

The Planning Board for the Town of Derry held a public meeting on Wednesday, August 16, 2017, 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; Michael Fairbanks Secretary; Brian Chirichiello, Town Council Representative; Randy Chase, Town Administrative Representative; Jim MacEachern, Frank Bartkiewicz, Lori Davison; Mirjam Ijtsma, Members; Elizabeth Carver (7:27 p.m.)

Absent: John O'Connor, Mark Connors

Also present: George Sioras, Planning Director; Elizabeth Robidoux, Planning 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.

Mr. Granese acknowledged this would be the last meeting at which Ms. Ijtsma would attend as a member of the Board. He thanked her for her service, and donating her free time to the Board. Board members also expressed their thanks.

Escrow

#17-28

Project Name: Varsity Wireless Cell Tower

Developer: Varsity Wireless Investors, LLC

Escrow Account: Same

Escrow Type: Cash Escrow

Parcel ID/Location: 08102-001, 69 By Pass 28

The request is to approve a release in the amount of \$26,166.24 for the above noted project. The amount to retain is zero. This is the final release.

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

#17-29

Project Name: Cowbell Corner

Developer: David & Catherine Frahm

Escrow Account: Same

Escrow Type: Letter of Credit

Parcel ID/Location: 04126 and 04127, Route 111 and Island Pond Road

The request is to approve a release in the amount of \$238,833.36 and request a replacement Letter of Credit in the amount of \$136,080.00 for the above noted project. Upon receipt of the replacement Letter of Credit, the Board will release Letter of Credit #FHA-1015-P in the amount of \$374,913.36.

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

#17-30**Project Name: BR-10 Subdivision, Steele Road****Developer: BR-10, LLC****Escrow Account: Same****Escrow Type: Letter of Credit****Parcel ID/Location: 04084, 1 Bartlett Road**

The request is to approve a release in the amount of \$190,278.72 and request a replacement Letter of Credit in the amount of \$171,460.80 for the above noted project. Upon receipt of the replacement Letter of Credit, the Board will release the Letter of Credit in the amount of \$361,739.52.

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

#17-31**Project Name: Granite Clover Self Storage****Developer: Crom, LLC****Escrow Account: Same****Escrow Type: Letter of Credit****Parcel ID/Location: 01023-001, 125 Windham Road**

The request is to approve a release in the amount of \$128,822.40 on Letter of Credit 6211, drawn on Eastern Bank and request a replacement Letter of Credit in the amount of \$16,977.60 for the above noted project. Upon receipt of the replacement Letter of Credit, the Board will release the Letter of Credit in the amount of \$145,800.00.

Mr. MacEachern asked if this is for the project the Board will be discussing later in the agenda. Mr. Sioras said it was. The release is for the work that has already been completed and inspected by Public Works. This is a standard procedure. Mr. MacEachern asked if the amounts included any work the applicant is asking to have changed. Mr. L'Heureux clarified there will be funds left in escrow. The amount to be released is for work that has already been completed on site. He is comfortable the Town will be covered by the remaining amount for any work left to be completed on the site.

Motion by Bartkiewicz, seconded by MacEachern to approve as presented.

The motion passed with all in favor.

Minutes

The Board reviewed the minutes of the July 19, 2017, meeting.

Motion by MacEachern, seconded by Davison to approve the minutes of the July 19, 2017 meeting as written. The motion passed with Chase, Chirichiello, Fairbanks, and Bartkiewicz abstained.

Correspondence

Mr. Fairbanks advised the Board is in receipt of correspondence from David Caron, Town Administrator. He read the correspondence into the record. The memo is to George Sioras, dated July 20, 2017.

“Attached is the Town of Derry’s Technical Review Committee Application submitted under the provisions of RSA 674:54. The Town plans to replace the interior portion of the message board with an electronic message board at the Adams Memorial Building, 29 West Broadway. The Town is requesting TRC review of the project, and requests the Planning Board schedule a public hearing on this matter on September 06, 2017. Also attached for the Committee’s information is: 1) Administrative Regulation governing the Use of Town Electronic Message Board; 2) Picture of existing Message Board sign; 3) Information on the planned replacement sign.”

Mr. Fairbanks asked if there is supposed to be an attachment. Mr. Sioras advised the information had been provided to the Technical Review Committee for their meeting and has been reviewed by staff. The Board would need to vote this evening to hold a public hearing on the matter and schedule the hearing to September 06, 2017.

Mr. Fairbanks did not believe an electronic message board was allowed in the downtown area. Mr. Sioras advised the Town is exempt from its own regulations. The procedure would be to have the Planning Board hold a public hearing on the matter where the Planning Board can supply recommendations; no decision is made. The town does not need a waiver from its own regulations. The process is governed by state statute [RSA 674:54]. Abutters are notified and input is provided. Mr. Granese noted the Planning Board has no purview over the proposed sign. Mr. Chirichiello stated the Town is looking for feedback on the proposal from the Planning Board. Mr. Fairbanks asked if the town is paying for the sign or are the tenants paying for it. Mr. Chirichiello advised the town is paying for it.

Mr. Fairbanks reported the Board has also received the most recent edition of Business NH Magazine.

Other Business29 West Broadway, Adams Memorial Building, proposed Electronic Message Center Sign

Motion by MacEachern to recommend the Board place a proposal by the Town of Derry to install an electronic message board at 29 West Broadway on the agenda for September 6, 2017 and to hold a public hearing, seconded by Bartkiewicz.

Chase, Chirichiello, Ijtsma, MacEachern, Davison, Bartkiewicz, Fairbanks and Granese voted in favor and the motion passed.

Public Hearing**Edward Smith**

Owner: NSA Property Holdings

PID 01023-001, 125 Windham Road

Acceptance/Plan Review

Site Plan Revision

Removal of bollards, sound barrier panels, and proposed sign

Mr. Granese advised the Board received correspondence today from the developer. He read the correspondence into the record.

“Members of the Board: due to unforeseen circumstances, we are respectfully requesting a continuance of the matters scheduled to be heard on 8/16/2017. We request our appearance be moved to the next scheduled meeting. We would further request that the amount of funds to be released from our escrow funds still be determined at the 8/16/2017 meeting. Thank you for your consideration, Rico Borrazzo, Owners Rep., Crom, LLC.”

Mr. Granese stated the Board needs to decide what it wants to do with this request. Mr. Chirichiello asked if the developer has asked for any continuations in the past. Is this the first one? Mr. Sioras explained this plan was approved in March with changes. The developer is now back before the Board with more changes and wanted the Board to review and approve the changes. They have not asked for any extensions. Mr. Chirichiello asked if the developer has indicated the reason why he wants to continue the hearing. Is it to gather more information? Mr. Sioras said the developer has been meeting with the Fire and Code Departments. The applicant was not prepared for the meeting this evening and requested additional time to obtain material to bring before the Board. Mr. MacEachern asked if the town has provided all of the information the developer has asked of the Town and is the town satisfied that the questions have been answered. Mr. L’Heureux stated the developer has resubmitted a plan, made some requests, and

provided some background information. The town has provided a response to some changes, but no information was provided to the applicant.

Mrs. Robidoux advised the applicant was waiting for the standard safety protocol for the removal of the bollards. They had indicated they would have that for this meeting, but do not have that information yet. They wanted to make sure they had all the pertinent information during the public hearing and would like to delay until the next meeting.

Mr. MacEachern wanted to make sure the town did not owe any information to this developer.

Mr. L'Heureux said the developer is requesting to make specific changes to the approved site plan and needs to supply certain information and reasoning to the town. They don't have all of their information yet.

Mr. MacEachern asked when does the developer want to come back and does the Board have availability in its schedule. Mr. Granese asked if there had been a TRC meeting on this request. Mr. Sioras explained the Board approved the original plan. The developer came back before the Board in March and asked for changes to the approved site plan. The Board approved the changes. The developer now wants to make further changes to the March approval on some field items. They want to explain to the Board the reasons as to why they want to make these changes. Mr. Granese felt the developer should have had all the information before it made a submission to the Planning Board. Mr. Sioras said they made field changes and want to come before the Board and explain it. They need to provide background and justification for the changes. Mr. Granese asked if they had requested a specific time frame. Mrs. Robidoux said there should be sufficient time between this meeting and the September 6th meeting for the developer to obtain the missing information.

Eric Mitchell, Eric C. Mitchell and Associates, was present representing the developer. He advised his only involvement in this request was to draw up the site plan revision sheet. There are three issues the developer wants to discuss with the Board. Those items were on the agenda and are on the plan. The first is the bollards around the underground propane tanks. The bollards are installed and the number had been agreed upon previously. The developer is requesting removal of the bollards, given the nature of what they look like and the necessity to have that many. It is not that the bollards were not put in; they have been installed. They are awaiting the safety protocol documents on how to remove them safely. They are waiting to obtain the information from people who are more versed in that process. The second item is the sound proofing around the air conditioning units. The units seem to be quieter than they anticipated. A sound study was performed to determine decibel levels at the site and at the property line. They want to present a change to the Board, specifically that they not install the sound barriers; they feel they don't need them based on the sound study. The third item is the location of the sign. They do not want to erect the new sign. Mr. Mitchell was aware there were questions with regard to line of sight with respect to the existing sign. The new people are satisfied with the existing sign and don't need or want a new, bigger sign. These are the three items the developer wishes to discuss with the Board. The issue is with things they have not yet done, that they feel are unnecessary for the site. They do not yet have the safety protocol for the removal of the bollards.

Mr. Fairbanks said he recalled seeing a mention of a request to remove 9 plantings near the HVAC units. Mr. Mitchell said that is not part of this request, but he is aware there are plantings near the area of the concrete pads and proposed sound barriers. Mr. Fairbanks said the email referenced the plantings may die because they are under the ductwork. It was reiterated the plantings are not part of the request.

Mr. Mitchell advised the applicant is requesting the hearing be continued to the next meeting so they can provide information on the safe removal of the bollards.

Mr. MacEachern stated the Board and developer were in agreement back in March on the number of bollards. Why are we now waiting for information on how many bollards are required? Mr. Granese said the Board should vote on this request. Mr. Granese said in the past, when the Board has received request such as this, the Board votes on it.

Motion by MacEachern, seconded by Chirichiello to table the application for Edward Smith/NSA Property Holdings, to September 6, 2017. Discussion followed.

Mr. MacEachern thought there had been discussion regarding the line of sight in March. All of these items had been discussed in March. He feels this request would be different if the items were being brought up two to three years down the road when there is evidence. Mr. L'Heureux explained with regard to the sign, it had been part of the original approval that the developer would move the sign. This was not discussed in March and it came up as part of the punch list items for the site. Mr. MacEachern said he would listen to what the developer had for information. Mr. Chirichiello said it sounded like the bollards are in. If it is not a question of putting them in, why do they want to take them out? Is there a safety reason they found after the fact? That would be important information. Mr. Fairbanks said he had no issue continuing the hearing. It is the history of the development. They had an approved plan and made some changes. There was a lot of discussion back and forth about whether changes were valid or not. There was another approval in March and the bollards and a/c units were discussed. An agreement was reached. As far as he knows, the owner agreed and had no issues with it. Now, here the Board is again with field changes. Mr. Chirichiello asked about the plantings under the a/c units. Mr. Fairbanks noted that was mentioned in an email, but not requested by the developer. Mr. Chirichiello said he would prefer to continue the meeting to hear the developer out and make sure the Board is doing its due diligence.

Chase, Ijtsma, Chirichiello, MacEachern, Davison, Bartkiewicz, Fairbanks and Granese voted in favor and the motion passed.

Mr. Granese asked Mr. Mitchell to make sure the applicant was aware the hearing will be held on September 6th, and all the information should be ready by that time. Abutters will not be notified the hearing has been tabled to September 6, 2017.

Elizabeth Carver entered the meeting.

WORKSHOP

Zoning Subcommittee – report of findings

Mr. MacEachern reported the subcommittee met three times and went over the area that had been discussed, notably in the area of the proposed Exit 4A. The exit is proposed to go to the north of Madden Street. The committee looked at that area and took a drive around the neighborhoods. The committee reconvened on August 7th to capture information from all of the attendees as the members were in different cars. The review will now come back to the full Board and there will be no more subcommittee meetings. The subcommittee was comprised of Mr. MacEachern, Mr. Sioras, Mrs. Robidoux, Anne Struthers, and they were joined by Mr. Chirichiello and Richard Tripp.

During discussion, suggestions were made to move forward. There is a lot of work to be done which should be done in small bites, rather than trying to do it all at once. This will be the best way to head down the path to rezone the area for the future of Derry.

When the committee went to Madden Road, they noticed that the land from the Londonderry town line, from Madden, toward West Broadway is primarily zoned Medium High Density Residential (MHDR). There is also Central Business District (CBD) and Office Business District (OBD). It was suggested to change this area of MHDR to MHDR II, and to perhaps extend the TIF district around the office park. The town seems to want single family homes in this area. The second step would be to look at the area around Madden Road to Ash Street Ext. There are 4-5 house lots there that could be added into the Industrial zone.

It was suggested to first look at Madden and Ash Street Ext. area. Many of the Board members are familiar with this area. This is the area of the TIF district. Extending the industrial park will make this area more attractive. The same is true for Ash Street Extension, North High Street to Ash Street south. The Board should take advantage of the natural borders set by the road network so that neighborhoods are not cut off or cut in half with zone lines. One question to consider – should the 4 homes on Ash Street be included in the industrial park? All of this should be discussed further.

The subcommittee felt the first thing to do would be to rezone the MHDR to MHDR II. They also looked at the area along Folsom near the Police Department and Franklin Street. The Board should consider that one side is residential and the other side of the road is Industrial. Exit 4A will go to the north of Madden Road, continue down, cutting in half one of the existing buildings and taking a corner of another. There is a lot to consider when that roadway gets built out and he anticipates there will be some lot consolidations.

Mr. MacEachern provided maps to the Board members. He noted on the south side of Madden there are 4-5 homes. Exit 4A will come in and create a T intersection in this area. What should the Board do with Folsom Road? The subcommittee drove the neighborhood behind the gas station. When they drove through the area, it was noted that the lots are not all that deep. Using the natural boundary of the road, it makes sense to go back to Exeter and head north to Folsom and then north to High Street. There they need to follow lot lines. There are nice homes there

and the Board needs to be careful and consider the neighborhood. With Exit 4A going through this area, the road will be busy and there is potential for redevelopment. The Board has been tasked to find out what should be allowed in this area. The lots are small. If homes are allowed to turn into businesses, what would they be? The goal from Economic Development is to find out what will fit in that zone.

People are concerned about multifamily. That is why the subcommittee is suggesting changing that area of MHDR to MHDR II. Then the Board should look at the Industrial areas and see how far that area should be extended.

The subcommittee also looked at the area along Franklin Street, up into Tinkham Ave. In this area, the natural borders of the road should also be used. Should any changes be made in this area? Does the Board create a zone that goes from Folsom and 4A and then goes up toward Ocean State Job Lots, and keep that area all Industrial? As a full Board, this needs to be discussed. For now, the area near the Police Department is General Commercial and Industrial. Should that all be one cohesive strip, north and south?

Mr. MacEachern suggests holding a public hearing to make the changes to MHDR II. This buys the Board time to look at the remainder. After Exit 4A is open, traffic may or may not be affected in the downtown. The Board is not in a position now to discuss what the traffic might look like. The Board may want to see what the effect of Exit 4A really has in that area. There is also a parcel of town owned property in this area. The lot is currently in the MHDR zone but it abuts the downtown districts. Should the Board consider adding that lot (19 Elm Street) and some of the lots around it to one of the other zones? What would the Board want to do with that lot as well as the lot across the street that burned? The town is currently asking for RFPs to develop a few town owned parcels.

Mr. Granese clarified the uses allowed in MHDR are single family residential, accessory dwelling units, two family, multifamily, commercial performing and fine arts schools and studios, and private schools. The MHDR II zone allows single family detached residential and accessory dwelling units. Mr. MacEachern stressed any existing apartment building currently zoned MHDR in this area would be grandfathered if the area changed to MHDR II.

With regard to 19 Elm Street, Mr. Chirichiello spoke to the RFP the town is sending out. The Council posed that if there were no zoning considerations for the lot, what would a developer do on the lot. The Town Council is looking to see what people have for development ideas. Currently the lot is zoned MHDR. Mr. MacEachern felt that sending the RFP out like that is counter to zoning and the lot can't be developed as anything other than an allowed use, because it would be spot zoning. That is why he is asking if the CBD or another zone should be expanded.

Mr. Fairbanks asked at what point in the rezoning process would an applicant be required to comply with the change in zone. Mr. Sioras explained that once the Planning Board posts the legal notice for the zoning change, any new application would need to comply with the zone. Mr. Fairbanks asked if Derry is competing with what Londonderry is trying to do. Mr. MacEachern said information with regard to Woodmont Commons in Londonderry and Tuscan

Village in Salem is available through the Derry website. Woodmont is a large project. There are several distinct development areas. Closer to the existing Market Basket there will be a town center, businesses apartment buildings, etc. On the Derry side of Route 93 there is about 250 acres of undeveloped land on which Londonderry would like to see 4-600 housing units, a hospital, a hotel, etc. To the right of Market Basket, the same uses are planned, but in lower numbers. Mr. Chirichiello said Londonderry is looking at a high quality development. The development may not happen quickly. Mr. MacEachern said there are many discussions happening now with respect to Londonderry and Salem. That will drive a lot of activity.

Mr. Granese confirmed the subcommittee is suggesting a change in the MHDR zone to MHDR II in a certain area. Mr. MacEachern clarified the area to be from the Londonderry town line, to Broadway, to Route 28, up to Madden and Folsom Road. Mr. Granese thought that was a good starting point. Mr. MacEachern said the town should also consider expanding the TIF zone.

Mr. Granese asked for an outline of the procedure to be followed for a zoning change. Mr. Sioras explained the Board needs to hold a workshop on the changes so that the changes can be reviewed in writing, and it should identify the lots to be considered for the change. If the Board agrees during the workshop, at the next meeting the Board will schedule a public hearing. Mr. MacEachern suggested holding a workshop on September 6. The public hearing could be scheduled at the September 20th meeting and then the changes can be posted. Once posted, people will need to comply with the changes. Following the public hearing, the changes will be forwarded to Town Council.

The Board clarified that the intent is to change Madden/Folsom Road, to Crystal Avenue to Route 102; anything in that area that is currently zoned MHDR would be changed to MHDR II. It was noted that even if the underlying zone changed, it did not change anyone's current rights in that area. If multifamily is removed, any existing multifamily is grandfathered.

Mr. MacEachern suggested the Board hold one workshop a month. It is possible that there needs to be changes to the uses in the other zones; the Board should look at that. He felt feedback should be obtained from Ms. Struthers and from the Economic Development Advisory Committee. Derry does not want to compete with surrounding towns; it wants to be complimentary and focus on what makes Derry unique. Things like the Farmer's Market, the Rail Trail, Tupelo, the Adams Memorial Building, Stockbridge Theater, and the Upper Village Hall are all cultural or art venues. Maybe that is what makes Derry unique. No one is building an auditorium in the other towns; Derry has a few. Downtown has the rail trail that runs right through the middle. The Board should be looking at what the town can do to enhance this area.

Mr. Chirichiello said Londonderry has undeveloped land they want developed. Derry has redevelopment opportunities. When Exit 4A goes in, some of the traffic will not queue up in the downtown. Where people can walk will be critical. Mr. Granese commented Derry has businesses downtown that want to make Derry better. There are businesses like Artful Things, Revive Furniture; there are many unique businesses in our town.

Mr. MacEachern stated during the joint meeting, people mentioned adding outdoor seating in the downtown. Sabatino's has it now. He felt the town should wait and see what happens with the

traffic after Exit 4A opens and see if the town can maybe widen the sidewalk so that people can have that café experience.

The Board held a short discussion on what other towns have done recently, most notably Concord with its complete streets designs, and Hanover Street in Manchester closing down during certain days. Mr. MacEachern said people are guessing what the effects will be once the exit opens. There will definitely be less truck traffic. It is not known what will happen with the car traffic. Next year the Board can look at changes on the other side of Broadway. That work should be done with the Economic Development Coordinator to see what the town should have for uses in that area.

Mr. Chirichiello said the changes that had been made to the CBD are not working and the Board needs to look at that again. Ms. Ijtsma suggested contacting PlanNH to see if they might be able to assist the town. There was a short discussion with regard to how some towns shut down portions of the street to create bump outs so that existing businesses can create more outdoor space on certain days.

Mr. MacEachern advised the Board needs to make changes in small stages and ‘slice the apple’. These types of changes cannot be rushed and it should be done methodically. He suggests the following steps:

1. Make the changes to the MHDR zone
2. Review the Ash Street Area
3. Exit 4A – Exeter Street area
4. Review from the Police Department up to the end of Madden, north side and south side, and look at the homes in that area
5. Look at the Industrial zones; should the zones be kept or should the uses be amended
6. Review the zoning along Broadway, other than the area near Maple Street - that could likely be discussed now.

At the next workshop, Mr. MacEachern thought the Board could discuss the MHDR change and then review the order of precedence of the other tasks. He suggested to the Chair that the Planning Board speak with the Recreation Department to see if the van could be borrowed so that the members could go in one vehicle to view the areas to be discussed. It is helpful to see it.

Mr. Granese said he would see if that could be arranged after Labor Day. He thanked Mr. MacEachern, and the other subcommittee members and all those involved in getting to this point. The information discussed by the Board will be passed on to Ms. Struthers and to the Economic Development Advisory Committee. Mr. Chirichiello will inform the Council.

Mr. Chirichiello recalled he and Mr. MacEachern had both sat on the Board when the rezoning took place along Tsienneto Road and the developments began along Manchester Road. It is rewarding to see that what has been planned can come to fruition.

There was no further business before the Board.

Motion by Ijtsma, seconded by Chace to adjourn. The motion passed with all in favor and the meeting adjourned at 8:21 p.m.

Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____