administrator
Regina Borden – Recording Secretary

CALL TO ORDER: Mr. Frizzell called the meeting to order at 7:00 PM. He advised that Mrs. Royce would be a little late so he would keep her seat open for now. Therefore there was no need to call on alternate members. Noting that meetings are tape recorded, he asked that anyone wishing to speak identify themselves for the record.

APPROVAL OF MINUTES OF NOVEMBER 19, 2013:

Mrs. Francis moved to approve the Minutes of the November 19, 2013, meeting, as written. Mrs. Smith-Hull seconded the motion. With six members in favor, the Minutes were approved.

ZAREMBA PROGRAM DEVELOPMENT, LLC – 9,240 Square Foot “Dollar General” Retail Store – 20 Sullivan Street and 113, 117-119 Main Street – Map 118, Lots 96, 98 & 99 – Zones B (Business) and E (Mixed Use): Matt Casey, Zarembo Group representative, advised that they are the developer on this project for Dollar General. Chris Nadeau, from Nobis Engineering, and Rick Sanders from VHB Traffic Engineers were introduced. Mr. Casey gave a brief introduction to the project. It will be located at the intersection of Main Street and Sullivan Street, the property is vacant except for a trailer and some vehicles. They are proposing a 9,100 square foot new building for Dollar General; the building itself is 70’ x 130’. Operations for this store will be seven days a week typically 8:00 AM to 10:00 PM. The main truck will make deliveries once a week; it will come off Main Street and go to the loading area but there will be ancillary deliveries during the week on an as needed basis. Parking lot lighting comes on a half hour before opening and shuts off a half hour after closing; it includes the sign lighting on the building itself. When they were before the PB in September for an informal presentation the PB made suggestions on how to improve the building, they went back and talked to Dollar General about the design; they reviewed and approved it. The new plan before the PB tonight has full siding on all four sides, a pitched metal-seam roof, the windows in the front are actually false but people will be able to see through the front doors.

Chris Nadeau from Nobis Engineering advised that the property actually consists of three separate parcels so they will be asking for a Voluntary Lot Merger; it totals 1.2 acres. This will be a 9,200 square foot store with 30 parking stalls; it will be served by municipal water and sewer. The site is primarily in the Business District but in the back it is in the Mixed Use District. They are allowed to move the line 100-feet per the Zoning Ordinance so only a very

small portion in the back is in the Mixed Use District. There will be a 10-foot landscaped area around the site. They have an elaborate storm water system to eliminate adding it to the State drainage system on Main Street. They have a small detention area that will infiltrate plus a small space in the green area and an infiltration system under the parking lot. There is an overflow into the DOT system for the larger 50-year storms. There will be about 20 trees to comply with the Town's Site Plan Ordinance and up to 36 shrubs as shown on the plan. There is a 32-square foot free-standing sign in front of the building that they submitted a Sign Permit for plus a building sign that shows on the plan. They are asking for several Waivers but first will let Nick Sanders talk about traffic.

Nick Sanders, a traffic engineer with VHB, prepared the Traffic Impact Study for the proposed development. They started their study this fall and it was completed in October. The DOT is in the process of reviewing the study and they are expecting formal comments from the DOT shortly. The study was based on DOT guidelines. Dollar General Stores are very low trip generators. At another store located in New Hampshire during the week-day evening peak hour, which in this case is Main Street, it experiences higher volume during the weekday evening than during the morning peak-hour or during the weekend. During the weekday evening peak hour a Dollar General Store is expected to generate 35 trips; about 30% of those are pass-by trips. Only about 7% are new trips to the store. The primary intersection they evaluated was Main Street and Sullivan Street as well the driveway at Sullivan and the driveway at Route 12. They do not expect traffic to back-up and block the site driveways. Because it is such a low generator and there aren't any drops they do not expect there will be any proposed mitigation in 2024.

Mr. Casey reported that some environmental remediation work was done on the property. An old tank was removed from the property; the State has issued an NFA (No Further Action) ruling.

Mrs. Smith-Hull asked for confirmation on the square footage of the building. Mr. Casey had stated 9,100 square feet but it is actually 9,240 square feet.

Mrs. Francis questioned the ratio of the landscaped area to the paved parking area and the trip generation figure with a maximum expectation on mid-day Saturday of 30 visits. She has been paying attention to other Dollar General stores wondering if they need all of the paved area. If not, they could have more landscaped area. Why couldn't the parking be behind the building or on the side? Mr. Casey said Dollar General does not want to go less than 27-to-28 parking spaces. They need parking spaces for the employees. Typically when customers drive by they do not want the spaces to be full because people will just drive by. It is also easier to pull in-and-out if there are empty spaces in-between. Relative to parking in front of the store; they do not have a lot of frontage. If they slide this building up front there will not be much space at all. They are trying to circulate with no back-ups on the street. It is an odd shaped lot.

Mr. Jenkins asked what they plan on doing with the snow. Mr. Nadeau said the areas are hard to delineate but everywhere there is green they will have to store the snow. When those areas get full they will hire a contractor to take the snow out.

Mr. Lincourt asked how the weekly delivery with a semi-trailer will access that area with cars parked next to the building. Mr. Nadeau explained that they designed the truck turning movements which is why you see a wider extended pavement. They can pull in around the parking spaces, pull up and then back up into the area but not all the way in. They can unload the truck at the designated stopping point and carry/dolly the boxes to the loading dock. A typical delivery takes about a half-hour; it is a quick unload. Originally they had a wider area to try to back the truck up closer to the door but they wanted to provide as much landscape as they could in that area.

Mrs. Smith-Hull asked if the front door would be automatic. Mr. Casey responded “yes”. On occasion there will be deliveries in the front; maybe like Coke. Mrs. Smith-Hull pointed out that that could be dangerous; kids could come running out.

Mr. Bruno said the Traffic Report indicated they did counts in April in the Nashua store. What percentage does April represent in the context of the year relative to the amount of traffic? It seems that April might be a low demand period. Could they use their sales slip data to develop the other eleven months of the year to get an idea of what might be a better representation of what might be expected? Mr. Sanders responded that the April data was not adjusted but they did not anticipate major variations. Mr. Bruno said they could take the number of sales in the store for each month and develop an average for the twelve months; then using that factor take a look at what April represents; use the number of sales as a factor to see what is the peak day. April might have 100 average sales a day but July might be 200 average sales a day. Mr. Casey felt they could ask Dollar General for the numbers but he is not sure they will share them to make a seasonal adjustment. Mr. Sanders said although they have not received specific comments from the DOT it is the same trip generation number that was submitted for a number of other Dollar General Stores throughout the State, the DOT has reviewed it and given their blessing to the trip generation numbers.

Mr. Bruno referenced the storm water report. The design is based on the Natural Resources Conservation Service Soils Data. Mr. Nadeau noted that they did test pits on the site. The seasonal high water is 78 inches. Mr. Bruno is concerned about the sub-surface infiltration and retention system without questioning the difference between the seasonal high ground water and the bottom of the infiltration system. Because of the sub-surface system that is being proposed he would be looking for an engineer’s certification that it was installed according to the design and after construction having a drainage maintenance manual provided to the owner.

Mr. Bruno said the plans call for inspection ports to be optional. He would like to see them installed rather than optional. Mr. Nadeau explained why they are optional; they will take a look at other areas that would be appropriate for ports.

Pat Royce came into the meeting.

Mr. Bruno would like to see a photo simulation of what the building will look like based on the landscaping plan; this would be from Route 12 and from Sullivan Street. The gas tanks will not be buried. Mr. Nadeau felt this was the preference of Dollar General but they will look into that. Mr. Bruno asked if the HVAC pad on the back of the building constitutes a structure with set-

back requirements. Mr. Nadeau talked to Mr. Edkins about this. The pad does not meet the Town's definition of a building so they are in compliance.

Mrs. Smith-Hull asked if they are taking into account the vehicles coming out of the Claremont Savings Bank and the medical building in their traffic study. At 2:00 PM the traffic is heavy both ways. Mr. Nadeau felt they would have been included in the traffic count.

Mr. Jenkins asked if the big truck will create an obstruction to the Sullivan Street driveway. Mr. Casey said they have a plan that shows the truck movements that they will bring into the next meeting. The main truck only comes once a week.

Mrs. Francis asked how many employees they will have at the store. Mr. Casey said 3-to-5 per shift.

Mrs. Smith-Hull visited two stores and felt they were dirty. Mr. Casey explained that this store will be owned by the Dollar General Corporation but many of the other stores are leased by Dollar General so there is a significant difference.

Mr. Thibodeau mentioned the two dumpsters. What will keep the noise from Ms. Aiken's house? What will they do to mitigate that noise for the neighbors? Mr. Casey said they will have a fence; he will check to see if there could be more shrubbery. They can look into putting a masonry-type structure behind it.

Mr. Lincourt asked if they will have some refrigerated products and, if so, what will the noise levels be. Will there be compressors? Mr. Casey explained that there will be self-contained refrigeration units. Mr. Lincourt is concerned with the line of sight distance for pedestrians/bike riders on the sidewalk given the shrubs in the front of the building. Mrs. Francis said there are small trees that have enough open space so drivers and pedestrians can see through them.

Mr. Lincourt said Dollar General often displays merchandise out front. It would be distracting to motorists. Mr. Casey responded that they do not but they will make sure that Dollar General knows about that.

Mr. Jenkins brought up the issue of the pad not being a building. Mr. Edkins and Mr. Nadeau discussed this and they looked at the definitions in the regulations that define a building as "any combination of materials whether portable, moveable or fixed having a roof and enclosed with exterior walls built to form a structure for the shelter of persons, animals or property". On that basis they came to the conclusion that the HVAC pad was not a building.

Mrs. Francis pointed out that right now that site is a junk yard with a number of unregistered vehicles on it. Who is responsible for cleaning it? Mr. Casey said their contract states that the owner moves it but if he does not then they will have to do it.

Mr. Thibodeau asked how tall the light poles are. It is a concern for the Aiken property. How tall will the trees be? Mr. Casey said the trees will be 8-to-10 feet tall. The poles are 15-to-20

feet tall. They put in cut-off fixtures that direct the light away from the back side of the light pole. Mr. Thibodeau stated then for several years Ms. Aiken will see the lights.

Mrs. Smith-Hall noted that the big truck won't shut off so Ms. Aiken will have smell from the diesel. Mr. Frizzell pointed out that they can make the condition that it be shut-off while parked there. Mr. Jenkins added and there be no deliveries during certain hours.

Mr. Frizzell opened the meeting to abutters and then the general public.

Rev. Susan Grant Rosen was present on behalf of the Charlestown Congregational Church; people are concerned about traffic and parking. Customers will park on Main Street where their people going to church have to park. There is a concern about safety particularly because some of their parishioners live in the mobile home area on Sullivan Street. Elderly people need to park close to the church. There is concern about the impact this development will have on Dan's Max Saver, a locally owned business that does a lot for the Town. Large corporations do not feel accountable to the community. A Dollar General Store on Main Street might not be attractive to someone looking to buy a home here.

Ms. Gayla Aiken is concerned about being able to drive in-and-out of her driveway with this store being so close. She has a right-of-way for the driveway. This has ruined the historic flavor of our Town. Trees and grass are being dug up and paved over in the middle of our beautiful Town. No one is going to be as affected as much as she will be. Mr. Casey explained that they are talking with the neighbor about giving them that piece of land (driveway) therefore they are not showing that as a part of the site plan.

Carol Clark thinks that Fred Poisson can sell to whoever he wants to; she believes in free enterprise. Charlestown is a great Town. She was not originally in favor of the Jiffy Mart move next door to her even though it is a better place than where they are now, but bringing in another non-locally owned business is not necessarily to the benefit of the Town.

Bob Scott, an abutter and owner of R & K Towing, asked if there would be a wall between them so the water does not run across his property. Mr. Casey explained that it is not a wall but rather a depression. Mr. Scott commended them on the project but he would like to have some input about the shrubberies that are being put around his property. The guardrail separates the properties. He would like to work together on what they are doing next to his property. He is not 100% in favor of the store but it will probably happen. Mr. Casey noted that there is a drainage structure that will take the water out of the basin if it overflows. Responding to a question from Mrs. Smith-Hull, Mr. Casey said they have a system for drainage, some of it will go into the Main Street system but they designed the system to control it themselves.

Mrs. Clark asked if Dollar General has stated why they want to move to Charlestown. Mr. Casey said Dollar General does their own internal marketing research and they bring those properties back to Dollar General for their consideration. They chose Mr. Poisson's property.

Mr. Bruno asked if on the storm water system will there be a structure ahead of the infiltrators to collect sediment. Mr. Casey said there will be isolators. There will be an Operations and Maintenance Plan to clean out the system.

Mrs. Francis noted that the PB does not play a role in choosing what kind of people or businesses move into this Town. This is a Business Zone. The PB role is to set conditions and follow their Ordinance. The Ordinance does not state what an appropriate business is for Charlestown. The NH Legislature encourages towns to develop. They have to make the best decision they can.

Aare Ilves asked if they are planning to have a sidewalk on Sullivan Street. It is important to have a sidewalk because there is a lot of pedestrian traffic. The sidewalk by R & K Towing just needs to be extended. Mr. Casey said they have no plans for one. Mr. Edkins explained that the right-of-way is narrow there if it were to be put on Town property. If Dollar General were to put it on their property they are reducing their impervious area. Mr. Jellie walks there a lot and with vehicles coming out of the store parking lot it is dangerous so he feels the PB should consider putting in a sidewalk. Mr. Ilves asked where the nearest corporate owned store is. Mr. Casey said in Jaffrey. Mr. Ilves noted that the Jiffy Mart had to put aside some money for a turning lane. Would the same thing apply to this store? Mr. Frizzell said they have to wait for a response from the Department of Transportation (DOT). Mr. Ilves said that over the past few years the Town has been planting Elm trees along Main Street so he suggested that one of the trees they plant be an Elm tree. He suggested that 9:00 PM would be a more appropriate time to close the store. Mr. Casey said if business is slow they might consider closing at 9:00 PM.

Albert St. Pierre advised that Charlestown has changed over the years and we are still changing. Years ago in this same room they discussed if Whelen was right for Charlestown. He hates to see businesses get picked on. He is glad to see Chris Nadeau from Nobis Engineering here as he designed the Chestnut Hill development in North Charlestown; everything he put in there was done right.

Mr. Nadeau mentioned that they submitted several Waiver requests in a letter dated November 6, 2013.

Landscaping Requirements: Section 5.7.3 (c) (1) Minimum Buffer. The building requirement set-back is 10-feet. The landscape requirement is 15-feet. They are trying to be consistent with the building set-back requirement and provided a 10-foot landscape buffer around the site. Mr. Bruno asked for the total perimeter and a percentage that they are requesting the Waiver for. Responding to a statement by Mrs. Smith-Hull, Mr. Edkins replied that this building does comply with the set-back requirement but the medical building next door does not.

Landscaping Requirements: Section 5.7.3 (F) (1) and (2) for landscaping around the building. They are proposing lawn around the side and rear of the building. There is a sidewalk along the north and west sides of the building.

Landscaping Requirements: Section 5.7.3 (G) (1) Parking Lots. Mr. Nadeau believes this is for double loaded parking lots like for bigger stores; in this case they just have a center aisle and parking on either side. They would have to look at this with the turning radius of the truck.

Landscaping Requirements: Section 5.7.3 (8) Impervious Surfaces. The proposed site plan consists of approximately 60% impervious cover rather than “not to exceed 50%”.

Fire Lane Requirements: Section 5.7.7. A minimum access requirement of forty-five feet turning radius and twenty-two foot fire lanes at the rear of the building. In this case that is not possible. The building will not be sprinkled. Mr. Edkins advised that all the Department Heads were invited to come in to look at the plans. He will contact Fire Chief Baraly to come in and make comments. Mr. Bruno asked if they would consider sprinkling the building in lieu of fire lanes. Mr. Nadeau indicated they would have to check with Dollar General.

Curb Requirements: Section 5.7.7. Curbing in zones A, B, C and D and G-1 shall be granite. Curbing in all other zones shall be concrete or granite. The majority of the site consists of open pavement backed up with a 2-foot gravel shoulder. They do have curb stops for any of the areas that have vehicles parking there. The Waiver is requested for some of the perimeter areas.

Mr. Lincourt questioned a request for another Waiver. Relative to 5.7.7(E); their access is only about 30-feet from the driveway of R & K Towing. Mr. Edkins felt that would be an impossible thing to meet given the site. The language says “should be” 100 feet away from another entrance not “shall be” so it is not truly a Waiver.

Mrs. Joyce Higgins said it seems that for the safety of the other buildings near-by it should be sprinkled. Mr. Edkins said technically sprinklers are a building code issue, not a Site Plan issue. Fire protection access is a Site Plan issue and they have asked for a Waiver therefore Mr. Edkins will consult with the Fire Chief. He is not sure that this PB has the authority to require sprinklers as a part of the Site Plan process but he will look into it.

Mr. Frizzell asked if they should review the Check List. Mr. Edkins responded that they filled out the Minor Site Plan Check List that is included in the application and it is complete. He would determine that this is a Major Site Plan so they would need to use those criteria. Mr. Edkins read the Check List requirements. Mr. Bruno would like to see a Check List from the applicant that covers all the items. He would like to see an application that includes all of the Major Site Plan requirements addressed. Things are missing like the building height. Mr. Thibodeau agreed. Mr. Edkins said the Town does not have a Major Check List per se. We have the requirements listed on pages 9 through 14; Section 5.6.1 of the Site Plan Review Regulations. Mr. Nadeau felt confident that they had met all the requirements; they did provide exterior elevations. Mr. Edkins did have that information on the plan but they were full-sized so he did not make copies for the PB. Mr. Bruno did not have any other questions at this point.

Mr. Frizzell noted that they have to think about the sidewalk. Mrs. Francis said attention needs to be paid to the Aiken property concerning the screening and providing security for the lights and noise. Mr. Thibodeau said the Heritage Commission would like to see the building brought closer to the road with parking on the side and back. He would like to see a generic plan on how that could work or not work. Mrs. Higgins said if this worked it might alleviate the need for some of the Waivers. Mr. Edkins said they are dealing with the DOT in that during the preliminary discussions DOT wanted the driveway on Main Street in that location so that might complicate things. Mr. Thibodeau felt that the site distance on Sullivan Street is tight when exiting the store. Mr. Ilves suggested that they make the Sullivan Street exit a right hand turn only.

Mr. Casey stated that they have taken notes and they will come back with the additional information as requested. Mr. Edkins pointed out that some of the requirements are unattainable on Main Street; the lots are small. Some requirements were developed more for out-of-town projects. They are difficult to meet on any part of Main Street. They are not zone specific. It is not unreasonable to consider granting some Waivers.

Mr. Thibodeau moved to continue this application for the Zaremba Program Development, LLC until the next meeting on December 17, 2013. Mrs. Smith-Hull seconded the motion. With seven members in favor, the motion was approved.

ZAREMBA PROGRAM DEVELOPMENT, LLC – Sign Permits (2) – 117-119 Main Street – Map 118, Lots 98 & 99 – Zones B (Business): Mr. Casey advised that they will have the Dollar General come in to work on the signs. Mr. Edkins noted that they are aware of the sign regulations; they might go to the Zoning Board of Adjustment. The Sign Permits are un-approvable as submitted.

Mr. Thibodeau moved to delay the discussion on the Sign Permits until the PB has more information from the applicant. Mrs. Smith-Hull seconded the motion. With seven members in favor, the motion was approved.

PLANNING & POLICY ISSUES:

North Main Street Zoning: Mr. Edkins advised that the proposed Zoning Amendments distributed for this meeting are what was discussed at the last meeting. The PB decided before moving forward with a formal Public Hearing that we could invite in the property owners on North Main Street that would be affected by these proposals. Letters along with a copy of this document went out last week extending the invitation. Mr. Edkins received no phone calls.

Mr. Jellie stated that this worries him as he owns two properties that would be affected. In his neighborhood the Jiffy Mart was just approved and the Dollar General Store is seeking approval. There is also the Animal Hospital, a used furniture store, a bar and restaurant and a funeral home. He feels he has lost some of the residential value of his property. When he bought the office building he looked into future uses; it used to be a florist shop so he would like to see that added. Prior to the florist shop there was a machine shop and a retail clothing shop and now it is an office. It sounds like this would be the most restrictive district on Main Street. If all of Main Street was like this it would be okay but this is singling out this one section. There are only about three residential houses left. Mr. Edkins said this section is Zone E now so anything goes. This proposal would be less restrictive than Zone A which is the south end of Main Street but it would be the second most restrictive. More than one-half of the properties are already being used for some commercial purpose. Mr. Jellie does not plan to sell but he does not think it is fair to restrict it. Right now he could put a drug store in his building but he would not be able to do that if the zone changes. Mrs. Francis explained that the original motivation for this was the discussion during the hearings on the Jiffy Mart about historic Main Street. They thought that changing the zoning would offer protection for the remaining historic buildings. Mr. Jellie stated that this amendment does not mention retail at all. Mrs. Francis felt they could add “small retail”.

Mr. Edkins clarified that zoning controls the use of properties but if they are trying to protect the historical and architectural integrity of the area the local Historic District is a better way to do that.

Following a discussion there was a consensus to add “retail” after “businesses such as retail, real estate,” to Amend Section 8.5.3 (b).

Relative to the other two proposed Amendments there was a consensus that Amendment #2 to rezone the new Jiffy Mart and the Sumner House into Zone B-Business will be presented to the voters as is. In Amendment No. 3 for Existing Non-Conforming Signs the PB agreed to delete the word “move”.

Public Hearings: Mr. Edkins advised that there is enough time for two Public Hearings; the first one can be on January 7th, 2014 and they can hold a second Public Hearing, if needed.

ADMINISTRATION & CORRESPONDENCE:

There were no new administration issues and no correspondence.

ADJOURNMENT

There being no other business, Mr. Jenkins moved to adjourn the meeting. Mr. Thibodeau seconded the motion. With seven members in favor, the meeting was adjourned at 9:49 PM.

Respectfully submitted,
Regina Borden, Recording Secretary

Minutes Filed: 12-11-13

(**Note:** These are unapproved Minutes. Corrections, if necessary, will be found in the Minutes of the December 17, 2013, Planning Board meeting.)