

The Planning Board for the Town of Derry held a public meeting on Wednesday, May 04, 2016, at 7:00 p.m., at the Derry Municipal Center (3<sup>rd</sup> Floor Meeting Room) located at 14 Manning Street in Derry, New Hampshire.

Members present: David Granese, Chairman; John O'Connor, Vice Chairman; Michael Fairbanks, Secretary; Randy Chase, Town Administrative Representative; Mirjam Ijtsma, Frank Bartkiewicz, Lori Davison, Jim MacEachern, Members; Elizabeth Carver, Mark Connors, Alternates

Absent: Charles Foote; Marc Flattes

Also present: George Sioras, Planning Director; Elizabeth Robidoux, Planning Assistant

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

#### **Escrow**

##### **#16-15**

**Project Name: 30 Brook Street Site Plan**

**Developer: Stage Crossing, LLC**

**Escrow Account: Same**

**Escrow Type: Letter of Credit**

**Parcel ID/Location: 23016, 30 Brook Street**

The request is to renew Letter of Credit Number Stage 515-P, in the amount of \$175,342.32, drawn on Merrimack County Savings Bank for the above noted project. The expiration date will be May 19, 2017.

Motion by MacEachern, seconded by Bartkiewicz to approve as presented. The motion passed with O'Connor dissenting.

##### **#16-16**

**Project Name Lou's Custom Exhaust**

**Developer: Felco Builders, Inc.**

**Escrow Account: LG Auto Racing Exhaust**

**Escrow Type: Letter of Credit**

**Parcel ID/Location: 05037, 82 Rockingham Road**

The request is to establish Letter of Credit Number 2016-210 in the amount of \$107,071.63, drawn on Triangle Credit Union for the above noted project. The expiration date will be April 26, 2017.

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

## **Minutes**

The Board reviewed the minutes of the April 20, 2016 meeting.

Motion by O'Connor, seconded by Bartkiewicz to approve the minutes of the April 20, 2016 meeting as written. The motion passed with all in favor.

## **Correspondence**

None.

## **Other Business**

### Schedule Public Hearing – proposed changes to LDCR Section 170-26.A

Motion by MacEachern, seconded by Bartkiewicz to schedule a public hearing for May 18, 2016, to discuss proposed changes to LDCR, Article V, Design and Construction Standards, Section 170-26A.16.a, relating to driveway construction.

Chase, Ijtsma, MacEachern, O'Connor, Davison, Bartkiewicz, Fairbanks and Granese voted in favor and the motion passed.

Mrs. Robidoux confirmed notice for this hearing will be in the paper and on the town website.

### Lenox Road Zoning Amendment

Mr. Sioras reported the Town Council will hold a public hearing on the proposed zoning changes on Lenox Road. The hearing is scheduled for June 07, 2016.

### Proposed Telecommunications Tower – 69 By-Pass 28

Mr. MacEachern recalled there had been a balloon float demonstration along the By-Pass. Did Mr. Sioras have any update on what happened at the ZBA hearing and where that proposal is in the process? Mr. Sioras advised the Zoning Board of Adjustment voted 4-1 to approve a variance to allow a 130 foot telecommunications tower at 69 By-Pass 28, which is located adjacent to the power lines. Staff met with the applicant for the first Technical Review last Friday. As of yet, there is no date for the application to come before the Planning Board; the applicant may be waiting out the ZBA appeal period.

Mr. O'Connor asked with regard to the shot clock. Mrs. Robidoux said the clock ends in September. Mr. Sioras said the applicant has to get more technical information before it can come before the Board. Mr. Fairbanks confirmed the applicant was granted a use variance to allow the tower in a zone where it is otherwise not permitted. Mr. Granese, Mr. MacEachern and Mr. O'Connor advised they had attended the demonstration.

#### Southern New Hampshire Planning Commission – Complete Streets

Sylvia von Aulock, Deputy Executive Director of the Southern New Hampshire Planning Commission was before the Board this evening to introduce herself and to provide information on Complete Streets. Ms. Von Aulock thanked the Board and staff for their time this evening and reviewed the slide presentation on the Complete Street Toolkit.

The first slide shows the City of Concord, which is New Hampshire's urban jewel for complete streets. Complete streets make the street system safe for all uses: those on two feet, using a walker, in a wheelchair, on a bicycle, joggers, or those in vehicles. The picture from Concord shows a sidewalk bump out. Originally, the sidewalks were half the size they are now and pedestrians would need to go around cars to get into the street. The bump outs make crossing the street safer, reduces the travel lane, and adds parking. There are a variety of ways to use the complete street concept. Communities can add bump outs, or bike lanes. The projects are not as expensive as one might think. Sometimes it is as inexpensive as paint.

The reasons why a community might explore complete streets would include the following benefits. They improve safety for all users, encourage economic development, improve quality of life, provide choice, increase the attractiveness of the community, and improve health by encouraging walking and biking. SNHPC is working with a Stakeholder/Advisor team to research, and to create policies and design standards. There will be a pilot program and eventually a Toolkit website. The team is made up of communities within the SNHPC region, including Bedford, Windham, Derry, Manchester, Goffstown, and Francestown. Mrs. Robidoux is on the committee. Outside of the region, members of the team include representatives from Nashua, Concord, Portsmouth, Keene, the Southwest Regional Planning Commission, Nashua Regional Planning Commission, Central Regional Planning Commission, NH DRED, NH DOT, Transport NH, MTA, Bike/Walk Alliance, AARP and HEAL NH. HEAL stands for Healthy Eating, Active Living.

The Advisory committee is providing input, guiding the toolkit development, sharing progress on complete streets in NH, and looking at trends. The City of Keene is looking at how material wears depending on traffic. The City looking at the durability of paint, plastic overlays and cobblestone. The Advisory committee is also conducting research in and out of the state. May 6th will be the first of 9 ride/bus/walk/bike days as part of Bike/Walk New Hampshire. All of the State Representatives and Senators have been invited so that they can see how complete or incomplete streets are for all users.

Ms. von Aulock stated there is a growing trend toward Complete Green Streets which is a combination of complete streets, green drainage and best management practices. This can be accomplished with raingardens, crosswalks with small bump outs and tree box filters.

The Advisory committee will be developing policy guidelines. They have reviewed five examples so far and will be looking at national examples to see how complete streets are implemented in rural, urban, and suburban environments. With regard to design standards, when Concord began their project they had no money in the budget for it. They did have an annual line in the budget for the painting of fog lines. What they did to start was to move the fog line out 12 inches the first year, and another 12 inches the second year. The end result was a 10 foot wide travel lane for vehicles and a five foot lane for others such as bicyclists and pedestrians.

SNHPC will be creating a pilot program and is inviting its communities to apply for the program. The pilot program could help municipalities with policy development such as resolutions, policies, or ordinances, design standards for roads and sidewalks, educational outreach to the public or during staff workshops, or even a pop-up planning initiative where a project could be demonstrated temporarily so the community can get a feel for what an end result might look like.

Keene held a demonstration in 2015 where they temporarily set up bollards to protect bicyclists and pedestrians from traffic, added a bike lane and small pocket parks along the sidewalk. They used vinyl tape to create the lanes and used removable bollards to see what it could look like and to invite community involvement.

Mr. O'Connor asked if Ms. von Aulock was aware of SB 364. What is the target date for completion of the pilot programs? He is hoping the state and SNHPC can be on the same track. The state would like to have their process completed so that they can present a bill for the next legislative session. Ms. von Aulock said there is a state wide sharing of information. It is hoped the pilot programs will be completed by the end of the summer. The entire process should be completed by December. Mr. O'Connor asked who would pay for the pilot program. Ms. von Aulock said the Toolkit process is being funded by NH DOT. The SNHPC can help make a pop up demonstration happen, but can't pay for the materials. They would be happy to coordinate volunteers who might have materials to donate. Mr. Fairbanks asked if the town would have to request funds of Town Council to pay for a pop up demonstration. Would that need to be done prior to the pilot program application? Ms. von Aulock said her team can help design what a pop up would look like, and once the cost is determined, the Planning Board could request the funds from Town Council during the next budget cycle based on that information.

Mr. MacEachern noted Derry is currently in the midst of its budget and the final budget for Fiscal 2017 will be finalized at the end of this month. What would be the time period for all the attributes of a pilot program; would this be a 6 month to one year project?

Ms. von Aulock said it would depend upon what the selected town decided to do. SNHPC would work with the community over the summer and if they chose a pop up demonstration, would help the town design the demonstration. They would work with staff and DPW and come up with a conceptual design so that the town could then request the required funding and do the pop

up. A policy could be developed sooner. The pilot programs should all be completed by September. Mr. MacEachern said there is a real issue of people not stopping for pedestrians in the downtown. Can the town do any complete street design now, or does the town need to wait for the legislation to go through its process. Mr. Connors asked if the complete street pilot programs would be like the Solar Up pilot programs. Can all the towns in the region apply? Ms. von Aulock said her budget allows for three pilot programs. It will depend upon the timing and the number of applications. She noted the due date for the application has been extended to the first week in June and that is a soft date. Her understanding is that the state legislation is still in a study committee to see if this is something that should be enacted or not. She did not believe her program was overlapping with the state process. Mr. O'Connor said the study committee may create enabling legislation rather than mandatory legislation. Funding would be the responsibility of the municipality. Ms. von Aulock felt the state process was parallel to what SNHPC was doing. Her project goal is to have three pilot programs completed by the end of September. They would like to select three applications: one rural, one suburban and one urban.

Ms. Ijtsma noted it costs money to implement changes to the streets; there is no cost under the pilot program for the development of policies or for public outreach. Mr. Connors agreed there were four options for the town to choose from and three of those options were at no cost to the town. The pop up demonstration would require funding to purchase the materials. Ms. von Aulock said that was correct, unless the town could get local businesses to donate materials. She can't guarantee they will do a demonstration concept but can guarantee a conceptual plan. Mr. Sioras said if the town would like to participate, the Board will need to pick the topic. Staff would submit the application and then SNHPC will decide which communities are selected. There is no cost for the submission of the application, other than staff time.

Mr. MacEachern said a pop up demonstration would have a cost. If the town wanted to do a pop up bump out near the Adam's Memorial Building, they could see how it works and could then request funding from the town to construct the bump out with a recommendation from the Board and Public Works. Ms. von Aulock said the town is not limited to just one application. If there were two things the town had in mind, Derry could submit two applications. Mr. Sioras suggested submitting an application for education and outreach and one for a pop up. If that is successful, then funds could be requested from Town Council at a later date.

Mr. Fairbanks asked if the town decided to do a pop up demonstration, the plan would be done by September. After that, funds would be requested from Town Council to actually do the pop up. Ms. von Aulock said the town may have the option to do the demonstration at no cost to the town if they can arrange enough donations. It is possible local businesses might donate the required materials. They might benefit if the pop up is successful and is constructed. Mr. Fairbanks said the timeline looks like they should plan for the pop up initiative, determine if the demonstration was successful and if so, then create design standards and policies. He feels it would be beneficial to do a pop up first before drafting policies.

Mr. MacEachern said he did not feel a pop up needed to be extensive. They could put down temporary materials and it could be done inexpensively. The town could follow up if it is successful then put the project into the budget. Ms. Ijtsma added the downtown community is

very connected and she feels this project could be collaboration between the town and the businesses. She does not see many issues and thinks the Board should apply for the pilot. Mr. O'Connor confirmed all fifteen communities in the SNHPC region are eligible to apply and then three projects will be selected. Ms. von Aulock stated some communities have expressed an interest in applying. Every community has some sort of issue to address such as a problem crosswalk, or they would like fog lines. They will do as many projects as they can but at a minimum, three will be chosen. A subcommittee of the stakeholders will review the applications and choose.

Ms. Carver felt the goal would be to help work within the means of the town and then request additional funds. Ms. von Aulock said she did not want the town to get too far ahead. If Derry is chosen, SNHPC would assist the town with a conceptual plan. The creation of the plan would require time from the Planning and DPW staff; not cost. There could also be a public session where input from the public is solicited. What the town does after that is up to the town. Ms. Carver asked if Ms. von Aulock was able to share any of the selection criteria. Ms. von Aulock indicated they would like to see applications for policies, education and outreach, and design of a pop up demonstration in rural, suburban and urban environments.

Mr. Connors felt this was a great opportunity for the town and the Board should apply. Design standard development may be a better option especially if the town could get something like Concord rather than a one-time event. The town might get more bang for its buck in requesting design criteria which could be used for the future.

Mr. Granese advised there would be no decisions made by the Board this evening as to the application. He asked to have a workshop scheduled for May 18 to discuss and decide if the Board will apply. Mr. Fairbanks suggested inviting the Chair of the Economic Development Committee to attend the workshop.

Ms. von Aulock thanked the Board for its time and advised she would notify the Board of the final deadline date.

## **Public Hearing**

### **B & H Oil Company, Inc. PID 04126, 418 Island Pond Road Condition Compliance Hearing Signs and Façade for the Gas Station/Coffee Shop**

Mr. Sioras provided the following staff report. The property is located at the intersection of Route 111 and Island Pond at what is known as Cowbell Corner. The site plan has been approved by the Board and the applicant is before the Board for a condition compliance hearing. One of the conditions of approval was to have the applicant come back before the Board for each tenant to ensure compliance for signage and the façade. The first building was approved for a gas station and a coffee shop; the tenant will be B & H Oil and a Dunkin' Donuts.

Ralph Glynn of B&H Oil presented. The building will be a colonial style with stone on the bottom. He passed around the siding material and showed the Board the stone material. Dunkin' Donuts will be inside the convenience store and there will be a drive through window located on the left of the building as you look at the building from Route 111.

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

Lindsay Brennan, 8 Stonegate, spoke on behalf of Christine Delmore, a direct abutter to the project at 11 Stonegate Lane in Salem. They have concerns about the project and had been under the impression that any additional items related to the project would be discussed at subsequent meetings. Will this be a 24 hour business? Mr. Granese explained the only items on the table for discussion this evening are the sign and façade. Mr. Glynn said the store would not be open 24 hours. Ms. Brennan said they also had concerns about lighting coming through from the development into the neighborhood. Signage is important as a factor, as is the type of light chosen. They request that it be soft light and that care be taken with the direction of the light for the residents and the wildlife in the area. It is easy to underestimate the effect cutting a few trees will have on a neighborhood. They are located behind the development and can hear the traffic from the intersection. She saw the picture of the proposed sign and feels it is very tall. All the residents chose this area for a reason and they ask that the applicant reconsider the height of the sign. Mr. Glynn advised the sign will sit lower in the parking lot. Even though it seems high, it will not be as tall as one would think as the parking lot sits lower than Route 111. Ms. Brennan asked if the sign will be as tall as the Mobile station sign, and if the type of lighting for the site has been chosen. Mr. Glynn said the lighting will be daylight bright and the sign company is working on that. Ms. Brennan asked how will the lighting change after hours. Mr. Glynn said they need some lighting left on for security purposes inside and outside of the building but the majority of the lighting should shut down when they close which will be around 10:30 p.m. or so. Ms. Brennan asked if the sign will be illuminated all night. It will be turned off around 10:30 p.m. Ms. Brennan asked if the style of the sign is up for discussion. Mr. Granese said the sign needs to meet the town regulations. Mr. Glynn noted some of the size is related to the speed and traffic on Route 111.

Mr. John Lahey, 411 Island Pond Road, stated he has lived in his home for 50 years. His house and bay windows are across the street from this development and the side of the house faces the highway. He would like some consideration with regard to the brightness of the lights. Car lights will shine into his window as cars come through the drive through. He did speak at the last meeting with regard to traffic lights. Cars will stack up from the lights to his driveway. The green light is very long as one travels east/west on Route 111. It is not as long as one travels across Route 111 along Island Pond Road to Salem. The cars back up on Island Pond, making it difficult for him to exit his driveway. He has to wait for someone to let him out. This is a nice looking building but he is concerned about the quality of life for the people living there. He is glad to hear they will close around 10:30 p.m.; that is a reasonable time. He reiterated he hopes the Board takes the residents into consideration with its decisions. Mr. Granese noted the traffic light at this intersection is controlled by the state. Mr. Lahey recalled at the last meeting, the Board had said that the timing of the light would be addressed. The Board also said the

landscape issue would be addressed. Mr. Granese said the Board is not going to discuss site plan details tonight. He suggested Mr. Lahey follow up with the Department of Public Works. With regard to lighting, the town has regulations that need to be followed with respect to lumens. Mr. Sioras added the applicant has to comply with what was approved by the Board. If not, then Code Enforcement becomes involved and will go into the field and make sure items such as light lumens comply. If a developer is out of compliance, there are means of control.

Judy Brake, 170 Haverhill Road, Salem, advised construction has started since the last meeting. She asked for confirmation that Mr. Frahm sold the project to B&H Oil. Mr. Glynn advised Mr. Frahm still owns the land and B&H Oil is building the first building. Ms. Brake stated new signs in the Town of Salem cannot be internally illuminated. Mr. Glynn said this sign will be internally illuminated. Ms. Brake said the concern is that with the trees being cut, there may be light pollution, especially in the winter. They will be able to see the building in the winter. It is good that they will be closing between 10 and 10:30 p.m., but it appears that cars will travel behind the building to get to the drive through. What will there be for lights in that location? Mr. Granese said any lights on the building need to be downward facing. Site lighting will be as approved at the last meeting. He reminded those present that this discussion is supposed to be limited to the sign and façade of the building. Ms. Brake said she thought the lights on the building would be considered part of the façade and therefore would be discussed this evening. She feels there will be light pollution and lights will come into the abutters' area. Mr. Glynn said he would look into that. He noted that more landscaping is proposed and has yet to be installed. Mr. Granese stated the town revised the sign ordinance and once the sign is up, if it is felt to be too bright, Code Enforcement can verify it with a light meter and make sure it is within the regulations. Ms. Brake asked if there had been additional meetings of which they had not been noticed. The abutters were under the impression they would be invited to all meetings having to do with the buildings and uses on the site. Mrs. Robidoux said since the approval, this is the first compliance hearing and the abutters were noticed. Site lighting was addressed during the site plan public hearing. Per the town's regulations, lighting cannot spill over onto another property. The Board's review engineer checked for that and the approved site plan complies with that regulation. Ms. Break felt the abutters were not aware that had been part of the original approval and thought they would be able to voice concerns about lights. Mr. Connors noted the sign is oriented for people traveling on Route 111 and the sign lighting will therefore not be directed at the abutters. Mr. Glynn agreed.

Ms. Brennan, 8 Stonegate (representing 11 Stonegate), said she has read the minutes of the meeting last spring and thought that the drive through would have come up and that they would have had the opportunity to comment and express concerns about that type of use. The minutes said there were no tenants yet. If that is true, then why is there no discussion on the drive through? That would be new information. Mr. O'Connor said the plan the Board approved last spring showed a generic gas station with a drive through. The tenant was not specified but they did specify a drive through on the plan. Ms. Brennan asked if there was an opportunity to request more landscaping and buffer for the security of the abutters and for the benefit of the environment, as well as the quality of life. Mr. Granese asked Mr. Sioras if this had already been discussed. Mr. Sioras advised the applicant will comply with the landscape regulations. In this case, the developer kept existing vegetation and added plantings. The Planning Board then has



landscape requirements to be met around the site. The Planning Board would not approve a site plan without buffers and landscaping. Ms. Brennan said a large chunk of vegetation was taken near the Spickett River. Mr. Sioras said near the River it will be kept in a more natural state. Ms. Brennan said it has not been.

Mr. MacEachern explained the process for this particular application. Tonight, the Board is looking at the façade and sign for this building. This won't be the last meeting as subsequent tenants have to come before the Board. Mr. Granese said the gas station building and drive through were on the plans approved by the Board. Anything not approved that night would be subject to discussion. Mr. MacEachern said the next building to go up will also come before the Board to discuss the sign and façade.

June Lahey, 411 Island Pond Road, said they left the last meeting with the impression that not all site elements were approved. She would appreciate seeing a summary of what was approved. This is not an everyday occurrence for them. She shares the concern with regard to the lighting and Mr. Frahm said he would be responsible for the buffers. He said he would address their concerns but they have not yet been approached. A summary of the approval would be appreciated.

There was no further public input.

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

Mr. Granese said the Board has seen the façade plan and the sign proposal, as well as the parking calculation for the use. He asked if the oil company will also be at this location. Mr. Glynn said no; they will however advertise their oil prices on the sign. Mr. Granese confirmed the signs should shut down around 10:30 p.m. He said the town will make sure any brightness issue is addressed. Mr. Glynn confirmed there will be lights left on inside and outside the building for safety and that there will be some sort of scroll work at the top of the pylon sign.

Mr. Connors asked if the roofing is part of the façade discussion. Mr. Glynn said the roofing material will be 30 year, architectural shingles. Ms. Ijtsma asked if there will be signs to assist with ordering at Dunkin' Donuts. Mr. Glynn confirmed there will be an order board and that Dunkin' Donuts will be open at 5:00 a.m. Lights will turn on at that time and people will be able to go through the drive through at that time. They are 99% sure it will be Dunkin' Donuts. The curb cut for the site is on Island Pond Road, not Route 111.

Motion by MacEachern to find that the applicant, B & H Oil Company, Inc., PID 04126, 418 Island Pond Road (property owner: Cowbell Corner Realty, LLC) meets the conditions set forth in the March 18, 2015 Planning Board decision such that: parking calculations have not increased, general site conditions have not changed, and the sign meets the Town of Derry regulations. O'Connor seconded the motion.

Mr. Granese reminded those present this vote is only with regard to the façade and the sign. Mr. Lahey asked if the hours of operation were set in stone. He does not recall them being discussed at a previous meeting and thought it was to be discussed at a future meeting for which they would be noticed.

Chase, Ijtsma, MacEachern, O'Connor, Davison, Bartkiewicz, Fairbanks and Granese voted in favor and the motion passed.

There was no further business before the Board.

Motion by MacEachern, seconded by Bartkiewicz to adjourn. The motion passed with all in favor and the meeting stood adjourned at 8:22 p.m.

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

\_\_\_\_\_  
Secretary

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