

The Planning Board for the Town of Derry held a public meeting on Wednesday, April 03, 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: Frank Bartkiewicz (Chair Pro-Temp), David McPherson (Secretary Pro-Temp), Mark Grabowski, Mark Connors, Maya Levin, Members; Brian Chirichiello, Town Council Liaison; Randy Chase, Town Administrative Representative; Jim MacEachern, Alternate

Absent: John O'Connor, Lori Davison, David Granese

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

Mr. Sioras called the meeting to order at 7:00 p.m. The meeting began with a salute the flag. In the absence of a Chairman, the Board was advised a Chair Pro-Temp would need to be appointed by the members of the Board.

Motion by Connors, seconded by McPherson to appoint Mr. Bartkiewicz as acting Chairman. The motion passed with all in favor.

Mr. Bartkiewicz noted the emergency exits, location of meeting materials and introduced the Board members and staff.

*Mr. McPherson was seated as Secretary for the evening.*

### **Election of Officers**

Mr. Sioras recommended postponing this item to April 17, 2019.

Motion by McPherson, seconded by Connors to suspend the rules and procedures pursuant to Section 5.C of the Planning Board Policy and Procedures. The motion passed with all in favor and the rules of procedure were suspended.

Motion by McPherson, seconded by Connors to postpone the election of officers to the next meeting as some members were not present this evening who would likely be in consideration for those roles. Discussion followed.

Mr. Connors confirmed no nominations would take place this evening.

The motion passed with all in favor.

*Mr. MacEachern was seated for Mr. O'Connor.*

## **Escrow**

### **#19-13**

#### **Project Name: Annual Review of Cash Escrow**

Mr. Sioras explained as part of the annual meeting, the Board reviews the list of open cash escrows. Public Works reviews the amounts to ensure enough funds are held for the projects.

Motion by Chirichiello, seconded by Levin to find the list of open cash escrows are held in amounts which provide adequate security of the proposed length of the project. The motion passed with all in favor.

### **#19-14**

**Project Name: Shepard Landing**  
**Developer: Healyford Realty, LLC**  
**Escrow Account: Same**  
**Escrow Type: Letter of Credit**  
**Parcel ID/Location: 27094, 3 Nutfield Court**

The request is to establish Letter of Credit #43461, drawn on Enterprise Bank in the amount of \$548,507.38 for the above noted project. The expiration date will be March 25, 2020.

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

### **#19-15**

**Project Name: Shepard Landing**  
**Developer: Healyford Realty, LLC**  
**Escrow Account: Same**  
**Escrow Type: Cash Escrow**  
**Parcel ID/Location: 27094, 3 Nutfield Court**

The request is to approve a final release of cash escrow in the amount of \$548,507.38 for the above noted project. The amount to retain is zero.

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

## Minutes

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

Motion by Connors, seconded by Levin to approve the minutes of the March 20, 2019, meeting as amended. The motion passed with Chase, McPherson, Grabowski, Chirichiello and Connors abstained.

## Correspondence

Mr. McPherson advised the Board is in receipt of three notices of public hearing from the Town of Salem relative to the Tuscan Village development project.

## Other Business

### Review of Planning Board Policy and Procedures

Mr. Sioras explained this was the annual first read of the document. The Board can suggest any changes at this time. Staff has suggested a slight change to Section 7.d, Applications. Not all plans are reviewed by the outside engineer. What are considered minor subdivisions (3 lots or smaller) are typically not reviewed by the outside engineer. The suggested changes include that exclusion, as well as any plan at the discretion of Planning Board staff that is deemed not to require that review. If the Board has no issue with the proposed change, this can be returned to the Board at the next meeting for a second reading.

Mr. Connors confirmed the suggested change expanded on the description of what would not go to the outside engineer for review. Board members were in agreement with the change.

### Façade Improvement Program

Mrs. Robidoux explained funding was made available to businesses in a specific area of town. The businesses were eligible to apply for matching grant amounts capped at \$5,000.00 per project. The initiative was to improve the appearance of some of the businesses in the downtown. A list of the façade improvement grants has been provided to the Planning Board so that the members are aware of the businesses that took advantage of the program. Not all of the applications came to the Planning Board for review. In the case of Sun Asian Bistro, there was a change of use that coincided with the grant application. The Board was provided with a sampling of before and after pictures. She wanted to provide the Board with an example of some of the projects that received grants and information on what the funding did for the businesses. Mr. Chirichiello confirmed there was review of the applications. Mrs. Robidoux advised the Review Committee was made up of members of the EDAC, Planning, Code and Economic Development staff. Each application was reviewed by the committee and site visits by staff

occurred before the committee convened and after the improvements were completed. It was hoped the program could continue into the next fiscal year.

### Master Plan Forum

Mr. Sioras advised the second Master Plan public forum will be held this Saturday at 10:30 a.m. in the 3<sup>rd</sup> floor meeting room.

### **Public Hearing**

#### **Pinkerton Academy**

**PID 43006, 43008, 08068**

**19 North Main Street, 39 North Main Street, 33 Tsienneto Road**

**Acceptance/Review**

**Site Plan, extension of athletic field access road**

Mr. Sioras provided the following staff report. The purpose of the plan is for an extension to the existing Pinkerton athletic field access road out to Tsienneto Road with associated parking, drainage, lighting and grading. All town departments have reviewed and signed the plan. There are several waiver requests. The Alteration of Terrain permit and Wetlands Permit are pending. Staff recommends approval of the waiver requests and the application.

Brian Pratt, Fuss and O'Neill, presented. Headmaster Timothy Powers was also present, as was Paul Konieczka of Fuss and O'Neill.

Dr. Powers explained Pinkerton for many years has been looking at the east side of campus and the safety and security measures they need to have in place for egresses during events that occur on that side of campus. The east side of campus is primarily athletic fields including football, baseball, softball and track. Currently, there is only one means of egress through the senior parking lot to the ByPass. This is essential to create a second egress on that side of the campus to get people in and out when big events are occurring. The Trustees have been looking at options for a solution to this issue for years. Property was acquired with the intent to create a common access driveway to Tsienneto Road. The Police and Fire Departments are big proponents of increasing the safety and security of this side of campus. This common access driveway will allow evacuation of the area and the ability for first responders to get into the fields without encountering traffic that is trying to get out during an emergency. This is an important aspect of the campus safety and security. This area also contains the junior and senior parking lots; the egress will open up that side of campus.

Mr. Pratt reviewed the plan with the Board. The west side of campus is primarily academic with the east side of campus being athletic. Pinkerton Academy purchased the Daily properties on Tsienneto Road with the primary purpose being the secondary access. He noted the location of

the senior parking lot, the access to the football field, junior parking lot, multipurpose and baseball fields. There is one gated access in and out. It can be dangerous with only one access to an area with a lot of people. Safety is the main reason for this common access drive. They connected to the end of the existing access drive and realigned it near the baseball field. The common access driveway then goes along the embankment and farm pond and then exits at 33 Tsienneto Road. There is an existing home on this lot that is close to the road. The access is just to the west of the house. The common access driveway is 1400 feet long, which triggers a stormwater permit. They have a robust plan in place to handle the stormwater. There will be landscaping at the entrance and the common access driveway will be gated to control access. There are several infiltration basins along the common access driveway which are designed to catch the stormwater and provide full stormwater treatment. They will add street trees and lighting to create a campus feel. There is a small wetland impact associated with the project. They will also replace an existing 15" culvert with a 24" culvert. They expect the wetland permit to be issued within the next few weeks. This project requires an AoT permit, which should also be issued within the next few weeks.

The applicant has been before staff for discussion about the plan including the TRC, Highway Safety Committee and the Conservation Commission which held several site walks. All of the town comments have been addressed. The town did have concerns about the functionality at the intersection and the effect this project might have on it. They will add warning signs that flash during the morning arrival, afternoon departure, and during events.

Mr. Chirichiello asked if the proposed sign would be the typical 20 MHP sign because they are in a school zone. Mr. Pratt said the sign will warn of an intersection ahead which will flash during school times; this is not a formally designated school zone. Mr. Pratt advised they will also need a conditional use permit as they will disturb wetlands; there is some criteria associated with the conditional use permit. The first thing is that the common access driveway needs to go where it is proposed, otherwise it would cut through the edge baseball field. They are using silt fence and temporary check dams to minimize the wetland impact. In order to realign the road without going through the field they will need to put the common access drive here and the reason for the common access drive is safety, not economic benefit.

Mr. Pratt advised they have received comments from VHB, and many of the items are housekeeping. There are a few items he would like to discuss with the Board. VHB felt there was a potential to add sidewalk. Sidewalks are not proposed as Pinkerton does not want to promote this as a pedestrian access. There are limited sidewalks on Tsienneto Road that end just beyond this project. They want people to walk on North Main Street where there are sidewalks and use the crosswalk at the pedestrian signals. This is basically a one way common access driveway to the junior parking lot. There will be some parallel parking spaces provided for overflow parking during events. The one way circulation will be typical and there will be a limited number of pedestrians. They don't feel sidewalk is necessary in this location. VHB also suggested the addition of a crosswalk on Tsienneto Road. They do not want to promote pedestrians crossing the road; this is a common access driveway for vehicular and emergency access. This will make the area safer.

There were three waiver requests submitted with the application and today they added two that resulted from the VHB review. The first is to request cape cod berm in place of vertical granite curbing. There will only be curb on one side and this is a driveway not a town roadway. The second waiver is to allow side slopes steeper than 4:1. There will be guardrail in those locations; this avoids wetland impacts. The third waiver is to not perform a full boundary survey. They did survey near Tsienneto Road and near abutting properties. The remainder is in the middle of 100 acres; there will not be any boundary line changes, nor construction near the property lines. The fourth waiver is to allow a centerline radius that is not 300 feet for the roadway. This is a common access driveway; they want to reduce the radii on two curves to less than 300 feet. The tighter radii slows the speeds down. They are promoting 20 MPH as this is a campus and they don't want people speeding on this access. If they try to meet the regulation it will result in multiple wetland impacts. The fifth waiver is for guardrail. Some slopes are steeper than 4:1. They would like to put guardrail per AASHTO requirements in areas where the slope is 3:1 or greater. Mr. Pratt believed staff supported the waiver requests.

Motion by MacEachern, seconded by Chirichiello to accept jurisdiction of the site plan application before the Board for Pinkerton Academy, PID 43006, 43008, and 08068, 19 North Main Street, 39 North Main Street, and 33 Tsienneto Road for construction of the athletic field road extension.

Chase, Levin, Chirichiello, McPherson, MacEachern, Grabowski, Connors, and Bartkiewicz voted in favor and the motion passed.

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

Dennis Dean, 51 Amherst Drive, stated he drives Tsienneto daily. Tsienneto Road is hard to travel in the morning and afternoon when school is in session. In the winter, where the entrance is planned, the road becomes icy. The road is not sanded or plowed properly and people get stuck. There is an underground stream that goes through here and it is a difficult location. That number of kids going to school with a traffic light a few hundred feet down the road will create problems. He does not feel these issues were properly addressed, organized or planned. He does not agree with the proposed location; at this time of day hundreds of cars go through this intersection. People can't get through this intersection. This project will create a nightmare for additional people going through the intersection, especially with the multifamily development that was just approved up the road. That was not taken into account for this road and he is very concerned that has not been done.

There was no further public comment.

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

Mr. Pratt noted many of the concerns raised by the abutter were related to traffic, proximity to the intersection and functionality at the intersection. He asked Paul Konieczka to address the concerns. Mr. Konieczka advised he prepared the memorandum addressing the potential for the

diversion of traffic with the addition of the new common access driveway. His firm looked at the locations where students resided and who came from Tsienneto or the ByPass. He wanted to see which students would be likely to alter the current path and utilize this driveway. In general, there was no diversion of traffic from the south or west because that traffic will travel as it does now. Users from the east, come from towns beyond such as Chester; those from the north come from the northern part of Derry, Auburn, and Hooksett. They had available the traffic counts utilized as part of the Exit 4A project and used those as a baseline to see the turn movements at the peak AM hour. That is the critical hour as it coincides with the times when students are likely to be using the intersection. Student arrival is scattered, but the students do need to be on campus by a certain time. He looked at the intersection to the south at Pinkerton Street and Nesmith and at the intersection of the ByPass and Tsienneto Road. There is not much difference between the two intersections. They will lose about 60 cars between the two. The movements that will change would be for the students who currently come down the ByPass and go through the intersection to North Main. The students will turn left then right into the common access driveway. The students coming from the east to the light who now take a left on to North Main, will now turn left into the driveway and not go to the light. From the west, rather than going right to North Main, they will go straight through the intersection and turn right into the entrance. He looked at what would happen with that change. This project does not change the operation of Tsienneto Road at the ByPass. The intersection is congested in the morning and during school release in the afternoon. Redistribution of traffic does not change the operation of the light. Not many vehicles take the left turn onto Tsienneto.

At the suggestion of the Highway Safety Committee, the project intends to install a flashing light with an intersection warning. The signs will make people aware of the presence of the drive. The entrance to the common access drive is located 600 feet from the signalized intersection so there is good storage between the signal and the entrance. Constructed as part of the Exit 4A project, there will also be a second through lane that will taper back to the existing signal. There will be no effect on the intersection once that project is complete with this driveway in place.

With regard to traffic exiting the site, there will be gaps available because cars can get in and out while traffic is traveling north and south on the ByPass. It is not the commuter peak between 2:30 and 3:00 PM which creates more gaps. Events would be held at off hours and on weekends and will have different types of traffic control.

Mr. Connors asked if the curve shown on the plan for Tsienneto is to scale. Ombudsman is to the south of the proposed entrance. There is a house a few feet off the driveway owned by Pinkerton Academy. Will that house be removed? Dr. Powers explained the small bump out on the right hand side of the house will be removed but they will keep the house. The house does not affect the line of sight. Mr. Connors asked why the house was not being removed; does it generate revenue for the school. Dr. Powers said they are using the house as an office for Buildings and Grounds. Mr. Connors confirmed that the trees to the left would be removed to improve the sight distance.

Mr. Connors noted there is a sidewalk on the opposite side of Tsienneto Road. Is there any plan for a crosswalk in this location? Mr. Konieczka said no. Mr. Connors confirmed there is no sidewalk on the common access driveway. His concern is the road width and where this is

located. Kids will walk off campus this way. Having a safe place for the kids to walk would be a good idea; they will be walking along 190° curves, likely texting and not paying attention. He is not sure he would want to see people driving on the access while kids were walking on the shoulder. He felt it would be safer to have a sidewalk and a crosswalk to the existing sidewalk on Tsienneto. The flashing pedestrian lights will be helpful there as well. The house location bothers him because of the sight line. He confirmed the common access way would be paved to town standards.

Mr. McPherson confirmed the access drive will be 24 feet wide. Mr. Pratt explained that in areas where parallel parking is provided, the access will be an additional 8 feet wide. Mr. McPherson seconded the need for a sidewalk along the access way. His belief was where cars flowed at Pinkerton, kids flowed too. Is this project step one in a plan for Pinkerton? Will Pinkerton come back to the Board with plans for a stadium to be constructed along the ByPass? This is a costly project for a driveway. Dr. Powers stated the school needs a second egress on that side of campus. Pinkerton does look at the long range plan, but he can't say what the campus will look like in 20 years. He can't answer that question. Mr. McPherson asked if the entrance would be controlled at arrival and dismissal similar to what occurs on the ByPass, and is Pinkerton willing to pay for a detail police officer to run the traffic. Dr. Powers explained he cannot comment for Chief Garone and the Derry Police Department. The school has had discussions with the Derry Police Chief, and a detail officer has not been an option to ease the concerns Mr. McPherson just expressed. The security officers employed by Pinkerton can only be on a crosswalk. Mr. McPherson stated he would not be in favor of granting any approval unless there was someone at the entrance to control the flow of traffic. What is the expectation for the volume of traffic at the Tsienneto Road entrance forty five minutes prior to and after school hours? Mr. Konieczka said given the direction of current traffic flow, there would be 60-100 vehicles utilizing this entrance during arrival and departure times. The other students are oriented differently and go in a different direction. Mr. McPherson inquired as to the capacity of the junior and senior lots. Dr. Powers stated there are 600 parking spaces on the east side of campus. Mr. McPherson asked if the roadway was constructed, would it be expected that students would still lease spaces at the Church on the corner. Dr. Powers said he did not know; the students decide to lease space there based on cost versus the time it takes to get to their vehicles. It was noted there will be no speed bumps on the new 1400 foot long common access driveway.

Mr. Chirichiello asked if they looked at the number of students who would go out of the drive and take a left and if they looked at the queue at the peak hour and determined what that queue would be. Mr. Konieczka said this would be at 2:00 PM. They looked at the anticipated projected numbers for the 2024 year peak as part of the 4A project. The queue would not extend as far back as this entrance. If a signalized crosswalk were installed, it would create the potential to back up traffic along Tsienneto to the light. It may create a negative impact if there was a crosswalk at this location.

Mr. Sioras asked what the Highway Safety Committee had to say about a crosswalk at this location. Mr. Konieczka advised the Committee was generally not in favor of a crosswalk. They did not want to encourage pedestrians to utilize this access. The committee was more concerned about the visibility of the entrance and the sight lines. There was a discussion at the Highway Safety Committee meeting about the use of flaggers or a control officer, but Pinkerton cannot use

flaggers at the entrance because this is not a construction zone. They cannot utilize crossing guards because there is no crosswalk. The Committee suggested adding the flashing light signs.

Mr. Connors said there are two pedestrian lights on the ByPass that stop traffic. This project is not a bad project and he feels it will empty the area out quicker, but he feels it needs to be done the right way. He goes to the campus every day. People are crossing North Main Street and walking on the side of the road not the sidewalk to get to the Church. Kids will take the path of least resistance. If safety is the primary focus he feels Pinkerton should put in a sidewalk and crosswalk and flashing pedestrian lights, and not avoid doing that just to save money. It may cost a few more dollars, but he did not want to see a kid killed if this was being done on the cheap. Dr. Powers took exception to the comment and advised the school's first focus is the safety of its students. Pinkerton Academy would not forgo something to save money if there was a potential for a student to be killed. Safety is a priority and the school would never put cost above the safety of its students. This was all discussed at the Highway Safety Committee. Mr. Connors acknowledged a poor choice of words, but felt it was worth it to spend a bit more money if it creates a safer situation. He feels this should be considered as an option. The situation is dangerous as it sits because the kids are walking up the road and this may be an improvement to the situation.

Mr. MacEachern said he would echo many of the other Board member's comments. It is critical to look at this as a long range plan. He mentioned that Pinkerton had been invited to attend the site walk held for the 55+ development which is taking place further up Tsienneto Road. Pinkerton could not attend the site walk that day. This is an ambitious project. He knows Pinkerton has future plans for its campus. He is requesting a map of what the school thinks will happen in the future. It is not fair to the Board or the abutters to come back every few years with campus changes. It would be prudent to see the Pinkerton master plan for the next five to ten years because he wants to do this once and do it right the first time and see what it will cost. He understands things change. Master plans are roadmaps to what might happen. Pinkerton was here a few months ago and now is back for this roadway. This is a good project; it provides access. He is not sold on the entrance and exits being for student use – he likes the idea that they have only one exit on to the ByPass because there is control over where the sixteen and seventeen year olds go. It is better to be safe and have to wait a little more sometimes. He lives in this neighborhood. Many kids cross Tsienneto Road to get to the school. He would like to see a sidewalk and crosswalk. There should be a crossing guard there. He recommends adding those items as a condition of approval. He would also like to see the figures for the cost of the project so that people know how much it is going to cost. People will walk down this road from the neighborhoods to get to the football field. He wants to see Pinkerton's master plan and feels that the traffic data used for the projections is old data (2015-2016). SNHPC did a recent traffic study. How many kids come from the north and south; how many kids are going east? This project will create good access for larger events. Mr. MacEachern said he would also recommend a site walk because he shares the concerns about the house at the entrance. There needs to be some thought put into this and he would like staff to provide the Board with the data for Exit 4A to see what the widening will look like.

Mr. Sioras explained Mr. Konieczka is one of the traffic engineers for the Exit 4A project. He is sure the data can be provided to the Board. Mr. MacEachern stressed he felt there was a need for

a site walk and that the cost of the road should be provided. Dr. Powers said he cannot provide the cost information as it will not be available until the bid process is complete. When Pinkerton came before the Board a few months ago for 31 Tsienneto, the Board was informed Pinkerton would be back before the Board with this project. With regard to the site walk, that occurred in the fall. There was not enough prior notice given to Pinkerton Academy to make arrangements to have someone attend. They need advance notice. Mr. MacEachern said he feels there needs to be a site walk because this is close to wetlands and he wants to see the area and how close they will be to the wetland.

Mr. Connors asked how quickly would this be constructed. Mr. Pratt explained they are awaiting the AoT and Wetland permits, which should be issued within the next few weeks. They need to address the VHB comments but that can be done fairly quickly. Once they have permits in hand, they can begin construction.

Ms. Levin asked how will the widening of Tsienneto Road as part of Exit 4A affect this entrance. Mr. Pratt said the widening is taking place on the opposite side of the road. The entrance will come out onto the section that has two lanes; people will be able to take a left out of the entrance. Ms. Levin asked if this entrance will be utilized during the construction of Exit 4A. Mr. Pratt said they will coordinate with the state on that. He is not sure what the road closures will be at this time. Mr. MacEachern asked if there had been any consideration given to utilizing this access for events and emergency vehicles only. Dr. Powers said it will be open during school hours. They prefer to keep it open for student traffic. It will have gates so that it cannot be used as a cut through and to keep people out during hours school is not in session.

Mr. Chase advised he is a member of the Highway Safety Committee. The crosswalk issue was discussed. Pinkerton security has no jurisdiction over the proposed entrance because the entrance will be outside of the school zone. Security could only stand in the driveway. The Highway Safety Committee was in favor of the common access driveway being open during school hours because it will alleviate some congestion on the ByPass during arrival and departure times. With this access, there will be 100 cars less on the ByPass. The Committee saw it as a benefit to be open during school hours and not just during events. He noted Mr. MacEachern had acknowledged people come from out of town for the sports and other events at Pinkerton Academy. Vehicles cannot get up the current access to the football and baseball fields. Sports activities start at 2:00 PM; the gates should be open to allow people to access the fields. The common access driveway is recommended by public safety and the Highway Safety Committee to be open during school hours. There had been discussion about making the left turns. It was concluded that most of the traffic will take a right. If the traffic is too congested to take a left to head north up the ByPass, students will go through the senior lot so they can take one right and head straight up the ByPass. It is not as grave a concern as it appears to be during this Board's discussion. The traffic study provided is extensive. This project will not add traffic; it is putting the existing traffic in a different spot. This project will not make traffic worse. This project will improve the traffic situation, especially at the light on the ByPass at peak hours.

Mr. Connors asked why this area cannot be considered part of the school zone; Ombudsman is there and that is part of Pinkerton. Mr. Chase said the state has strict regulations on what can be considered a school zone. The main campus is outside of this area. Mr. Connors suggested

expanding the zone to include this area so that security can assist with traffic. Kids exiting left will block traffic. Mr. Chase advised it is not easy to expand a school zone; it has to do with the type of road and the design of the road. People ask the town to add crosswalks all the time. The problem does not end with putting in a crosswalk. It is not feasible for what it is to expand the school zone. The Derry Police Department does not have the manpower to put a detail officer at this location and also cannot authorize Pinkerton to direct the traffic. Mr. Connors felt this would be a larger issue once Exit 4A is constructed.

Mr. Chase noted the merge from four lanes to two is much further away from this entrance than it looks on the plan. That is why the Highway Safety Committee did not encourage a sidewalk on the common access driveway. This would be a roundabout route for students to reach Tsienneto Road from school. They would have to cross the ByPass, walk up to the ballfield and then traverse over to Tsienneto Road; this adds footsteps from campus. It is quicker for them to walk up the ByPass to Tsienneto. He noted it is hard to control pedestrians on Broadway. This is the background on the thoughts of the Highway Safety Committee.

Mr. Pratt said they would prefer to encourage students to walk north up the ByPass to the signalized intersection and utilize the pedestrian buttons at the light. It is steep walking up toward the fields and he agreed it would be the long way around to get to Tsienneto Road.

It was confirmed Raymond would not be sending students to Pinkerton. Mr. McPherson noted the junior parking lot has been added to the campus. Is there a graphic depicting the number of parking permits issued over the last ten years that can be made available? He does not feel that number will decrease; it will only increase. Dr. Powers said there was an increase when they added the junior parking lot, but the number for the senior lot has only gone up a handful each year; there has not been a dramatic increase. Mr. McPherson said the number will not lessen over the next five to ten years. He recalled when CLM was constructed the Board elected not to add sidewalk to Tsienneto Road; that was found to be an oversight. That will be corrected with the construction of Exit 4A. Kids need a safe place to walk. He does not want to repeat any mistakes and urges the Board to consider the needs and safety of the kids. They will walk on this road.

Mr. L'Heureux said he had no comments to add this evening.

Motion by MacEachern, seconded by McPherson to hold a site walk. Discussion followed.
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April 13 was suggested as a date. Dr. Powers said that date might be difficult. Mr. Connors asked if the plan was approved tonight with conditions would they need a site walk. Mr. Sioras said the Board needs to decide first to vote the site walk question up or down. If they decide not to hold a site walk, the Board can consider approval of the plan. Mr. MacEachern said the Board needs to think about long range plans and the need for a sidewalk. Dr. Powers said weeknights would be better for a site walk. Mr. Connors did not think standing at the edge of the road on Tsienneto was going to tell the Board anything; there is a detailed set of plans before the Board. What is the Board looking at on this site walk? He has been by this area many times. The Board felt Wednesday, April 10 at 6:30 would be the best time for the walk.

Chase, Connors, and Grabowski voted no; Levin, Chirichiello, McPherson, MacEachern and Bartkiewicz voted yes with Chirichiello adding he was voting yes for the benefit of the new members. The motion passed.

**The site walk will be held on Wednesday, April 10, 2019, beginning at 6:30 p.m.** Mr. Pratt suggested Board members park at 33 Tsienneto.

Mr. MacEachern asked again for the cost of the project. Mr. Power said he cannot provide that information as he does not have it yet. Mr. Pratt added they planned to send the bid spec to the school once the project had been approved. It did not make sense to bid the project out when there might be plan changes based upon the permitting requirements.

Motion by MacEachern, seconded by Levin to continue the plan to May 1, 2019.

Chase, Levin, Chirichiello, McPherson, MacEachern, Grabowski, and Bartkiewicz voted yes, Connors voted no he would have rather voted on the application this evening and he likely won't be at the May 1 meeting. The motion passed.

## Workshops

Mr. MacEachern stated since two members of the Board were absent and the Board had two new members, he thought it would be better to delay the workshop discussions so that the members can study the proposals. Mr. Chirichiello said the first workshop item is fairly simple. Mr. Connors said he would rather do the Board business on the night it is scheduled than move it to a night certain people can vote. Mr. Grabowski said this is a workshop. He was not sure how much he could contribute as a new member, but the discussion would help him gain knowledge about the topic. The other Board members felt they should hold the workshops.

### Workshop #2 – Electronic Vehicle Charging Stations as a permitted use in multiple zones

Mr. Sioras said the Board discussed allowing electronic vehicle charging stations as a permitted use in all zones at the last meeting. The Board felt there should be some type of restriction and the suggestion was to permit them in all zones but only in areas where there were 6 or more parking spaces. Mr. Connors asked if that meant people could put them along a roadway in a residential zone. Mr. Sioras said the thought was to allow them at the public schools and churches which are in residential neighborhoods. Mr. Chase suggested changing the wording to "...in a parking lot that contains six (6) or more **designated** parking spaces." That will alleviate someone saying people could park on their lawn. The Board was in agreement with that change and the proposal will move forward to be scheduled for a public hearing.

Board members confirmed an electric permit is required for this use, so there will be some form of review of the locations, therefore Planning Board review is not required.

Workshop #5 – proposed West Running Brook Village District

Mr. Sioras reviewed the boundary of the proposed new district for the new members. The list of permitted uses has been updated to remove Assisted Living per the previous discussion. A question still remains with regard to Filling Station, which the Board appeared to be split on a decision to allow it or not. The one new gas station that will come to this area is now grandfathered as the landowner came to the Board for design review. They are protected from any zoning changes for the period of one year. Staff needs direction with regard to the single family use which is defined to not exceed 2 bedrooms. On the bottom of page 5, a new section has been added as suggested by staff to outline the application process. This is a unique area so there should be a more intense review. The lots here should be protected but allowed to have development potential. Mrs. Donovan can speak to the mixed use concept and why there is a need for housing.

Mrs. Donovan explained she was hired as the Economic Development Director to look at the town and to figure out the areas where there might be potential for future development, which can help to stabilize the tax rate. She sat with Planning staff and looked at the zones, the history of growth, the demographics, building costs and economic development goals for employment, housing, etc. When they looked at this zone, currently designated General Commercial IV, it is a lengthy zone. Infrastructure has been placed in this area and it did not appear to make sense to have it all one zone as the infrastructure does not extend the length of the zone. The intent was to create a village district in the sense that it has a lot of the elements that would naturally be planned for a village district such as high density residential, two schools, a trail system that can be accessed from the existing Rail Trail through Birch Street and Parkland. They would like to see that connect to Humphry Road and the Don Ball park and then over Island Pond Road to the trails that lead to the Robert Frost Farm. The conservation land connects in this area and creates recreational opportunities. She and Mrs. Robidoux looked at ordinances throughout the state to see what those might look like in Derry. They came up with the recommendations before the Board that they thought made sense for the area. Over time, the things people build change. Currently, people are building mixed use because if one element falls (housing, retail, restaurants), there are other uses in the development to keep it attractive and viable. Retirees and young adults want walkable environments. The current zoning prohibits housing and she would suggest this be a consideration. Housing choice has changed. People don't want the "McMansions"; they are waiting to purchase homes and to have children. They are suggesting small, single family, one story homes for this area. They are not advocating that any lot be developed as 100% single family housing, but perhaps single family can be a piece of an overall project.

Mr. Connors asked if there had been any direct discussion with the homeowners on Rockingham Road whose lots have been included in the proposed district to see if this is something they want. Mr. Sioras said the Board is still in workshop; the affected landowners are notified of the public hearing and are encouraged to attend and provide comment. That is why the Board holds the public hearing. If necessary, the boundary can be adjusted at that time. Mr. Connors thought the Board had removed single family as a permitted use; he was okay with allowing multifamily dwellings in the zone. Mrs. Donovan said the discussion about single family as a permitted use has been an ongoing discussion and it had not yet been removed from the list of permitted uses.

Each parcel in this area would have to be master planned. The Board would need to decide on a percentage of residential use and no lot would be developed as a residential subdivision. Mr. Chirichiello added that as written, it could not be all residential; there would need to be a mix. Mr. Connors suggested adding wording similar to subsection “J” for single family uses which would stipulate single family had to be part of a mixed use development, and limited to one or two bedrooms. His concern was that as single family was listed as a permitted use, it could be allowed as the only use on the lot. Mr. Sioras said it could happen. Mr. Connors said single family might be okay as part of a mixed use development? Mrs. Donovan stressed that is the intent in this zone; it should not be the only use on the lot. Mr. Chirichiello suggested adding “single family” to “J”. Mr. Connors said that intent was not clear in the document. What happens when retail goes away in a mixed use development? Mrs. Donovan explained parking calculations for larger shopping malls are being revised to allow pad sites in the parking lots. Some malls are being converted to add housing as a use.

Mr. Chase said he understood the concept of mixed use and that it provides an opportunity for development. His issue is with single family detached dwellings. He has no issue with the multifamily residential. People in single family homes do not want development next to them and will try to stop it. The town has McMansions because that is what is profitable on two and three acre lots. If the town wants more small, ranch style homes, then maybe the lots size needs to be adjusted elsewhere in town. He did not feel it was economical to build ranch style homes in this area. He just does not see it working.

Mr. Chirichiello explained the dynamics have changed. People are not having as many children, so kids will not be filling the schools from any single family development in this area. People do not want the three acre lots with the large homes. They want communities and ranch style homes of about 1500 square feet, with a two car garage. If that is done as part of a mixed use development, it can work and developers can maximize the lot. This area is smaller than Salem’s Tuscan Village and Londonderry’s Woodmont. This area has been zoned commercial with water and sewer available and to date no development has occurred. Mrs. Donovan gets phone calls from developers who are asking for mixed use opportunities. If this is done the right way and the Board is careful, development can be done in a controlled manner. He would not want to remove single family as a permitted use. Mr. Chase felt if the Board allowed x number of single family units, the homeowners would fight to keep out the commercial development. Mr. Chirichiello said there are mechanisms in place to make sure development is done so that the developer does not build the single family component and then come back to the Board and say he can’t build the commercial and wants to make the rest of the lot residential. The Board can ask the developer to do the commercial first and the residential component second. Mr. Connors asked how can the Board do that without getting sued if single family is allowed as a permitted use. Mrs. Robidoux referred him to Section G.

Mr. Connors said he was not against single family but felt it had to be restricted. Mr. Chirichiello again suggested adding “single family” wording to subsection “J”. He does not feel the Board needs to be afraid of the use; it just needs to be done the right way.

Ms. Levin felt that it made more sense to have multifamily residential; people want to be able to walk to restaurants or bars. This would make more sense than single family residential. Mrs.

Donovan explained the incentive is not small, low cost single family homes. She suggests allowing it in the zone because there are a few lots that based on the topography, a developer can't build anything large like an apartment building. Development is stymied by the stream or a cliff. This gives the ability to put a cluster of three to four homes on a piece of land with the rest of the lot maximized with commercial or other uses. There are only a few lots where this might happen. There is one lot in particular where the landowner wants to develop commercially but he wants have the ability to place a few single family homes to the rear of the property. Mr. Connors asked if they could subdivide the land. Mrs. Donovan said access would then be an issue for the stand alone lots.

Mr. MacEachern said he supported Mr. Chase's position. He did not want to see single family homes in this zone. This was meant to be a commercial district. He would rather see small multifamily development. This is not such a large zone that it will be that arduous remove single family as a use. Someone would need to purchase several lots for this to happen. These lots are not big enough on their own. Everything else proposed in the document is fine. His recommendation is to poll the Board to see if single family should be removed from the list of permitted uses. Mr. Connors asked if it is removed, could a developer come in and go to the ZBA to request a variance for the use. Mr. Sioras said it would be hard to prove a hardship. Mrs. Robidoux said currently under GC4 a developer could apply for a variance for single family residential. If this becomes the West Running Brook District, the developments are permitted by conditional use permit, which means the Zoning Board does not have authority to waive the use; only the Planning Board has that authority and full control over this district.

Mr. Chirichiello stated this is what the Town Council wants. He can appreciate the discussion. The Town Council wants this area developed; money has been spent on it and Town Council wants this. Mrs. Donovan added the cost to build only single family in this area would be too high; developers are talking about mixed use.

The Board was polled to see if single family should be removed as a permitted use. Chase, Levin, Grabowski, MacEachern, and Bartkiewicz said to remove it; Chirichiello, McPherson, and Connors said to keep it in with Connors adding only if stipulations were added to subsection J. **The use will be removed.**

The Board then discussed whether or not to leave Filling Station as a permitted use. The Grand View Farm project will be grandfathered. The Board was polled on this use as well.

Levin, Chirichiello, MacEachern and Bartkiewicz said to remove it; McPherson and Connors said to leave it in and let the market dictate the use, Grabowski abstained, and Chase had no preference. **The use will be removed.**

Mrs. Donovan suggested clarifying the manufactured housing use by stating "No additional **manufactured** housing units are allowed after this date." The Board agreed to the change.

Mr. Sioras stated the Board seemed satisfied with the draft and suggested moving this forward to legal review. Any new zone or major zoning amendment is reviewed by legal counsel prior to holding a public hearing.

Mr. Chase asked if further clarification was required for subsection G. How will the development percentage be scheduled out – will it be lot by lot or no more than a certain percentage of residential versus commercial. Mr. Sioras said the proposals in this zone will be unique as the lots have constraints. The developments would be taken on a case by case basis, parcel by parcel. Mr. Chase asked if the wording was fair? Is it legal to grant one developer only 20% and another developer 80%; how can the Board protect itself from seeming arbitrary? Mr. Sioras said that is a question that will be asked of legal counsel as they review the document.

The Board agreed to move forward with the draft document with the amendments decided upon this evening.

Workshop #4 – Permitted uses in the Office Business District

Mr. Sioras said the public hearing regarding the proposed change to the boundary of the Office Business District will be on April 17. Abutters are very concerned about the change. He suggested postponing this workshop to the 17<sup>th</sup> so that the abutters can hear this discussion as well. Mr. Chirichiello commented there has been a lot of discussion about the public hearing on social media and he has fielded some questions; there is a lot of incorrect information circulating.

Mr. Sioras suggested the Board members drive through this area prior to the public hearing and look at the topography. This is an older neighborhood; some of the property is conducive to development, some is not.

Motion by Chirichiello, seconded by Connors to continue Workshop #4 to April 17, 2019. All were in favor and the motion passed.

There was no further business before the Board. Mrs. Donovan offered to discuss the background on why the zone is proposed to be changed for the new members.

Motion by MacEachern, seconded by Connors to adjourn. The motion passed with all in favor and the meeting stood adjourned at 9:29 p.m.

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

\_\_\_\_\_  
Secretary

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