

The Planning Board for the Town of Derry held a public meeting on Wednesday, March 18, 2015, 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: John O'Connor, Vice Chairman; Frank Bartkiewicz, Secretary; Randy Chase, Administrative Representative; Jim MacEachern, Lori Davison, Members; Marc Flattes, Bob Jean, Alternates

Absent: David Granese, Jan Choiniere, Darrell Park

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

Mr. O'Connor, Chair Pro Temp, called the meeting to order at 7:00 p.m. The meeting began with a salute to the flag. Mr. O'Connor noted the emergency exits, the location of meeting materials and introduced the Board members and staff.

*Mr. Flattes was seated for Mr. Park  
Mr. Jean was seated for Mrs. Choiniere*

## Escrow

### #15-06

**Project Name: Aroma Joe's #27**

**Developer: Zielfelder Builders, LLC**

**Escrow Account: Same**

**Escrow Type: Letter of Credit**

**Parcel ID/Location: 08274, 13 Manchester Road**

The request is to approve Release #1 in the amount of \$32,387.04 for the above noted project and request a replacement letter of credit in the amount of \$22,738.32. Upon receipt of the replacement letter of credit, the Board will release Letter of Credit #20028455, drawn on Kennebunk Savings, in the amount of \$55,125.36.

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

Mr. O'Connor noted the new coffee shop, Aroma Joe's, is now open the public and welcomed the business to town.

## Minutes

The Board reviewed the minutes of the March 04, 2015 meeting.

Motion by MacEachern, seconded by Bartkiewicz to approve the minutes of the March 4, 2015 meeting as written. The motion passed with all in favor.

### **Correspondence**

None.

### **Other Business**

#### Southern New Hampshire Planning Commission – Membership

Mr. Sioras read a letter into the record from David Preece, Executive Director of Southern New Hampshire Planning Commission (SNHPC). One of the current Commissioners, Joseph Donahue, is having difficulty attending the monthly meetings due to his work schedule. The suggestion is to elevate Alternate Jeffrey Moulton to full member status and place Mr. Donahue as the alternate. The process would be the Planning Board votes to recommend the appointments to the Town Council. Town Council makes the appointments to SNHPC. Mr. Moulton has indicated he would be interested in being elevated to a full member and Mr. Donahue has no issues with becoming an alternate.

Motion by MacEachern to recommend the appointments to SNHPC as just outlined by Mr. Sioras to the Derry Town Council, seconded by Bartkiewicz. All voted in favor and the motion passed.

#### Voluntary Merger, 418 Island Pond Road and 13 Route 111

Mr. Sioras advised this is a merger request of two lots the Board will see shortly for commercial site plan review. The lots are located at the intersection of Island Pond Road and Route 111. The lots are both owned by David Frahm of Cow Bell Corner Realty, LLC. The Assessor has signed off on the merger. The two parcels will become parcel 04126.

Motion by MacEachern, seconded by Bartkiewicz to approve pursuant to RSA 674:39-a, the voluntary merger of parcels 01426 and 04127, 418 Island Pond Road and 13 Route 111. Parcel 04126 will be retained.

Chase, Jean, Davison, Flattes, MacEachern, Bartkiewicz and O'Connor voted in favor and the motion passed.

Schedule Public Hearing – Special Exception Provisions

Mr. Sioras stated the document before the Board is the final document regarding the covenant change to the requirements for a special exception, as suggested by the Zoning Board of Adjustment and the Code Enforcement Officer. Staff would recommend a public hearing date of April 15. The purpose of this change is to eliminate a conflict with RSA 356-B:5.

Motion by MacEachern, seconded by Bartkiewicz to schedule a public hearing regarding proposed changes to Article VI, District Provisions, Section 165-45.D.2.j, Medium High Density Residential; Section 165-45.1.C.2.j, Medium High Density Residential II; and Section 165-46.B.2.j, Medium Density Residential. The purpose of the change is to remove a conflict with RSA 356-B:5. The date of the hearing is April 15, 2015.

Chase, Jean, Davison, Flattes, MacEachern, Bartkiewicz and O'Connor voted in favor and the motion passed.

Schedule Public Hearing – Central Business District/Traditional Business Overlay District

Mr. Sioras advised the document before the Board is the result of the workshops by the Board and the subcommittee. There are changes to the definitions and provisions in both the Central Business District and the Traditional Business Overlay District. Specifically, the Board is proposing to amend permitted uses, building height, parking requirements, and buffer zones. It is suggested the public hearing for these changes also be scheduled for April 15, 2015.

Motion by Bartkiewicz, seconded by Flattes to schedule a public hearing for April 15, 2015 regarding proposed changes to the following sections of the Town of Derry Zoning Ordinance: Article II, Section 165-5, Definitions: to add definitions for Contractor, Travel Agent, Light Manufacturing and Electric Vehicle Supply Equipment, and to amend definitions for the following terms: Commercial Service Establishment, Bus Depot, Professional Office and Filling Station. To amend Article II, Section 165-13, Off Street Parking; Article VI, Section 165-33, Central Business District and Section 165-49, Traditional Business Overlay District, to amend the permitted uses allowed in the districts, density requirements, building height, parking, and buffer zones.

Chase, Jean, Davison, Flattes, Bartkiewicz and O'Connor voted in favor. MacEachern voted no, stating he did not support light manufacturing in the district. The motion passed with a majority in favor.

Schedule Public Hearing – Land Development Control Regulations

Mr. Sioras said the last amendment to be scheduled for April 15, 2015 would be for amendments to the Land Development Control Regulations with regard to parking, landscape and buffering requirements. These changes will ensure the LDCR is in line with the proposed changes to the CBD and TBOD.

Motion by MacEachern, seconded by Bartkiewicz to schedule a public hearing for April 15, 2015 to discuss proposed changes to the Town of Derry Land Development Control Regulations, Article XI, Section 170-63, Parking Requirements and Section 170-64, Landscape and Buffering Requirements.

Chase, Jean, Davison, Flattes, MacEachern, Bartkiewicz and O'Connor voted in favor and the motion passed.

### Other

Mr. Sioras reminded the Board that Town Council will be holding a public hearing on March 24<sup>th</sup> to discuss the zoning amendments related to the property maintenance ordinance. He also has a letter that his office received today from an abutter to the Cow Bell Corner project, but he will read that into the record during that hearing.

### **Public Hearing**

#### **Cow Bell Corner Realty, LLC**

#### **PID 04126 and 04127, 418 Island Pond Road and 13 Route 111**

#### **Acceptance/Review, Site Plan**

#### **Mixed Use Development**

Mr. O'Connor questioned whether a mixed used development was allowed in the General Commercial zone. Mr. Sioras explained these lots are located near Route 111 and Island Pond Road in the General Commercial zone. The mixed use proposed for this lot is not like the mixed use being discussed by the residents along Route 28 south on Ryan's Hill. This project will have mixed commercial uses. The Master Plan recommends the town expand the commercial zone along Route 111. In the 1990s the commercial zone was expanded to this area of town and this project fits in with the long term goal of expanded commercial. The mixed use for this site includes a gas station/convenience store with a deli and donut shop, the second building has a proposed 60 seat restaurant, salon, retail space and athletic club and the third building is proposed as professional office. This is a good project. There are abutters present. He presented the following staff report. The purpose of the plan is for a 31,500 sf mixed use/commercial/professional office development located in the General Commercial District on Route 111. All town departments have reviewed and signed the plan. There are four waiver requests and the applicable letters are in the file. The NH DES Alteration of Terrain permit has been obtained and staff would recommend approval of both the waiver requests and site plan application. This application does not require a NH DOT driveway permit as the entrance is on a town road. One abutter has sent a letter indicating she was in favor of the project.

Mr. O'Connor noted he reviewed the email advising the applicant met with the Town of Salem Planning Director on February 5, 2015. There has been no negative response from the Town of Salem.

Charlie Lanza, Lewis Builders Development, Inc., presented for the applicant, David Frahm, who was also present.

Mr. Lanza advised that two lots in Derry have been merged by the Board this evening into one 9 acre lot. There are two smaller lots located in the Town of Salem, but 100% of the project will be in the Town of Derry. There are three proposed commercial buildings totaling 31,500 square feet. The building closest to the entrance of the project will potentially have a gas station and coffee shop. The second building to the east is a similarly sized building and the proposed uses are as noted on the plan. It should be noted there are no tenants secured to date. These are proposed uses only. The buildings will be serviced by on site septic and on site water. They received the approval for the public water supply today. A copy of that approval was provided for the file. The septic approvals and Shoreland permits are pending from the state. They have been through the Technical Review process and are working with the town's consulting engineer, Steve Keach of Keach Nordstrom Associates (KNA), to address the comments in his review letter. Mr. Lanza does not feel the comments are a major issue and believes he can work those out with Mr. Keach.

Mr. Lanza reviewed the submitted plan set with the Board. This is a 9 acre consolidation of land area in Derry. 3 ½ acres will be developed, most of the development is constrained to the front portion so that they can leave the Spicket River and wetlands untouched and in their natural state. The site plan shows the gas station aisles and tanks with a 40 x 90 convenience store/coffee shop. The site is tiered and visitors can drive around and behind each building.

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.

Michael Fairbanks, 1 Rose Avenue, said he would like to hear more about the waiver requests and about the mixed use.

Mr. Sioras said 'mixed use' is a term that in this case is being used to describe the uses on the site. There will be three different commercial buildings on the site. This is not mixed use such as has been discussed on Route 28 south which was housing and commercial combined. This is general commercial only with a gas station, retail and office. No housing is proposed for this project. That is what is meant by mixed use in this particular case. Mr. O'Connor noted the Boomer Wolf project on Manchester Road (Woof Meow, Panera, Goodwill) was also a commercial mixed use project. Mr. MacEachern suggested that the Board should change that term. This use is similar to a strip mall with various businesses in it which is allowed. The Board needs to be very careful when it uses the term 'mixed use'. The Board should be talking about "allowed uses".

Mr. Lanza reviewed the waiver requests. The first is from LDCR Section 170-61.A.12, HISS mapping which is required for all sites without public sewer access. They are requesting this waiver as the site was required to comply with the Alteration of Terrain (AoT) permit process which required site specific soil mapping. Site specific soil mapping provides equal if not greater benefit than HISS mapping and is a more modern approach to soil mapping. KNA

supports the waiver. Mr. Lanza did not believe granting this waiver would be detrimental to the public safety, health, or welfare or injurious to other property and would promote public interest. Mr. L'Heureux noted the AoT process is more stringent with regard to stormwater analysis and mapping requirements.

The second waiver is from LDCR Section 170-63.A.2 to allow a small portion of the drive aisle pavement to be installed 7' to the side property line where 10' is required. This only applies to a small 50 foot section of pavement located between buildings 1 and 2 along the southerly lot line. Mr. Lanza felt the intent of the ordinance was met because the abutting parcel to the south is in equal ownership with the subject parcel, and the owner has planted about 60-70 spruce trees along the line which provides a nice buffer. The waiver is supported by Keach Nordstrom (KNA).

The next waiver is from LDCR Section 170-63.A.7 to provide no curbed landscape islands because the site is located on the Spicket River. Adding landscaped islands inside the parking areas will make the entire site larger and push the buildings down closer to the river to the east and south, parking areas are separated by the proposed buildings, the ordinance is written as a one size fits all and is more applicable to big box stores with large open parking lots in front the buildings. Additionally no curbed islands make it easier for emergency vehicles to get around the site, and it is easier to plow in a small parking lot such as this. Natural woodland buffers around the perimeter of the site would be maintained. In place of green space being provided in the parking area, additional open space is being provided on the remainder of the site. This project provides almost 63% open space where 33% is required. He did not feel granting this waiver would be detrimental to the public safety, health, or welfare or injurious to other property and would promote public interest.

The last waiver from LDCR Section 170-63.A.8 is to allow no interior parking green space. This is similar to the previous waiver and they go hand in hand. The site is enclosed by a green area and is located on the Spicket River. Adding green space inside the parking areas would make the entire site larger and push the buildings down closer to the river. Mr. O'Connor asked how close would the buildings be to the river if this waiver was not granted. Mr. Lanza said they did not prepare a concept so could not say for sure, but the raised islands would expand the pavement on the site. What would be gained in interior green area would be offset by the additional impervious area. Mr. O'Connor asked if the Conservation Commission was in agreement with the waiver request. Mr. Lanza said he felt they would be as they are staying as far away from the wetland as possible.

Frank Olmstead, 413 Island Pond Road, lives across the street. He asked if there is enough parking on this site for all the uses, especially the health club. Mr. Lanza said the plan meets the town requirements for parking. Mr. Sioras confirmed that statement and indicated as tenants are secured the applicant would be asked to come back before the Planning Board and make sure there is sufficient parking.

John Lahey, 411 Island Pond Road, had a concern with traffic. The entrance as proposed is located about 225 feet from his driveway. In order for him to exit his driveway today, he has to

wait to be let out by oncoming traffic. Heading north on Island Pond Road, the light is green for less than 30 seconds and the traffic backs up from Route 11 to the Salem town line between 4:30 and 5:00 p.m. Has there been a traffic study? Mr. Lanza said they did perform a traffic study several months ago. At full site build out, the light at Route 111 will need to be adjusted. The traffic engineer suggests the light be operated more efficiently. The process is that the applicant would speak to NH DOT and at full build out, the light would be reconfigured and adjusted for the traffic.

Mr. Lahey asked if there would be any all-night businesses. Mr. Lanza said it is difficult to pin down at this time. Any tenant would operate within town regulations; they don't expect to have any all-night businesses but he can't be certain of that since they don't have tenants lined up yet.

Mr. Lahey said his quality of life will change because of the noise. There will be dumpsters and deliveries. The site plan shows a fence going up Route 111. A fence was taken out of the state right of way along Island Pond Road and trees were cut. Will they replace the fence along Island Pond? What will be the buffer along Island Pond Road?

Mr. Frahm advised PSNH requested they be allowed to trim trees along this area that were growing into the power lines. Mr. Frahm pulled an intent to cut to clear the undergrowth in this area. The former fence was an old wire fence that had areas cut out to allow snowmobiles to go through. Trees were taken down on both sides of the property line – the state's right of way and his property. Mr. Lahey said the trees did provide a buffer. Mr. Lanza showed Mr. Lahey the area that would be treed and would have a post and rail fence. Mr. Sioras explained the developer is looking for an overall development approval this evening and as tenants come in, the Board will hold compliance hearings and at that time the Board will look at hours of operations and dumpster pickups. Mr. Frahm stated he owns Hampstead Commons and for that approval no dumpsters were allowed to be picked up before 8:00 a.m., so he is familiar with that type of a condition being placed on a project.

Judy Break, 170 Haverhill Road, Salem, advised she lives on the town line and abuts the property to the rear. She has many concerns, among them the size of the development and hours of operation. Island Pond/Haverhill Road is a busy road and this project is on a dangerous intersection with accidents. Having an entrance located where the existing driveway is located for such a large facility is concerning. She would feel more comfortable with an entrance off Route 111. The morning commute makes this a very busy road and it is busy in the evening between 5 and 6:00 p.m. as well. Adding businesses to this area is concerning because of the additional traffic. During the summer, she can hear traffic from the road. A facility with three large commercial buildings with multiple uses is a concern. She had envisioned something like where Beantowne is located in Hampstead that would face Route 111. These buildings appear to have businesses that wrap around the building, so as an abutter facing the back of the buildings, she will have a more direct view of the commercial space. She can see through the spruce trees, but understands they are still growing. If there is a tenant such as a restaurant or athletic club, people could be on site at 5:00 a.m., in addition there could be people who have had alcohol leaving the site. With regard to the wells, the properties in North Salem and this section of Derry are not on town water. The use for those buildings is concerning as she has no other options for

water other than her drilled well. If these building are on the same aquifer, how will their use affect her well? There is also the noise caused by deliveries and dumpster pick up to consider. This has been a country side of Salem, not a commercial side of Salem. For Derry, this area does have some commercial uses, but those uses come and go including Brookstone, the vacant commercial building next to Brookstone, Wickson's Corner (which is 1/3 empty) and there is a small gas station across the street. She wonders how this project will affect the residents in the area. Most residents don't foresee a shopping mall being constructed near them. She lives on the true Cowbell Corner intersection, downhill from this project and is concerned about runoff and smells, etc. Ms. Break stated she did understand that the Board will hold hearings for tenant occupancy, but this is where she lives and her home has been in her family for a long time. The design is beautiful and the property owner is a good one, but she still has concerns regarding the size of the project, the phasing in and the timeline.

Mr. O'Connor said with regard to the traffic patterns, he can see existing traffic utilizing the gas station. With regard to runoff, there is an infiltration basin planned for the site.

Mr. Lanza explained that all water will drain to the east to a fore bay and then to an infiltration basin so there will be no water flow directly off the site to the south. Initially they had planned the site with an entrance off Route 111; however, this is a controlled access right of way. When the State took the property along Route 111, there was a stipulation placed that the property could not be accessed off Route 111. Ms. Break noted that as one heads towards Hampstead from this site, there is an entrance off Route 111 that has been approved within the last few years. Mr. O'Connor advised the Planning Board has no purview over state regulations. Mr. MacEachern added that if the state said that for this property, it does not mean the state would not allow access for other properties. Also it would be very difficult if not impossible to get an entrance off Route 111 here because of the proximity of the light. The light is part of the proposed plan and the town would require the applicant to work with NH DOT to resequence the light. As tenants come in, abutters will be able to see the uses and hours of operation. The lights and traffic studies will be reviewed as well.

Mr. Sioras advised that NH DOT, even after petitioning by some property owners, is not allowing a lot of curb cuts along Route 111; the town has no control over that. Mr. MacEachern noted Brookstone is further down the road from the light and the state looks at that as well. There is a concern all along Route 111 and there are several places where multiple buildings share one entrance. He understands where Ms. Break is coming from, but felt this would make Route 111 safer because the light timing will be adjusted.

Mr. O'Connor asked if there had been any analysis with regard to the wells. Mr. Lanza advised the two wells cited have more than enough adequacy for the use. The flow rate is about 8 gallons per minute, which is about 15,000 – 20,000 gallons per day. They expect to use between 5-6000 gallons per day. Ms. Break said if the wells are on the same aquifer, it would still be a concern. What is the time line for build out? Mr. O'Connor said the Board would discuss that with the applicant after the public portion of the hearing concluded.



June Lahey, 411 Island Pond Road, is also has a concern for her well. Will there be any blasting for this project? Mr. Lanza said not that he is aware. Test pits did not show any ledge on this site. Mr. O'Connor explained if for some reason they had to blast, the Town of Derry has protocol in place which includes a pre blast survey and seismic readings. Mrs. Lahey said traffic is an issue and they have problems now getting in and out of their driveway. She is not sure adjusting the lights will solve the issue. People travel 40-50 MPH by the time they reach their driveway; this can affect people entering and exiting this site. Her unofficial traffic study, observing traffic four different times over four different nights during a half hour period showed 45 yellow light violations, and 9 red light violations.

Phillip Meuse stated he owns the Mobil station across the road from this project. In 1990 he came before the Planning Board with his plan. He did not request access off Route 111 for his project. He noted he is hearing impaired and it has been difficult to follow the discussion this evening; he can't hear what people are saying. He asked that before the Board makes a final decision, he be allowed to review the minutes of the meeting so that he can have the same information as everyone else. He does not have an issue with the rest of the development, but the gas station will have a large impact on his business. He is in the middle of a quarter of a million dollar upgrade of his property and the impact of this proposed gas station is devastating; it could put him out of business. In his first year of operation, he sold 1.2 million gallons and increased that to 1.75 million within ten years. He sold the business and then re-purchased it 9 years later. At that time, sales were at 1 million gallons. He has been working for six years to get the volume back up to 1.2 million gallons. A gas station across the street will impact his volume. Too much of an impact will put him out of business. He knew this land would eventually get developed. When he heard there would be something there, he was not too concerned. The development of this property is one thing, but putting a gas station there is something else. The owner will need half of Sunoco's volume and half of Mr. Meuse's volume to be in the ballpark. That amount of business is not there. His estimation is the gas portion of the project is ill-conceived and detrimental to Mr. Meuse's business. He is not sure how this will affect the neighbors; they have valid concerns. If a decision is to be made, he would ask the Board to hold off until he can read the minutes. He has not looked at the plans and has no knowledge of the environmental impacts. A decision by this Board at this time is not sensible.

Mr. O'Connor said if the Board approved the plan, each building would need to come back to the Board. Minutes are available within 5 days of the meeting in draft form. Abutters would have 30 days to come back to the Board. Mr. Sioras noted the developer is looking this evening for conditional approval of the overall site and would come back to the Board for individual tenants. At that time, the hours of operation, etc., would be discussed. The developer would best be able to advise of the proposed time line.

Mark Shillingburg, 1 Sara Lane, said he can see this site from his bedroom window. He lives across from the existing Mobil station, they are a good neighbor. There is no music from the pumps, and they close between 9-10:00 p.m. His concern is the noise that might be generated that is out of the hands of the property owner. For example, at the Mobil station, cars peel out of the parking lot, and stereos and motorcycles are loud. Those are things that the owner of the property can't help and are part of the nature of the business. Is there any law that assures that a

new gas station can't be open 24 hours a day? The Shillingburgs can sleep at night once the Mobil station closes; he felt the Board had an obligation to protect the abutters. Mr. O'Connor said that when the gas station or restaurant comes before the Board for a compliance hearing, the Board can discuss the hours of operation. He noted the state has recently passed a law reducing the decibel level of motorcycles; it will be up to the Police Department to enforce it. As for hours of operation, the applicant may request 24 hour operation, but the Board may or may not approve it.

Mr. Sioras read the letter from Ann Webster, 176 Haverhill Road, Salem, into the record. Ms. Webster is not opposed to the project moving forward.

There was no further comment.

Motion by MacEachern 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. MacEachern noted the public had good questions. Mr. Flattes asked if the Board should consider a site walk. He would like to see this site before any approvals. The Board takes site walks on other projects and he feels it should be done in this case; the residents are due the same consideration the Board has paid to other neighborhoods. Mr. O'Connor and Mr. MacEachern said they were both very familiar with the area and did not feel the need for a site walk. No other Board member spoke in favor of a site walk.

Mr. O'Connor asked with regard to the topography; the land at the second building slopes toward the stormwater; there is also a ramp indicated on the Route 111 side. Mr. Frahm said that area is a loading area. Mr. O'Connor said that is not allowed per the LDCRs; deliveries cannot be made facing the main entrance. Mr. Frahm said per the KNA review, it would need to be fenced; this is a conceptual rendering of the site and the rendering will be revised.

Mr. MacEachern asked if there was a time line for phasing of the plan. Mr. Frahm said hypothetically, it depends up on the economy. He can market the site with conditional approvals. He would like to start once he finds tenants. The site has to be built out for drainage and he would put in the foundations. Mr. MacEachern asked if the site would be cleared all the way to the pond. Mr. Frahm said the property is all field up to the front of the last building. They would have to clear that area and the area proposed for the detention pond. Mr. MacEachern asked if they plan to start with the gas station and then clear the lot. Mr. L'Heureux said they have discussed it and the developer will need to build out the site to pavement in order for the drainage to work effectively. Mr. Frahm said he would need to compete landscaping and erect the buildings – that is what would be left to do, the foundations would already be in place.

Mr. L'Heureux said the remaining items for his department would be the follow up from the KNA review, and the pavement thickness will need to be addressed for the access driveways. They will need to hatch out the area to be reinforced. This is Item 30 in the KNA report. The reason for the adjustment in the pavement thickness is to accommodate the weight of delivery trucks and vehicle volume. There will also need to be separate structural plans for the proposed

retaining walls. Mr. Frahm added his pavement contractor had also recommended adjusting the pavement thickness. Mr. Sioras recalled when the Panera site was being developed it was the same process, the infrastructure and pavement was put in place and then they added the buildings. When they come back with the tenants the Board will review the hours of operation for businesses and a true architectural rendering can be provided. The Board did that with Goodwill and Panera.

Mr. Chase wanted to address one of the waiver requests with Mr. L'Heureux, specifically the one dealing with raised islands and greenspace. What did the TRC feel about those requests? Mr. L'Heureux said the TRC was neutral. The applicant had provided the explanation that it is difficult to plow around this type of structure. That is functionally difficult to do in a site of this size; there also needs to be the ability to move large trucks through the site such as delivery trucks and fire apparatus. Mr. Chase said the concern is to keep people out of the island areas if they are not going to be raised, landscaped islands. People will park in striped areas. If that advantage is lost, why not add the raised islands. Mr. Frahm said they will stripe the areas; the buildings are not that large and there is not a lot of area between the buildings. Mr. Chase noted he is definitely not in favor of expanding the site closer to the Spicket River. Mr. MacEachern agreed. Mr. Frahm said he would rather add trees for the neighbors than put trees in an island. Mr. Chase suggested sloped curb or removable bollards so that the area is clear to plow in the winter. He does not want anything that could impede truck turns, but knows that people will park on striped areas.

Mr. Flattes had a question with regard to the traffic light. Will they wait until full build out, or can the light timing be adjusted before then? Mr. Frahm said the gas station alone is not enough traffic to adjust the light. Traffic counts are less on Route 111 than three years ago. It is recommended that at full build out the timing of the light be reevaluated and adjusted as necessary. The Board can say it has to be done after building 2 is constructed. Mr. L'Heureux said they just need to adjust the length of time for the light. Mr. Frahm said it can be done sooner, it just needs to be required by volume. Mr. Sioras said this was his concern, knowing the area.

Motion by MacEachern to accept jurisdiction of the site plan application before the Board for Cow Bell Corner Realty, LLC, PIDs 04126 and 04127, 418 Island Pond Road and 13 Route 111, seconded by Bartkiewicz.

Chase, Jean, Davison, Flattes, MacEachern, Bartkiewicz and O'Connor voted in favor and the motion passed.

Motion by MacEachern, seconded by Bartkiewicz to grant a waiver from LDCR Section 170-63.A.7, to permit no curbed landscaped islands as 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.

Chase, Jean, Davison, Flattes, MacEachern, Bartkiewicz and O'Connor voted in favor and the motion passed.

Motion by MacEachern, seconded by Flattes to grant a waiver from LDCR Section 170-63.A.8, to permit no interior parking green space as 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.

Chase, Jean, Davison, Flattes, MacEachern, Bartkiewicz and O'Connor voted in favor and the motion passed.

Motion by MacEachern, seconded by Bartkiewicz to grant a waiver from LDCR Section 170-61.A.12, HISS Mapping, as 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.

Chase, Jean, Davison, Flattes, MacEachern, Bartkiewicz and O'Connor voted in favor and the motion passed.

Motion by MacEachern, seconded by Flattes to grant a waiver from LDCR Section 170-63.A.2, to allow pavement within 10 feet of the lot boundary with conditions as 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. Conditions are: per the KNA review letter dated March 11, 2015, under Planning/Design Matters, Item 6.

Chase, Jean, Davison, Flattes, MacEachern, Bartkiewicz and O'Connor voted in favor and the motion passed.

Motion by MacEachern, seconded by Bartkiewicz to approve pursuant to RSA 676:4, I, Completed Application, the site plan before the Board with the following conditions: comply with the KNA report dated March 11, 2015; subject to owner's signature; subject to onsite 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 disc is received, is operable, and it complies with LDCR Section 170-61.C; Condition Compliance Hearing for each tenant to ensure compliance with parking calculations, sign regulations, as well as consideration for some form of removable boundary to prevent parking in unauthorized areas during the summer to preserve the turn radius, and that general site conditions have not changed; the plan be revised to note increased pavement thickness in the area of the common access drives; note approved waivers on the plan, subject to receipt of state and local permits relating to the project (NH DES Shoreland, NH DES Water Supply System, Town of Derry Driveway Permit); letter from NH DOT is received indicating the specific trigger for the traffic light changes at the intersection of Route 111 and Island Pond Road; the above conditions be met within 6 months; snow and ice removal shall be performed by a "Green Sno Pro" certified contractor following Best Management Practices for the application of de-icing materials; a \$25.00 check, payable to the Rockingham County Registry of Deeds be provided with the mylar in accordance with the

LCHIP requirement (this mylar is for the merger of the lots only); submission of appropriate recording fees payable to the Town of Derry.

Chase, Jean, Davison, Flattes, MacEachern, Bartkiewicz and O'Connor voted in favor and the motion passed.

Mr. O'Connor noted the applicant has heard the concerns of the abutters and will need to take them under consideration. Each tenant will come back to the Board with revised plans and the developer will work with the abutter to resolve issues as necessary.

#### Other Business

Mr. O'Connor said he would send copies of the information he has gathered with regard to mixed use via email. The subcommittee did meet and reviewed the information. The information concerns Performance Zones and the Board can discuss it when the Board meets in April. There is no commitment for mixed use in the General Commercial zone, but there can be discussion about an overlay.

There was no further business before the Board.

A motion was made and seconded to adjourn. The motion passed with all in favor and the meeting stood adjourned at 8:46 p.m.

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

\_\_\_\_\_  
Secretary

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