

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

Members present: John O'Connor, Chairman; Lori Davison, Vice Chair; Brian Chiricheillo, Town Council Liaison; Jim MacEachern, Mark Connors (Secretary Pro-Temp), Members; Dave Granese (7:12 p.m.)*, Alternate

Absent: Doug Danzey, Mark Grabowski, Randy Chase

*Denotes virtual attendance.

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

Mr. O'Connor opened the meeting at 7:00 p.m. The meeting began with a salute to the flag. Mr. O'Connor advised that although the Stay at Home order has expired, Emergency Order #12 as issued by Governor Sununu waives the requirement that all members be physically present. Members can attend the meeting electronically. He provided the appropriate links for members of the public to join the meeting virtually via a MAC, PC, or by phone. He then introduced the staff and Board members. Mr. O'Connor welcomed Mr. Chirichiello back to the Board as Council Liaison, and also welcomed David Clapp who was also in attendance. Mr. Clapp will be a new alternate to the Board. David Nelson has also been appointed as an alternate and both will assume duties to the Board in April.

Escrow

#21-02

Project Name: Peabody Road Commercial Buildings

Developer: Lauralei, LLC

Escrow Account: Same

Escrow Type: Letter of Credit

Parcel ID/Location: 36067-012, 4 Peabody Road Annex

The request is to establish Letter of Credit #1506, drawn on Primary Bank in the amount of \$204,865.20 for the above noted project. The expiration date of the Letter of Credit is September 05, 2022.

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

Chiricheillo, Davison, MacEachern, Connors, and O'Connor voted in favor and the motion passed.

Mr. Connors was appointed Secretary Pro-Temp.

Minutes

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

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

MacEachern, Connors, Davison, and O'Connor voted in favor; Chirichiello abstained, and the motion passed.

The Board reviewed the notes from the site walk of March 13, 2021.

Motion by MacEachern, seconded by Davison to approve the notes of the March 13, 2021, site walk as written.

MacEachern, Davison, and O'Connor voted in favor; Connors and Chirichiello abstained, and the motion passed.

Correspondence

The Board has received the most recent editions of *Town and City* and *Supply Lines with the Source*.

Other Business

Mr. O'Connor advised because of COVID-19 many of the land use training sessions have moved to a virtual platform. He suggested the Planning Board members consider signing up for the upcoming NHMA training, Workings of the Planning Board. It is a good refresher for current members and a good way to learn for the new members. There are many resources available through the New Hampshire Municipal Association and the Office of Strategic Initiatives at the State of NH for Board members. He also recommended OSI's Planning Handbook as a resource.

Schedule a public hearing – proposed changes to the requirements in the Traditional Business Overlay District

Mr. Sioras advised the Town Council approved the expansion the Traditional Business Overlay District boundary last evening and the Council is aware more changes to the district are forthcoming. This is the second step in the process. A few property owners have questions about the proposed changes and will attend the public hearing.

Motion by MacEachern, seconded by Connors to schedule a public hearing for April 07, 2021, regarding proposed amendments to the Town of Derry Zoning Ordinance, Article VI, Section 165-49, Traditional Business Overlay District, Subsection B, Permitted Uses; Subsection C, Area and Dimensional Requirements; and Subsection G, Parking Requirements; AND proposed changes to the Town of Derry Land Development Control Regulations, Article XI, Design and Construction Standards, Section 170-63, Parking Requirements.

Chiricheillo, MacEachern, Davison, Connors, and O'Connor voted in favor and the motion passed.

Public Hearing

JAL, LLC

PID 11059, 15 Forest Street

Review, 12 Lot Subdivision

Continued from March 03, 2021

Mr. Sioras provided the following staff report. The Board held a site walk this past Saturday attended by Board members, staff, the project surveyor, engineer, and landowners. Several abutters attend as well. Staff recommends approval of the plan and has suggested conditions of approval. Several of the abutters submitted questions, which were for the most part covered at the site walk.

Tim Peloquin, Promised Land Survey; Jeff Merritt, and Brenton Cole of Granite Engineering Group were present, as were two representatives of JAL, LLC.

Mr. Peloquin presented. He advised the project consists of 54 acres of land, proposed for a 12 lot, single family home subdivision. The lots will be located off an extension of Daniel Road and the lots meet the zoning requirements. There exists a temporary cul de sac at the end of Daniel Road. The landowners on the cul de sac are understandably concerned about the proposed development. The desire is to extend the road and subdivide off the 12 lots.

As a result of the site walk, the developer met with abutters and made commitments regarding driveway construction for some of the abutters, removal of the 'ears' of the cul de sac, and discussed what construction might look like. The review letter from VHB has been received. Most of the comments are housekeeping items and will be addressed. The Wetland Crossing approval is pending; the crossing has minimal impact, and the application was reviewed by the Conservation Commission. The Alteration of Terrain permit is also outstanding as well as the State Subdivision approval. The AoT permit will contain requirements for any blasting that takes place. There is ledge on the land, but it is more boulder than strict ledge. There may be some blasting required for the project and they will follow state guidelines for that process.

Motion by MacEachern, seconded by Connors to open the public hearing.

Chirichiello, MacEachern, Connors, Davison, and O'Connor voted in favor, motion passed, and the floor was open to the public.

There was no public comment.

Motion by MacEachern, seconded by Connors to close the public hearing.

Chirichiello, MacEachern, Connors, Davison, and O'Connor voted in favor, motion passed, and review of the plan returned to the Board.

Mr. O'Connor and Mr. MacEachern commented there was some good dialogue between the developer and the neighbors, and they appreciated all who attend the site walk.

Ms. Davison asked for clarification. Would more conditions be added based on the consultant's review? Mr. Peloquin said the plans before the Board this evening have not been revised. They are actively addressing the comments provided by VHB. Mr. Peloquin did meet with the direct abutters and talked through the situation where there is some encroachment on the developer's property. There is an opportunity to work with the abutters in the future to resolve this and to make the abutters less uncomfortable.

Motion by MacEachern, seconded by Connors to grant a Conditional Use Permit pursuant to the Town of Derry Zoning Ordinance, Section 165-80.B.2, to allow construction of a road across very poorly drained soils, as the proposed construction is essential to the productive use of the land not in the Wetlands Conservation District; the 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; and, economic advantage alone is not reason for the proposed construction.

Chirichiello, MacEachern, Connors, Davison, and O'Connor voted in favor and the motion passed.

Motion by MacEachern, seconded by Chirichiello to approve pursuant to RSA 676:4, I, Completed Application, with the following conditions: comply with the VHB report dated February 24, 2021, or later; subject to owners' signature; submit an 11 x 17" corrected plan, showing the new lots addresses as assigned by Fire Prevention and the new Parcel ID numbers as assigned by the Assessing Department as approved on 01/27/2021; subject to on-site 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; note approved waiver on the plan; ensure the new 8" gate valve proposed at the existing hydrant relocation shall be installed beyond the new lateral – very close to station 6+00; obtain written approval from the IT Director that the GIS disk is received, is operable and complies with LDCR Section 170-24.C; subject to receipt of State or local permits relating to the project (i.e., AoT, State Subdivision,

Wetland, Building Department, Fire Department, Water/Wastewater, Driveway, etc.); conditions precedent shall be met within 6 months; submission of the appropriate recording fees, payable to Rockingham County Registry of Deeds – this includes the \$25.00 LCHIP fee, recording fees for the mylar and Notice of Decision; if blasting occurs as part of the construction process, in addition to the BMPs for blasting noted on Sheet C12, the applicant shall comply with the following: Saf-C 1600, Explosives; Saf-C 1607, Recordkeeping; Saf-C 1607.04, Notifications; and Saf-C, 1607.05, Pre-Blast Inspection.

Chirichiello, MacEachern, Connors, Davison, and O'Connor voted in favor and the motion passed.

Mr. O'Connor noted anyone aggrieved by the decision has 30 days to appeal.

Mr. Granese was seated for Mr. Danzey.

Public hearing to discuss proposed changes to the Town of Derry Zoning Ordinance, Article VI, District Provisions, Section 165-32.1.A; General Commercial District, Permitted Uses

Mr. Sioras provided the following report. The Board has held several workshops and the changes are straightforward. The General Commercial zone is in two parts of Derry. One is on Crystal Avenue, from Sal's Pizza north to Hood Plaza. The second area is on Route 111 near the Derry/Atkinson town line. The proposed changes to the permitted uses are noted in red. The Board had agreed on those and the changes will offer redevelopment opportunities in this area.

Motion by MacEachern, seconded by Chirichiello to open the public hearing. The motion passed and the floor was open to the public.

Chirichiello, MacEachern, Connors, Davison, Granese, and O'Connor voted in favor, motion passed, and the floor was open to the public.

There was no public comment.

Motion by MacEachern, seconded by Connors to close the public hearing.

Chirichiello, MacEachern, Connors, Davison, Granese, and O'Connor voted in favor, motion passed, and review of the proposed changes returned to the Board.

Motion by MacEachern, seconded by Connors to accept the proposed changes to the Town of Derry Zoning Ordinance, Article VI, District Provisions, Section 165-32.1.A, General Commercial District, Permitted Uses, and to forward the proposed amendment to the Town Council for review and approval.

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

**49 South Main Street, LLC
PID 05048, 49 South Main Street
PID 05047, 45 South Main Street
Acceptance/Review, Site Plan
Redevelopment of Property
Conversion to 7 room inn, event center, and new parking lot**

Mr. Sioras provided the following staff report. The applicant has provided information in the packet about their vision for the Westbrook project. The purpose of this plan is the redevelopment and repurpose of the former Circle of Friends School located at 49 South Main Street into an historic inn that offers lodging and events. The parcel is located in the newly created West Running Brook District. The project consists of a conversion of the former school into an inn, event center and new parking lot. All town departments have reviewed and signed the plan and there are waivers in the packet. The applicant has received the NH DOT amended driveway permit; that is in the file. Staff recommends approval of the plan. Paul Chisholm*, the engineer on the project is in attendance virtually; the developers, Marc Siragusa and Jerry Siragusa are present.

Marc Siragusa presented. He advised this is the third time they have been before the Board. The first time was to present their overall mixed use vision for the property. The second visit was to provide an overview of the lodging and events project which includes the repurposing of the school and the addition of a tent patio and parking lot so that they can host onsite events.

Marc Siragusa reviewed a PowerPoint presentation which included historic photos of the property, examples of projects they have completed in other communities, pictures of previous onsite events at the property, and information about an upcoming event. He advised they wanted to provide an idea of how they are looking at the project in relationship to the district.

His parents ran a school on the property for over 30 years and now want to repurpose that building. They feel they meet the purpose of the new district and maintain the intended character. Historically, the current residence is one of the older homes in Derry, built by the Gregg family. When Nutfield was settled in 1719, the Gregg family was one of the original 16 settlers in this area. The home is located in proximity to West Running Brook. There was a sawmill located on the bank of West Running Brook just to the south side of the property which is noted in several poems by Robert Frost. The lot is believed to be part of the original Common Field where the original settlers would gather, and it is the site of the planting of the first white potato in the United States. The family has worked to make sure that all improvements are in keeping with the land, with no environmental impacts, and to make sure it meets the goals of the town's Master Plan with regard to a destination, economic activity and a place to live. There are

recreational opportunities nearby for guests to the property to enjoy, especially if they are on the property for a few days.

Marc Siragusa explained they are creating a destination in town which highlights the town's history. Consumers are looking for places to go and for experiences. They want food and beverage to be a theme for anything they do on the site. The Siragusa's believe the project is consistent with the architectural design regulations for the district as they are continuing the colonial aspects of the historic home in the remodeling of the school to an inn and indoor event center. The exterior of the building will not change for this use. ADA provisions are very important to them and will be incorporated throughout. The family purchased 45 South Main Street about 15 years ago and renovated the property; it has a similar flavor and style to the existing home. All renovations on the school are being done with the health and safety of their guests in mind. Each room will have its own HVAC unit.

On the exterior, the intent is to erect some form of barrier between the event space and the parking lot to block the view of the parking lot from the event area. They want to be able to offer flexibility on the site for the various events. They will maintain the historic setting of the property while creating access to the various areas of the property.

Marc Siragusa briefly described an event that will be held on the property in July, 2021. They hope to parlay this event into future events of this type.

With regard to the site plan, Marc Siragusa indicated the location of the inn and indoor event center, the proposed tent area and parking lot. They can host 125 persons for indoor events but believe it will be more comfortable with a guest count of 75 to 100 people. The upstairs of the school will be renovated to lodging. There will be lift access to the second floor. The first floor barn area has an existing commercial kitchen which will be offered for off-site caterers to utilize for final prep of food for events. There will be a bridal suite on the first floor which will accommodate 8 to 10 people, complete with make up stations; the grooms' room will be located on the second floor of the barn. The inn will have 6 guest rooms.

There are two parcels of land shown on the site plan. They will utilize 21-22 existing parking spaces on 45 South Main Street; parking for events will not interfere with the office hours for the existing tenants on that property. The new parking lot extends over to the lot line; the intent is to place it close to the existing parking at 45 South Main. Below the school building is the outdoor patio/tent area which is 3200 square feet.

Operationally, they intend to offer the property to guests between 8:00 a.m. and midnight. This is due to the value they see in offering the property as a getaway. Bridal parties can arrive in the morning, prepare for the ceremony, and then move into their day. They want people to feel as if they are on a private historical estate. They want it to be an experience, not a rushed event. They will only book one event per day. There had been a question raised about obtaining a liquor license for the site. That is still under discussion, but they are working with staffing companies and may look at the option of obtaining their own caterer and liquor license.

With regard to parking, they still have the option to park people five to ten minutes away, but in speaking with staff they see the value in on site parking for all guests. They feel barriers around the parking lot can help to preserve the environment and experience. They would only use off site parking if they had more on site than they can park, but they don't see that for this project.

Motion by MacEachern, seconded by Davison to accept jurisdiction of the site plan application before the Board for 48 South Main Street, LLC, PID 05048, 49 South Main Street, and PID 05047, 45 South Main Street.

Chiricheillo, Davison, MacEachern, Connors, Granese and O'Connor voted in favor and the motion passed.

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

Kelly Martin, 6 Bayberry Lane, explained she knows the Siragusa's through the former school. Her sons attended Circle of Friends and she feels the decision to place them there was a good one and their attendance at the school had a positive impact on their upbringing. She has been following this project and feels it will be an asset and draw for Derry. This would be a good place for people to stay while in town; it will also drive economic development. She looks forward to seeing the full vision for the property. Town staff and the Board has put a lot of effort into this district, and she supports this project.

Dr. Timothy Butterfield and Sharon Butterfield, 2 Humphrey Road advised the Butterfield's and Siragusa's have been long term neighbors and friends. Dr. Butterfield stated he is here first to support the project. This evening the Board has seen the history of what the Siragusa's have been to the town and the quality of work they do; they are a big part of the fabric and a large contributor to the Derry community. As a family project, Dr. Butterfield feels this is a win-win and the Butterfields support Phase I. It will be to the quality of work the Board has seen this evening. Dr. Butterfield stated the Butterfields appreciate the work Mrs. Donovan, Mrs. Robidoux, Mr. Sioras and the Town Council and Board have done to look at this zone and create a district that supports mixed use. Moving from General Commercial has been a good move for the town. The old zoning would have allowed Amazon or a Home Depot on these lots.

Michael Pelletier*, 138 Hampstead Road, stated he has known the Siragusa's for a number of years; all they do is first class. They are good people and have had a good influence in the community. He fully supports this endeavor.

There were no other public comments.

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

Mr. O'Connor noted a lot of material was provided with this application, including meeting notes with other committees such as the Highway Safety Committee and TRC. He is requesting a site

walk; he will poll the Board on that request. The area proposed for the parking lot and tent are close to residences and there was a lot of discussion about the parking lot. He believes the RSAs grant authority to phase a project and limits can be added. He may suggest the applicant come back to the Board annually for updates if certain waivers are granted. He understands COVID-19 has had an impact on development plans.

Mr. Connors stated he missed the conceptual discussion for this project was surprised to see this proposed as just a parking lot and tent. Is the Board voting on this as Phase I of the whole project, or is this before the Board as a stand alone project? Is the original concept moving forward? Mr. Sioras stated in looking at the overall concept, this is Phase I; Phase II would be the build out of the rest of the lot. Mr. Connors asked if the proposal for a site walk now is to look at Phase I, or for the entire project? The Board members stated the site walk would be to view the area for the parking lot and tent.

Mrs. Davison stated there are two waiver requests based on not following the regulations because of the future development of the lot. Can the Board look at the waivers and only consider Phase I, when the applicant is saying they want the waiver because of future development of the lot? Mr. O'Connor said this is why he wants to suggest an annual review for the applicant to provide an update as to where they are on the entire project. He noted there were two waiver requests that are missing from the motion sheet. Mrs. Davison felt the Board needed to see all the waivers to make an informed decision.

Mr. MacEachern felt if the Board granted a waiver based on future conditions, he would want all of the underlying work done to DPW standards. He would like to see more details about the internal renovations in the school building. He has no issues with the event space but would like to see some plans for it. Perhaps the applicant could provide a mockup of one of the rooms. Will there be any changes to the exterior? Is there a lighting plan? He supports the DPW recommendation, but also has no problem with temporary gravel. He wants to make sure the underdrainage is done correctly.

Mr. Connors said he may be a bit confused. If the applicant is not doing subsurface work now for Phase II, then this plan is only for a gravel parking lot, tent area, and accessways. This seems pretty straightforward, and he does not see the need for a site walk. If the lot stays this way for 20 years, he does not see an issue. Phase II is a much larger project, and the Board would have the ability to review that project and grant waivers for it.

Mr. L'Heureux stated the applicant has submitted a plan for development that does not note any phasing. This is a stand alone plan. The plan does not state an intention that there will be phasing. There is an intent at some point to expand on the lot, but the Board needs to look at this as a stand alone plan.

Mr. Connors felt the Board should be looking at this plan as if there were no intent to develop further, the same way the Board looked at the previous 12 lot subdivision plan this evening. Mr. Connors said it is nice to see the future intent, but the interior of the building is not the purview of the Board. The Board has to vote on the site plan before it.

Mr. Sioras agreed the Board needs to vote on the plan before it which includes the conversion of the school building to an inn and interior event space, a parking lot, and tent area. Phase II is the bigger picture. There is an engineered site plan before the Board tonight. Mr. Connors did not believe anything on the plan before the Board this evening locks the Board into the intended Phase II which would have its own approval process.

Mrs. Davison cautioned the waiver requests are based on the phasing of the project, for example no sidewalks, or no pavement which may be ripped up in the future. She does not want to be stuck with no sidewalks and create an unsafe condition for pedestrians. Mr. MacEachern agreed, stating the applicant is asking not to pave the parking lot as it may be torn up for future phases. Technically it needs to be pavement, but they want a waiver because it may be torn up in the future. Mr. Connors advised he needed to understand the focus. The Board cannot require them to develop beyond what is before the Board. Mr. O'Connor said if they decide not to expand, they may need to pave the parking lot. Mr. MacEachern provided the example the Board could allow the parking lot to be gravel for now, because in a few years the applicant will be back for Phase II of the project. But the sublayer needs to be put in correctly.

Mr. L'Heureux stated there are specific elements on the plan related to pavement for the parking lot. This is a critical element and DPW is opposed to the Board granting that waiver. It sets a bad precedent. The Town does not look at a time frame. It will be problematic for the owner to keep the parking lot as gravel. The parking spaces can't be marked out like pavement, the parking lot is on a 6% slope, and the gravel will wash out in a torrential rainstorm.

Mr. Sioras stated there is a lot on this plan. When staff looked the waiver list, they realized not all of the waivers were in the motion. The first part of the development is the conversion of the school to the event space and inn, as well as the parking lot and tent area. In the big picture of the overall concept for site development, he can see why the applicant would ask for some of the waivers. They are asking for waivers to regulations that are not applicable to this particular plan or phase. The Board at this point should first decide if it wants a site walk or not.

Mr. O'Connor noted the documentation provided does not reference hours of operation; the applicant stated they would have the property available between 8 a.m. and midnight for weddings/events. This is one of the reasons he would like a site walk. It is important to see how many families would be affected by the sound from outdoor events. He also wondered if the capacity on site should be capped at a specific number tied to the parking, such as a 150 person maximum. He wants to make sure the spaces at 45 South Main Street will be open on event days and it should be documented on the plan there will be no parking on Route 28 or Humphrey Road. What happens if the applicant needs more parking?

Mr. Connors said if they have done weddings on the property already and did not want to create the parking lot and if they wanted to change the building to an inn without external changes - those are all permitted uses in the zone. Mr. Sioras said this is a change in use from a school to an inn and event center which is a much more intense use than the school. Therefore, this needs Planning Board review. Mr. Connors felt this was a minimal change, especially if they have been holding those types of events. Mr. MacEachern agreed this was a more intense use; this is

not a restaurant changing to another restaurant. Mrs. Davison said there is a difference between holding a family wedding or two on a lot, and running a wedding business from the lot.

Mr. Sioras stated he supports this first project in the new zone. All of the projects in this zone will come before the Board. He believes this to be a more intense use than a school which triggers this level of review. The Board needs to decide if it wants to hold a site walk, or if it is comfortable moving forward with review of the plan. Mr. Connors asked if the Board had purview if the applicant does not move forward with Phase II to put a timeline on conditions. Mr. MacEachern said he wanted to see the grade of the parking lot in the field.

Mr. Connors wanted to make sure if the Board granted the waiver to allow gravel for the parking lot and the applicant did not move forward within a certain time frame to Phase II, that the Board had the authority to make the applicant then pave the parking lot.

Motion by MacEachern, seconded by Davison to hold a site walk on Saturday, March 20, 2021.

MacEachern, Davison, Granese and O'Connor felt there should be a site walk; Connors and Chiricheillo did not. The motion carried.

Mrs. Robidoux clarified the Board did receive all of the waiver requests in its packet. The proposed motion is missing two of the waiver requests. That will be corrected for the Board.

Marc Siragusa said the big issue for the Board appears to be the waiver in relationship to future phasing on the lot. Their future vision is still in place. They want to utilize the main driveway in front of the existing home as the main street for the future project, anchoring it with four buildings based on food and beverage uses. They are still moving forward with the hospitality portion of their vision and have shifted to events rather than the restaurant uses. They believe they can park off site per the zoning, but after discussion with staff moved forward with parking on site to accommodate the on site guests. They did place the parking lot in a location where if all goes well, the buildout will include hospitality and commercial uses. With regard to 45 South Main Street, the two tenants will remain and as they do not park there at night or on weekends; the parking will be shared.

Mr. O'Connor stated his concern for the residential abutters with regard to noise at night. Marc Siragusa believe the nearest apartment building to be 200-300 feet away from the tent/patio space. He was under the impression when they walked the site with staff that there is no noise ordinance. He understands the ZBA capped a similar project at 10 PM for outdoor noise, and in that case there were homes within 150 feet; that was a condition of the use variance. Jerry Siragusa said that application is in a more residential area. They thought this project was more about repurposing the school and that they could have off site parking, but they wanted to create an experience.

Mr. O'Connor asked if there was any consideration to placing stone dust rather than gravel in the parking lot. Jerry Siragusa explained they have spoken with a vendor who did not believe the town would allow the gravel. They were led to believe in speaking with staff they should do a presentation because it spoke to the architectural character of the zone. They own two

properties, and the parking lots are within 10 feet of each other. They tried to give the Board what they thought was needed. Their vehicle trips will decrease with this use. They have applied for the permit to renovate the interior of the building.

Mr. O'Connor asked if the site walk could be held this Saturday. Marc Siragusa said he was surprised to find this past fall they had to go through this process for the renovations, acknowledging it involved lodging and events; the building already has a sprinkler system. With regard to some of the waivers, theoretically, the trip generation calculations show the road becomes safer with this use as the vehicle trips decrease. The peak trip numbers will change because it is a different use occurring at different times than the former school. They were told they did not need to supply floor plans for the Planning Board; this is for a site plan, and the interior did not need to be discussed.

Mr. Sioras stated staff has worked for many months with this applicant and staff has worked hard to support this project. This is a brand new zone. This is a change from a day care to an event center and that change requires Planning Board review. The engineer did a good job on the site plan. He does not agree they were misled. The applicant provided a lot of information that was good to see including the external look of the building. Internal renovations are not the purview of this Board; that falls under Code Enforcement. The Planning Board looks at the external site, and the exterior of the building and what occurs on the property. He can agree that if staff had to walk the site to obtain an understanding of what was occurring on the site, then it made sense the Board would need to see the site as well. Planning staff did nothing wrong with this application process and wants the project to move forward.

Paul Chisholm, Keach Nordstrom Associates, advised he worked with staff through this process and is aware there is a concern about parking on Route 28. On the site plan, sheet 2 there is a note (Note 15) that there will be no parking on Route 28. There is a gravel detail section on the plan and the detail shows the town specifications. The only request is to not pave the parking lot. The base gravel layers exceed the thickness required in the specifications for how a parking lot is constructed.

Mr. Connors asked if the site walk would be to look at the grassy area where the parking lot would be. The Town does not have a noise ordinance and he does not feel the Board should be concerned about the noise if there not an ordinance in town to enforce.

Mr. L'Heureux discussed the parking lot. In the plan detail, the Town of Derry specifications are called out on Sheet 6. The top detail shows the gravel cross section the applicant would prefer to construct at this point. Below it, is the Town of Derry specification which includes pavement. DPW does not support gravel. VHB noted in its review the parking spaces can't be delineated with gravel. VHB also noted with a 6% grade, the treatment swale and detention pond are jeopardized in a high rain event. The town is looking out for the applicant's long range benefit. He can't see them wanting to come back to the Board every year to provide an update and continue the approval. The pavement should be done or not. The waiver should be granted or not. The town would have to hold the escrow for the pavement; granting the waiver would create a level of bureaucracy that is not needed. It would be hard for the Town to police this.

Mr. MacEachern asked if the parking lot is being placed where the parking lot for future phases would be located. Marc Siragusa said they located the parking lot just about where the parking lot would be behind the future housing. Mr. Chisholm had advised that if they construct a parking lot that might be there for about 5 years, all the site work would need to be done up front. That would include the site work necessary for the buildings that would be in front of the parking lot in the future. They could pave the parking lot now, but they are investing a lot on the idea that the parking lot will be in that exact spot. They are taking a risk that the Planning Board, in reviewing the buildings for the future phase, will agree to that location for the parking lot; otherwise, it will need to be dug up and removed. They could pave it now, but feel they are taking a risk and investing a lot of money, trusting that the parking lot will remain.

Mr. L'Heureux stated anything constructed there will require underground stormwater provisions. Pavement creates a better product to pave it. It is better for the environment; it is durable and there is not a lot to maintain after a rain event. The pavement has an additional cost, but in his experience that cost is not prohibitive. Mr. Connors asked the Siragusas if they were set on not paving the parking lot. Marc Siragusa said they are being conservative because that is capital they might throw out the window. They are spending a significant amount of money on renovations.

Mr. MacEachern inquired about parking for the inn. Marc Siragusa noted the site plan indicates a 6 room inn; the agenda said it was for 7 rooms. Mr. MacEachern said at a minimum, the applicant should make sure the required 8 spaces for the inn were paved. Mr. Chisholm explained the parking calculations are found in Note 13. The parking area for the inn will be paved and ADA accessible. That includes five spaces (3 ADA) near the inn, just to the left of the garage. The rest of the parking is proposed as gravel. The gravel areas are indicated on the plan by a dashed line.

Mr. MacEachern felt at some point, there is a need to designate spaces for the inn in relation to the master plan for the property. Marc Siragusa said in a few years, the access route and parking will change. For now, people will arrive on site and stay for an event; the lodging is specific for weddings. The guests will be on site for the weekend and will not likely be using their cars. They did not request the waiver lightly and they feel gravel and dirt may blend in more with the environment. They also believe they have the ability to paint the lines for the spaces regularly.

Mr. Connors asked Mr. L'Heureux if the paved parking lot would need to drain. Mr. L'Heureux explained the storm drainage plan works with the pavement; gravel is erosive and won't last. Mr. Connors said if the parking lot is going to be there for 20 years, he can see it being pavement. If the gravel is meant to be temporary then he could see granting the waiver. Is there a timeframe where Mr. L'Heureux would be comfortable with gravel? Mr. L'Heureux stated there is no way to predict the future and his experience is that it might never get paved. How is the town going to enforce paving the lot two years from now? Mr. Chisholm confirmed the stormwater analysis was performed as if the parking lot was paved.

Mr. O'Connor advised the site walk would be held on Saturday, March 20, 2021 beginning at 9:00 a.m. Board members who are attending should park in front of the school.

Motion by MacEachern, seconded by Davison to continue the public hearing to April 07, 2021.

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

Workshop

Workshop #7: Planning Board discussion of potential changes to Article XII, Signs, specifically the regulations concerning Electronic Message Center Signs and sign requirements for the West Running Brook District

Mr. Sioras noted the Board has a memorandum from Mrs. Robidoux which outlines the discussion with legal counsel.

“George and I met with legal counsel to discuss the proposed amendments to the Sign Ordinance. The majority of the discussion centered around ensuring that whatever changes are contemplated, do not conflict with the Supreme Court ruling in Reed v Gilbert.

Essentially, any content based distinction in a sign could arguably violate the First Amendment. The Town also needs to ensure that certain types of signs, for example, banner signs, either are or are not allowed, but we cannot regulate who can use them.

The attached changes have been made under advice of counsel. It is suggested “directional” be removed from Section 165-101.8.A as that communicates a message. Subsection B is allowable as it could be argued clutter and traffic safety is why we do not want to allow the use of off premise signs for advertising.

In Section 165-101.12, we cannot make a distinction between the different types of banner signs. They are either allowed or not. We can add provisions about temporary signs, which will address the concern the Board had that the Church be allowed its signs on the weekends.”

Mrs. Robidoux advised they discussed off premise signs with the attorney. Advice of counsel was to allow off premise signs so long as there was an easement in place with the property owner, but not allow off premise advertising. It keeps it very clear and there is no room for error. In the West Running Brook District, with regard to banner signs, it was suggested to eliminate banners signs all together, unless they were temporary. That provision has been added as #15 and they are not subject to Planning Board review. The intent is to not delay businesses who want to erect a temporary sign indicating a special event – such as the Church.

Mr. MacEachern said he has an issue with removing “directional” from the off premise sign requirement. The purpose in Section 165-101.8 in adding the word “directional” was specifically because the Board wanted the ability to direct people to events. He can see removing the word “directional”, but conversely in Section 165-101.12.7, it specifically says directional signs for events. Instead of eliminating the word ‘directional’ in 165-101.8, he suggested adding the

words “directional for events”. What is meant in subsection A is to provide direction for people to get to the premise, utilizing an off premise sign. He does not believe the Board wants to allow the use of off premise signs. Mrs. Davison believed the reason the Board added the word “directional” was because the Board wanted to have the ability to place a sign on someone else’s property to tell people that is where you turn to get to a business because you can’t see it. [Walmart sign on Woof Meow’s property]. Mr. MacEachern wanted to make sure that what is allowed in Section A is to get people to an event or business. Mrs. Davison felt that was ‘directional’ because it provided information on the direction to go to get there.

Mr. Connors believed the first part of Section 165-101.8 was stating it was permissible to have an off premise sign if there was an easement in place to have it in that location. The second section stated there can be no advertising of a business on the off premise sign. Mr. MacEachern did not believe the use of an off premise sign on someone else’s property could be restricted. Mr. Chiricheillo noted real estate signs are directional and temporary.

The Board discussed the changes for a few minutes and it was determined they were not in agreement with the recommendation. The Board requested staff bring this back to the attorney for further discussion and clarification. Mrs. Davison asked that it be clarified why “directional” in this context conveys a message and is content. The only message the sign communicates is “Walmart is this way”.

There was no further business before the Board.

Motion by Connors, seconded by MacEachern to adjourn. The motion passed with all in favor and the meeting stood adjourned at 9:32 p.m.

Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____