

The Planning Board for the Town of Derry held a public meeting on Wednesday, May 07, 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: Frank Bartkiewicz, Chair Pro-tem; Randy Chase, Administrative Representative; Michael Fairbanks, Town Council Representative; Ann Marie Alongi, Secretary Pro-tem; Jan Choiniere (7:22 p.m.), Member; Marc Flattes, Alternate

Absent: Dave Granese, John O'Connor, Jim MacEachern, Darrell Park, Frank Mazzuchelli, Lori Davison

Also present: George Sioras, Planning Director; Elizabeth Robidoux, Planning Clerk.

Mr. Bartkiewicz called the meeting to order at 7:00 p.m. The meeting began with a salute to the flag. Mr. Bartkiewicz then introduced the staff and Board members present.

*Ms. Alongi was elevated to Secretary Pro-Temp.*

*Mr. Flattes was seated for Mr. Granese.*

## **Escrow**

### **#14-07**

**Project Name: Parkland Medical Center – BHU**

**Developer: Parkland Medical Center**

**Escrow Account: Same**

**Escrow Type: Cash escrow**

**Parcel ID/Location: 05043-001, 1 Parkland Drive**

The request is to establish cash escrow in the amount of \$56,401.92 for the above noted project.

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

## **Minutes**

The Board reviewed the minutes of April 16, 2014, meeting.

Motion by Alongi, seconded by Flattes to approve the minutes of the April 16, 2014, meeting as written. The motion passed with all in favor.

## **Correspondence**

Ms. Alongi advised the Board is in receipt of the spring edition of *The Source* newsletter.

Other BusinessReview of Planning Board Policy & Procedures

Mr. Sioras said after election of officers every year the Planning Board reviews the Policy and Procedures of the Board. There needs to be two readings of the document. There were no changes made this year and this is the second reading.

Motion by Flattes to accept the Policy and Procedures of the Planning Board, seconded by Alongi.

Chase, Alongi, Fairbanks, Flattes and Bartkiewicz voted in favor and the motion passed.

Request to extend approval, Yvon Cormier Construction, PID 08280-004 and 08017

Mr. Sioras advised the extension request is related to the two lot Subdivision and Lot Line Adjustment on Ashleigh Drive. This is the second request. The lots are located past Walmart on Ashleigh Drive. Because one of the lots is involved in litigation, the applicant has asked for an additional six months to complete the conditions of approval and resolve the litigation.

Motion by Alongi, seconded by Flattes to approve a six month extension of the conditional approval granted on May 7, 2013 for Yvon Cormier Construction Corp., PID 08280-004 and 08017, 11-27 Ashleigh Drive and 37 Scobie Pond Road. The new expiration date will be November 1, 2014.

Chase, Alongi, Fairbanks, Flattes and Bartkiewicz voted in favor and the motion passed.

Request to extend approval, BR-10, LLC, PID 04084

Mr. Sioras advised this is the first request to extend approval of the 11 lot Subdivision plan for a parcel located on Bartlett Road. Traditionally, the Board grants the first request and this would extend the approval to November 6, 2014.

Motion by Alongi, seconded by Flattes to approve a six month extension of the conditional approval granted on November 6, 2013 for BR-10, LLC, PID 04084, 1 Bartlett Road. The new expiration date will be November ~~4~~6, 2014.

Chase, Alongi, Fairbanks, Flattes and Bartkiewicz voted in favor and the motion passed.

Other

Mr. Sioras reported the Town Council approved the zoning changes for Folsom Road last evening for the Dors and Carson lots. Mr. Flattes asked if there was any chance that the zoning change might be extended down Folsom Road. Mr. Sioras said it is possible. It would not be

uncommon for other property owners to come forward and request a similar change; the land is zoned commercial on the other side of the road. Mr. Flattes asked of the Board should revisit the zoning in this area in anticipation of Exit 4A? Mr. Sioras said it has been discussed in the past. If Exit 4A is constructed, it would come down Madden Road to Folsom and there would be takings of properties at the curve. This may need to be added as a goal for this year.

Mr. Fairbanks advised the Board that the Livestock amendments have been scheduled for a public hearing before the Town Council on May 20, 2014.

Motion by Alongi, seconded by Flattes to close the regular meeting of the Board and enter a workshop. The motion passed with all in favor.

## **Workshop**

### **Discussion of proposed changes to the LDCR relating to Final Application Phase Submittals for subdivisions and site plans**

Mr. Sioras stated the proposed changes are related to the GIS disk that is submitted and what Doug Rathburn, the IT Director, would like to see on the disk. Mrs. Robidoux has been working with Mr. Rathburn on the changes. Mrs. Robidoux said the proposed changes are to Sections 170-24 and 170-61 of the LDCR which speak to plan submittals. The first change aligns the regulation with what the applicants have been submitting for the Planning Board. This ensures the regulations mirror what is received from the applicants. The second change adds the requirement that State Plan Coordinates are placed on the plan and tied to two boundary corners. State Plan Coordinates are points on a map that show where the point is in relation to the world. This is how the IT Department places new lots on the tax maps. The other changes are related to what should be on the GIS disk. This will make sure .pdfs are received along with the CAD drawings. Getting the .pdfs will save the town money in the long run as the Planning Department will not have to budget every few years to get plans approved after the amendment date scanned to .pdf by an outside vendor. Mr. Sioras noted reference to East Derry Fire Department in Section 170-61 can be removed. If there are no other changes the document can be brought back to the Board to schedule a public hearing in June. Mr. Flattes confirmed these changes will make the process more streamlined and efficient.

### **Discussion of mixed use developments in the area of Route 28 South**

Mr. Sioras advised he spoke with the Chair, Mr. Granese, who could not attend this evening and suggested this workshop be continued to May 21<sup>st</sup>. Last night at the Town Council meeting there was discussion regarding the sewer and water expansion on Route 28 in this area. The map provided at the back of the packets shows the area called Webster's Corner. This includes Clam Haven, Grandview Flea Market lot, Hillside Plaza, and the Smith property, goes north to Humphrey Road and goes west to the large lot located across from Winter Hill. The water and sewer project is due to start in a few weeks. Last year, the Board looked at the zoning in the General Commercial zone and took out housing. Town Council has asked that the Board take another look at the uses and see if there are any the Board would like to remove or add. With regard to mixed use, there is some opposition. The Council has suggested no housing, no auto

uses and no gas stations. The Board can take a look at the zone and the uses. One of the options is to create a new general commercial district that only allows certain uses. The direction is that the town has limited commercial and industrial zones and a lot of housing. The land here would be more valuable as commercial or office development. Since there are only five members here this evening, the Board can discuss this and come back in two weeks to continue the discussion.

Mr. Fairbanks said the largest concern is that the water and sewer expansion is happening to allow for economic development and because it is in the Water and Sewer Master Plan. There needs to be a return on the town's investment in this infrastructure and the Council would like the Board to steer development toward heavy commercial to help on that end of the economy and the tax rate, and to shy away from housing. Mr. Sioras explained that last night at the Town Council meeting he discussed what the Board did last year when it removed housing from the zone. The landowners asked the Board to look at mixed use and the Board said it would consider it. He also explained how Tsienneto Road got developed. That area used to be fields and the town extended water and sewer to the area and limited the zoning; now there is quality development. This may be a unique zone as well. The hardest thing to plan and balance is the need for commercial development against the need to be sensitive to the neighbors and determining what is a good buffer. A few developers have discussed the possibility of adding 55 and older housing to the back of the lots to create a more gentle transition between the uses. His impression from Town Council last evening was that they did not want to see any housing in this area.

Mr. Fairbanks thought it was worth a discussion and noted mixed use has either an immediate positive or negative connotation for people. He felt the Board needed to discuss the pros and cons of mixed use and gain a clear understanding of what it is. It was suggested that the Board discuss the draft before it which was prepared by staff. Any zoning changes should be moved forward.

Ms. Alongi asked if all of the lots in the Office Medical Business zone would move to General Commercial. Mrs. Robidoux said staff was suggesting a change to only three lots near Winter Hill Road. The OMB lots near the hospital would stay OMB. Mr. Sioras said they were talking about the lots owned by Elmer Pease. Tom Carrier, the Water/Wastewater Superintendent has said that there are certain businesses as one heads south on Route 28 from Clam Haven that have issues with their septic systems and wells including Hillside Plaza and the mobile home park. They will rely on hooking into the new lines in order to keep from going out of business; they can't operate with the failed septic systems. This expansion will help retain existing business and provide good opportunity for development in the area. Mr. Fairbanks confirmed that other than the three OMB lots, the lots slated to be zoned General Commercial IV are currently zoned General Commercial. Ms. Alongi asked how different are the uses from GC to GCIV? Mr. Sioras said they are not all that different. Mixed use has been added as a conditional use so that the Planning Board has the opportunity to review it and any applicant would need to meet certain criteria. It has been said this area should not be developed as "automobile row". Ms. Alongi felt that filling stations should be allowed as there are gas stations at the circle but there is not another one until the top of Ryan's Hill. Staff advised that the gas station at Hillside Plaza may be coming back. Mr. Sioras noted the Board could consider distance buffering as an option.

Mr. Flattes said he concurred with Town Council that there should be no housing in this area and he felt that a mix of housing and commercial would create a patchwork effect.

*Mrs. Choiniere was present and seated.*

Mr. Fairbanks spoke with regard to mixed use. He thinks that a developer who looks at a 20 plus acre lot and wants to develop 15 acres commercial and 10 acres as housing, that is where there can be a compromise. Mr. Flattes said he was not in favor of that. The zone should be strictly commercial but maybe the type of commercial use could be limited. There are two schools in the area so the Board would also need to consider the effect commercial trucking would have on the area. He thinks housing would hurt the area. Mr. Fairbanks said he would agree but the town needs to make the zoning attractive so the developers do not go elsewhere. The stage needs to be set; maybe it is 55+ housing but no single family residential. Mr. Bartkiewicz noted there is a need for 55 and over housing in town. Mr. Fairbanks reiterated that there should be a discussion devoted to mixed use so the Board can be aware of the pros and cons.

Mr. Sioras said he had a preliminary discussion with a developer who would like to bring high end retail to the area with 55+. Per the latest census, the 55 and older age group is increasing in number. This developer would build a quality retail development to the front of the lot with 55+ to the rear, abutting the residential zone to provide a buffer between the uses. Mr. Flattes said that sounds like what Woodmont will be. Mr. Fairbanks would want to make sure the area is developed so there is a return on the town's investment. Ms. Alongi recalled one of the reasons the Board excluded housing was because of the schools. Mrs. Robidoux did not think the Board could look at that. Mr. Sioras explained the town at one time implemented a Growth Management Ordinance which limited the number of building permits. Currently there is a decrease in the number of students so the GMO does not apply. There are many single family residences in town and the town does not limit that type of development. It may be time to look at housing for an older age group. Ms. Alongi felt 55 and older housing would bring in uses such as higher end restaurants. Mr. Chase reminded the Board that with 55+ housing, it is Federally mandated that 20% of the housing in such a development be available to those under the age of 55 and that would mean potential children. The Board may want to look at housing for age 65 and older. Mr. Flattes felt that would not create jobs for the town residents. Ms. Alongi disagreed, stating that elderly housing brings in higher end retail and restaurants which create jobs. Mr. Sioras thought the Board could discuss this further and would spend a few meetings finalizing any amended wording.

Mr. Chase said he saw two problems with mixed use development. The majority of the parcels in this area are too small for a development like that. There are maybe three developable lots. He also sees an issue with a developer promising to construct mixed use, getting an approval, and then building the residential component first. Once the residential is built and people are living in the units, it is possible the residents will prohibit the commercial development because they don't want to live next to it or the developer loses interest and does not build the commercial. Given the size of the parcels, the only mixed use that would work would be of the vertical type with retail on the bottom, office on the second floor and residential on the third floor. He has concerns mixing residential and commercial as there is history in other towns of residents suing to keep the commercial portion from being constructed. Mrs. Choiniere asked if

the town can stipulate the commercial has to be built up front. Mr. Flattes felt it was a good idea but the people in the downtown might move to the new area and it would become a new downtown area. Mr. Chase did not think that likely given the fact that town hall was in the downtown, but acknowledged it has happened in Derry in the past. The original “downtown” was East Derry Village, which moved to the traffic circle area when the stage coaches came through and then the “downtown” moved again to its current location with the advent of rail. Anything is possible.

Ms. Alongi said she would not want to restrict housing completely but would only want it on a case by case basis. Mr. Fairbanks said that is why it would be by conditional use permit only and this is why there needs to be a discussion about the pros and cons of mixed use. Ms. Alongi noted the Board has heard from the public regarding what they want to see in that area. Mr. Sioras said the hardest thing to do is plan abutting uses. The Board does not want to take away individual property rights but tries to be sensitive to the neighbors. That is hard to do when commercial development abuts residential development. However the town needs the commercial revenue to expand the tax base.

Mr. Flattes asked if this area could be developed as a TIF district. Mr. Sioras replied the Town Council is expanding the water and sewer the area. However, the lots are not large, as was the case on Manchester Road. Walmart is on 60 acres of land. These lots are 20 and 40 acres. Once the buffer is taken out, the wetland areas removed, and the setbacks put in place, there is not a large area to develop. The town could potentially get good retail plazas similar to those found on the upper end of Route 111 in Hampstead. He does not see a big box store looking at this area. Ms. Alongi mentioned there was a building that had just been constructed in Windham at the town line; that is what she envisions in this area.

Mr. Fairbanks noted Derry is landlocked because of the location of Route 93 and needs to attract development. Mr. Sioras explained that he has been in discussions with Target over the years. Derry is their number 2 location; they want to be in Londonderry at Exit 5 so that their customers can come off the exit right into their lot, similar to the Hooksett location. Target representatives do occasionally inquire as to the status of Exit 4A, but they are not expanding their retail locations as much. This is a good area for office or medical use. Mrs. Choiniere commented that as the population ages, there is a need for medical. Mr. Sioras noted the expansion of the Derry Medical practice; that has been good for the Tsienneto Road area. Ms. Alongi commented recent trends point to people not wanting to go to the malls to shop. Mr. Sioras agreed, people are shopping in smaller plazas, such as Clearbrook that have three to four shops. He could see that type of development with unique retail shops.

Mr. Fairbanks inquired if medical office use was defined with hospital? It is. It would also be considered professional office. Mr. Fairbanks said they don't want to miss out on that opportunity for use. Mr. Sioras said Parkland is expanding and recently had the new addition approved by the Board. They have limited area to grow on their existing lot and this could be an area for future expansion. They have not expressed an interest in that as of yet, but over the years they have added additions, the Emergency Room, and the helipad. The land behind the hospital is held in trust and can't be developed.

Mr. Sioras felt the Board would likely hold several workshops on this topic and it might take more than one or two meetings to get it right. Given the Council direction the Board should continue discussions. Mr. Fairbanks said the Council would like to see this move forward quickly.

The Board held a short discussion regarding traffic impacts from the upcoming water and sewer upgrade project. It was not thought that the road would be completely closed as was the case with Rockingham Road last year.

Mr. Bartkiewicz asked if Town Council has provided a time frame in which they would like to see any changes to the zone take place. Mr. Fairbanks said they would like to see a plan in place and would like it moved forward. Mr. Sioras recalled the rezoning in the area of the Robert Frost Farm took 18 months. It ended up being a good thing given the historic nature of the area and the involvement from state and national historic representatives in the process. This should not take that long. Mr. Flattes said he was looking for a timeframe for completion that Mr. Fairbanks could take back to the Council. Mr. Fairbanks said the process has to be followed and it will take as long as it takes. Ms. Alongi said she anticipated the Grandview site to be the first to be developed and what ends up on that lot will drive the rest of the development in the area.

The Board continued the workshop to the May 21, 2014 meeting of the Board.

Motion by Choiniere, seconded by Alongi to adjourn. The motion passed with all in favor and the meeting stood adjourned at 7:46 p.m.
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Approved by: \_\_\_\_\_  
Chairman/Vice Chairman

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Secretary

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