

Site Walk  
James Taylor & Aaron Hill  
19 Kendall Pond Road  
PID 24037

On Saturday, September 06, 2014, the Derry Planning Board conducted a site walk to view the property owned by James Taylor and Aaron Hill that is under consideration for an 18 unit multifamily development. The site walk began at 10:00 a.m., at the property located at 19 Kendall Pond Road.

Present: Dave Granese, John O'Connor, Frank Bartkiewicz, Randy Chase, Jan Choiniere, Lori Davison, Mike Fairbanks, George Sioras, Elizabeth Robidoux. Also present were Bernie Temple of Eric C. Mitchell & Associates, Inc., Aaron Hill (apx 10:30 a.m.), and approximately 30 members of the public.

Weather conditions were clear, very hot, with light clouds. The site walk began in the parking lot of the former commercial site. One of the abutters advised when Magnolia was developed, there was supposed to be a lot, 2 Magnolia Lane. Will this lot now be 2 Magnolia? Dave advised the Planning Board does not assign addresses; that is done through the Fire Department. George suggested any questions about addresses be directed to Fire Administration. Shereen Hawkesworth advised that at one point she had requested the bus company allow the bus to come down Magnolia and pick up the children on Magnolia, rather than at the corner of Magnolia and Kendall Pond. She had been advised the bus company would not allow it because it would be too dangerous for the bus to try to turn out onto Kendall Pond Road. Her question is how is it going to be safe for 40 additional cars to be turning in and out of this new development onto Kendall Pond Road?

Bernie provided the following overview. The proposal is for an 18 unit apartment building, three stories, with 7900 square feet total area. There are 43 parking spaces in total; 18 will be under the units in an underground garage. The parking lot is adjacent to the exiting wetland. The project has received sign off from the Highway Safety Committee. They will be increasing traffic in the area by 1.2%. There will be a residential buffer between this property and the neighbor at 4 Magnolia with landscape on both sides of the property line. They are requesting a waiver from some of the buffer regulations but are working with the neighbor. Bernie pointed out the location of the proposed fence. Bernie also handed out a layout showing the stakes or markings they put in place for the site walk. A copy of the layout was retained for the record.

One of the abutters asked about the walking trail in the open space. Bernie advised there will be a small walking trail along the wetland.

Bernie reviewed the waiver requests: they are asking for waivers for the fence, parking lot landscaping, and street trees at the request of the Fire Department and from the

overhead utility requirement. They would like to use overhead utilities to service the building.

John asked for more information on the 30 foot buffer. There was a short discussion regarding the parking lot calculation. One of the abutters asked what will prevent people from parking on Magnolia. Another abutter said there was nothing to stop people from parking there. Dave explained the Planning Board has no control over who parks on Magnolia; the neighbors would need to speak to the town. The Planning Board cannot tell people they can't park on a public street. Randy agreed. The town can't discriminate with regard to parking on a public street. If no parking signs are put up, no one can park there, including residents and guests on Magnolia.

Dave asked what is the proposed height of the building. Bernie thought it was 41 feet at the top of the ornamental peak.

The site walk proceeded to the right rear building corner marking. Mr. Drago asked for more information about the walkway from this project to Magnolia. He felt this would add a number of children to those already waiting for the bus at the corner. He also wanted to know what he would be looking at from his house on Magnolia, facing this building. Bernie said there will be some landscaping. They did not propose a fence. The existing fence will come down, as will the existing vegetation. Mr. Drago had concerns about the walkway to Magnolia. Bernie said the walkway is for the health and safety of the residents. George asked Bernie if there had been any thought to retaining the existing vegetation along Magnolia? Bernie stated the sewer line is 15 feet deep and may create an issue with that. The easement is 20 feet wide; they will try to save what they can as the grade will not change all that much. They may be able to replace the fence with something more modern. John recalled the agreement between the Fire Department and the applicant was that there were to be no trees. Liz explained James Kersten had expressed concern; the Fire Department needed to access the building from at least two sides without obstruction for the ladder truck.

One of the abutters asked if there were any issues with the proximity to the rail trail. George said he had been asked to verify if there was any impact to the trail. John noted the location of the trail in relation to this property. The abutter said the idea of the rail trail is impacted by a view from the trail of this proposed building. He asked if there were any geological tests done since there was to be an underground garage. Bernie stated the test pits showed sandy soil. The garage will be 6 feet down.

Discussion moved to the residential buffer. There will be a 6 foot vinyl fence and some fill at the request of the homeowner. There will be landscaping along the buffer as well. One of the abutters asked what is being done to protect the privacy of all the residents on this side of Magnolia from the dumpster and the three story building. Bernie said the flat roof will be four feet higher than the existing homes. One of the abutters noted this building will have balconies. Another asked what is the impact on the school system for this development. John said that is an issue for the School Department and did not believe there would be an impact as the enrollment numbers are down.

Mr. Drago asked about lighting. Their development has underground lighting and no light pollution. This proposal will have exterior lighting. Bernie said the light poles will be on the parking lot side. Sarah Steinhoff, 4 Magnolia, stated the lights in the parking lot will shine directly in her bedroom window. Bernie said they could work with her and put cut off lighting; there won't be any facing Magnolia. One abutter did not feel that to be safe.

Dave asked Bernie to point out the location of the walkway. Bernie said the original plan was to have a post box on that side of Magnolia but that has been moved. One of the abutters wanted to know why then is the walkway there. Liz explained that all exit doors must have a walkway to a public way; this is something required by the Fire Prevention Director and is in the life safety code.

When asked where the fence will be located, Bernie advised it will be on the building side of the sewer man hole about 5 feet away; the walkway is 8-10 feet from the sewer man hole. Liz asked if the trees and shrubs on the 4 Magnolia will be staying. Mrs. Steinhoff said they will need to be moved.

Regarding lighting, Bernie said there will be an egress light facing 4 Magnolia; there will not be anything on the sides with no doors. An abutter felt there should be lights at night on the street side because this is an apartment. Bernie said they can look at adding down cast wall packs.

One of the neighbor stated this development will change the character of the neighborhood. Dave said he understands the abutter's concerns with regard to safety issues but advised we can't pick our neighbors. He asked the abutters to keep an open mind. It cannot be said if the Board approves this application that the crime rate will go up; crime rate in Derry has gone up; it has gone up everywhere. He said all neighborhoods should be vigilant. One of the abutters said this is about picking where they live; they chose to live in a neighborhood with single family homes, not apartments. Dave said if it fits and is allowed in the zone, all the Board can do is make sure the plan follows the regulations. The Board can put restrictions on what they do and how the building looks. If it fits the regulations, they have to allow it. Aaron Hill said their intent is to be in compliance with the regulations and to build a nice, attractive, upscale building that attracts higher rents and a higher clientele. An abutter said just because they can do something does not mean it should be done or that it is right. The abutters asked the Board to look at the zoning. Dave said they are doing that.

The site walk proceeded to the left rear corner of the building. The question was posed how far does the walking trail go behind the properties? Bernie noted the location of the trail on the plan. It goes from the back corner of the building behind the parking lot and goes along the wetland just over the stone wall.

One abutter asked how much it would cost to purchase the property; Mr. Hill suggested someone make an offer.

The Board reviewed the proposed dumpster location. It will be adjacent to the existing shed. The question was asked why does there need to be a dumpster; why can't these residents also be required to go to the dump.

Dave asked what will they be doing to the rear of the property near the wetland. Bernie advised they are required to provide recreational area and will create a walking trail from the corner of the property in the upland adjacent to the wetland. The Conservation Commission has reviewed this plan and signed off on it. The total acreage of the property is 1.94 acre. The trail ends near the 3<sup>rd</sup> house on Magnolia (Parcel 24037-003). The property is required to provide 15% recreational space. Dave felt that a trail that dead ends invites problems. It would be nice to do this somewhere else. One of the neighbors said there is no boundary so anyone can just walk off the trail into their backyards which are open to the wetland. No one monitors the activity back there. He would like to see a fence along this boundary.

George asked Bernie to give a breakdown of the acreage; how much is wetland and how much is actually buildable land? The land on paper might meet the density requirements when you look at the total 1.94 acres, but he feels that the unusable land should be deducted from that total and the density built off the remainder. In other words the density should be based on buildable land which would be the total acreage less steep slopes and wetland. It should be realistic. The trail should not go to the middle of nowhere. Mike noted the Board needs to be fair across the Board; some plans have been allowed the recreation in the green space.

Dave asked about the parking lot. There will now be an additional 40 cars on Kendall Pond. Bernie said they submitted a traffic impact letter which was reviewed by the town's consulting engineer, VHB. Mike said the traffic should be addressed as well as the speed of traffic coming from the bridge.

George confirmed the rear side of the building is 50 feet from grade, the front is 32 feet. Bernie advised the existing elevation of the current house on the lot is at 302.2; the proposed elevation of the flat part of the roof will be at 304.5, and the neighbor's roof is at 306.1. One of the abutters stressed when they are talking about the building height it is important to talk about the distance to the peaks not just to the flat roof. Mr. Hill said the peaks were added to the design of the building to make it more appealing. The highest peak is 41 feet from the ground. The question was asked how high is the top floor balcony. Bernie said the balconies are recessed in 4 feet. Mr. Hill said the highest balcony will be 31 feet from ground level at eye level.

Discussion turned to sight distance requirements. Bernie explained they have sight distance in both directions, have supplied the traffic impact letter and both the sight distance profile and impact letter have been reviewed by VHB. Mrs. Hawkesworth said this project is not increasing safety on the street. Mr. Hawkesworth did not feel the sight distance could be met because of the rate of speed people travel. Bernie said the sight distance at Magnolia will be increased as the existing vegetation that impedes sight

distance will be cut back. The building will be further back on the property; line of sight is measured at 3 ½ feet from the ground.

The site walk moved to the edge of pavement at the proposed entrance which is directly across from Shilah Drive. Dave asked if the vegetation will be removed to the left of the entrance. Bernie said there is wetland there so they can't touch it. All the vegetation to the right will come down. There will not be a sidewalk on Kendall Pond Road. The abutters felt there should be one. Bernie noted there are no other sidewalks on Kendall Pond Road.

Mike asked if the sidewalk to Magnolia is removed, what happens. Dave asked the abutters to ask their questions again at the public hearing so they all can get on the record. If someone can't make the meeting, they can email their comments or questions to the Planning Office and they will be addressed at the public hearing. The next hearing will be October 1, 2014 and will be held in the Cable TV studio. If anyone wants a copy of the draft site walk notes ahead of time, they can email the Planning Office. Mr. Drago said he now has all the signatures and will bring the letter to the Planning Office before the meeting. He suggested his neighbors write down their concerns and bring them to the meeting.

One abutter asked how many apartments will be delegated as HUD or Section VIII housing. John said none; the Board had been told this was privately funded.

Mr. Drago asked if the Board could look at the project from his property so the members could get an idea of what he would be looking at. The site walk proceeded to 1 Magnolia and viewed the proposed location of the walkway. It appeared it would come out across from Mr. Drago's driveway. The Board also viewed the property from the Steinhoff's property. Mrs. Steinhoff said she would no longer be using her pool once the apartment building is constructed.

Mrs. Hawkesworth commented that it would be different if they all purchased and the apartment building was there from the beginning; but it is not. Someone asked about the zoning change process; Dave explained the process. There was a short discussion regarding the fence and balconies facing 4 Magnolia; the apartment residents on that side of the building would all overlook the pool at 4 Magnolia as well as all the backyards on that side of the street.

Dave reminded the abutters to bring up any questions they had at the next public hearing which will be October 01, 2014.

The site walk ended at 11:10 a.m.

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

\_\_\_\_\_  
Secretary

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