

The Planning Board for the Town of Derry held a public meeting on Wednesday, March 17, 2010, 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; John O'Connor, Maureen Heard, Members; Frank Bartkiewicz, Darrell Park, Alternates

Absent: Gary Stenhouse, Brian Chirichiello

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 7:00 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.

Mr. Bartkiewicz was seated for Mr. Hopfgarten

### **Escrow**

None.

### **Minutes**

The Board reviewed the minutes of March 3, 2010 meeting.

Motion by Roach, seconded by O'Connor to accept the minutes of the March 3, 2010 meeting as written. The motion passed in the affirmative with Heard abstained.

### **Correspondence**

The Board has received a notice from the Town of Windham regarding a variance request to construct a wireless telecommunications tower and support structures in the Town of Windham. A similar notice from the Newton Planning Board has been received for the co-location of telecommunications antenna on an existing monopole tower. The Board has been copied on correspondence regarding the expiration of surety for Brandy Rock Estates, and is in receipt of a reminder of the Spring Planning/Zoning Conference which will be held on May 8, 2010. The Board has also received the annual request from PSNH to review plans that contain PSNH easements.

Mrs. Choiniere read the following letter to the Board, received from George Reynolds, 134 Rockingham Road, into the record. The subject of the letter is Rezoning Properties

on Route 28, South of the Robert Frost Farm to General Commercial. "In January of 2003 I requested that the Derry Planning Board consider re-zoning my parcel from Office Research Development (ORD) to General Commercial (GC). This seems to be in line with Derry's Master Plan for future economic development. Rockingham Road (RT 28) is the primary North South route in and out of town and has been a busy commercial strip. Over the past 27 years I have seen many new businesses established on this road. I have had hopes to expand my welding business. With the current zoning being ORD, I am unable to do so. The Master Plan envisions extending water and sewer past the Frost Farm to Ryan's Hill and eventually to the Windham Line with the intent of encouraging commercial and industrial development and attracting new businesses. The Master Plan also addresses the responsibility to protect and preserve our Natural, Cultural and Historic Resources. Specifically it states it's desire to "protect the area around the Robert Frost Farm (RFF), creating zoning designations that are sensitive to the homestead. In the book of Proverbs it says "the people without a vision will perish" (29:18). Our Planning Dept. under the leadership of George Sioras, has a good vision for the town. Along with the Planning Board they have done a wonderful job overseeing the development of Derry. I am sure they will continue to do so.

It's time to move forward. There have been at least 5 meetings about this proposal. Rt 28 has over 1000 vehicles per hour during the morning and evening rushes, it will continue to be one of the busiest roads in NH. With a School budget over 80 million dollars, Derry needs more businesses. With the current recession economy, we need more local jobs, which new businesses will bring. Yes, we can protect the RFF and encourage new business development."

### **Other Business**

Mr. Granese advised that next Wednesday, March 24<sup>th</sup>, the Board will hold a televised meeting to adopt the Master Plan and a workshop during which the Board will review the draft Historic District Overlay and the draft General Commercial III zone requirements as well as consider the rezoning of the Robert Frost Farm area along Route 28. He asked that the Board members please review the two drafts and the Board will decide on which direction to go: the new zone or the overlay district.

Mr. Sioras advised the Downtown Civic Profile will be held on Saturday, April 24<sup>th</sup> between the hours of 9:00 a.m. and 1:00 p.m. in the third floor meeting room. The last Downtown profile was held in the 1990s. This event will be an opportunity to create a vision for the downtown for the next five to ten years. Michele Gagne of UNH Cooperative Extension will facilitate the meeting and there will be breakout sessions. A light breakfast will be served between 8:00 a.m. and 9:00 a.m. Anyone with an interest in the downtown is invited to attend.

## Public Hearing

**Anthony DeRosa**  
**PID 03084, 191 Rockingham Road**  
**Acceptance/Review, Lot Line Adjustment**  
**Between parcels 03084 and 03087-001**

Mr. Sioras provided the following staff report. The property is located on Ryan's Hill just before Kershaw's and the restaurant on the right. This is a Lot Line Adjustment between the Kershaw's and Mr. DeRosa, and will allow for additional land area for the applicant when a future site plan is submitted for a garage and service shop. There are two waiver requests: one for soils mapping and the other for wetlands delineation; both are outlined in a letter from the applicant's engineer, Meisner-Brem. No department signatures were required for this application, nor are any state permits required. Mr. Sioras stated he would recommend approval of both the waivers and the application.

Tony DeRosa presented. He advised he has met with the TRC a few times and it was recommended that in order to develop the land as he envisioned, he would need more land so that he could meet the requirements for green space and parking. This lot line adjustment would double the size of his lot. Mr. Sioras pointed out the existing and proposed lot lines to the Board members. Mr. Granese inquired if a garage will be added to the site? Mr. DeRosa advised that he went to the ZBA a year ago and was granted several variances. He has two years to meet the conditions of the variances. He noted this project is more for his son than for himself. His son wants to open an auto body shop, that will probably be the first 'green' shop in the area. He will be used water based technology. He received a variance to rebuild on the property within the setback, and to rebuild and expand on an existing, non-conforming lot. The plan is to have a residence and work shop on the property. At TRC it was noted that a lot line adjustment will gain him enough space that he will be able to meet the requirements for space to build what he wants. They intend to tear down the existing house and shed.

Mr. O'Connor inquired as to the curb cut on Route 28. Will that be sufficient for the state with regard to the entrance? Mr. Sioras advised NH DOT will amend the driveway permit and establish the appropriate sight distances and width of the curb cut. Mr. O'Connor asked if once the Board has the site plan in front of it, will the Board review the wetland areas? This lot contains a pond. Mr. Sioras explained that the wetland waiver is requested this evening because wetland delineation is required in the regulations for new subdivisions. This is a lot line adjustment and does not need wetland delineation. When the applicant submits an application for a site plan, he will need to then obtain the appropriate permits.

There was no public comment and the plan returned to the Board for review.

Motion by Roach to accept jurisdiction of the plan, seconded by Choiniere. Heard, Roach, Bartkiewicz, Chase, O'Connor, Choiniere and Granese all voted in favor and the motion passed.

Motion by Roach to approve the waivers from the Town of Derry LDCR, Sections 170-24.A.12, HISS mapping and 170-24.A.13, wetland delineation, seconded by O'Connor. Heard, Roach, Chase, Bartkiewicz, O'Connor, Choiniere and Granese all voted in favor and the motion passed.

Motion by Roach to approve a Lot Line Adjustment for Parcel 03084, 191 Rockingham Road, pursuant to RSA 676:4, I, Completed Application, with the following conditions: subject to owner's signature, subject to on site inspection by town's engineer, establish escrow for the setting of bounds, or certify the bounds have been set, establish appropriate escrow as required to complete the project, obtain written approval from Doug Rathburn that the GIS disk is received and is operable, note approve waivers on the plan, that the above conditions be met within 6 months, and a check in the amount of \$25.00, payable to RCRD should be submitted with the mylar in accordance with the LCHIP requirement. Choiniere seconded the motion.

Heard, Roach, Bartkiewicz, Chase, O'Connor, Choiniere and Granese all voted in favor and the motion passed.

**Carl & Ellen Gallaso/Shelly Devlin  
PID 37010, 128 East Broadway  
Acceptance/Review, Minor Site Plan  
Change in use from residence to Hair Salon & Spa/residence**

Mr. Sioras provided the following staff report. The project name is Water's Edge Salon and Spa. The property is located across from central fire station on East Broadway. This is a beautiful old home with a waterfall on the front lawn. The purpose of the plan is for a minor site plan for a change of use from a residence to a hair salon and spa. A variance was granted by the ZBA on January 7, 2010 for the use. The applicant is preserving an architecturally significant home per the historic commission and the applicant intends to reside there. All town departments have reviewed and signed the plan. There a few waiver requests, and no state permits are required. Mr. Sioras advised he would recommend approving the waiver requests and the site plan application. This project will preserve one of the gems of the town, and the residential character of the home will be preserved on the outside of the building. He complimented the engineer on the plan design.

Chris Nickerson of Edward Herbert & Associates advised he represented the applicant, Shelly Devlin who was also present this evening. He introduced Wes Aspinwall, also of Edward Herbert & Associates. Mr. Nickerson advised the plan is for Water's Edge

Salon and Spa. The intent is to reuse the existing house and garage as a salon and day spa. Floor one of the main house will be utilized for hair treatments; floor 2 will be the owner's weekly residence. The second floor of the existing garage will be utilized for spa treatments such as manicures. One of the benefits to the facility is that this will be an owner-occupied site, which mitigates many of the abutter concerns moving forward as the owner/operator will be on site to deal with any issues that might come up, quickly. The lot is located on the corner of Crescent and East Broadway. It is a 19<sup>th</sup> century, historic home and this type of reuse of a home from this period is common in upscale communities. The plan is to reuse the existing driveway as an employee only entrance and parking area with seven spaces. Three of the spaces will be within the existing garage. Ms. Devlin has walked the site with the Fire Chief who reviewed the ratings and found them sufficient as the department signed off on the plan. They are proposing a fourteen space visitor parking lot to be located in the northeast portion of the site to accommodate the patrons who come in and out of the site on a daily basis. The benefit to this type of use is that there is a consistent number of trips per day with no peak; he is sure the ZBA considered this when they reviewed the variance application. Typically, there is no stacking with this type of use as you would see with an office use. They propose to establish landscaping on Crescent Street and will keep the existing landscaping to the front. They have reviewed the drainage report with staff and the report has also been reviewed by the outside consultant, Steve Keach. There were no issues with the drainage report. They do have a few waiver requests to present to the Board this evening. Mr. Nickerson provided the requests in writing to the Board; the Board was provided with copies.

The first waiver request is from Section 170-62.B.1, to allow a 20 foot driveway where a 24 foot wide driveway is required by the regulations. The driveway enters the site off of Crescent Street. They want to avoid moving an existing telephone pole which is noted on Sheet 4 and 5. A 24 foot wide driveway off a 20 foot wide road is not a practical solution for the site. There is ample room in the parking lot for patrons to back and move around. They are requesting the waiver for aesthetic reasons, and to avoid moving the telephone pole. This is why they are proposing a narrower entrance way. The second waiver is from Section 170-64.B to allow the landscape buffering as noted on the plans, specifically in the area of the employee parking lot. Currently, there is 4 to 5 feet of green space between the pavement and the property boundary. It is not reasonable to place plantings in this small strip as the plantings will not survive. In place of plantings, they are proposing a six foot high, stockade fence. They can't provide the additional green space as required, because there is not enough room.

Mr. Nickerson advised they feel the plan is complete and appreciates the staff comments on the plan. Mr. O'Connor inquired if there had been other businesses prior at this location? Mr. Nickerson advised there had been a prior variance for a dee-jay and there had been other professional offices and a landscaping company here. Mr. Nickerson stated the current owners only use the lot for a residence. He confirmed the intent to install a six foot fence; there is not one in that location presently.

Mr. Granese read into the record a series of email correspondence between an abutter, Dawne Kenney, and himself. The first email occurred on February 12, and the last response was on February 18<sup>th</sup>. The emails were retained as part of the record. The content of the emails were questions from the abutter regarding the Planning Board process. Mr. Granese reported he did have one telephone conversation with Ms. Kenney on Wednesday, February 17<sup>th</sup>. He opened the floor to public comment.

Jared Bell, 124 East Broadway, wished to follow up on his wife, Dawne Kenney's comments for the record. They want to make sure that they do not see this home become a commercial building in the future because of issues with potential traffic, and lighting. He has a letter from a real estate agent they occasionally deal with, regarding the types of odors that can arise from chemicals used in a hair salon, such as those used for nails and perms. He also thought that when Mr. Granese spoke with Ms. Kenney that he had stated the property would not be devalued if it became commercial. Mr. Granese advised he is not a real estate agent and could not speak to valuation of a property and that he did not recall speaking to that during his conversation with Ms. Kenney. Mr. Bell advised that these were the concerns they had with the proposal. [Note: the Board did not require a copy of the letter from the real estate agent as one had already been provided for the record.] Mr. O'Connor asked if the opinion with regard to odor had been made by a professional hygienist? Mr. Bell advised the opinion was as stated by the real estate agent who stated that if not filtered properly, the products used in a salon can give off an odor and cause an issue. It was noted for the record that the acrylic used in the salon process are not similar to that of household acrylic paint.

Mr. Nickerson asked to address some of Mr. Bell's concerns. Regarding the potential odor from salon products, Ms. Devlin would be able to speak to that. He can state that her facility in Londonderry does not emit odors outside of the building. There is no special filtration system beyond the standard household/building HVAC system. Today's product standards are different from those in the past. Regarding the commercial use of the property, the Zoning Board of Adjustment has already settled the issue by a unanimous vote of the Board to approve the use of the property. No appeal was filed and that decision is now law. The first test in the variance process is to ask if the proposed use will diminish surrounding property values. The ZBA has clearly decided that this particular use will not diminish surrounding property values. Tonight, the Planning Board is deciding if the plan meets the merits of the site plan regulations. He believes it does comply and KNA has endorsed the applicant's waiver requests.

Mr. Bell advised their concern regarding the value comes from potential future owners of the property. If Ms. Devlin sells the Salon, the new owner could do what they want without a variance. The other question is, would it change back to a residence and how would the lot now look with the parking lot? Another concern is the lighting and signage. He is sure the sign will look like a residential sign and match others on the street.

Mr. Nickerson stated the ZBA placed the sign issue in the hands of the Planning Board. He showed a copy of the sign proposal. There will be "no parking" signs on Crescent Street as the road is narrow and they want to prevent any potential traffic issues. They are proposing an "employee parking only" sign at the entrance off East Broadway to prevent clients backing into the street. They want customers to enter and exit the site from one location. Regarding the site sign, they are proposing one sign over the front door which will read "Salon" in black letters. The second sign will be on the garage over the existing garage doors and read "Spa Retreat". One free standing sign will be located on the corner of Crescent and East Broadway, fifteen feet from the right of way and 20 feet off the edge of pavement. That sign will say "Water's Edge Salon & Spa" with a changeable copy area underneath. The top portion of the sign is 20 square feet, the changeable copy area is 14 square feet for a total of 34 square feet. This will be placed in a planter. The entire sign will be no larger than a 4 x 8 sheet of plywood. They feel this is in keeping with the rest of the businesses and is in a good location.

Mrs. Roach asked what is the purpose of the three line reader board? She felt the sign was tall as it stood at 9 feet, for something that would be on the corner. Ms. Devlin advised the space will be used for advertising for items such as community service and salon specials. It will be a marketing space. The fire station across the street has an electronic reader board, as does the golf course and they felt it fit in with the space.

Mr. Granese asked Ms. Devlin to address the issue of potential odors. She stated she has owned the salon for 20 years and has never smelled an odor outside of any of her facilities. When they apply acrylic nails, they use odorless acrylic. Perms do smell, but not outside the shop. Mr. Granese asked if any of the products used could be considered a biohazard. Ms. Devlin said all of the products are regulated by OSHA and the State Board of Cosmetology. With regard to disposal, product is disposed of down the sink. She did not believe the state or federal regulations would allow that if any of the product had the potential to be hazardous or required special disposal techniques.

Mr. O'Connor inquired if the proposed sign met the regulations? Mr. Sioras said that the applicant will need to obtain a permit from Bob Mackey. Mr. O'Connor noted that the electronic sign at the Fire Department has a waiver from the regulations because of the importance of the messages that are placed on it. For example, that sign notices the town of serious events and information such as during the recent storm and flooding. Mrs. Choiniere asked if the applicant had given any thought to using spotlights on the sign rather than internally illuminating it? Ms. Devlin said that was a thought and they were still in process with the sign. It had not been finalized. Mrs. Choiniere thought that spotlights, facing upward onto the sign, might be less intrusive to the neighbors and would fit in better. Mr. Granese suggested that since the sign is still in the thought process, the applicant should consider the options.

Mr. Bell had further comments regarding the parking lot and traffic stacking. He noted hair salons have multiple customers at one time. If there are 6 stylists there could be 18 customers; can the parking lot handle that? Mr. Nickerson advised there is space for seven employees to park. The absolute maximum number of customers would be 2

people per stylist at a time with one waiting and one in process. With seven employee and 14 visitor parking spaces, the numbers work out. He also noted the parking fully complies with the current town regulations, which is noted on Sheet 2 at Note 8. The regulations require one space per 250 square feet. There is 1400 square feet in the existing house, 680 square feet in the garage, and 1200 square feet in the proposed addition. This equals 18.3 spaces, with an additional 2 spaces for the dwelling for a total of 20.3 spaces required. They are providing 21 spaces, so they fully comply with the regulations.

Mr. Chase asked if the sign has been reviewed to ensure it complies with the square footage requirements in the district? Mr. Sioras noted the applicant needs to meet with Mr. Mackey who will determine the size. This is a residential district which has a lesser size requirement than a commercial zone. The Board can look at the style of the sign, but the size is handled through Code Enforcement. Mr. Chase indicated that under Section 165-20, the sign can be no larger than 20 square feet; this sign is proposed at 34 square feet. Mr. Sioras stated if they want more than 20 square feet, they will need an additional variance. Mr. Nickerson advised that when the applicant went to the ZBA, they did not have a sign package in hand. A residential sign would not be appropriate given the use of the property. As a third condition of approval, the ZBA stated the size and nature of the sign would be determined by the Planning Board. He asked the Board to steer them in the right direction. Ms. Devlin is excited to get into this facility and would like to obtain approval this evening if possible.

Mrs. Roach asked for clarification of the hours of operation. Sheet 2 on the plan set lists the tentative hours as: Sunday, closed; Monday, Wednesday and Friday, 9:00 a.m. to 6:00 p.m.; Tuesday and Thursday, 9:00 a.m. to 9:00 p.m., and Saturday, 7:00 a.m. to 5:00 p.m. The hours given during the ZBA presentation were stated as, Tuesday through Thursday, 9:00 a.m. to 9:00 p.m., Saturday, 8:00 a.m. to 5:00 p.m., and Mondays are for classes only. What are the hours? Mr. Nickerson advised that the plans presented as part of the package at the ZBA that the Board acted upon are the same plans contained in the Planning Board package. Mr. Granese noted the minutes of the ZBA state the hours of operation as her current hours of operation. Mr. Nickerson advised his client wants to operate as noted in the Planning Board application. They will only be open two nights later to accommodate clients who work during the day. The hours that are listed currently as "tentative" on Sheet 2 will be the hours of operation. Mrs. Roach stated she just wanted the record to be clear.

Robert Bobroff, 4 Crescent Street had comments regarding the fence. There is a stonewall in that location that is about 2 ½ to 3 feet high, so only 3 feet of the fence will show above that. He normally keeps cordwood in that location of his yard, and has no problems with the fence or the foliage. He has no issues with traffic, and remarked on the volume that occurs when Pinkerton lets out for the day. He has lived next to this property for a long time and has seen the following businesses operate from the home: an attorney, a designer and a real estate agent. He has had many neighbors that generate traffic. This project will not change the drainage and he is not worried about lights shining in his windows. The light at the fire house puts more light into his home



than oncoming traffic. Mr. Bell had good questions with regard to odors and the sign. Mr. Bobroff said he had no issues with this application because the business owner will live on the property. If he has any issues with anything on the site, he can go to her directly.

Christine Remington, 126 East Broadway, advised she has lived in her home since 1996. They have slowly worked on their property. She saw the plans for the driveway on her side that will be for employees only and feels that the plans are tasteful. She has no issues with the proposal.

Steve Hines, 126 East Broadway, had comments regarding the variance for the fence rather than the shrubs. To make the shrubs fit would require removal of the stonewall. He felt the stonewall should be left alone and just the fence installed. He remarked that he lived next door to a beauty salon for 25 years and could not smell the perms at his home. He has no issues with this proposal.

Mr. Granese confirmed that the stonewall will remain in place. Mr. Nickerson advised they need a waiver from the landscape buffer requirement of 15 feet. They can only maintain the 4 feet that exists and install the fence. Steve Keach supported the waiver request in Note 10 of his review letter.

Guy Walker, 18 ½ Hoodcroft Drive has some concerns with the proposal. He does not see enough of a buffer in the way of plantings. His home is located on an elevation above this house and his view from his master bedroom which has been mangled by the cell tower, will now have a 14 space parking lot added to it. He will also be able see it from his back yard. He would like a taller, green buffer to the rear. He is also concerned with regard to lighting. His front yard is lit up every day and night from Chen's parking lot, and the church lights his back yard. He would like to see something done to lessen the lighting. He did serve on a ZBA in Connecticut and is confused with the ZBA decision making process that occurs without notifying abutters. He is unclear as to the appeal process because he would have appealed the decision.

Mr. Granese advised the ZBA notifies direct abutters only, where the Planning Board notifies abutters within 200 feet of the subject parcel. He asked for more clarification on where Mr. Walker lived. Mr. Walker advised his driveway is off Hoodcroft as one heads up the hill. He abuts the church property. Mr. Sioras asked Mr. Nickerson to explain the lighting. Mr. Nickerson advised there will be 6 fixtures on the property (shown on Sheet 8). The visitor parking lot will have progress lighting fixtures which are typically seen on residential site plans, like condos. The lighting is minimal and consistent with a residential neighborhood. The levels of illumination do not extend over the property line and the wood fence will cut off the illumination when on Crescent. On the plans, Sheet 2, Note 10 in the last paragraph notes that the outside lighting will coincide with the hours of operation, so the lighting will be shut off when the salon is closed.

Mr. Granese asked with regard to the existing wall mounted fixtures? Mr. Nickerson advised he does not have information on those with regard to the level of lighting, but

can say they are standard residential fixtures and would be diminished beyond 40 feet. Mr. Granese noted 100 watt incandescent bulbs are shown on the plan. He suggested lowering the wattage and putting a diverter/film on the back of the lights that are closer to Crescent Street. Mr. Nickerson stated the manufacturer has a fitter that cuts off the level of illumination at 180°. He has not run the calculations, but if they decrease the wattage down to 75, it would mitigate the concerns and still provide appropriate lighting. Mr. Walkers stated that when they redid the church, the greenery is higher than what is proposed here which blocks the view of the parking lot, especially given the elevation of his home.

Mr. O'Connor suggested the applicant look at planting arbor vitae rather than Bradford Pear in this location. He also had a suggestion with regard to lighting. Mr. Nickerson noted they want to avoid using sodium because that is typically used in a more industrial setting. They don't want to have the lights give off that orange glow. Mr. Walker asked in terms of the use changing in the future, what would be in place? Mr. Sioras explained if the use goes away, then a new owner would also need a variance so would have to reapply and then come back to the Planning Board.

Mrs. Choiniere inquired with regard to the future expansion noted on the plan. What does that mean and how does it affect the parking? Mr. Nickerson explained that the applicant wants to fit up the house and garage and grow the business. They have provided space for a future addition (Sheet 6). They would remove the existing Garage 1, and propose a 46 x 34 addition. The site plan has been designed with that end in mind and all of the green space, landscaping and parking calculations were planned with this in mind. Note 2 of the site notes states, "Architectural plans for the future addition will be filed with the Planning Board for architectural design review prior to when the addition is constructed." The public hearing would take place before the addition is constructed.

Holly Campbell, 8 Crescent Street stated she is in favor of the plan. She has known the applicant for a long time and she runs a classy establishment with low lighting. Her site will be aesthetically beautiful and she felt it would be appropriate for the setting.

There was no further public comment and the application came back to the Board for review.

Motion by Roach to accept jurisdiction of the plan, seconded by O'Connor.

Heard, Roach, Chase, Bartkiewicz, O'Connor, Choiniere, and Granese voted in favor and the motion passed.

Motion by Roach to approve the following waivers from the Town of Derry LDCR, Section 170-63.A.6, with regard to lighting, Section 170-62.B.1, to allow a 20 foot wide driveway off of Crescent, and Section 170-64.B, as noted for relief from the landscape buffer requirement. Choiniere seconded the motion. Discussion followed.

Mr. Granese asked if the Public Works had any issue with the waiver for the driveway? Mr. Sioras said no. They signed off on the plan and would prefer the smaller driveway because the main road is smaller. Mr. O'Connor asked that the pear tree be changed to arbor vitae for the rear landscaping. Mr. Nickerson said they would do that.

Heard, Roach, Chase, Bartkiewicz, O'Connor, Choiniere and Granese all voted in favor and the motion passed.

Motion by Roach to approve the minor site plan for Carl & Ellen Gallaso/Shelly Devlin, 128 East Broadway pursuant to RSA 676:4, I, Completed Application, subject to the following conditions: comply with the KNA letter dated March 17, 2010, subject to owner's signature, subject to onsite inspection by the town's engineer, establish appropriate escrow as required to complete the project, obtain written approval from Doug Rathburn that the GIS disc is received and is operable, note approved waivers on the plan, change the pear tree to arbor vitae, and that the above conditions be met within 6 months. Discussion ensued.

Mrs. Choiniere had further questions with regard to the sign. Mr. Sioras indicated the applicant will need to meet with Mr. Mackey and the sign will need to meet the size allowed in the district. Mrs. Choiniere felt that a spot light or goose neck would be preferable to an internally illuminated sign. Mr. Granese suggested the applicant bring the sign design back to the Board. Mr. Sioras said there could be a condition compliance hearing for the sign.

Motion by Choiniere to offer a friendly amendment to the motion to add that prior to approval of the sign permit, the Planning Board will provide conditional approval of the sign design. O'Connor seconded the amended motion.

Heard, Roach, Chase, Bartkiewicz, O'Connor, Choiniere and Granese all voted in favor as amended, and the motion passed.

Mr. Granese noted this is a great plan and the majority of the abutters were in favor of the project.

**Ralph Stowell**  
**PID 08015-002, 36 Scobie Pond Road**  
**Acceptance/Review, Site Plan Determination**  
**Auto Repair**

Mr. Sioras provided the following staff report. The purpose of this plan is for a change of use in an existing garage from truck storage to auto repair. This was the old Middlemiss property. The applicant will be living in the existing residence and utilize the existing garage for his business. A variance was granted by the ZBA on January 7, 2010 for the use. A condition of the variance was to come before this Board. This property is located in the Industrial IV zone. No town department signatures are

required for this application, and there is a waiver request. He recommends approval of both the waiver request and the site plan determination application. Attached to the member packets is a memo from Craig Durrett to Elizabeth Robidoux.

Tim Peloquin, Promised Land Survey presented for the applicant and provided a written waiver request to the Board from Section 170-63.5, Parking Requirements, to allow parking on an unpaved surface. The parcel contains 1.076 acres and is located on Scobie Pond Road, close to the power lines. PSNH abuts the property on the right. Mr. Middlemiss operated a plumbing and oil delivery business from the site. The current applicant, Ralph Stowell has operated a reputable, clean business on Ryan's Hill for about 5 years. He wants to move to this site, live in the residence and operate his business. The applicant received a variance for the business and was asked to come before the Planning Board. This is an existing conditions plan. They have addressed the TRC comments. The proposal is for a mechanic shop. The applicant wants to service cars and there will be no more than 4 unregistered vehicles on site at any time, per the ZBA approval. This is not intended to be a junkyard. Currently it will just be the owner as the employee on site. At some time in the future he may add one more employee. Note 1 iterates what is there now. They are in receipt of a copy of the memo to staff from the environmental engineer and will address those comments.

Mr. Granese asked for clarification of the location of the driveway? Mr. Peloquin showed the location on the plan. It is near the note that speaks to safe sight distance. The gravel driveway leads to the rear of the property where Mr. Middlemiss used to store his oil trucks. Mr. Granese asked if the driveway will remain gravel? Mr. Peloquin stated at this time, they want to leave the driveway as is and not create any more impervious surface. That is the reason for the waiver request. There will be no changes to the current curb cut. Mrs. Choiniere asked where the cars to be repaired will be parked? Mr. Peloquin explained that there are 4 spots allocated on the plan for the cars that will be on site. The applicant will work on one or two cars at a time, and those will be in the garage. Mr. O'Connor asked with regard to the mailboxes. Is "36A" for the house or the garage? Mr. Peloquin did not know. The property is 36 Scobie Pond Road, he would surmise they are using 36A for the garage. Mr. Granese asked if Mr. Peloquin had a copy of Mr. Durrett's memo? Mr. Peloquin advised he did and he has answers for all of the questions. None of them present a problem for the applicant. Mr. O'Connor noted that state permits are required for this type of operation. Mr. Peloquin said they were aware. The applicant recycles his oil and presented his process to the ZBA at that hearing.

There was no public comment and the application came back to the Board.

Motion by Roach to accept jurisdiction, seconded by Choiniere.

Heard, Roach, Chase, Bartkiewicz, O'Connor, Choiniere and Granese all voted in favor and the motion passed.

Motion by Roach to grant a waiver to LDCR Section 170-63.5 to allow parking on an unpaved surface, seconded by Choiniere.

Heard, Roach, Chase, Bartkiewicz, O'Connor, Choiniere and Granese all voted in favor and the motion passed.

Motion by Roach to approve the application for Ralph Stowell, 36 Scobie Pond Road, pursuant to LDCR Article IX, Section 170-51, Site Plan Determination, with the following conditions: subject to the Craig Durrett memo dated March 16, 2010; obtain written approval from Doug Rathburn that the GIS disc is received and is operable; note the approved waiver on the plan, and that the above conditions be met within six months. Bartkiewicz seconded the motion.

Heard, Roach, Chase, Bartkiewicz, O'Connor, Choiniere and Granese all voted in favor and the motion passed.

**Londonderry Church of the Nazarene  
PID 35015-004, 5 Tinkham Avenue  
Acceptance/Review, Site Plan Determination  
Change in use from manufacturing to church**

Mr. Sioras provided the following staff report. The lot is located on Tinkham Avenue, and is the building after Motor Sports. There was an approved site plan in 1997 for Gentex. The change will be from manufacturing to a church. Churches are allowed in all districts. There are no onsite changes proposed at this time. There are no waiver requests and town department signatures are not required. The applicant did go through TRC. Mr. Sioras recommended approval of the site plan determination. The major concern for this plan was the capacity of the church and parking. The town dealt with similar issues with churches in the past by requesting that as the congregation grows, the church comes back to the Planning Board for approval of the increased capacity and the parking. Attached to the application is a letter of explanation from Nate Carlisle, a Trustee of the Church. The applicant owns one acre of undeveloped land to the rear which can be used for future parking.

Tim Peloquin of Promised Land Survey presented for the applicant. He asked permission to present revised plans to the Board. The only change is an addition of Note 7 which reviews the parking requirements.

Motion by Roach, seconded by Choiniere to accept the revised plans. Heard, Roach, Chase, Bartkiewicz, O'Connor, Choiniere and Granese all voted in favor and the motion passed.

Mr. Peloquin explained Note 7 clarifies the parking for the site. There is an existing building with an existing 59 striped parking spaces. Three of those are handicapped spaces. The Church of the Nazarene presently has a site plan in Londonderry, and

they want to move to Derry. He did an on site survey to identify the features of the plan before the Board this evening. The purpose of the plan is to propose the use of the property as religious assembly. This plan has no new construction or changes. Note 7 identifies there should be one parking space for each 3 seats. They are proposing 177 maximum for the assembly which corresponds with the existing 59 parking spaces. The Church currently has about 100 people in attendance with a 30 to 40 car range. The applicant understands if they exceed the limits, they will need to come back to the Board for expansion of the building or parking area. They would like to be in the Church by Easter.

Mr. Granese inquired as to signage? Nathan Carlisle advised they will use the existing sign on the building, and will just modify it to indicate the name of the church. Mr. Granese asked if they intend to have a free standing sign? Mr. Carlisle indicated they may at some point down the road. The name of the church will be changing. The legal name of the church is the Londonderry Church of the Nazarene. They have a d/b/a application in to the state to operate as Journey Church. Mr. Peloquin advised snow storage will be to the north edge of the parking lot where Gentex put the snow, which is beyond the pavement area. Any expansion of the parking lot might warrant further detail of that area.

There was no public comment and the plan came back to the Board for review.

Motion by Roach to accept jurisdiction of the plan, seconded by Choiniere. Heard, Roach, Chase, Bartkiewicz, O'Connor, Choiniere and Granese all voted in favor and the motion passed.

Motion by Roach to approve the plan for The Londonderry Church of the Nazarene, 5 Tinkham Avenue, pursuant to LDCR Section 170-51, Site Plan Determination, subject to the following conditions: obtain written approval from Doug Rathburn that the GIS disc is received and operable, that the current capacity figures based on parking calculations be shown on the plan [they are], current "not to exceed" capacity shall be listed on the plan, any expansion of capacity will require review of parking calculations by the Planning Board and require a revised site plan, the above conditions shall be met within 6 months, and the Planning Board shall provide conditional approval of any future free standing sign. Heard seconded the motion

Heard, Roach, Chase, Bartkiewicz, O'Connor, Choiniere and Granese all voted in favor and the motion passed.

There was no further business before the Board.

Motion by Choiniere, seconded by Roach, to adjourn. The motion passed and the meeting stood adjourned at 8:45 p.m.