

The Planning Board for the Town of Derry held a public meeting on Wednesday, August 20, 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: John O'Connor, Vice Chairman (Chair Pro-Temp); Frank Bartkiewicz, Secretary; Michael Fairbanks, Town Council Representative; Randy Chase, Administrative Representative; Darrell Park, Ann Alongi, Members; Marc Flattes, Lori Davison, Frank Mazzuchelli, Alternates

Absent: David Granese, Jim MacEachern, Jan Choiniere

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

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

*Ms. Davison was seated for Mrs. Choiniere
Mr. Flattes was seated for Mr. MacEachern*

Escrow

#14-15

Project Name: William Dearth Subdivision
Developer: Hampshire Ventures
Escrow Account: Same
Escrow Type: Cash escrow
Parcel ID/Location: 45010, 12 Old Chester Road

The request is to approve Release #3 in the amount of \$16,640.64 plus any accumulated interest. The amount to retain is zero. This is the final release of cash escrow.

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

#14-16

Project Name: Pete's Scoop Driving Range
Developer: Samuel Kershaw
Escrow Account: Samuel Kershaw
Escrow Type: Cash escrow
Parcel ID/Location: 03087, 185 Rockingham Road

The request is to approve Release #1 in the amount of \$85,777.06 for the above noted project. The amount to retain is \$44,864.93.

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

#14-17**Project Name: Ocean State Job Lot****Developer: Ocean State Jobbers****Escrow Account: Same****Escrow Type: Cash Escrow****Parcel ID/Location: 08284, 30 Manchester Road**

The request is to establish cash escrow in the amount of \$23,833.44 for the above noted project.

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

Minutes

The Board reviewed the minutes of July 16, 2014, meeting.

Motion by Bartkiewicz, seconded by Flattes to approve the minutes of the July 16, 2014, meeting as written. The motion passed with Park abstained.

Correspondence

Mr. Bartkiewicz advised the Board is in receipt a copy of the draft Regional Comprehensive Plan 2015 on CD. The Planning Office has a copy. The Board has also received the latest edition of *The Source* newsletter from NH DES.

Other Business

Mr. Sioras reminded the Board there is a workshop scheduled with the Town Council on Tuesday, September 2, 2014 to discuss zoning and multifamily districts.

Abutters to the 19 Kendall Pond Road project were informed they could review the plan ahead of time with the engineer.

Public Hearing**Mark Young
PID 04038-005, 113 Gulf Road
Acceptance/Review, 2 Lot Subdivision**

Mr. O'Connor provided the following staff report. The purpose of the plan is for a two lot subdivision located in the Low Density Residential District. A new 21.975 acre lot is being created. A variance was granted by the ZBA on May 15, 2014 to allow for an existing non-conforming commercial area to have a lot containing 1.513 acres. The commercial use is a trucking company that has been there for many years. The new larger parcel will be for a single family residence. All town departments have reviewed and signed the plan. There is one waiver requested from LDCR Section 170-29 (J), Storm Drains. A waiver request letter dated July 21, 2014 is in the member packets. The NH State Subdivision approval is pending. Staff recommends approval of both the waiver and the subdivision plan.

Peter Zohdi, Edward N. Herbert Associates, presented for the applicant who was also present. Mr. Zohdi advised the nonconforming commercial use has been in place since before the LDR zone was created. The intent of this plan is to subdivide off one lot. The residential lot will contain 21.91-97 acres and the nonconforming commercial lot will contain 1.51 acres after subdivision. The Floodplain is shown on the plan. Parcel 04038-005, the parent lot, has a barn and garage. The new lot, Parcel 04038-006, has a commercial building that has been there for many years. Gove Environmental mapped the wetlands and performed the soil survey. A boundary survey was done by this-his office in 1994. The other lots surrounding these lots are all residential.

The plan shows a 4K receiving area on both lots for future septic systems. With regard to road improvements, they met with Mark L'Heureux from Public Works and will perform the work on Gulf Road that has been requested. They will add a catch basin and a cross culvert. There is a waiver request to allow two feet of cover over the cross culvert as they can't meet the requirement of 3 feet of cover.

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

There was no public comment.

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

Mr. L'Heureux advised the drainage improvements and the culvert will alleviate puddling and erosion along the road so his department is in favor of the waiver request.

Mr. Fairbanks asked if there will be a new house on the residential lot. Mr. Zohdi advised there are no plans at this time but one may be constructed later. Access would be along the existing

driveway that leads to the back of the lot. It is currently used to access the barn and garage. The driveway does not cross the wetland or the pond; it goes in between the two bodies of water.

Mr. O'Connor confirmed the new driveway for the existing building will be on the proposed driveway. Sight distance has been verified.

Mr. Fairbanks asked for an explanation of the Conservation Corridor Overlay Buffer. Mr. Zohdi advised per that section of the Zoning Ordinance, if a portion of the lot is in the 100 year floodplain, the septic system (leach bed and tank) cannot be closer than 125 feet.

Mr. Chase asked if the variance granted by the Zoning Board was not just to be able to leave the building but also for the undersized lot. Mr. Sioras said, yes. This area is now a three acre zone. Prior to that, the zoning was one acre. The variance was to allow the 1.5 acre lot that is less than the required 3 acres.

Motion by Bartkiewicz, seconded by Alongi to accept jurisdiction of the 2 lot subdivision application before the Board for Mark Young, 113 Gulf Road, PID 04038-005.

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

Motion by Bartkiewicz, seconded by Alongi to grant a waiver from LDCR Section 170-29 (J), Storm Drains, to allow less than 2 feet of cover over pipe. After review of the waiver request, the Board finds that the 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.

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

Motion by Bartkiewicz, seconded by Alongi to grant conditional approval 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, establish escrow for the setting of bounds or certify the bounds have been set; establish appropriate escrow as required to complete the project; obtain written approval from the IT Director that the GIS disk is received, is operable and that it complies with LDCR Section 170-24.C; note approved waiver on the plan; subject to receipt of state or local permits relating to the project; that the above conditions be met within 6 months and a \$25.00 check, payable to the Rockingham County Registry of Deeds, should be submitted with the mylar in accordance with the LCHIP requirement along with the appropriate recording fees.

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

**Center for Life Management
PID 08079, 10 Tsienneto Road
Acceptance/Review, Site Plan
Parking Lot Expansion**

Mr. Sioras provided the following staff report. The purpose of the plan is for an expansion of the existing parking lot at CLM for an additional 58 parking spaces. Please note the Planning Board had approved this same plan back in 2010. CLM is now going forward with this project. There is currently a lack of parking; cars park on the grass at this site. All town departments have reviewed and signed the plan. There are no waiver requests. A Conditional Use Permit is being requested for the wetland crossing to the rear of the property impacting 1440 sf of the wetlands. A letter from MHF dated August 5, 2014 is in the member packets. The NH DES Alteration of Terrain Permit is pending. He would recommend approval of both the Conditional Use Permit and the site plan application.

Chris Tymula of MHF Design presented for the applicant. Also present was Michael Bergeron of CLM. The previous approval in 2006/2007 was for the facility. In 2010, they brought forth a parking lot expansion plan which was approved, but at the time was too costly to construct; CLM is a non-profit. They wanted to design the site and fulfill a need, which is parking, while keeping costs down.

The lot is located on Tsienneto Road which is to the east, Goddard School is to the north and the medical office is to the south. The access point is off Tsienneto Road, with a shared driveway with the Goddard School. There is a wetland channel that travels in a north/south direction that splits the site. There is a wooded buffer to the rear. Drainage improvements will include catch basins, curbing to a treatment swale, which will eventually lead to the wetland channel that flows to the south.

The proposal entails developing the rear of the site. There will be a new access driveway that crosses the wetlands to an additional 58 parking spaces. They will lose five spaces to provide the access and the total amount of parking will be 174 spaces. Each space will be 9' x 18'. There will be bituminous curb around the site, and two retaining walls to minimize the wetland impact of 1440 square feet. Gove Environmental performed the wetland mapping. There will be guard rail on both sides of the retaining wall and a fence for pedestrian safety. There will be a new sidewalk that leads to the existing cross walk into the rear of the existing parking lot.

Linlew Drive abuts this project and building #13 is the closest behind the parking lot. They will have ADA spaces, snow storage and a 20 foot residential buffer to the rear for the residential use, even though the apartments are located in an Industrial zone. There will be 6 light poles that will be shielded down and dark sky compliant. There will be plantings throughout the parking area.

Mr. O'Connor asked with regard to the buffer. What will be in there? Mr. Tymula said there is

an existing tree line that has large trees that will remain. They will provide additional trees to offset any trees that need to be removed for the improvements.

Mr. Tymula reviewed the proposed drainage improvements. They are now subject to Alteration of Terrain (AoT) and have designed the site to meet the AoT regulations. The town has a copy of their AoT application. They will comply with all erosion control standards as required by the town and DES.

They have received the review letter from Keach Nordstrom and have no issues with any of the comments. They did submit a Conditional Use Permit per Section 165-80.B.3 of the Zoning Ordinance for the wetland crossing and feel they meet the criteria.

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

There was no public comment.

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

Ms. Alongi asked for further explanation of how cars would access the rear parking lot. Mr. Tymula said they will cross the 3 x 4 box culvert which crosses the wetland. There will be a retaining wall, fence and guardrail on top, and it will have stone lined bottom. Pedestrian access is provided to the existing access in the parking lot.

Mr. L'Heureux advised all of the DPW comments were address at the TRC level.

Mr. Flattes asked if there were any plans for a fence as part of the residential buffer. Mr. Tymula explained they felt the required 20 foot buffer with the existing trees is sufficient and will be cost effective.

Mr. O'Connor noted in 2010 there had been an estimated total number of parking spaces for the site. With the addition of this number of parking spaces, does that change the traffic numbers and trip the warrant for the planned traffic light at this location? Mr. Sioras advised the newer members that when the remaining empty lot on Tsienneto Road gets developed, it will require a traffic light to be installed on Tsienneto Road. In discussions with Mike Fowler, this project will not trip the warrant. They calculated the traffic numbers based on the total square footage of the building build out.

Mr. Fairbanks noted Mr. L'Heureux during the TRC process had not been thrilled with the proposed culvert crossing. Have his concerns been addressed? Mr. L'Heureux said they changed the design and the box culvert has more capacity and is a cleaner way to match the extreme conditions that are found in this watershed area.

Mr. Fairbanks asked about the comment in the TRC notes that indicated three trees planted in the buffer would not suffice to meet the regulations. Mrs. Robidoux explained the comment. Mr.

Flattes felt the existing trees did not provide a sufficient buffer; he lives in that area and can hear the traffic on Tsienneto. Mr. Tymula said he walked the property with the Conservation Commission. There is an opening in that area. There is a vegetated buffer with a large stand of oak and pine trees. Adding three trees will supplement what is there. He read the comment from the Keach Nordstrom review letter, "This option conforms to the provisions of Section 170-64.C3(a) of the LDCR's. In order to ensure the extent and composition of existing vegetation intended to remain in this area is sufficient to provide a suitable residential buffer we recommend a note be added to the final site plan authorizing your Department to direct the applicant to install supplemental plantings within the buffer area if, in the opinion of your Department, the installation of such supplemental plantings are needed to "fill holes in the native vegetation" in order to create a suitable residential buffer." Mr. Tymula said they had no issues adding supplemental trees. Mr. Flattes said he would like to see more trees for the wildlife and a fence to keep the juveniles out. Mr. Tymula felt the development of the parking lot would alleviate that issue. He will work with Mr. L'Heureux and Mr. Sioras to supplement the buffer with low growth and arbor vitea. Mr. Sioras noted that could be a condition of approval.

Mr. O'Connor discussed the state statute that was created to alleviate the pressure placed on business owners with regard to winter maintenance of parking lots. He is going to require that CLM use a Certified Salt applicator. This will lessen the amount of salt in the streams and be safer. With regard to the fence, the Board has looked at adding fences to the residential buffers of the properties along this side of Tsienneto as they were developed and site plans amended. Because of the wildlife corridor, the Board decided it did not want to place that kind of barrier there and opted not to have fences in these buffers. Mr. Sioras agreed it would be wise and commented on the number of turkeys in the area. Mr. Flattes said he would agree to no fence but would like to see more vegetation.

Motion by Bartkiewicz to accept jurisdiction of the site plan application before the Board for Center for Life Management, 10 Tsienneto Road, PID 08079, seconded by Flattes.

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

Motion by Bartkiewicz, seconded by Alongi to grant a Conditional Use Permit to allow a wetland crossing for an access way as after review of the plan the Board finds that the proposed construction is essential to the productive use of the land not within the Wetlands Conservation Overlay District; design and construction methods will be such as to minimize detrimental impact upon the wetland, and the site will be restored as nearly as possible to its original condition; no alternative exists which does not cross a wetland, or has less detrimental impact on the wetland is feasible, and economic advantage alone is not the reason for the proposed construction.

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

Motion by Bartkiewicz, seconded by Alongi to grant approval pursuant to RSA 676:4, I, Completed Application, with the following conditions: comply with the Keach Nordstrom

Associates report dated August 18, 2014, subject to owner's signature, subject to onsite inspection by the Town's Engineer, establish appropriate escrow as required to complete the project, obtain written approval from the IT Director that the GIS disk is received, is operable and it complies with LDCR Section 170-61.C, subject to receipt of state or local permits relating to the project, the addition of supplemental plantings in the 20 foot residential buffer, the applicant is required to utilize a Certified Salt Applicator for the site pursuant to RSA 489-C, following appropriate BMPs for applying road salt, and that the above conditions all shall be met within six months.

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

James Taylor and Aaron Hill
PID 24037, 19 Kendall Pond Road
Acceptance/Review, Multifamily Site Plan
18 Units

Ms. Sioras provided the following staff report. The purpose of this plan is for an 18-unit apartment building located in the Medium High Density Residential District. The site is the former Community Electric building adjacent to the bike path. The lot is located on the corner of Kendall Pond Road and Magnolia. He would recommend the engineer give an overview of the project, hear from abutters and that the Board schedule a site walk in September.

Eric Mitchell of Eric C. Mitchell Associate, Inc., presented for the applicants who were present. The lot is the former Community Electric Supply property and has an existing house and a few garages which will be razed for this project. The lot is located on Tax Map 24037 at 19 Kendall Pond Road and is a 1.94 acre lot in the Medium High Density Residential zone. The lot is also located on the corner of Magnolia Lane. The proposal is for an 18 unit apartment building, three stories with an underground garage. The density allows 23 units; they are proposing 18. There will be fourteen 2 bedroom units and four 1 bedroom units. The parking calculations require 43 parking spaces and they have 43 parking spaces. The impervious surface is at 22.5%; green space is at 39%. The Conservation Commission has reviewed and signed the plan. During TRC there were several comments. They received the review letter from Vanasse Hangen Brustlin on Monday. They believe they can address the items but may need to discuss some of the site issues with the Planning Board during the site walk. Many of the comments were detail issues. There are three waiver requests. The first is for landscaping in the parking lot to provide perimeter plantings rather than islands. The second is to allow no street trees on Magnolia or Kendall Pond at the request of the Fire Department so they can access the building with the ladder truck if needed; they have supplied low growth plantings. The third waiver is to allow overhead utilities. Public Service has a pole across the street and would service the building from that pole. Section 170-66C of the LDCR allows the Planning Board the ability to allow overhead utilities if the Board sees fit. The other option is to dig up Kendall Pond Road and go underground, or set another pole on Kendall Pond Road. They feel that given the location of the existing pole that is a better alternative.

The entrance to this site is across from Shilah. They have added a walkway to Magnolia for any school age children to reach the bus stop without having to walk along Kendall Pond Road. They met with the abutters this evening and the abutters have concerns about this project. This is a permitted use. They would like to hear the abutters' concerns and schedule a site walk.

Mr. Sioras advised Mark Connors from the Derry Rail Trail Alliance had been in touch with him about this project regarding the drainage from the project in relation to the bike path.

Mr. O'Connor asked if the intent was to have apartments or condominiums. Mr. Mitchell said the owners have indicated these will be rental units. The target market is older, empty nesters without children. There is a possibility they might turn into condos. The funding source is not government or HUD.

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

Mr. O'Connor asked that if abutters have the same concerns that have already been cited, that they just indicate they concur with previous statements.

Daria Mlynarski, 7 Magnolia Lane advised the community has talked about this proposal. The major concern is that they are proposing a large building in a small neighborhood. There are twenty four, single family homes in their community with many small children. Many of them moved here from Massachusetts to be in a community that is quiet, on a cul de sac, on their own private way so that their children can play in the front where they all know each other. This proposal is for 18 units, targeting renters who do not have children, but that may not happen. If they can't rent to their target market then they will rent to people with children and it will cause congestion in our schools, on our streets and on their private way.

Barry Drago, 1 Magnolia Lane said he moved here to be part of the community. He has a letter signed by residents who could not attend this evening. All are opposed to this project. This project is an investment and will be managed by an outside firm. Many of the residents on this street have been here for fifteen years; the owners won't be here to see the effects on the neighborhood. Originally the residents had been told there would be no overflow to their street. Now there will be a walkway to Magnolia. The rail trail runs by his house. He sees the projects that have been developed from Shute's Corner to Fordway. He listed the projects. If he sits on his deck he can see people almost getting hit on Kendall Pond Road and feels this is directly a result of these additional projects which have added traffic to the road. This is an 18 unit project. He feels the Board should hold a site walk. There is a corner near this project and people drive by too fast on this street. He does not feel this project is good for the neighborhood or for Derry.

Mrs. Mlynarski did not feel these units will rent very easily and then what will there be for tenants? She does not want to see congestion out in front; it is hard to get in and out of the street now when residents have guests. Where will the guests for the people in the apartments park? They will park on Magnolia and that will interfere with the safety of their children and increase traffic. They have paid taxes for many years. They would rather see a few homes or a duplex so

that it is two families, not 18. Renters are transient and they feel this will change their neighborhood.

Mr. Flattes asked if Mr. Drago would provide the Board a copy of the letter from the residents. Mr. Drago said many of the residents did not put their concerns to paper but he did and they signed his letter. Many of the residents share the same concerns; some have different ones. The letter does not cover all of the concerns that they have that include drainage, lighting and congestion.

Mr. O'Connor noted the Board would not be making a decision this evening. Mr. Sioras suggested Mr. Drago stop by the Planning Office and staff can make copies of the letter for the Board. Mrs. Mlynarski said the overwhelming concern is that no one wants to see such a massive building at the top of the street; other concerns are different. This is not the right property or area for this type of development given the other projects that are being proposed in the area. It seems like a lot of influx into an area that is mostly residential.

Mr. Drago said this building will be massive and will be right in front of his house. Mrs. Mlynarski asked if their properties will hold value when this is built. Will people even want to purchase their homes?

One resident stated he did not move to Derry to live in Manchester.

Mr. Drago said this will be a huge change for the neighborhood and they are asking the Board to consider if this is what the Board wants to see in Derry; an 18-20 unit transient population. Mrs. Mlynarski asked where children living in this building will go to school. Mr. O'Connor said that would be up to the School Board. Mr. Sioras suggested the applicants contact the School Department and get an answer to that question. Mrs. Mlynarski said Susan Drive is where the School District splits. Will their children be redistricted? Mr. Sioras said they would need to hear from the school. Mr. O'Connor suggested they get involved with the School Board and he thanked the residents for combining the comments.

Shereen Hawksworth, 24 Magnolia Lane, said this development is personal for her. She is legally blind with two children; they have lived here for fifteen years. Her children now have the ability to run and play in the neighborhood and she can trust the neighbors to make sure her children are safe. Now the kids will be going to the bus stop alone. This project is a worry for her. The sense of security she has enjoyed is now in jeopardy. She spoke with the builders but they don't know who will be the ultimate renters either. Her family loves their community and now it will change because of an influx of uninvested people. This is a serious concern. This is a close community and this will change it. It is not fair. She does not feel the Board should change the lifestyle of the community. The area may be zoned for it but that does not make it right.

Lawrence Flammia, 25 Magnolia Lane, is against this development and believes this project is bad for Derry. Eighteen units will raise taxes; there are 13 units up the street, Brook Street will have 10 units which are three bedroom units. This will all raise taxes. Town Council is trying hard to keep the taxes down. At \$10,000.00 per child with 18 to 36 kids, that will be bad for

Derry. Triangle Credit Union, and the Hess gas station are good for Derry; apartments lose money for Derry.

There was no further public comment.

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

James Taylor and Aaron Hill, the applicants, addressed the Board. Mr. Hill said they are not asking for undue consideration. The lot is zoned as they intend to use it. They have taken pains to design an attractive project with underground parking and an elevator. This would be an apartment he would live in. He is the target market. It will be ~~first one~~ floor living with access to the rail trail. They will pay taxes for the building. He feels this may be a net gain for the town. Mr. Taylor said he respects the concerns of the residents and they have asked some hard questions. Would they want this in their neighborhood? Effort has been directed to make this the best project it can be that fits in, is attractive and done well. They looked at the land before investing in it and felt this proposal is what this parcel was designed for. There is water and sewer, a mobile home park across the street, and other multifamily buildings in the area. They have approached the project with respect for the environment. They want to attract high quality tenants. They have ownership and want respectful tenants and well maintained grounds. They may not live there but it is important to them that the project is attractive and people want to live there. There is a need for rental housing. People are not purchasing homes and they want the product they are supplying. Their property will be a great place to live. He can't guarantee they will rent to only empty nesters, but if the tenants are not well behaved, they are not interested in renting to them. Mr. Taylor said he felt this area was designed for this. They will do their best to be excellent neighbors and will be committed to that.

Ms. Alongi confirmed there are 18 parking spaces underground and 43 spaces in total. There are ~~more than~~ two spaces per unit.

Mr. Flattes remarked he rents in Derry and cares about the town. What will the applicants do to the residents' environment? What makes their building better? Mr. Taylor said they are maintaining the buffer between the wetland; drainage has been designed so that oils won't enter the environment. The lot currently has abandoned and unsafe buildings; those will be removed and improve the site, making it safe and attractive. Mr. Flattes asked if they had considered LEED standards? Mr. Taylor said they did look at that extensively. Initially, it seemed feasible, but they found it increased the structural cost of the building. Mr. Flattes suggested a smaller building that is more green friendly, for example incorporating solar, or geothermal and maybe having three bedrooms. Mr. Hill said the current plans are for a super-insulated building with ultra efficient heating. Mr. Taylor said less units may not make it more environmentally friendly. It might even make it cost prohibitive.

Mr. Fairbanks asked for an explanation of the parking calculation. Mr. Mitchell explained the calculation comes out to 43 spaces required. Since the TRC comment, they decreased a two bedroom to a one bedroom apartment and now the calculation works.

Mr. Sioras asked if Mr. Taylor and Mr. Hill had similar projects in the area the Board might be able to view as a finished product. Mr. Taylor said he developed 71 North High Street and the development across the street at Shilah Drive. He said those developments are not in the same vein as this one. Mr. Sioras requested a color rendering of the project be brought to the next meeting. Mr. Taylor agreed it was important for the Board to be able to see what the finished product will look like. They want to have a great looking exterior and are still hammering that out with the architect. Mr. Sioras advised it is critical for this Board to see the architectural rendering and it is more fair to the neighbors. Mr. Taylor said the black and white rendering gives the general theme. Mr. O'Connor reminded Mr. Taylor to go see the Superintendent of Schools to see which district the children would be assigned.

Mr. Chase thought the previous projects mentioned by Mr. Taylor were lower scale and less intrusive than this one. They sit back from the road. Near Aladdin Village no one will look out their window up at a three story building and wonder who is looking down on them. This corner is not a place where a building should "pop". Mr. Taylor said he meant he would want people to look at the building and see a good looking building. Mr. Chase did not feel a lot of thought went into this project. The lot could support a couple of duplexes or a two story apartment building which would have been a closer fit than a building of this size on this corner. It just does not seem to fit. The development on Shilah is nice as is the development on North High Street. He is very familiar with both of them. This is surprising in this neighborhood. Mr. Taylor asked if this would fit in the marketplace and would people want to live here. He believes they would. A great deal of risk, investment and thought has gone into this project. The property supports the number of units based on Derry's standards. Mr. Chase said overall, the size of the building compared to the others within 1000 feet does not fit. Mr. Taylor said between Fordway and here Birch, there are businesses, a large retail site, and a mobile home park. This is not a stretch of 2000 square foot, two story colonials. Their task is to design a great building and they did not want to overpower the site. Mr. Chase said on paper it might comply but the people who live there will wake up to a large, three story building. It may be beautiful, but they will lose all privacy. Mr. Taylor said they can add trees and fencing to try to accommodate that; they don't want to be bad neighbors.

Mr. Chase asked what is between the parking lot on the west side of the lot and what was once used as a fire pond. There is a steep bank there. What is the intention? Mr. Mitchell reviewed sheet 2 of the plan set. There is a wall behind the parking lot that goes the length of the parking lot. The wall ranges in height between 2 and 3 feet and 5 feet. It is a block wall. It will have a small fence on top of it to keep people from going over the bank. No drainage from the site will go over the wall. There will be an infiltration pond to handle the storm water.

Mr. Flattes asked how do people get into the underground parking. Mr. Taylor said there is a garage door coming from the parking lot; there is one entrance in and the same entrance out. Mr. Flattes asked how close is this development to the trail? Mr. Taylor said they felt the proximity to the trail was a benefit to the development. Mr. Sioras advised the bike trail is before Magnolia. Mr. Flattes wanted to know if this building would be visible from the rail trail. He did not feel the visibility would support the efforts of the town to promote the historic nature of the trail. Mr. Sioras said the trail is close; it is behind the Drago property. The Board can look at this on the site walk. Mr. Taylor did not feel his project would detract from the trail. Mr. Flattes

said this is a beautiful building on paper but feels it is too big a building ~~on paper~~ for that neighborhood; he does understand the zoning rules that allow it.

Mr. O'Connor asked if Mr. L'Heureux had any issues to discuss. Mr. L'Heureux advised many of the issues were addressed at TRC. He would like to see the items noted in VHB's review letter explained in more detail.

The Board discussed scheduling a site walk. It was noted the area should be staked out. Mr. Sioras recommended continuing the public hearing to October 1 and holding a site walk on September 6th, after the 8:30 site walk that is already scheduled. Alternatively, the Board could hold a site walk at night during the week. The neighborhood would be welcome to attend the site walk. The following should be staked out: the building footprint location, parking lot, entrance/exit to the street and the retaining wall near the wetland.

Mr. Sioras stated the proposed height might be a problem and felt it was out of character for the neighborhood. As a general comment, the Zoning Ordinance may allow some things, but the Boards also need to look at the impact to the neighborhood for any type of development and what is appropriate. In the past, some projects have been scaled back based on what is in the field.

Mr. Flattes asked permission to view the site later that day as he cannot attend the morning site walk. Mr. Taylor and Mr. Hill granted permission.

Mr. Sioras recalled when the railroad tracks were still in place on the rail trail. This is a compact street. Kendall Pond is used as a shortcut by many people to reach Route 102 and the Board needs to look at the conditions here and look at the impacts at this location. The project down the road is at a four way intersection. This project is near a knoll in the road. The Board needs to look at the geography and location, which is different than the other multifamily proposals.

Mr. Taylor said Shilah is across the street and accesses the same road with a similar number of units and this project should work. Regarding the letter and spirit and intent of the law for building height, as people make sizable investments, they need to be able to trust that what is written in the ordinance is viable. If this is up to opinion, it disrupts the system in a considerable considered way.

Mr. Sioras said developers have a right to develop property and this Board has a right to look at the impacts on the site and what the development does to the area. The Board has the right through the regulations to review the impacts on safety, health and emergency services, etc.

Mr. O'Connor asked with regard to parking and the number of vehicle trips; did this plan go before the Highway Safety Committee. Mr. Chase confirmed it did and that the information was reviewed after 70 Fordway. The Committee did not feel the traffic from the project would be an issue. Mr. Sioras noted the Shilah development is unique. It was designed purposely as a 55 and over development. The demographic for this project will be different.

Motion by Flattes, seconded by Bartkiewicz to schedule a site walk of 19 Kendall Pond Road for Saturday, September 06, 2014, beginning at 10:00 a.m.

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

Motion by Bartkiewicz, seconded by Park to continue the public hearing to October 1, 2014.

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

Granite Clover Self Storage

Owner: Crom, LLC

PID 01023-001, 01023-003, 125 and 119 Windham Road

Owner: Gregory Leduc

PID 01023-004, 117 Windham Road

Design Review, Site Plan

Self-storage facility

Mr. Sioras advised this is a discussion only with the Planning Board. No decisions will be made this evening. The applicant will come back before the Board with a more formal site plan. He advised the applicant and staff have met with the direct abutter, Maureen Rose.

Eric Mitchell, of Eric C. Mitchell Associates, Inc. presented for the applicant who was also present. The project is located on Windham Road and consists of three parcels which would be voluntarily merged. Lot 01023-001 has the existing self-storage, lot 01023-003 is vacant and lot 01023-004 has a single family residence on it. All three properties are in the Industrial V zone which ends along the lot line between lot 01023-004 and 01023-005, which is Maureen Rose's property. Ms. Rose is in a residential district. The proposal is for a 44,000 sf self-storage building which will be primarily on lots 01023-003 and 01023-004. There will also be a 4500 sf addition to an existing building which is located on 01023-001. The three lots will be consolidated. Consolidation of the lots results in a single family residence on Lot 01023-004 and an office with an auxiliary apartment on Lot 01023-001, which would be two residences on one lot. They will have to ask the ZBA for relief tomorrow evening before they can merge the lots. There have been several iterations of this plan and they have been to TRC multiple times. Initially, they did not go into lot 004 and the proposed building was closer to Windham Road. They cut the building size down to 25,000 sf to leave the trees along the frontage and to ensure there was a 50 foot residential buffer with a berm. They then made an agreement with the owner ~~to of~~ Lot 004. They now have a buffer on the north side of the property adjacent to Ms. Rose's property. Circulation for the site is from Windham Road through a gate near the office and circulates through the site and around the new building. ~~This area~~There will be an emergency access with a gate and the driveway for the rental house. No customers will utilize the access to the north of the site. That is for the house and emergency access only. They are complying with all of the regulatory items such as green space and wanted to see if the Board had any questions. Because the size of the building has changed many times, they would also like the Board to hold a site walk so the Board can see the buffer.

The buffer has mature vegetation. A site walk would allow the Board to see this and to make sure they incorporate as much of the Board and abutter comments as they can before submitting a final plan. They met with Maureen Rose, her consultant, and staff today to discuss the buffer and work out details. They will keep the existing vegetation but are still discussing what will be done with the existing lawn area on lot 004. They had proposed a 10 foot high, white vinyl fence; Ms. Rose and her consultant have other ideas regarding the fence design and the landscaping. They would like to have the Board comments before moving forward. They feel it is very important for the Board to look at the buffer.

Mr. O'Connor asked if this project will need to go to the ZBA? Mr. Mitchell said if they merge the three lots they will end up with one residence to the south (an apartment over the office) and one residence to the north (a house). The Zoning Ordinance says it is not permitted to have two dwellings on the same lot so they will need relief from that. If the variance is not granted, they may need to change the house to storage or an office. They feel it is best to keep the residential use and it would be a rental.

Ms. Alongi asked how many floors will be in the new building. Mr. Mitchell said it is a single story building. Mr. Chase asked why it was felt the residential building would be better as a residence than as an office rental. Mr. Mitchell explained the house is already a residence. To keep it as a residence is a quieter use than an office. They will need to discuss this with the ZBA.

Mr. Fairbanks asked if the plan presented leaves the natural buffer intact? Mr. Mitchell said the natural buffer is shown on the landscape plan which is Sheet 5. The buffer in the back area is forested and brush. There is lawn area near the home and a tree line along the road. The proposal was to leave the tree growth and add a 10 foot high fence near the lawn to block Ms. Rose's view so that she could not see the building. However, during discussions today, the request was to add landscaping to the front with a shorter fence. They still need to work out the details of the landscaping near the house. Mr. Fairbanks asked if they also need relief at the Zoning Board to allow the house to stay in the buffer. Mr. Mitchell felt they may have standing because the house is pre-existing non-conforming in that it is a residence in an Industrial zone. Mr. Fairbanks felt they were creating their own hardship and making it more non-conforming. Mr. O'Connor felt it would be similar relief to what the ZBA granted Mark Young. Mr. Fairbanks noted in the Young case, the amount of non-conformity did not change.

Mr. Chase felt there was enough acreage to maintain a buffer but there were two issues. There is a house in the buffer area and there are two houses on one lot. He does not feel they have standing because they are creating their own hardship. Mr. Sioras noted the Planning Board can't discuss the zoning case. He feels this is why they would explain to the ZBA this case is unique. When the lot lines change, the owner loses some protective rights. Tonight, the purpose is to get input from the Planning Board and to schedule a site walk.

Mr. Fairbanks asked with regard to the lighting off the new building. Mr. Mitchell directed him to the landscaping plan which shows the location of the LED lights that will cast down. This

was also discussed at the meeting today and they will explore moving a door which would remove lights from the rear of the new building.

Maureen Rose, 115 Windham Road, advised she has handouts and letters from residents who could not attend this evening. She provided the following background. She asked if the Board realized what they were doing to the residents of the town with the current zoning. In 1992, she purchased her lot and it was the first of three lots to be built. On the right of her lot was to be a house and to the left was to be a house, and then further on the right was a large wetland and the storage facility. The house to her right has 1.5 acres and is now non-conforming because the zoning now requires 2 acre lots. The town allowed a house to be built in this area when it had been stated houses should not be constructed in this area. The town then changed the zoning to residential and then in 1998 changed the zoning to Industrial V. George Taylor filled in the wetland lot. Her lot stayed residential because she wanted a 50 foot buffer. When she purchased her lot, she planted many trees as a buffer to the adjacent lot. This applicant would like to use her buffer. The intent of the buffer she planted was to buffer her from other houses, not a 44,000 sf building.

She advised the house next door (lot 004) is in the buffer as it is 24.9 feet from the lot line. She hired an engineer to fight to get justice. In the meeting today, they said leave the house, and add a fence along the buffer. There is to be a fence along a driveway that goes around the site. Route 93 is behind her, Windham Road is to the front and now there will be a driveway beside her window. She wants trees and a fence. They can keep the vegetation to the rear but they can add some near the house. Ms. Rose presented a sheet of pictures to the Board that she took in 1998. She stated she cannot see the storage buildings now because there is a tree line there. The neighbor wants to keep their lawn and not give her a fence and a buffer.

Ms. Rose said she did fight the zoning when it changed and spent money to stop the cell tower. She has spent money to preserve her rights and knows she cannot stop this development which is a better use than most in the zone but this will change her life. There is no way to hide a 44,000 sf storage building. There is a trail behind the lot with a wetland. The Board needs to think about what they would want if this was their house.

Ms. Rose read two letters into the record. The first was from Leo-Lee and Paula Bernard of 1 Towne Drive. Ms. Rose asked that both letters be placed in the body of the minutes of the meeting.

“My name is Lee Bernard, I reside at 1 Towne Drive, my back yard abuts the proposed expansion of the storage facility. I have lived on Towne Drive for 22 years. I was very disappointed to learn of the expansion project that would take away a field that I enjoy watching deer graze and wild turkeys flock. One of the many enjoyments brought to my family and neighbors. We even had a bear some years back. My concerns are more than the beauty of living in Derry NH. I am worried about heavy traffic brought by adding more storage units. I am sure this board understands these storage units are used by many small contractors to store equipment picked up daily and returned each night. A cheap alternative to renting a shop. Our community already feels the rumble of the many trucks that use Windham Road as a way around the Rt. 93 weigh station. As records show we have more than our share of accidents on Windham Road due to heavy volume and blinding sunsets. Mostly I am concerned about the noise that will be created by removing tree barriers we now have between our neighborhood and Rt. 93, visible from my

back yard. With storage rows built, they will create sound tunnels with no sound barrier. I hope the committee thinks about the “for sale” signs that go up many months after these projects are developed when common folks realize their neighborhoods have changed from residential to commercial. This proposal is too close for me. Thank you, Lee and Paula Bernard”

The second letter was from Douglas Delara, 4 Town Road.

“As a resident nearby to the storage business on Windham Road I have a couple concerns regarding possible expansion of uses for this facility and the affect it could have on nearby residents. My first concern would be the traffic which I have already noticed is an issue. During the recent paving project at the storage facility on several occasions I witnessed construction vehicles from that site driving through my neighborhood. The only trucks that should be using Towne Drive are those coming or going to one of the residences on the road and should not be used as a convenient turn around for larger vehicles. Additionally, Windham Road is a very busy street and has a high volume of drivers who are speeding. There have been many instances of drivers going off the road due to excessive speed. Due to this fact, I am concerned about larger and slower moving vehicles being run into by a speeder. For example, if boats on trailers are allowed to be stored at the facility I would be concerned about them pulling onto Windham Road due to the speed and volume of traffic. Next concern for me would be the quality of at home time for Maureen depending on possible uses at the facility. I know I would not want to be out in my yard and have to view storage pods, trailers, etc., and the increased activity that would be taking place at the facility. If the expansion of use is granted I feel that a quality stockade fence of some sort should be put up so that Maureen and her neighbor next door have a bit of a better buffer between their houses and the business. Final point is could this open the door for future expansion of uses and the possible adverse effect it could have on property values due to the commercialization of the area. Many of the residents on Towne Drive are the original owners of the properties and we have extensive investments in our properties and do not want to see our property values go down. In closing the area in question is a family friendly area and should remain that way if at all possible. Sincerely, Doug Delara.”

Ms. Rose then explained the package she had prepared for Board members.

Page 1, page 36 of the Derry Town Charter, defining storage buildings as a building or structure.
Page 1A, page 28 of the Zoning Ordinance, defining warehouse as “building, self storage units”
Page 2, area map showing the area, Route 93 and the railroad bed
Page 3, wetland area
Page 4, maps with lot numbers and wetlands
Page 5 and 5A, overhead of houses and vacant filled in wetland area
Page 6, septic plan section 01023-004 (noting plan has the incorrect parcel ID number) now Leduc, with prior wetland delineation and plastic pipe for septic system for the house.
Page 7, Plot plan of 01023-004, Leduc
Page 8, information on purchase of Derry Storage
Page 9, MI-Box suggested usage – mobile storage
Page 10, Derry Self Storage information
Page 11-14, suggested fence type
Page 15-16, College Bound Movers information and moving supplies
Page 17, Labor only, “micro movers” moving people
Page 18-19A, Possible future of MI-Box
Page 20-22, Information on the owner, Edward Smith
Page 23, Brentwood Construction refuse container and storage pod application

Page 24, brief history of re-zoning
Page 25, cell tower information.

Ms. Rose added the following comments as she reviewed the supplied materials. Storage should be in a structure, not in portable MI-Box which could bring back cockroaches and things of that nature. This is ~~the only one of two~~ areas in town that is Industrial V. The septic line for Lot 004 goes into her buffer. She suggests a fence along the buffer line on the applicant's side of the property line with a fence near the leach field so that they can service the system, but they will need to add another septic line on their property. 600 units more than doubles the existing number of units on site now and the Board should look at that. Regarding MI-Box, suggested users include Real Estate agents, painters/remodelers, fire and flood contractors, recycling industries, general contractors, hardwood and carpet installers, and auction houses. Her concern is that there might be chemicals stored in them and the local residents are all on wells. With the addition of ~~College Bound Movers~~MI-Box, there could be insect infestations. The house with the office also sells supplies which means there are likely deliveries taking place. She does not want to see MI-Box on Windham Road; it will look like Fortin Storage in Londonderry.

Her main issues are with the MI-Box, campers, RVs, snowmobiles, cars, boats and motor vehicles and moving trucks being on site. They all have gasoline in them. The applicant says they don't allow gas in them but she does not know how he can ensure it is all removed. She would like to see the MI-Box and camper and boat storage removed and wants to be reasonable with regard to the buffer. She was disheartened by the meeting today and she wants her buffer. There are other storage ~~plans-facilities~~ in town. The storage facility on Route 28 removed the storage of ~~vehicles~~RVs and boats. If it is not allowed on Route 28, it should not be allowed in a residential neighborhood.

Section 170-47 of the LDCR talks about the purposes set forth in RSA 674:44 which speak to safer and attractive development, that guards against danger or injury to health, safety, or prosperity. She noted the Board needs to protect the groundwater and suggested a baseline testing of the pond on the property be conducted to make sure that no pollutants are filtered into it after this site is developed.

Regarding the Conservation Commission site walk, Ms. Rose said the applicant did not mark off the fence. The fence is key. People will drive around the large building near her bedroom window. She does not hear noise from the facility now. The applicant cannot use her buffer and she does not want to see beyond her buffer. The LDCR can be more restrictive with residential buffers. She is not asking for more than trees and a fence. The applicant needs to be considerate of the neighborhood. She would like to not see the building and feels the scale and proportion of the building is ridiculous for this lot. This is a beautiful road and he will change it. It will look trashy. The Board has a right to review the design elements and change the design of the building. She is not saying the house should be taken down. She would like to see vegetation. She does not feel they should be able to keep the lawn area for the renters. For architectural review, this is a more restrictive zone.

A sign has been submitted for review. The Pembroke location has a sign that says Granite Clover Self Storage. The sign proposed here has three businesses listed. MI-Box comes in three

different sizes. ~~They also have~~ Also available on the market now are Rent to Own storage sheds. If the Board passes all of this, the town is opening itself up to a lot of stuff that could affect her house. The use, size and intensity are the main issues.

Ms. Rose stressed she wants a copy of the soil report that she requested after the Conservation Commission meeting. She has not received it yet. Mr. Sioras advised the Planning office does not have a copy. Ms. Rose asked the Board to put this all in perspective. Merrimack Tile is 20,000 sf. Her house is 884 sf. This building is 50 times the size of her house. They can't hide it. U-Hauls are okay but not off site trucks. She wants to be proud of her neighborhood.

Ms. Rose noted the proposal adds more impervious surface. Her engineer is not sure how the drainage will work. She commented she has hired an engineer to help her but will hire an attorney if she must. She asked the Board to think about what the Board members would want if this was their house. This is her life and she does not want to listen to more noise. She wants to feel she has some privacy and a barrier.

Mr. O'Connor asked about the soil report. Ms. Rose said she wants a copy for her engineer and would like this plan to go back to TRC. Her house and name are not even on the plan. Mr. O'Connor asked if Ms. Rose requested updated plans from the applicant. Ms. Rose said she plans to negotiate and discuss this plan with Mr. Sioras and Mr. Mackey and would like to work in public. She does not work behind closed doors.

Mr. Sioras advised he and Mr. Mackey met with Ms. Rose; they also went to the site to view it. Chief Klauber also has been to the site. They have been working with Ms. Rose and held a meeting with her today.

Mr. O'Connor asked for information about the fire issues. Mr. Sioras said the issues had to do with access points and design. They held a meeting today in a neutral location. This plan is not yet final and there will be a formal submission. This is not the final version. Ms. Rose has copies of the TRC notes. The project is moving along. The applicant knows he needs to meet with the ZBA and the Conservation Commission, so this is not the final version of the plan. There will be another TRC meeting.

Mr. O'Connor asked if the MI-Box would be stored on gravel. Mr. Mitchell introduced Edward Smith, the owner. Mr. Smith provided the following background. He started College Bound Movers in 1991 right out of high school with a borrowed eighty dollars. He grew the business. This is the fourth self-storage project. He has locations in Amherst, Nashua, Pembroke and Derry. He acquired Derry Self Storage which was dilapidated, in April. He has invested \$700,000.00 into the site already to beautify it and bring it up to their specification. He does not allow hazardous materials on site or in the MI-Box units. They don't allow chemicals in them either; these are expensive units at a cost of \$5,000.00 per unit. They are made of galvanized aluminum so that they won't rust. He has placed a sizable investment into the MI-Box. The average storage unit rents at \$87.00; MI-Box rents at \$200.00. They have signed contracts with their customers and monitor the use closely. With regard to contractors using the site, yes, they do use the site and he supports that use. He is trying to do all he can to keep and create jobs. With regard to packing and moving supplies, they do sell them. College Bound Movers was

awarded Business of the Year and he is proud of that. College Bound Movers will not depot men or trucks from this location. However, if a client of College Bound Movers wants to place their items in one of these storage units, they will move the items for them into the units. With regard to traffic, he made sure this lot was zoned appropriately before he bought it. He purchased Derry Self Storage and the land adjacent to it. He laid out a 30,000 square foot building and held a site walk with the Conservation Commission. At their request, he agreed to cut the building back and move it away from Windham Road. The neighbor then asked if he wanted to purchase the last Industrial lot in the zone. After confirming with his engineer this would be allowed, he went into a purchase and sales agreement with the owner of Parcel 01023-004 and revised the plan to expand the proposed building. There is a great need for self-storage in Derry and Windham. He is trying to work with Maureen Rose and will continue to do so and will make sure this is a good looking project. Traffic, at the maximum, will be six to eight people on site at one time. In Amherst, which is a similar sized location, if they see six people in an entire day, that is surprising. There is not a high impact of vehicles driving around the building such as big rig trucks. His customers are people who need extra space.

Mr. Smith said he is willing to work with the Board. He stated it has been a pleasure to work with the staff at the town office; everyone returns phone calls, sets up meetings and provides feedback in a timely manner. This has been the best town to work with. Staff has handled everything professionally.

Mr. O'Connor asked where the MI-Box would be stored. Mr. Smith said they will not stack the units; they will be on pavement. They have allocated 9 spaces. He owns 100 MI-Box and 75% of them will be out at customer sites. Mr. Mitchell identified the area dedicated to the MI-Box storage. He noted they come in three sizes – 8 x 8, 8 x 16, and 8 x 20. The spaces are normal sized parking spaces (9 x 18); they may put 2 of the smaller pods end to end in one space. Mr. O'Connor asked if the MI-Box were accessed in the same way as a regular storage unit where the customer would have a key and be able to drive up and open it. Mr. Smith said that was correct. Mr. Flattes asked with regard to the small businesses that are located at this site. Mr. Smith said he has previous customers of Derry Self Storage such as DSS Landscaping; the owner stores his tools on site and picks them up in the morning. Mr. Flattes asked what will be the hours of operation. He wanted to know if a truck driver could store his truck there overnight and come and pick it up at 3:00 in the morning. Mr. Smith said there will be restricted hours on the interior storage and the new building. The drive up units have keypad access so are available 24 hours a day. The site has always operated that way. The large building is climate controlled. Mr. Mitchell added the climate controlled building will not be open at night. The other units will be available. They will also add 4500 sf to one of the existing units. Mr. O'Connor asked if customers with keypad access can only access the drive up units; can they also access the MI-Box. Where was the driveway to the MI-Box? Mr. Mitchell said the access to the site is adjacent to the office. Pavement will go around the new building. The second access to the north is gated with a Knox box and ~~it is~~ for Police and Fire Department access only. The rear building will be locked after hours.

Ms. Rose said if the site is open 24 hours a day, people can drive by her window in the middle of the night. She would like restricted hours, or the owner can gate off the rear building so people can't get back there at night.

Mr. Smith said at the Planning Board site walk, he will make sure there is a MI-Box and truck available so that the Board can see how they work; it is a new concept and they are quiet.

Motion by Flattes to schedule a site walk of the property for Saturday, September 13, 2014 at 8:30 a.m., seconded by Bartkiewicz. The motion passed with all in favor.

The Board asked that the edges of the building, the driveway access and fence location be staked out for the walk. Mr. Sioras noted the ZBA decision tomorrow evening will determine the final design of this site. There will be other meetings with the Board. Mr. Mitchell asked if the Design Review meeting could be continued to a date certain so they could bring the plan back. Mr. Sioras said they would not continue the Design Review. There will be other meetings with the Board.

Workshop

Discussion of proposed changes to the MHDR – resident request

Mary Eisner, 21R Derryfield Road said she would refer the Board back to what the residents at Magnolia Lane said earlier this evening. She does not see the benefit of multifamily in zoning. The residents in town are not benefitting and the town is not benefitting from multifamily.

Mr. Chase explained the town cannot eliminate multifamily all together; that would be against federal law. The town would need to look at how it can ~~eliminate~~ limit it in certain areas of town. The town can't just issue a blanket 'no' against multifamily. It can try to add regulations to make it more stringent to construct it in certain areas. Eliminating it would create a high amount of non-conforming buildings in town. He hears the residents and understands what they are saying. Some of the Board members agree it should be eliminated, but the town can't issue a blanket 'no' to the use. The town needs to do it legally through things like height restrictions, density requirements or not allowing a building that is more than 40% larger than those in the area. Ms. Eisner thought that would give some protection. Mr. Chase noted the Board is holding a workshop with Town Council on September 2nd. This issue is in the Board's sight and the members understand the issues. This area has been inundated with this type of development. The Board will work on it.

Mr. Sioras said he did not know what triggered the amount of applications. The developers are saying there is a market for it. Londonderry just approved 240 apartments. Back when the town discussed changing the acreage requirement from one to two acres, As-as soon as word got out ~~the~~ Derry was considering changing the zoning, the Board was flooded with applications. A former Town Councilor had predicted this trend years ago. He knew that someday, the smaller residential lots would be purchased by the same developer, combined and constructed with multifamily. Mr. Fairbanks noted the migration of multifamily coming from the Boston north shore. Mr. Sioras advised the Towns of Chester and Atkinson both were sued when they tried to stop multifamily housing. The Board can look at density. The town does not want to be challenged. The City of Manchester and Derry both exceed their fair share of multi-family for the region. Mr. Chase said that it had been determined the MHDR was the best place to put this

type of use because there used to be more undeveloped land. Now the land is gone and the lots are being developed. This is a consequence of build out.

Janet Fairbanks, 1 Rose Avenue, felt Ms. Eisner should be ~~concerned~~commended. She recalled the Quail Hill development and what that did to the school districts. Eventually, her area will be tax positive as the children age out of the school system. There are 88 units proposed within 4/10th of a mile. The town needs to look at the zoning. Mr. Sioras said the town has a right to determine the density requirement and the town does provide its fair share of housing. With water and sewer, it is easier to meet density requirements.

Mr. Flattes said he hears what the residents are saying and felt the residents would like to see a timeline for these discussions and a plan to work on the revisions. He would like to be able to give the Town Council something to show the Board is moving in the right direction. The Board needs to do something, not just talk about it. It's frustrating for residents because they don't know when this change might be completed. Mr. Sioras said the Board has made progress with the zoning changes. There is a lot on the Board's plate and the Board is moving forward. The point of the discussion on September 2nd is to see what Town Council would like to see; this issue is a priority. The Board has worked on or is working on three critical changes: removing housing from General Commercial, creation of the General Commercial IV zone and review of multifamily housing requirements. Mr. Flattes said he would like to expedite this along because the residents can see the negative aspects of this type of growth. They would like to see this growth slow down. Maybe the Board could begin their meetings earlier to work on some of these changes.

Mr. O'Connor agreed the Board has done a lot. He noted commercial developers don't want to build in town because the tax rate is so high so they build multifamily because they can build it fast and make a profit. Mr. Sioras said nationwide, the northeast issued the most building permits for multifamily. People want to rent; they don't want to own homes.

Ms. Davison felt what the Board has been doing is catch up to correct and revise. The Board needs to take the time and do this from an informed perspective so that it does not need to be corrected later.

The Board briefly discussed how applications are processed once a zoning change is posted for public hearing.

Mr. Fairbanks commented that people are moving back to an urban lifestyle. Ms. Davison said the increase in the rental population may also have to do with the number of people who have been out of work for a long time; they need to rent.

Motion by Alongi seconded by Park to adjourn. The motion passed with all in favor and the meeting stood adjourned at 10:35 p.m.

Approved by: _____

Chairman/Vice Chairman

Secretary

Approval date: _____