

The Planning Board for the Town of Derry held a public meeting on Wednesday, November 17, 2021, at 7:00 p.m. The meeting was broadcast from the Derry Municipal Center, 14 Manning Street, Third Floor meeting room with the majority of the Board members physically present.

Members present: John O'Connor, Chairman; Jim MacEachern, Vice Chair; David Nelson*, Secretary; Randy Chase, Town Administrative Representative; James Hultgren, David Granese (Secretary Pro-Temp), Mark Connors, Members; Andy Myers, Alternate

Absent: Brian Chirichiello, David Clapp

*Denotes virtual attendance.

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

Mr. O'Connor opened the meeting at 7:00 p.m. The meeting began with a salute to the flag. Mr. O'Connor advised that although Emergency Order #12, as issued by Governor Sununu has expired, Board members are allowed to attend the meeting remotely, provided there is a quorum of members physically present in the meeting room. He provided the appropriate links for members of the public to join the meeting virtually via a MAC, PC, or by phone. He then introduced the staff and Board members.

Mr. Myers was seated for Mr. Clapp. Mr. Granese was appointed Secretary Pro-Temp as Mr. Nelson was in virtual attendance.

Mr. O'Connor advised there will be no public comment tonight as the business this evening is Board business and not a public hearing.

Escrow

#21-19

Project Name: AEC Office/Garage

Developer: American Excavating

Escrow Account: Seven Hills Development

Escrow Type: Letter of Credit

Parcel ID/Location: 31013, 5 Madden Road and 31011, 15 Madden Road

The request is to approve renew Letter of Credit #22413 for the above noted project in the amount of \$22,137.51 drawn on Enterprise Bank. The new expiration date will be October 28, 2023.

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

Chase, Myers, Hultgren, MacEachern, Nelson, Connors, Granese, and O'Connor voted in favor and the motion passed.

Minutes

The Board reviewed the minutes of the November 03, 2021, meeting.

Motion by MacEachern, seconded by Granese to approve the minutes of the November 03, 2021, meeting as written.

Chase, Myers, Hultgren, MacEachern, Nelson, Granese, and O'Connor voted in favor; Connors abstained, and the motion passed.

Correspondence

Mr. Granese advised the Board is in receipt of the most recent edition of *Town and City*.

Other Business

Hare of the Dawg; PID 30019, 3 East Broadway, Traditional Business Overlay District – Sign Review

Mr. Sioras advised new signs in the Traditional Business Overlay District are reviewed by the Planning Board prior to the issuance of a sign permit. The sign is for the former C & K Restaurant which has been purchased by Kevin Decker. The Board has colored renderings of the proposed signage.

Kevin Decker, 3 West Broadway, advised his family purchased the restaurant in March. They are opening a new bar and grille and are awaiting the approval of the sign permit. The intent is to utilize the existing steel sign structure and reface it. There will be no internal illumination; they will utilize external lighting that will face the sign.

The Board had no comments other than to note they liked the sign. It is hoped the restaurant will be able to open by January 01.

Motion by MacEachern, seconded by Granese to approve the signage as proposed this evening for Hare of the Dawg, LLC, PID 30019, 3 East Broadway.

Chase, Myers, Hultgren, MacEachern, Nelson, Connors, Granese, and O'Connor voted in favor and the motion passed.

Recommend restoration of merged lots – 27 Cove Drive, PID [5804658047](#)

Mrs. Robidoux explained the request is to restore 27 Cove Drive to its pre-merger status. Towns had a prior history of merging lots that were adjacent to each other and under common ownership. Many were merged involuntarily, meaning the landowner did not request the change. The State RSAs, up until December 31, 2021, allow a landowner who wishes to restore involuntarily merged lots to their pre-merger status to do so upon request to the town. The process is that the request is reviewed by the Planning Board, which makes a recommendation to Town Council. Town Council approves the restoration of the lot. The lots, if they do not conform to the current standards, would be deemed pre-existing, non-conforming and any construction on the lots would need to comply to today's standard.

Mr. Connors asked if the landowner is responsible for paying taxes on the lots retroactively since the lot has been taxed as a single lot since the merger. Mrs. Robidoux stated the town considered the lot as one lot and taxed it at the land rate for that lot; the Town would not request additional taxes.

Motion by MacEachern, seconded by Connors to recommend the restoration of Parcel [5804658047](#) to the Derry Town Council, as requested by the landowner, Lucretia Hamm, to its pre-merger status.

Chase, Myers, Hultgren, MacEachern, Nelson, Connors, Granese, and O'Connor voted in favor and the motion passed.

Conceptual Discussion, Development Proposal, PID 05039, 74 Rockingham Road, West Running Brook District

Mr. Sioras explained this is the Board's first look at this preliminary plan to be located in the West Running Brook District. This is a conceptual discussion, and the developer may have more visits to the Board before the plan is presented as a formal application. There is no vote required this evening; the discussion is to provide information only and gain feedback. Jeffrey Merritt of Granite Engineering and Robert MacCormack, of Keystone Derry, LLC (owner), are present this evening to present the concept and answer questions. Mr. O'Connor confirmed the property is in a designated Opportunity Zone.

Jeffrey Merritt presented. The concept is a mixed use development proposed at 74 Rockingham Road. The parcel is just about 28 acres in size. To the south is Rockingham Road, to the north is the limit between the West Running Brook and a multifamily development. They have flagged the wetlands and there are a number of upland sections on the property conducive for development. Building is being proposed adjacent to Rockingham Road which is the commercial component of the project. To the east is proposed an office building with access off a new driveway located across from Winter Hill Road. To the west they are proposing a community center which would be available to rent for small functions and gatherings. It is

likely these will be two story buildings, but because they are tucked into the grade, from Rockingham Road it will look like one story buildings. The buildings are being configured to work with the topography. For the residential component, they are proposing two types. To the west end of the project, they are proposing a driveway (noted as Access C) which leads to twelve townhouse units with ground floor garages and two floors above. The multifamily portion will be proposed as garden style apartments, accessed from what is noted as Access A, which is located across from Winter Hill Road. The multifamily will be in two large buildings. They are proposing 104 units between the two buildings; one will have 48 units, the other 56 units. The intent is to construct garden style apartments with one floor per apartment. Parking for the residents will be in a parking garage contained below each building. Additional parking is also provided outside of the buildings. A rendering of a completed building in a different project has been provided to the Board to give an example representation of what the multifamily units could look like. They will be four levels each and set up for the target tenant.

The Board reviewed the renderings of the commercial buildings. The office building rendering shows the building as viewed from the road. There is also a rendering of the back side of the building, showing the two levels and the parking. The façade of the proposed club house/community center was also available; this building is also two stories, as seen from the rear of the building. These are conceptual renderings and they wanted input from the Board prior to moving too far forward.

Mr. O'Connor noted the Board's comments this evening are non-binding at this time. The intent of the discussion this evening is to get an idea of where the Board wants the developer to go before submitting the Technical Review Committee application. If the developer opts to hold a Design Review hearing, at that time, abutters will be notified.

Mr. MacCormack advised they have done a similar concept elsewhere for the office building. The target professional group would be similar to architects or engineers. There will be a storage area underneath. The building is not set up to be conducive to an auto repair facility. They would be willing to agree to a condition of no overnight parking. The space underneath could be utilized for the parking of an engineering or surveying company's vehicles. The six spaces proposed in the building could be subdivided. Office spaces as a trend, are getting smaller as people work from home, and they wanted to construct for future needs and standards. Inside, there will be a high level of detail. The intent is to create an image that enhances the local businesses.

The community center is a use that seems to be viable for the area. Mr. MacCormack does not feel this is a good spot for retail uses which are struggling right now nationwide. The community center would be beneficial for the community and neighborhood. The space could be leased for small functions such as bridal showers or bachelor parties. The parking requirements limit the number of people that can utilize the space. They made the building as large as they could and still conform to the requirements. There are two levels proposed. The upper level would be the rental area and the lower area is intended for a fitness center for the residents of the units. They want to create a similar situation to Tuscan Village. People want that level of development, and they want the luxury/high level of housing. The target tenant will have the means to live in the larger square foot apartments. The target audience wants a home,

not an apartment and these are people who are looking for indoor parking and elevators. They did a similar development at 10-12 Braemoore Woods in Salem, New Hampshire. That was a successful project and an example of the market. Mr. MacCormack explained he just finished a townhouse project in Pembroke, New Hampshire. Those units are between 2600 and 2800 square feet in size. People want homes, but they don't want to have to do the extra work, such as snow removal. They have found with the last two projects that their buildings significantly increased property values in the surrounding area. When they began the project in Pembroke, there was pushback from the neighbors. They performed a market study of the area for a three year period, showing pre and post construction property values. There was a 15% increase in surrounding property values after the completion of the project as opposed to other neighborhoods in town.

Mr. MacCormack provided the following statistical data from the Tuscan Village project. To date, there are three large residential components. Hanover has 280 units; Corsa has 256 units and there are 40 townhomes. There are less a tenth of a percent of children per unit in the project. It is likely the project at 74 Rockingham will be similar; residents may not have school age children. In Phase I of the Pembroke project, 76 units resulted in 6 school age children. For this project, they expect to have high rentals, similar to Tuscan Village. Tuscan's units are renting at \$5,500 for a three bedroom; \$4000 for a two bedroom and \$2,600 for the smaller units. He believes they will be within 15% of that rate but will be targeting the same type of client. He believes this property is what the market is bearing at this time.

Mr. MacEachern confirmed this project is proposing 104 residential units and 12 townhomes. The townhomes are straightforward. How many bedrooms are proposed in the 104 units? Mrs. Robidoux confirmed only one and two bedroom units are allowed in the zone. Mr. MacCormack said he believed they would have a majority of 2 bedroom units; there are two different styles of units; corner units would be larger in size.

Mr. MacEachern asked if Mr. MacCormack knew what the target rents might be. Mr. MacCormack said they would be market rate, so in the \$3,000 range. Mr. MacEachern liked the office component but wished there was another floor to the building. Is there any consideration to adding something like space for a doctor's office? It was noted there are many constraints on the property as a result of the land itself and the parking requirements. Mr. MacEachern wondered if the Board could look at the parking calculations and maybe consider that to enhance the building - if that were economically feasible. He felt the Board needed to look at the whole area. There will be a mixed use development across the street [109 Rockingham Road], the Siragusa's [49 South Main Street] are planning a development, as is Dr. Butterfield [Humphrey Road]. The Board needs to be cognizant of what is planned for the area. He appreciates the community center aspect and would like to see more commercial space in either building - maybe with an adjusted parking density.

Mr. Connors asked if there had been any attempt to acquire the small house lot adjacent to this project; it would have been nice to add that and the property immediately adjacent. Mr. MacCormack said they did investigate that possibility, but it is cost prohibitive at this time and there were topographical considerations. Mr. Connors felt there was a lot going on in the zone which calls for a certain aesthetic and village feel. His idea of a village is not matching up with

the projects being presented, with the exception of one project. He feels there is more residential on the lots than commercial; this is land that used to be zoned commercial. He feels the town is getting big apartment buildings, rather than commercial uses that can be sustained by residents living in these units. The aesthetic looks nice. He did want to confirm the estimated building height and number of floors proposed. With regard to connectivity, this lot abuts town property, which connects to the Siragusa property. The Siragusa property provides a connection to the West Running Brook and Derry Village Schools. Children can't walk on Rockingham Road to get to the school. He wondered if there was a way to create walkability. Mr. Merritt indicated they will look at walkability and connectivity to recreation opportunities. There had been discussion with the developer about providing interconnectivity between uses for convenience and recreation.

Mr. Connors stated in this type of development, which is not a traditional development, there is opportunity to connect between properties, linking to the bike path and Alexander Carr Park. He noted it would be dangerous for any child trying to walk to South Range School. Not having sidewalks on Rockingham Road is dangerous. The curve coming west to east on Rockingham Road makes Winter Hill a blind spot. Mr. Merritt advised the driveway permit process will look at sight distance and this plan is very preliminary. There is a note on the plan indicating the Rockingham Rail Trail with an arrow, but that trail is not located directly adjacent to this lot. Mr. Merritt advised that note was to indicate potential recreation opportunities.

Mr. Connors asked where the plan was going with regard to sidewalks. Without them, there is no safe walkability. Rite Aid is not too far away. There is a large wooden causeway that crosses the wetland to the west of this property. Maybe a connection can be made to that area which is in keeping with a village district. The curve in Rockingham Road and the two driveways is of concern to him. With regard to the community center, can that be rented to anyone? Commercial land was given up for mixed use with the intent to gain tax base; what they are getting is dense residential. It was noted this area has been zoned commercial for years and no development occurred. A second commercial building would be beneficial. Mr. Connors said he would like to see less than three driveways on that dangerous curve; it appears a turn lane is not proposed. He understands the wetland constraints. Three stories of residential over an underground garage is more in keeping with the neighborhood. He would only want a maximum of four stories high. He feels the aesthetic of the commercial is better as proposed because it is residential across the street. Mr. Merritt stated the rendering is an idea of what the buildings could look like. The Board viewed the existing Braemore Woods property online.

Mr. Sioras said he and Mrs. Robidoux met today to review the proposal and had a few comments. The zoning allows one and two bedroom units; any request for a studio would require a waiver. The key issue is that there is a Prime Wetland on this property. The buffer from a Prime Wetland is 150 feet, not 75 feet. The parking lot can be within the buffer, but there can be no structures in the buffer; this will affect the 12 townhomes. He also would like to see a better ratio of commercial to residential. A traffic study will be required as will a school impact study. It is suggested Mr. MacCormack initiate discussion with The Chartwell Group as they have indicated they would be amenable to a connection between the two developments to their existing trail system. That may allow this project to connect to Parkland Medical Center. With regard to the schools, there are three projects in the zone going through review at this time.

Across the street, staff is looking at a project with 72 units of residential total; Dr. Butterfield is proposing 113 units. With this project, the total number of residential units proposed is 301. Students in these projects would go to three different schools. The Humphrey Road project sends to Derry Village School; this project would send to Grinnell and the project across the street would send to South Range Elementary. Mrs. Donovan has indicated to Planning staff that of the 576 units at Tuscan Village, 0.1% per unit will have school age children.

Mr. O'Connor reported Southern New Hampshire Regional Planning Commission has shared 2020 Census data for the number of school age children in Derry; the number has decreased over the last few decades. In 1980 there were 0.89 students per household; in 2000 that number decreased to 0.83. In 2020, the student per household number is 0.52. There has been a 17% decrease in the student population over that time period. He would like to make sure any school impact study utilizes the current data. Mr. Sioras noted there is a way to go on this project. The key issue is the wetland setback to the Prime Wetland as that could impact the left side of the project.

Mr. O'Connor stated there are other four story buildings nearby. Birch Heights is four stories and contains 124 units. He felt the architectural renderings of this project exceed that project. This project will need to be reviewed by the Conservation Commission. Since the parking yields 52 spaces fewer than required by the regulation, he wondered if overflow parking would be allowed at the office building. Mr. Merritt stated that it may be found that the parking ratio they used at 2 spaces per bedroom will be adequate. Some tenants meet that ratio; others only have one car per household. Overflow is almost factored into their calculation. They had not thought about that issue, but the office building will be under the control of Mr. MacCormack and could be addressed as necessary. Mr. O'Connor noted the Census goes into the cost of complexes like those being built in Salem and Londonderry. The cost of housing has increased. There is high speed fiber optic available in Derry which is an attractive feature. His opinion has changed about the future of housing.

Mr. Chase said his initial comment was the commercial and residential ratio was off and he would like to see more commercial. The number of stories above ground looks like it will max out at 4 stories as the parking appears to be underground. He asked if the applicant had a general idea as to the final elevation so that the Board could see if the building would look high or low from Rockingham Road. Mr. Merritt said they had not done the topographic plan for tonight, but that can be provided to the Board at a later date. Mr. Chase commented it may be that the building will sit 20 feet below the road, and it would look like a two story building from Rockingham Road. Mr. Merritt stated this is why they placed the multifamily units to the rear and the commercial buildings to the front of the property. They did not want the larger buildings on the roadside. Mr. Chase stated there are trails to the north of the buildings that open this project to Alexander Carr Playground, leading to the bike path which leads to the downtown. Going the other way, there are paths that lead to West Running Brook School and to the park on Humphrey Road. That small trail owned by Chartwell opens up many recreational opportunities in both directions and is worth exploring.

Mr. MacEachern noted the Town Council, at its meeting last evening, discussed the upgrades planned at Alexander Carr Park to include the skate park. Connecting to that area would provide

great connectivity with the surrounding neighborhoods. This helps get the middle school kids access without having to travel on the road. He is not sure they will be able to get a garage under the buildings because of the wetlands. It would be great if they can do it. He would need to see what five stories above grade would look like as seen from Rockingham Road and the Fairways in relation to the topography. The project needs to work with the topography. The intent of the zone is to keep the total heights fairly consistent. For example, a four or five story building at the West Running Brook School lot (assuming the school was not there) might not be appropriate because the land is so high, but it would be okay if it was constructed in the bowl of land at the former Grand View Flea Market. Mr. Merritt said he would demonstrate that for the Board. Mr. MacEachern said the building may need to be changed based on what can fit. Instead of a maximum height requirement, 'flexible' means 'in scale'.

Mr. Nelson echoed the conceptual desire for a village experience. Given the size of the property, the scale of the buildings that can fit on the dry land, make it more of a traditional development. Tuscan Village has a different environment and larger scale, so it makes it look more like a village. He understands the challenges on the site, but the Board is saying anything that can be done to maximize the village feel in the West Running Brook would be appropriate. On a more technical note, the Access Drive C may be problematic. There is a history of water ponding in that location with a potential for hydroplaning after a heavy rainstorm which is also not good for walking in that location. Off-site improvements might be required in that area to deal with the water issue. Mr. L'Heureux confirmed that area of Rockingham Road is under town jurisdiction; this is part of the Urban Compact.

Mr. Connors said he appreciates the land drops down and also agreed it might not be possible to achieve underground parking. There are a lot of wetlands. This is a tough lot to develop; with the buildings angled, it won't have as big an impact to the road. He questioned the height of the building; Mr. MacCormack confirmed the developed height of the multifamily would be 52 feet tall. They will have a flat roof with a pitch of 6" to allow the water to drain.

Beverly Donovan, Economic Development Director, wanted to remind the public that there should be a ratio of commercial to residential development. She also wanted to repeat that it has been stated many times that this is the transitional area to get to Route 28. It is not practical or feasible to get a high commercial use on this lot; nor will there be a high occupancy of office or retail use. There is no magic number for commercial; this area was always intended to be transitional. With regard to the Siragusa project, the owners have so far opted to move forward with the wedding venue and are committing to an outdoor pavilion. The concept the Board saw previously may never come to fruition so the Board and public should not feel overwhelmed by that prior concept. That would not be fair to other projects coming forward at this point. She is happy to hear there will be high end apartments in this project. She had been in discussion with the previous current CEO of Parkland Medical Center. It is hard for them to attract physicians to the higher end jobs. Those are typically two year assignments. Because the physicians are looking for a place to live for only two years; they don't want to commit to purchasing a home. There is a need for housing for this demographic.

Mr. Connors stated if the first project goes away, he would be disappointed as that project had the most village-like feel. With regard to commercial land versus mixed use – the Board does

not have to say okay, since commercial is not viable now, let's do all residential. The market may change, and he feels there may be an option to wait. He is very familiar with the lot and agrees it is tough to develop. This is a nice plan. He does believe height will be the key. He hoped to have a rendering available at a public hearing showing the real size for the road facing building so that people can see the project in scale. Mr. Merritt said he would be able to paint a better picture once the topography is complete.

Chairman/Planning Director Updates

Mr. Sioras had nothing to report. Mrs. Robidoux congratulated Mr. O'Connor on his receipt of the 2021 ~~James W. Tether~~ Raymond E. Closson Award from Southern New Hampshire Planning Commission for his regional and local community planning and volunteer efforts.

Mr. Sioras advised Town Council approved zoning changes at their meeting last evening.

A resident attending the meeting was advised he could discuss the proposed project with staff, and copies of the proposal were on the table to the rear of the room.

Board Member Comments

None.

There was no further business before the Board.

Motion by MacEachern, seconded by Granese to adjourn.

Chase, Myers, Hultgren, MacEachern, Nelson, Connors, Granese, and O'Connor voted in favor and the meeting stood adjourned at 8:19 p.m.

Approved by: _____
Chairman/Vice Chairman

Approval date: _____