

The Planning Board for the Town of Derry held a public meeting on Wednesday, May 21, 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: David Granese, Chairman; John O'Connor, Vice Chairman; Frank Bartkiewicz, Secretary; Michael Fairbanks, Town Council Representative; Jan Choiniere (7:25 p.m.), Darrell Park, Members; Marc Flattes, Lori Davison, Alternates

Absent: Randy Chase, Ann Marie Alongi, Jim MacEachern, Frank Mazzuchelli

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. Mr. Granese noted emergency exits, the location of meeting materials and introduced the Board members and staff.

*Ms. Davison was seated for Mr. MacEachern  
Mr. Flattes was seated for Ms. Alongi.*

### **Escrow**

None.

### **Minutes**

The Board reviewed the minutes of May 07, 2014, meeting.

Motion by Bartkiewicz, seconded by O'Connor to approve the minutes of the May 07, 2014, meeting as amended. The motion passed with Davison, Granese, Park, and O'Connor abstained.

### **Correspondence**

Mr. Bartkiewicz read into the record a Notice of Public Hearing from the Town of Merrimack ZBA regarding a special exception application for a cell tower. The meeting is to be held on May 28, 2014 at 7:00 p.m.

Other BusinessSchedule Public Hearing - LCDR

Mr. Sioras advised the Board is reviewing proposed changes to the LDCR that relate to submission information on the GIS disk. The changes have been requested by the IT Director, Doug Rathburn, and will improve the quality of what is submitted, make the process more efficient and allow the material to be more easily input into the town database. The proposed changes are noted in red on the document provided.

Motion by O'Connor to schedule a public hearing for Wednesday, June 4, 2014, to discuss proposed changes to the Land Development Control Regulations, Section 170-24, Final Application Phase Submittal and Section 170-61, Final Application Phase Submittal, seconded by Bartkiewicz.

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

Request to extend approval, Donahue Family LLC, PID 09045, 2 Beaver Lake Road

Mr. Sioras advised the extension request is related to the subdivision the Board approved on Beaver Lake Road. This is the first request. The applicant is 90% complete with regard to conditions of approval, has made the appropriate changes to the plan, and is working on the escrow. Per discussions he had today, the escrow should be before the Board at its next meeting.

Motion by Flattes, seconded by Bartkiewicz to approve a six month extension of the conditions of approval for Donahue Family, LLC, PID 09045, 2 Beaver Lake Road.

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

Other

Mr. Sioras reported the Town Council approved the zoning changes to the Livestock Ordinance last evening. Those changes will go into effect in 30 days.

He suggested that any abutters present for the 70 Fordway plan could view the plan ahead of time with the developer's representative in the conference room attached to the meeting room.

**Public Hearing****Walter and Norma Richardson****PID 54074-001 and 55006 and 55007****68 and 70 Tsienneto Road and 2 Scenic Drive****Acceptance/Review****Lot Line Adjustment**

Mr. Sioras provided the following staff report. The purpose of the plan is for a lot line adjustment between 70 Tsienneto and 2 Scenic Drive. There are no town department signatures required and no waivers requested or state permits required. He would recommend approval of the plan.

Timothy Peloquin of Promised Land Survey presented for the applicants. There are three parcels under the same ownership. This plan does not affect the 0.98 acre lot at 68 Tsienneto although the plan does show a sidewalk easement that is being added to benefit the town on that lot. For the lot line adjustment, they will adjust the line between 70 Tsienneto and 2 Scenic, making 2 Scenic larger. It will go from 0.84 acres to 0.93 acres. 70 Tsienneto will decrease from 1.12 acres to 1.03 acres. This will make the smaller lot more conforming, although it still falls under the required zoning of one acre. The Zoning Administrator did not feel this required action on behalf of the ZBA. It betters the lot and squares off the line, making it a better use of the land. With regard to the sidewalks on Tsienneto, the town added sidewalks as part of its road improvements and an easement is being added to the benefit of the town as one was not secured during the roadwork. The older plans on file for Tsienneto Road show it meandered along stone walls.

Mr. O'Connor asked with regard to 68 Tsienneto (PID 55006). The plan shows a proposed driveway. Mr. Peloquin explained the family uses the land now. At some point in the future, someone may want to construct a dwelling on the lot. They are showing that a driveway can be constructed on the lot that meets town regulations and that a septic can be added to the lot.

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.

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 review of the plan returned to the Board.

Mr. L'Heureux advised DPW had no issues with this plan.

Motion by O'Connor to accept jurisdiction of the lot line adjustment application before the Board for Walter and Norma Richardson, 68 and 70 Tsienneto Road and 2 Scenic Drive, PIDs 55074-001 and 55006 and 55007, seconded by Bartkiewicz.

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

Motion by O'Connor, seconded by Bartkiewicz to approve, pursuant to RSA 676:4:III, Expedited Review, with the following conditions: subject to owner's signature; establish escrow for the setting of bounds, or certify the bounds have been set; obtain written approval from the IT Director that the GIS disk is received and is operable and that the NH NAD83 coordinates are located on the plan; the above conditions are met within 6 months; and, a \$25.00 check, payable to the Rockingham County Registry of Deeds is submitted with the mylar along with the applicable recording fees.

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

**Keystone Builders, LLC**

**Owner: Ernestine Kaliontzis**

**PID 24005, 70 Fordway**

**Acceptance/Review**

**14 Unit Multifamily Site Plan Development**

*Mr. Fairbanks recused himself from this hearing as he is an abutter.*

Mr. Sioras provided the following staff report. The proposal is for a three story, 14 unit apartment building located in the Medium High Density Residential District. All town departments have signed the plan. The Highway Safety Committee also voted to endorse the plan. There are no waivers requested. No state permits are required. A few abutters have come into the Planning Office to view the plan with questions. His office received an email from a direct abutter, Brian Desilets, and that was forwarded to Mr. Peloquin. He would recommend the Board hear the plan and abutters, and hold a site walk, continuing review to the next meeting in June.

Tim Peloquin of Promised Land Survey presented for the applicant. The proposal is for a 14 unit, three story apartment building on an existing single family residential lot with approximately 1.1 acres of land. The lot is located at the intersection of Fordway and Kendall Pond with Pinehurst to the rear. The lot has frontage on three streets. The land is zoned for the proposal. They have been working on the plan since the winter to create the best site plan they could. The building is as close to the intersection as possible to limit impacts to the abutters. He feels the landscape plan protects the abutters. The parking lot and traffic flow work well. There had been discussion of an access to Pinehurst but because of steep grades and the slope, that was taken off the table. They worked with the Highway Safety Committee and the Fire Department and feel that the proposed traffic flow is better because it lessens the impact to the residents on Pinehurst and puts the traffic onto Fordway. It is anticipated that 80% of the traffic will turn right out of the site and head north on Fordway towards Route 102. They have received the Keach Nordstrom report and have no issue with the comments; they are easily addressed.

The building fronts close to the intersection. The main parking lot entrance is to the side. The parking lot to the rear parallels Pinehurst. They have provided a colored rendering of the plan. Sheet 3 shows the parking lot layout and how the building sits on the lot and the dumpster location. Sheet 4 shows the proposed utility connections. There is sewer and water available running parallel to where the existing home sits. They will accept the utility connections where the home did and this will minimize impacts to Kendall Pond Road. There will be an infiltration system to the rear, parallel to Pinehurst which will tie into an existing catch basin on the street. The improvements have been reviewed and accepted by the Department of Public Works.

Regarding the Ground Water Conservation District, their Soil Scientist determined via test pits this lot is not in the GRCD based on the soils. They could have met the requirement with the proposed stormwater system. In the end, their proposed system limits impacts to the town's drainage in the long term. Jeff Lewis of Northpoint Engineering and Robert MacCormack, the developer, are both present this evening to answer questions if necessary.

*Mrs. Choiniere was present and seated. Although allowed to participate in discussion, Mrs. Choiniere will not be voting on this application this evening.*

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.

Michael Fairbanks, 1 Rose Avenue, confirmed the documents in the rear of the room were public documents. [Note: Sheets 1, 2 and 3 of the plan set were provided for the public.] He noted there were no waiver requests for this application. He feels, based on the density, that only 13 units are supported on this lot. Where is the 7,000 square feet of recreational space required by the regulations which stipulates 15% of the lot must be recreational area? There are 42 units proposed for this area of town. How does the traffic support that and how does this fit into the Master Plan? He understands school enrollment is down, but how does this development fit into the Plan? His last question is what else is on the horizon for this area that they don't know about yet.

Mr. Sioras suggested hearing all of the abutter questions and then the engineer could address them.

Janet Fairbanks, 1 Rose Avenue, asked if there had been traffic study done for this project. This is a busy intersection. There had been a traffic study done for the 115 unit Bunker Hill Estates. She is not sure if there have been any done recently in this area. She lives a short distance from the intersection of Fordway and Kendall Pond. She feels this area cannot sustain more driveways. The proposed driveway is close to the intersection. This project is not exiting out onto Pinehurst, which she feels should be an option as an exit or emergency exit. She encourages the Board members to drive through this area, especially on a Saturday morning before they approve this plan. She asked if the project will use impervious pavement. This area floods. Prior to the construction of Bunker Hill Estates, there was 17 acres of meadow at the end of Rose Avenue that absorbed the rainwater. There are now 115 units in a single family residential area. The zoning in this area of town is strange. On one side of Fordway is single family with the exception of Bunker Hill Estates. On the other side of the road, it is MHDR.

The first year after construction of Bunker Hill Estates, their basement and their leach field flooded, as did their neighbors. This land borders a flood zone. When Beaver Brook rises, the road floods. Her concern is that her seven year old leach bed may be impacted. She is not sure if the board can do this, but requests if the Board is going to allow this in their neighborhood that they get sewer on their street. This project will change the water flow and their septic will be in failure. Mr. Flattes asked if there are a lot of children in the area. Mrs. Fairbanks said there are 15 children on her street and there are children in Bang's Trailer Park across the street from this proposed development. She knows that Brook Street will have a 9+ unit development which is 1/10 of a mile away and there is a proposed 18 unit building another 2/10<sup>th</sup> of a mile away. That is 41 apartments in an area where most of the homes are single family residential.

Deborah Beaulieu, 18 Pinehurst, agrees with the impacts on Fordway. Pinehurst is built on an old swamp and it gets very wet. Her sump pump is still running. Regarding the parking, she is not sure what the plan is. There are old houses and septic on the street and they all have water problems.

John Moerloos, 64 Fordway, noted this area is all open. If the complex is built there, will people go into his backyard and play?

Mrs. Fairbanks commented that the request for public sewer for the area is not that out there. There are five houses on her street. Kendall Pond has sewer, Fordway Extension may have sewer and the neighborhood behind Rose Avenue has sewer. They are just asking for that consideration.

John Blaikie, 3 Rose Avenue, stated his basement also flooded when Bunker Hill Estates went in. He is concerned with impacts to the water table with this project. His septic is 40 years old. Mrs. Fairbanks noted Mr. Fowler looked at her lot when Bunker Hill Estates was being constructed and he thought the area would not flood based on the proposed drainage, but it did. Seventeen acres of meadow handles drainage better than 115 units and stormdrains. There is nice land around the lot at 70 Fordway and now it will have pavement and a building. Mr. Blaikie added that an 80 foot pine tree fell on his house, from what he feels was a direct result of the drainage in the area. There is a large problem with drainage.

Nicole Adams, 24 Pinehurst, shared the concerns with regard to flooding. Her sump pumps are still going as well. She also has concerns with regard to traffic; this is a congested intersection and there are lots of children in the area. Vehicles traveling on Pinehurst do not always slow down and have a care for the children. She feels this project will add to the existing traffic and that is cause for concern.

There was no further public comment.

Motion by O'Connor, 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.
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Mr. Granese asked with regard to the height of the existing building. It is one and one half stories. The new building will be 36 feet tall. Mr. Granese asked with regard to the recreational area. Mr. Peloquin stated the plan went through TRC review and was reviewed by KNA. This area was not mentioned. 55% of the site will be green space and there is ample area for recreation for the residents. He will need to obtain more information about that requirement. If they need to add recreational features, they have room to do that. Mr. Granese asked Mr. Sioras about the character of the neighborhood. Mr. Sioras explained the majority of the homes are single family residential, there is a mobile home park across the street. This is an older neighborhood with older homes that are one story, or one and one half stories with slanted roofs.

Mr. Peloquin began to address some of the concerns raised by abutters. The impervious area on this lot will be about 45%; leaving 55% undeveloped. They can add some recreational features. Regarding the number of units, the calculation yields a result of 13.65 units. When he met with the Zoning Administrator, he had been told he could round up based on other precedent. The zoning article itself is unclear as to rounding up or down. The Board might want to review and amend its regulation in the future to make it more clear. Regarding the impact to the schools, this apartment complex is based on a layout of one and two bedroom apartments. He believes the target is for empty nesters and start up couples or single parents. He does not feel this will attract a great number of children. In relation to a traffic study, they met with the Highway Safety Committee two times and it was voted on by them that there was no need. It was strongly felt that 80% of the traffic would take a right onto Fordway, so no traffic study was warranted or needed. There is no exit onto Pinehurst. They had considered it at one point but now are not going to have one. This lot is not in a floodzone. It is high and dry and should not have flood water associated with it. Regarding the septic systems on Rose Avenue, the site flows from the intersection of Fordway and Kendall Pond back to the corner of Pinehurst. He reviewed Sheet 4. There is a small ponded area near the left lot corner near Pinehurst. It is evident that there should be a catch basin there and they will put one in at the low point. They will also detain all drainage on site. They will detain the storm water, add a catch basin where there needs to be one, and will discharge into the existing system. He does not see how this will impact the septic systems on Rose Avenue. They may have issues there because of a high water table. Mr. Moerloos had a concern about people parking or playing in his backyard. They will be planting along the property line between this lot and the Desilet's lot as well as adding fencing. Residents and visitors will know where the property line is and not wander. There are children on bikes on Pinehurst. That is another reason they stayed off Pinehurst and put all the traffic onto Fordway. There should not be any additional traffic on Pinehurst. He believes they are improving the drainage on the 1.1 acres, not making it worse.

Mr. O'Connor noted abutters brought up the fact that there will be more traffic at the four way intersection. At what point does the town impose an impact fee? The Brook Street project will have 10 units, 19 Kendall Pond will have 18 units, and this project proposes 14 units.

Mr. Sioras said he felt the Board should hold a site walk and continue the plan. Fordway is one of the intersections slated for a future road improvement project. He suggests looking at all three projects and if there is a cumulative impact, the Board could do something similar to what they did on Tsienneto Road for the future light. They can request impact fees. They did this when Applebee's was before the Board as well. Mr. Fowler in Public Works has identified this

intersection for future improvements and perhaps he can obtain some feedback from Mr. Fowler to see if the cumulative proposals will have impacts on the intersection and warrant contributions from the developers.

Mr. O'Connor had a question about the GRCD. The Soils Scientist has stated this land is not in the aquifer. What does the Board need to do with that information? Does the town need to update its maps? Mr. L'Heureux said he did not look into that item in detail. However, a development can't increase flow from the current condition and needs to mitigate improvements. They did that with the leach field under the parking lot. In his opinion, that is the best way as it allows for recharge of the aquifer with treated water, and has a contingency overflow. Eventually, all of this water flows to Beaver Brook.

Mr. Peloquin said that the GRCD is established by the Soil Conservation Service's maps and is a more regional determination achieved with an airplane view rather than an on the ground survey. They can only make rough determination of the soils and how the water flows. When the Soil Scientist cored into the ground, he was able to make a definitive determination. The Soils Scientist did write a report for the Conservation Commission. Mr. O'Connor asked if the utilities will go underground. They will. He asked for further explanation of the turnaround requested by the Highway Safety Committee.

Mr. Peloquin stated there is an area adjacent to the dumpster. The town wanted to make sure that any snowplows, dumpster trucks and fire trucks would have an area to turn around in so that there would be no backing of vehicles onto Fordway. That area has been provided and they will post that area as "no parking" to keep residents and visitors from using it as additional parking. They will hatch and sign the area.

Mr. O'Connor asked why is there no access to Pinehurst. Mr. Peloquin explained because of the steepness of the slope to Pinehurst, they could not make it work. After the planned infrastructure improvements, it leaves a minimum slope of 12%. The area was going to be a one way out to Pinehurst. Because of the slope, grading, and the infiltration system, the concern was raised that a fire truck or other vehicle could get hung up on the slope and it was a betterment to keep the traffic flow to Fordway. Mr. O'Connor asked why are there no sidewalks. Mr. Peloquin stated there will be sidewalks internal to the site, but there are no existing sidewalks on any of the adjacent roadways so they are not planning any for this project external of the site. Mr. O'Connor had comments relative to road salt. He did not see anything that discussed salt use. Snow melt will drain into the town system and affect the MS4 document. Mr. Peloquin noted the Conservation Commission asked that their catchment areas have an oil separator before the stormwater hits the catch basin and public system. He does not know if that will pick up the road salt.

Mr. O'Connor stated the traffic counts for the area are from 2011. He does go to the transfer station and uses that road to get to Londonderry. He believes that the traffic counts have increased since 2011. He asked if there have been any discussions to update the traffic counts in the area. There have not. Mr. Park said he also travels through the area, between six to eight times per day. This is a high traffic area and this project will add to the traffic. Regarding the zoning ambiguity, he said the minimum required is 3630 SF per unit; this is 3540 rounded up



which is a 2% difference. For the septic on Rose Avenue, it is correct that most of the water flows northeast to Beaver Brook. It will travel by Rose Avenue and impact their systems if there is any additional water flow. All water flows at some point to Beaver Brook. Beaver Brook flows northeast to southwest which passes within reason of Rose Avenue. If the water level is high, it impacts drainage on Rose Avenue. Mr. Peloquin said he understood his point but feels the amount of water flowing by Rose Avenue from this lot would be a drop in the bucket. Mr. Park said in most instances there is no impact but there would be impact once every other year when there is a high level of water.

Mr. Flattes felt like this was a large building for this neighborhood. Nothing around it is three stories. Has there been any consideration for a lesser number of apartments? He feels there is a lot of concern in the community that Derry has too many apartment complexes. What makes this one different or better for the community?

Mr. Peloquin responded that diagonally across from this project is Bunker Hill Estates which is a much larger project. This plan meets the town regulations and is zoned for this use and they are appropriately within the criteria. He has recently attended two seminars in the last month and there is a need for multifamily housing in Massachusetts and New Hampshire. Multifamily is the need of the future. There is a need for them for our children and our parents. He feels this project is a good one. The developer is a good developer and does good work. This project will dress up the intersection. Mr. Flattes asked if this project would impact the value of the neighbors' property. Mr. Peloquin said it would be up to an appraiser to determine that but his opinion is that this will have a positive impact on values.

Mr. Granese asked of Mr. L'Heureux if he had any issues or concerns. Mr. L'Heureux said there was one minor detail that he discussed with Mr. Peloquin today relating to the modification of a storm drain detail; otherwise, it appears this plan meets the town regulations.

Mr. O'Connor asked if this housing could be designated workforce housing. Mr. Peloquin said if the question is could this be workforce housing, the answer would be yes. If the question is this proposed as workforce housing, the answer is no. They just want to follow the existing regulations. The rents will be affordable and this project is in a good location. Mr. O'Connor asked if there are any similar projects by this developer the Board members could look at. Mr. Peloquin said there is a current, but much larger (two, 44 unit buildings) project in Salem called Braemoor Commons. That project shows the level of detail this developer puts into his projects.

Mr. Granese asked what material will be used on the façade. Mr. MacCormack advised the exterior will be a combination of vinyl clapboard and shakes. The roof will be asphalt architectural shingles. When they were designing the building they took into account the area and the proposed height. The third floor has been cut into the roof line to keep it in character with the rest of the neighborhood. The color of the shingles will be clay and beige; the roof will be a New England slate color.

Mr. Granese acknowledged two items of correspondence relating to the direct abutter, Desilets. The Board had received an email letter from Mr. and Mrs. Desilets on May 5, 2014. He read that into the record. In summary, they cannot endorse the plan but appreciate the efforts to address

their concern for privacy. Other concerns include additional traffic on Fordway, security and the change to a family neighborhood. Additionally, Mr. Desilets stopped in the Planning Office this morning as he could not attend the meeting this evening. He expressed the following concerns which were outlined to Mr. Peloquin in an email from staff. He has concerns with regard to the traffic impacts on the four way intersection and requested that the Fraser Firs, proposed to be planted as a buffer, be kept 10-15 feet from the property line to protect his existing garden from roots and needles. Mr. Sioras read the email into the record.

Mr. Peloquin stated the traffic issue will be an ongoing discussion item. Regarding the landscaping, they will push the trees as far away as they can. The grading of the slope is 3:1 and they will plant as close to the bottom of the slope as they can. They will work with Mr. Desilets at the time of construction. The existing garden fence currently encroaches slightly into their property but they will allow him the use he has enjoyed for many years.

Mr. Granese had questions with regard to Bunker Hill Estates. Mr. Sioras advised it is a 55+ development with 80% of the residents to be 55 years of age or older and the remaining 20% is open market. Mr. Mackey has advised the Condo Association has approached him with the intent of making it 100% 55+ housing. That will be discussed with the condominium owner. Mr. Granese confirmed the proposed development at 70 Fordway is not age restricted. They will be one and two bedroom units. The smallest appears to be 773 square feet. He confirmed this developer also has constructed an apartment complex in Salem and has a single family development located off Hampstead Road in Derry. Will this be Section 8 housing? It will not. Mr. Granese noted there is a need for affordable housing. People come to Derry, raise their children, leave and then come back. The town lacks housing for the 55 and older age group. Mr. Granese said he knows this is allowed but does not feel this is a good fit for the neighborhood. He feels there needs to be a site walk. There is a petting farm nearby and he would like to see the area and picture that building on the lot. He asked for the size of the building. For the site walk, he would like to see the footprint of the building marked out, the driveway and the north end of the parking lot to the rear near Pinehurst marked, as well as the turn around.

Mr. Flattes confirmed there would be no balconies or decks with this proposal. Mr. Sioras said traditionally, this area floods during a bad spring. He suggests looking at the corner of the lot, the low point is in the north east corner. Some of the property will be elevated but what is in the field and what is shown on the plan will be different. Mr. Granese asked if the elevations can be marked off. Mr. Peloquin said they will do that. The area that Mr. Sioras described is where they will have a catch basin. They will also mark off the catch basin area and the grades.

Mr. O'Connor asked if the reconstruction of the bridge helped with the drainage. Mr. L'Heureux said it did help, but the area will still flood because it is lower than the box culvert.

Mr. Flattes asked if the public will still have a chance to comment on this plan after the site walk. Mr. Granese said they would. Mrs. Choiniere asked if there would be an elevator. There will not be; accessible apartments will be on the first floor.

Motion by O'Connor to accept jurisdiction of the multifamily site plan application before the Board for Keystone Builders, LLC, 70 Fordway, PID 24005, seconded by Bartkiewicz.
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Park, Flattes, O'Connor, Davison, Bartkiewicz and Granese voted in favor and the motion passed.

The Board discussed possible dates and times to hold a site walk.

Motion by O'Connor, seconded by Davison to hold a site walk on Saturday, June 7, 2014, beginning at 8:30 a.m., rain or shine.

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

Mr. Peloquin will meet with Mr. Flattes on a separate date as he cannot attend the site walk. The public and abutters are invited to attend on June 7th. It was suggested that parking be on Pinehurst. Mr. Peloquin will confirm with the owner's attorney the public is allowed to attend; Andrew White, the owner's Realtor, agreed.

Motion by O'Connor, seconded by Bartkiewicz to continue this public hearing to June 18, 2014.

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

There will be no further notification of meeting dates.

## **Workshop**

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

*Mr. Fairbanks was reseated.*

Mr. Sioras stated the Town Council has approved the extension of water and sewer to Route 28 South and that project is moving forward. This will bring water and sewer to the intersection of Rockingham Road/Route 28 near the Grandview Fleamarket and Clam Haven, down to the Robert Frost Farm. Last year, the Town Council asked the Planning Board to look at the zoning in this area and the Board removed housing as a permitted use in the General Commercial zone. The Town Council has asked the Board to take another look at the list of permitted uses in this area. Staff came up with some ideas the Board may or may not want to use. The Town Council does not want to see housing in this area, and would like the Board to look at the uses. The property owners had asked the Board to consider mixed use.

A map of the area has been provided that shows the current uses for the properties in this area. The concept plan of a mixed use development was provided to show what mixed use could be. There is also a list of pros and cons concerning mixed use with housing and a suggested list of uses. The Town Council and the Planning Board will hold a joint workshop next Tuesday evening to discuss a vision for this area. Tonight, the intent is to keep the discussion going.

Mr. Granese advised he will be unable to attend the workshop next week as he is working. In the past, discussions regarding this area of town have noted a clear indication to exclude single family or any type of housing. He would also like to see auto uses taken out as a permitted use. Mixed use would work if the housing was provided to the rear of the lots behind a retail use.

Mr. Fairbanks noted the Town Council has some concerns with regard to mixed use. He feels there needs to be more education on what mixed use is. The lots in the area need to be made attractive to developers so that they will invest in the land. Mr. Granese thought it would be acceptable to have 55 and older housing to the rear. Mr. Fairbanks felt there was a need to have discussion and provide education on mixed use. Mixed use may sound good, but what are the “buts”? Mr. Granese stated there needs to be good tax revenue for the town.

Mr. Sioras commented that along Route 111 in Hampstead, there are two to three nice looking plazas, some are two story, some are single story. That is what he envisions. It is not likely that a box store would locate on any of these lots; there is not enough acreage. Grandview and the Smith properties are the largest. Walmart had relocated onto a 60 acre parcel on Ashleigh Drive. It is possible the town could get attractive retail development here. There was some discussion in the past about a supermarket being interested in the area. It would not be large scale development but it could be made attractive.

Mr. O'Connor recalled the Board began these discussions in 2011 and rezoned the General Commercial zone, leaving out the OMB properties along Rockingham Road. The owner originally wanted those lots to be developed as HUD properties, but he indicated he would be in favor of the lots being rezoned to General Commercial. He thinks the first item on the agenda should be to add those three OMB properties to the General Commercial zone. He also questioned if there was a difference between mixed use and a mixed use overlay. Mr. Sioras said there is.

The property that Mr. O'Connor is speaking of is located across from Winter Hill Road. Mixed use as an overlay or conditional use permit allows the Planning Board control over the development. A very specific list of criteria needs to be met for approval which regulates the quality of the development. Mr. O'Connor noted one of the OMB properties being discussed is a town owned parcel. Mr. Sioras stated that property is very wet and is under water most of the year. West Running Brook runs through the parcel. Mr. O'Connor felt that when the 100 year floodplains were added to the equation, many of the lots being discussed became unbuildable as mixed use.

Mr. Flattes asked if the Board looked at what Salem and Windham were doing along that stretch of road. He did not want to see an ‘auto mile’ or any type of housing. Fifty-five and older can still have children.

Mr. Sioras said it was a mismatch of uses along Route 28. The concern is that the value of the properties will increase and the town hopes to get a higher investment in the properties. The Board needs to look at the uses. Mr. Flattes said he wants to see something that will bring in jobs. The town does not need housing; maybe it needs a hotel or cinema complex or some type

of tourist attraction. Mr. Sioras noted the handout provides a list of suggested permitted uses. It is possible the hospital might look to this area; it is a good area for medical use.

Mr. Granese said this is a well-traveled road. It would be nice to see it developed. Something like McKinnon's in Salem would bring people to the area. He would like to see Market Basket on the Grandview site or something similar to the plaza at Exit 7 on Route 101 in Epping.

Mr. Fairbanks said the goals of economic development should be to keep the disposable income of the residents of Derry in Derry. He suggested looking at Phase II further down Route 28 and creating a long term plan. In the future, the town may expand sewer and water to the town line. The zoning is the same all along Route 28, other than at the Robert Frost Farm.

Mr. Flattes suggested allowing something like Kampgrounds of America so that people staying there could take advantage of the trails and town history.

Mr. Sioras noted that when the Town of Salem invested and put water and sewer on Route 28 it took many years, but the land did get developed. Mr. Fairbanks felt ten years from now, people will benefit from the planning the Board is doing now. The Board needs to think of the future.

Mrs. Choiniere said she would like to see uses that provide something for the kids in town to do such as a hockey rink or bowling alley. If parents are dropping off children for events, then they will shop in the area. Ms. Davison agreed. Mr. Fairbanks said this area needs to be attractive to developers. They are the ones spending the money to develop the land. Ms. Davison felt there needed to be some type of anchor to get people to come to the area. Mr. Granese recalled that when Walmart was being reviewed, it was a contentious plan, but the area has now built up around it. There is a need for something good in this area. Mr. Flattes asked if there were any Federal grants available that geared towards a particular zone. Mr. Sioras explained the concern would be that there are attachments to many of the grants. Non-profits would not allow the town to get the tax revenue it is looking for. He noted that the majority of hospitals are non profit. Mr. Flattes said he was thinking of something more along the lines of Bounce-U which is a for profit recreational use. Mr. Sioras said there are a few options state and county wide such as revolving load funds.

Mr. Sioras suggested continuing the discussion until the Board has a chance to meet with Town Council and schedule the next workshop for June 4<sup>th</sup>. Any rezoning should be done right and it may take a few months.

Mr. Granese asked Mr. Fairbanks and Mr. Sioras to forward his thoughts to the Council as he could not attend the joint workshop. Mr. Sioras advised he had met with Mr. Osborne and Mr. Budreau and they suggested that the Board consider the zoning in the downtown as well. The Board should consider what it would like to see for zoning there.

Mrs. Choiniere commented for the size of the town, there is not a lot to offer. People have to go to Manchester or Salem. Mr. Fairbanks agreed and said he wants to keep the citizens disposable income within the borders of our town. Ms. Davison said there is very little in the way of unique, locally owned businesses. They don't seem to flourish which may be an inevitable result

of no anchor store. Mr. Flattes said if the town attracts recreational business it will provide revenue and jobs and help the town grow.

Ms. Davison asked if there are any databases that show the number of housing units that are needed. Mr. Sioras said the Master Plan has some figures. SNHPC did a regional housing study which shows Derry exceeds the regional housing need and provides more than its fair share of that type of housing for the region. Derry provides all types of housing from single family to multifamily. Ms. Davison thought if people keep developing the older residential lots, eventually those units will be empty. Mrs. Choiniere stressed that if an application comes before the Board that complies with the regulations, there is not a lot the Board can do.

Mr. Sioras said once the Board has finished with this change, it may need to look at the density in the zones. The Fairways was already here when he began employment in Derry. It might be time to look again at the density requirements in the different zones. The town was developed as a mishmash because of the railroad and the mills. The older neighborhoods predate zoning. Mr. Flattes asked if the town could put a moratorium in place for housing. Mr. O'Connor said the town has a Growth Management Ordinance. Mr. Sioras said that is tied into the school capacity and now there is more room available. The option would be to downsize the density requirement.

Mr. O'Connor noted Derry has one of the most advanced fiber optic hubs available in the downtown and the town should be taking advantage of that and consider high tech development. Mrs. Choiniere noted there is an expense to retrofitting existing buildings in the downtown for the networks. Mr. Bartkiewicz commented Fairpoint is running the fiber optic rather than Verizon.

There was no further discussion.

Motion by Park, seconded by Bartkiewicz to adjourn. The motion passed with all in favor and the meeting stood adjourned at 9:04 p.m.

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

\_\_\_\_\_  
Secretary

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