

The Planning Board for the Town of Derry held a public meeting on Wednesday, March 06, 2019 at 7:00 p.m., at the Derry Municipal Center (Third 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 Pro-Temp; Brian Chirichiello, Town Council Liaison; Randy Chase, Administrative Representative; Maya Levin, Mark Connors, James MacEachern, Members

Absent: Lori Davison, Matthew Leavitt, Elizabeth Carver

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

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

Mr. Bartkiewicz was appointed Secretary Pro-Temp for the evening.

## **Escrow**

### **#19-07**

**Project Name: BR-10 Subdivision, Steele Road**

**Developer: BR-10, LLC**

**Escrow Account: Same**

**Escrow Type: Letter of Credit**

**Parcel ID/Location: 04084, 1 Bartlett Road**

The request is to renew Letter of Credit #1278F, drawn on Bank of New England, in the amount of \$171,460.80 for the above noted project. The expiration date will be September 16, 2019.

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

### **#19-08**

**Project Name: Lot Line Adjustment, 22 Ashleigh Drive**

**Developer: SUSO 4 Derry LP**

**Escrow Account: Same**

**Escrow Type: Cash Escrow**

**Parcel ID/Location: 08280-002 and 08280-007, 22 Ashleigh Drive**

The request is to establish cash escrow in the amount of \$1,555.20 for the above noted project. This escrow is non-interest bearing.

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

**#19-09****Project Name: Subdivision Plan of 20 Lawrence Road****Developer: Bella Vista Homes, LLC****Escrow Account: Same****Escrow Type: Cash Escrow****Parcel ID/Location: 20 Lawrence Road, PID 06001**

The request is to approve a final release of cash escrow in the amount of \$8,540.64 plus any accumulated interest. The amount to retain is zero.

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

**#19-10****Project Name: Spruce Pond Estates – Nathan Road****Developer: H & B Homes****Escrow Account: Same****Escrow Type: Cash Escrow****Parcel ID/Location: 03039, 7 Linda Drive**

The request is to approve a final release of cash escrow in the amount of \$4,250.88 plus any accumulated interest for the above noted project. The amount to retain is zero.

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

**#19-11****Project Name: Lot Line Adjustment – Lake Avenue****Developer: Manuel Gendron****Escrow Account: Same****Escrow Type: Cash Escrow****Parcel ID/Location: 52007 and 52008, 2A and 2B Lake Avenue**

The request is to establish cash escrow in the amount of \$17,515.44 for the above noted project. This escrow is non-interest bearing.

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

## Minutes

The Board reviewed the minutes of the February 20, 2019, meeting.

Motion by O'Connor, seconded by MacEachern to approve the minutes of the February 20, 2019, meeting as written. The motion passed with Connors, Chase and Chirichiello abstained.

## Correspondence

Mr. Bartkiewicz advised the Board has a notice for the second Master Plan Community Forum. It will be held on Saturday, April 06, 2019, beginning at 10:30 a.m. in the 3<sup>rd</sup> floor meeting room of the Derry Municipal Center. The Board has also received a copy of the most recent edition of *Supply Lines with the Source*.

## Other Business

### Cask and Vine Mural

Cask and Vine is located in the downtown on East Broadway. Mr. Sioras stated the Board has a facsimile of what the mural will look like. Andy Day and Alana Wentworth intend to have the mural painted on the wall of Cask and Vine that faces Sabatino's North. The design was created by Keene Signworx and the painting of the mural will be done in conjunction with the 300<sup>th</sup> Anniversary of Derry. The mural depicts various buildings in town such as the First Parish Church (1719), Pinkerton Academy (1814), the Taylor Library (1848), the Adams Memorial Building (1904) and the Mercury Rocket, symbolizing Alan Shepard (1961). Per the Architectural Design Regulations, the Planning Board will need to approve the design. Staff recommends approval. Alana Wentworth is present if the Board has any questions.

Mr. Granese said he liked the mural. When would it be painted, and would it affect the drive aisle between Cask and Vine and Sabatino's? Ms. Wentworth explained Keene Signworx created the design. The Wall Dogs, an international mural company, will be here in June to paint it. Half of the drive aisle would be taken up by scaffolding. There is existing lighting on that wall, but it is not working currently. Mr. Granese asked how the wall would be protected from vandalism. Ms. Wentworth said there is a washable overcoat that will be applied so if anyone spray paints the wall, they can wash it off. There will be exterior lighting and surveillance.

Mr. MacEachern also liked the design. He asked if there was a lighting plan. Will the lights shine down on the mural and how will they make sure it does not spill to the abutting property? Ms. Wentworth said there will not be any up lighting. The lighting exists on the top right corner of the building and in the middle of that wall. They will make the lighting work. Mr. Granese

believe the existing lighting consisted of wall packs. He suggested an old goose neck style lighting (LED) would look very nice. Mr. Connors asked if the mural would take the entire height and width of the building. Ms. Wentworth said the plan is a computer rendering prepared to show scale, the mural will take up most of the wall. It should take four days to paint and she is not aware of how long it will take before the mural begins to deteriorate.

Mr. O'Connor thought the mural was wonderful. In Yarmouth, Nova Scotia, there are many murals. They last a good five years on the seacoast before they begin to fade. He is looking forward to seeing this one.

Motion by MacEachern, seconded by Connors to find the following findings of fact per LDCR Section 170-86, Design Elements: The proposed theme integrates into the neighborhood, the project is consistent with the Master Plan; the proposed design complies with the Design Element Checklist (Section 170-86.F.4) in that it is an attractive building façade and it negates blank space on a broad expanse of wall.

Chase, Levin, Chirichiello, O'Connor, MacEachern, Connors, Bartkiewicz, and Granese voted in favor and the motion passed.

#### Voluntary Merger – Brian Gricus, 207 and 205 Island Pond Road, PID 07004 and 07005

Mr. Sioras said this is a straightforward merger of two lots. Lot 07004 has the house and Lot 07005 has a shed on it. The applicant wants to combine the two lots. Staff recommends approval.

Motion by MacEachern, seconded by Bartkiewicz to approve, pursuant to RSA 674:39-a, the voluntary merger of PID 07004, 207 Island Pond Road, and PID 07005, 205 Island Pond Road. Parcel 07004 shall be deleted, and Parcel 07005 shall be retained.

Chase, Levin, Chirichiello, O'Connor, MacEachern, Connors, Bartkiewicz and Granese voted in favor and the motion passed.

#### Schedule a site walk for 8.5 Richardson Road

Motion by MacEachern, seconded by Bartkiewicz to schedule a site walk for 8.5 Richardson Road, PID 10062-020 for Saturday, March 09, 2019, beginning at 9:00 a.m. Discussion followed.

Mr. Granese advised he would not be available that day. Mr. Connors asked if the purpose of the site walk was to look at what was there, or to review issues associated with waiver requests. After reviewing the recording of the meeting, he was not sure why they were holding site walk. Mr. Sioras explained the applicant wants to remove a note on the subdivision plan that states this is not a buildable lot. This is a lot of record. The Board wants to see the location of the driveway, wetlands and proposed home. They flagged out where the house will be located, and

the Board wanted to view that location in relation to the wetlands as well as the location of the driveway.

Chase, Levin, Chirichiello, O'Connor, MacEachern, Connors, Bartkiewicz and Granese voted in favor and the motion passed.

#### Schedule a site walk for 52 Lane Road

Motion by MacEachern, seconded by Bartkiewicz to schedule a site walk for 52 Lane Road, PID 06058, for Saturday, March 09, 2019, beginning at 10:30 a.m.

Chase, Levin, Chirichiello, O'Connor, MacEachern, Connors, Bartkiewicz, and Granese voted in favor and the motion passed.

Mr. Sioras advised the Board should meet at the end of the cul de sac on Fox Hollow. Mr. Granese added he took a ride up there the other day to look at the location of the proposed driveway.

### **Public Hearing**

#### **High Meadows. LLC PID 29046, 46 High Street Acceptance/Review, 3 Lot Subdivision Continued from February 06, 2019**

Mr. Sioras provided the following staff report. The lot is located at 46 High Street. There was a single family home there that has since been torn down. The property is owned by Fred and Deni Oven. The intent of the plan is to create a three lot subdivision for three single family homes. There are some waiver requests. No department has signed the plan. The project requires water and sewer permits.

Craig Bailey, Bryan L. Bailey Associates, Inc., presented for the applicant. The project is for a three lot residential subdivision. They are all frontage lots with no road being built. This is an odd shaped property. He directed the Board's attention to the overview sheet. The proposed access for the larger lot is off Hillside Avenue. There are some challenges with this development; some are minor and some are significant. Sheet 3 shows the location of the former home that was razed (29046). The cellar hole is still there. Lot 29046 fronts on High Street; Lot 29046-001 fronts on Ash Street; Lot 29046-002 fronts on both Ash and High Street and presents the first significant challenge. Parcel 29046-002 uses the existing strip of access off Hillside Avenue which has been in existence for decades. His office created a site plan in 1985 which shows the access. The legal frontage for this lot is on Ash Street and High Street at the intersection. Parcel 29046-001, with frontage on Ash Street, will be accessed from a shared driveway that connects to High Street. The reason for the shared driveway is that they cannot safely make the sight distance requirement off Ash Street.

There is an existing residence abutting parcel 29046-001 to the north, 4 Ash Street (PID 29047). That lot has a steep driveway. In order to get sight distance, they would have to cut and grade off site onto the abutting property and ruin the abutter's access to their lot. This is why they want the shared access off High Street. Sheet 3 shows the shared access that crosses 29046 and 29046-002. There is also a shared location for the stormwater basin (29046). Other significant issues include a catch basin on Ash/High Streets on their side of the property at the existing piece of sidewalk that is an old make and it does not have enough cover to meet today's standards. He has a fourth waiver request for the Board this evening to request the installation of a culvert into that catch basin with less than the required cover. [Note: this was not provided to the Board in writing this evening.]

The third challenge has to do with E-911 addressing. There are not enough even house numbers for the address on Hillside. He is still working with the Fire Chief on that issue, but it is one that should be easily resolved through software and some creativity.

Mr. Bailey directed the Board's attention to sheet 4, which showed the proposed topography of the lot. They will reduce the grades and cut down the site at the intersection of Ash and High Street. The first reason is to remove the sight distance impediment and it allows them to easily incorporate the low impact design rain garden. The driveway access grades are better and this will be better for the neighborhood as it will be flatter and add more lawn.

Currently on the property they are handling stormwater with emergency basins. These were constructed to mitigate the stormwater off flow from the site. When the topsoil was stripped off the property after the house was razed, the topsoil was stored to the rear of the property; this was done approximately four years ago. Prior, there was some vegetation and lawn. The stormwater has significantly increased, so they installed the emergency basins to keep the mud and rain from coming off the site. By incorporating the new grades and putting the topsoil back on the lots, the proposed runoff will be more in line with the neighborhood as the lots will have grass lawns and shrubs. Sheet 5 shows the grading plan; the maximum grade on the driveways per the regulations should be 5%.

Parcel 29046-002 has a large turnaround planned to accommodate the largest fire apparatus; access will be through Hillside Avenue. There is an abutting building that goes over the property line, and there is a building easement on file. This adds another challenge for lot development. Sheet 6 shows the utility plan. Mr. Bailey advised he has had discussion with Mr. L'Heureux with regard to the sewer connections. When the house was razed, they left stubs for the water and sewer connections; those are shown on the plan. The utilities will not have enough cover so they are proposing new connections for Lot 29046. Once the lot is cut down to make it more in line with the rest of the neighborhood, the utilities will no longer have enough cover. They are proposing new utility connections off the water and sewer for the new proposed house for 29046. There will be a long sewer connection for parcel 29046-002, so they would prefer to have a simple cleanout rather than a manhole. They are still working with DPW on the trench patch requirements. Sheet 7 shows the driveway sight distance profile; these are drawn to meet AASHTO for a 30 MPH zone. They have sight distance in excess of 200 feet in 2 locations, on Hillside and High Street. Sheet 8 shows the driveway cross section. The plan before the Board

has a 14 foot driveway. Mr. Bailey explained he changed the design to a 12 foot driveway with 1 foot shoulders which he believes is in accord with the regulations. [It was not clear for which lot.] The sidewalk on the Board's plan has a granite curb, that will be removed, and the sidewalk will have cape cod berm. The existing sidewalk does not have granite curbing. That was adjusted per DPW comments. Sheet 9 shows the details for the low impact design. The sheet shows a rain garden and the actual grading of the area, as well as the piping detail. It was noted the Board was missing sheets 8 and 9 in their packets. Mr. Bailey provided plan sets for the Board to view.

Mr. Bailey asked if the Board was familiar with rain gardens. They are used instead of detention basins. Detention basins heat the water downstream and kill fish. The idea behind LID is to absorb the rainwater and recharge it. They do have an emergency overflow which connects to the existing catch basin. If the system becomes overtaxed the overflow underdrains connect to the LID system. The 4" underdrain is intended for emergency situations. The intent is to recharge the water; the vegetation and planting medium is the key. Sheets 10 and 11 are the stormwater runoff sheets. Mr. Bailey said they were technical and did not review them.

Mr. Granese said he was aware the application may be missing some items. He asked Mr. L'Heureux to provide comment. Mr. L'Heureux said relative to discussions to get the plan complete, there has been no open discussion since the first TRC in September. There have been some emails that have gone back and forth and there have been some changes to the plan. The plan is still missing critical details with regard to drainage, water, sewer and the roadway, as well as details to facilitate completion of the plan. This is one of the reasons the plan was not signed by DPW.

Mr. Granese asked Mr. Bailey why a plan was submitted to the Planning Board that was not complete. Mr. Bailey said the applicant's understanding as to the reason DPW will not sign the plan is that DPW does not support the shared driveway. Mr. Granese noted no department has signed off on the plan. Mr. Bailey said the reason the Police Department has not signed off on the plan is because DPW has not signed off on it. The reason the Fire Department has not signed off is because the Police Department has not signed off on it. Mr. Granese asked about the other issues that are not complete. Mr. Bailey said Mr. L'Heureux's comments have been incorporated into a plan set which has not yet been provided to Mr. Sioras. They are still working through the VHB review; that has been completed and they can submit a revised plan tomorrow. They need to be before the Board tonight to address the shared driveway.

Mr. O'Connor noted there is a copy of a series of questions and answers in the packet outlining DPW concerns, Mr. Bailey's response, and further comments from DPW. From this list, he can see there are a number of open issues to be addressed. This was confirmed by Mr. L'Heureux.

Mr. MacEachern felt there was a significant amount of work to be completed on the plan. Did the applicant want to start the clock tonight? Mr. Bailey said the technical comments have been addressed. The issue is: do-Do they spend another month on the review and still have no resolution on the shared driveway? They still don't have a good reason as to why there is no sign off by DPW on the shared driveway.

Mr. L'Heureux advised DPW will not support the waiver for the shared driveway; staff does not see the hardship. From their standpoint, the lot can handle two building lots; the waiver is required to make three lots. It is the further development of the lot which requires more stormwater treatment, work into the road and sidewalk, replacement of a catch basin that is undersized which would incorporate a very difficult excavation which is costly. It seems like they are creating their own hardship by trying to create the third lot. A shared driveway is not in the spirit of the regulations. In cases where a waiver for a shared driveway has been granted in the past, those were on high speed roads.

Mr. MacEachern questioned whether the lot with access off Hillside had enough frontage. Mr. Bailey explained the contiguous frontage was on Ash Street and High Street. They do not need to apply to the ZBA for frontage relief as there is enough on Hillside and Ash Street; he agrees the lot is an odd shape.

Mr. Connors confirmed the odd shaped piece which will hold the stormwater treatment is connected in the back to Hillside. The driveway for the other lot, crosses the odd shaped lot, which necessitates an easement. He noted Mr. Bailey mentioned site work to level out some of the elevations. Mr. Bailey had also said a challenge with creating the third lot was that same elevation.

Mr. Bailey said they will take out the material. Mr. Connors thought he heard Mr. Bailey say it was too steep. Mr. Bailey directed Mr. Connors to sheet 4. On Ash Street, the bulldozers that are sitting there now are 8 feet above the road. The proposed house will be 8 feet above the road but will sit back, so the slope will be more shallow and the grade will tie into the lot at 4 Ash Street. Mr. Connors asked if the other reason they did not put a driveway on Ash Street was because it would be too close to the intersection. Mr. Bailey said they are 75 feet from the intersection. They can meet the distance, but they can't meet the sight distance. Mr. Connors agreed it was a tough lot.

Motion by MacEachern to find the three lot subdivision application before the Board for High Meadows, LLC, PID 29046, 46 High Street is incomplete for the following reasons: Application does not comply with LDCR Section 170-24.A, Final Application Phase Submittals Subsection 5 the location of the proposed front granite bounds are not shown on the plan; Subsection 10 – house number have not been obtained from the Fire Department and Subsection 22 – TRC signatures have not been obtained by any department (Conservation Commission review is not required). He also finds it is not in the spirit of the regulations for the area. The motion was seconded by Bartkiewicz.

Chase, Levin, Chirichiello, O'Connor, MacEachern, Connors, Bartkiewicz, and Granese voted in favor and the motion passed.

Motion by MacEachern to continue the hearing to April 17, 2019, to allow the applicant time to complete the submittal checklist and obtain all the required department signatures, seconded by Chirichiello.



Chase, Levin, Chirichiello, O'Connor, MacEachern, Connors, Bartkiewicz and Granese voted in favor and the motion passed.

Mr. Granese advised there would be no further notice of the continuation. He hopes the applicant can submit a complete application by the next hearing date. Abutters expressed frustration that this was the second meeting at which they were not allowed to comment. Mr. Granese explained that legally, the Board cannot open the public hearing without accepting jurisdiction of the plan. He understands this is the second time the abutters have been here, but the Board needs to continue this. They cannot discuss the plan further. Mrs. Robidoux advised the public had not been provided with all 12 sheets in the plan set. Mr. Granese said copies of the plan can be made available; the record is public.

**Grand View Farm Derry Realty, LLC**

**PID 05053, 36 South Main Street**

**Design Review**

**Proposed gas station, convenience store and drive-through**

Mr. Sioras stated the applicant is before the Board tonight to discuss the plan, but there will be no votes; the intent is to provide input on the plan to the applicant. Abutters were provided notice of the meeting. The applicant has met with staff over the last year. The applicant is waiting for the NH DOT curb cut approval before moving forward with the plan.

Shane Gendron of Herbert & Associates, presented for the applicant. The parcel is a one acre lot located on the corner of South Main Street and Island Pond Road. The proposal is for a gas station with a convenience store and a coffee/donut shop drive through. This is a busy intersection. The lot slopes north. They need a NH DOT driveway permit and have been working on that with the state for quite some time. NH DOT has requested a major upgrade at the intersection. The plan calls for a right turn in and out on the Bypass entrance. Island Pond is currently a two lane road; the state would like the road widened to four lanes near the entrance on Island Pond Road. They will not touch the Clam Haven side of the road. The expansion takes place on their side of road. They will create an 11 foot lane on the eastern side of Island Pond with a turn lane into the site. The side going to the intersection will have a dedicated right turn lane and a straight lane. They are very close to obtaining the driveway permit from the state. Mr. Gendron advised the plan has been before the Conservation Commission which held a site walk. He believes they have signed off on the plan. Sheet 5 of the site plan set shows the overall layout with grading and drainage. The entrance to Island Pond is on the southeast side of the site. They are proposing a 3999 square foot building with a potential Dunkin Donuts (1000 square feet); this would be identical to the development at Cowbell Corner. There will be smaller gas islands to fit this site. Sheet 6 shows the turn lanes and how traffic flows through the site. Off Island Pond there are lanes leading to the gas pumps or to the drive through. One can exit the site and go left to Island Pond or right to the intersection. This sheet shows the intersection improvements such as the four lanes at the intersection. The existing traffic light pole will be removed, and they will update the electricity at the intersection and install a new mast arm. On Route 28 ByPass there is a right turn in and right turn out only.

Sheet 5 shows the drainage for the site. There is some sheet flow across the parking lot into a bioretention pond which can infiltrate up to a 2 year storm. The site is designed to handle a 25 year storm and has an overflow that goes into a series of basins and is treated by a contact in line CDS with an oil separator and sump. The suspended solids are removed here. This goes into a large underground tank, is held, and then slowly released to manholes and then a level spreader which leads off site. They have obtained drainage easements for that. DPW has reviewed the initial plan and water and sewer connections, but Mr. Gendron was not certain if DPW had fully signed off on the plan at this point.

Mr. Connors asked about the elevation on the north side of the lot. Will there be a retaining wall there? Mr. Gendron said they will use a retaining wall behind the building. Mr. Connors asked if there is any physical barrier to keep people from heading south if they exit the site onto South Main Street. Mr. Gendron explained it would be very difficult to do that given the way the exit flares; there will also be signage prohibiting the left turn. Mr. MacEachern noted the Cowbell Corner site is nice and this seems to be in that same spirit. Mr. Granese reiterated this is a Design Review hearing and the plan will come back to the Board in the future for the formal review.

Mr. L'Heureux said he recently received the new concept and a bit has changed since the last TRC meeting. There had been some initial concerns about the maximum slopes on the access points. They are both on a hill; he has not reviewed the revised plan closely and will review to make sure it complies with the LDCRs before they can come back to the Board with the full application. Mr. Granese advised since this is a Design Review Hearing, the public has the opportunity to speak. There will be a public hearing at a later date.

Cheryl Shadduck, 9 Ash Street, said the bioretention pond was intriguing. Is it considered harvested water? Mr. Gendron admitted harvested water was a new term to him. The bioretention pond is an innovative way to infiltrate stormwater back into the ground, rather than holding it and releasing it slowly. This is a greener way to manage stormwater so that it is not a point source. It works well, but it does need an overflow for a large storm event (10-25 year storm). That is when the water goes to standard treatment.

Richard Leiter, the owner of Revived Furniture and Home Decor at 2 Island Pond, knows this is a long project but wanted to know how it will impact him. He understood there would be some drainage of the overflow into the existing pond adjacent to his driveway. Mr. Gendron explained the stormwater currently goes off site to the pond. It will still go there but they will hold it back and treat it first. Mr. Leiter asked if the water will go across his driveway which is his only entrance. He is concerned with how long it will take to construct the site and how the construction of the drainage will impact the traffic coming to his business. Mr. Gendron said they will work with the owner. They need to cut a trench in the driveway and install the concrete pipe but will keep it passable so that the business can be open.

Mr. Leiter also had questions about the proposed turn lanes into the new site. Will that impact his driveway? It does not seem like there is a lot of room; he believes the entrance is proposed where the existing barn is located.

Mr. Gendron said the road will start to widen near the entrance to Revived. DOT will do some work in front of his driveway, but it will not interfere with the access to Revived. There are no dedicated lanes there, just the road widening. He is sure they will work with Mr. Leiter to make sure they do not interrupt access to his site. Mr. Connors asked if there was a legal entrance from the Bypass near the blue house to Mr. Leiter's site. Mr. Leiter was not sure; the driveway is for the house and goes to a parking lot on the side. Mr. O'Connor noted that access belongs to someone else. Mr. Leiter explained he was having a hard time understanding how they could make a turn lane without impacting his driveway or sign. The entrance to the new site will be about 20 feet away from his driveway. Mr. Gendron advised the widening on Island Pond Road will be in the state right of way; they are giving the state a ten foot easement on the front of their property to create the turn lane and accommodate drainage. Mr. Leiter explained he is not the property owner, just the business owner, so he is not being made aware of some of these things. He is not against this project but just wants to understand the project.

Chris Ward, 100 Rockingham Road, asked if a traffic study has been done for this intersection. Mr. Gendron said multiple studies have been performed; they needed to do that in order to work with NH DOT. The ~~intersection-entrance~~ off ByPass 28 is close to the intersection. They need a flat area for the gas islands and for the tractor trailers to unload. The site slopes at 8%; they need to decrease the slope to accommodate the store; they did a lot of work on this site. Because of the grades, they were unable to move the entrance down on ByPass 28. Steve Pernaw is the traffic engineer. Mr. Ward said he has lived at his address for 13 years; on average there are 6 accidents each summer at this intersection. It is dangerous. If Island Pond is widened, will Rockingham Road on the opposite side of the intersection be done as well? As people go through the intersection, they travel fast on Island Pond. He is concerned there will be more accidents here. Mr. Granese said there will be turn lanes. NH DOT is pretty stringent, and they issue the permit. It looks like there will be a betterment at the intersection. Traffic speed is under the purview of the Police Department. Mr. Ward said this project will add traffic as people will be coming in and out of the intersection. Why does the area need another gas station? There are others in the area. Mr. Granese said the use is allowed; the Board decided a few years ago to let the market dictate it.

Mr. Connors asked if Dunkin Donuts limited the number of franchises in one area. Mr. Gendron said Dunkin Donuts wants site plans approved before they will commit to a site; it is possible this drive through could be something else.

Mr. Chase had a question about the access off South Main Street. There is quite a grade change in that location; what is the plan for landscaping in that area? Mr. Gendron explained they will fill a good portion of the site. The driveway will not have a huge grade change; it is about 3½ %. Mr. Chase commented right now it has a sharp cut off. Will that be sloped gradually? Mr. Gendron said they will even out the slope. The landscape plan will meet all of the requirements in the LDCR. Mr. Granese asked with regard to the hours of operation for the gas station and when the lights would be shut off at night. Ralph Glynn, owner, said the station will open at 5:00 a.m. It is closed by 10:00 p.m. and the lights will be on timers. The pumps will be shut down when the employees leave. Mr. Granese asked if there would be stone on the building; Mr. Glynn said there will be something similar to their other building. Mr. Gendron said he believed

they would be addressing the last batch of comments from the NH DOT and will then work with staff to get the plan back before the Planning Board.

Mr. Connors thought the driveway would be close to the intersection on Route 28; he wanted to confirm the turn lanes will be off the travel lane. Mr. Gendron said the roadway will be widened at their corner on Route 28. They will add pavement there, but not a dedicated turn lane off Route 28. Mr. MacEachern confirmed the entrance on South Main Street was 75 feet from the signalized intersection. Will Route 28 be widened there so that someone can get around? He wants to make sure there is enough space. Mr. Gendron said pavement will be added to Route 28 at the corner.

There were no further questions or comments.

**Public hearing to amend the Town of Derry Zoning Ordinance, Article VI, District Provisions, Section 165-33.B.5.b.iii (Central Business District) and Section 165-49.B.1.b (Traditional Business Overlay District), Permitted Uses**

Mr. Granese said the Board has held a few workshops to discuss this change.

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

There was no public comment.

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

Mr. Granese said the Board has done a lot of work on this. If approved, it will be sent to the Town Council next for a public hearing.

Motion by O'Connor, seconded by Chirichiello to amend the Town of Derry Zoning Ordinance, Article VI, District Provisions, Section 165-33.B.5.b.iii, Central Business District and Section 165-49.B.1.b, Traditional Business Overlay District, Permitted Uses, to allow residential use above the first floor and to forward the amendment to Town Council for review and approval.

Chase, Levin, Chirichiello, O'Connor, Connors, Bartkiewicz and Granese voted in favor; MacEachern abstained as he was not present for the discussion. The motion passed.

## **Workshops**

### Workshop #1 – to discuss the addition of Medical Office as a use in the General Commercial zone

Mr. Sioras said the General Commercial zone runs from Sal's Pizza to Hood Plaza and goes west on Folsom to Franklin Street. There is also an area on Route 111. Medical Office is not a

permitted use in the General Commercial zone; it had been permitted under Professional Office. Staff felt the Board should make that slight distinction as it did on Tsienneto Road. It would be cleaner. There could be some interest as Exit 4A gets constructed. Mr. MacEachern said the Board made the change a while ago to create a medical district, is the Board going away from that now. Mr. Sioras explained Professional Office used to include medical office, but now Medical Office is its own definition. There is a slight difference between the two. Mr. MacEachern noted the GC II district has medical office. Mrs. Robidoux said in 2011, the definition of Professional Office included medical office. When the Board created a separate definition for Medical Office a few years ago, the Board did not go through all of the zones that permitted Professional Office to make sure they included Medical Office as a use. Mr. MacEachern believed they did, when they created the Office Medical Business District. Mr. Sioras said medical office was not listed as a permitted use in the GC II zone until recently when the Board added it. There has been some interest expressed in placing medical office in the General Commercial zone. Mr. MacEachern said there is a medical office district with distinct uses, the intent was to separate out some of the uses. Mr. Connors asked if Professional Office specifically said it did not include medical office. Mr. Sioras explained there are more intensive uses in Medical Office especially with regard to parking; Professional Office is more for lawyers or engineers. If the Board is agreeable, he would like to see this move forward. The consensus of the Board was to move this forward to public hearing.

Workshop #1 – to discuss the addition of Electronic Vehicle Charging Stations to multiple zones as a permitted use

Mr. Granese recalled discussing this previously and thought it made sense to allow it everywhere. Mr. Sioras said Mr. O'Connor brought this forward. Mr. Connors asked if charging stations should be allowed in all zones. Mr. Sioras said that is the purpose of the discussion – what zones would the Board like to allow them in? There are some in the municipal parking lot, the state has them in the rest areas on Route 93 and Mr. Mackey has indicated there is at least one resident who would like one at their home. Mr. O'Connor felt they could be available in residential areas with parking access, such as the rail trail or at Broadview Farm so that people can charge their vehicles while enjoying the open space. Many vehicles are being converted. Mr. Chirichiello thought many car dealerships have charging stations. Mr. Chase said it would be beneficial to have them in church parking lots; those are in residential zones. Mrs. Donovan suggested allowing them in school parking lots.

Mr. MacEachern felt they should be in the business districts, not in residential districts unless the Board can define what those would be such as at religious or municipal lots. He does not want to see them popping up in residential zones for profit. Mr. Chase said the Board should consider apartment buildings and condominiums; condominium boards may set aside a specific area for the chargers. Mr. Connors asked if there is a reason the chargers need to be listed as a permitted use in any zone; he felt they were similar to phone chargers – why are we regulating them? Mr. Sioras explained the Board may not want them all over town and they should be limited somewhere. Mrs. Donovan said it is a good thing to encourage. She drove an electric vehicle for a year but did not have a fast charging station at her home. People will not install fast charging stations at their homes; it would be too costly. It would be a good idea to have them at apartment buildings; young people are driving these cars and living in those units. She did not

feel the town should discourage new construction from putting in a bank of fast charging station. Why limit it? There is no downside to it; they look like parking spaces. Mr. Chirichiello suggested the Board could start in the industrial and commercial areas and then add areas if needed. Mr. MacEachern suggested staff put together some language. Mr. Chirichiello felt a business like Tupelo may want to add a charging station. Mrs. Donovan advised the Net Zero committee is working with the schools to add them in their parking lots; those lots are in residential zones. Mr. Chirichiello wondered if they could be done by permit at the Planning Board level. Mr. MacEachern felt there needed to be parameters for them. Mr. Sioras said it might be similar to when the underground cable came in. The Planning Board saw applications for the transmitter boxes. Mr. MacEachern suggested starting with the industrial and commercial zones and create rules; otherwise the town will get whatever it gets. The regulations do not need to be arduous. Mr. Connors asked if someone wanted to do this now, could they? Mrs. Robidoux said probably not as they are currently only allowed in two zones. Mr. Chase said there are areas in town with large parking lots outside the commercial zone that would benefit from these. There should be language that will allow them in those different areas. They are not that intrusive. Mr. Sioras said staff can work with Mr. O'Connor on the wording and bring it back to the Board at another workshop as it seemed the Board in general, appeared to want to allow them.

Workshop # 4 – to review the permitted uses in the Office Business District, review the definitions of those uses, and to discuss an expansion of that zone.

Mr. Sioras said he reviewed the minutes of the last workshop and identified the items the Board seemed to agree upon. Before moving forward he wanted to confirm those items. The Board agreed to extend the boundary of the OBD south to Aiken Street and use the road as the boundary. The Board also added daycare as a permitted use. This area is in the Opportunity Zone and there is access to the area from Exit 4. It is hoped there will be development and redevelopment of the area. The Board agreed to add mixed use with residential on the upper floor, but did not want to see garden style apartments or standalone multifamily. The Board discussed using the same criteria as in the CBD for multifamily calculations. The Board intended it to be townhomes or mixed use above commercial or retail. The Board wanted to move the buildings closer to the road (current regulations require a 35 foot setback) and so he placed a setback of 20 feet as a talking point. He suggested deferring to Mrs. Donovan or Mr. Valentine who was in the audience on that item. The other item of agreement was that no building should be taller than 3 stories; which would be about 60 feet; that is a talking point. This is what he got out of the last meeting. Most of the permitted uses have not changed. By law, Workforce Housing needs to be allowed in a zone; this zone might provide an opportunity to permit that. Off street parking was loosened up a little bit so there does not need to be as much off street parking. For the buffer zone, they tried to highlight the need for a buffer when a non-residential use abuts a residential use. This is an old neighborhood; many of the homes are over 100 years old. The lots are very small. If there is redevelopment, a lot of the single family homes will remain for a while. He would like to finalize the draft so that the Board can move forward. There needs to be some agreement on what he highlighted in his memo and they can continue the workshop to April. He is aware Mr. Valentine would like to provide comment as he owns property in this zone.

Ralph Valentine advised the current housing demand is for studios or one or three bedroom apartments, not two bedrooms. An 800 square foot minimum unit makes for a larger studio or one bedroom apartment. A three bedroom would be larger. For a 2 bedroom; it is possible to get away with a 500 square foot unit. Nurses and other professionals are looking for housing in this area as they work at Parkland. An 800 square foot unit lends itself to a small 2 bedroom apartment. 500 to 600 square feet might meet more of the current demand. With regard to mixed use, there would be nonresidential on the first floor; the second and third floor could be residential with parking underneath or surface parking. He would not suggest decreasing the density requirement; but the Board should allow less square feet for the units; maybe leave 800 square feet as the minimum in the CBD but decrease that in the OBD. Office might go on the second floor and that way a developer could still meet the density of 12 units on the third floor.

Mr. Granese asked if the Board wanted to move this to subcommittee. Mr. MacEachern said the Board already did that. The OBD does not allow apartments currently and he has issues with this proposal. There needs to be buffer zones; if there is going to be mixed use, the rules needs to be re-written. He has no angst over decreasing the minimum size for multifamily units. Mr. Sioras hit on a few points; he would like to see a zero setback and have it determined by the Board. Maybe someone would like to build a restaurant and put it back 20 feet so there can be outdoor seating. But someone else might want to have the building to the sidewalk. He would like to see parking in the rear. The main objective is to set the boundary at Aiken Street and get that to the Town Council; the rest of the details can go back to subcommittee. He also felt the Board needed to list the uses they did not want to see; the Board members need to know the history of why the zone had been written the way it was. Mr. Sioras asked if the Board agreed on the boundary and wanted to move that forward. This makes it consistent with the Opportunity Zone. Mr. MacEachern agreed and felt a subcommittee could look at the rest of it. It seemed like a lot of merging of OBD and other districts.

Mr. Valentine stated when restrictions are added, or prohibited uses are listed in the zone, it restricts the Board and the market. Flexibility is a good thing; there are many smaller parcels here. It is not likely that someone will put them all together and add a grocery or drug store, or a fast food restaurant. He would offer to sit on a subcommittee, but understood if the Board felt that was a conflict. There are other challenges in this zone. The topography falls off as one goes east. It would be challenging to combine the West Broadway lots and the lots on Aiken Street.

Mr. MacEachern recalled discussing with the subcommittee the possibility of combining all the zones from the town line to the Derry Public Library into one zone. He felt the Board needed to look at that. Mr. Sioras said at the last meeting, the Board decided to keep the OBD from the Londonderry town line and use Fordway as a boundary. Mr. MacEachern felt the proposed amendment melded uses from other zones.

Mr. Valentine said if there was a way to fund a right hand turn lane onto Fordway, that would help spur development in the area. Developers don't want to build in an area where traffic does not move. Mr. Sioras said that would be a local project. Mr. Valentine said the reality is there is enough room to create a turn lane.

The map will be extended to Aiken and moved forward for a public hearing.

Workshop #4 – to discuss the proposed West Running Brook Village District

Mr. Sioras said the boundary for the district was agreed upon at the last meeting; that is shown on the map. The area is serviced by municipal water and sewer. It seemed the Board wanted to remove assisted living as a permitted use. Should this be kept in or taken out? Mr. MacEachern confirmed the southern edge of the proposed boundary which ended above the Robert Frost Farm. He also confirmed the location of the Grinnell Conservation land on Island Pond Road and that the five lots located between Clam Haven and the conservation land are single family residential lots. Mr. Sioras explained the topography is very steep for those lots and some of the homes are right on the road. The top of the Grinnell property is on a hill.

The Board was in agreement on the proposed zone boundary and then discussed assisted living as a use. The Board is in agreement on removing that use. Mr. Sioras said the parcels in the proposed zone are unique with regard to topography, some have very good sight distance and a good amount of land. Mr. Chase said single family residential needs to be removed as a use. Mr. Sioras stressed the Board needs to have agreement on the proposed uses specifically assisted living, single family residential with a maximum of two bedrooms, and the manufactured home restrictions. Multifamily is proposed as a mixed use, with no more than two bedrooms and a maximum of 6 units per building. Mr. MacEachern asked if they were limited to the second floor? Mrs. Robidoux said no. Mr. Chase said the intent would be to maybe have townhouses behind the commercial use.

Mrs. Donovan said Mike Harrington was present this evening. He and Elmer Pease own 74 Rockingham Road. She felt it was important for Mr. Harrington to discuss the challenges they have had with this lot. Mr. Sioras recalled a one story medical office building had been proposed for this lot at one time.

Mr. Harrington explained he has been involved in the property for the last few years. Many uses have been proposed but because of the topography changes and wetlands it has been difficult to develop even though the lot has about 28 acres. Water and sewer are available to this lot. He appreciated the flexibility proposed in this zone. They have had industrial users look at the lot; warehouse is not a good fit, so nothing has been developed that makes sense under the current zoning. This village district rezoning allows the possibility of mixed use, and they may be able to get ground floor retail with residential above, or townhouses with walkability. This lot does not lend itself to heavy commercial development. The ability to come before the Board with a plan is very interesting to them. This is similar to what is happening with the market.

Mr. Connors noted West Running Brook is behind this parcel. Mr. Harrington said there are some areas of upland totaling about 7 to ten acres on the site that could be developed; the rest would go into conservation. With water and sewer, they can concentrate the development and it will help them. Mr. Connors commented there is residential use all around this lot. Has there been any thought to putting single family use along the road? Mr. Sioras said duplexes were allowed in the 1980s. Prior to Mr. Pease acquiring the property, Espana Builders was approved for seven frontage lots. That was not developed, and the lot was sold to Cannon Realty and then to Mr. Pease. Medical office was also approved for this lot and there was some discussion about



locating a fire station on the lot. Mr. Connors felt the landowner was in a difficult position with regard to developing the lot under the current regulations because of the wetlands.

Mrs. Donovan said this is the reason small, single family residential should be allowed as a use on this lot, if it is allowed by conditional use permit. This would be a good transition between the residential and the new zone. She would agree ~~it~~ single family housing should not be allowed ~~on any of the other lots as the only use in that zone.~~ This would be a good transition between the residential and the new zone. Mr. Chirichiello asked if the lot should be rezoned residential. Mr. Sioras felt because of the traffic, it would be difficult to exit from individual driveways along this frontage. Homes should be to the back. People on Winter Hill have a hard time getting onto the road. If housing is to the rear, mixed use could maybe go to the front of the lot. Mr. Harrington said they envisioned some type of service retail; they could not have a development like the gas station proposed near the intersection of Island Pond Road. He could see something like a small doctor's office or bank. Mr. Chirichiello said that would maximize the lot. Mr. Harrington said it would not make sense to rezone this property back to residential. They would prefer to keep it zoned as it is and they like the idea of the village district.

Mr. Granese said this proposal is not yet ready to move forward to Town Council. Mr. Sioras felt the Board was about  $\frac{3}{4}$  of the way done and should be able to finish this with one more workshop on the first meeting in April. The Board confirmed agreement on the boundary, assisted living has been removed as a use and the Board will discuss single family residential at the next workshop, which will focus on the residential component.

Mr. Chase asked for clarification with regard to the OMB zoning. Is that going to subcommittee? Mr. Granese said he would prefer to hold off on that decision until after the next workshop on April 3, 2019.

There was no further business before the Board.

Motion by MacEachern, seconded by Bartkiewicz to adjourn. The motion passed with all in favor and the meeting stood adjourned at 9:40 p.m.

Approved by: \_\_\_\_\_  
Chairman/Vice Chairman

\_\_\_\_\_  
Secretary

Approval date: \_\_\_\_\_