

The Planning Board for the Town of Derry held a public meeting on Wednesday, April 19, 2023, at 7:00 p.m. The meeting was broadcast from the Derry Municipal Center, 14 Manning Street, Third Floor meeting room.

Members present: John O'Connor, Chairman; David Nelson, Vice Chairman; Andy Myers, Secretary; Randy Chase, Town Administrative Representative; Dave Granese, Town Council Liaison; Mark Connors, Chris Feinauer, Richard Malaby, Members; Daniel Healey, Alternate

Absent: John Morrison

*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 Mr. Tremper has resigned from the Board and there is a vacant full member position. Mr. Healey was seated for the vacant seat.

Escrow

None.

Minutes

The Board reviewed the minutes of the April 05, 2023, meeting.

Motion by Granese, seconded by Nelson to approve the minutes of the April 05, 2023, meeting as written.

Chase, Malaby, Granese, Nelson, Feinauer, Healey, Connors, Myers, and O'Connor voted in favor and the motion passed.

Correspondence

None.

Other Business**Review of Planning Board Policy & Procedures**

No suggested amendments were received.

Motion by Connors seconded by Nelson to accept the Policy & Procedures as written with no changes.

Chase, Malaby, Granese, Nelson, Feinauer, Healey, Connors, Myers, and O'Connor voted in favor and the motion passed.

Mr. O'Connor reminded the Board members of the requirement to attend at least one training session a year.

Chairman and Planning Director Updates

None.

Public Hearing**To review a proposal for trimming of trees on English Range Road and Stark Road by Eversource (Tabled from March 15, 2023)**

Allison Marcotte, Regional Arborist for Eversource Energy, presented. Mr. O'Connor noted the recent receipt of a mailer from Eversource informing of upcoming tree trimming in his area. Ms. Marcotte explained those mailers are sent out 45 days in advance of cutting in any area.

This year, Eversource plans to trim trees on English Range Road and Stark Road. The removal of hazardous trees was performed last year. Mr. O'Connor felt 95% of English Range Road looked good, with the exception of the 200-year-old trees in the area of the Ball Farm [53 and 82 English Range Road]. If trees on private property need to be trimmed, does Eversource talk to the owner of the property? Ms. Marcotte stated Eversource works with the private property owners, who sign off on the work to be done.

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

There was no public comment.

Motion by Granese, seconded by Nelson to close the public hearing. The motion passed with all in favor and review of the proposal returned to the Board.

Mr. Connors noted sometimes, the trees that are trimmed are left in a weird shape, and cut around the utility wires. Is there any option for the landowner to state how they would like the tree to be cut? Ms. Marcotte stated the 45-day mailer has an option on it for the owner to send it back with the "requests consult" box checked. She or one of the other Arborists will go to the property and speak to the property owner. She admitted the trees don't always look perfect if cut around the wires, but the cuts are made properly.

Motion by Granese, seconded by Nelson to approve pursuant to RSA 231:158 the trimming of trees on English Range Road and Stark Road, by Eversource Energy, per the proposed work area as outlined in the correspondence provided by Eversource, received by the Town on February 15, 2023.

Chase, Malaby, Granese, Nelson, Feinauer, Healey, Connors, Myers, and O'Connor voted in favor and the motion passed.

JAL, LLC

PID 11059-006, 30 Daniel Road

PID 11058-008, 40 Daniel Road

Denali Builders, LLC

PID 11059-010, 22 Daniel Road

Acceptance/Review, Lot Line Adjustment

Mr. Sioras provided the following staff report. The purpose of the plan is for a lot line adjustment between 22, 30, and 40 Daniel Road. The parcels are located in the MHDR district. No town departments were required to sign the plan. There is one waiver request, outlined in the letter from Promised Land Survey, dated April 04, 2023. HISS mapping is not required for a lot line adjustment. Staff recommends approval of the waiver request and the lot line adjustment plan.

Neal McCarthy, Promised Land Survey, presented for the applicants, who were present in the audience. Mr. McCarthy referenced Sheet 2 of the plan set which shows the change in the lot line between PID 11059-010, 22 Daniel, and 11058-008, 40 Daniel. There will be a less than 5,000 square foot change between those two lots after the lot line adjustment. 22 Daniel has an approved septic plan and foundation. The second proposed change is between PID 11059-006, 30 Daniel and 40 Daniel. In that location, the proposal is to swing the line between the two parcels. 30 Daniel has an approved septic and foundation. The lot will then be reduced from 5.9 acres to 2.3 acres. Because the lot will be below 5 acres, State Subdivision approval is required; that permit is pending.

Motion by Granese, seconded by Nelson, to accept jurisdiction of the lot line adjustment plan before the Board for JAL, LLC, PID 11059-006, 30 Daniel Road and PID 11058-008, 40 Daniel Road, and Denali Builders, LLC, PID 11059-010, 22 Daniel Road.

Chase, Malaby, Granese, Nelson, Feinauer, Healey, Connors, Myers, and O'Connor voted in favor and the motion passed.

It was noted the Board did not need to determine Regional Impact for a lot line adjustment.

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

There was no public comment.

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

Mr. Connors asked if the northerly lot line adjustment combined the two lots into one large lot. Mr. McCarthy explained the cover sheet shows the area of adjustment. The lot line between 11058-008 and 11059-006, will swing down and to the right as one looks at the plan, creating a more symmetrical lot for 11059-006. 11058-008 will become one large, 13-acre lot.

Mr. Nelson noted the cover sheet notes "lot lines to be removed" where Sheets 2 and 3 reference "boundary line to be adjusted". He would suggest using consistent nomenclature throughout, and that "lot line to be removed" would be more clear for the future.

Mr. L'Heureux advised DPW has no comments.

Motion by Granese, seconded by Nelson to grant a waiver from LDCR Section 170-24.A (12)(J) to not provide HISS mapping as the lots are proposed to be serviced by municipal water and as such, lot loading requirements are diminished. After review of the waiver request the Board finds that strict conformity to the regulations would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations.

Chase, Malaby, Granese, Nelson, Feinauer, Healey, Connors, Myers, and O'Connor voted in favor and the motion passed.

Motion by Granese, seconded by Nelson to find the proposed plan does not alter existing conditions which would affect access to the lots, ensuring the health, safety and welfare of the neighborhood remains unchanged as a result of the adjustment of the lot line.

Chase, Malaby, Granese, Nelson, Feinauer, Healey, Connors, Myers, and O'Connor voted in favor and the motion passed.

Motion by Nelson, seconded by Granese to approve as presented pursuant to RSA 676:4, III, Expedited Review, with the following conditions:

1. Subject to owner's signature
2. Correct the Title Block to reflect the appropriate Parcel ID Numbers (11058 should be 11058-008)
3. Review Note 3 on the Cover Sheet to ensure the appropriate Parcel ID is being referenced.
4. Subject to on-site inspection by the Town's engineer
5. Establish escrow for the setting of bounds or certify the bounds have been set
6. Note approved waiver on the plan
7. Obtain written approval from the Planning Director/designee that the GIS disk is received and is operable and it complies with LDCR Section 170-24.C
8. Subject to receipt of applicable state or local permits relating to the project
9. Conditions precedent shall be met within 6 months.
10. Submission of the appropriate recording fees, payable to the Rockingham County Registry of Deeds. [This includes the \$25.00 LCHIP fee, recording fees for the mylar and the Notice of Decision.]
11. Make the terminology with regard to lot lines being extinguished and lot lines being added the same as used on Sheet 1.

Chase, Malaby, Granese, Nelson, Feinauer, Healey, Connors, Myers, and O'Connor voted in favor and the motion passed.

Cinema Properties, LLC

PID 08280, 10 Ashleigh Drive

Acceptance/Review, Site Plan Amendment

Redevelopment of commercial property for industrial warehouse use

Addition of 13,000 square feet

Mr. Sioras provided the following staff report. The site currently contains an abandoned movie theater and parking lot. The existing movie theater building is intended to remain and be converted into a warehouse/distribution facility. There will also be a new 3,000 square foot loading dock area and an additional 10,000 square feet of warehouse space for future expansion. This project will be for the redevelopment of the former commercial space into industrial/warehouse use. The property is located in the Industrial IV District and this is a permitted use. All town departments have reviewed and signed the plan. There are several waiver requests outlined in the letter dated March 29, 2023, from Bohler Engineering. Staff would recommend approval of the waiver requests and the site plan amendment.

Keith Curran, Bohler Engineering, presented for the applicant, who was present. The proposal is to add a 3,000 square foot addition to be used for 6 tractor trailer loading docks. A 10,000 square foot addition is proposed for the future, on the left side of the building. 26% of the site

will be redeveloped. The rest of the site will remain unchanged. The impervious surface increases less than 6,000 square feet, which is 1.3%. A stormwater basin is planned to the left to handle that increase. Two trench drains that lead to the existing system will handle stormwater from that location. They are meeting the pre versus post development requirement. The utilities will remain the same, and they will utilize the same building connections.

With regard to the waiver requests, there are 511 existing parking spaces, measuring 9' x 18'. They will lose some spaces with the additions, bringing the onsite parking to 382 spaces. Based on the parking calculation, they only need 40 spaces. They are requesting the parking stalls remain at 9' x 18' rather than restriping the spaces at 9' x 20'. They are requesting a waiver from the HISS mapping requirement as there is only a small amount of increase to the impervious surface. They are requesting a waiver from the wetland mapping requirement as the Conservation Commission has reviewed the site and the project proposes no impact on the wetlands or other resource areas. They will reutilize the existing lighting, relocating three of the light poles, for this reason, they are requesting a waiver to not supply a site lighting plan. They would also request they not supply a landscape plan as they are not disturbing any of the landscaped areas and will be placing stone around the new parts of the building as requested during the Technical Review.

A traffic memo was prepared by Vanasse & Associates and shows a reduction in the level of traffic from the former cinema to the proposed use. There will be much less traffic on the road accessing the site.

Motion by Granese, seconded by Nelson to accept jurisdiction of the site plan application before the Board for Cinema Properties, LLC, PID 08280, 10 Ashleigh Drive.

Chase, Malaby, Granese, Nelson, Feinauer, Healey, Connors, Myers, and O'Connor voted in favor and the motion passed.

Motion by Granese, seconded by Nelson to determine, pursuant to RSA 36:56, the proposal at this time meets the definition of a development of regional impact.

Chase voted no, stating there is no regional impact. Malaby, Granese, Nelson, Feinauer, Healey, Connors, Myers, and O'Connor concurred, and the motion failed. There is no regional impact.

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

There was no public comment.

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

The Board agreed the waiver requests could be addressed at the same time.

Mr. Connors inquired about the 25-foot side setback near the rear addition. Are there any other setbacks required for that area? Mr. Sioras explained trucks can drive around the building now, and not impact the wetland. Mr. Nelson noted the property is located in the Industrial district which has a medium level of compliance with the Architectural Design regulations. The elevations are not in the submittal. Mr. Curran provided copies of the elevations for the additions for the Board to review.

Motion by Nelson to accept supplemental information for the Planning Board's review, seconded by Granese. The motion passed with all in favor.

Mr. L'Heureux stated all of DPW's comments had been addressed. There are some minor alterations with regard to drainage. They will be re-routing some of the water at the loading docks. There is little impact.

Mr. Curren explained the front elevation shows the addition to the right. There will be three loading docks to the rear, and there are loading docks at grade on the other side of the building.

Mr. Connors inquired if the tenant will occupy the entire building, or will there be multiple tenants. Allen Mello, Cinema Properties, stated CHI Overhead Door will occupy the entire building.

Motion by Granese, seconded by Nelson to grant the following waivers:

From LDCR Section 170-63.C (1), which requires parking spaces to be a minimum of 9' x 20'. The existing site contained a former movie theater with spaces that are 9' x 18'. Only 40 spaces are required for this use and 382 spaces are being provided. The restriping of existing parking spaces is requested to be at 9' x 18' to be in keeping with existing conditions. After review of the waiver request the Board finds that strict conformity to the regulations would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations.

From LDCR Section 170-61.A (12), HISS Mapping. The site plan documents indicate the approximate locations of the onsite soil types within the project limit of work. Existing utilities will be utilized including sanitary sewer and water. After review of the waiver request the Board finds that strict conformity to the regulations would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations.

From LDCR Section 170-61.A (13), Wetlands Mapping. The existing wetland resource areas are generally located on the southern portion of the property north of Manchester Road and within the northwest corner of the site. The project does not propose any work within or proximate to mapped locations of the existing wetland resource areas; all work will be within the existing developed limits of the property. After review of the waiver request the Board finds that specific circumstances relative to the plan, or conditions of the land in such plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

From LDCR Section 170-61.A (20), to not provide exterior lighting provisions and details of lighting fixtures. The project proposes to maintain existing site lighting to the extent practicable. Three existing light poles will be relocated, proposed building lights will match the existing building wall packs. After review of the waiver request the Board finds that specific circumstances relative to the plan, or conditions of the land in such plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

From LDCR Section 170-61.A (21) to not provide a landscape plan. The project involves construction of two building additions, proposed loading areas and reconfiguration of the existing parking area to accommodate same and the project area encompasses 26% of the site. Modified existing landscape islands will consist of groundcover to match existing conditions; river rock will be placed adjacent to the building, and landscape features are noted on Sheet C-301. After review of the waiver request the Board finds that specific circumstances relative to the plan, or conditions of the land in such plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Chase, Malaby, Granese, Nelson, Feinauer, Healey, Connors, Myers, and O'Connor voted in favor and the motion passed.

Motion by Nelson, seconded by Granese to find pursuant to LDCR 170-85, that the application as presented demonstrates substantial compliance with the Architectural Design Regulations. This property is located in the Industrial IV district and meets a Medium-High level of compliance as outlined in Section 170-84.

Chase, Malaby, Granese, Nelson, Feinauer, Healey, Connors, Myers, and O'Connor voted in favor and the motion passed.

Motion by Granese, seconded by Nelson to find the proposed plan provides safe and efficient vehicular and pedestrian access, and the design and construction of the driveways and walkways are adequate to accommodate the anticipated volume of traffic proposed by the development.

The Board finds the proposed parking plan is adequate for the site and meets the parking density requirements for the use.

The Board finds the stormwater management as proposed is designed to control the post development runoff so that it does not exceed predevelopment runoff.

The Board finds exterior lighting, solid waste storage and snow storage provisions, and erosion and sediment control provisions are adequate.

Chase, Malaby, Granese, Nelson, Feinauer, Healey, Connors, Myers, and O'Connor voted in favor and the motion passed.

Motion by Nelson, seconded by Granese to approve pursuant to RSA 676:4 I – Completed Application, with the following conditions:

1. Subject to owner's signature
2. Subject to on-site inspection by the Town's engineer
3. Establish appropriate escrow as required to complete the project.
4. Note approved waiver (s) on the plan
5. Obtain written approval from the Planning Director/designee that the GIS disk is received and is operable and it complies with LDCR Section 170-61.C
6. Subject to receipt of applicable state or local permits relating to the project
7. Conditions precedent shall be met within 6 months.

Chase, Malaby, Granese, Nelson, Feinauer, Healey, Connors, Myers, and O'Connor voted in favor and the motion passed.

Pinkerton Academy**PID 43001, 5 Pinkerton Street****Acceptance/Review, Site Plan****Replacement of Social Studies Wing with 31,755 SF building**

Mr. Sioras provided the following staff report. The purpose of the plan is for the replacement of the social studies wing with a new 31,755 square foot pupil services building. The property is located in the Medium High Density Residential District. All departments have reviewed and signed the plan. There is one waiver request, outlined in the letter from VHB dated April 3, 2023. Staff recommends approval of the waiver request and the site plan application.

Eric Gerade, VHB, and Dr. Timothy Powers, Headmaster, Pinkerton Academy, presented. Mr. O'Connor reminded all present and listening that this plan is for the review of the new building only and he would not entertain discussion outside of the Planning Board purview.

Dr. Powers advised the existing social studies wing is a group of portables that were constructed in the 1970s. The building is located adjacent to Pinkerton Street. There have been many different classroom types housed in this wing, including English, CTE, and Social Studies. The Wing also houses the complex, year-round special education programs for New England Center for Children (NECC) and the Alternative Comprehensive Transition (ACT). During the Space Audit, the school looked in particular at these two special education programs. ACT is a 12-month program for Autistic students and those that would normally have been sent out of district five years ago. The program was added at the request of the Derry School District. These students are now able to be educated up to the age of 22, the same as their peers, and remain in the school district. They looked at the needs of the students in the two programs. The space needs have changed and they need to be able to supply space to meet social, transitional, and education needs. The new space will help to properly educate this population of students. The school conducted a review of existing space on campus and there is no existing space to utilize for these needs. The social studies classes will be on the third floor. ACT and NECC will be on the first and second floors. For these programs, space is being planned not just for educational needs, but also the physical and occupational therapy needs of these students. Space is being planned to meet individual, group, and peer needs.

Mr. Gerade explained the Robert Frost Social Studies Wing is 25,000 SF in size and is a one-story building. The Low Building is to the north, the Shephard Building is located to the east, the Academy Building is to the west, and Pinkerton Street is to the south. Parking is primarily on the east, north, and west sides.

One of the drivers for this project was overall pedestrian and student safety. The parking lot at the Shepard Building has the largest curb cut at 125 feet. This creates safety and parking challenges. Currently, there is poor circulation. The drop-off area will be redesigned to help with that. The previous site development had no stormwater management. The utilities, drainage and sewer go through the building.

The proposal is to construct a 32,000 SF, three story building. The building will be less than half of the existing footprint of the portables and creates more room to modify the parking and circulation. This will provide a better student, visitor, and staff experience. The parking field will be modified as they want to define the public parking area which is separate from the student and classroom space. The existing 125' curb cut will be reduced to 24 feet wide, there will be a pedestrian crossing, and vehicles will no longer be able to back out onto Pinkerton Street. There will be a defined drop-off area. The impervious area will be reduced by 10,000 SF. They have coordinated with the Fire Department to meet the turn radii for the new building and the existing routes on campus.

Utilities will be reconnected to the existing service. There is water, sewer and gas available on site. They will add a new transformer and a generator. The stormwater management is being upgraded and he coordinated through the TRC process to add treatment to meet the requirements of the Town's MS4 Permit. They also meet the Alteration of Terrain criteria and Derry's regulations, although an AoT is not required for this project. They are close to the limits and if any further development took place they would have to comply. It made sense to meet the requirements now, rather than potentially backtracking to meet them later. They are providing 4300 cubic feet or recharge, with two storm areas and an area for the groundwater recharge.

The construction will be phased as this is an active campus. The proposal is to demo a portion of the existing building, keeping the east side occupied. They are working with the site contractor, Eckman Construction, on the phasing. Phase I will take place in the summer of 2023 through December 2024 and consists of fencing off the construction area and performing the first phase of demolition. Student safety and pedestrian routes will be maintained. Phase II will occur in the spring of 2025 at which time the new building will be constructed. They will cordon off the other side and remove the remainder of the social studies building and open the new parking field. Phase III consists of the final paving and striping of the parking areas.

Jay Doherty of Lavelle Brensinger Architects presented the renderings for the new building. The three-story building is three classrooms wide by three classrooms wide. It is a simple brick block design that ties to the Pinkerton aesthetic. Stair towers have been added to add character and to show the entrances to the building. Mr. Doherty provided a second view of the building as seen from between the Shepard and Low Buildings. Green space has been added to the back of the building and students will be able enter the building from that location into a lobby.

On the interior of the building the ACT learners will be on the first floor with specialized spaces such as life skills and special education classrooms, with specialized spaces for occupational and physical therapy. There will also be a nursing suite that will be available for the entire campus. The second floor houses the NECC classrooms and a few social studies classrooms. The third floor is all social studies classrooms, office and staff space. The restrooms and elevator are located in the core of the building. They compacted the building to add green space for the students and to move the circulation of vehicles to the outside areas of campus.

Mr. O'Connor asked if Dr. Powers could explain how the State of New Hampshire views Pinkerton; is it a public school? Dr. Powers stated Pinkerton Academy is an independent school, listed as a public academy per the Department of Education.

Motion by Granese, seconded by Nelson to accept jurisdiction of the site plan application before the Board for Pinkerton Academy, PID 43001, 5 Pinkerton Street.

Chase, Malaby, Granese, Nelson, Feinauer, Healey, Connors, Myers, and O'Connor voted in favor and the motion passed.

Mr. O'Connor advised there are informational presentations (dated December 14, 2022, and January 26, 2023) available on the Pinkerton Academy website that further describe the project. That material is unrelated to the site plan application before the Board this evening.

Mr. Connors noted the regional impact memorandum has a picture of a different lot than where this building will be located. Mrs. Robidoux admitted to the mistake, stating that the rest of the information is accurate and reflects the information for this hearing.

Motion by Granese, seconded by Nelson, to find pursuant to RSA 36:56, the proposal as presented at this time meets the definition of a development of regional impact.

Chase voted no, stating the project does not meet the standard of a development of regional impact. Malaby, Granese, Nelson, Feinauer, Healey, Connors, Myers and O'Connor voted no for the same reason. The motion failed and there is no regional impact.

It was noted tax impact is not part of the regional impact determination and Mr. Myers stated the reasons why this project did not meet regional impact are outlined in the memo prepared by Mrs. Robidoux.

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

Jim MacEachern, 4 Brookview Drive, asked what the building will cost and what would be the potential tax impact. Mr. O'Connor noted tax impact is not part of the Planning Board purview.

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

Dr. Powers stated the estimated cost and budget for the project is \$20.7 million. Details on the financing and a budget are provided on the Pinkerton Academy website. Mr. O'Connor recalled the school was able to negotiate a low interest rate. Dr. Powers stated the rate is 2.4%.

Mr. O'Connor noted part of the existing building will be kept open while the new building is being constructed. Did the Fire Department or Police Department have any concerns with that? Dr. Powers stated he met with the Fire and Police Departments prior to the other staff reviews and they have addressed any concerns those two departments may have had. They are very aware that construction will take place while school is in session and are cognizant of student safety. Mr. O'Connor asked if the building will be named the Frost Building. Dr. Powers said at this time, they have not yet decided on a name. Previously the social studies wing was called the Robert Frost English building, now it is the social studies wing. As the project moves forward, they will give it more thought. The Fire Department will assign an address or building number to the Building. The renderings shows it as #19. {Note: Fire Department has tentatively identified this buildings as Building J with an address of 5 Pinkerton Street.} Mr. Connor inquired if the cost cited for the project was just for Phase I, or the entire project. The cost is for the entire project.

Mr. L'Heureux stated the project is adding additional utilities, and the engineer addressed all of DPWs comments. Mr. O'Connor asked if the gas line is being relocated between the old portables and the Shepard Building. Mr. Gerade said they are not replacing that line. It connects through the buildings, and they can cap it off.

Mr. Chase noted the TRC notes mentioned Fire Prevention had a concern about access to the Low Building as part of this project and needed a turn around. Was that addressed? It has been addressed. Mrs. Robidoux recalled receiving that information.

Mr. Connors asked about the additional stormwater impacts. It appears this is part of a multiyear Capital campaign and there may be things done to other buildings. Would that trigger additional permitting? Mr. Gerade explained that an AoT permit is not required for this project. NH DES has a 100,000 square foot threshold for disturbance. Once that threshold is crossed, the project needs to comply with the AoT permit requirements. If there is another contiguous project in the next ten years, it would pull them into the permit process. The intent is to not retrofit the stormwater design at a later date. They would rather build to those standards now.

Motion by Granese, seconded by Nelson to grant a waiver from LDCR Section 170-63.A (7) to not provide a curbed, raised and landscaped island, a minimum of 10 feet in width between groupings of 20 or more parking spaces. Granting of the waiver will allow the applicant to facilitate more effective snow removal operations and maximize parking in close proximity and in front of the new building, keeping the parking lot design consistent with other parking fields within the campus. After review of the waiver request the Board finds that specific circumstances relative to the plan, or conditions of the land in such plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Chase, Malaby, Granese, Nelson, Feinauer, Healey, Connors, Myers, and O'Connor voted in favor and the motion passed.

Motion by Nelson, seconded by Granese to find pursuant to LDCR 170-85, that the application as presented demonstrates substantial compliance with the Architectural Design Regulations. This property is located in the MHDR district and meets a HIGH level of compliance as outlined in Section 170-84.

Chase, Malaby, Granese, Nelson, Feinauer, Healey, Connors, Myers, and O'Connor voted in favor and the motion passed.

Motion by Granese, seconded by Nelson to find the proposed plan provides safe and efficient vehicular and pedestrian access; the design and construction of the driveways and walkways are adequate to accommodate the anticipated volume of traffic proposed by the development; the proposed parking plan is adequate for the site, and meets the parking density requirements for the use; the landscape plan meets the intent of the regulations; the stormwater management as proposed is designed to control the post development runoff so that it does not exceed predevelopment runoff; the utility construction standards are met; exterior lighting, solid waste storage and snow storage provisions, and erosion and sediment control provisions are adequate.

Chase, Malaby, Granese, Nelson, Feinauer, Healey, Connors, Myers, and O'Connor voted in favor and the motion passed.

Motion by Nelson, seconded by Granese to approve pursuant to RSA 676:4 I – Completed Application, with the following conditions:

1. Subject to owner's signature
2. Subject to on-site inspection by the Town's engineer
3. Establish appropriate escrow as required to complete the project
4. Note approved waiver (s) on the plan
5. Obtain written approval from the Planning Director/designee that the GIS disk is received and is operable and it complies with LDCR Section 170-61.C
6. Subject to receipt of applicable state or local permits relating to the project
7. Conditions precedent shall be met within 6 months.

Chase, Malaby, Granese, Nelson, Feinauer, Healey, Connors, Myers, and O'Connor voted in favor and the motion passed.

Mr. O'Connor suggested Pinkerton consider a parking garage, with the students paying to park (they pay to park off campus), with solar panels on the roof for electricity. Dr. Powers commented the school is actively considering solar energy and has been in contact and discussion with Derry's Net Zero Task Force.

WORKSHOP

To discuss proposed amendments to the Town of Derry Zoning Ordinance, Article V, Zoning Map and District Boundaries, Section 165-30, to redraw the boundary of the Traditional Business Overlay District

Mrs. Robidoux advised the Board has been looking at ways to provide relief to property owners who had been moved from the Central Business District to the Traditional Business Overlay District without sending everyone to the ZBA. The provisions in the TBOD do not work on the properties that do not front Broadway. The Board held a site walk to view the properties. The Board had considered utilizing a Conditional Use Permit, but when legal counsel reviewed the draft, questions were raised about equal protection. The Zoning Subcommittee comprised of Mrs. Robidoux, Mr. Sioras, Mr. O'Connor, Mr. Nelson, and Mr. Malaby met and discussed suggestions raised during the site walk the Board took in February which included reverting some of the properties on the north side of Broadway back to the Central Business District. The outcome is the map before the Board this evening, which shows the properties in the TBOD to be moved back into the CBD; all of the properties are on the north side of Broadway. There is one property on the south side of Broadway that used to be in the MHDR. The recommendation is to move that property from the TBOD back to MHDR. Mr. Nelson noted the condos on that lot are fairly recently constructed so not likely to be redeveloped at any point in the near future. If the Board agrees with the proposed changes, at the next meeting, the Board can schedule the changes for a public hearing and the affected property owners will be notified.

The Board agreed with the proposed changes.

Board Member Comments

Mr. Connors thanked those who came out to volunteer for the marathon, which brought over 1000 people to the downtown. Local businesses stepped up and helped out and it was a nice event that benefited the Rail Trail and the town.

Motion by Granese, seconded by Nelson to adjourn. The motion passed with all in favor and the meeting stood adjourned at 8:21 p.m.

Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____