

The Planning Board for the Town of Derry held a public meeting on—~~Monday~~  
~~Wednesday~~, October 19, 2009 at 7:00 p.m. at the Derry Municipal Center (3<sup>rd</sup> Floor)  
located at 14 Manning Street in Derry, New Hampshire.

Members present: David Granese, Chair; Virginia Roach, Vice Chair; Jan Choiniere,  
Secretary, Randy Chase, Administrative Representative (7:09 p.m.), Gary Stenhouse,  
Town Administrator; Brian Chirichiello, ~~Counsel~~Council Representative; Maureen  
Heard, Member

Absent: Jessica Hodgeman, John O'Connor, Paul Hopfgarten, and Darrell Park

Also present: George Sioras, Director of Community Development; Elizabeth  
Robidoux, Planning Clerk, Mark L'Heureux, Engineering Coordinator

Mr. Granese called the meeting to order at 7:01 p.m. The meeting began with a salute  
to the flag. He introduced the staff and Board members present, and noted the location  
of emergency exits, agendas and other materials.

## Escrow

There were no escrow requests this evening.

## Minutes

The Board reviewed both the public and non-public minutes of the October 7, 2009  
meeting.

Motion by Stenhouse, seconded by Roach to accept both sets of minutes as written. The motion passed in the affirmative with Chirichiello abstained.
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## Correspondence

Mrs. Choiniere reported the Board has received a copy of the most recent *Supply Lines*.  
Southern New Hampshire Planning Commission has forwarded an invitation to prepare  
a Source Water Protection Plan for the Town of Derry. There is grant funding available.  
Mr. Sioras explained SNHPC has performed similar work for other towns. SNHPC has  
asked for volunteers to form a Steering Committee. The members would work on  
developing the plan with SNHPC staff. The Conservation Commission has been  
provided a copy. If any Board members or other parties are interested, please let him  
know.

## **Other Business**

### Set next workshop date for proposed zoning change – ORD/MDR to GC

Mr. Granese announced the next workshop to discuss the potential zoning changes on Rockingham Road from Office Research Development/Medium Density Residential to General Commercial will be held on Wednesday, November 4, 2009.

The question was raised with regard to notice for this workshop. Mr. Sioras advised the affected landowners would be notified and a public notice would be placed on the town website, newspaper, and forwarded to Cable 17. He will see if Ben Wilson will be able to attend. This workshop will be televised.

## **PUBLIC HEARING**

### **FPA Office DVM, LLC 14 Tsienneto Road, PID 08079-005 Acceptance/Review Site Plan**

Mr. Sioras provided the following staff report. The developer is Jackson/Smith. This plan is for a 24,000 square foot, 3 story medical office building, located in the General Commercial II zone. It is proposed for the vacant lot between The Goddard School and Merrimack Tile Company. All town departments have signed the plan and no waiver requests were submitted with the plan. No state permits are required for this project. This is a quality project, and will be similar to Overlook Medical Center. He recommends approval of the plan. Attached to the member packets is a memorandum from Mike Fowler regarding previous discussions relating to the traffic light and fair share contributions. Steve Pernaw, the traffic engineer, is present this evening to answer questions.

Keith Coviello, Sublime Civil Consultants, apologized; advising Todd Connors was finishing the drafting of a waiver request for this project, as suggested from Steve Keach's review of the project. Mr. Connors is bringing the color rendering of the plan. The project is located across the street from Tire Warehouse, and adjacent to The Goddard School. The developer also developed Overlook Medical Center and will use the same color features.

Drainage on the site is proposed to be closed drainage to a treatment swale which will treat the stormwater. The landscape plan meets the current regulations. This project will utilize a shared driveway with The Goddard School. When the School was built, they constructed two lanes. With this project, they will build the third leg which is the dedicated right turn out. Review of the traffic counts (updated from The Goddard

School report) show that the warrant for a traffic light at this location is not triggered with this project. When parcels located across the street on the south side are developed, a light will be required.

The Goddard School has contributed \$46,000.00 towards a future traffic light at this location, and the developer for this project will also contribute \$46,000.00. This will leave \$96,000.00 to be provided when the south side of the road is developed. There are three lots remaining. When something happens on the south side, the light will go in. Mr. Coviello advised Mr. Pernaw could answer any questions with regard to the traffic data.

Todd Connors of Sublime Civil Consultants reviewed the architectural package that was prepared by Berard Martel Architecture, Inc. The packet is in depth and covers all design elements required by the LDCR. The packet shows setbacks and the building's alignment with the street. During design, they were concerned with the building's orientation given the common driveway. After reviewing several different options, they decided this was the best option. There will be a central entrance on the front of the building facing Tsienneto Road, with a central stair core on the back that matches it. There will be pedestrian friendly access, within the bounds of the site. There are no sidewalks on Tsienneto Road. Way finding is managed with a central driveway. This plan has a simple layout with parking on the sides.

The lighting, sign and landscape plans comply with the regulations. 57% of the site, approximately 2 acres, will be left in green space, the majority of it to the rear of the site. Regarding lighting, they will utilize building and pole mounted fixtures, with KIM lighting, similar to what is currently at Overlook. The lights are full cutoff, and provide a minimum of ½ a foot candle in the parking lot. The lighting is arranged to limit bright spots and gives consistent light.

Regarding signage, there will be a central sign to identify the building. The sign will not be designed until they know which practices will occupy the building. The scale and proportion of the building complements the architectural character of the surrounding commercial buildings. The building will have a typical roof, and the façade will be similar to Overlook. The applicant is affiliated in some manner with Overlook and there will be similar practices at this site. Regarding the fenestration, the windows and doors provide rhythm to humanize the building. A canopy is proposed over the front entrance which will have a patient drop off area. Materials used for the building include earth toned masonry, which calls attention to the front entrance, metal panels and stucco. Given the placement of some of the lighting fixtures, there will some light on the façade which will give it some color.

Mr. Connors reviewed the attachments to the architectural package. The lighting and landscape plans are included in the full plan set. Building elevations are provided, as well as pictures of the surrounding properties.

Mrs. Choiniere inquired as to the size of Overlook Medical Center. It is between 78,000 and 82,000 square feet. She noted this facility will be about a third of the size. She also commented on the lack of parking at Overlook. Mr. Connor advised this plan provides 111 parking spaces for the new facility. 96 spaces are required; they have provided more because her point is well taken. Overlook's parking area is almost always full, and it is hard to find a space at times. The owners are sensitive to the parking issue there and have looked at alternatives. On this site, there is upland to the rear that could be utilized if parking became an issue. Mr. Coviello advised that the services provided in this building will differ from Overlook. The intent is to have larger medical practices with less turnover of patients. Overlook has high volume of patient turnover when clinics are held at the facility, for example flu shot clinics. This is a new set of doctors; and practices will not be moving from Overlook to this location.

Mrs. Heard asked as to the thought process in placing the entrance facing Tsienneto Road, rather than on the side facing the parking lot? Mr. Connors advised they struggled with this. There are grade changes going from Tsienneto Road heading to the rear of the property. They could not make the entrance work, even with a walkout. To put the entrance to the side would place the entrance a few feet below grade and that would require large ramps to meet ADA requirements. The corner entrance did not look right, and they had problems lining it up with the drop off. People will become familiar with the site. Mrs. Heard felt some well placed signs would take care of that.

Mr. Connors advised the full plan set shows the utility connections. They will connect to the town water and sewer. All utilities will be underground. Drainage is proposed as closed drainage, directed to the back of the building, leading to a treatment swale, and discharging to the wetland to the rear of the property. This is similar to other sites on this side of the street.

The KNA letter noted the proposed dumpster is located too close to the side property line. It should be 25 feet from the line and is located 12 feet from the line. They are requesting a waiver to accommodate the dumpster in this location. There are few opportunities on the site for a large compactor type dumpster. If it is placed to the right, it will be closer to the wetland. They prefer not to put it behind the parking, and have a concern for the dumpster pick up and business hours. They also do not want janitorial staff to have to walk between cars to reach the dumpster during the day. He advised he would be happy to answer questions from the Board.

Mrs. Choiniere asked if when the traffic light is installed, will it be located between this lot and The Goddard School? Mr. Connors advised the common driveway for the two lots is designed to be a minor leg of the light.

Mr. Chase asked with regard to the pickup area at the entrance. Will this be a standard 8 inch curb on both sides, or will it be above grade at the pavement? Mr. Connors advised the island is sloped granite curb with a 5-6 inch reveal. On the building side, it will be flush with the pavement.

There was no public comment and the plan went back to the Board.

Mr. Chirichiello asked the consultants to review the anticipated traffic in the parking area. Mr. Coviello advised there will not be a high turnover of ins and outs. It is a doctors office. At Overlook, there are three to four people waiting to see one doctor. Mr. Buchanan envisions larger offices, rather than a lot of smaller offices. Mr. Chirichiello noted that at Overlook, there is a secondary exit onto Tsienneto. What is the traffic pattern at this site? Mr. Coviello advised the lot will be striped and people will be encouraged to go around the building, clockwise. There will be a dedicated left and right out of the site, similar to what Overlook has. Mr. Chirichiello had a concern that incoming traffic will meet outgoing traffic at the entrance to the site. It may cause an issue. Will there be queuing at the entrance to the parking lot? Mr. Coviello explained they don't envision queuing in and out of the lot. There could be a queue at Tsienneto Road. There probably will not be more than 2 cars at the stop sign for the new site.

Mr. Chirichiello asked if people will go counterclockwise around the building? Mr. Connors thought it possible. The site is designed for two way traffic. It is hard to control unless the parking spaces are angled. They want to keep people in lanes, so are putting in islands to encourage that. In reviewing the traffic study, the PM peak has 61 vehicles exiting per hour; so there will be one car per minute exiting, with 22 cars entering. That is not a heavy flow of traffic.

Mrs. Choiniere noted the plan has a designation to the back of the lot indicating that the traffic arrows "not be painted". Would it help to paint them? Mr. Connors said not necessarily. They can be painted if the owner wants to force a one way traffic flow. Down the road, if traffic becomes problematic, striping can be considered. Mrs. Choiniere noted the aisle width is 24 feet so there should be plenty of room.

Mr. Chirichiello inquired as to the sign. Will it be similar in size to the Overlook sign? Mr. Connors said it would. More than likely it will be an attractive monument sign identifying the building on Tsienneto Road. It most likely will not list the individual doctors in the building.

Mr. Stenhouse asked if Engineering had any issues that had not been discussed? Mr. L'Heureux said no. Mr. Stenhouse asked what is the maximum size sign allowed for this site? He would prefer to see a sample of the sign. Mr. Sioras said the General Commercial II zone is fairly specific and more restrictive than General Commercial. The sign would not be like something found on Crystal Avenue.

Mr. Connors asked if the Board would be okay with making the sign a condition of approval that can be reviewed by staff or by the Board, once they know what the sign will look like. Mrs. Roach felt it could be a condition of approval, but the sign rendering would need to be brought back to the Board for approval before the plan could get recorded.

Mr. Connors introduced Steve Pernaw of Stephen G. Pernaw & Company, Inc. Mr. Pernaw has been involved with traffic issues regarding development of Tsienneto Road since 2002. Mr. Pernaw advised he prepared a memo dated October 1, that updates the previous memorandum done for The Goddard School. He compared the two different proposals. This is a 24,000 square foot medical office building, where the last proposed use was for a 37,800 square foot office building. From a traffic engineer standpoint, a medical office building generates more trips. He reviewed the warrant analyses and came up with the same conclusions as previous. The uses on the north side of Tsienneto do not generate enough traffic to warrant a light. On the south side of Tsienneto, when the three lots are developed, it will conceivably kick in the need for a light. He believes the town is doing the right thing by planning for the light now and obtaining the contributions. He performed a 12 hour traffic survey of Tsienneto Road. Between the hours of 7:00 a.m. and 8:00 a.m. there were 1035 trips, mainly heading west. Between 2:00 and 3:00 p.m., 1132; between 4:00 and 5:00 p.m., 1277 [PM Peak], and between the hours of 5:00 to 6:00 p.m., the numbers dropped off to 1139. This is typical for an arterial road where there are peaks in the morning and higher peaks in the evening.

Mr. Connors noted the November 6, 2008, memo from Mike Fowler which delineated the fair share contributions for the affected property owners. This applicant is willing to make his fair share contribution now, of \$46,000.00.

Mrs. Roach asked if Mr. Connors will have any issues responding to the KNA letter? Mr. Connors advised there is nothing they can't handle.

Mr. Stenhouse asked for clarification of the location of the proposed dumpster. Mr. Coviello noted the location and explained if it was pushed further back it would be closer to the wetland. Mr. Stenhouse asked why that would be a problem if it were moved to the left and back? Moving the dumpster would gain two more parking spaces. Mr. Coviello said there is a concern with the proximity to the wetland, and truck movement to the dumpster would be problematic. Mr. Stenhouse confirmed that moving the dumpster back would not violate wetland regulations, and the applicant would not need to request a waiver.

Motion by Roach to accept jurisdiction of the plan, seconded by Chirichiello.

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

Motion by Roach to grant a waiver from Section 170-67.B.1 of the Town of Derry LDCR, to allow a screened dumpster pad to be 12 feet from the adjacent property line where the regulations call for a distance of 25 feet. The motion was seconded by Choiniere. Chirichiello, Heard, Roach, Choiniere and Granese voted yes. Stenhouse and Chase voted no. The motion passed by a vote of 5-2.



Motion by Roach to approve the application pursuant to RSA 676:4,I, Completed Application, subject to the following conditions:

- Comply with the KNA letter dated October 16, 2009;
- Address comments as indicated in the memo dated October 13, 2009 from Mike Fowler;
- Subject to owner's signature;
- Subject to onsite inspection by the Town's engineer;
- Establish appropriate escrow as required to complete the project;
- The applicant shall bring a rendering of the proposed sign to the Planning Board for approval once a sign facsimile has been prepared;
- Note approved waivers on the plan;
- Obtain written approval from Doug Rathburn that the GIS disc has been received and is operable;
- The applicant provides a fair share contribution toward the future traffic light;
- The above conditions are met within 6 months; and,
- A \$25.00 check, payable to Rockingham County Registry of Deeds shall be submitted with the mylar in accordance to the LCHIP requirement.

Mr. Chirichiello seconded the motion. Discussion followed.

Mr. Stenhouse confirmed the Board will have an opportunity to review the proposed sign for this site and make sure the Board likes it.

Stenhouse, Chirichiello, Heard, Roach, Chase, Choiniere and Granese all voted in favor and the motion passed unanimously.

Mr. Connors asked for clarification regarding the sign rendering. Will this be a noticed hearing or an administrative detail? The Board advised a condition compliance hearing would be held, with the sign being the only issue.

Mr. Chirichiello asked when did the applicant anticipate breaking ground? Mr. Connors thought in the spring.

Mr. Granese advised Mr. O'Connor could not attend the meeting this evening but provided the following comment on this plan, "I believe, the new development architecture adds to that business district and shows that despite some naysayers in town, the businesses still have faith in the growth of this community."

Motion by Roach, seconded by Choiniere to adjourn. The motion passed with all in favor and the meeting stood adjourned at 7:45 p.m.

