

The Planning Board for the Town of Derry held a public hearing on Wednesday, March 5, 2008 at 7:00 p.m. at the Derry Municipal Center (3rd Floor) located at 14 Manning Street in Derry, New Hampshire.

Members present: Virginia Roach, Chair; Neal Ochs, Vice Chair; David Granese, Secretary; Beverly Ferrante, Council Representative; Randy Chase, Administrative Representative; Jim MacEachern, and David Nelson.

Alternates present: Jan Choiniere and Richard Tripp.

Absent: Ann Evans, Gary Stenhouse

Also present: George Sioras, Director of Community Development; Elizabeth Robidoux, Planning Clerk; Mark L'Heureux, Engineer, Derry Public Works; John Heavisides, Meridian Land Services, Inc.; Paul Marinace, Frank P. Marinace Architect PA; Mary Anderson, Pinkerton Academy, and various members of the public.

Chairman Roach called the meeting to order at 7:00 p.m.

Escrow

Mr. Sioras advised that the Letter of Credit for Lampton Drive is nearing its completion date of March 10, 2008. As a precaution, the Board has been asked to authorize the Town to draft the Letter of Credit if a new one is not received by the expiration date. This is the last meeting of the Planning Board prior to March 10th. The town has been told the new Letter of Credit will be received by the expiration date; this is a precautionary measure.

Motion by MacEachern, seconded by Ochs to authorize the Department of Public works to call the Letter of Credit held for Lampton Drive. Discussion followed.

Mr. Nelson noted the wording on the last page of the Letter of Credit which states, "If all improvements guaranteed by this Letter of Credit are not completed by March 10, 2008 and if a certificate indicating completion of improvements has not been issued by the Town Building Inspector, then this Letter of Credit shall be automatically considered to be called." This was approved and signed by this Board in 2006. Does the Board already have the standby authority in this document? Mr. L'Heureux advised they do, but they are ensuring the applicant has been notified appropriately of the expiration date in the event of a challenge, and that the Planning Board is aware of what is happening. This is the process to make sure that all parties are aware.

MacEachern, Ferrante, Ochs, Chase, Nelson, Granese and Roach all voted in favor.

Minutes

Mr. Nelson noted a correction on page 2: "fire department" should be changed to "fire station". No other corrections were noted and the minutes of the February 27, 2008 workshop were approved with the change noted.

Correspondence

None

Other Business

Phil Picillo advised he had asked permission to address the Board and talk about his feeling about what happened last evening. He expressed appreciation for being able to serve on this Board for the last three years; it has been a great learning experience. By a vote of 4 to 3 last evening, the Town Council required the Town Administrator to be the permanent designee to the Planning Board. Prior to that, Russ Marcoux appointed Mr. Picillo as the Town Administrator's Designee; that appointment was re-affirmed by both Dr. Moody and Mr. Stenhouse. Mr. Picillo stated he is troubled that the Town Council felt this was necessary. He feels this demonstrated perhaps the Town Council's personal views and less objectivity as to what is best for the town. All of the Board members prepare and spend a lot of time on their own for meetings and serve the Boards. He thinks this is what he was asked to do. He enjoyed it. This action will discourage citizens from wanting to serve on the town Boards. His question would be directed to the Town Council, in particular the four (Coyle, Carney, Fairbanks and Metz) who felt it was better to have Mr. Stenhouse be the representative to the Planning Board. He invited them to please call or email him and explain their views. He is interested in the motivation as to why they saw fit to place the Town Administrator on the Board, than an individual who has served the town well in this capacity. Mr. Picillo expressed his appreciation in working with this Board. He has enjoyed the time spent on the Board and wishes the members well.

Mrs. Roach noted that Mr. Picillo will be missed by the Board and commented on the hard work he has performed. Mr. Nelson expressed his personal appreciation for Mr. Picillo's service on the Board. Ms. Ferrante stated Mr. Picillo is a valuable asset, and it is a shame he has been asked to step down. She hopes some changes will be made in the future. Mr. Ochs also expressed his appreciation; Mr. Picillo has served the town and Board well and he hopes he re-applies to the Board; he has a lot to give the Board and the town. He thanked him for his service.

Public Hearing**Pinkerton Academy****Parcel ID 43001, North Main Street & Pinkerton Street****Site Plan (new classroom building/Freshman Academy)****Acceptance/Regional Impact/Review**

Mrs. Choiniere was seated for Miss Evans.

Mr. Sioras provided the following staff report. The purpose of the plan is the construction of the new Freshman Academy building. All town departments have reviewed and signed the plan. Meridian Land Survey has submitted two waiver requests, one for boundary information and one for soils mapping. The NH DES Site Specific permit has been obtained and a copy is in the file. Mr. Sioras would recommend approval of the waivers and the site plan. The applicant has indicated they have prepared a revised plan based on the Keach-Nordstrom (KNA) comments. They have revised the plan to address the buffer for the residential area. He introduced Jay Heavisides of Meridian, and Mary Anderson, Headmaster, Pinkerton Academy.

Mr. Heavisides handed out an 11 x 17, single sheet overview of the plan revision.

Motion by Nelson, seconded by Ochs to accept the revised plan. The motion passed unanimously.

Mr. Heavisides advised the plan revision is a result of comments made by Steve Keach of KNA. Mr. Keach noticed they had overlooked the 50 foot buffer to the residential area, and that the roadway was within 15 feet of the property line. They revised the plan and added a buffer. This is the plan the Board members now have. They also eliminated a separate roadway and used the aisle in the parking lot as access.

The plan is part of the three phased plan. The first phase was to move the softball fields to North Main Street, which made way for the Freshman Academy, which is Phase II. Phase III is to move the football field, which will commence this summer. The Freshman Academy will replace two portable structures that were originally to be temporary structures. The portables have been on site for almost 40 years and are located near the Shepard building. The existing portable area will be a lawn area, with reconfigured walkways. The proposed building is dedicated to the freshman class. It will redistribute the load on the school. There is a cafeteria proposed which will add to the number of cafeterias. Presently, there are six lunch periods to accommodate all the students. This will reduce the lunch periods to three, 45 minute lunches and will assist in meeting the student needs.

The building is proposed to be a three story, 57,600 square foot footprint. The total floor area will be 135,390 square feet with a height of 46 feet.

Mr. Heavisides reported he received the letter from KNA and has discussed it with Mr. Sioras. With the revised plan, they believe they can address all of the review comments and concerns without any difficulty. The revised entrance was the biggest issue. Everything else can be considered housekeeping and clarifications.

The site, a softball field, currently drains to the parking lot and is picked up by closed drainage in the parking lot, and then connects to the municipal system. The proposed plan will drain to closed drainage, catch basins and long drains that will connect to two subsurface detention systems, and then connect to the municipal system. There will be no increase in peak flow rates, per the regulations. They have received the site specific approval from the state.

They have relocated the entrance to the site. They are moving it to the west and maintaining the 200 foot sight distance. The intent is to keep vehicular traffic out of the pedestrian areas. They wanted to separate the road from the pedestrian areas. They will have access around the building, which is away from the pedestrian areas. There will be one section of pavement that will be a pedestrian walkway. They plan to have street print, where they will put a brick pattern on the pavement so that it is apparent this is not a vehicular path.

Mr. Nelson had a question with regard to Sheet 1. On the northwesterly side of the parcel where it abuts Tsienneto Road, the zone transitions to GCII. The plan incorrectly references this zone as GC. Also, there is a dashed area near the cul de sac of Fieldstone Drive. What is that? Mr. Heavisides indicated that is the zone line. Parcel X is identified in the notes as ownership unknown. The town shows this as part of Pinkerton Academy, but their research into the deeds does not show a transfer of ownership to Pinkerton. This is explained in Note 2 (sheet 2).

Mr. Nelson noted that a private school is allowed in the MHDR zone, but not the MDR zone. The zone of Parcel X is important in that if the land is incorporated into the master parcel (43001), and Parcel X is actually zoned MDR, the school use is not allowed. If it does get incorporated into the larger parcel, would the Board be rezoning that parcel? The Board had been cautioned against that by legal counsel in the past. Mr. Heavisides indicated this parcel has been zoned this way per the zoning map. Mr. Sioras noted that they have been told to defer to the zoning map for the parcel if it is not specifically identified. Mr. Nelson just wanted the Board to be cautious in the event that lot line changed in the future.

Mr. MacEachern inquired if there was any page in the plan set that outlined the building by itself, other than sheet A01. Are there any construction details?

There is nothing here that shows him how this building will be laid out. Mr. Marinace commented that most Planning Boards are not concerned with the internal plans. The town has two complete sets in house. Mr. Sioras stated that the Planning Board typically looks at the elevations to make sure the plan meets the regulations. The internal review is conducted by Fire and Code. Mr. MacEachern explained there was nothing for him to look at to confirm the architectural design guidelines are being met. Mr. Marinace stated the building will utilize brick, precast concrete, aluminum windows and will have green sloping roof areas. They are attempting to unify the campus in that respect. This building will match the Arts building.

Mr. MacEachern requested that a sheet or sheets showing the elevations, notes and the details be added to the plan. Mr. Nelson advised the town does have architectural design regulations. The Board requests applicants go through the checklist and give a paragraph on how the design addresses each component of the regulation. He would like to see some narrative that addresses these issues. He feels the design will be fine if it replicates what is on campus. Mr. Marinace said he would do that.

Mr. MacEachern inquired if the internal design is ADA compliant? Is that noted on the plan set? Mr. Marinace said those details are not called out on the plan, but all spaces will meet ADA requirements by default. Mr. MacEachern wanted to know where the Board was assured of that. Mr. Marinace stated the Building Inspector and Fire Department will inspect for those requirements. Mr. MacEachern expressed his concern that it be noted somewhere in the plan set. These issues came up when the Municipal Center was being constructed as it was a public building. The proposed building will also be a public building and given its size and functionality with regard to students and other evening events, he wants to make sure the plans meet the requirements for a public building, whether or not it is on this plan, or it is confirmed by a letter from Mr. Mackey in Code Enforcement. Mr. Nelson said he was sympathetic to Mr. MacEachern's concerns, but ADA compliance was not under Planning Board jurisdiction. It cannot be a condition of site plan approval. Mr. MacEachern would prefer to see it as a note on the plan.

Mrs. Roach had a question with regard to the 10,000 gallon underground storage tank noted on Sheet C-3.6. What is the intent? Mr. Heavisides advised this will be used to store fuel for the heating system. They will use oil as a secondary back up in the event they have an issue with the natural gas connection.

Mr. Ochs inquired with regard to the number of parking spaces. Will they be adding to the total number or detracting? Mr. Heavisides stated they will be adding 33 spaces.

Mrs. Choiniere noted the town has no formal regulations with regard to "green", but will this building have any "green" components? Mr. Marinace advised there

are differing degrees of “green”. There will be many different systems that would be considered high performance school criteria in this building. If this were a public school, they would be eligible for points for high performance criteria. The type of insulation, high efficiency heating system, full heat exchange system and the use of natural materials in the construction would all have made the building eligible for the state points, but this will not be certified as it is not a public school.

Mr. Nelson commented student parking and traffic flow were issues of discussion on previous plans for Pinkerton. Given the traffic conditions and queuing on Pinkerton Street, are there any concerns with regard to the additional parking or flow at peak hours? Is there a need for an updated traffic study? Mr. L’Heureux confirmed Public Works did not discuss this issue, nor look at the gross traffic pattern. Highway Safety reviewed the plan. Mr. Heavisides confirmed Nathan Chamberlin did attend a Highway Safety Committee meeting. Mr. L’Heureux stated the parking will be for faculty, not students in this area. They did discuss the access to this parking area. They will be maintaining the “no left turn” onto Pinkerton Street. There will be additional parking for teachers (not students) but the traffic pattern will not change.

Mr. MacEachern inquired where are these teachers parking now? Will all these spaces be for 33 new teachers at the Freshman Academy, or is this a reallocation of existing parking? Mrs. Anderson said this parking will be more accessible to teachers in that area. There is no appreciable increase in the number of students projected for the next five years, and no plan for student parking in this area. Only seniors are allowed to park on campus. The traffic jam occurs between 2:00 and 2:30 p.m., when 700 plus cars, which includes students, faculty and parents, leave the facility. The spaces are for convenience.

Mr. MacEachern inquired if there will be bus drop off at the new building? Where will parents pick up and drop off? Mrs. Anderson stated all bus drop offs in the morning takes place in front of the field house or in front of the Pinkerton building. They do not anticipate buses in front of the Freshman Academy. That may change. Parent pick up is behind the Arts building. The new road will make traffic flow better. Parent will not have to cross North Main Street. This does what the traffic engineer suggested in the 1995 study. Traffic will come around the Arts building and it will be a safer flow of traffic.

Mr. MacEachern noted that a portion of the pavement will be denoted as a pedestrian walkway with a brick look added to it (to the right of the proposed building). Mr. Marinace said they created islands to accent and designate areas so that drivers will stay out of those areas. It will be gated and have very little traffic, other than faculty and maintenance staff. Mr. MacEachern inquired if the gate will circumvent the road because there will be no kids there? Teachers will be parking there. In front of the building and behind the building the access is two way. From a safety perspective, he understands the circumventive road. Why is this two way traffic? He would like to see the traffic flow pattern because

students will walk back and forth. At night, traffic will need to be forced to go in a safe pattern. Mrs. Anderson said the road will have gates in place. Mr. MacEachern indicated he has an issue with the front area being multi-directional. The back is not an issue. Would it be better to have the traffic go in a one way loop around the building? Mr. Heavisides said that would force the traffic up to where there would be pedestrian traffic. They are trying to isolate the traffic from the pedestrian area. Maintenance vehicles would still have access.

Mr. MacEachern noted the many areas designated for snow storage. Mr. Heavisides said those are areas where they will put the snow until it can be removed.

Mrs. Roach opened the hearing to the public.

Mrs. Smith, 7 Pinkerton Street, advised she is the nearest abutter. She has a concern with regard to the traffic around the road. Traffic is bad enough now between 2:00 and 2:30 every day. She is marooned in her home, or unable to come back to the house during that time. She understands it, and that is livable. In the summer, however, she is bothered by the loud noises and music from the vehicles entering and exiting school grounds; it makes her house shake, rattle and roll. Putting a roadway on her side of the lot will add noise at 6:45 a.m. and be more of an inconvenience as she has to get up and shut the windows because of the noise. What sort of traffic will be there? Who will be there? Will the traffic move during the day? Mrs. Roach advised she will ask, but Mrs. Anderson had indicated that parking area will be for teaching staff, not students. Mrs. Smith also wanted to know where parking will occur for evening classes?

Mrs. Anderson advised parking in the evening will be adjacent to the building where the courses are held. Most classes are in the Vocational building so parking will be elsewhere. Some classes are in the Shepard building or the Arts building. There is not a lot of summer traffic outside of summer school. She advised she did speak with Mrs. Smith and has agreed to increase the height of the four foot fence to six feet so that students cannot jump over it. The students park across the street off North Main Street, although there are 12 spaces reserved for students behind the Arts building. There are specific ways the students can enter and exit the school. The Academy wants to be a good neighbor, and she asked to be advised of any issues so that she can take care of them.

Mr. MacEachern inquired if during night events at the Arts building, people will be able to exit onto Pinkerton Street? Mrs. Anderson said most likely those behind the Arts building would. Mr. MacEachern thought that was similar to what they do now. He wanted to make sure there was no additional traffic based on this plan. It has been rumored that there is a possibility to have parking and access from Tsienneto Road. Can Mrs. Anderson comment on that? Mrs. Anderson said that is not on the table at this time. It has been discussed for a long time

and she would like to see it, but there are no plans for it. The traffic engineer had indicated that if there was an appreciable increase in traffic there should be an additional egress. They did not feel the additional 33 spaces for teachers was an appreciable increase in traffic.

Mr. MacEachern asked if the Board could obtain a note from the Highway Safety Committee that they have reviewed this plan and have no issues with it. Mrs. Robidoux advised she did not have a copy of the minutes from that meeting in the file at this time, but will obtain a copy. Mr. Heavisides stated Mr. Chamberlin went to DPW to discuss the water and sewer and was invited to join the Highway Safety Committee meeting on that day. The Committee did not have any issues with realignment of the road, so long as the 200 foot sight distance was met.

Mr. MacEachern noted a few conditions he felt should be placed on any approval for this plan. The note with regard to the 6 foot fence should be added; he would recommend that bus drop off and pick up not be changed, because the Board is not reviewing this plan with regard to that; he would want to see something from Highway Safety; sheets should be added to the plan set with regard to the architectural design. Mrs. Roach suggested a note be added to the plan with regard to the use of the underground storage tank. Mr. MacEachern inquired if the applicant should take care of these items and come back and see the Board, or should these be conditions of approval that Mr. Sioras can verify? Mr. Nelson suggested adding the change in the zoning designation, and there should be something on the plan with regard to Item 3 of Mr. Keach's comments, under Planning Design matters, which has to do with ongoing maintenance provisions of the stormwater management. Mr. Sioras noted that when Mr. Keach includes comments, those are items he would like to see on the revised plan set. Mr. Nelson felt a note could be added to the plan to satisfy this comment. With regard to parking, the Board can make a finding that the parking as proposed is adequate to this site plan.

Motion by Nelson to accept jurisdiction of the plan, seconded by Ochs. The motion passed unanimously.

Motion by Nelson to approve a waiver from Section 170-61.A.4, Boundary survey for the entire parcel, and Section 170-61.A.11, High Intensity Soil information. A copy of the boundary survey shall be attached to the plan set. The motion was seconded by Ochs.

MacEachern, Ferrante, Ochs, Choiniere, Chase, Nelson, Granese and Roach all voted to approve.

With regard to Regional Impact, Mr. Sioras advised that the state is recommending Planning Boards look at applications to determine if there is regional impact. The school currently exists. The Board should make a motion to determine if the plan has impact or not.

Mr. Nelson asked if anything has changed? He said a determination of regional impact would afford abutter status to the surrounding towns, and confirmed that the Board was being asked to make this determination rather than the Clerk. Mr. Sioras indicated the Planning Board needs to make the determination if there would be any impact as a result of this plan to roadways and things of that nature.

Motion by Nelson to make finding of fact this application does not have regional impact, seconded by Ochs.

MacEachern, Ferrante, Ochs, Chase, Choiniere, Nelson, Granese, and Roach were all in agreement there is no regional impact.

The Board discussed again items that should be included in any conditional approval of this plan.

Motion by MacEachern to approve the site plan for Parcel ID 43001, for the Freshman Academy, with the following conditions: comply with the KNA report dated March 3, 2008; subject to onsite inspection by the Town Engineer; establish escrow for the setting of bounds, or certify the bounds have been set; establish appropriate escrow as required to complete the project; and the above conditions be met within six months. The following conditions shall meet with the approval of the Planning Director: add a note to the plan that a six foot fence will be constructed along the property line of Parcel 36040-001, owned by Mrs. Smith; add a note to the plan that there will be no changes in the bus drop off or pick up without additional Planning Board review; add to plan approval of the project by the Highway Safety Committee, or add a note denoting they approved the plan; add a note regarding the use of the 10,000 gallon underground tank to sheet C-3.6; add sheets to the plan that outline the architectural guidelines for building type have been met; correct the designation of the zone from GC to GCII; add a note with regard to the KNA comment #3 under Planning/Design Matters stating that approval granted to this application is conditioned upon the applicants ongoing fulfillment of the maintenance provisions specified in Site Development Note No. 2, on Sheet 2 of 27 relative to elements of the stormwater management system; that the Board made findings of fact that the parking as presented on this plan is acceptable to the specifics of this plan, addressing KNA note No.4; add a note indicating ADA requirements for public facilities have been addressed and approved by the Building Inspector. Motion was seconded by Ochs.

MacEachern, Ferrante, Chase, Choiniere, Nelson, Granese, and Roach voted in favor. Ochs abstained as he is a member of the Derry School Board. The motion passed affirmatively.

Mrs. Roach thanked Councilor. Ferrante for her service as the Council Representative to the Board; this is her last meeting with the Board.

Mrs. Smith inquired as to how long will it take from beginning to end to construct this building? Mrs. Anderson said they intended to begin within 2 weeks and have the building open for September of 2009. Mrs. Smith then inquired if she could get a rebate on her taxes due to the nuisance and annoyance? The Board suggested she speak with the Assessor, David Gomez with regard to an abatement request. Mrs. Roach explained the Planning Board does not have the authority to grant abatements. Mrs. Smith inquired if there would be any additional students? There will be no additional students. Mr. Nelson explained the portables are being removed.

Open Space Ordinance

Mrs. Roach noted that Miss Evans is not here this evening, and inquired if the Board wanted to discuss the Open Space Ordinance? Mr. MacEachern commented Miss Evans is leading this Ordinance and should be here to discuss it. Mr. Ochs agreed that it should not be discussed without Miss Evans. The Board discussed dates and determined the next workshop on this topic would need to take place in April. Mr. Sioras said he would look at the schedule.

Other

Ms. Ferrante thanked the Board. She stated she never realized the amount of knowledge and training that is required to sit on this Board. She has been impressed. It is important to have individuals who have background and knowledge sit on this Board. This Board has quite a job to do.

A motion was made and seconded to adjourn. The motion passed and the meeting stood adjourned at 8:11 p.m.

Minutes prepared by Elizabeth Robidoux, Planning Clerk.