

The Planning Board for the Town of Derry held a public meeting on Wednesday, February 17, 2016, at 7:00 p.m., at the Derry Municipal Center (3rd Floor Meeting Room) located at 14 Manning Street in Derry, New Hampshire.

Members present: John O'Connor, Vice Chairman; Mark Osborne, Town Council Liaison; Mirjam Ijtsma, Frank Bartkiewicz, Lori Davison, Jim MacEachern, Members; Marc Flattes, Alternate

Absent: David Granese, Michael Fairbanks, Randy Chase

Also present: George Sioras, Planning Director; Elizabeth Robidoux, Planning Assistant; Mark L'Heureux, Engineering Coordinator

Mr. O'Connor, Chair Pro Temp, called the meeting to order at 7:00 p.m. The meeting began with a salute to the flag. Mr. O'Connor noted the emergency exits, the location of meeting materials and introduced the Board members and staff.

Mr. Bartkiewicz was elevated to Secretary for the evening and Mr. Flattes was seated for Mr. Granese.

Escrow

None.

Minutes

The Board reviewed the minutes of the February 03, 2016 meeting.

Motion by MacEachern, seconded by Bartkiewicz to approve the minutes of the February 03, 2016 meeting as written. The motion passed with Flattes abstained.

Correspondence

Mr. Bartkiewicz reviewed the correspondence. Southern New Hampshire Planning Commission (SNHPC) has forwarded a letter advising they are in the process of identifying unsignalized intersections of concern within their communities. They are requesting a list of intersections the town feels should be included in this study. Mr. O'Connor noted the Highway Safety Committee will be discussing this request at its next meeting in March. Intersections of concern would include Tsienneto Road/Route 102 and Lawrence Road/South Range Road. Mr. Sioras advised SNHPC has already performed a study at the intersection of Lawrence and South Range and has made recommendations for improvements. This would be similar to what was done for the intersection of Kilrea and Route 28 which now has a light and the improvements to the intersection of English Range Road/Scobie Pond; those improvements are now in the State's Ten

Year Highway Plan. The hope is that there will be future funding to improve the troublesome intersections.

Other Business

Joint Meeting – Planning Board, Zoning Board of Adjustment, Conservation Commission

Mr. O'Connor reminded the Board of the joint meeting to be held tomorrow evening at 7:00 p.m. to discuss an application to the ZBA for 8 Tinkham Avenue. Board members have a copy of the application to the ZBA in their packets. The proposed use is for motor vehicle repair. Since the lot is located in the aquifer and Ground Water Conservation District, the regulations require a joint meeting between the three boards.

Presentation of the Capital Improvement Plan, Fiscal 2017

Susan Hickey, CFO, advised she was present to address any questions the Board members may have with regard to the CIP. The department heads put the draft plan together for the Planning Board to review. Are there any suggested changes that should be discussed prior to the Town Council holding its public hearing on the Plan? The Plan will be presented to the Town Council in March and a public hearing scheduled for April. Ms. Hickey explained the numbers remain fairly consistent across the next six years. Water, Wastewater, and Cable are funded through user fees and have offsetting revenues.

Mr. O'Connor asked if there is a reserve fund for the Cable fees, and how much is in it. Ms. Hickey said there is a Capital Reserve Fund, but she will need to look into the amount and can have that information for the Board at its next meeting. Mr. O'Connor asked with regard to the Water Department figures. The Plan notes a bond for the Zone 3 water system expansion Phase II (Warner Hill water storage tank). His concern is that the future years are not showing future phases in an amount between 3 and 4 million that had been shown on previous CIPs. Why was this removed and should it be on this Plan? Mr. O'Connor said he would also like to know the current bond rate.

Ms. Hickey said currently, 10 year bonds are available at 1.25% and 20 year bonds are available between 2.5 to 2.9%. Mr. O'Connor asked if the water system expansion should be a joint project to include sewer expansion at the same time. Mr. MacEachern said there would be a separate sewer bond for any sewer expansion project. The wastewater is expanded based upon lagoon capacity and is different from water expansion.

Mr. O'Connor inquired with regard to the items noted for the Derry Public Library. An RFP for the master audit of the building was just published. Should they wait for those results before putting items into the CIP? Is it critical to do this now? Ms. Hickey explained the building study will take place in the spring which will provide good numbers for the project. The funding will likely come from the Public Works Capital Reserve Fund rather than library funds.

Mr. O'Connor had a public safety concern. He felt solar powered signals would be a good measure to protect pedestrians in the downtown and would like that considered.

Mr. Flattes asked if the ambulance noted on page 3 under the Fire Department requests was the same ambulance that was approved by the Council recently. Ms. Hickey said it was. The number will be removed from the CIP in the next draft; the preliminary CIP had been prepared prior to the Town Council vote on that item. Mr. Flattes asked how many Engines does the town have. Ms. Hickey will confirm the number and have it for the next meeting. Mr. Flattes noted on page 7, there is a request from DPW to purchase a new F550 truck. Will a dump body be added to that? Ms. Hickey said she would get that information as well for the next meeting. Mr. Flattes noted in Fiscal 2018, there is a figure of one dollar for the purchase of a fire station. Can a more realistic dollar figure be placed in the CIP for 2017 so the town can begin the process? Ms. Hickey asked if he was asking the town to get an estimate for a new fire station. He is.

Mr. MacEachern explained the dollar is just a placeholder. He thanked staff; he thought they did a good job on preparing the CIP. He recalled when they were preparing the Growth Management Ordinance, he had suggested keeping the bonded indebtedness at a consistent level so the impact to the taxpayers is zero. Prior to the implementation of the GMO the bonded indebtedness went up and down. It is good to see things they implemented as part of the GMO are still part of the process.

Planning Board Appointments

Mr. Sioras advised the terms of several members will expire at the end of March: Mr. Granese, Mr. MacEachern, Ms. Davison and a vacant alternate position. If the current members would like to be reappointed, they should contact Sheila Bodenrader. Town Council will take up appointments at their first meeting in April. Mr. O'Connor noted there is another vacant alternate position with a term that expires in 2018.

Other

Mr. Sioras commented there will not be a meeting on March 2nd. The next meeting is scheduled for March 16, 2016.

Indian Hill Estates – Request to amend condition of approval

Mr. Sioras explained about ten years ago, Indian Hill Estates, a 55 and older development, was approved by the Planning Board with a note regarding the residential sprinkler system requirement. A new developer has purchased the remainder of the project and would like to install a 10,000 gallon cistern for fire protection. The Board has a letter from Joe Wichert requesting the change to the plan. Jon Rokeh is present this evening to answer any questions for the Board. Captain Jackson of the Derry Fire Department has provided his comments with regard to the cistern plan.

Mr. MacEachern asked where will the cistern be located. Mr. Rokeh explained the intent is to place the cistern at the end of the cul de sac. In that location it provides a 1000 foot radius to the remaining units. Mr. MacEachern confirmed the units closest to Goodhue Road have residential sprinkler systems. Is there a reason the cistern cannot be located in the open area after the first two buildings? Mr. Rokeh advised there is a lot of ledge in that open area. The area at the end of the cul de sac is a fill situation. Mr. O'Connor said if approved, he would like to add a condition that the comments in the February 6, 2016 Technical Review meeting be addressed.

Mr. L'Heureux said the TRC discussed the plan with the developer and he was receptive to adding more detailed information relative to the design. More information with regard to the wall that surrounds and stabilizes the cistern is required. The town wants to ensure that the requests made during the TRC to finalize the design are addressed. Mr. O'Connor confirmed that the 1000 foot distance will cover the buildings that are not yet constructed.

Ms. Ijtsma confirmed the first three buildings have residential sprinkler systems. Mr. Rokeh explained the remaining ten units to be built would utilize the cistern for fire protection. Although a cistern is more costly than individual sprinkler systems, in the long run, a cistern servicing 10 buildings will be a bit more cost effective for the developer.

Motion by MacEachern, that after discussion of the request to modify Note 15 on the site plan for Indian Hill Estates, originally approved on October 04, 2006, the Board has determined the proposed change to the condition to be non-substantive and does not require a public hearing. The condition to be changed is related to the form of fire protection. The Board moves to approve an amendment to Note 15 on the plan recorded at RCRD as D-34544, to allow a change from residential sprinkler systems to a 10,000 gallon cistern as the form of fire protection for the remaining ten duplexes to be constructed. The approval is conditioned upon the applicant providing additional details to the plan as described in the notes of the February 6, 2016 Technical Review Committee meeting. Bartkiewicz seconded the motion.

Ijtsma, Flattes, Osborne, MacEachern, Davison, Bartkiewicz and O'Connor voted in favor and the motion passed.

Public Hearing

Crystal Realty

PID 32030, 23 Crystal Avenue

Acceptance/Review, Site Plan, Phase I

Site cleanup and installation of erosion control

Mr. Sioras provided the following staff report. The purpose of the plan is to begin Phase 1 of the Crystal Place project. It will include general site cleanup, removal of invasive plants, permitted wetland work, tree clearing, gravel replacement, loam and seed, and erosion control measures. There will be no new buildings or pavement at this time. The property is a partially vacant lot

located in the General Commercial zoning district between Sal's Pizza and Moo's Ice Cream on the east side of Crystal Avenue. All town departments have reviewed and signed the plan. There are no waiver requests. Staff would recommend approval of the site plan, Phase I.

Karl Dubay, of The Dubay Group, presented for the applicant. The parcel is a 5 ½ acre lot located on Crystal Avenue. They have obtained a wetland permit and would like to clean up the site. Phase 1 is the performance of work associated with the wetland permit that was issued three to four years ago. The existing building, gravels, and the church parking lot will remain. They have been working with real estate brokers and the landowner on marketing the property. They would like to clean up the site, remove the invasive species, clear up the rear of the site, and maintain the 40 foot residential buffer. They will reestablish the gravels that were there. They will reshape and loam and seed. They will also clean up the wetland line. They are not proposing new pavement or a new building at this time. They would like to clean up the site and get it ready for commercial development.

Motion by MacEachern to open the public hearing, seconded by Osborne. The motion passed with all in favor and the floor was open to the public.

Lori Van Curen, 8 Lenox Road, confirmed there are no buildings to be approved on the site at this time. The Board members advised as an abutter, she would be notified of any further development of the site during site plan review.

There was no further public comment.

Motion by MacEachern, seconded by Bartkiewicz to close the public hearing. The motion passed with all in favor and review of the application returned to the Board.

Mr. Flattes asked with regard to the invasive plants on site. What is on site and how will it be mitigated so that the plants do not become airborne? Mr. Dubay said most of the plants are along the edge and into the wetland between the bike path and this site. The plants are bittersweet, and knotweed which are classified as invasive. Derry is overrun with these plants; the Conservation Commission is aware of the problem. The wetland permit requires the removal of the invasive species. They have been working with Gove Environmental to determine the best method of ridding the site of the invasive species. They don't want to cut it and have it re-seed. They will work with staff and the Conservation Commission to determine the best method. He does not have an answer at this point. Mr. Dubay said the removal is required by the wetland permit and it will be the most difficult part of Phase I. They will have to manually cut the plants and clear them from the area. They can't use pesticides; it will need to be contained and buried somehow, but not on this site. Mr. Flattes noted the roots on these types of plants can be very deep and that there should be a plan to mitigate them. Mr. O'Connor advised UNH Cooperative Extension has experts in the field on staff who have information on how remove invasives and to keep these types of plants from pollinating. He suggested reaching out to the Extension. Mr. Dubay said he would do so; this is a learning experience for them as well. Mr. Flattes said he would like to see a condition added to any approval that there is a solid mitigation plan. Mr. Dubay said the Conservation Commission did sign off on the Phase I plan. The same issue came

up during their discussions and they are intending to coordinate with staff and the Conservation Commission.

Ms. Van Curen wanted to remind the Board this property abuts the school playground. Can the children use the playground while they are removing the invasive species? Mr. O'Connor said the school Principal could be notified when they begin to remove the invasives.

Motion by MacEachern, seconded by Bartkiewicz to accept jurisdiction of the site plan for Phase I of Crystal Place before the Board for Crystal Realty, PID 32030, 23 Crystal Avenue.

Ijtsma, Flattes, Osborne, MacEachern, Davison, Bartkiewicz, and O'Connor voted in favor and the motion passed.

Motion by MacEachern to approve, pursuant to RSA 676:4, III, Expedited Review, with the following conditions: subject to owner's signature, subject to on site inspection by the town's engineer, establish appropriate escrow as required to complete the project, add note to the plan "The Dubai Group, Inc., has confirmed with the NHDES Wetlands Bureau that the Project Specific Condition one (1) on Wetlands Permit #2012-01210 revises the plan reference from 11/2/11 (last revised 8/29/12) to these revised plans dated (9/24/15)"; conditions precedent shall be met within 6 months; provide feedback to staff regarding invasive species treatment and the timing for removal of the invasive species to the abutters. Bartkiewicz seconded the motion.

Ijtsma, Flattes, Osborne, MacEachern, Davison, Bartkiewicz, and O'Connor voted in favor and the motion passed.

BR-10, LLC

PID 04048, 1 Bartlett Road

Acceptance/Review, 11 lot subdivision

Resubmission of expired plan

Mr. Sioras provided the following staff report. The purpose of this plan is for an 11 lot subdivision plan located in the Low Density Residential District which has a three acre minimum requirement. This plan was previously approved by the Planning Board in June, 2015. That approval has expired and the applicant is resubmitting the plan. All town departments have reviewed and signed the plan. There are waiver requests and they are outlined in the memorandum dated January 28, 2016 from The Dubai Group and include waivers from the following sections of the LDCR: 170-26.A.17, Slopes; 170-26.C.4, Roadway Grades, and 170-29.J, Storm Drains. A Conditional Use Permit required under the Zoning Ordinance Section 165-80.B.2.a is also requested to allow roadway construction in poorly and very poorly drained soils. NHDES State subdivision and wetlands bureau permits have been obtained and copies of the permits are in the file. Staff would recommend approval of the waiver requests, conditional use permit and subdivision plan. The Board approved the waivers and conditional use permit last time this plan was before the Board and approved the subdivision plan as well. Mr. Sioras said he would support seeing this plan move forward.

Paul Carideo of The Dubay Group presented for the applicant. He advised the Board previously approved this plan in June of 2015. The applicant has been trying to get escrow in place. The abutting property had an old lien on it. This property had a lot line adjustment with the abutting property and the lien against the previous owner was transferred to this parcel. The lien was discovered during the title search and they had to go to court to remove the lien. In late December, they finally got part of the paper work. They are hoping to have the remainder of the escrow paperwork within a few days. The owner wants to move forward now that all of the legal issues are behind him.

Mr. Carideo said there have been no changes to the plan since June. They added the access to the abutting lot to the plan. They met all of the other prior conditions, other than the establishment of escrow. They do not anticipate requesting an extension or submitting for a new approval in the future.

Motion by MacEachern to open the public hearing, seconded by Bartkiewicz. The motion passed with all in favor and the floor was open to the public.

There was no public comment.

Motion by MacEachern to close the public hearing, seconded by Bartkiewicz. The motion passed with all in favor and review of the application returned to the Board.

Mr. MacEachern said he hoped this was the last time the Board saw this plan. This is the fourth time it has been before the Board. He is glad to see this moving forward.

Motion by MacEachern to accept jurisdiction of the subdivision application before the Board for BR-10, LLC, PID 04084, 1 Bartlett Road, seconded by Bartkiewicz.

Ijtsma, Flattes, Osborne, MacEachern, Davison, Bartkiewicz and O'Connor voted in favor and the motion passed.

Motion by MacEachern, seconded by Bartkiewicz, pursuant to the Town of Derry Zoning Ordinance, Section 165-80.B.2.a, a Conditional Use Permit is granted to allow disruption for the purpose of the proposed 11 lot subdivision of 1 Bartlett Road, of an area of poorly drained or very poorly drained soils, other than prime wetlands. After review of the proposal, the Board finds that:

1. The proposed construction is essential to the productive use of land not within the Wetlands Conservation District;
2. Design and construction methods will be such as to minimize detrimental impact upon the wetland, and the site will be restored as nearly as possible to its original condition;
3. No alternative which does not cross a wetland, or has less detrimental impact in the wetland, is feasible;
4. Economic advantage alone is not reason for the proposed construction.

Ijtsma, Flattes, Osborne, MacEachern, Davison, Bartkiewicz and O'Connor voted in favor and the motion passed.

Motion by MacEachern, seconded by Bartkiewicz to grant waivers from the following sections of the LDCR:

LDCR 170-26.C (4), Table of Geometric Roadway Design Standards, to allow a 365' section of the proposed roadway, Steele Road, to be constructed at a grade of 8% rather than the 6% maximum grade required by the regulation as after review of the waiver request the Board finds that specific circumstances relative to the plan, or conditions of the land in such plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

LDCR 170-26.A (17), Streets, to allow a 2:1 slope along sections of the roadway embankment as shown on the plan presented this evening, where the regulation requires a 4:1 slope for the full length of the embankment as after review of the waiver request the Board finds that specific circumstances relative to the plan, or conditions of the land in such plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

LDCR Section 170-29.J to allow less than 3 feet of cover over the culvert pipe as after review of the waiver request the Board finds that specific circumstances relative to the plan, or conditions of the land in such plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Ijtsma, Flattes, Osborne, MacEachern, Davison, Bartkiewicz and O'Connor voted in favor and the motion passed.

Motion by MacEachern, seconded by Bartkiewicz to grant conditional approval of the subdivision plan pursuant to RSA 676:4, I, Completed Application, subject to the following conditions: subject to owners signature, subject to onsite inspection by the Town's Engineer, establish escrow for the setting of bounds or certify the bounds have been set, establish appropriate escrow as required to complete the project, obtain written approval from the IT Director that the GIS disk is received, is operable, and complies with LDCR Section 170-24; testing, post construction, of the dug well located at 3 Bartlett Road, that the above conditions be met within six months; a \$25.00 check, payable to the Rockingham County Registry of Deeds should be submitted with the mylar in accordance with the LCHIP requirement and submission of the appropriate recording fees, payable to the Town of Derry. Discussion followed.

Mr. O'Connor confirmed the curb cut for the neighbor is on the plan.

Ijtsma, Flattes, Osborne, MacEachern, Davison, Bartkiewicz and O'Connor voted in favor and the motion passed.

Motion by MacEachern, seconded by Flattes to adjourn the regular meeting and to enter a workshop. The motion passed with all in favor.

The Planning Board took a five minute break.

Workshop #3: To discuss potential zoning changes in the area of Lenox Road. MHDR to GC

Mr. Sioras provided the following overview. There had been an initial request by the property owners of parcels 32033 and 32034 (4 & 8 Lenox) to rezone their properties from Medium High Density Residential (MHDR) to General Commercial (GC). The abutters were notified and additional letters were sent to the owners of the five properties that are now under consideration. The Planning Department has had some conversation with affected property owners and abutters. The question now is should the proposed change be limited to the north side; and if so, should it just be the two parcels owned by Snell and Van Curen, or all five properties?

Mr. O'Connor recalled at the last workshop, the Board determined it would be best to remove the two properties near Walgreens from the proposed zone change. Mr. MacEachern noted the Board received the request from the first two property owners and he is glad to see the other three properties on that side of the road were contacted. If those residents are present and agree to the change, he would agree it was okay to move forward with the five properties; otherwise, it could stay with just the two.

Michael Hubbard spoke on behalf of the owner of Parcel 32035, 10 Lenox Road. He is in the process of purchasing the home and is two weeks away from the closing. He advised he has read the minutes of the past workshops and the Board has done a good job. When he reviewed the minutes and saw there was a potential for this property to change to General Commercial, he did not feel it would be a good change because it will negatively impact 32035, 32036 and 32037. For Parcels 32034 and 32033, the change would be beneficial, especially if Sal's or another commercial entity purchases the lots. In the event those two properties change to a commercial use, a commercial entity would then abut 10 Lenox Road and it would decrease the value of the property – even if screened by a landscaped buffer. The whole area has condensed property values as compared to other areas of Derry, and the change would not help Parcels 32035, 32036, 32037, 32121 or 32120. If the lots change to General Commercial, they will lose their ability expand the residential use. If he wanted to add onto 10 Lenox, he is limited in what he can do. Mr. O'Connor explained the residential use would be grandfathered. He also wanted to be sure Mr. Hubbard was aware of the plans for Parcel 32030, 23 Crystal Avenue. Mr. Hubbard said he was aware and is okay with the development of that lot because there will be a good buffer between that parcel and 10 Lenox. He wanted to voice his opinion on the proposed zoning change because if anything ever materialized on Parcel 32033 or 32034, it will impact 10 Lenox. The proposed changes expand commercial content into a neighborhood that is already congested. People do not want to purchase property next to a commercial use. Today, he has equity in the property. The minute a commercial use abuts the lot, he loses about \$50,000.00 in equity.

Ms. Ijtsma asked Mr. Hubbard what attracted him to 10 Lenox Road; was there something special about the house or location. Mr. Hubbard said he knows the owner and may want to live there. Regardless, the value will be impacted. The commercial content increases but the residential content decreases from a value standpoint.

Mr. Osborne said it looked like even without the change in zoning, 10 Lenox Road abuts 23 Crystal Avenue and the General Commercial zone. Isn't 10 Lenox already feeling the effect of being adjacent to General Commercial? Mr. Hubbard said no, because there is a significant buffer in that area, based on the plan presented today. There is no entrance onto Lenox from 23 Crystal Avenue, so Parcel 32030 will not have an impact.

Mr. O'Connor advised the site plan for 23 Crystal Avenue has not been approved by the Board; it is possible there may only be a 20 foot buffer. Mr. Hubbard said that would be a topic for another day.

Mr. Osborne confirmed with Mr. Hubbard that the \$50,000.00 figure was hypothetical. How did Mr. Hubbard know it would be a substantial decrease? Mr. Hubbard said he has been in the real estate business for over 20 years. It is a pretty well known fact that if 10 Lenox Road was picked up and moved to a cul de sac neighborhood, it would be more valuable to the marketplace. If it is moved next to a commercial use, the value does not increase. The lots on Lenox are not big enough to do anything with, so it does not increase the commercial value for the lots other than Parcels 32033 and 32034. There will be an impact on the other lots if 32033 and 32034 are changed. Mr. Osborne said he understood the difference between being in an area that was in close proximity to General Commercial, and abutting GC. If one has residential property near or in close proximity to GC, he would think that there would be a leveling off of the effect of GC on those lots. The culture of the neighborhood might be affected by being in close proximity to a General Commercial zone by sight, smell and sound. Is there a substantial affect?

Ms. Ijtsma wondered if it had a negative effect. Londonderry is proposing mixed commercial and residential. It may all be preference. These homes have the unique opportunity to walk the kids to school and walk for an ice cream. Eliminating or creating larger buffers may not work for all people. She understands Mr. Hubbard's hesitation but does not necessarily agree.

Mr. Hubbard said he was not asking for a larger buffer, but to have the lot left alone. This is a densely populated area and he believes changing all five lots would take away from the neighborhood feel. Mr. Flattes asked how large is 10 Lenox? It is .41 acres. Mr. Flattes said he could understand and appreciate the concern with the proximity to the GC zone. Ms. Ijtsma asked if it would make a difference if Mr. Hubbard knew what was going to be developed on 23 Crystal Avenue. Mr. Hubbard said that would be progress and that parcel is zoned that way now. He is talking about a change to a parcel that is not already zone that way. This is a residential neighborhood the Board wants to chop up.

Jason Lampros, 14 Lenox Road, said he did not see a benefit to his lot to change it to General Commercial. Can his lot stay residential? Mr. MacEachern said this is why they are here this

evening; the Board wants the comments from the residents. Mr. Lampros said he can see the benefit to the other lots, but he would rather stay residential.

Lori Van Curen, 8 Lenox Road, understood Mr. Hubbard's concern but felt it was moot. Walgreens took out a house to develop its lot. She likes where she lives; it is very walkable and a good location for a family. She would like the chance to change it to commercial. The Snell property is surrounded on all three sides by commercial uses; a portion of the Snell land is in the commercial zone. Technically, that makes her lot surrounded on three sides by commercial property. The traffic from Walgreens shines into her windows; it does not make her life easier, especially with trash pickup and lawn care during the very early morning hours. She would like the chance to do something with her property. Mr. Osborne commented what Ms. Van Curen just said brought to life what he was saying because being near a business has a certain effect on a neighborhood. Ms. Van Curen said this is a changing neighborhood.

Elizabeth McCall, 7 Lenox Road, lives across the street from Ms. Van Curen and is immediately adjacent to Walgreens. She would prefer the lots to be residential. She has lived here for 44 years and this has always been a very residential neighborhood. Her concern when she first heard about the proposed change was if the land across the street from her becomes commercial, she does not want a through way from Walgreens across Lenox Road to Ms. Van Curen's lot to access 23 Crystal Avenue. She does not want to see an entrance across from her. There is a crossing guard at Crystal/Lenox and one at Grinnell. Right now, people are careful of the children walking to school on Lenox as they come out of their driveways. If an exit goes onto Ms. Van Curen's property, that is a concern; people may not be as mindful. Mr. O'Connor said if the land across the street from Mrs. McCall is changed to commercial and is sold, a site plan would be presented to the Board and the abutters would be notified so that they can come to the hearing and discuss their concerns. The concerns would be taken into consideration. Mrs. McCall asked if plans are available yet for the development next to Moo's. Mr. Sioras said staff has seen a conceptual plan that shows an L shaped retail strip on the Moo's side of the property with a sit down restaurant to the left of Sal's. The exit and entrance are planned to be on Crystal Avenue, not Lenox Road. Improvements would be made to Crystal Avenue such as continuing the center turn lane from Moo's to the Church. There is no plan right now to have an exit onto Lenox. If Sal's wanted to expand to the next two properties, there might be something, but no one knows what will happen in the future. Mrs. McCall confirmed the Phase I plan that was before the Board tonight did not include the potential buildings. Mr. Sioras noted the land could get sold in the future to a different developer who could come in with a very different plan and concept.

Mr. O'Connor reviewed the choices before the Board this evening. They can change the five lots from MHDR to GC, change only 32033 and 32034 to GC, or the Board can take no action.

Ms. Ijtsma asked if anyone else felt it would make a big difference in the decision tonight to know what exactly was planned for 23 Crystal Avenue. Mr. O'Connor said there is no site plan information yet. Mr. Sioras said he has been told the developer would like to come before the Board in the spring, but there are no specific tenants signed. The developer needs to market the

site. Mr. O'Connor recalled the Board made a similar change behind Blue Seal. The Board tries to meet everyone's needs as much as possible.

Mr. Sioras suggested the Board make a motion as to what they would like to do. If they elect to move forward with change to the zone, then at the next meeting, a date will be provided to schedule the public hearing. Once the Planning Board holds its public hearing, if the Board agrees to the change, it moves forward to Town Council for their review and they hold their own public hearing.

Motion by MacEachern to change Parcels 32033 and 32034 from MHDR to GC, seconded by Bartkiewicz.

Ijtsma and Flattes voted no; Davison, Osborne, MacEachern, Bartkiewicz and O'Connor voted in favor and the motion passed.

Mr. Sioras said they will place this item on the next agenda so that the Board can schedule a public hearing in April.

Mr. MacEachern explained the process to those present. The Board will schedule a public hearing, hold a public hearing, vote up or down on the change, and then move the matter to Town Council for their process which also includes a public hearing. It is likely there will not be a final decision on the proposed changes until the end of June. Abutters will be notified as this proposed change affects less than 100 properties.

There was no further business before the Board.

The workshop stood adjourned at 8:39 p.m.

Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____