

The Planning Board for the Town of Derry held a public meeting on Wednesday, July 16, 2014, 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; Frank Bartkiewicz, Secretary; Michael Fairbanks, Town Council Representative; Randy Chase, Administrative Representative; Jan Choiniere (7:31 p.m.), Ann Alongi, Members; Marc Flattes, Lori Davison, Alternates

Absent: Jim MacEachern, Darrell Park, Frank Mazzuchelli

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

Mr. Granese called the meeting to order at 7:01 p.m. The meeting began with a salute to the flag. Mr. Granese noted emergency exits, the location of meeting materials and introduced the Board members and staff.

*Ms. Davison was seated for Mr. MacEachern
Mr. Flattes was seated for Mr. Park*

Escrow

#14-10

Project Name: Triangle Credit Union

Developer: Same

Escrow Account: Same

Escrow Type: Cash

Parcel ID/Location: 25008, 3 Windham Road

The request is to approve the final release of cash escrow for the above noted project in the amount of \$3,240.00 plus accumulated interest. The amount to retain is zero.

Motion by O'Connor seconded by Bartkiewicz to approve as presented. The motion passed with all in favor.

#14-11

Project Name: 8 Lot Subdivision of 2 Beaver Lake Road

Developer: Donahue Family, LLC

Escrow Account: Donahue Family/Paul George

Escrow Type: Cash

Parcel ID/Location: 09045, 2 Beaver Lake Road

The request is to approve Release #1 in the amount of \$6,518.88 for the above noted project. The amount to retain is \$9,650.02.

Motion by O'Connor seconded by Bartkiewicz to approve as presented. The motion passed with all in favor.

#14-12

Project Name: 2nd Building, General Office Building
Developer: Tsienneto Fourteen Development, LLC
Escrow Account: Same
Escrow Type: Letter of Credit
Parcel ID/Location: 08079-005, 14 Tsienneto Road

The request is to approve the final release of Letter of Credit #20005927 in the amount of \$12,441.60 for the above noted project. The amount to retain is zero.

Motion by O'Connor seconded by Bartkiewicz to approve as presented. The motion passed with all in favor.

#14-13

Project Name: Gennaro Estates
Developer: Robert Allen
Escrow Account: Gennaro Estates, LLC
Escrow Type: Letter of Credit
Parcel ID/Location: 04074 and 04075, Gulf and Bartlett

The request is to approve the final release of Letter of Credit #21693 in the amount of \$89,072.78 for the above noted project. The amount to retain is zero.

Motion by O'Connor seconded by Bartkiewicz to approve as presented. The motion passed with all in favor.

#14-14

Project Name: Indian Hill Estates
Developer: Brady Sullivan Indian Hill Estates, LLC
Escrow Account: Same
Escrow Type: Letter of Credit
Parcel ID/Location: 04003, Indian Hill Road/Goodhue

The request is to renew Letter of Credit #181, drawn on Centrix Bank, in the amount of \$211,793.75. The new expiration date will be August 2, 2015.

Motion by O'Connor seconded by Bartkiewicz to approve as presented. The motion passed with all in favor.

Minutes

The Board reviewed the minutes of June 18, 2014, meeting.

Motion by O'Connor, seconded by Bartkiewicz to approve the minutes of the June 18, 2014, meeting as amended. The motion passed with Chase abstained.

The Board reviewed the site walk notes of June 28, 2014.

Motion by O'Connor, seconded by Bartkiewicz to approve the June 28, 2014 site walk notes as written. The motion passed with Alongi abstained.

Correspondence

Mr. Bartkiewicz advised the Board is in receipt of the latest edition of *Town and City*.

Other Business

Members of the public who were interested in the multifamily site plan for 30 Brook Street were invited to view the plan ahead of time.

Schedule public hearing – establishment of a General Commercial IV zone and associated changes

Mr. Sioras advised the Board has before it the final changes for the Route 28 zoning in the area near Webster's Corner where water and sewer are currently being constructed. He recommends scheduling the public hearing for September 17th. Notice will be sent to affected landowners. The changes are in red. The Board held several workshops and finalized the document at the last meeting.

Motion by O'Connor to schedule a public hearing on September 17, 2014 to discuss the following proposed changes to the Town of Derry Zoning Ordinance: to amend Article VI, District Provisions to add a new section, Section 165-32.2, General Commercial IV District and list the permitted uses in the new district; to amend the following sections of Zoning Ordinance: Section 165-5, Definitions; Section 165-29, Enumeration of Districts. The Board will also discuss amending Section 165-30, Zoning Map, to remove the following three parcels from the Office Medical Business District and place them in the General Commercial IV zone: Parcel IDs 05039, 05039-001 and 05092, and to remove seventy-seven parcels from the General Commercial District located along Route 28 South and place them in the new General Commercial IV District. The following amendments will also be discussed to add a new use, Commercial Performing and Fine Arts Schools and Studios, to Section 165-32, General Commercial District, Section 165-33, Central Business District, Section 165-45, Medium High

Density Residential District, and Section 165-49, Traditional Business Overlay District. Bartkiewicz seconded the motion. Discussion followed.

Ms. Alongi confirmed the location of the three OMB lots to be moved to GC IV.

Chase, Fairbanks, O'Connor, Flattes, Davison, Alongi, Bartkiewicz and Granese voted in favor and the motion passed.

Recommend acceptance of Cella Drive

Mr. Sioras deferred to Mr. L'Heureux advising the Board had a memo from Mr. L'Heureux requesting the Board accept Cella Drive as a town road.

Mr. L'Heureux stated the Board has just approved the release of final escrow for the subdivision project and all items on the plan have been completed per town specifications. Cella Drive is about 1550 feet in length off Gulf Road. The Board would need to approve the road and forward the approval to Town Council for final approval.

Mr. Flattes asked what would be the added cost to the Town to maintain the new road. Mr. L'Heureux advised the Department of Public Works has a per mile cost, but he does not recall the exact amount.

Motion by O'Connor to accept Cella Drive as a Class V town road and forward consideration of same to Town Council for approval, seconded by Bartkiewicz.

Chase, Fairbanks, O'Connor, Flattes, Davison, Alongi, Bartkiewicz and Granese voted in favor and the motion passed.

Public Hearing

AAA General Contractors, Inc.

Owner: Sean O'Keefe

PID 07094, 130 North Shore Road

Review, 2 Lot Subdivision

Continued from June 18, 2014

Mr. Sioras provided the following staff report. The Board held a site walk and the engineer has made changes to the plan that were recommended by staff and suggested by the abutters. A letter from the Hemond family was received today and is in the member packets.

Motion by O'Connor to accept revised plans dated June 3, 2014, seconded by Bartkiewicz.

Chase, Fairbanks, O'Connor, Flattes, Davison, Alongi, Bartkiewicz and Granese voted in favor and the motion passed.

Bernie Temple of Eric C. Mitchell & Associates, Inc., presented for the applicants. He advised since the last meeting and site walk he has revised the drainage on the plan so that the drainage that was to go toward lot 07094-001 will now be handled on the opposite side of the driveway to reduce impacts. The owners of parcel 07018-002 and 07095-002 requested additional erosion control in the front left corner of lot 07094. That has been provided with the addition of silt fence, hay, and stone check dams. He has added construction sequencing showing the erosion control methods and added maintenance and sequences for the BMPs. He has also prepared a full drainage study showing the reductions in flow to the two abutting lots and to the culvert on North Shore Road. That has been submitted to the town. Tonight, they would request approval of the plan and waivers for the cover over the culvert and the angle to the property line. It was noted the title of the drainage report inaccurately states the town as Auburn; that is a typo.

Motion by O'Connor, seconded by Bartkiewicz to open the public hearing. The motion passed in favor and the floor was open to the public.

Frank Santiago, 132 North Shore Road, said it appears the water issue has been addressed. While on the site walk, he noted what may be ledge. If the applicant needs to blast, it should be noted the distance from that area is about 40 feet to his home and he has a 500 gallon underground propane tank in the area.

There was no further public comment.

Motion by Flattes to close the public hearing, seconded by O'Connor. The motion passed with all in favor and the review of the plan came back to the Board.

Mr. Sioras advised the letter from the Hemond family is in the file and the Board also has a copy of an email chain between Mr. Santiago and the Fire Chief, George Klauber. Mr. Granese read the email response from Chief Klauber into the record. "Thank you for your email. We are aware of the subdivision but unfortunately we cannot require sprinklers by state RSA and the length and design of a private driveway does not have any fire code requirements. Property owners that choose to build on these sites do so understanding the risks. Thank you again for your concern." It was also noted that Note 8 found on Sheet 1 states "Fire protection to be provided for the new dwelling using sprinklers per NFPA 13D or 13R of the National Fire Protection Association and is subject to the Derry Fire Chief having jurisdiction."

Mr. Granese read the letter dated July 16, 2014 from Norman Hemond into the record. A copy is retained in the file. Concerns include seasonal and storm water levels, damage to his foundation if blasting occurs and the belief that the proposed drainage improvements will not function during winter months or during heavy rain storms. Mr. O'Connor asked Mr. Temple to speak to the concerns.

Mr. Temple stated that he prepared the drainage report. Any drainage to Mr. Hemond's house will be redirected by the swale. They don't expect to have to blast; they have sufficient cover for the leach bed. If they have to, they can always use a hammer. If they find they have to blast, they would do a pre-blast survey within 100 feet and follow appropriate protocol. They are

reducing the flows to Mr. Hemond's lot by 1 cfs and to Mr. Santiago's lot by 4 cfs for the 25 year storm. This reduces the flows to both neighbors significantly.

Mr. Granese read from the site walk notes. "Sean said there has been no build up of silt out the ends of the culverts. Any silt from his property would show at the openings. The gravel driveway is the original driveway for the home and has been there since 1911. He constructed in 2010 and 2011. That is when there was an issue with siltation. The Howards have acknowledged the issue has died down since he worked on the old well." Mr. Granese asked Mr. L'Heureux to comment. Mr. L'Heureux said if the erosion control is in place to slow the water there should not be any issues. All the culverts appeared to be clear and free flowing when he walked the area. The applicant will need to have erosion control in place before the vegetation is disturbed. They have internalized the water flow to the site and will set up swales and a detention pond to slow the water down and delay it so that it does not hit the outfall all at once. He is comfortable with the plan so long as it is built correctly.

Motion by O'Connor to grant a waiver from the following sections of the LDCR: Section 170-25.A.2, Side Lot Line to allow a lot line that is not a substantial right angle and Section 170-29.J, Storm Drains, to allow two feet of cover over the driveway culvert where 3 feet is required as after review of the request, the Board finds that specific circumstances relative to the plan, or conditions of the land in such plan, indicate the waiver will properly carry out the spirit and intent of the ordinance. Bartkiewicz seconded the motion.

Mr. L'Heureux advised he has no issues with the waiver requests.

Fairbanks, O'Connor, Flattes, Davison, Alongi, Bartkiewicz and Granese voted in favor. Chase abstained. The motion passed.

Motion by O'Connor to approve pursuant to RSA 676:4, III, Expedited Review, with the following conditions: subject to owner's signature, subject to onsite inspection by the Town's Engineer, subject to on-site inspection of BMPs for driveway construction by the Town of Derry, establish escrow for the setting of bounds or certify the bounds have been set, bounds to the front of the lots must be granite (See LDCR Section 170-25.G), 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 that it complies with LDCR Section 170-24.C, comply with the following comment from the Department of Public Works: erosion control – silt fence and stone check dams must be used to protect all ditches and pipe inlets; note approved waivers on the plan, pre-blast survey is required for any blasting on the site, no blasting of rock will be allowed in the right of way; any rock/ledge will need to be removed via hydraulic hammer, subject to receipt of state or federal permits relating to the project, that the above conditions are met within 6 months, a \$25.00 check, payable to the Rockingham County Registry of Deeds is submitted with the mylar in accordance with the LCHIP requirements, along with the appropriate recording fees, and acceptance and dedication by the Derry Planning Board and the Derry Town Council of the 1300 ± square feet of roadway to be annexed to North Shore Road. Bartkiewicz seconded the motion. Discussion followed.

Mr. Granese confirmed the June 26, 2014 email from Mike Fowler was in relation to the process for acceptance and dedication of the small portion of North Shore Road. Mr. L'Heureux urged caution on North Shore Road during construction. The applicant will be using heavy equipment and there is potential to damage the roadway. Any damage would need to be corrected by the applicant up to and including an overlay. Mr. O'Connor suggested an addition to the conditions of approval.

Any damage to North Shore Road incurred during construction of this subdivision must be repaired to its original form. The Department of Public Works will assess the roadway with the developer.

Fairbanks, O'Connor, Flattes, Davison, Alongi, Bartkiewicz and Granese voted in favor. Chase abstained. The motion passed.

Mr. Temple said they will videotape the roadway in the presence of the Town Engineer prior to construction.

Mrs. Choiniere was seated at 7:39 p.m.

Whitcher Builders

Owner: Town of Derry

PID 08274, 13 Manchester Road

Acceptance/Review, Site Plan

Aroma Joe's Coffee Facility

Mr. Sioras provided the following staff report. The property is currently owned by the Town of Derry and is under a purchase and sales agreement. This is the site of the old Pinkerton Tavern. As part of the widening of Route 28 a portion of this property was taken. The purpose of the plan is for re-development of the site by Whitcher Builders to construct an Aroma Joe's coffee facility. A variance was received by the ZA on March 6, 2014 to allow for the construction of the building to be less than 75 feet from the wetland. A copy of the variance is in the file. This is the residual land left over when the Pinkerton Tavern was torn down. The intent is for an 840 square foot structure with associated parking, access and utilities. All town departments have reviewed and signed the plan as well as the Conservation Commission. There are three waiver requests and the NH DOT driveway permit is pending. He would recommend approval of both the waiver requests and site plan. The Town would like to move forward and get this lot back on the tax rolls.

Bill Stack and Steven Smith of Steven J. Smith and Associates, Inc., as well as Michael Whitcher of Whitcher Builders were present to discuss the plan.

Mr. Stack provided the following overview. The lot was the site of a previous restaurant. The site has ZBA approval for the wetland setback which will enable the siting for a drive up kiosk for a coffee shop. The proposed redevelopment of the site is for a single drive up window for Aroma Joe's. The location will have access from Manchester Road. There will be a single drive up lane served on one side and a bypass lane. They filed a driveway permit application with NH

DOT they received the comment that they needed to provide traffic numbers. The study showed they needed a dual exit lane: one left and one right. They revised the plan accordingly. The drive up will provide stacking for 7-8 vehicles from the entrance to the pick up window.

The required green space for the zone is 66%. The existing green space was 74.7% and there was left over pavement from the previous use. The proposed condition will have 83.2% green space. Access is dictated by the existing curb cut. The roadway improvements took 25 feet of property. They could not keep two access points because of the alignment with A Street. The proposed location has a water stub and they will tie in with new water service. The existing sewer stub will also tie in with a new line. They will install a new sewer man hole that will have a new inside drop; the existing one was not in good shape. The surface drainage on site will drain along the edge of the lot into a fore bay for the sediment basin. There is a lot of ledge on one side of the site and they do not want to disturb it. The overall runoff will be lessened with the site improvements.

They met with the TRC and addressed their comments. They also meet with the Highway Safety Committee and received a favorable response. The Conservation Commission held several meetings and a site walk and the plan was revised per their comments as well. They have received the review prepared by Keach Nordstrom Associates and can address all but one comment. Many of the comments were housekeeping items. A lighting plan has been submitted and will utilize downcast, LED lights. The landscape plan was also reviewed by KNA.

They are requesting three waivers. One is for parking density. The site is keyed for drive up and they don't anticipate a lot of walk up traffic. The majority will be drive up vehicles. They are asking for a waiver from the restaurant parking requirements. They are proposing 6 spaces total: two for employees and four for guests. The second waiver is for the sight distance profile. They have adequate sight distance on the improved roadway. KNA agreed with the waiver request. They believe they have adequate sight distance; the waiver is to not put the sight distance profile on the plan. The third waiver is for pedestrian access from the sidewalk to the patio area. They don't anticipate enough foot traffic for this and the site is set up for vehicular access.

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

There was no public comment.

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

Mr. Granese asked if the patio was there in case anyone wanted to sit. Mr. Stack said that is the intent. It will serve as a sitting area. The majority of customers will drive through and go off site. This is a feature at another restaurant. Mr. Granese asked what happens if someone wants to walk up. Mr. Whitcher explained the photo provided to the Board is just a prototype of a drive up and is a different model. The photo does not depict what will be built. Building elevations are in the packets. There is a walk up window for convenience. Not much, if any, of the business is walk up. The Derry location will not have the same walk up window as shown in

the prototype. The patio area is near a window. The same model is in Exeter where there is a lot more walk up traffic and they also operate a facility in Hampton. Mr. Granese confirmed the nearest location is in Hampton and asked if the building will look similar to the prototype: blue and white with a shingle roof. Mr. Whitcher said those are the franchise trademark colors.

Mr. O'Connor asked Mr. L'Heureux if the drainage heading to the detention pond requires a gas/oil separator. Mr. L'Heureux said he has seen what they are proposing done before. The treatment swales are meant to treat those items as well and store pollutants which get vaporized over time. He did have some reservations regarding the drainage. They did adjust the grades. Keach Nordstrom reviewed the plan and noted it was a flat site. They will need to open the curb line in the winter to provide relief. Mr. Stack advised they will have an oil/water separator per the Conservation Commission comments. After the TRC meeting, they added spot elevations to ensure there was 1% around the perimeter of the site; it has been elevated by one foot. Their opinion is the site will drain.

Mr. O'Connor asked for hours of operation. They will operate 5:00 a.m. to 9:00 p.m. Mr. O'Connor asked what items in the KNA report are they unable to meet. Mr. Stack said one item was the sidewalk for which they have asked for a waiver. They are not in complete agreement with regard to providing an overflow; they feel the site will work as designed.

Mr. O'Connor advised he will request they comply with the new RSA having to do with road salt. He will request they hire a certified salt applicator for snow removal; they are close to an area that leads to Hood Pond. He noted he would like this to be a standard condition on any approval for a public parking area in town. Mr. Smith asked if the town will provide a list of certified applicators. Mr. O'Connor suggested Mr. Smith speak with Alan Côté in Public Works. The state website also has a list. Mrs. Choiniere asked what is a certified salt applicator. Mr. O'Connor explained the certification process and the benefits to the landowner for use of one.

Mrs. Choiniere noted the applicant is not anticipating much foot traffic but felt customers at Goodwill might walk over if they did not want to go to Panera. Mr. Whitcher said they can accommodate foot traffic. The waiver request is to not add another sidewalk. They can do it, but don't feel it is necessary. They hope to get some foot traffic and will accommodate it. They don't expect to be as busy with foot traffic as some other locations. They will welcome any and all business.

Mr. Fairbanks felt the turning radius into the parking lot is tight. Mr. Stack agreed and advised they initially had a radius that was more cumbersome. A single unit, such as a garbage truck can get into the site without an issue. Mr. Chase said fire apparatus would be able to pull in near the drive up and set up; they won't go around the building even though the truck will fit. Mr. Fairbanks recalled the Manchester Road plan allowed for a light at A Street; will this site development affect that? Mr. L'Heureux said development of this site will not affect a future light at that intersection.

Mr. Flattes said there are a lot of older members of the community who walk back and forth in this area. Is the lot 100% ADA accessible? Mr. Stack said it is; they took that into account when they planned the grades. Mr. Whitcher noted there is no sit down space in the building.

Ms. Alongi said the town has worked hard to build up this area and wondered why the Board was forced to have a building put up that does not match the area. Why can't they use the same color scheme as other buildings in the area? Mr. Granese said the Board was not being forced to accept the colors; this is why there are architectural regulations. He asked if there were any suggestions. Mr. Whitcher said he does not have an answer for the Board on that tonight; these are the franchise colors. Ms. Alongi noted Dunkin' Donuts has changed their colors. Mr. Whitcher reiterated he did not have a great answer for the Board tonight; he is willing to talk about it. If they need to limit the blue, he might be able to do that.

Mr. Chase did not agree that the building did not fit. He noted Clearbrook Center is white and the building that was knocked down was a purple/red color. Ms. Alongi felt the building should blend in with the area. Mr. Whitcher stated this was a traditional New England design with a sloped, shingled roof. Mr. Granese asked if this will be owner operated. It will. Mr. Granese then asked if Aroma Joe's told the owner to change the colors to neutral in the future would he need to do that. Mr. Whitcher said he was subject to their color scheme. This is Aroma Joe's prototype.

Mr. Granese asked if they had a color rendering of what will go on the site. Mr. Smith explained they provided a picture of the Laconia facility because that is what they had available. This facility will have clapboard siding, gabled ends and a gray/blue roof. The sign has the same color; that is the theme of the facility. Mr. Granese noted the colors are gray/white/blue and showed a picture of a location he found on the internet; that was passed around to the Board members. Mr. Whitcher advised that is very similar to what is proposed.

Mr. Chase noted he has seen the Wells, Maine location and the colors are not as vibrant as in the rendering before the Board tonight. There are also a lot of white buildings in this area. All the buildings in one area can't be the same. He felt this building fit the general theme of the town and the colors were not obnoxious. He felt it would be a better fit than what is there currently.

Mr. Granese asked with regard to the baked goods that would be available. Mr. Whitcher said they would have limited baked goods and they are all pre-packaged. Delivery is by CISCOS and is scheduled for low peak business hours, which for them is midafternoon. They get one delivery, two times per week.

Ms. Davison thought the applicant had been attracted to this location because of the high traffic. Do they have any idea what this project will do to the traffic in the area? Mr. Stack noted a traffic study conducted by Steve Pernaw was provided with the application. There is substantial traffic on this road. The site will generate 65 trips in and out at the peak period which is 7:30 a.m. to 8:30 a.m. There is a left turn out which will not be greatly utilized; the majority of traffic will turn right out of the site. There is a median with a break at this location. Mr. Whitcher noted they will not generate the same volume as Dunkin' Donuts.

Ms. Davison asked if they had a construction estimate. Mr. Whitcher said it would depend upon the hearing tonight, but he anticipated they could construct within 30-50 days of approval.

Mr. L'Heureux said they will need to follow the recommendations from Keach Nordstrom and a couple of items from the TRC review which included adding a 1" curb stop to the plan, and noting a few items in the detail sheets. Mr. Stack said those items are on the profile. Mr. L'Heureux asked that they be added to the detail so that it is more defined for the site contractor; it will eliminate guess work. Additionally, for the trash rack, it should be specified that it is hot dipped galvanized steel; on the sewer detail the note needs to be expanded to use 12" sand cover as a minimum, and a 6" bed of $\frac{3}{4}$ " stone.

Motion by O'Connor to accept jurisdiction of the site plan application before the Board for Whitcher Builders, 13 Manchester Road, PID 08274, seconded by Bartkiewicz.

Chase, Fairbanks, Choiniere, O'Connor, Flattes, Davison, Alongi, Bartkiewicz and Granese voted in favor and the motion passed.

Motion by O'Connor to grant a waiver from the following sections of the LDCR: Section 170-63.B.4.L, Parking Density Requirements, Section 170-62.A.3, Access and Circulation Requirements, and Section 170-62.B.5, Access and Circulation Requirements as after review of the waiver requests the Board finds that specific circumstances relative to the plan, or conditions of the land in such plan, indicate that the waivers will properly carry out the spirit and intent of the regulations. Bartkiewicz seconded the motion.

Chase, Fairbanks, Choiniere, O'Connor, Flattes, Davison, Alongi, Bartkiewicz and Granese voted in favor and 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 Keach Nordstrom report dated July 11, 2014; subject to owner's signature; subject to on-site 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 and is operable, and that the NH NAD83 coordinates are on the plan; note approved waivers on the plan; subject to receipt of state permits relating to the project; adhere to the three items from the TRC discussion noted by Mr. L'Heureux; the applicant is required to use a Certified Salt Applicator for the site pursuant to RSA 489-C, following the appropriate BMPs for the application of road salt, and the above conditions are met within six months. Discussion followed.

Mrs. Choiniere asked what will happen with the items for which the applicant does not agree with Keach Nordstrom. Mr. L'Heureux explained they will need to get into agreement with Keach Nordstrom; sometimes there is a need to negotiate. Mr. Stack said they will work to address Mr. Keach's comments. Mr. L'Heureux advised it is not unusual to have differences in opinion. The Board has imposed a condition that they will need to comply with Keach Nordstrom; there is usually some discussion back and forth with regard to his review.

Chase, Choiniere, Fairbanks, O'Connor, Flattes, Davison, Alongi, Bartkiewicz and Granese voted in favor and the motion passed.

Mr. Granese welcomed the business to Derry. Mr. Flattes asked how many jobs will be created. Mr. Whitcher said twelve.

Stage Crossing, LLC
PID 23016, 30 Brook Street
Acceptance/Review, Multifamily Site Plan
10 Unit Townhouse Development

Mr. Sioras provided the following staff report. The property is located on the corner of Fordway and Brook Street. The land was town owned and was purchased by the applicant. The purpose of this plan is for a 10-unit townhouse development located in the Medium High Density Residential District. All town departments have reviewed and signed the plan. The Conservation Commission has also reviewed and signed the plan. There are two waiver requests, one for HISS mapping and one from the residential buffering requirement. There is a NH DES Shoreland Protection permit pending. He would suggest holding a site walk and hearing from the abutters, continuing the plan to August 20th.

Brian Pratt, of CLD Consulting Engineers, presented for the applicant. The property is located at 30 Brook Street on the corner of Fordway and Brook Street. The proposal is for a ten unit multifamily townhouse style apartments. The property runs parallel to Brook Street. Most of the units will face Brook Street and the end two units will face Fordway because of the angle of the property; this gives the building aesthetic appeal. Access will be from Brook Street and they have moved the 24 foot wide driveway as far from the Fordway intersection as possible to keep the driveway away from a relatively busy intersection. There will be a sidewalk along the front leading to each door. Each unit will have granite steps. The end unit will not have a porch overhang because of the maximum building length requirement. Parking will be to the rear of the building. The lot will provide 19 parking spaces and each unit will have a two car garage under. Utilities will be serviced by gravity fed sewer. They will construct a sewer extension from Union and Brook. The lot will be served by public water; each unit will have its own water shut off. The lot will also be served by propane. There will be two underground, 1000 gallon propane tanks, the location of which have been approved by AmeriGas. Electrical service will come from a pole on Brook Street.

Regarding the grading, the units will be at elevation 254 which is about 4 feet higher than Brook Street. The driveway will wrap around and the garages will be 10 feet below the first floor. Each unit will have an elevated cantilevered deck over the garage.

With regard to stormwater, there are two catch basins that will collect, pre-treat and settle out large, heavy solids and sand. There will be a 12" perforated pipe under the parking lot that infiltrates. The stormwater flows to a detention pond, then to a plunge pool and level spreader then sheet flows to the existing storm water flow. There is a wide ditch that leads to the brook. The existing catch basin across the street flows to the site. It will be replaced, they will deepen the pipe and make it a 15" pipe. There will be a new catch basin on their property which diverts the flow around the building and to the proposed detention pond. The town will be granted a drainage easement for this; details will be worked out with DPW.

The Fire Department can circulate in the site; they have added compact spaces per the Fire Department's request to assist with the turnaround area. They looked at the sight distance. It is not great going onto Fordway; they were asked to not make that any worse. The building is outside of the sight lines as is the landscaping so there are not adverse effects on sight distance as a result of this project. They worked with the TRC to meet their concerns. There were some architectural changes and the town departments had no issues with them. Architectural plans have been provided. They tried to do different colors and broke up the façade so that it is not monotonous.

Mr. Pratt advised they have received their Shoreland permit; one was required because they are 250 feet from Beaver Brook. They will work with DPW on a sewer extension permit.

Additionally, they have met with several of the abutters this evening. There are some items such as fencing that raised concern. The proposal calls for a 6 foot, white vinyl fence around the residential perimeter. An abutter has asked that the fence be raised to eight feet; they are amenable if the town is okay with that. Mr. Sioras confirmed they can go up to 8 feet. Mr. Pratt advised some abutters expressed concern as the lot has been used to store surplus material and homes were shaking when they loaded trucks and did compaction. They will work with the abutters and obtain pre-construction surveys; that will need to be discussed with the property owner first however. With regard to lighting, there will be three LED lights to the rear, 20 feet above grade. He explained the spillage numbers to the abutters and they have asked for options to dim or turn off the lights after hours. Mr. Sioras noted the Board likes to see a cut off time later at night. Mr. Pratt commented each unit will have its own light on the back of the unit. Also discussed with the abutters is the addition of another tree or two to the buffer. They can accomplish this by moving some of the trees from other parts of the site. They have no issues with the VHB comments; they were relatively minor. They will move the handicap parking space to be centrally located between Units 5 and 6. They will add spot grades for the ADA accessible routes and will make sure the handicap spot and aisle is 2% or less so that the contractor will build it that way.

Regarding easements, they send the draft easement language to the town as soon as they can and will work with DPW on that item. VHB had comments with regard to the compact car parking spaces; they will reduce the size of the spaces and add signage.

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

Robert Sargent, 35 Fordway, has lived in his home for 35 years. He is opposed to this development. When he purchased his home he purposely bought in a single family neighborhood. Since then, the town has added a transfer station, a lagoon, sold the town sheds, allowed an industrial park serviced by tractor trailers, and there are more vehicles on Fordway than the road can handle. His house shakes when cars come by. Two years ago, the Water Department said they would fix the sewer covers on the road in front of his house to stop the shaking. Now this project won't help the situation. That intersection is a death trap: there have been accidents where cars have ended up in the brook, upside down, and in the neighbor's yard. He does not feel a multifamily development should go in this area and would like to see smaller

homes. This area is not ready for 10 townhouses. This won't help with the Florence Street flooding. All the water runoff has to go somewhere. A detention pond won't help. The area was a sand pit. The town sold the property and does not care about the neighborhood.

Joseph O'Donnell, 39 Fordway, said his house shakes when they go in with dump trucks. He has concerns for when he wants to sell his home; if the foundation is cracked who will take care of that? Where does the proposed drainage flow? Will it go to the river? There are trout in the stream. The river overflows. He is opposed to this project. He does not know what the result will be with ten families. Is this affordable housing or Section 8? Fordway is a busy street now. He would like to see this done right. Exiting Brook Street to Fordway, cars have crashed into his house because they can't see. There will be serious accidents here and he fears there will be deaths.

Harvey Donovan, 29 Brook Street, is opposed. He can't believe the applicant is thinking of this. He has lived here for 53 years. He does not want it changed. Trucks, up to 350, hauling sewage and garbage; 30 trucks a week or more travel here. The transfer station accepts garbage, yard waste and building materials. The town sold the Public Works Department that the residents paid for. 35 trucks are in that one location and they go by every day. The drain pipe under the road is not large enough. It is 80 feet to Union Street. All that water will be in his driveway. He sees the potential for 60 people to live in the building; it could happen. Children in the building will have noisy trucks going by. The Beaver Brook Bridge is there. The land goes uphill, then down, is flat and then goes up; all the truck exhaust goes in the hole and will go into these buildings through the open windows. This is not a place for families.

Donald Bodwell, 22 Brook Street, stated the intersection of Fordway and Brook is dangerous. He has seen many accidents and feels this project will affect the intersection. The water runoff on this end of Brook Street is not good; he does believe the project will improve it.

Richard Hirtle, 1 and 2 Bridge Street, liked the plan for two to three houses better. He does not know why the town turned that down. This will have ten families with kids – where will the kids go? He has an issue with the flood area. When they fill in this land, the water will go up into his barn, cellar and first floor. Will the town take care of that? They will fill 125 x 30 feet and will create floods. His land flooded in March and the water would normally go into the area they are filling. They say they will adjust the fence, the lighting and the trees and will repave the road which will drive water into another house. The corner of Fordway used to be 12 feet away and was moved to accommodate this building. Kids stand at the end of Florence waiting for the bus and he can see this intersection. Seven out of ten cars that go by make the turn in the next lane. The main issue with flooding is that it will inundate him. He has been taking care of that area for thirty years. How will the town address the raised water? His main concern will be flooding. He cleans up the debris from flooding each year that ends up on his property. The fill placed on this lot for the project will flood him and his neighbor. He is not sure how this went from three to ten units in a highly residential area. This will lower the property values but won't lower the taxes. There will be no community activity. He asked why the Board was not responding to his questions.

Mr. Granese advised the Board will address the questions from abutters later and will ask DPW questions as well.

Mr. Hirtle said the new bridge just brings in water faster. If there is a hurricane, there will be issues in this area. The area floods a lot more now.

There was no further public comment.

Motion by O'Connor, seconded by Bartkiewicz to close the public hearing. The motion passed with all in favor and the plan returned to the Board for review.

Mr. Granese asked how many bedrooms will be in each unit. Mr. Pratt said these are three bedroom units. There is about 660 square feet per floor, not including the basement. In his client's experience, typically one of the bedrooms is used for an office, playroom or storage. Usually, they are occupied by a couple with one child. These will be rental units, not condominiums. Dana Finn, representing Stage Crossing, LLC., stated they will rent to people who meet the criteria. A management company will take care of the building and rents. Mr. Granese asked what they will use on the interior. Will they use granite counter tops and stainless steel? Mr. Finn said most people like stainless and granite; he does not know for certain what will be put in but the units will be nice.

Mr. Pratt said they took care with the architecture. The interior is still being designed. Mr. Granese asked about the waiver request for the residential buffer. Mr. Pratt said they can add shrubs and trees near the fence and so will ask to be able to reduce the buffer from 30 feet to ten feet. (LDCR Section 170-64)

Mr. O'Connor asked what is the source of funding for the units. Is it federal grants? Mr. Finn said they are funding through the banks. Mr. Fairbanks asked about the recreational space and/or use. Mr. Pratt said there are grassed areas to the front. Their experience is that the space is put in and the residents don't use it or it gets vandalized. They would welcome suggestions from the Board. Mr. Fairbanks noted the regulations don't define what needs to be in it, just that the space needs to be there.

Mr. Granese asked if DPW had any issues with this plan. Mr. L'Heureux said most of the regulations have been met. There were some issues with drainage on Brook Street being redirected but it is amenable. They can make it work in line with the specifications.

Mr. O'Connor said he does travel this road once a week on the way to the transfer station. He recommends the Board conduct a site walk. He feels this lot is small and is not sure how this will fit. Have they considered 55 and older for these units? Mr. Finn said they likely would not do that.

Mr. Fairbanks said he is aware of the flooding in this area and would like to hear more about the drainage and how it will address that. Mr. Pratt explained the FEMA flood line overlay just hits the edge of this property which is 99% outside of the zone. The flood line is at elevation 242. They are proposing 245 for the finished floor of the basement. They are not changing the grade

to the rear of the property. The stormwater system has been specifically designed to reduce peak flows. The deep sump and catch basin will provide treatment. They will decrease the flow which should help. They will increase the size of the pipe across the street and that will help too. Mr. L'Heureux said the drainage easement allows the town to maintain the drain line. The town needs to be able to access any obstructions. Mr. Fairbanks commented he will also not drive south on Brook Street and agreed it was a death trap. Mr. Pratt said the traffic study showed there would be a maximum of five trips at peak which has a negligible impact. Mr. Fairbanks said he felt it was the sight line, not the number of vehicles at issue. Mr. Pratt said they designed the site to keep the sight line and minimized the shrubs in the area to keep them behind the sight line. They are not opposed to removing them, but the trees are there because the regulations require them to be there. They can move some to the back to help the neighbors. If the Board wants the line of trees along Brook Street removed, they can do that.

Mr. Flattes asked why they chose that location. Ten units with young children, in an area where there is a transfer station, and heavy truck traffic; it raises concerns for safety and environmental danger.

Mr. Pratt said this is a residential neighborhood and he does not feel this is a dangerous spot. They have minimized the sight distance deficiencies. This area was zoned for multifamily by the town. The original concept proposed was for three single family house lots but some town staff was opposed to that because the driveways would be too close to Fordway. Some of the staff felt this was safer. Regarding the transfer station, it is not right next door. It is further up the road, on its own driveway. Mr. Flattes asked what they are expecting for rents. Mr. Finn said the market will dictate that. Mr. Flattes asked if they are doing anything to be environmentally or LEED compliant, other than the LED lights. Mr. Pratt said the interior has not been designed yet. They will want to use high efficiency items because these are rental units. Mr. Flattes asked what is the overall height of the building. Mr. Pratt said it is 28'10" to the top of the roof.

Mr. Sioras advised staff did see a concept for three homes. It is not accurate to say that staff preferred this plan over the other. Staff did have a concern for sight distance and did not want three curb cuts in this area and asked that they move the entrance further away. He worked in this area for 20 years and every few years the area would flood up to the dog pound. Fordway would be closed for a week and it looked like a pond. It may be helpful to show the edge of the floodplain for the site walk. Mr. O'Connor asked if they will need to purchase flood insurance. Mr. Pratt said no since they are out of the floodplain graphically and the elevation is above.

Mr. O'Connor asked with regard to the 6' white vinyl fence. Will it surround the whole property? Mr. Pratt said it will go along the left side of the driveway and along the east side. It ends near the turnaround area. Mr. O'Connor asked why the fence did not go all the way around to Fordway. Mr. Pratt explained there is a 2:1 slope from Fordway and a fence would block sight distance.

Mrs. Choiniere asked if two garages can be back to back as they are shown on the plan, meaning cars would back out into each other from Units 9 and 10. Mr. Pratt said that is why there is a turnaround area, which will be striped for no parking. The units will have their own internal garbage; there will be no dumpster on site. He agrees the area is tight but the turnaround area is

19 feet wide and 18 feet deep. They will pull straight into Unit 10; they made the area wider to ease turning around. Mrs. Choiniere confirmed they are moving the handicap parking spot. She asked how would someone in a wheelchair access the units. Mr. Pratt said there are ground level doors and the garage. If someone needed assistance, a chair lift would have to be installed. Mrs. Choiniere asked Mr. L'Heureux about water in the area. Mr. L'Heureux said the bridges made some improvements but flood events will flood the low lying areas. That can't be fixed. This project won't have much effect on that because the lot is higher than the floodplain. Mrs. Choiniere said it seems like the water will be displaced with the foundations. Mr. L'Heureux said that is not part of the floodplain; the neighbor's house might be.

Mr. Chase asked if the mature trees will be removed from the lot. Mr. Pratt said the majority of the trees will be taken; there may be a few feet that are not disturbed but most of those will be along the property line. Mr. Chase said in the TRC notes it came up under the code and fire review that these will be rental units. Have their concerns been addressed with regard to separation and sprinkler specifications? Mr. Pratt said that has more to do with the building permit process and those offices gave direction pre-design. He does not see an issue meeting their needs. Both departments signed off on the plan and they worked with the Fire Department to get the sprinkler controls in the correct location. Mr. Chase said there was an additional concern with individually owned versus rental units. Mr. Pratt said they did give each unit its own water service; the rest of the items will be addressed at the time of the building permit submittal. Mr. Chase said there has been concern in the past (on other projects) that staff was told one thing regarding rentals and condos and late in the process it changed; he is making sure it is being addressed at the Planning Board level. Mr. Pratt said it come up so that the units could be designed properly. Regarding the site related issues, each unit has fire service and has its own water supply.

Mr. Granese thought that these were 10 units of condominiums. He would like to see rental units in the title block. He agrees with Mr. O'Connor about traveling from the transfer station onto Brook Street. The first house on the left is beautiful but this is a well-traveled street. He felt there should be a site walk to review the area. The Board agreed. The Board discussed the issue of jurisdiction and whether the Board should wait to accept jurisdiction. Mr. Sioras suggested holding the site walk first. Items the Board would like to see staked out on the site prior to the walk include: the driveway, building, turnaround area, and property boundary; the property line and buffer at 30 feet; the floodplain, and the location of the proposed trees on Fordway. The Board wanted to make sure the trees won't interfere with sight lines.

The site walk will be held on Saturday, September 6, 2014, beginning at 8:30 a.m.

Mr. Pratt asked if it was possible to be on the August agenda; Mr. Granese advised that agenda is currently filled. He confirmed the Board and abutters have permission to walk the site. Parking for Board members should be at the pool water site. Mr. Flattes will walk the site separately later that day.

Motion by O'Connor, seconded by Bartkiewicz to continue the public hearing for Stage Crossing LLC to September 17, 2014.

Chase, Fairbanks, Choiniere, O'Connor, Flattes, Davison, Alongi, Bartkiewicz and Granese voted in favor and the motion passed.
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Workshop

Review of proposed zoning change – deletion of height restriction in the Central Business District

Mr. Sioras advised the Board is continuing its discussion of height limitations in the Central Business District (CBD). Currently the height limitation is 60 feet. The Town Council asked the Board to look at the height. Chief Klauber has no issues with eliminating the restriction; the Fire Department is no longer limited as fire protection technology has changed. Last evening, Town Council discussed height limitations and appeared to be split between limiting the height at 100 feet or leaving it open ended. The current draft suggests leaving it up to the Planning Board during site plan review.

Mr. Fairbanks said the issue was that the height could be limited to 100 feet, but people were focusing only on Sawyer Court. The CBD encompasses a much larger area than that and any change would apply to the entire CBD. It was felt the height should be limited to the height of the buildings at grade on Broadway. The Council would like the ability to restrict or approve a building that maintains the character of the downtown. Would the Planning Board have enough teeth in the regulation to restrict a building at 10 stories if it was left open ended to be determined at site plan review? There was some concern that anything constructed needs to be within the character of the downtown which needs to be maintained. He noted the Town Council would not sell any lots located downtown without a plan with which they agreed.

Mr. Chase said he could see where the Town Council was coming from. It does not benefit the town or the Board if the options are left open ended because Board members change. He feels that leaving it open ended is too arbitrary. A lot will not be developed with the current regulations because of current parking requirements. The current requirements are too strict and limiting. Many communities do not have parking requirements for their downtown. Nothing can be developed or constructed in the downtown and meet our requirements. He felt the Board needed to look at the residential buffer requirements as well. The buffer requirement affects all the properties in the CBD. The buffer has been an ongoing problem for the Board and it needs to be addressed. The current buffer and parking requirements do not serve the vision of the Town Council. He felt all three items needed to be discussed together because they will all need to be discussed at some point in the near future.

Ms. Alongi asked if the Board could say that any building of 100 feet would need to have open parking on the first three floors. Mr. Fairbanks said the Board could do that but this affects more than Sawyer Court. He agrees with Mr. Chase; it may be that the Planning Board needs to have a focused workshop with the Town Council.

Mr. Chase said there are several lots he is aware of that are not depressed. For example, if the Broadway Pet building was torn down, a new building could not be constructed with the current

parking requirements and that lot also borders residential. He felt it would be too narrow a vision to tackle each item alone. All three should be tackled together because they work together. Mr. O'Connor asked if any changes in the CBD would affect the Traditional Business Overlay District. Mr. Sioras said the Board would need to look at that because the TBOD is identified to keep the scale of the downtown intact. Mr. O'Connor noted it has been a while since the Board has seen an outline of the lots in the TBOD.

Mr. Sioras noted the most recent plan approved in the TBOD was the multi-use, three story Victorian building on the Benson lot. Mr. Chase said he would like things done correctly and Mr. Fairbanks added that these discussions would fit with recent Council conversation.

Mr. Sioras suggested getting through the next few months; the Board will have the public hearing on the Ryan's Hill zoning changes and it will give time for drafts to be created to give the Board something to look at. The Board briefly discussed how proposed zoning changes can affect project submittals. Mr. Sioras updated the Board on recent commercial properties that have been sold including the former Country Cupboard lot and a lot on West Broadway on the Londonderry town line.

It was confirmed the next workshop would be held on October 1, 2014.

Motion was made and seconded to adjourn. The motion passed with all in favor and the meeting stood adjourned at 9:47 p.m.

Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____