

The Planning Board for the Town of Derry held a public meeting on Wednesday, January 07, 2015, 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 (7:21 p.m.); Ann Alongi, Members; Marc Flattes, Lori Davison, Bob Jean, Alternates

Absent: Darrell Park, Jim MacEachern

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

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

Mr. Flattes was seated for Mr. MacEachern

Ms. Davison was seated for Mr. Park

Mr. Jean was seated for Mrs. Choiniere

Escrow

#15-01

Project Name: Wetland Impact Plans – Driveway Crossing

Developer: Yvon Cormier Construction Corporation

Escrow Account: Same

Escrow Type: Letter of Credit

Parcel ID/Location: 08280-004, 7 Ashleigh Drive

The request is to approve Release #1 in the amount of \$34,233.84 for the above noted project and request a replacement Letter of Credit in the amount of \$207,636.05. Upon receipt of the replacement Letter of Credit, the Board shall release the Letter of Credit in the amount of \$241,869.89.

Mr. O'Connor asked if the Treasurer reviews the new Letters of Credit per the policy to ensure the banks are still stable. Mr. Sioras advised that Finance Department does review new Letters of Credit and then passes them on the Treasurer to be established.

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

#15-02**Project Name: Proposed Auto Body Shop****Developer: Anthony DeRosa****Escrow Account: Same****Escrow Type: Cash Escrow****Parcel ID/Location: 03084, 191 Rockingham Road**

The request is to approve the final release of cash escrow for the above noted account. The amount to release is \$8,793.36 plus any 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.

Minutes

The Board reviewed the minutes of the December 03, 2014 meeting.

Motion by O'Connor, seconded by Bartkiewicz to approve the minutes of the December 03, 2014 meeting as written. The motion passed with Chase abstained.

Correspondence

Mr. Bartkiewicz advised the Board has received a copy of the year end list of Change in Uses for 2014. There is a memo in the packet regarding proposed amendments to the Zoning Ordinance, Section 165-22; a date will need to be set for a workshop. Mr. Sioras advised Town Council approved the Property Maintenance Ordinance and as part of that, there will need to be some amendments to the Zoning Ordinance to ensure compliance with State statutes. This will require a workshop per the procedures before the proposed amendments can go to public hearing. The workshop can be held on January 21st; it won't take long to review the proposed changes. Mr. O'Connor advised he, Mr. Sioras, Councilor Cardon, and Chief Klauber worked with Mr. Mackey on the changes. This was previously known as the Anti-Blight Ordinance, but then the name was changed to the Property Maintenance Code. This Ordinance will be a huge tool in the Code Enforcement toolbox and the Council is likely looking for the Board to move on this sooner, rather than later.

Other Business**Extension Requests**

Keystone Builders, 70 Fordway, PID 24005

Mr. Sioras advised this is a first request to extend the conditional approval. The project is the multifamily on the corner of Kendall Pond and Fordway. The town has received the Letter of Credit and the developer is close to moving forward with the project. He would recommend granting approval of the extension request for an additional six months.

Motion by O'Connor to grant a six month extension to the conditional approval granted on June 21, 2014; the new expiration date of the approval will be June 21, 2015, seconded by Bartkiewicz.

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

AAA Builders/O'Keefe, 130 North Shore Road, PID 07094

Mr. Sioras stated this is also a first request. The one lot subdivision was approved this summer. The project is located across from Howard's Grove on North Shore Road. The request is for a 6 month extension. The developer is planning to move forward with the project in the spring to construct one house. He would recommend approval of the extension request.

Motion by O'Connor, seconded by Bartkiewicz to approve a six month extension of the approval granted on July 16, 2014 for an additional six months; the new expiration date will be July 16, 2015.

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

Town Owned Property

Mr. Sioras advised that the Planning Board has been asked to look at the list of property that has been tax deeded to the town and recommend whether the lots should be sold or retained. The Planning Board recommendation will then be forwarded to town administration. Mr. Granese felt the lots should be sold so that new owners could rebuild them. Mr. Sioras said some of the homes on the list were placed there because of foreclosures and property owners have been able to work with the banks; those properties will be able to be retained by the owners. Mr. Granese felt the vacant homes should be sold.

The recommendation from the Planning Board is to place vacant properties back on the tax rolls as soon as possible by selling them; the properties should not remain idle.

Conceptual Discussion

Development options for 30 Brook Street, PID 23016

Mr. Sioras said this discussion is related to the Brook Street project that will be addressed during the public hearing scheduled for later this evening. The Board had asked the applicant to come back with concept plans to see what the Board might prefer. The Board has three options before it. The intent this evening is to discuss the three options and see which concept the Board likes and go from there.

Mr. Granese stressed this discussion is not part of the public hearing and the result will just be advice from the Board.

Brian Pratt, CLD Consulting Engineers, represented the owner, Stage Crossing, LLC. The project is a ten unit townhouse project, located on the corner of Fordway and Brook Street. The proposed plan has been reviewed multiple times by the Board and there have been several site walks by the Board and the Conservation Commission. At the last public hearing, the Board denied a waiver and asked the applicant to come back with development alternatives. The packet he just handed out contains three conceptual alternatives. The first option is for a three lot subdivision. He did review the regulations. Lot 3 is tucked in the corner with an awkward layout. The topography would make it sit 10 feet lower than Fordway. During preliminary discussions with DPW many months ago, it had been indicated Lot 3 could not have a driveway off Fordway. This plan shows a shared driveway between Lots 2 and 3. The town does not prefer shared driveways, nor does the developer. Overall, a three lot subdivision on this lot is not a realistic option for development; the lots would not be saleable and would sit vacant.

The second option was shown to the Board at the last meeting as a potential development option. The option meets the buffer requirements. They have flipped the building around and placed the parking lot facing Brook Street. This option reduces the amount of green space and the 'front' of the building would have garages facing the street. This is not an aesthetically pleasing option.

The third page of the handout shows a concept that he came up with after the last meeting. Mr. Pratt said this concept drops the number of units down to 9 units and shifts the driveway over 20 feet. They are able to maintain the 30 foot buffer to the left side and decreased the parking by three spaces with this option, but they would still need a waiver for the rear residential buffer. The rear abutter's house is in the area where the compact car parking is shown. They can focus some good, dense landscaping in that area to provide a more dense buffer. They dropped a unit to meet the density concerns mentioned by the Board at the last meeting. He did revise the engineering plans for Option 3 and updated the parking calculations. This is the preferred development option. For any of the other two options, they would need to start the engineering from scratch. For this option, the fence was shifted over five feet from the side property line to give the abutter to the side more room and they raised the height of the fence from 6 feet to 8 feet. For the utility plan, he changed the water and moved it over. The grading plan has been updated to show the grading has been moved over. It shows the 30 foot buffer to the side which creates a flatter slope and they can also preserve some of the existing vegetation. He did email these plans to staff for a quick review. Mr. L'Heureux, upon reviewing the updated grading plan, had noted the driveway is at 5% and it is supposed to be designed to meet town roadway standards and should be at a 3% grade. The regulations call for the first 20 feet to be at a 3% grade, which they meet, and then it steepens to 5%. This allows them to create the drive under garages. To meet the required 3% grade, they would need to raise the building up by a foot. Mr. Pratt felt the requirement to have access drives meet road standards was more for higher speed road design; he did not believe the intent was for parking lots.

Mrs. Choiniere entered the meeting.

Mr. Pratt said the new waiver request provided this evening is related to Option 3. They have also provided an updated fire truck circulation plan. When they get to the public hearing they will request two waivers (the slope and the buffer). Development Option 3 still requires a waiver for the rear buffer which is reduced by half, but that is only for the rear portion. With this option, they can now meet the distance required to the side for the residential buffer.

Mr. Granese asked the Board to look at each option one at a time and provide feedback. Mr. Granese asked for an explanation of the shared driveway. Mr. Pratt said they would need a driveway that would cut across the frontage. The developer has created shared driveways in the past and they become nothing but trouble. Neighbors end up arguing over maintenance responsibilities. This configuration would put the burden on Lot 2 which would have a driveway going across the front yard; these are small lots. Mr. O'Connor noted a subdivision had been his original preference. Even though staff recommended against this option, it does meet all the town requirements.

Mr. L'Heureux clarified the Public Works Department does not advocate shared driveways. The LDCR does not allow them and in order to have one, the Board would have to grant a waiver. DPW would not advocate for a shared driveway but the Board needs to look at each request in its totality and it would be the Board's purview to decide if there is enough of a hardship to grant a waiver. Ms. Davison asked if there is a regulatory reason a driveway cannot come off Fordway. Mr. Pratt explained there is a very sharp fast curve there, a guardrail, it would be too dangerous and there is a 10% drop in grade in that location. It would require a steep driveway that would not meet the town regulations.

Mr. Granese said with regard to Option 2, the garages would be in the front and parking would be to the front. Is it likely there would be a fence to the rear? Mr. Pratt said he could not be certain as that option is not fully designed. He recalled at the last public hearing, the rear abutter, Mr. Hirtle, stated he would prefer to see the other option where the building was further away from him, than this one. Mr. O'Connor noted this option retains the 10 units rather than 9 units, reverses the configuration and the architectural design would need to be revised. This plan meets the town criteria without a waiver. Ms. Alongi said when she looked at this option, it looked like the back of the house was in the front. Mr. Pratt said there would be a garage entrance and the front door would be to this side also. It would look more urban and out of place with the neighborhood. The other option (3) would have the ability to have better landscaping and architectural features. Mr. Granese felt it would look similar to the townhouses on North High Street. Ms. Alongi also recalled the abutter did not want to look at balconies facing him. Mr. Fairbanks said he is not a big fan of waivers but he would rather give a waiver for Option 3 because it would be less intrusive to the neighborhood and there would be more curb appeal on Brook Street.

Mr. Chase said asked if mature trees and foliage would be retained in Option 2. Mr. Pratt said they could keep a little more, but he would not know for sure until the grading and architectural plans were finalized. He would need to know if they were going to have walkouts to the back or not. If not, then they would need to do a lot of grading and it is possible they would need to grade to the property line. Mr. Flattes asked if with Option 2, the residents would be able to individually utilize the green space, for example to install a swing set. Mr. Pratt said they would

be able to leave grassy areas to the rear. The intent is to construct rental units; he does not feel there would be common area or area dedicated to each unit. Mr. Flattes commented there are handicap accessible spaces set aside. Are any of the units handicap accessible? Mr. Pratt said all of the units will have stairs. All of the garage doors and man doors will be at grade level; each plan option would have a handicap space and a 2% grade along accessible routes. A chair lift could be installed if needed; any of the units could be retrofitted. There are none specifically proposed until that situation arises.

With regard to Option 3, Mr. Granese said the design was similar to the prior plan. He sees that there are only 9 units proposed, an 8 foot tall fence, three parking spaces have been removed, and the 30 foot setback to the side has been retained. Mr. Pratt said the left side had a 30 foot buffer. They would still need a waiver to allow reduction in the rear buffer. The garage for Unit 9 is on the side facing the parking lot at a 90° angle. Mr. Granese asked if there is any issue if Unit 8 and Unit 9 are backing out of the garages at the same time. Mr. Pratt said he has provided the turnaround area. Mr. Chase felt it would be more of an issue if someone parks their car outside and leaves it there. There would be two parking areas perpendicular to each other. Mr. Pratt said he could put markings on the pavement; some Board members felt this would be ignored. Mr. Pratt noted the same issues raised are those that come up at any apartment complex. There is designated parking in striped parking areas. Mr. Granese felt there would not be conflicts if this was done properly. Mr. O'Connor asked about the waiver that would be required for Option 3. There is green space shown to the edge of the parking lot on the abutter's side. Mr. Pratt said the buffer width varies from 10 to 12 feet. Mr. Fairbanks asked what are the waiver requests. Mr. Pratt said they are for the reduction in slope and for the rear buffer.

Mr. Granese suggested the Board decide on which option it prefers. If the Board elects Option 3, then that option will be discussed during the public hearing portion of the evening. If the Board elects Option 1 or 2, then there will not be a public hearing this evening. Mr. Pratt advised his client would not have any interest in moving forward with Option 1; it is not in line with his business model and is not good development. His client would prefer to move forward with Option 3, but will go ahead with Option 2 if that is the wish of the Board.

Mr. L'Heureux said he had no comments. Mr. Granese polled the Board members as to their preferences between the three development options.

Chase – preferred none of the options, but chose Option 2; O'Connor also chose Option 2
Fairbanks, Flattes, Davison, Jean, Alongi and Bartkiewicz chose Option 3
Granese chose Option 1.

Many of the Board members commented their choice was not what they would prefer to see in this neighborhood. The majority of the Board chose Option 3 and that is the option the applicant moved forward with into the public hearing.

Public Hearing

**Stage Crossing, LLC
PID 23016, 30 Brook Street
Review, Multifamily Site Plan
10 Unit Townhouse Development
Continued from November 05, 2014**

Mr. Granese noted at this time, the applicant would be moving forward with a 9 unit development, given the changes that had just been discussed. The Board also has before it revised plans and those plans would need to be accepted prior to the Board moving forward with any discussions.

Motion by Fairbanks, seconded by Bartkiewicz to accept the revised plans before the Board this evening.

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

Mr. Pratt said he did not have much to add after the prior discussion. They have dropped a unit and shifted the driveway 20 feet to maintain the 30' residential buffer along the left property line and increased landscaping in the corner near the abutter's home. They will require a waiver for the rear buffer to allow a reduction from 30 feet down to 10 to 12 feet. The Board had expressed a concern with the number of units at the last hearing and so they have dropped a unit. The second waiver request would be to allow an increase in driveway slope up to 5% to meet the grade to the rear, rather than the required 3% grade.

Mr. L'Heureux noted the Board did not have a complete set of revised plans to review. He assumes the Board will want to hold a compliance hearing to ensure there are no required elements missing. Mr. Pratt said he did not want to fully update the landscaping and lighting plans without input from the Board. The lighting plan would have minimal changes and he will revise the landscape plan and add significant landscaping to the rear to provide an adequate screen. He would work with staff and the abutter on the landscaping plan.

Mr. O'Connor asked if any of the changes affect the storm water plan. Mr. Pratt said that has not changed. The pond was not affected and they have reduced the amount of impervious area. Mr. Fairbanks asked if the propane tanks are buried, why are there bollards? Mr. Pratt advised the tanks have stems that stick up and the bollards protect the stems to avoid accidents.

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

Harvey Donovan, 29 Brook Street, commented the Board members have all heard how dangerous the intersection is (Fordway and Brook Street). The third plan shown tonight shows a driveway that will align with his driveway. His interest tonight is the intersection; it should be

fixed before this [plan] moves further. He feels the intersection should be moved back to the top of the hill and then land that was taken from him can be restored. If the intersection is moved to the top of the hill, it would eliminate one of the issues. If the town can't do that, then eliminate the intersection all together and make Brook Street a dead end. He did not think they could sit here this evening, knowing there is a dangerous intersection, and do nothing about it. Mr. Granese explained the Board has no jurisdiction over changes of that type. Mr. Donovan would first need to speak with the Highway Safety Committee and then Public Works.

Mr. Donovan confirmed the driveway change in Option 3 will align the driveway with his driveway. Mr. Granese said the driveway was moved to allow for the setback. Mr. Donovan asked if the Board can require a soundproof fence be installed. It used to be that Planning and Zoning was a must to protect the existing while incorporating the new. Three existing houses are not being protected. A twelve foot tall sound barrier, similar to those along the highway, behind Mr. Hirtle's home would take care of the sound issues. Mr. Sioras recalled during the site walk there had been discussion regarding the mature trees and landscaping in that area. Retention of existing vegetation may be more attractive and would provide a barrier.

Mr. Donovan felt a driveway that has a grade of 5% will put noise toward Mr. Hirtle's house. Mr. Sioras said the impression the Board had from Mr. Hirtle was that he would prefer to retain the existing vegetation. Mr. Donovan said as far as he was concerned, the developer could go back to the original plan. He had walked to Hubbard Heights, which is located on Valley Street in the area of the proposed new transfer station. There is an apartment complex there as well as condominiums.

There was no further public input.

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

Mrs. Choiniere asked for confirmation of the proposed fence height. The plans show two different heights – 6 feet and 8 feet. Mr. Pratt said the fence will be 8 feet tall. Mr. L'Heureux stated the driveway discussion is well documented. He believes it to be an access road per the LDCR and it should be constructed to town standards. He referred the Board to page 59 of the current LDCR (access circulation requirements). The applicant will need a waiver to allow the proposed grade. Mr. Fairbanks asked with regard to access roads and if the entrances to 10-15 car parking lots were constructed to those standards. Mr. L'Heureux said access roads need to be constructed at a 3% grade at the entrance; most developments meet that. Common driveways accessing from the streets meet the standard whether the access is for apartment buildings or for a commercial/retail site such as Woof Meow/Goodwill. Mr. L'Heureux said he would need to review the revised utilities to ensure they will work, going from 10 to 9 units. Mr. Sioras said he agreed with Mr. L'Heureux and a compliance hearing would be a good opportunity for Mr. Hirtle to see the revised plan and it will also be an opportunity to discuss the revised landscaping plan.

Mr. Chase said he had a concern with the last unit and the configuration and would rather see the last unit go away. Mr. Flattes agreed 8 units would look nice. Mr. O'Connor would like to

confirm the elevations are above the floodplain. They are. Mrs. Choiniere said if the buildings were shifted over to the left again, it would require a waiver but then the last unit could be pulled forward to alleviate the potential conflicts with the garages for the last two units. Mr. Chase said then the applicant would be back to the same waiver the Board denied at the last meeting. Mr. Granese also felt that would bring the plan back to a 10 foot setback for the pavement. He asked the Board to look at what the applicant is proposing to the rear. Did the Board have any comments on that?

Mr. Chase said he can understand what Mr. Fairbanks is saying with regard to the lesser of two evils; he can understand it, but does not agree. The buffer is diminished in the rear and the placement of the end unit on the right is an issue. He would be more amenable to the rear buffer waiver if the last unit to the right went away. Mr. Fairbanks said he would be inclined to grant a waiver for the rear buffer because the neighbor to the rear preferred to have the building further away from him. Mr. Chase said he is not sure Mr. Hirtle understands what it will mean to him to have a parking lot that close to his house, over the impact of a building. Once it is in, it is too late. It was noted Mr. Hirtle had been present earlier in the evening. Mr. Pratt noted the stakes are all out and Mr. Hirtle's barn will be closer than the house. Mr. Chase understood that but Mr. Hirtle's property sat lower and he would be looking up at the development. The driveway shift helps with his house, and there will be a fence there, but this [development] will have a large impact.

Mr. Pratt said they can help that issue by adding vegetation and perhaps tightening the grade to a 3:1 slope, keeping about 15 feet of the natural vegetation. They can also supplement that with large trees in that area. Mr. Flattes asked if there is any chance the developer would decrease the number of units to 8. Mr. Pratt said no.

Mrs. Choiniere asked if there was a possibility to have a green vinyl fence so that it would blend in with the vegetation better than a stark white fence. Mr. Pratt was not sure if the manufacturers made one but they would be open to suggestions. Mrs. Choiniere asked if there is any way to swing the driveway and come into the end unit on the other side, closer to Fordway. Mr. Pratt said he did not think so because of the location of the detention pond. It would be tough to make that maneuver work.

Mr. Granese said the building needs to be 35 feet from the front. The door to Unit 8 is on the side, why is that? Mr. Pratt said the architect did that so that from Fordway it would have a front door treatment and make it look better. Mr. Granese suggested moving the front door of Unit 8 to the front and then moving Unit 9 up to the front setback. The front door could be left where it was and they could use some of the area designated currently for a turnaround space in the parking lot and some of the snow storage area to provide more space for the tenant going in and out of the garage of Unit 9. Mr. Pratt said they could move Unit 9 up eight feet. Mr. O'Connor noted there is utility service under that portion of the lot and an easement. Mr. Pratt said they could move it 8 feet, but he is concerned with cars backing out. They would need to leave 24 feet for the aisle width and this change might necessitate a waiver.

Mr. Lamontagne said that on the previous plans with 10 units, they had been limited to a structure length of 200 feet. Now that there are 9 units, they have room to push the building up

and make it wider; they now have 20 feet to work with. Mr. L'Heureux said they could modify the utilities that go by that side of the building. Mr. Granese felt this solution would solve the problem of people pulling into that garage space. Mr. Pratt thought he could adjust to meet the building setback; it would be tight, but it could be done. Mr. Granese said there are still some remaining issues to resolve. He is not sure if any of the proposed changes create an issue with Mr. Donovan's driveway. Mr. Pratt said it is general practice to try to line up driveways for safety reasons to avoid conflicts as people on opposite sides of the road enter and exit the driveways. Mr. Granese said another issue is the buffer to the rear.

Mr. O'Connor suggested adding trees to the buffer in the area to the upper left where the parking spaces had been located on previous versions of the plan. Mr. Pratt said he will retain as much of the natural vegetation (10-15 feet) as he can and supplement it. He will work with staff to come up with a plan that provides the best protection.

Mr. Granese noted the applicant still needs to obtain two waivers. Mr. Fairbanks asked Mr. Pratt to explain what would happen if the slope waiver is not approved. Mr. Pratt said the building will need to be raised about 1 foot and it would not match the topography as well; it would require more fill. When asked, Mr. L'Heureux said 5% is typically not a concern; it is not that steep a grade. Mr. Pratt added that major highways can be at a 6% grade; this will be fairly flat. Mr. L'Heureux said the critical part is the top where cars stop.

Motion by O'Connor to grant a waiver from LDCR Section 170-64.C.iii, Residential Buffering requirement to allow a reduction in the required 30 foot buffer to 10-12 feet as after review of the waiver request, the Board finds that specific circumstances related to the plan, or conditions of the land in such plan, indicate the waiver will properly carry out the spirit and intent of the regulations. Fairbanks seconded the motion.

Chase voted no as he felt the 30 foot buffer should be maintained to the rear; Fairbanks, Flattes, Davison, Alongi, Jean and Bartkiewicz voted yes. O'Connor voted no as he also felt the 30 foot buffer should be maintained and this was not his preferred option for development of this lot. Granese also voted no, as he concurred with Mr. Chase. The motion passed by a vote of 6-3-0.

Motion by O'Connor to grant a waiver from LDCR Section 170-26.C.3 to allow the driveway grade to go from 3% to 5%, as after review of the waiver request, the Board finds that specific circumstances related to the plan, or conditions of the land in such plan, indicate the waiver will properly carry out the spirit and intent of the regulations. Bartkiewicz seconded the motion.

Chase, Fairbanks, Flattes, Davison, Alongi, Jean, Bartkiewicz and Granese voted in favor. O'Connor voted no as he felt the building could be raised. The motion passed by a vote of 8-1-0.

Motion by O'Connor to grant conditional approval pursuant to RSA 676:4,I, Completed Application, with the following conditions: Comply with the Vanasse, Hangen, Brustlin report dated July 15, 2014, or later, subject to owners' 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 disc is received and is operable and complies with LDCR Section 170-61.C; note approved waivers on the plan; draft drainage easement documents

are to be submitted to and approved by Derry Public Works and Town Counsel (cost to be borne by applicant); as discussed with abutters the proposed 6 foot fence to be installed as part of the residential buffer shall be increased to a height of 8 feet; preconstruction surveys of abutting foundations; subject to receipt of state or local approvals relating the project; a condition compliance hearing will be held to review a complete set of revised plans including but not limited to landscaping, lighting and utilities, and modified building plan; the landscape plan will maintain a 10-15 feet of the natural buffer along the northwest corner of the parking area and additional landscaping will be added; snow and ice removal shall be performed by a “Green Sno-Pro” certified contractor following Best Management Practices for the application of de-icing materials; the above conditions shall be met within six months. Discussion ensued.

Mr. Sioras said the condition compliance hearing would be noticed to the abutters.

Bartkiewicz seconded the motion.

Mr. Granese confirmed the landscape plan would be reviewed at the compliance hearing.

Chase voted no – the use is too intense for the lot, there should be less units; Fairbanks agreed with Mr. Chase but voted yes; Flattes voted yes; O’Connor voted no, he did not agree the waivers should have been granted; Davison, Alongi, Jean, and Bartkiewicz voted yes; Granese voted no as he agreed with Mr. Chase. The motion passed by a vote of 6-3-0.

Mr. Jean stepped down and Mrs. Choiniere was seated.

Workshop #5, Discussion regarding multifamily housing

Mary Eisner, 21R Derryfield Road, wanted to make sure the Board members were all at a comfort level such that they felt the proposed changes would have the effect the Board intended and mitigate the impacts of multifamily. She felt the building height may be nebulous (page 3 and page 5). Is it easier to reduce the maximum to 40 feet which is equal to the height of some of the garden style units? Those types of units look like large houses with units. Mr. Chase said the percentage is there because there are some neighborhoods that are single story and if someone wants to add a 40 foot (four story) building, the percentage would balance that out and it would help keep the area symmetrical. Mr. Fairbanks recalled many of the comments the Board heard during review of multifamily applications is that the building does not fit the neighborhood. This change would get the buildings closer. Ms. Eisner asked if the terminology in this section “10% of the height of other dwellings within a 500 foot circumference of the lot” meant other residences. Her concern is how the town mitigates the impact. Mr. O’Connor suggested changing the wording to “residential dwelling”. Mrs. Robidoux asked what happened if they changed that term to “structure”. Mr. Sioras said there is a mismatch of buildings in this area of town and there is some commercial mix. Ms. Eisner said that is her point. Mr. Chase said if there are large buildings in the circumference that are not residential, that would skew the height. By limiting it to residential dwellings, it keeps the height of any new multifamily within reason of existing residential buildings.

The Board decided to change the phrase to “residential dwellings”. It was noted Bunker Estates is residential. Mr. Sioras added older neighborhoods often have mixed heights. The Board wants to make sure the residential heights do not get out of scale. Multifamily is considered ‘residential’. Ms. Eisner said there are residential homes that have acreage that could be converted to multifamily. Can there be wording to exclude things like Bunker Estates? Mr. Chase said 500 feet is not a great distance.

Ms. Eisner asked if theoretically someone had a 1.9 acre lot, what could be put on it, based on the codes. Mr. Chase said it would depend on the lot; is the whole 1.9 acres buildable? The structure would have to meet all the applicable setbacks. Mr. Sioras noted a change on page 3 changes the square foot requirement which lowers the density and excludes green area and wetlands. Applicants have been essentially double dipping on the green space and recreational space, for example on Kendall Pond Road.

Mr. O’Connor asked if the proposed change from 12 to ½ a foot candle was correct on page 17. Mrs. Robidoux explained the purpose of that change is to correct a typo that has existed for years. Staff researched this extensively when Walmart was before the Board and it should read ½ foot candle.

Mr. Chase had concerns about the definition of ‘net buildable area’. Currently, wetlands are to be excluded. Wetlands, depending on the definition, are also poorly drained and very poorly drained soils. Did the Board want to add that? The Board decided to add that wording to the definition.

Mr. Flattes commented handicap parking spaces have come up as discussion points on the last few projects. Can that be addressed? He felt the Board needed to cover the handicapped and disabled. Supposedly, the buildings are being constructed for the public as the public matures. Mr. Fairbanks noted the buildings all need to be constructed to meet the ADA codes. Mr. Granese said if a unit will be rented or owned by a handicap person, then the unit will be built to accommodate the tenant/owner. Mr. Flattes had a concern that on one of the previously approved plans, all the handicap parking was on the outside of the building and the able bodied were provided garage parking. Mr. Granese did not know if the Board could designate the handicap parking locations so long as they were being provided by the applicant. Mr. O’Connor noted most buildings can be retrofitted. Mr. Sioras advised he had spoken with Bob Mackey on this matter. The Board members should reference the email in their packets. During TRC meetings, James Kersten and Bob Mackey review the plans for accessibility with regard to parking and egress. When the buildings are constructed, all the components required to retrofit the units are built in per the codes. These requirements are in the Building Code and are not adjudicated at the Planning Board level. These are not public buildings. Mr. Flattes recalled that during one of the last meetings, the applicant’s attorney had stated that their project did not need to comply with ADA codes. Mrs. Robidoux said with that particular project the number of units proposed fell below the threshold. Mr. Fairbanks added there was also a private garage with that project. Mr. Flattes said he would like to see the town regulations strengthened rather than just going with the law.

There were no further changes proposed to the document. Mr. Sioras said staff could clean up the document and bring it to the Board at the next meeting on January 21st so that the Board could review it and then get it on an agenda to schedule a public hearing.

There was no further business before the Board.

Motion by Choiniere, seconded by Fairbanks to adjourn. The motion passed with all in favor and the meeting stood adjourned at 8:58 p.m.

Approved by: _____

Chairman/Vice Chairman

Secretary

Approval date: _____