

The Planning Board for the Town of Derry held a public meeting on Wednesday, July 20, 2022, at 7:00 p.m. The meeting was broadcast from the Derry Municipal Center, 14 Manning Street, Third Floor meeting room with the majority of Board members physically present.

Members present: John O'Connor, Chairman; Jim MacEachern (7:07 PM), Vice-Chair; David Nelson, Secretary; Brian Chirichiello, Town Council Representative; Randy Chase, Town Administrative Representative; David Granese, Andy Myers, Mark Connors, Joseph Tremper, Members; Chris Feinauer\*, Richard Malaby, John Morrison Jr., Alternates

Absent: None

\*Denotes virtual attendance.

Also present: George Sioras, Planning Director; Elizabeth Robidoux, Planning & 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. He provided appropriate links for members of the public to join the meeting electronically via a MAC, PC or by phone. He then introduced the Board members.

## **Escrow**

### **#22-12**

**Project Name: Tree Line Property Services**

**Developer: Same**

**Escrow Account: Same**

**Escrow Type: Letter of Credit**

**Parcel ID/Location: 05052, 92 Rockingham Road**

The request is to renew Letter of Credit #82376429, drawn on Haverhill Bank, in the amount of \$65,765.52 for the above noted project. The expiration date shall be July 13, 2023.

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

### **#22-13**

**Project Name: Aspen Dental**

**Developer: Derry Retail Management, LLC**

**Escrow Account: Same**

**Escrow Type: Letter of Credit**

**Parcel ID/Location: 08002, 38 Manchester Road**

The request is to establish Letter of Credit #100059048, drawn on Camden National Bank, in the amount of \$131,207.04 for the above noted project. The expiration date shall be July 06, 2023.

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

## Minutes

The Board reviewed the minutes of the June 15, 2022, meeting.

Motion by Granese, seconded by Nelson to approve the minutes of the June 15, 2022, meeting as written. The motion passed with Tremper, Chirichiello, and Connors abstained.

## Correspondence

Mr. Nelson advised the Board is in receipt of an invitation to attend an informational session with regard to the Exit 4A construction project to be held on August 04, 2022, at the West Running Brook School. The event begins at 6 PM at which time residents and interested parties can meet with the engineers and ask questions. The informational meeting itself will begin at 7 PM. Mr. O'Connor advised information on the meeting can be found on the Town of Derry Website on the News tab. The links there will bring people to the NH DOT webpage containing additional information about the project.

Mr. Nelson noted the Board has received a copy of the ZBA packet for the Joint Meeting to be held tomorrow evening to discuss a request to place a shed within the outermost 75 feet of the Prime Wetland setback. The Board has also received a copy of the recent Change in Use application list for the current year, and the most recent edition of *Town and City* magazine.

Mr. MacEachern entered the meeting.

## Other Business

### Review of Policy & Procedures – Second Reading

Motion by Nelson, seconded by Granese to accept the revised Policy & Procedures for the Town of Derry Planning Board as discussed on May 24, 2022, and June 15, 2022, and to make those changes effective immediately. The motion passed with all in favor.

### Architectural Design Review, TBOD, PID 30026-003, 14 West Broadway, The Plant Store

Mr. Sioras introduced Rachel Richards, the owner of The Plant Store which will occupy the former Jake D's building at 14 West Broadway. This is an indoor plant store. The signs are before the Board for review as the parcel is located in the Traditional Business District Overlay

District. Mrs. Richards indicated she hopes to be open to the public in August. Mr. MacEachern noted the proposed sign is an improvement over what is currently there.

Motion by MacEachern, seconded by Granese, pursuant to the Town of Derry Zoning Ordinance, Article XII, Signs, Section 165-101.5, Traditional Business Overlay District, to accept the proposed sign for PID 30026-003, 14 West Broadway, and that it meets the spirit and intent of the ordinance. The motion passed with all in favor.

### Planning Director Updates

Mr. Sioras reminded the Board there would be one meeting scheduled for August 17<sup>th</sup>, and then the Board would go back to the regular schedule in September.

### Chairman Updates

None.

### **Public Hearing**

**Keystone Derry, LLC  
PID 05039, 74 Rockingham Road  
Acceptance/Review, Mixed Use Site Plan  
10,800 sf office, 3,016 community center, 114 residential units  
and associated parking and infrastructure**

Mr. Sioras provided the following staff report. The purpose of the plan is for a mixed use development for a 10,800 square foot office building, 3,016 square feet of community center space and 114 residential units with associated parking and infrastructure. The property is located in the West Running Brook district. All town Departments have reviewed and signed the plan. Deputy Police Chief Feole requests the plan be reviewed by the Highway Safety Committee. The project will be before that Committee tomorrow morning. The Conservation Commission has also reviewed and signed the plan. There are no waivers requested. Three state permits are required: NH DES Sewer Discharge; NH DES Alteration of Terrain, and a NH DES Wetland Crossing Permit. Staff recommends the Planning Board begin the discussion of the plan this evening and then continue it to the August 17 meeting, scheduling a site walk in between. If the Board schedules a site walk, it is recommended the height of the buildings be noted. The height has been a topic of discussion. A balloon test could be performed to give an idea of the height of the buildings. Given the public interest in this project, this may be something the Board would want to consider. The Board has done this previously when new cell towers were being proposed to get an idea of the height of the tower.

Mr. O'Connor noted the Board alternates can participate in the meeting and ask questions but are not allowed to vote as none have been seated for a regular member.

Mr. Sioras explained given the intensity of development proposed in this area, the Town has hired a third party traffic engineer, Hoyle Tanner, to review the scope of traffic in the area. It is hoped to have a report that will look at all of the developments in the area and the potential development impacts with regard to traffic. The State has jurisdiction over the majority of the roads in this district. The developer has his own traffic engineer, Steve Pernaw, who will present his traffic summary to the Board this evening. VHB, the Town's third party review engineer, is providing a peer review of the plan; that will be received prior to the next meeting.

Tim Peloquin, Promised Land Survey, presented for the applicant, Bob MacCormack, who was present this evening. Also present were Steve Pernaw, Traffic Engineer, and Jordan Young, of Atlantic Civil Engineering, the engineer for the project.

Mr. Connors stated he was happy to hear about the third party review of the proposed traffic in the area and asked if the new fire station proposed at Shute's Corner (Kendall Pond Road intersection) had been taken into consideration in that report. Mr. Sioras explained information about known proposed development in the area has been provided to Hoyle Tanner. The Town did notify the consultant the fire station had been approved for that location and it is hoped to have a copy of the report ready by August 17.

Mr. Peloquin stated they have been before the Board for a conceptual discussion of this project prior to moving into the design phase. There will be a small impact on the prime wetland buffer, which necessitated the Joint Meeting with the ZBA on May 18, 2022. They were granted the variance that evening to perform work in the outermost 75 feet of the prime wetland buffer. The Conservation Commission has walked the site and is satisfied.

The property consists of about 28 acres, of which only 20% will be developed. The proposal is for 114 units of residential space. A ten unit condominium development will be to the left of the lot adjacent to Sunnyside Lane; these are townhome style buildings, similar to those constructed by the applicant in Pembroke. There will be two, high end, four story residential buildings which will have underground parking and elevators. These will be similar to the buildings constructed by Mr. MacCormack at Braemoor Woods in Salem. As part of the mixed use, they are offering a public community center which will be open to the public but also serve the residents in the development. It will be available for events such as showers, etc. The commercial office building will be two floors and is intended for new businesses to locate to town. The developer has been in discussion with potential tenants. For the residential units, 104 will be apartments and 10 will be townhomes. They understood they would need a traffic study for this project and hired Steve Pernaw. It has been determined they will need a left turn in lane into the property. The design team worked with DPW on the road improvement plan. Rockingham Road is 66 feet wide; all of the impacts will be on the north side of the road which is the development side. They did not want to impose a negative impact to the residents on the south side of the road.

The Fairways are located to the north of the property. To the east is a self-storage facility and the former Lou's Custom Exhaust, as well as a three acre lot that will eventually be some kind of

mixed use development. The old junkyard is across the street. There will be a minimal wetland impact as a result of the project and all stormwater is handled on the property.

The name of the project comes from ties to Scotland. Nutfield was originally settled by 16 families originating from the Isle of Skye and they felt it was appropriate. The private road will be named Scottish Way.

Stephen Pernaw, of Stephen G. Pernaw & Company, Inc., discussed the traffic impact study which was performed in April of this year. A draft scope of work was provided to town staff. Following discussion with the town, the study focused on three intersections: Winter Hill, the site access road and Rockingham Road, and the traffic signals to each side of the development. The study looks at the weekday AM and PM peaks as well as Saturday midday counts. The counts were done simultaneously at the three intersections. The year 2024 was used for the opening year for the project, with a ten year projection to the year 2034.

The study found the peak AM hour to be between 7:00 a.m. and 8:00 a.m. The PM peak is between 5:00 and 6:00 p.m., with the Saturday peak between 1:00 and 2:00 p.m. That result is typical for New Hampshire. The weekday PM count had the highest peak and they observed 1000+ vehicles an hour going back and forth in front of the site between the hours of 5:00 and 6:00 p.m.

The study then looked at how much traffic the project would generate, or trip estimates. The primary use is residential with an office component. The PM peak generates 72 trips during that one hour period to and from the site, with some traffic going east and the rest going west.

The net impacts are as follows. The Kendall Pond intersection will have an increase of 2% at the PM peak. The Island Pond intersection will have an increase of 1% during the PM peak. All development projects create an impact, but Mr. Pernaw wanted to put the results in perspective.

The Winter Hill intersection projections were analyzed, and it was determined there would be enough left turns into the development, enough opposing traffic heading west bound, and enough advancing traffic headed east bound to warrant an exclusive left turn lane into the project site driveway. This is a safety consideration. West bound, a right turn lane is not required, and the existing west bound traffic lane will function adequately. The one exit lane from the site is also adequate. The driveway to the west for the townhomes does not require any special treatment. Stop signs will be placed on the minor approaches and the entrance/exit to the site is sufficient and does not warrant a traffic signal. Sight distance is good, but Mr. Pernaw recommended sight distance triangles be created to keep the sight line clear.

Motion by MacEachern, seconded by Connors to accept jurisdiction of the mixed use site plan before the Board for Keystone Derry, LLC, PID 05039, 74 Rockingham Road.

Chase, Granese, Chirichiello, MacEachern, Myers, Connors, Tremper, Nelson, and O'Connor voted in favor and the motion passed.

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

Members were reminded to vote no if they determined there is no regional impact.

Chase, Granese, Chirichiello, MacEachern, Myers, Tremper, Nelson, and O'Connor voted no; Connors abstained as he had stepped away; MacEachern, Nelson, and O'Connor stated they agreed with the recommendation as stated in the staff memo. The motion failed. The development is found to have no regional impact.

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

Charles Henry, 2 Winter Hill Road, stated he did not feel the development was a good idea and did not feel the area would be able to get the wetland back. In the traffic discussion, he did not hear mention of the school bus stop at Winter Hill Road. He feels there are safety concerns and stated he was speaking on behalf of himself and the other residents on Winter Hill Road. He also has a concern for the location of the construction staging area for the project. Previous projects in the area have used the frontage of his property as a staging area and it has been disruptive. He has had damage to his property and an inability to perform his own yard work because he had to track down the owners of vehicles parking along his yard first. The staging area for the project should be on the developer's land and Winter Hill Road should not bear the brunt of any of the project work. The neighbors should be treated with respect.

Marc Siragusa and Jerry Siragusa, 49 South Main Street, stated they were not in opposition or in favor of the project. They did, however, want to discuss a few aspects. They are in favor of new housing because of the housing shortage in New Hampshire. They understand this is a tough parcel of land to develop. With regard to the design of the project, the surrounding vistas should be protected. They have some concern for the height of the buildings and the amount of tree clearing that will occur. It would be nice to have development on the land, but the rendering makes it appear the lot will be clear cut. They hope some trees can be left up front as it is not necessary to see the residences from the street, and trees will help hide the on site parking lots. The rear building is close to the sewer easement, and they would like to make sure any impacts to the easement are taken into consideration.

In speaking about the height and vistas, when they developed their property, they took into consideration the historic district. Marc Siragusa said he did not feel the architecture of this proposal was unique and does not preserve the character of the area. The building looks like any other apartment building. The Siragusa master plan for their property took into consideration the ratio of commercial versus residential square footages and he does not feel there should be a residential density bonus granted based on the square footage amount of commercial uses for this project. With regard to the housing, without a specific note on the plan stating the type of housing proposed, they can construct any type of apartments. The developer has said this will be market rate housing, and he would hope this is a discussion point with the Board and perhaps part of the approval. They would expect that type of discussion for their project as well.

Jerry Siragusa commented the plan notes the gross space for the commercial uses but not for the residential portion. With regard to the community center, who is allowed to use that? He is also concerned as the land slopes to the rear and if all the trees are going to be cleared, it will open up the area so that the storage facility nearby can be seen all year from the Siragusa lot. Currently, they see it in the fall/winter months. Will the 40 foot drop from the front of the lot to the rear be filled in to make the lot level? He is very concerned that the removal of a lot of trees on this lot will affect the vistas from their lot at 49 South Main Street. A five story building is tall. What happens with the vistas? There is a small, town owned lot in between the properties which will create a small buffer but he is concerned about how the five story buildings will look from his property. When they were before the Board, their two story building with parking was not received well and now he is seeing larger buildings in the district. He knows the Board can determine the developments in this district on a case by case basis, but this project seems heavily residential. Marc Siragusa added they would like to be sure the regulations are being applied equally. Jerry Siragusa believed what is being shown on the project rendering is very different from what they were told was the intent of the zone, which was to use the topography of the lot.

Angela Gagne, 93 Rockingham Road, recalled this area has a history of flooding and wanted to know where the stormwater will go. How tall are the buildings? With regard to trees, are there any that should not be removed or should perhaps be replanted elsewhere on the site? What about the animals such as the turtles, box turtles, deer, fox, and ducks? What impact will this development have on the wildlife? The property has a private way; she is concerned about the additional traffic. How relevant is the traffic study given most people work remotely? The speed limit is 35 MPH in this area and people drive 55 MPH. When there are accidents on the road, she can't get out of her driveway. This is a two lane road. To add additional residential units along this road adds units the town can't handle. The additional traffic will add to the pollution; this project will add children to the school. She also has questions about the community center and whether people not living on the property can rent it. If Derry becomes a city and there are no restrictions on the type of housing in the buildings, who will be the tenants of the buildings in the future? Who will the business tenants be? Ms. Gagne expressed concern with the way the land drops off to the rear; will that area be filled in with debris? She does not understand the concept because the Brook is across the street from her home; how is that area going to be protected? How will the residents be protected from this proposal? This looks like a cookie cutter development that could be found in Tuscan Village or Woodmont Commons. There is nothing 'hometown' about this. The town should be looking at the best interest of the community and the existing residents. She is concerned the new residents will use the residential neighborhoods as a cut through. The existing residents should not have to suffer from the noise and the construction. The wetland cannot be replaced. With regard to the streetscape, it appears the lot is all on one grade. Are all the buildings one size? Is any buffering proposed? Is the land going to be all open? This is a loud area. What type of materials will be used to construct the buildings? If there is a sign, will it be illuminated at night? Ms. Gagne thought the community should not have to adapt to these changes without discussion.

Tracey Zysk, 5 Silver Street, confirmed this part of Rockingham Road is under the Town jurisdiction. She asked if the taxpayers will be responsible for the road improvements on Rockingham Road? She was glad to hear there will be an independent study to review traffic

impacts in this area. Because the traffic study for this project only considered the impacts of this project, will that study include all of the proposed developments in this area? Mr. O'Connor confirmed the study area encompassed the West Running Brook District. Ms. Zysk stated she is disappointed this development does not have more of a village feel and meet the aesthetic of the neighborhood. This is not what she had been told would be the aesthetic. Was the developer educated that this area was to have a historic feel. Ms. Zysk recalls being told the aesthetic would include development where people could sit outside at a coffee shop and see a view. An apartment building is not the view Ms. Zysk wants to see. Has the developer provided a study on the number of children that will be added to the school district? She feels actual numbers need to be provided on that. At one meeting, Mr. MacEachern had concerns with underground parking. Has the drainage been taken into consideration? If the land is too wet, will the configuration of the project change during the actual construction phase? For the town traffic study, she asked that the sub roads in the area such as Bedard, Bradford, and Brady be included because they will become crossroads like Berry Road.

Tom Cardon, 2 Cunningham Drive, has concerns that the proportion of commercial versus residential development is off. The regulation seems to encourage enough commercial/retail use to support the number of residential units in the development. He feels five stories is too tall for this area; this is three stories too much. This development does not have a village feel and is more focused on residential. The traffic study did not take into consideration the other projects in the area, which will become a traffic issue. He has some concerns for wetland impacts. The development may affect the infrastructure needs of the town, such as the schools, Fire and Police Departments. He is concerned with the direction the town is going with these projects.

Steve Trefethen stated he owns multiple properties in Derry. {Mr. Trefethen read from a document, which has been retained for the file. His comments are summarized here.} There are 12,500 households in Derry, with 5,000 units of multifamily. That is 40% of the housing units. He is against this project, stating others do not follow the zoning regulations and it creates unfair advantages to certain individuals, and an uneven playing field for his business, which is in part multi family rentals. The purpose of this district was to be different from other commercial districts, retaining the character of the area through judicious use of architectural design regulations. The district encourages mixed use including residential and small scale retail/commercial uses. The addition of 500 to 1000 apartment units in this area is too much and he will have to compete against them. Mr. Trefethen asked if there had been any other meeting with the ZBA, other than the meeting to discuss the wetland impact? There have been none.

Mr. Trefethen questioned the size of the proposed commercial buildings. The regulations (Zoning Ordinance Section 165-32.4.A.18) state in buildings of 1 to 1.5 stories, retail and professional office is limited to 1500 square feet. In buildings of 2 or more stories, the square foot amount goes up to 5,000 square feet. Does the applicant need a variance? He wondered why the office building has only 10,800 square feet if there should only be 5,000 square feet. He did not believe it was within the purview of the Planning Board to provide a variance from that regulation. The total number of 2 bedroom units will be 94 for this development. He felt a conservative number of students resulting from the number of units would be around 100 students. At a net cost of 11,000 per student, this development would generate \$1.1 million in school costs against an annual tax of about \$400,000 which would leave the other residents to



make up the balance. The development could also require the hiring of more police and fire staff which would also add to the tax burden.

Per the regulations, the Planning Board is supposed to impose by condition a phasing schedule so that the non-residential portions of the development are occupied in proportion to the residential occupancy, ensuring there is not more residential occupancy occurring before the commercial occupancy. The plan says there will not be any phasing and he feels the developer is having his cake and eating it too. It appears that people can come into the district and build 10,000 square feet of commercial space and be allowed 500 units of residential. The Planning Board is supposed to determine the number of housing units on a case by case basis, in order to provide enough dwelling units to support the accompanying small scale retail development. How does that equate to 114 apartments and 10,000 square feet of commercial? He feels if the Board does not support this, there should be no housing. This is all within 2 miles of the downtown, near Parkland Medical Center and the Fairways. There is not enough commercial use proposed to justify the amount of residential units proposed. The developer already has commercial tenants lined up, so he does not need that much housing; the proposed number should be justified. He would like the Board to stop allowing people to build for profit, and to stay within the regulations of the district, or, have the developer apply for the appropriate variances from the ZBA.

There was no further public comment.

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

Mr. Peloquin wanted to qualify the apartment buildings were four stories with a subterranean garage. There is a high demand for housing in New Hampshire: Governor Sununu has put out a proclamation to obtain more housing in the state. The developer has a different market and would like to provide high end housing, which would be unique. Mr. Peloquin then responded to the concerns expressed by the public.

Mr. Peloquin believed the Winter Hill bus stop will not be affected by this development. The school district will look at the number of students and determine if the route needs to be adjusted. The contractor will take extreme care during construction and Mr. Henry's concerns will be noted. If the project is approved, during the Pre-Construction meeting it would be suggested that no parking take place on Winter Hill Road and that it occurs on the developer's side of the road. With regard to landscaping, he directed attention to L-1 (sheet 37) which shows a plethora of plantings. The lot will not be clear cut. The land was cut years ago and is now filled with invasive species and vines. The landscape plan is subject to review by the Board and the third party review engineer. They have tried to provide good screening while maintaining the mature plantings. He is familiar with the sewer easement as he worked with the Town on that project. The easement will not be affected by this plan. The project requires a Sewer Discharge Permit from the State of New Hampshire to ensure the proposed capacity meets the standards.

With regard to building styles, the architectural details are intended to have an architectural look. They can possibly bring the project architect to the next meeting to discuss that. The buildings

will be unique and have a lot of detail. The total residential square feet is not on the plan but Building 2 is 22,176 square feet and Building 3 is 25,872 square feet per floor respectively. The two bedroom units will be 1650 square feet each, with the one bedroom units planned at 1000 square feet each. The housing is intended for a different market than workforce housing. With regard to height and grading, Sheet 40 shows the proposed building heights as seen from Rockingham Road. The proposed Scottish Way follows the topography down slope and they will need to work with the topography, grades and the wetland. In the rendering provided, the land looks flat, but it is not. There are highs and lows all throughout and that has been taken into consideration as they planned the landscaping and drainage.

With regard to stormwater, a report was prepared which has been reviewed by the town. The report will also be reviewed by NH DES and the third party review engineer. No permits will be issued by the State unless it can be proven that no water will affect an abutting property or the wetland. The Brook will be protected. There are small wetland impacts, but those areas will be restored. The Prime Wetland will be protected. The animals will do what they will. With regard to signage for the project, the signage will comply with the current regulations and be tasteful in design. He did not believe illumination was planned, other than perhaps a downfacing light.

The cost to create the turn lane and other road improvements will be borne by the developer. The construction will be to Town standards and per the plan. The West Running Brook traffic study, once it is available, will be reviewed so that they can see how it matches up with their study and they will look at any suggested changes.

There has been discussion about the 'village feel'. Braemoor Woods in Salem has a community/village feel to it. Mr. MacCormack did some of that development. The intent is to have long term renters who will be part of the community. It is not possible to construct circa 1700s replication homes on the lot, but they can do tasteful development. They will have further discussions with the architect to see if they can add architectural elements. It is unknown what the number of children will be; this development is not age restricted. With higher end rents and the targeted market, they will potentially not have a lot of children in this development.

With regard to the underground parking and drainage, test pits were performed and they are aware there is a high water table. Soil compaction tests will be performed. The subterranean garages have a vent system. The Fire Department is familiar with the plan and the drainage on the lot has been addressed. There is no phasing proposed as part of this project as it is intended to be built at the same time. Mr. Peloquin reiterated this is not a workforce housing project. With regard to zoning, he believes there are no issues and they have been through the town regulations multiple times. He does not believe they need to apply for additional variances. He confirmed the commercial building will be two stories.

Mr. Connors stated he is very familiar with the lot and the plan to fit development into the land is positive. He feels the area where the Board fell down was in the development of the district. This is not what he believed the intent of the district was created to be. He thought development in this district would look different and have more of a New England look, similar to areas of Deerfield. That is not what is being proposed in the district. Perhaps the language is not strict

enough and that would be the fault of the Board. That the developer was not told or made to realize the intent of the district while he was discussing the development is on the town. He believes the Board needs to review the language in the district and tighten it up. Five story buildings are not what were envisioned. He disagreed that Braemoor Woods is like a village, but he acknowledged Braemoor has good looking buildings. The proposed townhomes are near where Ms. Gagne lives. The Brook looks like it goes under the parking lot in that location; how will that work? He does not feel there are setbacks to the stream in that location. Mr. Peloquin agreed the proposed buildings are large, but they have a nice look and a lot of detail. This is a significant investment by the developer. Mr. Connors felt it would be better to take a floor off, most buildings in town are three stories. Would that be economically feasible or not profitable if a story was removed? Mr. Peloquin believed removing a story would not be financially viable. Mr. MacCormack could speak to that further. Mr. Connors inquired if an economic impact analysis had been performed? He felt this was something the Planning office should be doing for these projects – what will the tax impact be to the town? What will be received for revenue versus the impact to the Police, Fire and School Departments? What is the real tax impact? He would like staff to speak to that, and it should be done for all projects.

Mr. Peloquin advised the town homes will not affect the Brook and there will be a buffer along it. Mr. Connors inquired if the townhomes could be flipped and the entrance lined up with Bradford. Mr. Peloquin said they looked at all of the options but it is better from a grading and environmental perspective keep it as proposed.

Mr. Connors asked if the community center would be like a private event center; and will it be available to the general public. There is a section in the regulations that states the community areas should have full public access, and if present, a density bonus is available. This building is not a public park or ballfield, so they should not get a bonus for it. It was stated the road widening will occur on the north side of the road. There are many accidents in this location. This plan increases the angle of the curve. He suggests straightening out the road.

Mr. Peloquin explained there is more ability to negotiate the curve since it is wider; there are other encumbrances and utilities that prevent straightening the curve. Mr. Connors did not feel a sharp curve on a downward slope was safe. He also did not see any connectivity to other parcels or to Alexander Carr Park. There are no sidewalks along the street frontage. His idea was that there was going to be a path to get to the Siragusa property so that kids could get to the traffic signal at The Fairways and make their way to West Running Brook School.

Mr. Peloquin noted there are internal sidewalks throughout the development. Adjacent to the back side of Building 3, there is a five foot pathway that leads to the West Running Brook. He noted Sheet 7 (C2.0). The path leads to the brook from a community area in which it is planned to perhaps place a gazebo. The path was aligned with the property line at The Fairways. It is private land on the other side. Mr. Connors said the town owned land abuts this property behind the storage facility and the Siragusa land. That provides the possibility of connectivity. Mr. Peloquin stated he would look at that and perhaps they can create a fork in the path leading to the town owned land. Mr. Connors asked if the path would be accessible to the general public; that would be a concern. Traffic counts at Brady, Bradford, and Bedard were not included in the traffic study which is disappointing. He hopes the town study includes that information. He

noted it is hard to get out of those streets onto Rockingham Road. With regard to sight distance, he is still concerned with the curve in the road. The sewer easement came up - what happens when sewer capacity is reached? Mr. MacEachern noted the sewer rate payers would be responsible for paying for any sewer upgrades.

Mr. Connors stated he is not against the project but is asking the tough questions because he feels the Board failed when it designed this district. There are density requirements in the zone which state the residential development can't be more than what might be possible in other zones. He is not sure if that number was verified. He felt Derry needed more affordable housing, not more high end.

Mr. Peloquin explained high end development can attract doctors and nurses to Parkland and would attract people who would have otherwise filled up the existing housing. Mr. Connors said the commercial buildings should be occupied before the residential buildings. Mr. Peloquin said they would be amenable to that. Mr. Connors reiterated he is not against the project and is happy to see positive development but does not feel this has a village feel and would like to see the projects in this district scaled back.

Mr. Tremper asked with regard to the proposed commercial space. What type of tenants are anticipated, and will there be retail use? Mr. Peloquin said there will likely be a retail component but is not able to disclose the potential tenants at this time.

Mr. Chirichiello noted that two bedroom apartments at 1650 square feet is definitely not workforce housing; there are single family homes that are smaller than that. He noted he is a Realtor and worked with a client this weekend who fits this market. There is not a lot of inventory at that level in Derry. The school population has declined by 1000 children over the last ten years, yet the school budget has gone up. The school system will not be negatively impacted by this development.

Mr. O'Connor discussed the ratio of children per occupied dwelling statistics. In 1980, it was .89 per household. In 2000 the number was .83, decreasing to .52 in 2020. Mr. Connors recalled Tuscan Village used a ratio of .1 per household. There had also been mention of a ratio of .5 per household. Mrs. Robidoux stated the calculation was 0.15 times the number of proposed units, which would yield approximately 14 children for this development. Mr. Connors stated he would like to know the number of children that are coming out of the Braemoor buildings. Mr. O'Connor asked if the traffic study took into consideration the completion of Exit 4A. There has also been some hypothetical discussion about closing a school in this area which may have an impact. Mr. Pernaw explained the trip distributions are percentages. It is anticipated that for the residents of this project, 25% will travel to/from the east and 75% will travel to/from the west. Depending on the destination, people will come from both directions, but it is anticipated 33% of trips will arrive/depart to the east for the office use and 67% from the west. [Mr. Pernaw noted there is a typo in the written report] The construction of Exit 4A is not included in the analysis, because it does not occur in the opening year. Any time a new interchange is constructed, traffic will change. Mr. O'Connor asked if the numbers in the count were off a bit as the count may have taken place during school vacation. Mr. Pernaw believed school was in session on the day they did the count, which was Wednesday, February 23 and Thursday, February 24. With regard

to the impacts of the interchange, he agrees but when changes happen as a result of the construction, it will not affect the recommendation contained in the study. They would still recommend the turn lanes. He can guarantee the independent study for the town will not say they don't need these improvements. His findings are based on his numbers, and he is confident in his recommendation.

Mr. Nelson asked about the peak trips. The report shows 72 in the evening and 63 in the morning. Given the number of units proposed, why is that number different? Mr. Pernaw explained the count is for residential and office combined. The AM peak shows 38 trips happening between the hours of 7 and 8 a.m. Some residents may leave earlier or later than 7 a.m. They capture the count on the highest one hour period.

Mr. Nelson noted there are some aspirational requirements for the district in the Zoning Ordinance. There is some discussion with regard to the interconnecting roadways, multiple points of egress, and the prohibition of cul de sacs. Mr. Peloquin stated they had to demonstrate they could turnaround a fire truck at the townhomes. Mr. Nelson noted the district states, essentially, that there be no dead ends. Mr. Peloquin explained the townhomes are on the other side of the Prime Wetland so environmentally, there is no way to construct an interconnecting road to it. Mr. Nelson felt the configuration of the apartment buildings essentially placed them at the end of a cul de sac which is not allowed per the zoning. This would be Section 165-32.4.I.2.d, found on page 85 of the current ordinance. Mr. Young explained the lot is surrounded by wetlands, which is the land constraint. Mr. Peloquin added they created one road to service the two buildings so as to limit curb cuts on Rockingham Road. There is interconnectivity internally on site. Mr. Nelson noted there is a requirement to have two points of egress, but it appears because of the wetland configuration, that is not possible. Mr. Peloquin said that was true and Rockingham Road is very busy, and two points of egress would have a large impact.

Mr. Nelson spoke to Section 165-32.4.H.1, Housing. The regulations state the Board can determine the number of housing units on a case by case basis which is an aspirational principal. Here, there is not likely to be a lot of retail and there is way more residential than would be required to support the retail/commercial uses.

Mr. Peloquin wanted to be clear that the future uses in the commercial building have not yet been determined. The use will be professional office and potentially one retail use. There is opportunity to have small retail in the building. Mr. Nelson asked if the number of residential units are there to support the uses in the commercial building which is the requirement. Mr. Peloquin said yes. Mr. Nelson inquired as to the amount of wetland on the property. Mr. Young believed there were 11.1 acres of wetland on a parcel consisting of about 29 acres, so less than a third of the property is wetland. Mr. Nelson spoke to the landscaping plan. What are the areas enclosed in lines that look like a cloud shape? Mr. Young explained that depicts the existing tree line that will be preserved. Mr. Nelson stated he wanted to bring attention to that as he heard people say they believed the area would be clear cut. Mr. Peloquin stated the lot will not be clear cut to the Brook. They could not do that in any event because of the regulations. They will flag and mark the existing tree line and will add more plantings along it.

Mr. Sioras asked with regard to the amount of greenspace. Mr. Peloquin said 80% of the land will be covered with pervious surface (natural, grass, trees, wetland, etc.). 20% of the lot will be covered with impervious material (structures, sidewalks, pathways, and pavement). Mr. Sioras noted the School District worked with Davis Demographic to determine future enrollment. Information on all of the conceptual projects in this zone was forwarded to Davis Demographic as available at the time of their study, which utilized regional averages of proposed students. Those numbers were incorporated into the report prepared for the School District. Mr. Sioras stated he will obtain the numbers for the next meeting.

Mr. Morrison noted the intended market has been stated to be the luxury market. Most of those are just enhanced. Square footage does not equal luxury. He felt “intended” meant the type of housing could change with the market conditions. If there is a change in the market, he felt the town should be made aware of it. Mr. Peloquin advised Mr. MacCormack has built this type of development before and he is limited in the number of units in the buildings, based on the proposed size of the units. At 1650 square feet for a two bedroom, the units will not be for the workforce market. Mr. Morrison felt any change in the market designation can change the tax impact and could add additional families and children to the school system. That could have an implication on the town. He feels the developer should not be able to change with the market at will. With regard to the traffic study, it was conducted in February. There are different counts during summer. He does not feel February was an accurate time to conduct the study. Mr. Peloquin explained that was the timeframe for this project and the counts can be compared against the pending town study.

Mr. Pernaw explained traffic counts are conducted all year long and the numbers are adjusted to a peak month condition. They increased the February data by 19% to reflect that February numbers might be below average. They also increased the numbers by another 17% to account for the work from home model. There is no intent on their part to lowball the traffic counts. The end result will still be they are recommending a left turn lane into the project. Mr. Morrison asked how long the turn lane will be. He has a concern that in the winter, if it is not plowed yet, it could cause a safety issue. Mr. Pernaw said the turn lane has a deceleration area of 265 feet, with a storage area of 50 feet, so the total length of the lane is over 300 feet. The taper area adds 240 feet. Mr. Morrison had concerns from a public safety perspective as the school bus stop is in the area. Mr. Pernaw said from a safety perspective, this development needs the left turn lane because of the amount of traffic on the road.

Mr. Morrison inquired if the NH DES Wetland Crossing permit will check for endangered wildlife. He felt the project will affect many species. Mr. Young said both the AoT and Wetland permit applications require they utilize the data check tool to see if there are any wildlife or vegetation in the project area of which they should be aware. Mr. Peloquin added one of the reasons they are adding a buffer around the wetland is for the species protection. The State creates the list of species that needs to be protected. Mr. Morrison asked what protections are being put in place. Mr. Peloquin noted after discussion with the Conservation Commission, he ordered 4” x 4” tags which state “Do not cut – Do not disturb” which will be placed along the wetland buffer. Orange construction fence will be placed along the buffer during construction so that the buffer is not impacted. The project is required to have a Stormwater Pollution Protection

Plan in place which requires weekly monitoring of the erosion control during the construction period, as well as inspection after significant storm events.

Mr. Connors felt there was a disconnect between the rendering provided and what the project will look like based on this discussion. The rendering makes the land look like it will be flat once developed. Right now, there are tall trees on the lot. The rendering gives the impression the land will be clear cut. Does this mean the land will be clear cut and then re-landscaped? He would like to see what this will really look like at the next meeting. If the cloud shaped areas containing trees remain, the visibility of the buildings from the road is diminished. Mr. Peloquin said the land had been cut years ago, and there are not a lot of large trees on the lot. All along the perimeter of the project, the land will grow up as is. The cloud shaped areas on the plan are areas that will not be touched. Mr. Connors felt it would help to see that.

There were no further comments from the Board members.

Mr. MacEachern commented there should be a site walk prior to the next meeting as recommended by the Planning Director.

Motion by MacEachern, seconded by Chirichiello to continue the public hearing to August 17, 2022.

Chase, Granese, Chirichiello, MacEachern, Myers, Connors, Tremper, Nelson and O'Connor voted in favor and the motion passed.

Prior to a site walk, the applicant was asked to provide balloons to indicate the maximum height of the proposed buildings. Mr. Peloquin stated they would take pictures from various areas to show the viewpoints along the frontage. Mr. MacEachern asked to the best extent possible, that the building corners be staked out for the community center, apartments, and townhomes, understanding there will be limitations based on the topography and other land conditions. The balloon can be a single balloon at the highest point of the buildings and should be flown for a few days.

Motion by MacEachern, seconded by Chiricheillo to hold a site walk of 74 Rockingham Road on Wednesday, August 03, 2022, beginning at 6:00 p.m.

Chase, Granese, Chirichiello, MacEachern, Myers, Connors, Tremper, Nelson and O'Connor voted in favor and the motion passed.

It was confirmed members of the public are invited to attend. Parking may be an issue. Mr. Peloquin stated he would attempt to clear out a small area. It was noted it might be possible to park on the lot intended for the new fire station if the lot is not obstructed.

An economic analysis of the project will be prepared by Mrs. Donovan prior to the next meeting.

### **Board Member Comments**

None.

There was no further business before the Board.

Motion by MacEachern, seconded by Granese to adjourn.

All members voted in favor and the meeting stood adjourned at 9:42 p.m.

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

\_\_\_\_\_  
Secretary

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