

The Planning Board for the Town of Derry held a public meeting on Wednesday, June 02, 2021, at 7:00 p.m. The meeting was broadcast from the Derry Municipal Center, 14 Manning Street, Third Floor meeting room with all attending members of the Board present.

Members present: John O'Connor, Chairman; Jim MacEachern, Vice Chair; David Nelson, Secretary; Brian Chirichiello, Town Council Liaison; Randy Chase, Town Administrative Representative; Lori Davison, Mark Connors, David Clapp, Members

Absent: Dave Granese, Doug Danzey

\*Denotes virtual attendance.

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

Mr. O'Connor opened the meeting at 7:00 p.m. The meeting began with a salute to the flag. Mr. O'Connor advised that although the Stay at Home order has expired, Emergency Order #12 as issued by Governor Sununu waives the requirement that all members be physically present. Members can attend the meeting electronically. He provided the appropriate links for members of the public to join the meeting virtually via a MAC, PC, or by phone. He then introduced the staff and Board members.

### **Escrow**

None.

### **Minutes**

The Board reviewed the minutes of the May 19, 2021, meeting.

Motion by Connors, seconded by Nelson to approve the minutes of the May 19, 2021, meeting as written.

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

### **Correspondence**

Mr. Nelson advised the Board has received a notice from the NH Department of Transportation that there will be resurfacing of 11.5 miles of road, a portion of which is in Derry on Route 28. A map of the project was included. The Department is requesting a list of the town's preferred priorities and mitigation options if any wetlands are impacted.

## Other Business

### Zoning Amendments

Mr. Sioras reported the Town Council Chairman thanked the Board members for all of the work done on the rezoning of the downtown.

### Conceptual Discussion, Development Proposal, PID 05062, 05063, 05064 and 05065-001, 1, 2, 3& 4 Humphrey Road, West Running Brook District

Mr. Sioras advised the Board had seen a conceptual plan for this project in August of 2020. At the end of the meeting, the Board focused on the architecture. In the interim, the developer worked with his team and met with Planning and Economic Development staff. In attendance this evening is Tim and Sharon Butterfield, the developers; Attorney John Cronin; Shayne Gendron of Edward N. Herbert Associates; Thomas Sullivan of Sullivan Construction, and Lee Berard and Bob Martel\* of Berard Martel Architects, Inc.

Attorney Cronin felt this was an exciting development, allowed by the creation of this new district. Members of the design team are present this evening to answer any questions the Board might have. The project consists of four parcels, two north of Humphrey Road and two south of it. They are looking at the four parcels collectively and want to blend the commercial and residential, while being consistent with modern trends. Mixed use developments where people can work, live, and play seem to be popular. Since the initial plan, the design team has reduced the scale of the apartment building to the rear by one floor and added a common vestibule. There is an entry foyer, amenities, and an elevator. Parking is in the lower level. The site will be well landscaped. The front building to the north has added roof detail, pitches, and peaks to soften the look of the building. That level has commercial use on the lower floor, with 1500 square foot units. The trend in these types of developments is for a more boutique business or service use. There is also a proposed building on site that could be used as a bank with a drive-through.

Ninety-four units are proposed in two buildings. That could change as the developer looks at the amenities package. In market rate/upper level, there is a tendency to lease the spaces, but they may include many amenities. This phase is a more advanced design, but they will need flexibility to create parking for the market. Attorney Cronin described the façade rendering and noted the indoor parking. He knows they will need to make the numbers work, and that will be addressed.

The mixed use perspective rendering shows the height of the building. Behind the three buildings will be the townhouses. The renderings look different from where the project started, based on feedback.

The building proposed for 1 and 3 Humphrey has been discussed with potential tenants and they have designed the building to work for them. The back wing is not part of that use, and the

potential use in the back has not been determined, but they will try to make it work with the ordinance. The window wall on the building gives an old world, rustic, agricultural feel.

For the eighteen townhomes, the developer's goal is to have them match in quality and appeal to the upscale nature of the residential units to the front. They will need to determine the square footage; many people are looking for two car garages. There are sidewalks and trails leading to the rotunda to the rear.

Attorney Cronin explained, for now, the townhomes are about 1400 square feet, with first floor master bedrooms. They want to build in the area to the north to get the grade. Mr. Berard is present, and Mr. Martel has joined virtually, to address any questions on the architecture. Lee Berard said he was available to discuss the rationale behind the architecture.

Mr. MacEachern thanked the developer and his team for considering the Board's comments. The residential building looks smaller, which addressed a concern. It all looks good. He can see the retail to the front which is what the Board requested. He cannot see anything they did not take into consideration. This looks ready to go forward with the Technical Review process.

Mr. Berard said he was familiar with the area in Derry where there are old colonial type farms. They tried to tie this development in with that.

Mr. Connors appreciated the developer taking the Board's feedback into consideration. It looks like the four story building fits in better. The main building elevation appears as though the building is five stories, but that may be because of the garage. Mr. Gendron confirmed that lowest level is for the garage. Mr. Connors inquired if there will be any phasing of the project since there are buildings planned for both sides of Humphrey Road. Mr. Gendron advised they are confident the style and pad of the building to the south will not change. Mr. Connors said he wanted to make sure that building did not turn into a residential use. Mr. Gendron said they added the residential over the commercial and they want to move forward with what is shown for the uses. Mr. Connors asked if the townhomes will be attached or detached. Mr. Berard explained they are attached, but the projection in the design makes it look like they are separate. The buildings will comply with fire protection regulations. Mr. Connors wondered if the angled townhome buildings were too close to the other townhomes. Mr. MacEachern noted the TRC will look at the details of the building separation and make comments.

Mr. O'Connor asked about the height of the buildings. Mr. Berard advised they worked within the constraints of the zoning requirements. He believed the larger building to be 42-44 feet tall; they have not completed the design of the individual units, so he cannot speak to the ceiling height yet. Mr. Martel commented the parking elevation shows the proposed height of the residential building which will be about 69 feet tall at the highest gable peak. This is on the extreme edge of the garage side. The other end of the building is approximately 57 feet tall.

Mr. O'Connor asked with regard to phasing. In addition, a traffic study would be required. He believed, based on calculations provided at the last meeting, this project could net between 10-12 students. He would be interested in seeing how the drainage will work, given the wetlands. Mr. Gendron stated they held a scoping meeting with NH DOT to determine the access points. They

will work with the Conservation Commission on the drainage. They are planning detention, retention and bioretention areas to the rear of the townhomes. Some of those will be within the wetland buffer and they will apply for a conditional use permit. They would prefer to not put the drainage below the pavement as that can be disruptive to tenants and residents if there is ever a problem with it. The intent is to handle the drainage with a closed drainage system that leads to the detention/retention ponds. They have not completed a school study as of yet. Mr. Sioras noted there is room in the schools. Mr. Gendron advised he performed between 30-45 test pits on site and only hit ledge in the far northern corner near the school.

Mr. O'Connor liked the barn approach and felt it fit the area; there are several horse farms on Humphrey Road. Mr. Gendron added they wanted to capture the colonial feel and believe they did a good job.

Mr. Chirichiello liked the plan, townhomes, garden style apartments and the commercial uses. He also liked the underground parking as people are looking for that. Will there be two deeded parking spaces per unit? Have they considered that? Mr. Gendron commented they were still working on that. Mr. Chirichiello hoped there would be some form of covenants that prevented boat and trailers being stored on site. What they are showing is nice and it should be kept that way. He confirmed the intent at the moment is for 18 townhomes and 94 garden style apartments. Mr. Gendron added they are still working on the interior design of the building and some of the amenities such as the dog washing station, game room, and gym etc. Those amenities may take up more room than anticipated and affect the total number of units. Mr. Berard commented it is possible they will have different configurations of units. Mr. Chirichiello indicated he is not as concerned about the number of school children from this development as the number of children in the schools has decreased. He noted that someone may want more than a 1500 square foot unit on the fourth floor so they can take advantage of the views. Mr. Berard said he worked on a project up north where similar floor plans were created.

Mr. MacEachern, in looking at the site, and considering what NH DOT may request, said he would like to make sure the curb cuts line up as much as possible with the project across the street. He suggested working with the other developers.

Mr. Connors noted there is a lot of traffic in this area; will there be any turn restrictions? That would be a concern. Mr. O'Connor asked if they were still considering studio apartments. Mr. Gendron advised they wanted to judge the temperature of the Board on that; they feel it is a viable option. If they made some of the top floor apartments larger, perhaps some of the first floor units could be studios.

Mr. Nelson stated this looks like a very thorough design. What will be the scheme of ownership? Will it be condominiums, leases, a Homeowners Association? Mr. Gendron said they have not yet worked that out; it may be a combination of all of those things. The townhomes will likely be owned. As they get further into the design, they will work with Attorney Cronin on those details. Mr. Nelson acknowledged for the park, dog park, and recreation areas someone would need to maintain them. Mr. Gendron said they would have an association to handle the maintenance of the landscaping. That cannot be done by various entities. One company would be hired to maintain the landscaping of the project. Mr. Nelson

thought it might be premature to inquire, but he had a concern with multiple ownerships for a micro village/dense residential area; each owner might have different priorities. Mr. Gendron assured him the developer would provide something concrete for the Board.

Mr. Connors noted this zone is limited to one and two bedroom units; is there an ability to change that? Mr. Sioras advised that would be handled with a waiver request. The Board has the leeway to grant waivers like that in this zone. The School Facilities Plan noted there is space available in the schools, but he suggested the developer may want to meet with the Superintendent of Schools.

Mr. Chirichiello said he likes the color schemes and felt they worked well with the project.

Mr. O'Connor inquired if there would be any phasing? Mr. Gendron said they will come back to that in the application. The project will be phased. They may start with the townhomes and site drainage so that the infrastructure is already in place for the buildings to the front. Mr. Connors noted in this district, commercial uses are supposed to be built first. Mr. Berard said the incentive for the developer is to get the residential constructed first for the cash flow. Mr. Connors advised the Board had concerns that residential would be constructed and then the commercial would never get built. Mr. Chirichiello confirmed the lot would be served by natural gas, water, and sewer. Mr. MacEachern said if the commercial tenant can be secured at 1 and 3 Humphrey, that could be built at the same time as the townhomes and that would fulfill that particular requirement.

Mr. L'Heureux had no comments at this time.

There were no further questions from the Board.

Conceptual Discussion, Development Proposal, PID 05038-001, 109 Rockingham Road, West Running Brook District

Mr. Sioras advised this property is best known as Watts Auto Salvage Yard. Staff did meet with Doug MacGuire and the interested parties.

Doug MacGuire, The Dubai Group, presented for the developers. Mr. MacGuire noted this is the first presentation to the Board with a conceptual plan. He believes the Board will find the ideas and scope of the plan are similar to those discussed in the previous presentation, which speaks to the market and potential for these types of mixed use developments. The salvage yard is surrounded by residential uses on all sides. The land is not located right on the ByPass or surrounded by other West Running Brook properties. They took that into consideration as they planned out the site. Mr. MacGuire handed out an existing site conditions plan to the Board members; a copy was retained for the record.

Mr. MacGuire felt it was important for the Board to look at the existing grades in relationship to what is proposed. Rockingham Road is the lowest point, at elevation 232. Bedard Ave goes up at a substantial slant. At the highest point, the site is at elevation 298. This makes for a unique development. They tried to work with the grade. They are proposing a mixed use building on

Rockingham Road that will have a mix of commercial space in the L portion, which sets the commercial piece forward toward Rockingham Road with higher end, garden style apartments containing 1-2 bedrooms per unit, with a garage under, or covered parking. This would not be below grade. The parking deck is at grade and accessed from both sides of the building so that cars can go in and out. The façade of the building would look like the rest and people would not know it is a parking deck on the first level. The parking deck can be used as a retaining wall.

The project proposes at grade parking, at grade retail, ample parking and a second floor residential component; the building will have an elevator bay accessible from the garage level. They are proposing to add three levels of residential. The L portion of the building would accommodate additional units. He believes the project yields 60-65 units in this building. They have ample parking. They are proposing 196 spaces total, which does not include the area to the south which is proposed to be townhomes. The townhomes can stand alone as they are on a different grade.

The first floor of the commercial/residential building will be at elevation 324; as it progresses to the back, it is at elevation 336, which is close to existing grade. The townhomes will be in the 360 foot elevation range and provide a natural transition and buffer to the residential single family uses. The benefit is the first building will be constructed all at once so the commercial will be constructed with the residential use. Grade wise, because it is tucked into the slope, it will not look like a four story building because of the height of Bedard Avenue.

The adjacent home across the street is at elevation 380 and would look at the roof of the structure. They have tried to work with the grade of the site, the ordinance, and the neighborhood. They will have a walking path along Bedard Ave. This will connect the townhomes and the commercial/residential building and provide a buffer to Bedard Ave. There will be separate patio areas on the upper and lower areas. The site meets all of the parking requirements, contains a retail component, and does not assume shared parking to meet the calculations. They will likely have more spaces than they need. A conceptual rendering of the building has been provided. The building is broken up by the jogs. They will have at grade parking all around the L, and feel the massing is appropriate for the site. There is a substantial climb to the rear of the site and that will be shown on the plan. The building fits in with the site.

The developer has performed a Phase I Environmental study on site and is moving forward with a Phase II assessment. Monitoring wells will be installed on site and the developer will not purchase the site if the Board does not feel this project is a viable proposal. Any results found by the testing would be mitigated and the site will not be purchased if it cannot be cleaned.

Mr. MacGuire advised the townhomes would be similar to those constructed on Nutfield Court. The townhomes will likely be sold as condominiums. The residential units above the commercial space would be rentals, for which the town has a need.

Mr. Connors stated he lives nearby and believes the neighborhood would like to see the lot developed. The elevations are a concern. Will the existing wall along Rockingham Road remain? Mr. MacGuire said the parking deck allows them an opportunity to be a bit flexible. There will be a retaining wall along Rockingham Road, but they will not use the existing one.

Mr. Connors asked where the elevations came from on the existing conditions plan; the current owner has rearranged the site, taking soil from the bottom of the site, and moving it to the top. At the higher elevation, he feels the residents will look over the roofs. The townhomes would be about 70 feet up from Rockingham Road. The neighbors may have a concern with the density on the site as this is a single family residential neighborhood. From the road, people will be able to see the building, retaining wall and townhomes. If the townhomes were lower in elevation, it might not be so bad. There are wetlands on site, including a stream. The application may require some waivers and he suggested considering the impacts to the wetlands. The area can be very wet. Mr. Connors confirmed the commercial will only be on the bump out portion of the L and the remainder of the ground floor will be parking.

Mr. MacGuire stated the developers thought the neighbors would appreciate townhomes more. They want to work with the grade and step down the townhomes in bundles of three. He will look at the changes that were done on site; there was an after the fact AoT plan created in 2016. Mr. Connors felt that the townhomes would stick out at 70 feet in height from Rockingham Road. The gradual hill used to be all trees and now drops off.

Mr. MacGuire commented this is a tough site to develop. Their goal is to work with something that works with the grades as best they can. The only viable option is to have a separate entrance for the rear portion because of the change in grade. The entrance to the residential/commercial building will be on the high side of Rockingham Road.

Mr. Connors felt the parking area behind the building will already be a story above the at grade parking. The neighborhood has been vocal about this lot for a long time. He feels there needs to be a balance. The impact will be felt more by the people on Bedard. Mr. MacGuire said there will be impacts to the wetland buffer but thought that is within the regulations. Mr. Sioras acknowledged parking can be in the wetland buffer; structures cannot. The parking area can be placed right up to the edge of the wetland.

Mr. Chirichiello confirmed Rockingham Road is town maintained and owned because it is in the urban compact. He asked if there would only be one curb cut on Rockingham Road. Mr. MacGuire explained because of the grades, they could only make one access work; they would have preferred to have two. Mr. Chirichiello felt that there will be traffic queuing to get in and out of Rockingham Road. He has no issue with the access on Bedard for the townhomes. Mr. MacGuire believed the abutters might prefer to have access to the site only on Rockingham Road. They will have a traffic study done and they may need to add a right/left turn pocket to handle queuing. Mr. Chirichiello felt that would help; Rockingham Road is very busy.

Mr. Connors suggesting adding some color to the façade of the building to the front; it looks a little boxy.

Mr. Nelson commented this is a conceptual discussion, and the Board comments are non-binding. Mr. MacGuire said he believed the purpose of this phase was to clarify the design intent. He does not want the Board to say this design is doable, but then later say they could only have 20-30 units. He would like feedback on what the Board feels is rational and if the direction

they are going in seems feasible. Mr. O'Connor noted Mr. MacGuire can always come back for a second concept.

Mr. Nelson noted parking is always a concern for residents in these types of developments. Mr. MacEachern felt in terms of feedback, Mr. MacGuire should take into account the topography. He has no issues with the townhomes, but there should be consideration given to the height of the townhomes, relative to the height of the residences across the street on Bedard Ave. The height of the townhomes may want to be in line with that of the homes. Mr. MacGuire believed the homes on Bedard to actually be higher than the height of the proposed townhomes; he can show that at the next presentation to the Board. Mr. MacEachern suggested the Board will want to know if the homes are 5 feet higher or lower to all the people across the street. That does not show up in a 3D image. For the curb cuts, the plan will need to show there is enough room for good traffic flow.

Mr. L'Heureux inquired as to the proposed timing of the soil evaluation. Mr. MacGuire said the developer wanted to receive the initial feedback from the Board before moving forward with that expense. They will execute that testing right away.

Mr. Chase felt this was a good project given the elevation constraints. He does not feel this project will be too intrusive for the neighbors, and the parking deck sounds like a good idea. All in all, this looks like a good project for the site, and it would be a benefit.

Mr. MacEachern advised it is likely the Board would hold a site walk for this project.

There were no further comments from the Board.

### **Public Hearing**

**SECOND Public Hearing to discuss to the Town of Derry Zoning Ordinance, Article III, General Provisions, to add a new section, Section 165-28.2, Small Business and Residential Solar Energy Systems.**

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

Chase, Clapp, Chirichiello, Davison, MacEachern, Connors, Nelson, and O'Connor voted in favor and the floor was open to the public.

There was no public comment.

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

Chase, Clapp, Chirichiello, Davison, MacEachern, Connors, Nelson, and O'Connor voted in favor and review of the amendment returned to the Board.

Craig Lazinsky\* advised he had no comments or anything to add. He has seen the most recent corrections to the amendment, and it all looked fine. Mr. O'Connor advised he appreciated the



time and effort Mr. Lazinsky and Ms. Till put into working on the Subcommittee to draft these amendments.

Motion by Davison, seconded by Chirichiello, to accept the proposed amendments to the Town of Derry Zoning Ordinance, Article III, General Provisions, to add a new section, Section 165-28.2, Small Business and Residential Solar Energy Systems, and to forward the same to Town Council for review and approval.

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

Mr. O'Connor advised the Board was sorry to say goodbye to Mrs. Davison as she is moving out of town, and this is her last meeting. He and the Board wish her luck in her future endeavors. Board members commented it has been a pleasure and an honor to work with her for the last ten years.

There was no further business before the Board.

Motion by MacEachern, seconded by Chiricheillo to adjourn. The motion passed with all in favor and the meeting stood adjourned at 8:38 p.m.

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

\_\_\_\_\_  
Secretary

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