

The Planning Board for the Town of Derry held a public meeting on Wednesday, April 02, 2014, 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: Dave Granese, Chairman; John O'Connor, Vice Chairman; Frank Bartkiewicz, Secretary; Randy Chase, Administrative Representative; Michael Fairbanks, Town Council Representative; Jan Choiniere (7:12 p.m.), Darrell Park, Members; Lori Davison, Frank Mazzuchelli, Marc Flattes, Alternates.

Absent: Ann Marie Alongi, Jim MacEachern

Also present: George Sioras, Planning Director; Elizabeth Robidoux, Planning Clerk; Mark L'Heureux, Engineering Coordinator

Mr. Granese called the meeting to order at 7:02 p.m. The meeting began with a salute to the flag. Mr. Granese then introduced the staff and Board members present.

*Ms. Davison was seated for Mrs. Choiniere; Mr. Mazzuchelli was seated for Mr. MacEachern.*

### **Election of Officers**

Mr. Granese opened the floor for nominations of officers.

Nomination by Bartkiewicz to seat David Granese as Chair, seconded by Park. There were no further nominations.

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

Nomination by Park to seat John O'Connor as Vice Chair, seconded by Bartkiewicz. There were no further nominations.

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

Nomination by O'Connor to seat Frank Bartkiewicz as Secretary, seconded by Park. There were no further nominations.

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

It was noted Ms. Alongi was not in attendance this evening. *Mr. Flattes was seated for Ms. Alongi.*

**Review of Town of Derry Planning Board Policy and Procedures**

Mr. Sioras advised at the annual organizational meeting the Planning Board elects officers and reviews its Policies and Procedures. The document is read at two consecutive meetings prior to being accepted. Any changes will be added to this document and read at the next meeting. Suggested changes should be forwarded to Mrs. Robidoux in advance of the next meeting.

**Escrow****#14-06**

**Project Name: Parking Lot Expansion – Granite House**

**Developer: CCN Realty, LLC**

**Escrow Account: Same**

**Escrow Type: Cash Escrow**

**Parcel ID/Location: 29139 and 29140, 33 & 35 West Broadway**

The request is to establish cash escrow in the amount of \$38,471.76 for the above noted project.

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

**Minutes**

The Board reviewed the minutes of March 19, 2014, meeting.

Motion by O'Connor, seconded by Bartkiewicz to accept the minutes of the March 19, 2014, meeting as written. The motion passed in favor.

**Correspondence**

Mr. Bartkiewicz advised the Board is in receipt of information from the NH Office of Energy and Planning relative to the Spring Planning/Zoning conference which will be held on May 3, 2014 at the Mountain View Grand in Whitefield. For more information or to register, Board members can speak with Planning staff prior to April 25th. DES has sent information relative to the extension of municipal groundwater/aquifer zoning to protect Wellhead Protection Areas. Derry has already accomplished this as it has adopted a Source Water Protection Plan.

**Other Business**

Mr. Granese congratulated Mrs. Choiniere and Mr. Park on their re-appointment to the Board, Mr. Chase on his appointment as the Administrative Representative, and welcomed Mr. Flattes as an alternate.

Voluntary Merger of 2, 4, & 6 Howards Grove

Mr. Sioras advised the lots are located in Howards Grove, which is in the southeast portion of Derry, off of North Shore Road on Big Island Pond. There is an existing house and barn on the properties. The intent is to consolidate the three lots into one. It is not uncommon for the areas around the lakes to have small lots such as these that date back 100 or more years. Staff would recommend approval of the merger. The Department of Public Works had no issues with the request.

Motion by O'Connor to approve the voluntary merger of 2, 4, and 6 Howards Grove, PIDs 18004, 18005, and 18006, seconded by Bartkiewicz.

Chase, Fairbanks, Park, O'Connor, Flattes, Davison, Mazzuchelli, Bartkiewicz and Granese voted in favor and the motion passed.

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

Request to extend approval, Extended Realty, PID 26232, 37 Highland Avenue

Mr. Sioras advised this is the site of the former Floyd School. The Planning Board granted conditional approval for a 19 unit apartment building. The Planning Board has granted one extension and the applicant is looking for another. Mr. Sioras advised he spoke with the developer and the realtor, and they are close to finalizing a sale of the property. One of the conditions to be met is establishment of escrow. He met with a potential developer yesterday. Given the current conditions of the property, this project would be a benefit to the community. He would recommend approval of a six month extension. Mr. Granese confirmed the Board normally only grants two extensions. Mrs. Choiniere asked Mr. Sioras if he thought six months would be enough time? Mr. Sioras felt it would, given the contents of the letter received from the realtor, his phone conversations with him, and the meeting with the potential developer.

Motion by O'Connor, seconded by Bartkiewicz to approve the second request for extension for PID 26232, 37 Highland Avenue, not to exceed six months.

Chase, Fairbanks, Park, O'Connor, Flattes, Mazzuchelli, Choiniere, Bartkiewicz and Granese voted in favor and the motion passed.

Other

Mr. Sioras advised the Board will hold a public hearing in two weeks to discuss the changes to the Livestock Ordinance. Staff has forwarded the zoning changes on Folsom Road to Town Council for their consideration and approval; that should be on their agenda sometime in May.

**Public Hearing**

SECOND public hearing to discuss proposed changes to the Land Development Control Regulations, Section 170-30, Fire Protection, clarifying the distance between fire cisterns/hydrants and building lots as well as providing clarification regarding cistern specifications.

Mr. Sioras provided the following staff report. The Board held the first public hearing at its last meeting. Comments had been received on the document from Tom Carrier, the Water/Wastewater Superintendent. The Board accepted the suggested amendments. Chief Klauber, James Kersten, and Randy Chase worked on the proposed amendments. The changes in red show the newly defined distance from the fire protection to the access drive of the building lot. The proposed changes also allow the town to now comply with state statute.

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

There was no public comment.

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

Mr. Granese asked if all the suggested changes had been incorporated? They had been. Mr. Sioras explained that the amendments would become effective immediately if the Board approved them. This matter did not need to be approved by Town Council. Mr. Flattes asked if the proposed changes were in both red and blue? Mr. Sioras explained the changes in red were the initial changes; those in blue were the newer amendments suggested by staff.

Motion by O'Connor to approve the proposed changes to the Land Development Control Regulations, specifically to Section 170-30, Fire Protection, clarifying the distance between fire cisterns/hydrants and building lots as well as providing clarification regarding fire cistern specifications. Bartkiewicz seconded the motion.

Chase, Fairbanks, Park, O'Connor, Flattes, Choiniere, Mazzuchelli, Bartkiewicz and Granese voted in favor and the motion passed.

Mr. Granese thanked all who worked on the proposed amendments.

**Parkland Medical Center**  
**PID 05043-001**  
**1 Parkland Drive**  
**Acceptance/Review**  
**Site Plan, 7000 SF addition**

Mr. Sioras presented the following staff report. The purpose of the plan is for a 7,462 square foot addition to the existing facility to be used as a behavioral health unit. All town departments

have reviewed and signed the plan. There is a waiver request from LDCR Section 170-61.A.11, Soil Mapping as the building is on town water and sewer, so there is no requirement for soils mapping. He would recommend approval of both the waiver request and the site plan application.

Chris Rice, of TF Moran presented for the applicant. Also present were John Burke, Director of Plant Operations, Michael Parma of JSA Architects, and Jeff Scionti, Chief Operating Officer of Parkland Medical Center.

Mr. Rice provided additional colored renderings of the site plan for the general public. He noted the location of the proposed addition on the lot; it is just to the left of the existing entrance. The parcel is identified as Map 5, Lot 43-001; the total acreage of the parcel is 15.4 acres in the Office Medical Business zone. The existing building totals 126,800 square feet which is approximately 2.9 acres. They are proposing a two story addition for behavioral health, at 3700 SF per floor, for a total addition of 7462 square feet. The existing fire lane has been removed to accommodate the addition. After several discussions with the Fire Department, the fire lane has been relocated and the parking lot alignment has been shifted. A truck turn movement plan has been provided and has been approved by the Fire Department. Ten spaces have been lost as a result of the angling of the parking spaces. Four spaces have been lost as a result of removal of pavement. They are required to have 327 parking spaces on site. Today there are 565 spaces; once this project is completed there will be 551 spaces, but they still exceed the requirement. New landscaping and a new grease trap will be installed as the existing grease trap will need to be removed to accommodate the addition. A waiver from the soils mapping requirement has been requested. Mr. Rice showed an architectural rendering of the new addition which will match the existing building. A copy was not provided for the record.

Mr. O'Connor asked for the purpose of the removable bollards shown on the plan? Mr. Rice explained the area is intended as a loading area and has been cross hatched. They are adding the bollards to ensure people don't accidentally drive down into that area. They are also adding signage to direct traffic around the entire site.

Mr. Granese asked if the behavioral health unit will be used as a place for group meetings? Can the use be further explained? Mr. Scionti advised the unit is intended for inpatient psychiatric patients. Currently, the patients come in through the emergency room and there is difficulty in placing the patients locally. They stay in the emergency room (ED) waiting for placement into a local bed. They would have inpatient group therapy and private therapy. Mr. Granese asked if they will be performing criminal evaluations? Mr. Scionti explained this is not an involuntary placement unit, it is a voluntary placement unit. Normally, their patients have a seven day stay. This is not a facility such as Bridgewater in Massachusetts. Mr. Flattes asked if the patients who stay for seven days are substance abuse patients? Mr. Scionti said their unit is for inpatient psychiatric, not addiction purposes. The closest inpatient hospital is Hampstead Hospital which has limited beds and does not take Medicare. The state is currently short over 155 needed beds.

Mr. Fairbanks asked as to the occupancy of the addition. Mr. Scionti advised the hospital currently has 7-8 beds, and at the end of five years plans to have a total of 14 beds. There would be fourteen patients maximum, plus the associated staff.

Mr. Granese asked if the Derry Police Department arrests someone and wanted them evaluated would that person go to Parkland? Mr. Scionti said they would go to Parkland to be evaluated by the Psychologist through the ED. The doctor would then make a determination for voluntary or involuntary admittance. If voluntary, then Parkland would find a bed for them. Involuntary admits go to Manchester or Concord. This is not a restrained unit because the patients are voluntary admits. He stressed that involuntary admits go elsewhere.

Mr. Chase asked as to the age group of the patients. Mr. Scionti said the age range is 18 to 64; although they might have slightly older adults. Mr. Chase noted the Fire Department signed off on the elimination of the current emergency access drive. Currently, he sees semi-tractor trailers and the portable MRI unit parked near this area; will those vehicles and the MRI unit still be able to maneuver the site when the parking lot is full? Mr. Rice said they will. That was a large discussion item with the Fire Department. He originally designed the parking area with two way access; that caused a concern. He eliminated the two way access in the parking lot and provided room for extended cab vehicles. They now show a one way traffic pattern. Mr. Chase asked how will trucks get back out near the ambulance entrance? Mr. Rice showed the traffic pattern, adding he has added hospital exit directional signs.

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

Charlene Batten, 8 Pierce Avenue, spoke in opposition to the project. She understands the need for the program, but there is no guarantee that the voluntary program will work. Patients would be able to walk out of the unit near her home and there are issues with drugs in the area. She feels traffic on Pierce is an issue. People cut across the parking lot next door at 44 Birch Street and exit near her home. She wanted to know how her home and her family can be protected; she does not want her family placed in jeopardy because of this project. How will the Derry Police Department maintain the safety of the residents on Pierce Avenue? They already have their hands full. Pierce Avenue has been used as an escape route in the past when the gas station and bank were robbed.

Mr. Scionti spoke to the security of the unit. The unit is locked for the safety of the patients, staff and community. It will be more secure than it is now when patients are in the ED. Ms. Batten noted that since the admissions are voluntary, there is no way for the hospital to keep people there short of a court order. She believes patients have a right to sign themselves out. Mr. Scionti said if a patient decides to leave voluntarily they have a program in place to work with the patient. If the patient is deemed to be an involuntary admit, they have strict criteria. 70% of their current patients are voluntary; they have looked at the needs of the community for this type of service.

Ms. Batten stated she does not believe any program will be able to cure the majority. Mr. Scionti advised they collaborate with Center for Life Management. There are few programs anywhere statewide that hold patients for longer than five to seven days. They have also partnered with their sister hospital, Portsmouth Regional Hospital and they are very successful. Ms. Batten asked who provides the added security? Mr. Scionti said they have security officers. The Derry

Police Department has supported this effort. The addition of this unit, plus the security, will be a benefit to the community. Ms. Batten disagreed. She feels this project will put a lot of people at risk and inquired if the hospital can handle depression and substance abuse patients? Mr. Scionti said they refer out the substance abuse patients. Ms. Batten stated she objects to this plan for safety reasons and feels people will walk across the parking lot, down her road, to get to Alexander Carr Park.

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

Mr. Granese asked if the windows open? Mr. Parma said they are fixed. Mr. O'Connor asked with regard to the emergency exit gate that leads to Pierce Avenue. That has been open; is it is required to be closed? Mr. Burke explained they keep it open in the winter to allow emergency vehicle access; he felt Ms. Batten was referring to the 44 Birch Street parking lot.

Mr. L'Heureux stated DPW had no issues with the plan. All utility requirements in the parking lot have been met.

Motion by O'Connor, seconded by Bartkiewicz to accept jurisdiction of the site plan application before the Board for Parkland Medical Center, 1 Parkland Drive, PID 05045-001.

Chase, Fairbanks, Park, O'Connor, Flattes, Mazzuchelli, Choiniere, Bartkiewicz and Granese voted in favor and the motion passed.

Motion by O'Connor to grant a waiver from the following section of the LDCR, Section 170-61.A.11, to not provide US Department of Agriculture Soil Conservation Service mapping as the existing site is serviced by municipal water and sewer. After review of the waiver request the Board finds that strict conformity to the regulation would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations. Bartkiewicz seconded the motion.

Chase, Fairbanks, Park, O'Connor, Flattes, Mazzuchelli, Choiniere, Bartkiewicz and Granese voted in favor and the motion passed.

Motion by O'Connor, 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 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 waiver on the plan and that the above conditions are met within 6 months. Discussion followed.

Mr. Granese said he would like to add a condition to address the abutter's concerns. Could the Board come up with wording to the effect that the hospital will work with the abutters in the event there are any future problems with security issues? Mr. O'Connor asked if he was talking about a serious breach? Would this mean some type of alarm system? Mr. Granese was more centered on if the neighborhood had security issues. Mr. Sioras noted the Derry Police



Department has a relationship with the hospital. Mr. O'Connor suggested that perhaps the abutters could have a direct line to a person in authority in the event they have any issues. Mr. Burke stated any concerns regarding operations or security would be directed to him through the main number. Mr. Granese noted there needs to be places such as this unit, but he wants to make sure any direct abutters can have a contact at the hospital.

Mr. Chase cautioned the Board. Mr. Burke could get inundated with calls. There are people in the ED all day long; he sees a myriad of issues when he is there that can happen in any emergency room. Mr. Burke would get phone calls every day regarding the drug activity at Alexander Carr; he does not feel this is within the jurisdiction of the Board and the Board may be overstepping. The Police Department deals with issues involving suspicious activity. Mr. Sioras noted the hospital is on notice that the neighbors have a concern. Mr. Burke said they are ready to respond to any issues. They have not had many direct calls but have responded immediately to the ones they did receive, such as dumpsters being emptied too early and overflowing storm drains, etc. He stressed they are ready to respond. They do have an outsourced security department that can increase the number of guards on duty in an emergency.

Mr. O'Connor felt that after discussion the Board did not need to add a condition but the record will note the hospital is sensitive to the neighborhood and abutters. Mr. Chase said there are already behavioral health patients in the ED and they can be there for four days at a time. It is disgraceful that the patients need to wait in the ED for four days to get help. He has been in other facilities such as Cheshire Medical, and hopes that Parkland Medical Center will have the same level of care as Cheshire. That would be a tremendous benefit to the community. The patients can get help immediately; he only sees a benefit. Mr. Flattes asked if there is any outside security at the hospital that might be a deterrent? Mr. Burke explained the security company does regular security tours and they are accountable at checkpoints for the tours and they do tour the outside grounds. Mr. Flattes asked if the tours would be increased with this addition? Mr. Burke said they are looking at the opportunity to increase the tours but nothing is set in stone yet. That would be intertwined once the facility is built.

Chase, Fairbanks, Park, O'Connor, Flattes, Mazzuchelli, Choiniere, Bartkiewicz and Granese all voted in favor and the motion passed.

**22 Lenox Road, LLC**  
**PID 32040, 22 Lenox Road**  
**Conceptual Discussion**

Mr. Granese advised this discussion is not a public hearing. The Board will not vote or take any action; this is a conceptual discussion only. Mr. Sioras added this discussion is to run an idea past the Board. Some of the members may be familiar with the site from last year.

Tim Winings of TJW Survey, presented for the applicant who was also present this evening. Mr. Winings advised they are proposing a residential condominium development at 22 Lenox Road. They would like to obtain the initial thoughts and feedback from the Board before moving forward with the formal submittal process. The lot totals approximately 37,000 square feet. There is an existing single family residence on the lot with a free standing garage. The lot is



served by water and sewer. The proposal is to add additional structures connecting the house and the garage, and then create a connection to a proposed new building to be ~~situation-situated~~ further back on the lot. There would be two units in the rear building and a unit over the garage resulting in a total of four units on the lot. They have put this together keeping in mind the comments at the previous hearings. There are no waivers required for this project and they feel it complies with the Zoning Ordinance.

Mr. Granese asked what is different about this proposal from the previous one? Mr. Winings said they have connected all three structures so that it is one structure rather than three separate structures. He noted the Board members have a copy of the proposed elevation. There will be usable living spaces over the car ports which can be used for closet areas and storage. It would end up looking like an “L” shaped structure. Mr. Granese asked with regard to the area between the new unit and the garage. What is the width of the connection? Is that a walkway? Mr. Winings said it is 4-4.5 feet wide, so it would be like a walkway. It would be open and could be used for closets. Mr. Granese commented he was on the Board for the last submission and still does not agree with it; he noted that is not really livable space as it would not be a bathroom or bedroom.

Mr. O’Connor confirmed there is a proposed studio over the garage. Mr. Fairbanks thought this was a bizarre concept; why is the ‘bridge’ between the buildings being added? Mr. Winings said this was a creative way to make a single structure which was a major sticking point on the last application. Mr. Sioras explained the Planning Board denied the application last year for separate buildings and the case went through litigation. Mr. Winings has spoken with Mr. Mackey and there were some building and code issues with making the connection and his definition of “structure”.

Mr. Winings said the previous proposal had two separate structures – the existing house and new construction. Mr. Mackey had determined it complied with zoning because that portion of the regulations had not been enforced for an extended period of time. That particular regulation (Section 165-8) says there can only be one dwelling unit on a lot. The Board felt the previous proposal was not allowed and that 22 Lenox Road LLC should go to the ZBA to obtain a variance. By connecting the buildings they make it one structure so that point becomes moot. The building code allows an enclosed space, that is livable and connected.

Mr. Fairbanks questioned whether this concept violated the spirit and intent of the ordinance? It seems really bizarre. Mr. Chase agreed it was bizarre but the concept was on the right track. He felt it would still need ZBA approval because the garage is a preexisting, non-conforming structure and the non-conformity cannot be increased by adding a second story. Mr. Winings felt that so long as they remained in the same footprint, they were not increasing the non-conformity. Mr. Chase disagreed.

Mr. Fairbanks asked if there was a minimum width required for hallways? Mr. Winings said these are designed at 4 feet wide. Mr. Sioras said requirements for hallway width would fall under building and life safety codes. Mr. Winings added that Mr. Mackey said it complied with the code.

Mr. L'Heureux stated he could not comment on the building and the site plan appears to be the same as the prior submission.

Mr. Chase said the buildings are now all connected. This is a multi-family as it has four units and would need to comply with the regulations for multi-family buildings to include fire protection. He would want to make sure the intent is to have fire sprinklers and a fire alarm. Mr. Winings said that is the builder's intent.

Mrs. Robidoux agreed with Mr. Chase that adding a second floor to the garage would increase the non-conformity and require a variance. Mr. Chase asked Mr. Winings to verify that as they are adding square footage to a non-conforming structure. Mr. Winings said they have done this in several other situations and so long as it was in the same footprint, it was allowable. Mr. Chase felt the concept meets the intent of the ordinance, even though it is a unique concept. The issue of the increase in non-conformity can be addressed with Mr. Mackey.

Mrs. Choiniere noted there had been a previous issue with regard to overhead utilities. If there are no waivers proposed, how are they going to meet the underground utility requirement? Mr. Winings said they will have power from the existing pole to the house and then will go underground to the new units. Mrs. Choiniere asked with regard to the driveway? Mr. Winings said they propose to widen the front of the driveway. The existing driveway is 8 -10 feet wide. The proposal is to make it wide enough to accommodate two-way traffic and create a loop.

There was no other business before the Board.

Motion by Choiniere, seconded by Park to adjourn. The motion passed with all in favor and the Board stood adjourned at 8:10 p.m.

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

\_\_\_\_\_  
Secretary

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