

The Planning Board for the Town of Derry held a public meeting on Wednesday, April 18, 2018 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: David Granese, Chairman; John O'Connor, Vice-Chairman, Lori Davison, Secretary; Brian Chirichiello, Town Council Representative; Frank Bartkiewicz, Jim MacEachern, Mark Connors (7:10 p.m.), Members; Elizabeth Carver (7:01 p.m.), Alternate

Absent: Randy Chase, Maya Levin

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

Mr. Granese called the meeting to order at 7:00 p.m. The meeting began with a salute to the flag. Mr. Granese then noted the emergency exits, the location of meeting materials, and introduced the Board members and staff.

Ms. Carver was seated for Ms. Levin

Escrow

#18-07

Project Name: Subdivision of Plan Map 9 Lot 139

Developer: Kevin Coyle

Escrow Account: Same

Escrow Type: Cash Escrow

Parcel ID/Location: 090139, 40 Old Chester Road

The request is to establish cash escrow in the amount of \$58,935.60 for the above noted project. This escrow is non-interest bearing.

Motion by MacEachern, seconded by Bartkiewicz to approve as presented. The motion passed with all in favor.

#18-08

Project Name: East Derry Store Restaurant

Developer: 50 E. Derry Store Con., Inc.

Escrow Account: Same

Escrow Type: Cash Escrow

Parcel ID/Location: 39033, 50 East Derry Road

The request is to establish cash escrow in the amount of \$38,659.68 for the above noted project. This escrow is non-interest bearing.

Motion by MacEachern, seconded by Bartkiewicz to approve as presented. The motion passed with all in favor.

Minutes

The Board reviewed the minutes of the April 04, 2018, meeting.

Motion by MacEachern, seconded by Bartkiewicz to approve the minutes of the April 04, 2018, meeting as amended. The motion passed with all in favor.

Correspondence

Ms. Davison acknowledged receipt of a letter from Mr. Bartkiewicz notifying Mr. Sioras he has resigned as a representative to the Southern New Hampshire Planning Commission. Mr. O'Connor thanked Mr. Bartkiewicz for his years of service and participation and noted he will be missed by the other Commissioners. Mr. Granese and Mr. Sioras also thanked Mr. Bartkiewicz. Mr. Sioras advised the Town Administrator has been notified of the resignation and there will be a call for volunteers to fill the position.

Other Business

Voluntary Merger, Puffin Realty Holdings, PID 08098 and 08099, 57 & 61 By-Pass 28

Mr. Sioras explained the two lots are ones the Board will see for the site plan scheduled later this evening. The two lots need to be combined on paper and approval of the merger is necessary for the site plan.

Motion by MacEachern, seconded by Bartkiewicz approve pursuant to RSA 674:39-a, a voluntary merger of PID 08098, 57 By-Pass 28 and PID 08099, 61 By Pass 28. Parcel 08098 will be retained, and Parcel 08099 will be deleted.

Carver, Chirichiello, O'Connor, MacEachern, Davison, Bartkiewicz and Granese voted in favor and the motion passed.

Review of Planning Board Policy & Procedures – Second Reading

Mr. Granese confirmed there had been no suggested changes to the Policy and Procedures. This is the second required reading of the document.

Motion by MacEachern, seconded by Bartkiewicz to accept the Planning Board Policy & Procedures with no changes.

Carver, Chirichiello, O'Connor, MacEachern, Davison, Bartkiewicz and Granese voted in favor and the motion passed.

Public Hearing

Eversource Energy

Scenic Road Public Hearing

To review a proposal for the trimming and removal of trees on English Range and Stark Roads

Mr. Sioras provided the following staff report. Per the state statutes, the Board is required to hold a public hearing when any trimming of trees, removal or relocation of stone walls, or tree removal occurs on a Scenic Road.

Rick Sullivan, Arborist for Eversource Energy presented. Mr. Sullivan advised he is before the Board this evening to seek approval to proceed with work on English Range and Stark Roads. The majority of what they will do is part of their scheduled maintenance of the roads which occurs every four years. He has provided a copy of the risk trees on each road; they have permission to remove several of the trees noted as 'to be removed'. On English Range Road, the bulk of the trees to be removed are Ash. There is an Ash epidemic. The Emerald Ash Borer has been an issue and accounts for a high percentage of their tree removals. On Stark Road, there is a new home being constructed at #15. To enable the company to provide power to the lot, they will need to remove a few trees. They will also trim trees to establish the necessary clearance around primary lines (done every four years) which is 8 feet to the sides, 15 feet overhead, and ten feet below the primary lines. They do obtain consent of the abutting property owner and will work with residents if they have concerns.

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

There was no public comment.

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

Mr. O'Connor confirmed the distances for tree trimming. Mr. Sullivan advised they trim a bit more for 3 phase power than they do for single phase; they try to maintain the ground/sky clearance.

Mr. Connors entered the meeting.

Mr. O'Connor asked if there was a lot of Emerald Ash Borer in Derry. Mr. Sullivan said they have seen extensive Ash decline in Derry. English Range Road has many affected trees. Some are from the Ash Yellow, but there are still plenty of healthy trees.

Mr. Granese believed trees were trimmed every four years, which helps alleviate power outages during storm conditions. Mr. Sullivan said they do; most homeowners are in favor of the trimming. If anyone has a problem, Eversource will work with them. They are there for reliability and safety.

Ms. Carver asked what happens to the Ash trees when there is known disease. Mr. Sullivan explained they don't transport the wood. Asplundh, their contractor, will chip the branches and leave the trunks on site. In many cases, the homeowner will use the logs for firewood. When wood needs to be transported, Asplundh will keep it within the town borders as it is illegal to transport Ash affected by the Emerald Ash Borer outside the county.

Motion by MacEachern to approve, pursuant to RSA 231:158, the trimming and removal of trees on English Range Road and Stark Road by Eversource Energy, per the proposed work area as outlined in the correspondence provided by Eversource, received by the Town on March 30, 2018.

Carver, Chirichiello, O'Connor, MacEachern, Davison, Bartkiewicz and Granese voted in favor and the motion passed.

Mr. Granese noted Mr. Connors was now seated.

**Maverick CDJR, Inc.
PID 08098 and 08099
57 and 61 By-Pass 28
Acceptance/Review, Site Plan
36,967 square foot automotive dealership**

Mr. Sioras provided the following staff report. The purpose of the plan is for an 36,967 square foot automotive dealership located in the General Commercial II district. All town departments have reviewed and signed the plan. There is a waiver request letter dated March 27, 2018 from Allen & Major Associates requesting relief from the parking requirements. They have applied for their state permits. Staff would recommend approval of the waiver and the site plan application.

Brian Jones of Allen & Major presented for the applicants. Also present was Dan Ray of Jewett Construction, the owner's representative. Tim Peloquin of Promised Land Survey is the surveyor of record and PRAXIS3 is the architect. Mr. Jones explained the applicant wishes to construct a 37,000 square foot automotive sales and service facility for Chrysler, Jeep, Dodge and Ram. The emphasis will be on Jeep products. On the building perspective, the Jeep brand is the darker portion of the building. There will also be a service bay entrance and a car wash.

The lots are located on By-Pass 28. To the right is Irving Gas and the Animal Hospital. Across the street is Linlew Drive. There are two parcels which will be merged as part of this process. After the merger, the lot will be 43 acres. The lots are located in the General Commercial II zone. There are currently two existing single-family residences on the lots. One is a white mobile home, the other is a brown modular home. With regard to topography, the land is high on the north side. At elevation 430, the land slopes to the back (south) side to elevation 390 along the property line. There is municipal water on the project side of the road. Sewer is available through a stub that was left on the Irving site. This project will connect to the sewer at Irving within the Town of Derry utility easement. There is a wetland to the rear that bisects the site. They met with the Conservation Commission with regard to the Dredge and Fill permit and held a site walk. After reviewing various options, the Commission agreed filling the fringe of the wetland was preferable to crossing the wetland; they applied for and received a variance to encroach on the wetland buffer. They have filed the Dredge and Fill permit with NH DES.

Mr. Jones showed a color facsimile of the site to orient the Board and public. A copy of his presentation is included in the file. The entrance to the south is the customer service entrance with the car wash to the right. The showrooms have individual entrances but are connected inside the building. The access drive can accommodate WB67 tractor trailers around the building. To the north side is a parking area for inventory parking only. Parking here will be tandem parking. Customers will not park in this area. There are 176 spaces on the exterior of the building; the interior can accommodate another 34 within the showroom, service bay or service bay drive aisle.

There is emphasis on screening along the north side of the lot which resulted from discussions with the neighbors. The parking lot is set down 8 feet from the abutter. There will be retaining walls on all sides of the site to accommodate the 40-foot grade change.

Mr. Jones provided a 3D perspective of the lot. The lot steps down 8 feet from the abutters to the north, with another step down of 8 feet to the building level, which will be the cut walls. The lot levels out on the main portion of the site and then falls again to the rear (southeast) which is where the fill walls will be located. With regard to grading and drainage, there will be a detention area with 60-inch HDPE pipe leading to the retention area. The stormwater collects at the low point, is stored and then is released to the wetland, as the water does now. They have an infiltration system which also has HDPE perforated pipe. This area recharges the groundwater and mitigates the runoff. The Town of Derry regulations require a new project match the rate and volume of the pre-construction flows. They are also required to provide water quality treatment. On the utility plan, they are showing the sewer connection at the Irving stub. Water is provided by an existing water line located on Rt. 28. All of the infrastructure they need for the project is available. Natural gas will come across Rt. 28. Lighting is shown on a photometric plan. They hit zero foot candles at the property lines and there is no spill over onto the abutters' properties. The lighting is dark sky compliant fixtures and LED lighting. There will be pole lights in the pavement area and there will also be lights mounted on the building. The Landscape plan shows the screening along the north side of the site. Most of the landscape is to the front where it will be visible; there is less to the rear of the site. The landscape architect used native and adaptive species.

The building floor plan shows the service bay and waiting area. There is a showroom to the front. Jeep has the largest area, with Chrysler, Dodge and Ram in the remainder. The second floor will have staff areas such as offices, break rooms and storage. Half of the upper floor will be open. Mr. Jones reviewed the branding on the building elevations.

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

Elise Kent, 30 Tsienneto Road, advised they own the abutting property to the rear. Her husband, William Kent, is unable to attend this evening but asked her to read his comments into the record. A copy of his comments were not provided for the record. He was concerned with the following:

- Water – they have a dug well that is fed by a brook that runs through their property. The project will disrupt the supply and condition of the watershed. The plan changes the location and quantity of the watershed. The project will decrease the quantity of water supplying their well.
- Environmental degradation
- Decreased rural character
- Habitat destruction
- Light pollution
- Noise pollution
- Increased traffic

Mrs. Kent also had a concern for increased traffic. There is an elementary school up the road to the north and Pinkerton Academy is to the south. There are frequent delays in front of her home when school starts and ends. She feels this project will add to the heavy traffic in the area and asked the Board to consider that in their deliberations.

Mr. Connors confirmed Mrs. Kent lives next to the Animal Hospital. Mr. Chirichiello confirmed the Kents have a dug well and it is not drilled. Mrs. Kent added the hole in the ground is about 7 feet by 10 feet.

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 plan returned to the Board.

Mr. Granese asked if Mr. Jones could review the materials and colors planned for the exterior of the new building.

Mr. Ray explained the building façade. The façade is consistent with what is seen with most automotive dealerships. The front of the building will have different materials than the rear. They will have aluminum composite and ACM panels in the front. The Jeep area will be a bit

different than the Chrysler/Ram/Dodge portion to separate out the two brands. The back of the building will have similar material; the building will be a muted gray, have insulated metal panels, faced with foam core panels.

Mr. Granese asked for the hours of operation for the service department. Mr. Ray said they have not yet set the exact hours of operation. He believed they would be open dawn to dusk. Mr. Granese was concerned with noise from the service department affecting the neighbors. Will there be impact guns and will the service bay doors be open during the summer months? Mr. Ray explained the service area will be an air-conditioned space so the doors will not be open at any time, especially during the summer months. They will not have late night shifts so will not be open until midnight. Mr. Granese asked if there will be any servicing of vehicles outside the building. Mr. Ray said there will not; all service will be inside. This is a modern service department. He can't imagine anyone would be hearing anything outside the service department. The tools are less noisy.

Mr. O'Connor asked with regard to lighting. He sees they added dark sky and LED lighting. He also noted the additional vegetation at the residential buffer. What type of trees are in that buffer? Mr. Jones said they will have deciduous trees – red maple, sugar maple, birch, and oak. There will also be evergreens – Fraser Fir, Service Berry, crabapple, and emerald arborvitae. Mr. O'Connor was pleased there would be arborvitae as they make a good year-round border. With regard to the car wash, who will use it, and will they recycle the material? How will they dispose of the water – is it to the sewer system? It is connected to the sanitary sewer system. Mr. Ray explained it will be a reclaimed system. There will be chambers with treatment below the car wash slab. The car wash will not be open to the general public, just to the customers of the dealership.

Mr. O'Connor noted the Conservation Commission held a site walk. Can the applicant address the concerns of the Kents with regard to stormwater mitigation, run off etc., and how it might affect the well? Mr. Jones said they did meet with the Conservation Commission two times and had a site walk. They walked all of the wetlands. The Wetland Scientist flagged the wetlands and prepared a summary of the wetland. Both the Scientist and the Conservation Commission agreed there was nothing particularly remarkable about this wetland. There is no defined stream channel; there is standing water in some places. Even though the wetland is more than an acre in size, during some parts of the year, it is not wet at all. That is why the Commission is comfortable with filling in the fringe of the wetland. Originally, the applicant planned to cross the wetland to access more parking for the site. The Conservation Commission felt there would be less of an impact if they altered the fringe of the wetland. The Alteration of Terrain permit is pending from the state, but they expect to receive the permit shortly. The state did review the stormwater management system, the TRC reviewed it, and the third-party review engineer hired by the town has reviewed and vetted the stormwater plan. They comply with the Town of Derry and state requirements; they meet or exceed the requirements. They are doing what the Town of Derry requirements call for – they mimic what is occurring today. They are not increasing or decreasing the amount of runoff from the site over what occurs today and they are also treating the runoff to a high level. There is a pre-treatment area that settles the suspended solids, and a special media below the infiltration system that is required by the state. There are a number of safeguards built into the infiltration system. For detention, the state requires a filter for the final

discharge. It is not a catch basin that goes to the wetland. It is a water quality device that goes to a detention system, that goes to a stormwater filter, which then leads to the wetland.

Mr. Granese had another question about the car wash. Is this an automatic wash or hand wash? It is an automatic wash. There will also be a wet/dry stall in the service department. The car wash is used when a customer brings in a car for service, or when they are prepping a new car for delivery. The customers of the dealership may also use the car wash. Mr. Ray stressed the car wash is not for the public, and he is not sure of the cost for the service. He is also not aware of any plans for autobody work to be offered as a service at this time.

Mr. Connors asked about the outlet to the wetland. Mr. Jones said it is twenty feet away from the wetland. There is considerable distance between the abutting well and the lot line. Mrs. Kent stated her dug well is closer to Tsienneto Road. There is a stream that runs in the back of the property and it runs within 5 feet of the applicant's property line. The dug well is their only source for water. Mr. Jones said it is about 500 feet from the rear corner to the Kent's home and driveway.

Mr. Connors asked with regard to the proposed fencing. It appears there is a four-foot fence on top of the retaining wall. Is this for safety or security? Mr. Jones said there are two different types of fencing on the plan. There is guardrail to the front and there is decorative steel fencing and vinyl coated fencing. They are in place for fall protection.

Mr. MacEachern noted the lighting is directed down onto the property. He wants to make sure the neighbors to the north are not affected by the lighting. Mr. Jones directed the Board's attention to the photometrics plan. The foot candles are zero at the property line. The lights are an LED array so are fully directional. The parking area is depressed by 8 feet, and there is also vegetative screening neither of which were accounted for in the photometric plan. They don't want the abutters to see the lights or light poles; it may be a filtered view. They wanted to fully protect the abutter.

Mr. MacEachern asked about the stream to the back. Is this the stream that goes to Barkland Acres? Mr. L'Heureux said that is a different watershed. This watershed goes to a low spot on Tsienneto Road and heads toward the Pinkerton Academy parking lot.

Mr. MacEachern asked if the NH DOT curb cut had been received. It has not. Mr. Jones explained the application is still being reviewed. They hope to have it within the next two weeks. Mr. MacEachern did not believe this project would add that much extra traffic to the area. It does not generate the same kind of traffic as a restaurant and will be similar to Betley's traffic volume. This area is starting to be compressed. There is already a lot of traffic at the Irving station and a lot of traffic comes in and out of Linlew Drive. Exiting Linlew Drive to the right is easy, but it is difficult to take a left. Linlew is directly across from the proposed entrance to this site. Is there any potential for a blinking red or yellow light at this intersection? By 2022, Exit 4A will open up and will dump traffic into the light at the Post Office. The intersection will be widened. What effect will this project have on the intersection? Mr. Sioras reported staff (Mr. Sioras, Capt. Feole, Mr. Fowler) and representatives for this project met with NH DOT to review the curb cut location last fall. NH DOT recommended a turn lane and the curb cut in this

location. The same questions raised by the Board were brought up at this meeting. There will be improvements at this intersection at some point, reconfiguring the lanes in front of the Post Office and Betley Chevrolet. He noted a car dealership has different traffic peak hours than the surrounding uses. He does understand the Kent's concerns. The peaks for this business will not be the same peaks as for the traffic at Pinkerton. A traffic light will be installed later this year at the intersection of Scobie Pond and English Range Road, which will be a huge safety improvement. This will break some of the traffic flow. The state wanted a curb cut in the proposed location. There may be a turn lane added at some later date from Linlew to the Post Office.

Mr. O'Connor reported the state met with the NH DOT Commissioner and he saw the applicant used the Exit 4A information in their traffic study. Based on the information he has seen, the traffic on Linlew will lessen when Exit 4A is completed and channels the traffic to Tsienneto.

Mr. MacEachern inquired about illuminated street signage. Mr. Jones advised there will be two pylon signs, one will be a Jeep totem. A sign package is included in the member's material. Mr. MacEachern was concerned about the illumination from the lights and how they will affect the apartments on Linlew. What will be the lumens from the lights? Mr. Jones said the pylons will be perpendicular to the road, so the light will be more to the north and south. The lumens for those lights are not noted in the lighting plan. Mr. Ray believed the signs would be more like the sign at Bonnevile in Manchester. Mr. Granese acknowledged those lights are not that bright and the Irving sign might be brighter; the lights will be on all night in those signs. Only the lettering will be lighted. Mr. MacEachern was more concerned with illumination east and west. Mr. Ray confirmed the intent is to illuminate the letters on the sign, not the site with the pylon.

Mr. L'Heureux advised there had been several revisions to the plan by the design engineer. The utilities are well laid out and there are well drained soils on site. The site is conducive to what they want to do here with regard to recharge of the ground water. This is a well laid out plan. Mr. Connors asked if there would be any fueling of vehicles on site or waste oil storage. There will not be gas tanks on site. Mr. Ray explained there will be waste oil storage in the service department, above on the mezzanine in double walled containment. This will be within the footprint of the building.

Ms. Carver asked with regard to the building façade. There is a lot of glass along the front of the building. The building is south/west facing. Was any consideration given for passive solar? Mr. Ray said they thought about it. There will be treatment systems so that people are not getting too hot in the summer; there will be gains in the winter. They may install sunshades inside to control the heat in the summer; they would be manual shades. Ms. Carver asked what initiated the design change near the wetland. Mr. Jones explained originally, the applicant wanted to access the upland to the rear for additional parking; the Conservation Commission asked that the parking all be kept on one side.

Ms. Davison noted the express service lane. How will that work? Mr. Ray said there are automatic doors that open with the flow of traffic. Customers will not be beeping horns outside to get the doors to open. There will not be a long queue of vehicles. They designed the service

drive so that it was longer than normal. They want the customers to come in and not be in the parking lot.

Mr. Granese noted most dealerships close around 7 pm. Mr. Ray said they are not planning a third shift for service. Mr. MacEachern asked if the applicant would be opposed to setting hours such as Monday through Saturday, close by 9 pm; and closed by 7 pm on Sunday. Mr. Ray said he would be opposed to that as he would not want to limit business opportunities in the future. Mr. Sioras suggested the applicant come back and address the hours of operation as a condition of approval so that the Board can move forward. Mr. Connors noted the Irving station is open 24 hours a day; Mr. MacEachern believed Betley closes between 7 to 9 pm; they should be consistent in the market.

Motion by MacEachern, seconded by Bartkiewicz to accept jurisdiction of the site plan application before the Board for Maverick Auto Group (CDJR, Inc.) PID 08098 and 08099, 57 and 61 By-Pass 28.

Carver, Chirichiello, O'Connor, MacEachern, Davison, Connors, Bartkiewicz, and Granese voted in favor and the motion passed.

Motion by MacEachern, seconded by Bartkiewicz to grant a waiver from LDCR Section 170-63.B.7, Landscape Islands Between Groups of 20 Parking Spaces, as after review of the request, the Board finds that strict conformity to the regulation would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations.

Chirichiello, O'Connor, MacEachern, Davison, Connors, Bartkiewicz and Granese voted in favor; Carver abstained as she was not certain what she was voting for. The motion passed.

Motion by MacEachern, seconded by Bartkiewicz to approve, pursuant to RSA 676:4, I, Completed Application, with the following conditions: comply with the Keach Nordstorm report contained within and any subsequent reports; subject to owner's signature; subject to onsite inspection by the Town's Engineer; 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 170-24/170-61; add the Conservation Commission's invasive note to the plan such that "No material containing any living or viable portion of plants on the New Hampshire prohibited invasive species list (AGR3800 Table 3800.1) shall be transported to or from the construction site without notification and approval from the NH Department of Agriculture per RSA 430:55"; note approved waiver on the plan; subject to receipt of federal or state permits relating to the project (AoT, NH DOT Driveway, DES Dredge & Fill); utility easement to be recorded and the plan number noted on the site plan; approval includes acceptance of the architectural rendering as provided in this application; conditions precedent shall be met within 6 months; snow and ice removal shall be performed by a "Green Sno Pro" certified contractor following Best Management Practices for the application of de-icing materials; hours of operation shall be submitted to and agreed to by the Planning Office.

Carver voted no as she did not believe this type of use was needed in the town and because the applicant was filling in the fringe of the wetlands; Chirichiello, O'Connor, and MacEachern

voted yes; Davison voted no and had similar reservations about the wetland, concerns about the traffic even though this is a state road, it is crowded at Jeep dealerships and this is not the wisest place to locate it. Connors felt this project would be good for the tax base and have a minimal impact and voted yes; Bartkiewicz, and Granese voted yes. The motion passed.

29 Ashleigh Drive, LLC
PID 08280-006, 29-33 Ashleigh Drive
Acceptance/Review, Site Plan
10,750 square foot health services facility

Mr. Sioras provided the following staff report. The purpose of the plan is to construct a health care/detox facility that will be 10,755 square feet and two stories in size. All town departments have reviewed and signed the plan. There is a waiver request letter dated March 26, 2018, prepared by MHF Design Consultants requesting relief from the parking density requirement. The wetland permit is pending from the state. Staff would recommend approval of both the waiver and the site plan.

Chris Tymula of MHF Design Consultants and John Buro, representing the management team, presented on behalf of the applicant. Mr. Tymula provided the following overview. 29-33 Ashleigh Drive was subdivided off a few years ago when the lot was created for the self-storage facilities. The lot is a 2 ½ acre parcel with the power lines to the north and abuts the former 'Dumpster Depot' lot, the self-storage is on the east and south side and Ashleigh Drive is to the west. There is a wetland to the south and a small, shark shaped wetland in the middle of the lot. Gove Environmental delineated the wetlands and mapped the soils in 2017. The central wetland is 9100 square feet in size. This 2 ½ acre lot was used as a staging area while the self-storage facility was being constructed. The wetland is manmade, and was created by stockpiling activities that took place during construction of the self-storage facilities; it is not connected to the other wetlands. The NH DES Dredge and Fill permit is pending. Utilities are coming off Ashleigh Drive with water, sewer, and gas available. They will have underground electric. The intention is to construct a 2 story, 10,755 square foot health service facility. There is no dedicated definition for the use and they went to the ZBA for a variance in August of 2017 to allow the use in the Industrial IV zone. The variance was granted, and the following note has been placed on the plan, "A variance was granted by the Derry Zoning Board of Adjustment on August 17, 2017, for the construction and operation of a facility providing short term inpatient care to individuals who are in need of residential detoxification services related to prescription drugs, addiction and alcoholism and short-term stabilization."

The building is centrally located and has two access points which are full access curb cuts. There are 18 parking spaces to the front and 8 spaces on the east side. There is a dumpster enclosure. Per the zoning, they are required to have 54 spaces. Based on the use and need, they are showing 26 spaces and therefore are asking for a waiver from the requirement. There is a drop off area to the front. They are providing sidewalks and ADA parking spaces, circulation around the building, fire lanes, snow storage and meet all other site plan and zoning regulations. There will be a free-standing sign to the front of the lot. The building will be 123 feet from the rear of the site outside the wetland buffers.

Grading and drainage is similar to the self-storage site. They will have a closed drainage system, above ground infiltration, leading to a basin which discharges to the wetland. They are obtaining a drainage easement from the abutter which will be submitted to the town for review. They will fill in the 9100 square foot wetland. The only reason it qualifies as a wetland is because the identification standard for wetlands was changed three years ago. Construction on site will include a silt fence. There are some stock pile areas. This particular site by itself does not trigger the need for an AoT permit, but because the land area was included in the original AoT permit for the self-storage facility, they need to submit. The state has received the application and it is now under review.

Site lighting is shown on the photometric plan. There is minimal and reduced glare on abutting properties. There will be a sewer stub which will be used for sewer connection. There is a kitchen in the building which will be open 24 hours a day. They will utilize domestic and sanitary sewer service. Water comes off Ashleigh Drive for the fire protection and domestic service. They will stay outside the road for the utilities as Ashleigh Drive was recently paved.

The landscaping plan shows the interior green space. They are required to provide 421 square feet and are providing 1700 square feet of green space. There will be street trees on Ashleigh, as well as trees and shrubs on site. The building is planned to be two stories tall. There will be stone on the bottom, white trim, and the remainder will be a brown/tan color.

Mr. Granese had questions about the type of facility proposed. Mr. Buro said this is a short term residential detox facility. It is a secured facility. The average length of stay for their clients is three to seven days. The facility provides transportation for all of their clients. Mr. Buro explained clients can voluntarily leave the facility. There is a discharge procedure. They are there to be treated medically; if they do leave, the facility makes sure it is in the client's best interest from a medical and clinical perspective. The clients are transported out. The pre-screening process is done over the phone. In the other facilities he has operated, 95% or more of their clients are pre-screened. It would not be typical for someone to just walk up to the door and ask to be admitted. When clients are discharged they are transported by staff or their referral. Patients are not allowed to keep a car on premise. There is no outpatient treatment at this facility. Clients are admitted voluntarily; there is no reason for them to hop the fence near the patio. Mr. Bura advised there is a similar facility opening in Portland, Maine and he has opened several in Boca Raton. This is not a methadone clinic; those are outpatient facilities. Mr. Granese explained he is concerned as he is very familiar with the clinics near the Boston area because of his occupation. Some of the clinics are similar to this proposal where patients are there voluntarily and receive similar treatment. He sees what happens when they leave the facility on South Hampton in Boston. Mr. Buro said this is a different type of facility. It is an inpatient, medical facility. There will not be activity in the parking lot. 95% of the clients are transported and most, when they leave, go to another level of care, such as a rehabilitation facility.

Motion by MacEachern, seconded by O'Connor to open the public hearing. The motion passed with all in favor and the floor was open to the public.
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There was no public comment.

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

Mr. O'Connor commented residents stay three to seven days. Is there any affiliation with The Granite House in Derry? Mr. Buro said he knows Eric Spofford. They form a relationship with many organizations in the New England area for further treatment and outpatient care. Mr. O'Connor asked if people would be sent to this facility from the courts. Mr. Buro said he has worked with local law enforcement in the past and plans on forming relationships with the courts. Mr. O'Connor commended Mr. Buro for the work he is doing.

Mr. Connors asked with regard to the parking. In the documents provided, the applicant indicates there is a maximum staff of 14, but they are requesting a waiver to allow 26 spaces where 54 are required. Is this because of constraints from site design or because of the business? Mr. Tymula explained they had more parking to the rear of the building but they want to reduce the impervious area. They want just enough to cover parking for shift change. Mr. Connors asked if there will be visiting hours at this facility. Mr. Buro said the only visitors would be the people referring the clients. Patients were not allowed to have visitors; only people from outside agencies would be on site. Mr. Connors noted if the Board approves the waiver, and the building changes hands later and becomes a different use, there would not be enough parking. Mr. O'Connor said he was going to address that in the conditions of approval. Mr. Sioras explained in that instance, the plan would have to come back to the Board for review and discussion.

Ms. Davison asked if there is any follow up care and integration back into society for the patients. Mr. Buro explained the clinical team works well with the patients. 90-98% have a plan and go elsewhere right after treatment at this facility. They accept private pay, Medicaid, and insurance. 10-15% of their clients are admitted on scholarship.

Mr. Granese asked for an explanation of how patients are admitted; can the police or Parkland just send them over, do the patients have to agree? Mr. Buro advised they have to want treatment. If the patients are from Parkland, the patient would speak with the admissions team on the phone; this is a 15 to 20-minute assessment. Their driver, or someone from the behavioral health staff would pick up the patient and drive them to the facility in an unsecured vehicle. Mr. Granese asked when the patient no longer requires care, what happens. Mr. Buro said if no further treatment is necessary, the patient is taken to where they want to go. The staff will try clinical intervention but will let the patient go if that is what the patient wants. They do follow up with their alumni to see how they are doing. Mr. Granese asked if the patient would be dropped off in a place where there was known drug activity. Mr. Buro said he has not encountered that. If staff believed that was the case, they would target what they believe to be a safe place or a recovery community center in the area and bring them there.

Mr. Granese said there is a definite need for this type of facility. He just wants to make sure this is the right facility and type of treatment for Derry; the patients and the residents of the town need to be protected. Mr. Buro acknowledged these are valid concerns. This is an efficient,

highly organized facility and not like the outpatient centers Mr. Granese described in the Boston area.

Mr. Connors said this is a good thing for Derry. He is familiar with this type of facility. This is a medical detoxification facility which takes place before a patient goes to rehabilitation. This facility will likely serve some of Derry's residents. Mr. Granese agreed, but reiterated he wanted to make sure everyone is protected. The Police Department did ask about security, etc., during TRC. Any discussion about a medical facility, of any type, needs to address security. Mr. Connors believed most of the people utilizing this type of facility are looking to better their lives and he did not want the community to be concerned. Ms. Davison felt the Board had an obligation to think about ancillary crime that occurs as a result of the opioid epidemic. It is commendable people want to be treated here, but the Board needs to protect the residents from the ancillary crime. Mr. Connors did not believe this type of facility will attract that type of ancillary crime. Mr. Buro advised he has received no complaints, ever, from the residents near his Bocca Raton facility; he would imagine the town would encounter more crime in the cinema parking lot. Mr. Connors stated there are several sober living facilities and the Friendship Center in the heart of the town. This facility is somewhat removed, and he feels this is a good location for this facility.

Mr. MacEachern commented the ZBA granted the use variance as this use did not fall in the uses allowed in the Industrial IV zone. How did the applicant meet the variance criteria? Mr. Tymula explained there is no clear definition in the Ordinance for this exact type of facility. They were unsure whether it fell under Medical or Office. Based on the history of similar uses in the area with no clarity, they felt it was best to go to the ZBA first for the use. Mr. MacEachern felt this was more of a hospital or medical use. Mr. Sioras said the ZBA granted the variance for the use. A copy of the minutes of the applicable hearing was not available in the file. Mr. O'Connor viewed the document on line. Mr. MacEachern stated at some point during the ZBA hearing, the reason why the variance was granted should have been stated, showing all five criteria had been met. The ZBA record did not contain that information, just the vote of the Board, which was unanimous.

Mr. L'Heureux advised the applicant got the VHB comments and there should not be any issues with responding to those. The other comment to be addressed is a note regarding utilities for water and sewer. They will want to finalize the sewer sizing and the proximity of the hydrants to each other. He stressed they will want to make sure they get the 100-foot distance so that there are not two hydrants on site. The wall adaptors need to be installed to meet the needs of the Fire Department. The existing hydrant is located right on the property corner. They will need to set a bound once the hydrant has been relocated. Mr. Tymula agreed the VHB comments are such that they can be readily addressed. He did have a copy of the variance application if the Chair wanted to view it.

Mr. MacEachern inquired why the applicant picked this site and did not look for property closer to the medical zones. Where is the facility in Bocca Raton located? Mr. Buro said the facility is in an office area. Normally, these facilities are not located near hospitals. In Portland, they are planned, intermediate care facilities. Derry has no code dedicated to this type of use. They

would have needed a variance in any zone. Mr. MacEachern said this use would be allowed in the Office Medical Business zone.

Mr. Granese confirmed this facility is privately owned and runs for profit. Mr. MacEachern said this is a very nice building. Mr. Granese confirmed the exterior has a cultured stone base, and clapboard. The sign will be decided at a later date; Mr. Tymula believed it will be internally illuminated.

Ms. Carver commented Mr. Buro operates similar facilities in Boca Raton and Portland, Maine. Why Derry? Mr. Buro advised he did research on the area. Manchester and Keene have the closest facilities that are like this. He looked at the 2016 data – 40 people were on a waiting list to receive services and they waited six weeks to get help. There is a definite need for this type of resource in this area. Some of the owners of the facility live nearby.

Ms. Carver asked about the affordability of services. It had been stated earlier that 10-15% of the patients are on Medicaid. Mr. Buro explained 10-15% of their beds are dedicated to people who have no finances at all. The remainder are paid for through insurance or negotiated rates. They will figure out what the private pay rate will be once they open; typically, the cost is around \$45,000 for a week's stay.

Mr. Tymula noted the applicant is awaiting the NH DES permit, the AoT permit and the Wetland's permit. It will be two to three months before they receive the final AoT permit; they are looking at fall construction, with a 2019 opening date.

Motion by O'Connor, seconded by Bartkiewicz to accept jurisdiction of the site plan application before the Board for 29 Ashleigh Drive, LLC, PID 08280-006, 29-33 Ashleigh Drive.

Carver, Chirichiello, O'Connor, MacEachern, Davison, Connors, Bartkiewicz and Granese voted in favor and the motion passed.

Motion by O'Connor, seconded by Bartkiewicz to grant a waiver from LDCR Section 170-63.B.4, Parking Density requirements, as after review of the waiver request, the Board finds that strict conformity to the regulation would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the ordinance. Discussion followed.

Mr. Connors had a question about the hardship of the waiver. Mr. O'Connor said he will address that during the conditions of approval. Mr. MacEachern asked when the conditions of approval are being drafted, he would request that if a change in use occurs, the use on the land reverts back to a true Industrial use and any change would need to come back to the Board to review adequate parking. What is being proposed here is great, but he is struggling with the use in an Industrial zone. He also knows the use could be a contractor's office with trucks going in and out, given the zone. Mr. Connors had similar concerns. What happens if people start parking along the roadway? Mr. Sioras explained that would then become an issue for Code Enforcement.

Carver, O'Connor, MacEachern, Davison, Connors, Bartkiewicz and Granese voted yes. Chirichiello voted no as he felt the parking should meet the requirements in this area. The motion passed.

Motion by O'Connor, seconded by Bartkiewicz to approve, pursuant to RSA 676:4, I, Completed Application with the following conditions. Comply with the Vanasse Hangen Brustlin reported dated April 12, 2018, and any subsequent reports; subject to owner's signature; subject to onsite inspection by the Town's Engineer; 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 170-24/170-61; add the Conservation Commission's invasive note to the plan such that "No material containing any living or viable portion of plants on the New Hampshire prohibited invasive species list (AGR3800 Table 3800.1) shall be transported to or from the construction site without notification and approval from the NH Department of Agriculture per RSA 430:55"; note approved waiver on the plan; subject to receipt of state or federal permits relating to the application; confirm all items outlined in the March 26, 2018 correspondence from the Engineering Coordinator have been addressed; conditions precedent shall be met in 6 months; snow and ice removal shall be performed by a "Green Sn Pro" certified contractor following Best Management Practices for the application of de-icing materials; obtain and record the easement for drainage on Lot 08280-004; if the property is sold and the uses changes, the property will revert back to its intended zoning; reset the bounds following hydrant installation.

Carver voted yes; Chirichiello voted yes because it has a variance for the use, but stated he would rather see this in a different zone; O'Connor voted yes, concurring with Chirichiello, Connors voted yes; Davison voted yes; MacEachern abstained stating the use itself is something that is needed, but he is struggling with the variance and why it was granted, he believes this should be situated elsewhere; Granese voted yes, this facility is needed, the building will look nice, he assumes it will operated as stated. He wishes the ZBA had said no and this was located elsewhere, but also knows there could be a more intensive use on the site; this is tax positive for the town. The motion passed.

Mr. Granese welcomed the company to the town and asked that the Board be invited to the ribbon cutting so they can see the facility before it opens.

Mr. MacEachern commented as the Board goes through and does its rezoning work, there is some ambiguity in the language of the ordinance. It should be tightened up.

Public hearing to discuss an amendment to Article V, Zoning Map and District Boundaries, Section 165-30, Zoning Map, to move seven (7) parcels from the Medium High Density Residential II Zone to the Central Business District, specifically, 18, 34, 35 and 37 Maple Street, and 13, 15 and 19 Elm Street.

Mr. Granese advised the Board has discussed this proposal and held a workshop.

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

Karl Dubay of The Dubay Group and Dr. Ajit Kumar, owner of 18 Maple Street provided comment. Dr. Kumar's property is in the middle of the proposed rezone area. They feel this is a great idea and support the change. Growth of the Central Business District is around this parcel. The town owns 19 Elm Street, and the town will do well with 19 Elm Street – it's a nice piece of property. This change fills out the CBD in that block and it allows mixed use. They feel this change will be good for the neighborhood and for the community. Dr. Kumar has been looking at what he could do with his property for many years and the CBD allows more flexibility with mixed use.

Mr. Dubay noted in the CBD, there is a restriction that residential use cannot be on the first or second floor. In this area, with the slopes and topography, they still think mixed use could happen and they look forward to working with the Board on a something for 18 Maple Street. He suggests working with the topography on this parcel and setback, it would be nice to be creative and to allow residents on the second level. They could do low density and low scale development. Mr. Granese advised this is an item the Board will be looking at in its subcommittee.

Mr. Dubay said this area is a great transition zone to the MHDR. It would be better if residential was allowed on the second floor if they were to have commercial space. They would prefer to not go three stories to do that; not at this scale. Dr. Kumar said he has owned the property since 2006 and wanted to be able to have townhouses but could not do it; the zone has changed several times. He thinks this is a good change. The Board does thankless work and he appreciated their time.

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 plan returned to the Board.

Motion by MacEachern, seconded by Bartkiewicz to amend Article V, Zoning Map and District Boundaries, Section 165-30, Zoning Map, to move seven parcels from the Medium High Density Residential II Zone to the Central Business District, specifically: 18 Maple Street, 34 Maple Street, 35 Maple Street, 37 Maple Street, 13 Elm Street, 15 Elm Street, and 19 Elm Street, and to forward same to Town Council for their review and approval.

Carver, Chirichiello, O'Connor, MacEachern, Davison, Connors, Bartkiewicz and Granese voted in favor and the motion passed.

Mr. MacEachern stated the subcommittee will look at the CBD and will discuss the very items mentioned by Mr. Dubay and Dr. Kumar. The meeting is open to the public and will take place on May 9, 2018 beginning at 7 p.m.

There was no further business before the Board.

Motion by Chirichiello, seconded by Davison to adjourn. The motion passed with all in favor and the meeting adjourned at 9:23 p.m.

Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____