

The Planning Board for the Town of Derry held a public meeting on Wednesday, March 20, 2013, at 7:00 p.m., at the Derry Municipal Center (3<sup>rd</sup> Floor Meeting Room) located at 14 Manning Street in Derry, New Hampshire.

Members present: David Granese, Chairman; John O'Connor, Vice Chairman; Frank Bartkiewicz, Secretary; John P. Anderson, Town Administrator; Darrell Park, Jan Choiniere, Jim MacEachern, Members; Ann Marie Alongi and Lori Davison, Alternates.

Absent: Randy Chase

Also present: George Sioras, Planning Director; Elizabeth Robidoux, Planning Clerk; 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, and noted the location of the exits, and meeting materials.

## Escrow

### #13-08

**Project Name: Subdivision Plan of 20 Lawrence Road**

**Developer: Bella Vista Homes, LLC**

**Escrow Account: Same**

**Escrow Type: Cash**

**Parcel ID/Location: PID 06001, 20 Lawrence Road**

The request is establish cash escrow in the amount of \$8540.64 for the above noted project.

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

## Minutes

The Board reviewed the minutes of the March 06, 2013, meeting. Two corrections were noted: Page 9, paragraph 3, change Section 170-61.B.1 to 170-62.B.1 and on Page 10, paragraph 9, change 20 and 24 Lenox to 22 and 24 Lenox.

Motion by MacEachern, seconded by Bartkiewicz to accept the minutes of the March 20, 2013, meeting as amended. The motion passed with Alongi abstained.

## Correspondence

Mr. Bartkiewicz advised the Board is in receipt of a letter from Sheldon Wolff of Atkinson, New Hampshire, regarding the Planning Board workshop that was held on March 06, 2013. The Board will read the letter into the record when it holds the public hearing on the proposed changes to the General Commercial zone. The Board is also in receipt of the annual report from the Rockingham County Conservation District and an invitation to the Office of Energy and Planning's 19<sup>th</sup> Annual Spring Planning and Zoning Conference. It is to be held on Saturday, May 11, 2013 at the Radisson in Manchester. Any member who is interested in attending should speak with Mr. Sioras. The March/April edition of *Town and City* is also available.

## Other Business

### Site Walk

Mr. Sioras reminded the Board of the site walk scheduled for Saturday, March 23, 2013, beginning at 10:00 a.m. at 37 Highland Avenue, the Floyd School. Mr. Granese advised he would not attend as he has recused himself from this application.

### Schedule Public Hearing – Proposed Zoning Amendments – General Commercial

Motion by MacEachern to schedule a public hearing on April 17, 2013, to discuss proposed amendments to the Town of Derry Zoning Ordinance, relating to the General Commercial zone. Bartkiewicz seconded the motion.

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

### Voluntary Merger - Reeves

Mr. Sioras advised the purpose of the merger was to combine three lots into one. The lots are located in the area of town referred to as the Rainbow Lake Area, or Upper Shield's Pond off of English Range Road. A building lot will not be created as there is an existing home on 7 Greta. The Derry Assessor has signed off on the deletion of the two parcels and the merger of the three lots.

Motion by MacEachern to approve the voluntary merger of 14 Alice Road and 16 Alice Road with 7 Greta Avenue, as proposed in the application for Voluntary Merger before the Board, pursuant to RSA 674:39-a, received by the Planning Office on March 18, 2013. The motion was seconded by Bartkiewicz.

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

**Public Hearing****Vito Solomini****PID 08066 and 08067, 39 & 43 Tsienneto Road****Acceptance/Review, 3 lot subdivision**

*Mrs. Choiniere recused herself from this application. Ms. Alongi was seated for Mrs. Choiniere.*

Mr. Sioras provided the following staff report. The purpose of the plan is for a lot line adjustment and 3 lot subdivision located on Tsienneto Road in the Medium Density Residential District, which is a one acre zone. One new building lot is being created. There are existing dwellings on two of the parcels. All town departments have reviewed and signed the plan. There are no waivers requested. There are no state permits. He would recommend approval of the lot line adjustment and three lot subdivision plan.

Tim Peloquin of Promised Land Survey presented. He advised although the plan reference indicates an address of Rockingham Road in Londonderry, the applicant resides at 43 Tsienneto Road. The plans have a lot of information on them. There are two lots of record. At the end of the day, the intent is to have three lots, creating one new building lot. The original plan approved in the 1970's had three building lots. The owner of the middle lot (08066), merged two of the lots into one. Mr. Solomini purchased the adjoining 4 ½ acre parcel (08067) and then purchased Parcel 08066. He has improved the property and his intention is to recreate the third lot (proposed 08066-001). Mr. Peloquin advised they conducted the appropriate surveys: perimeter, HISS mapping, topography and soils, and are essentially replicating what was approved in 1973. Regarding the HISS mapping, they will need to perform a series of lot line adjustments in order to meet today's regulations. Notes #1 and 5 on Sheet 2 explain the adjustments. There are two lots now, but they are creating one new building lot for a total of three lots. The proposed and existing driveways meet sight distance requirements, and all safety codes. Signatures were obtained from the Technical Review Committee. He is aware Mr. L'Heureux has a comment on the plan as they had a discussion earlier today and he is prepared to address that.

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

There was no public comment.

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

Mr. Anderson asked Mr. L'Heureux if there are any impacts with the sidewalk in this location, or will it have any connection to the work the town is doing on the sidewalks on Tsienneto? Mr.

L'Heureux said the town work will take place further down on Tsienneto and the sidewalks are on the other side of the road.

Mr. L'Heureux advised he had a discussion with Mr. Peloquin regarding the driveways. Each lot needs to have its own driveway on its own property. Parcel 08067 has a portion of its driveway on the lot to the right, 08067-001. That driveway will need to be discontinued or an access easement obtained from the abutter. The driveway does exist today as configured, but now the owner is making changes to the property, he will need to comply with today's regulations. Mr. Peloquin said the owner prefers to keep the driveway in the current location. The plan notes a line for "proposed altered driveway". He does encroach on the neighbor's property. The lines have been marked in the field and this driveway has been in existence for a long time. This was one of the original homes on Tsienneto Road and the neighboring lot was subdivided off from it, leaving the driveway in place at the time of subdivision. Mr. Solomini would like to keep the driveway in its current location for safety reasons. Mr. Peloquin does agree the issue should be resolved. He would propose the applicant either obtain an easement from the abutter for the driveway access, or the driveway would need to be saw cut and restored on its own lot and the access on the abutting lot eliminated.

Mr. Anderson noted there are three buildings on one lot (08067). How many residences are there? Mr. Peloquin stated there is only one residence. Mr. Anderson asked what are the buildings behind the house? Mr. Peloquin stated one is a "man cave". Mr. MacEachern noted he lives nearby and has always thought those were houses in the rear. Mr. Peloquin said Mr. Mackey has inspected them and there are no kitchens. Based on his information, Mr. Peloquin said there are no other residences on the lot.

Mr. Anderson confirmed that the plan will call for 08067 to give land to 08066, and 08066 will give land to create 08066-001. Mr. Peloquin agreed, stating they adjusted the lot lines in order to meet the HISS requirements.

Mr. Anderson asked Mr. L'Heureux how the town felt about the circular driveway issue? Mr. L'Heureux agreed there were two options available. He thinks from the applicant's standpoint, it would be easier to obtain the easement rather than having to encroach on someone else's property for the construction/deconstruction of the existing access. Mr. Peloquin commented there is also the potential issue of adverse possession. The driveway has been in existence and use for over twenty years in its current location. The Board felt that trying to obtain an access easement would be the best option for the applicant.

Motion by MacEachern, seconded by Bartkiewicz to accept jurisdiction of the lot line adjustment and three lot subdivision plan before the Board for Vito Solomini, 39 and 43 Tsienneto Road, PIDs 087066 and 08067.

Park, Anderson, O'Connor, MacEachern, Alongi, Bartkiewicz and Granese all voted in favor and the motion passed.

Motion by MacEachern, 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 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 deed is to be reviewed by the Town of Derry Assessor or designee. The deeds for the lots shall be recorded with the plat. Wetland Scientist stamp shall be on the final plat. Add missing abutter, Parcel 08070. Obtain an easement, granted between Parcels 08067 and 08067-001 for the existing driveway. The above conditions shall be met within six months. Improvements shall be completed by September 20, 2014. A \$25.00 check, payable to Rockingham County Registry of Deeds, should be submitted with the mylar in accordance with the LCHIP requirement, along with the appropriate recording fees. Discussion followed.

Mr. Peloquin asked if the conditions could be amended regarding the driveway to add that the driveway be discontinued or removed over the abutting lot in the event the applicant cannot obtain the access easement? They want to be able to meet the conditions of approval.

Mr. Granese confirmed Mr. MacEachern and Mr. Bartkiewicz were comfortable with the friendly amendment and that amendment was added to the conditions.

Park, Anderson, O'Connor, MacEachern, Alongi, Bartkiewicz and Granese all voted in favor and the motion passed.

*Ms. Alongi stepped down and Mrs. Choiniere resumed her seat.*

**Triangle Credit Union  
PID 25008, 3 Windham Road  
Acceptance/Review, Site Plan  
Change from medical office to credit union**

Mr. Sioras provided the following staff report. The property is located across from the Hess gas station at the intersection of Windham Road, Kendall Pond, Birch and Rockingham Road. This is a change in use from a medical office building to a credit union with drive through and associated parking. The property is located in the Office/Medical/Business district. All departments have reviewed and signed the plan. There are waiver requests and a state septic permit will be required. He would recommend approval of the waivers and the site plan.

Chris Tymula of MHF Design Consultants presented for the applicant. Also present were Mark Warner, Executive Vice President and Steve Fowler of Triangle Credit Union as well as Heather Monticup of Greenman-Pedersen, Inc.

Mr. Tymula advised the property is located on Parcel 25008, at 3 Windham Road, at the intersection of Shute's Corner. To the north is Kendall Pond Road and to the East is Windham Road. There is an existing one story building, centrally located on the lot, with a breezeway and two stall garage. There is an on site septic system, town water and 38 parking spaces. The

current entrance to the building is to the front and south. There is minimal on site stormwater treatment, which includes a drywell and catch basin that discharges to the town system on Windham Road to the east. The site flows west to east. There is an existing wood fence along the property line that is in disrepair, which they will look to replace with a six foot tall vinyl fence.

The intent is to demolish the breezeway and garage, remove the curb to the north and south of the existing structure. They will keep the main portion of the existing structure. They will replace the existing septic system, and are awaiting DES approval on the new design.

Mr. Tymula advised they will construct a 24 x 36 addition and canopy, with two drive through lanes, an ATM lane and a bypass lane. The main access to the drive through lanes will be from Windham Road with an eleven foot drive that opens to two, 11 foot drive lanes and ATM/bypass lanes. The site was originally approved in 1995. At that time, the site was built to plan with the exception of the entrance to Kendall Pond Road which is 20-22 feet wide rather than the required 24 foot wide drive aisle. Part of the redevelopment includes expanding that entrance to 24 feet wide. Current parking will be reduced from 38 spaces to 30 spaces. The main entrance will be moved to the south side of the building. There will be a new ramp, sidewalk, two handicap parking spaces, a new dumpster and enclosure, and new curb to the north and west of the site. They will maintain the existing curb line to the west and south. In 1995, a variance to the setbacks was granted to allow a 5 foot setback. Today the setback is 7 feet and they will not encroach on that. They will maintain the existing curb line.

With regard to grading, they will match the existing grade as much as possible. A new stormwater plan is proposed that includes three catch basins, a stormceptor/treatment device which will discharge to the existing Windham Road drainage system. They will also use porous asphalt in a few areas. The redevelopment results in a 3500 square foot increase in pavement. They have mitigated the run off and meet the pre and post development requirements for stormwater. They have not yet been able to perform test pits on the site due to access restraints and winter conditions. There is the potential, although it is unlikely, that the seasonal high water table will be too high to allow them to utilize the proposed plan. If the seasonal high water table is too high, they will add underground stormwater treatment rather than the porous pavement. Mike Fowler has reviewed the proposed stormwater calculations and would review any changes if they have to utilize the underground treatment.

Mr. Tymula advised they have submitted several waiver requests. One requests the elimination of the plantings along the fence. The fence is four to six feet lower than the parking lot. Any shrubs planted along the fence would not be seen. They thought it would be better to disperse the same number of plantings throughout the site instead. They are proposing a three sided sign, the details of which have been provided on the plan. They have also provided two dimensional building elevations as well as a three dimensional rendering of the building. The view of the rendering is of the credit union as one enters from Windham Road. They plan to use a green roof and vinyl siding. They have brought along samples of the roofing material and siding for the Board to view if they choose. They also intend to utilize the existing brick. There will be an ADA compliant ramp which is not shown on the rendering but is on the site plan.

Mrs. Choiniere asked who would use the front entrance (facing Kendall Pond); there is no parking there. Mr. Tymula said that is really just an egress point and not intended to be a main entrance. Mr. Granese asked with regard to the building materials. They will use vinyl siding and clapboards and the existing brick? Mr. Tymula said they will use the existing brick as well as cedar shakes along the bottom, for the first two to three feet. Mr. Granese asked if they had considered granite? He also asked for confirmation that there is an on site septic and the lot is served by town water. Mr. Tymula said they will put in a new septic system. They do need NH DES approval for the design but the system will be located in the same general area as the existing system. Mr. Anderson noted there is town sewer nearby. Have they evaluated tying into the system and utilizing a pump station? Mr. Tymula explained his client feels it is cost prohibitive to run a new line. When his firm worked on the Hess plan, they had to design for a forced main. His client would need to evaluate the cost of the forced main to this site versus the new septic system, which would be considerably less expensive. Mr. Anderson stated the town will be working out on Rockingham Road in the fall for the sewer main upgrade project. The applicant may want to consider this option again. It makes sense to connect a commercial building to the town sewer. Mr. Tymula said they also looked at the dry line sewer that is on Windham Road. He is not sure if the town is looking at activating that line? Mr. Anderson suggested Mr. Tymula speak with Mr. Fowler on that issue. The town work on Rockingham Road will be to the east. It might be beneficial for the applicant to look at the option of tying into the town system while the town is working in that area. Mark Warner thought it would be about 320 feet in order to tie into the system.

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

Al Deltrecco, co-owner at 8 Kendall Pond, advised the biggest concern is with the traffic. The exit on Windham Road is very close to Shute's Corner. It will be difficult for traffic pulling out of the site trying to get into the left lane to go to Birch Street. The slope leaving the Credit Union is reasonably steep pulling onto Kendall Pond Road. The visibility is somewhat limited. The lights will also play a factor as some lanes will be blocked by traffic waiting for the green light.

Mr. O'Connor recalled the site used to be a funeral home and then was a sports rehab facility. How was the traffic with those two uses? Mr. Deltrecco said that the former businesses did not have a lot of vehicle traffic. Occasionally there were issues with people pulling out of the site if people did not stop to let them out. He knows a bank can get busy, especially at the end of the week. Mr. Tymula said currently, there is full access in and out of the site off Kendall Pond Road and Windham Road. The plan is that the grades will be lessened and they will open up the access to 24 feet on Kendall Pond Road. For traffic, it is not feasible to go out of the site onto Kendall Pond Road, so they are adding "no right turn" signs at the end of the drive throughs. Anyone utilizing the drive throughs or ATM will need to exit onto Windham Road. Ms. Monticup looked at the Hess traffic study and added the trips projected for Triangle Credit Union. There is no change in the level of service at the light, and this use will only add one trip over 8 1/2 to 15 minutes. Based on this, they don't feel traffic will be an issue. Mr. Anderson noted the people going through the drive through lanes will be encouraged turn left, but there will be no enforcement if they turn right and try to go out onto Kendall Pond. Mr. Tymula said

the location of the existing building on the site made any other configuration infeasible, they will add stop bars and do what they can to keep the traffic circulation per the plan.

Mr. Anderson asked if there would be a stacking lane when people take a left turn from Kendall Pond onto the site? How do they plan to alleviate conflicts for the people who have taken a right off Birch and want to cross the two lanes of traffic on Kendall Pond to enter the site? Mr. Tymula said they will maintain the existing driveway curb cut as it has worked in the past. He feels it will continue to work. Mr. Deltrecco said he sees a potential conflict. What is the change in elevation? That is a short slope and he agreed there is no stacking distance on Kendall Pond. People will be stopped in the single lane, waiting to turn left into the site from Kendall Pond. Mr. Tymula said they intend to raise the grade 1½ to 2 feet, then it will taper down to match the existing grade in the parking lot. Mr. Deltrecco said another concern is at Shute's Corner with people going left. It is a very quick light at this intersection. Mr. Tymula felt there would not be an issue as he has entered the site in this location on site visits. Mr. Anderson noted there are times during the day when the traffic stacks back and the entrance may be blocked. At that point, his concern is that someone entering the site may create a conflict with cars in the bypass lane.

There was no further public comment.

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

Heather Monticup, PE, noted Mike Fowler had some of the same concerns as noted by the Board members that the PM peak would have conflicts. There is a minimal increase in traffic as result of this use and it does not change the level of service on movement in the intersection. Delays are 2.6 seconds or less. The overall delay is less than 1 second. The redevelopment won't affect the signalized intersection. Regarding the left turn onto Kendall, she does not anticipate any stacking issues. Someone may be able to pull into the painted island on Kendall Pond Road while waiting to turn left into the site. Cars should be able to bypass anyone waiting to turn left onto the site. Cars do back up in the left hand turn lane on Kendall Pond, waiting to turn left onto Birch Street. Kendall Pond Road does exceed the trips by one vehicle during peak, but a car can wait in that island.

Mr. Anderson thought a car would sit in the lane to the west and back up traffic. If they are in the west lane, they will cause traffic to back up. Mr. L'Heureux said at grade, there is a sidewalk, and the lane is fairly wide. People have been known to utilize that area. Mr. Anderson asked how many cars can stack on Kendall Pond waiting to turn on Birch? Mr. L'Heureux said without a scale it is difficult to be certain but it appears as though 6 to 8 cars could fit. Ms. Monticup said at 25 feet per vehicle (average), they can fit 6 to 7 cars in that area.

Mrs. Choiniere asked if there will be any signage in the painted island? Ms. Monticup said it is not a two way, left turn. Mrs. Choiniere asked if they can mark it so that people will go through? Ms. Monticup said she did not think there was enough pavement width; it is wide enough for one vehicle. They don't want to take away from the stacking in the left turn lane at Shute's Corner.



Mr. L'Heureux advised Mike Fowler's memo discusses stormwater and the porous pavement. The applicant will need to perform test pits to make sure the pavement is going to work. The proposed water service detail also needs to be added to the plan, and a decision needs to be made with regard to fire suppression for the building.

Mr. Tymula said they are not required to sprinkle the building, but they are showing the potential sprinkler service to the building. The client has yet to make a decision. They will provide all the details required by Public Works on the revised plan.

Mr. Anderson commented there is a residential lot to the south and one to the west. He noted one of the waivers asked to take away the plantings on the western side. Mr. Tymula said there is an existing fence along the residential property line. The fence is in bad disrepair. The regulations state that for every so many feet of fencing, there should be plantings. They have asked to be able to disperse those plantings throughout the site instead of putting them along the fence. Mr. Anderson recalled the Board granted a similar waiver for the driving range proposal.

Motion by Choiniere to accept jurisdiction of the site plan application before the Board for Triangle Credit Union, 3 Windham Road, PID 25008, seconded by MacEachern.

Park, Anderson, O'Connor, MacEachern, Choiniere, Bartkiewicz and Granese all voted in favor and the motion passed.

Motion by MacEachern to grant a waiver from the following sections of the LDCR, Section 170-61.A.11, HISS mapping, 170-61.A.12, Wetland mapping and 170-64.C.3.c, Use of fencing, as after review of the waiver requests the Board finds that specific circumstances relative to the plan, or conditions of the land in such plan, indicate that all the waivers will properly carry out the spirit and intent of the regulations. Choiniere seconded the motion.

Park, Anderson, O'Connor, MacEachern, Choiniere, Bartkiewicz and Granese all voted in favor and the motion passed.

Motion by MacEachern, seconded by Park to approve pursuant to RSA 676:4, I, Completed Application with the following conditions: Address comments as indicated in the Public Works Director's memo dated February 26, 2013. If test pits prove that porous pavement is not an option for this site, a Condition Compliance Hearing shall be held to review the revised drainage and parking lot details. Subject to owner's signature. Subject to onsite 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. Note approved waivers on the plan. Subject to receipt of state or federal permits relating to the project. Look at the possibility of a sewer extension. On sheet 4 of 12, change "proposed three sided free standing sign" to "triangle sign". The above conditions shall be met within 6 months. Improvements shall be completed by September 20, 2014. Discussion followed.

A friendly amendment was suggested by Mr. Anderson to look at the stacking distance on Kendall Pond Road and ensure there will be no problems as there had been some concern with the D and E levels of service.

The amendment was accepted by MacEachern and Park.

Park, Anderson, O'Connor, MacEachern, Choiniere, Bartkiewicz and Granese all voted in favor and the motion passed.

Mr. MacEachern welcomed Triangle Credit Union to Derry. He felt this would be a nice use for the building. Mark Warner, Executive Vice President of Triangle Credit Union stated they have been in Derry for a while and have about 5,000 members. They have serviced Parkland Medical Center for many years. They look forward to having a place in town.

Ms. Alongi confirmed the Board has been voting this evening with the appropriate quorum.

Motion by MacEachern, seconded by Alongi to adjourn. The motion passed with all in favor and the meeting stood adjourned at 8:01 p.m.

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

\_\_\_\_\_  
Secretary

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