

The Planning Board for the Town of Derry held a public hearing on Wednesday, May 7, 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, Chairman; David Granese, Vice Chairman; Jan Choiniere, Secretary (7:01); Randy Chase, Administrative Representative (7:06); Gary Stenhouse, Town Administrator; Brian Chirichiello, Council Representative (7:08); Ann Evans, Mark Cooper, Members; John O'Connor and Maureen Heard, Alternates.

Absent: Phil Picillo, Richard Tripp

Also present: George Sioras, Director of Community Development; Elizabeth Robidoux, Planning Clerk; Mark L'Heureux, Engineer, Derry Public Works; Peter Zode, Edward Hebert & Associates; Todd Connors, Sublime Civil Consultants, Paul Carideo, TF Moran.

Chairman Roach called the meeting to order at 7:00 p.m. The meeting began with a salute to the flag. Mrs. Roach introduced the staff and Board members present. It was noted Mrs. Choiniere was present. Ms. Heard was seated for Mr. Picillo for the evening.

Escrow

#08-12

Brandyrock Estates

GRD Realty

PID 04056, 04056-001, 04056-002, 04055, 04054-001, 04053

Gulf Road

The request is to establish Letter of Credit # 5185125-A, in the amount of \$969,058.00 drawn on Salem Cooperative Bank for the above noted project. The expiration date of the Letter of Credit is April 18, 2010.

Motion by Granese, seconded by Choiniere to approve as presented. All voted in favor and the motion passed.

Minutes

Motion by Stenhouse, seconded by Granese to accept the minutes of the April 16, 2008 meeting as written. The motion passed with all in favor.

Correspondence

Mrs. Choiniere acknowledged the following correspondence.

Each member has been provided with an updated Zoning Board of Adjustment member list, information with regard to the Derry Firefighter's Ball which will be held on June 13, 2008, at Brookstone Park, and a notice with regard to the LGC Annual Conference to be held at the Radisson Hotel on November 12th to 14th. For more information regarding that event, contact George Sioras.

Other BusinessRequest for ExtensionWave Properties, 38 Maple Street, Site Plan

Mr. Sioras advised the Board has granted previous extensions for this project, but this is a good project to extend one more time. The property is located on the corner of Maple and No. High Streets. The Fire Department has been conducting training in the building, and the applicant has received an extension of the ZBA approval. The applicant is close to obtaining loan approval and needs a bit more time to close. This proposal is for a 6 unit townhouse project. Mr. Sioras thought a 90 day extension should be sufficient. Mrs. Choiniere inquired what would happen if they did not meet the conditions of approval in that time? Mr. Sioras advised they would need to come back to the Board again.

Motion by Granese to grant a 90 day extension for the Wave Properties project, seconded by Choiniere. Stenhouse, Granese, Evans, Heard, Choiniere, Cooper, and Roach all voted in favor.

Mr. Chase joined the Board.

Voluntary Merger, GRD RealtyGulf Road

Mr. Sioras advised this is part of the Brandyrock Subdivision plan and related the escrow that was just established this evening. One of the conditions of approval was to combine the lots as requested on the merger.

Mrs. Roach advised the Board has received an application for a voluntary merger of Parcels 04055, 04054-001, 04056, 04056-001 and 04056-002. Parcels 04054-001, 04056, 04056-001 and 04056-002 will be deleted and Parcel 04055 will be retained.

Motion by Stenhouse, seconded by Granese to approve the Voluntary Merger pursuant to RSA 674:39:A. Stenhouse, Chase, Granese, Evans, Heard, Choiniere, Cooper and Roach all voted in favor.

Town Server Issue

Mr. Stenhouse announced the town server is down and has been sent out for service. As a result, the public meetings (Council, Planning Board, etc.) will not be rebroadcast this weekend. It is hoped the server will be back up and running next week.

Public Hearing**MHB Development
Parcel ID 03130, 3 Stark Road
Review, 5 Lot Subdivision Plan
Continued from April 16, 2008**

Ms. Evans inquired if there were any members of the Planning Board who were abutters to this project? There are none. Revised plans were presented to the Board members. It was noted for the record Mr. Chirichiello had joined the Board. Peter Zode of Edward Hebert Associates presented for the applicant, who was in the audience.

Mr. Zode reported his firm presented the plan to the Board at the last hearing, after which the Board held a site walk. He attended the site walk along with members of the Planning Board and Conservation Commission. He received the Keach-Nordstrom (KNA) report and feels he can comply with the punch list. A revised plan was submitted to Mr. Sioras at the site walk. This evening, they are looking for approval of the five lot subdivision.

Motion by Stenhouse, seconded by Granese to accept the revised plan set. All voted in favor.

Mrs. Roach noted the plan is back to the Board for discussion.

Mr. Sioras reported the Board heard the plan last month and the site walk was held. During the site walk they discussed the importance of moving the stone wall and trees as Mr. Côté had suggested. This evening, the plan is back to the Board for deliberation and the Board will need to take three votes: the scenic road improvements, the waiver, and the plan.

Mr. Stenhouse reported he walked the site during business hours with the Town Planner and is familiar with the property. Mr. Cooper was present that day and during the evening site walk.

Mr. Granese recalled that during the site walk, Mr. Côté discussed the 4 foot shoulder, the trees and the rock wall, and using the rocks elsewhere. Mr.

Granese stated he travels this road often. Further up the road, the same thing was done to the road and the wall was relocated along the frontage. He would rather see that than have the rocks used on the lots so that the street looks the same. If the wall is not put back, he feels it will detract from the street.

Ms. Evans agreed. The rock wall needs to be rebuilt as walls; she would need to see that in order to approve the plan. Mr. Granese said that would be more conforming on the street; it is a scenic road. He knows that the trees need to be removed for safety purposes.

Mr. Zode stated the intent is to push back the existing stone walls and rebuild them as shown on the plan. Mr. Granese recalled during the site walk that it was mentioned the rocks would be used on site. He wants to see the rocks lifted and put back as a wall.

Mr. Sioras said a separate motion would need to be made with regard to the road improvements on Stark Road, that the approval is based on the recommendations made by Mr. Côté. He agreed with those recommendations with regard to the road improvements.

Mr. Chirichiello inquired if the Board should ask the applicant if this is okay, or should it be made a condition of approval of the road improvement plan? The Board would like the wall moved and to see maintenance of the integrity of the wall.

Mr. Zode stated that he was fine with what the Board was asking; he has his marching orders.

Mr. Sioras stated a condition would be that the plan follows the recommendations made by Public Works with regard to the road improvements and what Mr. Granese stated with regard to the stone wall. Mrs. Roach inquired if there was a list of requested improvements?

Mark L'Heureux stated that it was subjective because currently, the wall is a stretch of stacked boulders. The Board may want to be more specific with regard to the off-set alignment along the frontage, rather than being shifted to the property. Mr. Granese thought Mr. Côté wanted the rock wall 4 feet back? Mr. L'Heureux stated there is a 4 foot shoulder and then a swale, so the restacked stone wall would be about 10 feet or more off the edge of pavement. They would need to relocate the match line to the existing grade on the rise back from the swale. This could be a condition or a note on the recorded plan. It would be difficult for DPW to inspect this because this is not a pre-fabricated item. They can't qualify it dimensionally. The contractor will try to stack the wall as best he can by hand/machine but the Board is going to want an offset line off the road to maintain the grade and distance.

Ms. Evans inquired as to the width of Stark Road. Mr. L'Heureux believed it varies from 18 to 21 feet in some sections. Ms. Evans thought the Board could calculate the average from the centerline was 11 feet, plus the 4 foot edge, then the swale, to get to the edge of the right of way. Mr. L'Heureux cautioned that the distance would depend upon the slope. Ms. Evans suggested a condition that the rock wall could not be more than 30 feet from the centerline of the road. Mr. L'Heureux said that could be one way of wording it; another might be to say the wall needs to match the existing grade, but should not exceed 30 feet from the centerline of the road. The Board may want to add the condition that DPW verify the wording on the plan, and the cross section on the swale. Mr. Zode stated he would work with staff to show the rock wall beyond the swale and then the Chair can sign the plan once DPW and Mr. Sioras are happy with the arrangement. Mrs. Roach said the Board wanted to make sure the wall was located to the front of the properties. Mr. L'Heureux commented he was glad this item was being addressed and clarified now.

Motion by Granese to approve the roadside improvement plan, per RSA 231:158-II, Scenic Roads, with the condition that the existing rock wall be moved back past the rise, and the match line is not to exceed 30 feet from the centerline of the roadway, and the same number of rocks will be used to construct the wall in a straight line, or as close as possible, throughout the whole development. The motion was seconded by Chirichiello.

Stenhouse, Chirichiello, Chase, Granese, Evans, Heard, Choiniere, Cooper and Roach all voted in favor.

Motion by Granese to approve the waiver request from Section 170:31.A to allow overhead utilities, seconded by Evans. Discussion followed.

Mr. Stenhouse inquired why would overhead utilities be desirable in this location? Mr. Granese explained that in order to place the utilities underground, the contractor would have to dig up the road. Mr. Chase recalled that poles were to be set between lots and the wires run from there. The applicant would have the option of running the wires underground to the homes or not.

Stenhouse, Chirichiello, Chase, Granese, Evans, Heard, Choiniere, Cooper and Roach all voted in favor.

Motion by Granese to approve the plan for a 5 lot subdivision of PID 03130 pursuant to RSA 676:4-I, Completed Application, with the following conditions: Subject to the KNA report dated April 14, 2008, less Item #6 under Planning/Design matters; the building footprint of the home shall be shown on the plan and the distances from the home to the well and septic shall be shown on the plan, establish appropriate escrow as required to complete the project, establish escrow for the setting of bounds, or certify the bounds have been set, subject to onsite inspection by the Town's Engineer, obtain written approval from

Doug Rathburn that the GPS disc is received and is operable, and that the above conditions are met within 6 months. The motion was seconded by Evans.

Stenhouse, Chirichiello, Chase, Granese, Evans, Heard, Choiniere, Cooper and Roach all voted in favor.

DM Kilrea Development LLC
PID 04054, Kilrea Road
Acceptance/Review
Voluntary Merger, 12 lot subdivision

Mr. Sioras provided the following staff report. The parcel is located on Kilrea Road, in the Low Density Residential District, and is for a 12 lot subdivision. The zoning requires 3 acre lots with 200 feet of frontage. All department heads have signed the plan, as well as the Conservation Commission. The applicant submitted a waiver request, dated April 10, 2008, to which DPW can speak. The state permits have been obtained and are in the file. Given the Keach-Nordstrom comments, he would like to allow the applicant time to address the comments, and recommends continuing this hearing to June 4th. There were approximately 47 items to be addressed.

Peter Zode of Edward Hebert Associates presented for the applicant. He advised they are merging Lot 04059 with 04054, re-subdividing the parcel and creating 12 new lots. The lots will range in size from 5 acres to 22.6 acres. As explained by Mr. Sioras, all the lots comply with the zoning requirements per the soil based lot sizing. The proposed road, Saddle Creek Road, will be 2050 feet, culminating in a cul de sac. The road will be built to town requirements including granite curbing. There will be three treatment swales as shown on the plan. The road drainage will be treated prior to entering the low area and then the wetland. He received the KNA report today at 3:30, and feels that most of the issues are minor or drafting issues. He will want to meet with Mr. Sioras, Mr. L'Heureux and Mr. Keach to resolve the issues prior to June 4th.

Mr. Zode reported he met with the Road Agent and the Engineers and verified the sight distance. They have been working on this project for about 2 years to address the grading issues and he believes they have satisfied the staff and hopes to satisfy Mr. Keach.

Mr. Sioras noted there were many abutters present; did the Board want to hear from them this evening? He also inquired if the Board was inclined to hold a site walk?

Mrs. Roach opened the floor to the abutters.

Steve Chinosi, 101 Kilrea Road, addressed the Board. He submitted two documents to the Board: photos representing the first 5 or six lots, and a packet of information gathered from the Derry Master Plan, the Town Administrator's budget address, the Derry Code, and document authored by Phil Auger, entitled, *Does Open Space Pay?* He noted the photos show a quarry that contains about 4 feet of water. The quarry is located on proposed lot 04054-005. 95% of the year, this quarry takes drainage from the hill, and leaves the quarry by means of a stream. He would like the Board to be very strict with regard to implementation of the Code, given the amount of wetland on all of the lots. Mr. Chinosi read aloud a prepared statement to the Board. A copy was retained for the record. A summary of the statement is as follows.

The proposed subdivision is in direct contradiction to both the Goals and Objectives of the Master Plan and the guidelines of the Code. He provided a definition of "wetlands" as cited in the Code. He stated the wetlands (poorly drained soil) on this property are continual moving water, not just poorly drained soil. He feels the proposed development challenges the concept of thoughtful planning with regard to the current and future economic and environmental concerns. He did not feel this subdivision was sustainable in its impact on an already stressed local economy, given that the community has reached its tax cap. With regard to the environment, one Conservation Commission member has stated, "This place is like a wilderness." He described in detail the flora and fauna of the site, the recreational uses by the residents during all times of year, and advised that this area supports a wildlife corridor. He felt this area held an essential critical habitat. He summarized by stating, "If we allow this wilderness to fall, to disappear at the hands of more development, we will be granting our citizens two gifts – 1st the ever increasing tax burden and a demand on services we cannot provide, and the 2nd the end of open space and the loss of critical habitat, not only for the wildlife that graces our community, but also a human habitat that benefits from this unique landscape."

No one else from the public wished to speak.

Mr. Zode advised he had no comment.

The plan came back to the Board. Mrs. Choiniere noted the Board had copies of the minutes from the two meetings of the Conservation Commission where this plan was discussed and there is no mention of the stream that runs through the property. Mr. Zode stated they walked the site a few times with Conservation. He does not want to prolong the meeting this evening. Jim Gove is the wetland scientist and he classified the soils and wetlands on the property. All of the wetlands have been flagged and are shown on the plan. Nothing is hidden; the Board has the information. He would be glad to invite Mr. Gove to attend the site walk if required.

Motion by Chirichiello, seconded by Granese to hold a site walk at 6:00 p.m. on Wednesday, May 14, 2008. The motion passed in the affirmative.

Mr. Zode advised the centerline of the road is staked and he will stake the lot lines. Walking the entire parcel would take over two hours. Abutters are invited to attend the walk. Mr. Young suggested the Board members bring bug spray with them.

Motion by Chirichiello, seconded by Granese to continue this hearing to Wednesday, June 4, 2008. The motion passed in the affirmative.

Mrs. Roach advised there will be no further notice to abutters.

**Enterprise Bank
Parcel ID 36020, 47 Crystal Avenue
Acceptance/Site Plan Review
3305 SF bank**

Mr. Sioras provided the following staff report. The property is located at 47 Crystal Avenue between McDonald's and the current site of the Jade Orient. The property currently contains a white barn and a multi-family dwelling. The proposal is for a 3305 square foot bank. The property is located in the General Commercial zone. Department signatures have been obtained; there are no state permits or waivers. The applicant has obtained a variance from the ZBA for the front setback. He has worked with the engineer and the bank and approves the look of the building. He would recommend approval.

Todd Connors of Sublime Civil Consultants presented for the applicant, representing Keenan Associates, Enterprise Bank, and Crystal Dot Realty, LLC.

The site currently houses a 3 family, white structure. The site is .77 acres in size and is zoned General Commercial. The lot also falls within the Groundwater Resource Conservation District. In March, they went before the ZBA and obtained a variance from the front setback, because of the wetland to the rear. The proposal is for a small branch bank. There will be two drive-thru lanes. Each lane will be controlled by a teller at the window. The ATM will be mounted on the building, accessed by the drive-thru closest to the bank.

They met with the Highway Safety Committee, which suggested one way traffic. They have two curb cuts; the southern cut is the entrance, the northern cut is the exit to accommodate the one way traffic flow. There will be 21 parking spaces, including 2 handicap spaces. 17 spaces are required by the regulations. Each drive-thru can stack up to six cars before blocking the parking spaces. Utilities (water, sewer, gas, electric) will be underground.

With regard to drainage, as they are in the GRCD, the impervious surface area is limited to 30% of the site, but may be more if there has been sufficient engineering to accommodate the runoff. They are proposing 54% impervious surface and are employing perforated pipes, and leaching catch basins to recharge the water. The landscape and roof runoff will go to a recharge area prior to reaching the wetland. They do have overflow capability in the case of a large storm event. The paved areas will combine sheet flow to a vegetated buffer and treatment swales.

Mr. Connors advised they spent some time on the design of the building. (Mrs. Roach passed the Architectural Report among the Board members). Mr. Connors noted the Architect was present, as well as the bank President, Robert Gilman, if there were any questions. He felt the pictures in the package spoke for themselves. The style of the building is what he would term as neo-classical. It has a hip roof with a cupola, double-hung windows, brick masonry, and an asphalt shingle roof. The colors are red brick with a gray roof. The Report goes into the criteria. This architectural style does not fit the existing style of the neighborhood, but fits what he believes the Board wants to see in Derry. He feels this will be a nice addition to Derry.

There is sidewalk access from the street. They took into account where pedestrians would walk and park. The north side has 5 parking spaces which are intended for employees. The bulk of the parking is to the south side. The building is one story and will be slightly smaller than the existing three family with regard to the height.

Mrs. Choiniere asked for confirmation that there would be 2 drive-thru windows and an ATM. Mr. Connors explained the ATM would be located in the first drive-thru lane.

With regard to landscaping, they have prepared a detailed design. The intent is for the lot to be attractive and well landscaped. They did not satisfy the street tree requirement. They propose 4 street trees [6 required]; in addition, there will be 8 ornamentals (which do not count toward any totals). They are proposing 29 deciduous/ornamental, and 8 evergreen trees. The regulations require 14 trees. The LDCR requires 11 shrubs, they plan to plant 130, as well as annual/perennial beds. They are requesting a waiver from Section 170-64.B.1, which requires 6 trees. They would like to be able to plant 4 trees and 8 ornamentals in the street strip. Hard copy of the waiver request was provided to the Chair and placed in the file.

Mr. Connors reported he met with the TRC and feels that this plan satisfies all of their concerns. He has received the Keach-Nordstrom report and there are only two items in the report that would cause an issue. They have requested the landscape waiver. The second item is the location of the dumpster. The proposed location is only 18 feet from the property line where 25 feet is required.

The new proposal is to slide the dumpster to the east so that it will be 25 feet from the property line. This does not require any changes to the plan, but they will need to bump up the grading on the treatment swale.

Mrs. Roach inquired as to the proposed signage. Mr. Connors stated they will have two signs, which are depicted on sheet 3, which shows the sign detail. The face of the sign is 8 x 6 feet and will be placed north of the northern curb cut. It will be mounted on a 6 foot pedestal. The rendering of the color in the architectural report is not very good. The background will be a dark green, internally illuminated on the EB and the lettering. They are also proposing building mounted signage, which can be seen on page 11 of the architectural report. The words "Enterprise Bank" will be over the entrance in 18" raised letters, attached to the building trim.

Mr. Granese noted that on Sheet 10 which shows the east elevation, an optional photoelectric solar panel collector is shown. Will the collectors end up on the front of the building? Mr. Connors said it would not. Mr. Granese commented this looks like a 'green' bank.

Mrs. Roach opened the floor to the public.

Beth Thompson, Business Development Coordinator, introduced herself to the Board. She supports this project. The project meets the intent of the Master Plan and the goals of the community. It will revitalize an area of town that needs it and she encourages the Board to support the project. In order to save time this evening, her comments for the next project would be the same.

There were no other public comments.

Mr. Chirichiello inquired as to the traffic flow, and the anticipated number of cars, especially with regard to those exiting south. Mr. Connors advised he did not have a formal traffic study prepared for this project, given the street system and location. They anticipate they will not have a lot of destination traffic. It will not have a negative impact on the intersection at Ross' Corner. It cannot make the traffic worse. They would have a maximum of between 400-500 trips per day, based on other conceptual work he has done in the past. The hours will be banker's hours, typically between 8:00 and 5:00 at night, with a few nights later. The ATM and access to the deposit box will be available 24 hours.

Mr. Chirichiello inquired with regard to lighting? Mr. Connors stated they will utilize two different kinds of pole: a standard shoebox fixture that will shine into the building and onto the parking area. There will also be decorative poles (lantern style) near the front entrance. All lighting is full cutoff with downward direction. He does not anticipate any glare to passing motorists.

Mr. Chirichiello inquired if there will be a retaining wall to the rear? There will not.

Motion by Granese to accept jurisdiction of the plan, seconded by Choiniere. The motion passed unanimously.

Motion by Granese to approve the waiver from Section 170-64.B.1, Landscape Standards to allow 4 red maples, and 8 ornamental trees along the street frontage, seconded by Chirichiello.

Stenhouse, Chirichiello, Chase, Granese, Evans, Heard, Choiniere, Cooper and Roach all voted in favor.

Motion by Granese to approve the site plan pursuant to RSA 676:4, I, Completed Application, subject to the following conditions: comply with the KNA letter dated May 2, 2008; subject to onsite inspection by the Town Engineer; establish escrow for the setting of bounds, or certify the bounds have been set; establish escrow as required to complete the project; obtain written approval from Doug Rathburn that the GPS disk is received and is operable, the dumpster is moved to the east to meet the setback requirements, the waiver is noted on the plan and the above conditions are met within 6 months. Chirichiello seconded the motion. Discussion followed.

Mr. Stenhouse complimented the design team on a good job. He likes the grass and shrubs and the traffic flow looks good. The design of the building is not in keeping with the neighborhood, which is a good thing. He hopes to see more.

Stenhouse, Chirichiello, Chase, Granese, Evans, Heard, Choiniere, Cooper and Roach all voted in favor.

Mrs. Roach echoed Mr. Stenhouse's comments; it will be a very nice building.

**River Bank
Parcel ID 36019, 51 Crystal Avenue
Acceptance/Site Plan Review (2432 sf bank)**

Mr. Sioras provided the following staff report. The plan is for a 2432 square foot bank to be located at 51 Crystal Avenue, the current site of the Jade Orient. This is in the General Commercial district. All town departments have reviewed and signed the plan. The applicant submitted a waiver dated April 21, 2008 with regard to stacking spaces and the pipe. Keach-Nordstrom has reviewed the requests and does not have an issue with them. No state permits are required. He would recommend approval of both the waiver requests and the site plan application. He complimented the project and the look of the bank. Regarding the landscaping and the architecture, the look is different than the other bank but is just as nice. This project will clean up the area.

Paul Carideo of TF Moran presented for the applicant. Also present was Steven Jones of River Bank and Robert Carty, the architect.

The proposed location is at 51 Crystal Avenue, which is the site of the former Jade Orient Restaurant. The parcel is owned by China Castle, and will be developed by River Bank. The existing lot contains 3.632 acres, and has 154.8 feet of frontage. The lot is located in the General Commercial zone and is also located in the Groundwater Resource Conservation District. The existing impervious surface of the site is 15.73%. The proposal is for a 2432 s.f. bank, which will be one story. There will be 2 drive up tellers, and 1 drive up ATM machine located on the external lane. They are requesting waivers for the stack distance in the lanes. The proposal has been before the Conservation Commission and they have been able to cut the impervious surface down to 14.2%.

They went before the ZBA and were granted a variance to 51 feet to the wetland, where 75 feet is required. They needed to provide access because of the narrow front. They went through TRC and provided one way access and put in an "S" curve at the end so that people know where they are going, at the request of the Highway Safety Committee.

The frontage will be mostly green and landscape. They are proposing 23.5% green space. The frontage of 155 feet requires 4 street trees, which are provided. In addition, they are proposing 8 additional trees which will be shown as new. They will keep 6 existing trees and some smaller trees to the rear along the wetland.

With regard to parking, 13 spaces are required. They will provide 21 spaces, all located to the south of the building. They will provide access from the sidewalk. The six parking spaces to the rear of the building are designated employee parking. The dumpster to the rear will be fenced and landscaped and will be screened behind the building to block the view.

They are proposing two signs, which are in the architectural packet. The street sign will be two sided, and has 33.4 square feet on each side. It is proposed to be 8 feet high. The second sign will be located on the street side of the building, mounted to the building and will be 34.5 square feet in size. This is also shown in the architectural package. The raised letters will be attached to the bank. With regard to the lighting plan, they are proposing five light poles throughout the site, which will be architectural style light poles, approximately 18 feet high. All are full cut off lights, which will be directed down. The intensity of the lighting will vary, with lighting in the parking areas being higher, and lighting along the drive aisles lower, so as not to interfere with driver vision.

They have worked with the Conservation Commission with regard to drainage. There are two areas that feed across the pavement to curbing and then to two

catch basins. The water then goes through deep sump catch basins, to pipes, to a water quality system which removes contaminants, to a detention area and then infiltrates. The system does have overflow capacity in the event of a high storm event that will direct water to the wetland. With regard to pre and post development, they have decreased the amount of runoff. The water percs and will recharge the water.

Mr. Carideo advised he has read the Keach-Nordstrom report and has noted that Mr. Keach would like to see a full design of the retaining wall proposed to the rear of the property. They will provide him with one. The remainder of the comments were drafting changes. One of the other requests in the report was for a plan for the maintenance of the water quality unit. Mr. Carideo advised he worked with Craig Durrett, Environmental Engineer for the Town of Derry, and they have created an Operations and Maintenance Plan booklet, which Mr. Durrett approved. They will provide a copy of this plan to Mr. Keach and provided a copy for the record file, rather than placing it as a note on the plan. The retaining wall is shown on the plan as a plan detail, but they will expand upon that.

They have requested waivers. The first is from Section 170-62.B.4, which requires 6 passenger vehicles per drive-thru lane. They have three lanes. The first lane can accommodate 5 cars, the second 4 cars, and the outer lane with the ATM can accommodate 4 cars. They feel that as this is a small branch, the traffic will alternate through the lanes, and any overflow will pull into the parking lot and go inside. That is why they put in additional parking spaces. Keach-Nordstrom reviewed the plan and came to the same conclusion.

The second waiver request has to do with the culverts. The culverts should have 3 feet of cover. The depth per plan varies from 2 to 3 feet, depending upon the pipe. Mr. Keach wanted to see rigid insulation on those pipes with lesser fill and they can accommodate that. The reason they need less fill is to accommodate the infiltration design to reduce sheet flow across the site. The site is very level.

Mrs. Roach turned questions to the Board.

Mr. Granese inquired as to the color of the light poles? They will be black. He also inquired as to the color of the building? Mr. Carty, of TMS Architects, stated it will have white cedar shingles that will naturally turn silver. Mr. Granese inquired as to the life expectancy of the shingles? Mr. Carty said at least 50 years. They are pre-dipped and sealed. Mr. Granese noted the fence around the dumpster is proposed to be chain-link with vinyl privacy slats. He requested this be upgraded to stockade, painted similar to the building. Mr. Carideo stated they could make that change.

Mr. Granese had questions with regard to the underground propane tank. How do they intend to hide the cap from views from Crystal Avenue? Mr. Carideo said

the cap will stick up approximately 18 inches and will be in the landscape area. They can put shrubs around it. They would ideally like to tie into Keyspan which is near McDonald's. They are in negotiations to bring the service up; so hope they don't need the underground tank. Mr. Granese asked how the cap would be protected so that traffic does not hit it in the event a car comes off Crystal Avenue in this location. A similar accident happened on Rte. 28, where a person backed up over the cap, causing an explosion. Mr. Carideo noted a car would have to come up over 7 inches of raised curbing. They could put in a bollard, but they are trying to keep the frontscape green. This is the only building in the area that is not connected with Keyspan. Mr. Cooper commented he has had experience with hitting these structures with a snow plow; the top pops off. Mr. Chirichiello felt this was a valid concern; can the tank be relocated? Mr. Carideo stated he has seen the caps as high as 18 inches, and he has seen some that are fairly level with the ground, as is the one at his office. Normally, they are the 18 inches because of snow depth. Mrs. Choiniere noted if the cap was level with the ground, it would not be an issue. Mr. Carideo stated they are trying to keep everything as far from the wetland as possible. The goal was to have the gas in a place where the connections would line up with Keyspan, if they can make that arrangement work. The tank will be the last thing they set. They would prefer not to put the tank to the rear near the wetland.

Mr. Granese asked in the event that the gas tank has to be placed, that the cap be recessed lower, or the applicant could put 2' steel columns on the north, south and west side behind shrubs to protect it in case a car comes off Crystal Avenue. Mr. Carty asked if they could use a more natural obstruction, such as a boulder that would match the landscape? Mr. Carideo agreed they could use a large boulder. The Board did not voice an objection.

Mr. Chirichiello inquired with regard to the snow storage area to the front of the site. Mr. Carideo stated that because of the small parking area and the ramp for access they noted it there. He can take it off the plan, but feels that snow will be put there in any event. It would be hard to make the turn, and the operator will need to backdrag the snow. There are a number of snow storage locations throughout the site. Mr. Chirichiello felt piling snow in front of the building was unattractive. Other Board members agreed. Mr. Carideo felt there would be more snow on the site from sidewalk plowing than there would be from site plowing. He can remove the note from the plan. They don't want to pile a lot of snow there; it would detract from the front of the building.

Mr. Sioras noted this plan was reviewed by the Highway Safety Committee. Mr. Carideo advised the Highway Safety Committee had a concern with the exit lane and asked that an "S" turn be crated to make the drivers more aware of the exit. They have a seven to eight vehicle stacking length.

There was no public comment. [Note: Beth Thompson provided the following comment during the previous public hearing. "She supports this project. The

project meets the intent of the Master Plan and the goals of the community. It will revitalize an area of town that needs it and she encourages the Board to support the project. In order to save time this evening, her comments for the next project would be the same.”]

Mrs. Roach turned the plan back to the Board.

Motion by Chirichiello to accept jurisdiction of the plan, seconded by Granese. All voted in favor.

Mr. Sioras noted the waivers would need to be voted upon prior to the plan. Mrs. Roach clarified whether the Board would need to specify the number of cars stacked in each lane.

Motion by Granese to approve waivers from Section 170-62.B.4 to not require a stacking distance of 6 cars, and Section 170-65,I, to allow 2.5 feet of cover rather than the required 3 feet, at Catch Basin 1 and Catch Basin 2 for about 15 feet of pipe length, seconded by Chirichiello.

Stenhouse, Chirichiello, Chase, Granese, Evans, Heard, Choiniere, Cooper, and Roach all voted in favor.

Motion by Granese seconded by Chirichiello to approve the site plan pursuant to RSA 676:4,I, Completed Application, subject to the following conditions: Subject to the KNA letter dated May 5, 2008; subject to on site 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; note approved waivers on the plan; remove the snow storage area to the front; the architectural design with regard to color and specifications, are as provided; the fencing will be changed as agreed around the dumpster from chain-link to stockade painted the same color as the building; protection is provided for the gas pipe; Doug Rathburn provides written approval that the GPS disk is received and is operable, and the above conditions are met within 6 months.

Stenhouse, Chirichiello, Chase, Granese, Evans, Heard, Choiniere, Cooper, and Roach all voted in favor.

The Board members noted that this will be a good looking building; different from the other, but they will complement each other.

The public hearings ended and the Board went into a workshop, which was not televised.

Workshop

Open Space Ordinance

It was noted all the Board members received the changes from the last workshop.

Ms. Evans said she did not want to go forward this evening, but rather backward in the ordinance. She received an email from Councilor Coyle, which was provided to the members. He indicated he was not in favor of the ordinance, as $\frac{3}{4}$ acre lots were unacceptable. Ms. Evans advised that comment gave her pause to think. The draft ordinance had been changed from one acre to a $\frac{3}{4}$ acre minimum. She feels this should be changed back as this is a clear message. It is better to have an ordinance passed than to have no ordinance at all. People will still get taxed on three acres of land if the area has three acre zoning. She feels the Board needs to think this over one more time. The second issue is under Density. She feels there needs to be something put back in. She discussed this with Mike Fowler of Public Works who said that the State law addresses it and it is correct, and would not be a problem to put it back in. She read aloud Section 165-156.4. DES approvals should be required. We don't want anyone to believe that because DES approval is not noted in Open Space, that it is no longer required. Mr. Fowler recommends the wording be put back in; the State trumps the town.

The other revision is that she suggests we not go to a 9 acre minimum. The Conservation Commission Land Criteria definitions state that before the Conservation Commission will accept land as conservation land, one of the goals is to preserve large parcels. There is currently a 10 acre requirement before land can be put into current use. This may create an issue for people with smaller lots who want to give a small lot to their children. They would have a hard time finding reasons to go to lot and block. There is enough reason to go back to 12 or 15 acres. A 9 acre minimum is not adequate for open space. Mrs. Robidoux did not recall the Board decreasing the minimum acreage to 9 acres. The Board removed from the exemptions a parcel that was 9 acres or less.

Mrs. Roach asked for clarification from Ms. Evans. Did she want the wording, "Replacement septic areas shall be designated on the site plan", put back in. Ms. Evans indicated she did. Mr. Stenhouse disagreed, the developers will know where the septic can go. Mr. Cooper remarked the state law requires only one septic area be noted on the plan. Mr. Sioras advised Mr. Fowler did stop by the Planning Office to discuss this issue.

Mr. L'Heureux reported Mr. Fowler had indicated the septic area is part of the state permit system already. Additional space must be shown as part of the

design; that is automatic. The addition of that sentence would be redundant as it is part of the state permit system. When you apply, it is not a detriment; it just repeats the state statute or regulation.

Mr. Cooper said placing the lot minimum at 1 acre was fine with him; he did not feel it would make much difference given the nature of the land. Mr. Chase noted that extra $\frac{1}{4}$ acre may be where the replacement septic would go. Mr. Sioras noted that $\frac{3}{4}$ of the town will require 1 acre minimums anyway and will not have town water and sewer. Mr. Cooper said the state lot sizing will show that per the soils in Derry, the lots will be one or more acre minimums. That was his intent when he provided the state soil table to the Board. Mr. Sioras commented a good example is the DM Kilrea project the Board just continued; that parcel has over 90 acres and only yielded 12 lots. The Board changed the minimum acreage requirement to 1 acre and the wording with regard to replacement septic areas to be shown on the plan was placed back into the draft.

Motion by Evans to adjourn, seconded by Choiniere. The motion passed in the affirmative and the meeting stood adjourned at 9:00 p.m.
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Minutes prepared by Elizabeth Robidoux, Planning Clerk.