

The Planning Board for the Town of Derry held a public meeting on Wednesday, March 06, 2013, at 7:00 p.m., at the Derry Municipal Center (3rd Floor Meeting Room) located at 14 Manning Street in Derry, New Hampshire.

Members present: David Granese, Chairman; John O'Connor, Vice Chairman; Frank Bartkiewicz, Secretary; John P. Anderson, Town Administrator; David Milz, Town Council Representative; Randy Chase, Administrative Representative; Darrell Park, Jan Choiniere (7:30 p.m.), Jim MacEachern (7:19 p.m.), Members; Lori Davison, Alternate.

Absent: Ann Marie Alongi

Also present: George Sioras, Planning Director; Elizabeth Robidoux, Planning Clerk; Robert Mackey, Code Enforcement Officer; Mark L'Heureux, Engineering Coordinator

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

Ms. Davison was seated for Mr. MacEachern

Escrow

None.

Minutes

The Board reviewed the minutes of the February 20, 2013, meeting.

Motion by Anderson, seconded by O'Connor to accept the minutes of the February 20, 2013, meeting as written. The motion passed in the affirmative with Milz abstained.
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Correspondence

None.

Other Business

Board Appointments

Mr. Sioras advised any members of the Board wishing to request reappointment should send the request to Sheila Bodenrader or Denise Neale, prior to March 22, 2013.

Public Hearing

Proposed changes to the sign regulations Continued from February 20, 2013

A public hearing to discuss proposed amendments to the Town of Derry Zoning Ordinance, specifically:

To amend Article II, Word Usage and Definitions, Section 165-5, Definitions, to amend the definitions for Flashing Signs, Projecting Signs and Window Signs and to add definitions to define the following: Advertising Device, Billboard, Marquee, Sign Permit, Abandoned Sign, Awning Sign, Directional Sign, Digital Sign, Electronic Message Center Sign, Government Sign, Ground Sign, Interactive Digital Sign, Non-conforming Sign, Off Premise Sign, Residential Neighborhood Identification Sign, Sandwich Board Sign, Special Event Sign, Unsafe Sign, Wall Sign and Warning Sign.

To amend Article VI, District Provisions, to repeal the following sections of the Article and to renumber them accordingly: Section 165-32.2.E, General Commercial III; Section 165-34L, Office Business District; Section 165-37G.3, Neighborhood Commercial District; Section 165-45D.2.f, Medium High Density Residential Special Exceptions; Section 165-45.1.C.2.f, Medium High Density Residential II Special Exceptions; Section 165-46B.2.f, Medium Density Residential Special Exceptions; Section 165-46E.5, Medium Density Residential Campgrounds; and Section 165-49H, Traditional Business Overlay District Signs.

To repeal Article XII, Signs and Billboards in its entirety and replace it with the following: Article XII, Signs, Section 165-100, Purpose; Section 165-101, General Provisions; Section 165-101.1, Signs in Residential Districts; Section 165-101.2, Signs in Neighborhood Commercial Districts; Section 165-101.3, Signs in Business, Commercial and Industrial Districts; Section 165-101.4, Signs in the General Commercial III District; Section 165-101.5, Signs in the Traditional Business Overlay District; Section 165-101.6, Campground Signs; Section 165-101.7, Political Signs; Section 165-101.8, Off Premise Signs; Section 165-101.9, Nuisance Signs; Section 165-101.10, Interactive Digital Signs; Section 165-101.11, Electronic Message Center Signs, Section 165-102, Non-Conforming Use Signs, and Section 165-103, (Reserved for Future Use).

Mr. Sioras advised that at the last meeting, the Board had reviewed the changes that had been incorporated by Code and Planning staff at the suggestion of NH Signs. This document contains the changes the Board wanted to see to the proposed amendments.

Robert Mackey, Code Enforcement Officer, noted this is the second public hearing regarding revisions to the sign regulations. All of the sign requirements have been pulled into one place rather than being scattered all over the Zoning Ordinance in the various districts. The proposed revisions clarify definitions and meanings, contain modifications to the Traditional Business Overlay District and remove limits on projecting signs. Electronic message centers will be allowed in the General Commercial and Industrial IV zones with some restrictions such as no animation. In addition, he did receive a phone call from a realtor. The current amendments allow a real estate sign of 6 square feet. The realtor would like to see that changed to 16 square feet because the typical commercial real estate sign is a half sheet of plywood. That change would be up to the Board to consider. He feels the document is otherwise ready to move forward to Town Council. Mr. Granese confirmed that currently, a real estate sign could be 6 square feet in size.

Motion by O'Connor to open the public hearing, seconded by Anderson. The motion passed with all in favor and the floor was open to the public. Mr. Granese asked that residential addresses be stated for the record.

Steve Trefethen advised he is a broker at Summerview Realty, located at 44 West Broadway. He also owns property at 13 North Shore Road. He stated he phoned Mr. Mackey to discuss the size of real estate signs. Many of the signs, such as those for Prudential, are 4 feet by 4 feet in size. They need to be that big to accommodate all of the lettering and the business logos. The signs are costly and can average between \$300 and 600.00 a sign. They are all special ordered and take up to half a sheet of plywood. There is no real reason why the Board picked 6 square feet, so he recommends that the Board allow signs up to 16 square feet.

There was no other public comment.

Motion by Milz, seconded by Bartkiewicz to close the public hearing. The motion passed with all in favor and discussion came back to the Board.

Mr. O'Connor noted there have been many workshops and these revisions have been in the making for a few years.

Motion by O'Connor to approve the proposed changes to Article XII, Signs, and to forward the changes to Town Council for their consideration.

Chase, Park, Anderson, O'Connor, Davison, Milz, Bartkiewicz and Granese all voted in favor and the motion passed.

Abutters to the Floyd School project were invited to view the plan ahead of time with the project engineer in an adjacent room.

Mr. Granese advised the Board would take the agenda slightly out of order and hear the Schibbelhute plan first.

Barbara Schibbelhute
PID 09084, 164 Hampstead Road
Acceptance/Review, 3 lot subdivision

Mr. Sioras provided the following staff report. The property is located at 164 Hampstead Road. The intent of the plan is for a 3 lot subdivision at the corner of Hampstead and Olesen Roads in the Low Medium Density Residential district. The Planning Board approved this plan in both 2006 and 2009. Mrs. Schibbelhute had some health issues and those approvals have expired. A developer has now come forward to purchase the lots from the family. The existing house will remain on the corner and two additional lots will be created. All town departments have reviewed and signed the plan. There are no waiver requests. NH DES state subdivision, wetlands permit and NH DOT driveway permits have been obtained and are in the file. He would recommend approval of the subdivision plan.

Tim Peloquin, Promised Land Survey, presented for the applicant. The parcel is a 6 acre lot, in a 2 acre zone. One of the lots will contain the existing dwelling which has existed for about 100 years. Mrs. Schibbelhute had this plan approved in 2006 and 2009 and it was finalized, with the exception of the recording of the mylar. The town approvals lapsed. The state approvals are current. For this application, he has replicated the plans, made a few small changes and obtained TRC staff sign off. Mr. Granese asked for an explanation of the changes. Mr. Peloquin explained the fire department note has changed. One new lot will be on town water, one will be on a private well. Mr. O'Connor asked if there was a hydrant at this location? Mr. Peloquin said there is one nearby. Mr. O'Connor asked what is the most remote location from that hydrant? Mr. Peloquin said Parcel 09081-005 is located about 500 feet away. The proposed driveway is also located about 500 feet away. Mr. O'Connor stated that if the house is within 1000 feet of a hydrant, it does not need to be sprinkled or have a cistern. The regulations say that fire protection can be a hydrant, cistern or residential sprinklers. Mr. Peloquin said they did not discuss that. Pending Board approval, he could work that out with staff and adjust the note accordingly. Mr. Chase said sprinklers are always the preferred method of fire protection if the developer wants the best and safest protection. Mr. O'Connor stated that per Section 170-30, the developer can choose between the available methods of fire protection, but he does not have to install sprinklers. Mr. Peloquin said he would look into that and provide an option as needed.

Mr. Anderson asked about the second lot on Olesen. Will it have water service? It will. The lot on Hampstead Road will not because the water service does not run along Hampstead Road. Mr. Anderson asked if an easement could be provided for future water service. Mr. Peloquin said he would look into the cost difference. Water service would make sense if the cost is the same as drilling a well. Mr. L'Heureux observed the existing house is close to Hampstead Road. It may be difficult to find the room for a water easement along the frontage. There may be conflicts with other utilities. Mr. Peloquin noted there is also a wetland crossing to consider. Mr. Anderson thought an easement could be placed along the property line between the two lots fronting on Olesen Road going along the property line to the lot on Hampstead Road. Mr.

Peloquin said there will still be wetland impacts. He would like to have an option for either the water service or the well. It would also depend on whether Pennichuck would be willing to expand the water service to include that lot.

Mr. MacEachern was now present and seated and Ms. Davison stepped down.

Ms. Davison was elevated to sit for Mrs. Choiniere.

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

Anne Goodrich, 6 Penny Lane, had questions regarding the water issue. She had been informed Mrs. Schibbelhute would be discontinuing her well. Does that mean parcels 09084 and 09084-004 would be served by Pennichuck? Mr. Peloquin advised those two lots would be served by Pennichuck and Parcel 09084-005 would have its own well, as proposed. Mr. Anderson suggested looking at the option of bringing water from Olesen along the property lines to Parcel 09084-005. Mrs. Goodrich said she wanted to understand the septic system proposed for 09084-005. It appears to be some distance from the proposed house because of the area designated for the well. The land slopes in that location toward her back yard. She is curious if the septic design includes the septic drainage field [leach field], and if all the runoff would be environmentally safe. Will they need to create a new surface for it to function? Mr. Peloquin explained that Parcel 09084-005 had test pits performed at a depth of 8 feet. The state approved the septic design for the 4000 square foot receiving area. Mr. Mackey will get a copy of the state approval. The house design, septic area design and water design are all approved. The area is shown on the plan to the rear. The septic will likely not be there. There are good soils on the lot. There is also a 50 to 75 foot setback from the wetland. The system could be placed in the proposed location but it would be cost prohibitive. He thought it would end up closer to the front of the lot and the final location would be approved by the Department of Environmental Services. Mrs. Goodrich advised she was concerned about the proposed location and wondered if a lot of that area would be cleared. There are turkeys there and a small wetland between the lots. Mr. Peloquin advised the state septic approval says that all drainage needs to stay on the lot. They can't pollute or add drainage to the neighbor's lot.

David Brown, 108 Olesen, asked if the existing home will remain or will it be razed? Mr. Peloquin said at this time, the house will stay and Mrs. Schibbelhute intends to just sell the other two lots. He can't speak for what might happen in the future. If the house is taken down, it will need to meet current setbacks if they don't construct in the exact footprint. The other two lots are intended for single family homes.

There was no other public comment.

Motion by Anderson to close the public hearing, seconded by Park. The motion passed with all in favor and the plan came back to the Board for review and discussion.

Mr. L'Heureux advised all off his department's issues were addressed.

Motion by Anderson to accept jurisdiction of the three lot subdivision application before the Board for Barbara Schibbelhute, PID 09084, 164 Hampstead Road, seconded by Bartkiewicz.

Chase, Park, Anderson, O'Connor, MacEachern, Davison, Milz, Bartkiewicz, and Granese voted in favor and the motion passed.

Motion by Anderson, seconded by Bartkiewicz to approve pursuant to RSA 676:4, I, Completed Application, with the following conditions: subject to owner's signature. Subject to on-site inspection by the Town's engineer. Establish escrow for the setting of bounds or certify the bounds have been set. Establish appropriate escrow as required to complete the project. Obtain written approval by the IT Director that the GIS disk is received and is operable. Deeds for the lots shall be drafted and language in the deed is to be reviewed by the Town of Derry Assessor or designee. The deeds for the lots shall be recorded with the plat. The above conditions all shall be met within 6 months, improvements shall be completed by September 06, 2014, and a \$25.00 check, payable to the Rockingham County Registry of Deeds shall be submitted with the mylar, in accordance with the LCHIP requirement, along with the appropriate recording fees. Mr. Anderson added a condition that the plan is subject to a utility easement to be located between lots 09084 and 09084-004 to serve lot 09084-005. Mr. O'Connor added a condition that the surveyor review Section 170-30, Fire Protection, and amend Note #10 as applicable on Sheets 2 and 3 of 5, regarding fire protection, after discussion with the Fire Department. Mr. Anderson and Mr. Bartkiewicz accepted the suggested amendment from Mr. O'Connor. Discussion followed.

Mr. Peloquin asked that as a condition, if the utility easement could be an option as it would be dependent upon Pennichuck taking jurisdiction of the service, the required wetland crossing and the potential cost. Mr. Anderson said if they are creating new lots, it is important to protect future owners so that if Pennichuck decides to expand, service can be expanded to Lot 09084-005. The best place for the utility easement would be along the lot line within the building setbacks. At some point, lot 09084-005 should have the ability to add water service if a future owner wants that. Mr. Peloquin said he could definitely add a future water easement, shown as a 20 foot width down the property line.

Chase, Park, Anderson, O'Connor, MacEachern, Davison, Milz, Bartkiewicz and Granese all voted in favor and the motion passed in the affirmative.

Mrs. Choiniere was now seated and Ms. Davison stepped down.

22 Lenox Road, LLC
PID 32040 and 32039, 22 Lenox Road and 20 Lenox Road
Acceptance/Review
Lot Line Adjustment

Mr. Sioras provided the following staff report. There are two plans before the Board this evening for this applicant. The first is a lot line adjustment, and the second is a site plan. Regarding the Lot Line Adjustment, there are two owners involved, 22 Lenox Road, LLC at 22

Lenox Road, and James & Elsie Isabelle at 20 Lenox Road. The lots are located in the Medium-High Density Residential zone. Town Department signatures were not required for this application. There are two waiver requests; one for topography and one for wetlands mapping. He directed the Board to the waiver request letter from TJW Survey, dated February 19, 2013. State permits are not required for this application. Mr. Sioras recommended approving both the waiver requests and the lot line adjustment plan.

Tim Winings, of TJW Survey, presented for the applicant. There are two plans to review this evening. The first is a lot line adjustment between lots 32039 and 32040, 20 and 22 Lenox Road. The lot line adjustment serves a dual purpose. The lot line, as it exists, is close to the house on 32039. The adjustment will move the line closer to 32040 and bring the house on 32039 into compliance with the current setbacks. Additionally, the front corner between the lots would move toward lot 32039 and extend the frontage for lot 32040. This will create enough frontage for 32040 so that they can create the second dwelling unit, which the Board will review on the site plan application. Both lots are on town water and sewer. The monuments are already in place. Staff has reviewed the plan, as has Keach Nordstrom (KNA). He has made the requested changes from staff and has reviewed the comments from KNA, which have been addressed for this plan.

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.

There was no public comment.

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

Mr. L'Heureux advised he has no comments with regard to the Lot Line Adjustment.

Mrs. Choiniere asked with regard to the existing two car garage, will there be enough room to park vehicles for the second unit? Mr. Winings said he could address that question when the Board reviewed the next plan.

Motion by O'Connor, seconded by MacEachern to accept jurisdiction of the Lot Line Adjustment plan before the Board for 22 Lenox Road, LLC, between 22 Lenox Road, PID 32040 and James and Elsie Isabelle, 20 Lenox Road, PID 32039.

Chase, Park, O'Connor, MacEachern, Milz, Choiniere, Bartkiewicz and Granese all voted in favor. Anderson voted no. The motion passed with the majority in favor.

Motion by O'Connor, seconded by Bartkiewicz to grant a waiver from the following sections of the LDCR, Sections 170-24.A.11, Topography and 170-24.A.13, Wetland mapping, as after review of the waiver request, the Board finds that specific circumstances relative to the plan, or conditions of the land in such plan, indicate the waiver will properly carry out the spirit and intent of the regulations.

Chase, Park, O'Connor, MacEachern, Milz, Choiniere, Bartkiewicz and Granese all voted in favor. Anderson voted no. The motion passed with the majority in favor.

Motion by O'Connor, seconded by Bartkiewicz to approve pursuant to RSA 676:4, I, Completed Application, with the following conditions: comply with the Keach Nordstrom Associates report dated March 01, 2013. Subject to owners' signatures. Subject to on-site inspection by the Town's engineer. Establish escrow for the setting of bounds or certify the bounds are set. Establish appropriate escrow as required to complete the project. Obtain written approval from the IT Director that the GIS disk is received and is operable. Deeds for the lots shall be drafted and the language in the deeds is to be reviewed by the Town of Derry Assessor or designee. The deeds for the lots shall be recorded with the plat. Note approved waivers on the plan. The above conditions shall be met within 6 months. Improvements shall be completed by September 06, 2014. A \$25.00 check, payable to the Rockingham County Registry of Deeds shall be submitted with the mylar, along with the appropriate recording fees, in accordance with the LCHIP requirements.

Chase, Park, O'Connor, MacEachern, Milz, Choiniere, Bartkiewicz and Granese all voted in favor. Anderson voted no. The motion passed with the majority in favor.

22 Lenox Road, LLC**PID 32040, 22 Lenox Road****Acceptance/Review****Site Plan – Multi-Residential****Addition of a two family dwelling on the existing lot at 22 Lenox Road**

Mr. Sioras presented the following staff report. The plan is for a residential site plan for the construction of two additional residential dwelling units (duplex) to total three such units on this lot. There is an existing home on the lot. The parcel is located in the Medium-High Density Residential District. All town departments have reviewed and signed the plan. Regarding waivers, Mr. Winings has indicated he will withdraw the wetland waiver request per the Keach Nordstrom comments. There are other waiver requests. There is a drawing of the proposed duplex attached to the plan set. No state permits are required.

Mr. Winings presented a Google earth photo to the Board of the property. It was taken from Lenox Road and shows the existing white house to the right, the existing driveway, and a tree line. It also shows the edge of 20 Lenox. The photo was retained for the file.

Timothy Winings of TJW Survey presented for the applicant. The plan is for a residential site plan. There is an existing house on the lot that has been extensively renovated and is occupied. The house is serviced by water and sewer. No state permits are required for this application. The plan has been reviewed by staff and their comments have been addressed. He believes the Board members have a copy of his reply to the Keach Nordstrom (KNA) comments. The proposal is to add a duplex to the lot on the back side of the property. The photo shows the view from the street. The proposed duplex would be behind the tree line and will be hidden from the street view. The driveway will go through the trees. There will be a turnaround for all three units. The owner intends to create a Condominium Association for possible future conveyance.

Currently, he will rent the units, but wanted this to be an option for the future. There are no wetlands until one reaches the golf course. The existing house has a water line that runs up the abutting property. That was a subject of the review comments. A new water line has been tapped for the duplex. There is an existing stub in the street that they put in before the road was paved this past fall. They will make a sewer connection for the new duplex by connecting to the sewer that serves the existing house. The line has sufficient size to accommodate the new connection. There are no zoning issues.

Mr. Anderson confirmed they are asking for waivers for the driveway access, sidewalk, landscaping and utilities. He asked Mr. Wining to walk the Board through those requests. Mr. Winings said he was not sure he needed one for an internal road system. If the Board feels he needs one, he will request it. He believes the current configuration for the driveway is sufficient.

Regarding additional waivers, he would request the following. They are requesting a waiver from Section 170-~~61~~62.B.1 that requires multi-family dwellings serviced by private roads to have those roads be 24 feet wide. This lot is small and there will only be three units on the entire lot. He feels the requirement for a 24 foot wide roadway is overkill. He feels the units will have sufficient access with the existing driveway.

They are requesting a waiver from Section 170-62.B.5, that requires lots with multi-family dwellings to have an interior walkway leading to a sidewalk on the right of way. There is an existing sidewalk on Lenox Road. Usually, house lots access the sidewalks via driveways and that is what they will do here. He does not feel the addition of a separate walkway to the street is necessary.

They are requesting a waiver from Section 170-64.B & C, which are specific to landscape requirements. They did not intend to add landscaping. The plan may not technically meet the requirements to vegetate at the road, but they feel there is sufficient vegetation on the site to screen and make the site pleasing in appearance. The driveway going through the trees is near the garage and will be hidden from the street. They will clear enough of the trees for the building envelope and driveway only. They feel that meets the intent of the landscape requirement.

They are requesting a waiver from Section 170-66.C for overhead utilities. All of the other houses on the road are serviced by overhead utilities. They feel having overhead utilities here would not be out of place.

Mr. Anderson commented with regard to the lot line adjustment the Board just approved, when looking at the building envelope, the existing house is outside of the building envelope on the east. He asked if the new structure will be in the allowable setbacks? The answer was yes and that the existing house would be grandfathered.

Mr. O'Connor indicated the plan is for a two story duplex on a lot with an existing two story house. He wanted to confirm the intent is to create a Condominium Association. Mr. Winings said that was the intent. Mr. Granese asked if there were any other duplexes in the area? Mr. Winings said there is a unit containing multi-family on Mt. Pleasant Street, but he is unsure of

the address. Mr. Milz confirmed the two unit duplex will be condos. Mr. Winings said there would be three units total on the lot making up the association. This would include the duplex and the house. They want to have this as a condition of approval so that options are left open for the future and they won't need to come back to the Board to create the condominiums.

Mrs. Choiniere asked if there is enough parking on the site? There is an existing two car garage. Will there be enough room for parking for the additional two homes? Mr. Winings said the duplex will have a garage for each unit. There is parking available in the turnaround area and in the space between the existing home and the garage. There will be six spaces total.

Mr. Milz asked with regard to the Homeowner's Association. It is important that if there are any Association rules that those be filed so that when someone buys the unit, they are aware of their rights and the by-laws. Mr. Sioras said that normally, as part of a conditional approval, those documents are provided to the town in draft form, reviewed by Town legal counsel at the expense of the applicant, and then recorded. Mr. Winings said the Planning Board approves the plan as a condo unit and the Declaration of Condominium, and when the structure is built, the condominium site plan and floor plan are also recorded to finalize the Declaration of Condominium.

Mrs. Choiniere noted the existing driveway appears to end at the garage for the house. How and where will that be extended? Mr. Winings pointed out the location on the plan where the driveway would go through the trees.

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

There was no public comment.

Motion by Choiniere, seconded by Bartkiewicz to close the public hearing. The motion passed with all in favor and the plan came back to the Board for review and discussion.

Mr. L'Heureux advised that DPW had items to be addressed. The outstanding item is not on the plan but was discussed with Mr. Winings via email and the developer is accepting of what will need to happen with regard to the water service to the existing two family home. This is an old neighborhood. The water service to the existing home is shared by ~~20-22~~ and 24 Lenox Road. The intent is to sever the connection and keep the current connection to 24 Lenox. They will add a new service to 20 Lenox (the existing house) and the new duplex. That would be a condition of approval. The comments from KNA should be added as conditions of approval also.

Mr. Winings said his impression was that there was to be either a new service or an easement for the existing service. They are opting for formalization of the easement rather than adding a new line. Mr. L'Heureux said that is not the discussion he had with the Water Superintendent. Mr. Winings said they can work that out. Mr. O'Connor confirmed that DPW's concern would be able to be addressed. Mr. Anderson said the existing water service for the existing house is coming from the east. The new service for the proposed duplex will come from where? Mr. L'Heureux said from the west side of the driveway. Mr. Anderson said if the new sewer service

will tie into the street and into the existing house, will that cause a potential future problem? Mr. L'Heureux said the sewer pipe is a 6" pipe and can accommodate the additional loading from the duplex. Multiple units can drain into the same 6" clay or PVC line. Mr. Anderson recalled there had been issues before with a shared sewer line. If something gets clogged and backs up the system, the people sharing the system start pointing fingers. Mr. L'Heureux said the Condo Association would be responsible per the Sewer Ordinance beginning at the sewer main. Mr. Anderson asked if they are expanding the water service up the driveway, why can't they expand the sewer service as well? They are digging from Lenox up the driveway to the new lot anyway. Mr. L'Heureux confirmed there is an existing stub in Lenox Road that is intended for this lot. Mr. Anderson thought that since they are digging from the road stub to the new structure for water, they could add the sewer at the same time but are now precluded from that for the next five years because the road was just paved.

Mr. Chase had several questions for Mr. Mackey, the Code Enforcement Officer. He understands the concept of multiple buildings on a lot as a condominium. The plan is for a multi-family building on a single lot, to be converted to a condo. This is the first time he has heard of an existing lot of record with a single family home adding a new building. There is no subdivision and he does not see fire protection such as sprinklers. He sees none of the usual necessities for a development of this kind. How can they do this? Mr. Mackey explained the new building would need to be constructed per the applicable building and life safety codes. This zone is MHDR and multi family is allowed for three units. That means units on the property. This is unusual, but it does meet the 150 foot frontage requirement for multi-family. It is odd and not seen often. Mr. Anderson commented if the Board had not approved the Lot Line Adjustment, they would not have the frontage they needed for this project. Mr. Mackey said without frontage they would have to apply for a variance. Mr. Anderson felt the Board might need to revisit the Lot Line Adjustment and make this more clear. Mr. Chase said the character of the lot is changing significantly because a building is being added. There should be buffers and a larger driveway. The existing dwelling is going to be left as a non-conforming structure with regard to setbacks. He feels this application skirts most of what would occur for new construction of three units.

Mr. Mackey said any new building would need to meet the 30 foot setback that is required for multi-family dwellings. They are asking for a waiver of the landscaped buffer because of the existing vegetation. Similar to the subdivision the Board just approved, the existing building is within the setbacks and is treated as an existing condition.

Mr. Chase discussed the waiver for the drive aisle; if they can make it 23.5 feet wide, why can't they make it 24 feet wide and meet the regulation? He then noted he was looking at the waiver request for the next application. Mr. Winings said they are only 23 feet wide for the turnaround at the duplex. The driveway is nine to ten feet wide from the existing house to the roadway. Mr. Chase felt this was skirting the requirements. He asked for confirmation that Mr. Winings wanted to leave the driveway at 9 feet? Mr. Winings confirmed, adding the driveway varies in width.

Mr. Anderson asked what is the width of a normal vehicle? Mr. Winings said typically seven to eight feet wide. A typical parking space is 9 x 18 feet. Mr. Anderson asked how two cars could

pass each other on this driveway? Mr. Winings maintained this would be a normal width for a shared driveway. This is not untypical for common driveways. Mr. Anderson said this is for two units, sharing the same driveway. Mr. Winings said it is not unusual for a shared driveway. There are other duplexes with shared access in town. He is not aware of any issues with them.

Mr. MacEachern felt valid points had been made regarding the driveway. The town should not continue poor practice. This is a long driveway. At some point there will be two cars trying to access the driveway at the same time. In some areas of town, there is not much choice. It seems this lot can accommodate the appropriate driveway width. He would support Mr. Anderson's suggestion. The condo development needs to be done right. Mr. O'Connor confirmed the applicant met with TRC but there are no notes from that meeting. The TRC signed off on this plan.

Mr. Granese noted there are four waivers before the Board and it is up to the Board to decide what to do with them.

Mr. Chase made a motion to reconsider the Lot Line Adjustment approval as after seeing this plan, he is not comfortable with his vote on the Lot Line Adjustment. Mr. Milz seconded the motion. Discussion followed.

Mr. Sioras noted that a party voting from the affirmative side of the decision needs to make the motion to reconsider. Mr. Granese noted Mr. Chase's had been an affirmative vote and he just made the motion to reconsider. Mr. MacEachern acknowledged the Board may have issues with this plan, but what are the options? A Lot Line Adjustment is pretty straightforward and there is not a lot of leeway for approval or disapproval. There is more leeway for the Board to ask for more details regarding the Condominium and the Board can require a different level of plan. Mr. Sioras said going back to the site plan discussion for a moment, the Board did not take jurisdiction and can ask for more information. The Board can vote the waivers up or down. If the Board denies the waivers, then they would need to comply with those requirements. If the Board does not take jurisdiction, it is saying the application is not complete. Mr. O'Connor suggested a site walk. Mr. Anderson said if the Board reconsiders its vote on the Lot Line Adjustment, the site plan could not come before the Board without the applicant first going to the ZBA. Mr. MacEachern said he understood that, but was not clear on why Mr. Anderson would deny a lot line adjustment. Mr. Anderson said the applicant wanted the lot line adjustment so that they could obtain the appropriate frontage.

Mr. Granese sat Ms. Davison in place of Mrs. Choiniere as Ms. Davison had voted on the Lot Line Adjustment application.

On the motion to reconsider the vote approving the Lot Line Adjustment, the Board voted as follows: Chase, Park, Anderson, Davison, Milz, Bartkiewicz and Granese voted yes; O'Connor and MacEachern voted no.

Mr. Granese stated the Board has moved to reconsider its vote on the lot line adjustment. It will now vote to approve or disapprove the lot line adjustment application.

Motion by Anderson to table the Lot Line Adjustment application to April 3, 2013 to sort out what is required. The motion was seconded by Park.

Chase, Park, Anderson, O'Connor, MacEachern, Davison, Milz, Bartkiewicz and Granese voted in favor.

It was noted the Lot Line Adjustment has been tabled. The Board has not accepted jurisdiction of the Site Plan, so therefore cannot take action on it this evening. The site plan hearing will also be tabled to the first meeting in April. Mr. Sioras asked that Mr. Winings speak with staff, resolve Mr. Anderson's issues, and take care of the KNA comments. Mr. Winings asked if a site walk would be scheduled? Mr. MacEachern and Mr. Granese both felt that the Board should not schedule a site walk for the site plan as the Board had not taken jurisdiction of the application. They can decide regarding a site walk on April 3, 2013.

Ms. Davison stepped down and Mrs. Choiniere resumed her seat.

Extended Realty, LLC

PID 26232, 37 Highland Avenue

Acceptance/Review, Apartment Development

Renovation of the former Floyd School to create a total of 20 apartment units

Mr. Sioras provided the following staff report. The project is for redevelopment of the former Floyd School into twenty apartment units. The property is located in the Medium-High Density Residential District. The units would be a combination of studio, one bedroom and two bedroom apartments. In 2007, the Planning Board approved an 18-unit condominium project for this site; that approval has expired. All town departments have reviewed and signed the plan. There are waiver requests. No state permits are required. He advised his office received several phone calls, and a letter from one of the abutters (12 Florence) was presented to him this evening

Mr. Granese asked who is the owner of the building? Eric Spofford advised he is a 50% owner of Extended Realty, LLC, along with Robert Nano, who owns the other 50%. Mr. Granese advised he would need to step down from this application. Mr. O'Connor would become Chair Pro-Temp.

Ms. Davison was seated for Mr. Granese for this application.

Mr. Spofford, 168 Island Pond Road, advised that he wanted to make a statement. He is also an owner at The Granite House, which is located at 35 West Broadway in Derry. This project is not part of The Granite House and is a separate entity and project, with no affiliation or ties to The Granite House. This is solely a 20 unit apartment building.

Nicole Duquette, of TF Moran, presented for the applicant. [Note: Ms. Duquette handed out a color rendering of the site to the Board members and copies of sheets 2-6, 8 and L1. Some of the sheets had revision dates of 3/4/2013. David Gleason had handed out proposed floor plans of the interior that were shared among the Board members. One copy of each submission was retained for the file.] Ms. Duquette provided the following overview. This is the site of the former Floyd

School which is abutted by Florence Street to the south, Highland Avenue to the east and to the west is Horne's Brook. The zone is MHDR which allows multi family. There is a small, paved area to the rear, as well as two existing retaining walls, one of which will be removed. The site plan calls for the expansion of pavement to the west and south to allow for parking. The proposal is for a 20 unit apartment building, made up of 11 two bedroom apartments, 4 one bedroom units and 5 efficiency/studio units for a total of 31 bedrooms. The parking calculations require 39 spaces and they are providing 47 spaces. David Gleason, the project architect, is also present this evening and can answer questions; the proposal will meet all life safety and building codes. The plan is to replace the windows along the bottom of the building. In order to do that, they will need to drop the grade along the brick building. They will regrade and improve the private way as much as they can. They can't make it flat, because they don't want to harm the abutters. The entrance is no longer to the front, but will be to the side of the building that faces the private way. The entrance facing Highland Avenue will remain but be for aesthetics only; there will be no access to apartments through that area. There will be four entrances to the former gym area. Two will be next to the brick building providing access to the brick building as well, and two will be handicap entrances to the accessible apartments. Those apartments will be located to the south of the building and will have their own entrances to the units. The handicap parking spaces will be adjacent to that end of the building for those units.

Regarding improvements to the building itself, they will leave the brick facade alone. The steel gym addition will have a new facade. They will apply brick for the first 32 inches and then add vinyl clapboard above that. With regard to landscaping, they had to change one of the birches originally noted on the plan. They have substituted Japanese Lilac. The change was a result of the proposed lighting.

Regarding drainage, the plan is to keep all the runoff on site as much as possible. There will be a break point in the private right of way so that the water will run into the parking lot. In the center of the parking lot is an underground infiltration system with 36" perforated pipe, and sand material. The system has an isolator row that is wrapped in fabric. This acts as a separator. The water drains to the rest of the system after the sediment and floatables have been removed. It will then be recharged and treated before it goes into the ground. In calculating for a 50 year storm event, the system will infiltrate most of it. A very minor outlet of water will go into the infiltration trench. The system as designed, will take care of large storms and will not increase runoff on the site.

With regard to utilities, there will need to be improvements for the water service and the building will be sprinkled. There will be a new water line added for the new hydrant, fire protection and domestic service. Overhead utilities will enter the building at the corner near the proposed electrical room. This will entail moving the overhead wires from the existing location near the center of the building.

Ms. Duquette advised there are several waiver requests. The first has to do with the residential buffer requirements. The property directly abuts a private way. They will need to ask for a waiver even though this is how the site has been for years. The waiver is to decrease the buffer width between the parking space and the abutting property.

The second waiver is for a reduction in the drive aisle width. She felt there should be a sidewalk to the side of the building. Although at code at 3.5 feet wide, it would be better at 4 feet wide. This would require a reduction in the drive aisle width from 24 to 23.5 feet. They also are asking for a reduction in the side setbacks along the private way.

Regarding overhead utilities, the LDCR requires all utilities to be underground. They are asking for a waiver to keep the utilities overhead. Because of the nice retaining wall to the front, they did not want to have to impact it to put in the utilities. They did not feel it was worth affecting the walls and rails in that location. There are already overhead utilities to this building; they would just move the location of the line. Ms. Duquette said she does have a copy of Vanasse Hangen Brustlin's comments on the plan and they will do the revisions as requested. Some of the revisions have been completed already and are noted in the package she handed out earlier. They have added additional pavement in the parking lot for additional maneuvering room. They will add the curb to the south edge of the parking lot. All of the parking lot is curbed so that the water goes into the site. With regard to lighting, they have added a lighting plan to the plan set and a copy of that was also provided this evening.

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

Craig Busteed, 33 Highland Avenue, stated this project will infringe on their property and their property value. Currently, there are three to four cars on the private way. This will increase to almost 50 cars. Traffic will come and go all day and night on a 23 ½ foot wide road. They have a hard enough time getting into the private way. They will go from no neighbors to 40 neighbors. He feels this is a drastic increase. They would like to see something done with the school, but feel that this proposal is too much.

Rochella Cross, 20 Highland Avenue, has concerns with traffic coming in and out of a small driveway. When the lot was a school there were issues with parked cars on Highland Avenue. Now there will be 40 spaces behind the building which is additional, ongoing traffic that will not be limited to school hours. They want to see something done with the school but 20 units is excessive. She has safety concerns.

Darby Sullivan, 20 Pleasant Street said twenty units is excessive and this will change the demographics of the neighborhood. There could be 47 cars all at one time on the lot, and where will multiple visitors park for parties? Will they park in the street? The building is an eyesore and she agrees it needs to be renovated. She feels 20 units is excessive for the neighborhood and should be reduced.

George Ploude, 25 Highland Avenue, asked for an explanation of what happens to the solids that are filtered out of the run off? Ms. Duquette explained that drainage and any solids would run off into the isolator row. The system is to be maintained once annually and inspected twice annually. They are jet-vacced to the drain manholes which have a three foot sump. The solids are washed in and then vacuumed up. Mr. Ploude asked about the pavement and current paved area. Ms. Duquette advised she did not have the drainage report with her, but any additional runoff will go to the drainage system. They are not using pervious pavement. Mr. O'Connor

asked if she could explain what she meant by “solids”. Ms. Duquette said that would include any kind of sand or debris from the pavement. It would be anything that washes into the catch basin during a storm. Mr. Ploude said he also had a concern with regard to the number of units. The last approval was for 18 units. He understands that 20 is allowable and is an allowed use. He had heard they want a waiver of the dimensional width of the road. This is not unlike the previous site plan. It was a nightmare as a school. At 5:30 pm this road becomes a freeway. With the speeds on the existing road, this area can’t accommodate the additional traffic. Twenty is an unconscionable number. There are traffic and runoff issues. There is additional room to accommodate an access to Florence Street. He is not sure why this was not considered. He is also concerned that the applicant is the owner of Granite House. He has stated there is no intention to extend it [Granite House] but in reality, there was a Facebook post stating this will be Granite House Phase III which is sober living. This concerns all of the abutters and has caused uneasiness in the neighborhood. He is not sure what will happen. The original plans called for a meeting room and office. The number of units is concerning because everyone knows that for a sober house they cram them into the bedrooms. How many beds will be in these units? He implores the Board not to grant any of the waivers and to not approve this plan. Just because something is legal does not make it right.

Mr. O’Connor asked if Mr. Ploude had any information about a traffic signal at this location? Mr. Ploude stated when the school was in operation there were some small traffic control devices in place for the buses. There weren’t that many students, there were probably eight or nine classrooms in the building. Mr. Anderson asked if Mr. L’Heureux had any information about signals on this street? Mr. L’Heureux did not recall any. Mr. MacEachern did not recall any either. Mr. Ploude said the buses parked out front, not on the private drive. Now there will be two way traffic.

Ms. Cross stated there are signal lights in place. One is directly across from the school and one is at 18 Highland Avenue. It was a yellow flashing light that indicated there was a school zone and motorists should slow down.

Amy DeDiminico, 25 Highland Avenue, indicated she had a concern with regard to the dumpster. The plan shows one dumpster for 20 apartment units. That means the refuse trucks will be on site several times a week to pick up trash. She began to speak about The Granite House and Mr. O’Connor advised that there will be no discussion regarding Granite House. The applicant has made it clear that this project is for apartment houses. Ms. DeDiminico said the applicant had said the Broadway building was to be rooming houses but it went straight to sober living. Mr. O’Connor stressed the application is for apartments. Ms. DeDiminico felt that meant apartments for sober living. Mr. O’Connor said all discussion needs to be kept to the plan in front of the Board. Ms. DeDiminico said she felt the entrance to the property should be 24 feet wide. They won’t have a second entrance onto Florence Street. What if there is an emergency on the street and they can’t get to the other side of the building? There are many small children in the neighborhood. Traffic is bad enough. Property values will decrease. No one wants to live near an apartment building. She is concerned with safety for the children, traffic and speed, and too many people in the neighborhood. This area is zoned for multi-family but there are no other 20 unit buildings on the street.

Michael Buckley, 22 Highland Avenue, advised he also owns land at 27 and 29 Highland Avenue. He has lived on Highland Avenue or nearby Pleasant Street for 59 years. He feels this will have a drastic change on the character of the neighborhood. He asks the Board to consider the nature of the neighborhood, what it has been and what it should be. He also wants to see the Floyd School cleaned up but 20 units will change the character to an inappropriate degree. Regarding signals, there has never been a red/yellow/green light here. There was a flashing yellow on Highland near where McGregor Street comes out. It would go on and off depending on when school was in session. Floyd School had 180 students. He served at one time on the School Board and is well aware of the numbers. Traffic when school was in session was minimal. Many of the kids walked to school. There may have been four to five buses, 180 days during the year. This traffic will increase over the former use and speaks to the change in character of the neighborhood. The plan calls for a waiver of the 24 foot drive aisle to 23.5 feet; the actual entrance to the private way is 22 feet wide.

Ms. Duquette stated the reduction of the entrance to 22 feet is a traffic calming measure. The regulation states the drive aisle must be 24 feet wide; the entrance can be less than that. She believes 22 feet matches the current width. Mr. Buckley asked if there would be a traffic island taking up some of the entrance? That would further reduce the 24' island. He does not see it on the plan but had been told by Mrs. Robidoux there would be one. Mr. Buckley was advised there will not be an island at the entrance. The plan includes a waiver for underground utilities. He requests the Board deny that. There is nothing nice on the property to save, including the front retaining walls.

Sheldon Wolff, 190 Rockingham Road, advised he resides in Atkinson. He stated the building is over 100 years old and will undergo extensive renovation. Does this Board take into consideration Federal Renovation, Repair and Painting (RRP) rules and regulations, and will the Board consider that as part of this application?

Charles Lundergan III, 40 Highland Avenue, said he mimics other comments made this evening. This is a nice, quiet road with kids. What is in the plan for overflow traffic and parking? Mr. Anderson asked if there are any "No Parking" signs on the road? Mr. L'Heureux advised there are some on the private way. He is not sure about on Highland Avenue. Ms. Duquette said a sidewalk is located on the school side of the road near the stairs. There is a retaining wall and private way. There will be a fire hydrant on the property and eight additional spaces for overflow parking. They can add a few more, but wanted to keep the impact and disruption on the site to a minimum. They have also discussed "No Parking" signs on the private way. They can do that if the abutter wants that so no one is parking near their driveways. Mr. O'Connor noted Mr. Lundergan said this is a quiet street. Mr. Lundergan said it is a quiet neighborhood. Others have said there is high traffic speed. The traffic is increasing, but it is owner occupied traffic. If more people are in the neighborhood, it will add to that and people will be parking in front of their house, even with the no parking signs that are there now. Mr. Park noted this road is used as a cut through during the day, but most of the time it is a pretty quiet neighborhood.

Mr. Busteed, 33 Highland Avenue, asked for an explanation of the waiver for the frontage. Mr. O'Connor said with regard to the change in the entrance, if the Board does not grant the waiver the access will be 24 feet wide. Mr. Busteed said he uses the right of way to get to his property.

He also has a boat and trailer and winters them at the end of the street. He has heard this referred to as a private right of way/driveway. He can't keep the boat in its current location. He will need access to his driveway to back it in. If the building pulls out any further it will be encroaching. Mr. Anderson explained there will be parking spaces in front of the entrance to the building with a 4 foot sidewalk, 18 feet of parking space and 23 ½ feet of driveway, leading to Mr. Busteed's lot. The access could stay at 24 feet and the sidewalk could reduce to 3.5 feet.

Mr. Busteed said this project will affect him in that they will go from two neighbors to a bunch of people walking in near his front door. The noise and lighting will be intrusive to his neighborhood. He is afraid that 40 strangers next door will change that. Five of these units will be smaller than his kitchen. Mr. Anderson confirmed that the Lorenz family accesses their lot from the private way as well. Ms. Duquette advised their gravel driveway is shown on the plan but not the color rendering.

Mr. Busteed asked if they could install light shades? The size of the units is concerning. He would like to see people rent to stay in the neighborhood; he does not want transients. He improved his house when they bought it. He works hard for this property and neighborhood and is invested in it. He wants the site to be attractive to long term renters. How can he compete as a landlord with what will be there; it will detract for his future renters. He wants to see this property maintained. He notifies the town when there are issues on the property. He wants to make sure this does not affect him or his neighbors. The site is not even plowed regularly. He can't see any evidence the owners care about the site. Mr. O'Connor noted the town has not given the owner any approvals to go forward. Mr. Busteed said all of the improvements will be on their side of the right of way, including the new electric and water. He would like to see a sidewalk there. Mr. O'Connor stressed the owner has not been given any permission to go anything on the lot yet. Mr. Busteed said he wants the opportunity to air his concerns while he can.

Colleen Lundergan, 40 Highland Avenue, echoed the other comments. Her main concern is the number of units, the number of people and the number of cars. She lives at the bottom of the hill. It can be dangerous trying to get in and out of her driveway in the morning. The quality of life will change. The number of people in the neighborhood will triple with the addition of this one building. She does want to see this building renovated, but would prefer larger family apartments. What is proposed does not fit the neighborhood.

Steve Trefethen, 13 North Shore Road and 8 Storer Court, felt this was an excessive use for the property. There will be 11 two bedroom units. The economy is bad. People move into one bedroom units with children. He asked the Board to consider the fact that the building pays about \$12,300.00 a year in taxes. Twenty to thirty children can be added to the school system. This building could add \$160,000.00 to the taxpayers and that is a substantial amount of money to put into the schools. There will be 47 parking spaces on the property. His son owns a place five houses away. This neighborhood has been child friendly without many cars. His son is reconsidering living in this neighborhood now. There will be 47 spaces plus the associated traffic. Floyd School had traffic two times per day. The buses came and left at the same time every day. It is also important that Granite House is across the street from his business. Mr. O'Connor advised this project is for an apartment complex and the Board is not going to talk

about Granite House. Mr. Trefethen said Mr. Spofford said he owns the property but the tax card says it is owned by Robert Nano. Mr. O'Connor asked Mr. Trefethen to keep his comments to the plan. Mr. Trefethen asked if the Board is doing anything to make sure this does not turn into a three-step program? Mr. Spofford is not in the apartment business. His website says he does substance abuse. He had a post after purchasing this property that said this was going to be Phase III. Mr. Trefethen said he felt this information was important to this discussion. Mr. O'Connor firmly stated the Board is not going to talk about that. Mr. Anderson said Mr. Spofford is a 50% owner, Mr. Nano owns the other 50%. People do invest in real estate. He requested remarks be kept to the application before the Board.

Mr. Trefethen said the Planning Board is charged with preserving the tranquility and safety of the residents. That is its job and Mr. Spofford needs to speak to this. Mr. Spofford's Facebook post came out after he purchased this property. Mr. O'Connor said the Board is not going to discuss a Facebook posting. Mr. Anderson said that has nothing to do with this application. Mr. Trefethen said he wants to know what Mr. Spofford's intended use is? Is the Planning Board doing anything to protect this so that it will truly be an apartment building? Just because he puts it on the application; the Planning Board needs to look outside of the box and protect the children. Where will he do his third step of the program if not here? Mr. O'Connor said the Board has to look at what is before it. He asked Mr. Trefethen to finish up his comments. Mr. Trefethen said the Board should answer his questions. He left a package with the Board members that contained a copy of the tax card for 37 Highland Avenue, a copy of the state business listing for Extended Realty, LLC, a copy of an email from Darby Sullivan to Steve Trefethen with the alleged Facebook post, and copies of webpages from The Granite House website. There was also a copy of a press release posted to the Addiction Professional website, and a copy of this evening's agenda. A copy of the packet was retained for the file.

Laura Powers, 34 Highland Avenue, said she has lived in the neighborhood for fifteen to sixteen years. This is a busy street that is a cut through. She is concerned for the kids playing in front of her house. There have been incidents with screeching brakes where cars have to stop because of the kids. The increased traffic is a concern. She also has a concern for the number of units. Homeowners have settled here and it is family oriented. The efficiency units seem to be short term and she would rather see the family atmosphere. People renting in efficiency apartments are not there to raise a family. When it was Floyd School, the street was lined with teacher's cars. She is not sure how the overflow will affect her property. What will be available for the children who will be in the rental units? Has the owner considered a playground there? Will this be family oriented? Mr. O'Connor asked if there was a playground on the property when it was the Floyd School? Ms. Powers said yes. Mr. Milz noted the expanded parking will be where the playground used to be.

Elizabeth McGowan, 33 Highland Avenue, agrees with the concerns already expressed. The grade of the private way is very steep; currently it has grooves in it. Many times the Fire Department can't make it up the drive. For the handicap units on the other side of the building, can the Fire Department reach them? She feels safety is an issue without another means of access. She is not sure the grade will work at the entrance. Mr. Anderson noted the engineer had discussed changing the grades. Ms. Duquette stated the worst part of the access is to the south side. The plan is to take the slope and decrease it slightly. They can't make it flat as they need

to match the abutter's slope. They will regrade to the best extent they can. They do plan to minimize the slope as much as possible. Ms. McGowan said their trash pickup will not go up this hill. She was concerned about fire trucks and ambulances not being able to access the lot. Mr. Anderson asked Ms. Duquette if they considered access to Florence Street. Did they look at that? Ms. Duquette said the grade was prohibitive. There is a dramatic grade change. There is also the issue of the 10 foot retaining wall on that side of the property. Mr. Anderson asked what is the distance from the corner to Florence Street? Ms. Duquette thought it was around 160 feet or so. The elevation changes about 36 feet over that distance. She advised there would be over 22% slope on the driveway if they tried to go to Florence Street.

Norman LeBlanc, 18 Pleasant Street, did not think that 47 spaces with one exit sounded right. What if there is an emergency? Are there any rules that prohibit 47 spaces with one exit?

Rick Ganley, 16 Pleasant Street, also had a concern with the number of units, the number of people, the number of beds in the apartments and traffic. This is a narrow, small neighborhood. Snow infringes on the street parking. It may be the owner can put 20 units because of the zone, but just because that is the maximum density, doesn't mean it works with any particular lot. Much of the lot is unbuildable because of the slope. Mathematically, if the slope area was removed, he does not think they could get the current density. He would also like to see the building improved and occupied, but dozens of bedrooms and extra traffic will change the character of the neighborhood. This is excessive in this neighborhood.

Mr. Trefethen had a question for Ms. Duquette. What kind of solids and oil will be in the parking lot? What kind of oil is it and where does it go? Ms. Duquette said they plan to treat the floatables, which are leaking fluids from vehicles [things that float], sand and debris. This is standard practice. Floatables or sediment such as sand or something that sinks, will all be caught in the catch basins which have deep sumps and snouts to make sure that the floatables stay in the catch basin and the sediment settles. If anything goes past the catch basin, it gets collected in the isolator row, so there are two levels of treatment. The sediment will stay there until it is vacuumed out.

Ms. Powers, 34 Highland Avenue, understood there could not be a second access to Florence because of the slope, but what about wrapping around the building to Highland again? Mr. MacEachern said he and Mr. L'Heureux just looked at because they also considered it, but once they performed the calculation, they found that made even less sense because of the grade.

Mr. Sioras advised a letter has been received from the owners of 12 Florence, the Gerardi's. He read the letter into the record. In the letter, Mr. Gerardi expressed concerns regarding potential redevelopment of 37 Highland Avenue and they are outlined in a May 16, 2007 letter to the Planning Board. He has concerns as well with the retaining wall on his property. He asked that the wall be fixed and maintained. He also had concerns with regard to stormwater and post development impacts, and wanted to ensure any impacts would be mitigated. The correspondence was retained for the record.

There was no other public comment.

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

Motion by MacEachern that given the comments from abutters, it would be prudent to hold a site walk and not move any further on this matter until the Board does that so that they can gather data in order to ask the appropriate questions. The motion was seconded by Bartkiewicz.

Park, MacEachern, Davison, Milz, Choiniere, Bartkiewicz and O'Connor voted in favor; Chase and Anderson voted no. The motion passed with the majority voting in favor.

Mr. Anderson asked if Board members could ask questions while the engineer was here? Mr. MacEachern felt the Board could, but the Board should not take further action until after the site walk.

Mr. Chase asked with regard to the waiver requests; why not split the difference with the right of way and sidewalk and stay at 24 feet with a 3.5 foot sidewalk? Ms. Duquette said if that is the pleasure of the Board, they can do that. Mr. Chase asked with regard to the existing electrical. Since they are regrading here anyway, why not take the utilities off the pole and put them underground? They will be digging for the hydrant and water service anyway and are almost at the corner of the building. Ms. Duquette asked Mr. Gleason if that would affect the building?

David Gleason, architect, said they wanted to keep the utilities overhead because of the access into the building. They may not be able to penetrate into the wall. They are going to upgrade the interior electrical. As it is, he is not sure how it would be affected. Mr. Chase said that was his point. They are going to be doing a lot of work in that area and digging anyway. The service entrance is moving to that corner of the building. It makes sense. Mr. Gleason said he would look at it. They may look at the transformer also. Mr. O'Connor asked if the sidewalk, if reduced, will meet the ADA requirements? Mr. L'Heureux was not sure of the ADA requirement. Ms. Duquette said it would have to be 3 feet wide. She may add wheelstops in front of the curb for those parking spaces. Mr. L'Heureux thought it prudent if doing the electrical to follow up with PSNH and make sure they can connect to the pole. They may need to go to a different location.

Mr. Anderson said the Board had heard comments regarding the Florence Street access issue and parking and that is helpful. In 2007, there was a proposal for 18 units. What is the layout difference between the 2007 proposal and this one? Ms. Duquette said the previous proposal had a large addition where the gym is currently located. The gym was to be demolished and they were going to create a large addition. The plan was for 2 bedroom "vista" apartments and they were not using the basement of the building. That was going to be storage. The other plan did not propose the renovations they are proposing to the building. They are increasing window height and adding sprinklers. The other proposal did not have 5 units in the basement (which is noted as the first floor on the interior floor plan). Mr. MacEachern asked for more information

with regard to Unit 6. What is that? He can see a bedroom and studio apartment. It is a two bedroom apartment.

Mr. O'Connor asked with regard to lighting. Ms. Duquette said they are proposing 20 foot poles that are dark sky compliant. It will be standard box lighting with shielding. Mr. O'Connor asked if they will be adjustable so that they dim as they approach the private way? Ms. Duquette said the lights are shielded on that side. One light was proposed in the right of way but they have decided it was too close to the McGowan home and have removed it. The foot candle level on the plan provided shows they reduce to zero at the property line. Mr. O'Connor asked what controls the flow in the detention system for a 50 year storm? Ms. Duquette said in the 36" pipe, the water would need to get up to the top of the invert. In this case, it would need to get to the top few inches of the 36" pipe, before it would overflow to the infiltration system.

Mr. O'Connor asked if any of the Board members knew what Mr. Wolff had been referring to when he spoke of the 100 year old building? Mr. Anderson thought it was a historical requirement; but there are no historical requirements to be met in this particular building. Mr. O'Connor asked if there will be a meeting room or office in this building? Mr. Gleason said they never intended to have those types of rooms in this building that he was aware of. He had not been asked to include any in the interior design. Mr. Milz said before this was proposed for an 18 unit building, the Derry Housing and Redevelopment Authority was to receive federal money to purchase this building from the School Board. There had been a HUD plan for 18 single bedroom apartments on the first and second floor. There could have been 6 more in the basement and 6 one bedroom apartments in the metal building. That would have been a total of 24 one bedroom apartments and an additional 6 apartments on this site. That is what was proposed by HUD. Eighteen to twenty units has seemed reasonable to him. That would have been a combination of senior and low cost housing. The federal money ended up going to Nashua instead. That plan never came to the Planning Board as it never got past the development stage.

Mr. Anderson reiterated there should be a second look at underground utilities. They have ruled out a direct link to Florence Street, or a horseshoe. Something must be done at the opening for the Highland Ave entrance, so look at that to see if it can be wider than 22 feet. It needs to be able to accommodate wide turns in and out of the access, taking into account the McGowan property. They will be digging up land for the hydrant and while the excavator is there, maybe they can do something. Regarding fire department access, Mr. Chase has indicated to him that all of the trucks with the exception of the ladder truck can access this site. This is not an unusual condition in town.

Mr. Milz asked with regard to the existing retaining wall. He shares the concern regarding the Gerardi property. Will those walls be repaired or fixed? Ms. Duquette said TF Moran's structure department went out and inspected the wall. It looks as though it is in rough shape as there is rust all over it, but it is structurally sound. She can get a memo from the engineers if the Board would like one. Mr. Sioras said he would provide Ms. Duquette with a copy of the Gerardi letter. Mr. Anderson said the wall was unsightly and it should be fixed. Mrs. Choiniere asked if the existing retaining wall is removed on the south side of the building at Highland Street, what would that do? Why was it there originally? Ms. Duquette said that is a timber retaining wall. They will build a new one because they are expanding the parking lot past that point, so they will replace it.

Mr. Sioras said they may want an entrance island, similar to the one at Sunview Condominiums, that has landscaping in the middle, so that there can be two way traffic. Ms. Duquette said they need to be careful of how wide they make the entrance because they are chasing the slope and don't want to make it too steep. Mr. Anderson said if they put in an island, it will take away land they need for turning radius, but they need it wider so that they avoid conflicts. Mr. Sioras asked Ms. Duquette to better define the recreation area noted on the plan.

The Board discussed a date for the site walk.

Motion by Anderson, seconded by Choiniere to table this plan to April 3, 2013, and to hold a site walk for this project on Saturday, March 23, 2013 at 10:00 a.m.

Chase, Park, Anderson, MacEachern, Milz, Davison, Choiniere, Bartkiewicz and O'Connor voted in favor and the motion passed.

Mr. Granese was seated as Chair and Ms. Davison stepped down. Mr. MacEachern departed the meeting.

Workshop

Planning Board discussion of proposed amendments to the Town of Derry Zoning Ordinance, specifically the General Commercial zone.

Mr. Granese said there have been multiple workshops on the proposed rezoning in the General Commercial zone. He is of the opinion that all of the issues have been brought to the table. The last few workshops have not brought forward any new information and discussion has been repetitive. He would like to move this forward to a public meeting. The Board was in agreement and there were no objections. This item will be placed on the next agenda of the Planning Board to schedule a date for a public hearing on the matter.

There was no other business to come before the Board.

Motion by Anderson, seconded by Milz to adjourn. The motion passed with all in favor and the meeting stood adjourned at 10:03 p.m.

Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____