

The Planning Board for the Town of Derry held a public meeting on Wednesday, March 24, 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 (7:02 p.m.); Randy Chase, Administrative Representative; Brian Chirichiello, Town Council Representative; John O'Connor, Member; Frank Bartkiewicz, Darrell Park, Alternates

Absent: Gary Stenhouse, Maureen Heard

Also present: George Sioras, Director of Community Development; Elizabeth Robidoux, Planning Clerk

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 and Mr. Park was seated for Mrs. Heard.

## **Escrow**

**10-08**

**Project name: 38 Maple Street Condos**

**Developer: JRV Homes, Inc.**

**Escrow Account: JRV Homes, Inc.**

**Escrow Type: Letter of Credit**

**Parcel ID/Location: 29117, 38 Maple Street**

The request is to establish Letter of Credit #5543249595-2, issued by River Bank, for the above noted project in the amount of \$142,182.32. The expiration date will be February 26, 2011.

Motion by Roach, seconded by O'Connor to approve as presented. The motion passed with all in favor.

## **Minutes**

The Board reviewed the minutes of March 17, 2010 meeting.

Motion by O'Connor, seconded by Bartkiewicz to accept the minutes of the March 17, 2010 meeting as written. The motion passed in the affirmative with Chirichiello abstained.

### **Correspondence**

Mrs. Roach advised Board has received correspondence from Hercules Pappachristos, a Frost Farm Trustee, regarding the rezoning in the area of the Robert Frost Farm. The Board will address that correspondence during the workshop later this evening.

Board members are in receipt of an announcement regarding the Downtown Civic Profile which will be held on Saturday, April 24 between the hours of 9 and 1 p.m. More information can be obtained from the Planning Office or on line at the Town of Derry website. The Board has also received the latest edition of *Town and City*.

It was noted Mrs. Choiniere was now present.

### **Other Business**

None.

### **Public Hearing Master Plan Adoption**

Mr. Sioras introduced Jillian Harris of Southern New Hampshire Planning Commission (SNHPC) and David Preese, the Executive Director of SNHPC. Mr. Sioras thanked Mrs. Harris for all of her hard work and the rest of the staff at SNHPC for their assistance in the development of the Master Plan, especially Amy Kizak and Linda Madorma. The Planning Department has enjoyed working with Mrs. Harris on this update.

Jillian Harris provided the following overview of the Town of Derry Master Plan, 2010. The purpose of a Master Plan, as outlined in RSA 674:2 is to "set down as clearly and practically as possible the best and most appropriate future development of the area under the jurisdiction of the Planning Board, to aid the Board in designing ordinances that result in preserving and enhancing the unique quality of life and culture in New Hampshire, and to guide the Board in the performance of its duties in a manner that achieves the principles of smart growth, sound planning and wise resource protection." The Master Plan must contain at a minimum, two mandatory sections: Vision and Land Use. Under RSA 674:18, a Planning Board must adopt a Master Plan containing a visioning section and a land use section before a municipal zoning ordinance is adopted. Additional recommended components are: housing, transportation, utilities, community facilities, economic development, natural hazards, recreation, conservation and preservation, regional concerns and implementation. The Plan should be updated

and revised every five to ten years as the Town's conditions, goals and objectives change.

The Town of Derry's Master Plan update process began in September of 2008 with the Kickoff Meeting. Following that, a Community Survey was performed in the fall of 2008. In April of 2009, the Board obtained further community input during the Our Town – Our Future Community Profile event. During the course of the update, the Planning Board held ongoing presentations on the various chapters as they were updated; this led to the adoption proceedings this evening. The Town of Derry Master Plan contains the following content: an Introduction that outlines the vision, goals and implementation strategies, Demographic Trends, Housing, Economic Development, Community Facilities, Public Utilities, Transportation, Natural Resources, Historic and Cultural Resources, and Existing and Future Land Use.

Mrs. Harris outlined the high priority goals for each chapter.

Housing: Continue to adapt to the demand for affordable housing in Derry.

Economic Development: Revitalize the downtown, create an economic development plan for the town, discuss/review the recommendations of the 2008 Downtown Market Plan, form an Economic Development Committee, hold downtown merchant events, invest in downtown structure, creating attractive pedestrian paths that lead to downtown businesses, extend water and sewer to the southwest area of Derry and to Route 28 South (Ryan's Hill), widen the road in the area of Manchester Road/Route 28 in order to accommodate more traffic, continue to research the benefits, challenges and feasibility of Exit 4A, continue to implement the Capital Improvement Plan, participate in regional economic development efforts, continue to seek economic development options such as the Economic Development Revitalization Zone Tax Credit (ERZ) for the areas specifically designated for economic development or expansion; adopt a blight ordinance, develop a "buy local" campaign, support the formation of an independent business alliance, develop a database of properties in Derry that are available for commercial/industrial/economic development; and prepare a commercial property inventory for determining what exists and where gaps can be filled.

Community Facilities: Acquire parking for the Adams Memorial Building and increase parking for Library patrons.

Natural Resources: Implement the strategies outlined in the Beaver Lake Watershed Management Plan, implement the recommendations in the Derry Open Space Plan, protect the drinking water supply and aquifers, lakes and surface waters, wildlife habitats and corridors, and forested area, establish a committee to introduce science programs around natural resources/environmental conservation in the Derry Schools (fall 2009 program in process at Barka School), reintroduce the Stream Teams Program at Pinkerton to meet the recommendations of the Beaver Lake Watershed Management Plan, and implement the Project Learning Tree program (statewide program).

Existing and Future Land Use: implement recommendations of the Downtown Market Plan (2008) for strengthening economic development and character in the downtown area and review it on a regular basis, and consider expanding the Downtown Market Plan for the development of an overall Economic Development Plan for the entire town and include a comprehensive review of current land uses to determine what strategies can be implemented to strengthen economic development in the Town of Derry.

Mrs. Harris explained the Town of Derry's vision for the future includes an attractive, thriving community that has a strong sense of cohesiveness in all aspects of community and government; a balance between open space preservation and development while maintaining the Town's rural character; improving and maintaining a healthy economy; improving sustainable growth and development practices that contribute to good health, attractiveness and economic development in town; continued preservation of important historical sites and buildings; an increased effort to reduce the residential tax burden; the creation of Derry as a destination and improving upon drawing visitors and increasing economic development at a sustainable rate. She finalized by stating Southern New Hampshire Planning Commission recommends the Planning Board votes to adopt the Master Plan Update 2010.

Motion by Roach to open the public hearing for the Master Plan adoption, seconded by Park.

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

Mr. Granese opened the floor to public comment. There was no public comment.

Motion by Roach to close the public hearing, seconded by Choiniere.

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

Motion by Roach to adopt the Master Plan Update 2010 as presented, seconded by Choiniere.

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

Mr. Chirichiello said that he wanted to congratulate the Planning Board for all its hard work on this update and to thank SNHPC as well. Mr. O'Connor stated that he also wanted to congratulate everyone on the fine work. It was a long process but key things in town have been highlighted and some of the items have taken off from the Profile, such as the Downtown Committee. All of the hard work has not been in vain. Mr. Granese thanked all of the members of the Planning Board, past and current, for their work on this plan, Mrs. Harris, Mr. Preese and all who helped to develop it.

**Workshop**

Mr. Granese advised the purpose of the workshop is to consider rezoning specific parcels from Office Research Development (ORD) and Medium Density Residential (MDR) to General Commercial (GC). In addition, the Board will review the draft of the proposed Historic Overlay District and a draft zoning amendment which creates a General Commercial III district. The Board will also discuss the potential rezoning of the identified parcels to General Commercial III. The parcels are identified as follows:

Parcel 05002, 122 Rockingham Road

Parcel 05001, 128 Rockingham Road

Parcel 05090, 134 Rockingham Road

Parcel 05090-001, 138 Rockingham Road

Parcel 03110, 140 Rockingham Road

Parcel 03109, 161 Rockingham Road

Parcel 02090-002, 157 Rockingham Road

Parcel 02090-001, 153 Rockingham Road

Mr. Granese advised that at the last meeting, he asked the Board to review both drafts and decide which direction the Board would like to go. It cannot have both a new zone and a historic overlay on the lots. He polled the Board. Mr. Park, Mrs. Roach, Mr. Chase, Mr. Bartkiewicz, Mrs. Choiniere and Mr. Granese wished to move forward with the GCIII zone. Mr. Chirichiello agreed after briefly reviewing the draft document. Mr. O'Connor stated he did not see the point in a GCIII zone and wished to move forward with the Historic District Overlay.

Mr. Granese stated that since the majority of the Board wished to move forward with the GCIII draft, that would be the focus of the workshop this evening.

Mr. Barkiewicz stated he would like to see the 1500 foot designation around a historic site increased to 2500 feet. The intent would be to ensure the champion white ash located in this area was protected. The Board discussed holding a site walk to measure off the distance to determine if increasing to 2500 feet is appropriate or if that distance was too large. Mrs. Roach agreed that since the State of New Hampshire has recognized the tree, it should be protected. Mr. Chase noted that 2500 feet is almost a half mile and put the edge of the district at the bottom of Ryan's Hill. He did not want to go overboard. Mrs. Roach noted the distance could be changed once the Board has

actually seen it in the field. Mr. Granese commented this is a work in progress. Mr. Sioras stated that as one travels south on Route 28 at Lawrence Road, the General Stark Store starts the beginning of the General Commercial zone. There is a gap between the General Commercial zones as one heads north from this point, up to Dollar Bill's and the Smith property, which is located directly north of the Farm. He agreed this is an ongoing process.

Mr. Chirichiello asked for feedback regarding the restriction that a pharmacy could not have drive thru service. Mrs. Roach explained the intent was to make sure the buildings stayed within a smaller footprint and avoid the two to three bay drive thrus that are seen elsewhere. Mr. Chirichiello asked if there had been any discussion as to where this zone might apply. Mrs. Roach said it would only apply to the eight parcels under discussion.

Mr. Park asked what would prevent a box store from going onto one of the lots? Mr. Granese thought the allowable size would be a deterrent. The gross square feet cannot exceed 5000. Mr. Park did not think that the way it was written would prevent a box store. Mrs. Choiniere asked as to the size of the current Walmart in Derry. Mr. Sioras stated that store is 114,000 square feet. Cumberland Farm is 2500 square feet. Mrs. Robidoux noted the new medical office building on Tsienneto will be in an 8000 square foot footprint. Mr. Chase did not think a box store would locate on these lots because of the existing constraints. Even if lots were combined, the required buffers would prohibit a large store. The lots located behind the affected lots are all zoned residential. Mr. Bartkiewicz noted there is also a brook that the Conservation Commission would look at and that would also stop a large retail development. Mrs. Choiniere wondered if the dimension should be left at 3000 square feet. Mr. Chirichiello suggested eliminating the wording "or greater" if that is what is troubling the Board members. Mr. Park thought this zone could be used anywhere in town. Mr. Chase said it that the zone would need to fit the area. If the Board is talking about 5000 gross square feet, there could be a building with 2 floors of 2500 square feet each. The height is limited so that nothing can tower over the other buildings in the area. Mrs. Roach agreed with deleting the wording "or greater" from Section A.4.

Mr. Granese asked for public comment on the draft.

Charles Dent, 75 By-Pass 28 asked if this conversation was about 5000 square feet or greater for professional office buildings as well? It was confirmed that the Board wanted to limit the size of a retail building to 5000 gross square feet, but not that of a professional office building. Mr. Granese asked if Mr. Dent would like to see the size limited to a specific number for professional office as well? Mr. Dent said he would like to see the size as minimal as possible, so his thought for now would be yes. Mr. Chase explained he was hesitant to remove the "or greater" from the professional office because of zoning and land use and what will fit on those lots. The requirements call for a specific number of parking spaces for each type of use and that requirement will minimize the size of the building that can be placed on the lots. If the Board limits the size of the buildings up front, it will make it difficult to develop these lots at all and no

one will be interested. He does not feel that any proposed professional office building on one of these lots would be much larger than 5000 square feet given the constraints.

Hercules Pappachristos, 80 Hampstead Road, said it sounded like the Board wanted at least a minimum of 5000 square feet. Mrs. Roach did not agree. Mr. Pappachristos suggested rewording the section so that it is not so ambiguous. Mrs. Roach explained a single occupant would be 2500 square feet. A new building could not be twice the size in height as the Robert Frost Farm. Mr. Pappachristos asked what would prohibit the purchase of all the parcels and putting a building on one lot, parking on another, and septic on a third lot? He was concerned because there are powerful companies with deep pockets that could purchase multiple lots and create a development. Mrs. Roach did not think any of the lots were deep enough for that. Mr. Chase noted it would be an expensive venture. Mrs. Roach explained even if someone purchased all the lots, they could only have something that was 5000 square feet as retail space, not anything larger. Mr. Chase felt that the parking requirements would stop someone from building a large building. Mrs. Roach reiterated it was just retail that would be limited to 5000 gross square feet. Mrs. Choiniere confirmed that a professional office building could be larger than 5000 gross square feet. Mr. Sioras explained that any site plan project would need to meet the town's regulations. The regulations state that 1/3 of the total site has to remain as green space and there are also landscape and buffering requirements. That would limit the construction of a very large building.

Mr. Bill Smith of Rockingham Road asked with regard to the champion tree. Mr. Bartkiewicz advised it is a large, white ash tree. The tree is located behind the duplex that is adjacent to Mr. Smith's nursery, near the stone wall that separates Fox Den from Route 28. It was named a champion tree by the State of New Hampshire. Mr. Smith asked what if something happens to the tree? Will the 2500 foot buffer stay in place forever? Mr. Bartkiewicz noted there is also a wetland there. The intent is to protect the tree from septic seepage which could be damaging. When the state looked at the tree, it was determined to be in excellent health. Mr. Sioras noted that the regulations prohibit construction within 150 feet of a prime wetland and within 75 feet of a regular wetland. Mr. Smith asked if this ruling would only apply to this particular area? Mr. Chirichiello stated it is possible the zone could be applied to other areas of town. Mr. Granese said that for now, it is only for this area. Once it becomes part of the Zoning Ordinance, down the road, the Planning Board could adopt other parcels into the zone, similar to the ORD and GC areas. It would depend on what would be in the final draft. Mr. Smith confirmed that for now, it is just for the areas north and south of the Robert Frost Farm. Mr. Granese said at this time, it is only for the eight parcels noted on the workshop notice.

Mr. Park said he thought the 2500 feet radius might be too much and that 1500 feet would be sufficient, but the Board won't know until it can walk and measure the distance.

Mrs. Roach followed up on Mr. Chirichiello's comment regarding drive thrus. Did the Board want to include drive thrus for the pharmacies and banks? Mrs. Choiniere

thought maybe the Board could state the drive thru needs to be located to the back of the buildings, or they could be limited to one drive thru window. Mr. Park thought the way it was currently written encouraged a neighborhood type of pharmacy, rather than a large chain.

Mrs. Choiniere asked with regard to the exclusion for wireless communication facilities. Is this for towers or for retail stores? Mrs. Roach said for towers.

Mr. Chase commented regarding Section A.4. He could go either way. River Bank and Enterprise Bank both are commercial banks but they are not overbearing. With a pharmacy, it is easier to pull up in a car than to hobble in if you are on crutches and need a prescription. The look of the drive thru can be controlled with the architectural regulations. Mr. Granese agreed if they were limited to one bay. The board agreed to add that stipulation.

Mrs. Roach asked with regard to the proposed minimum lot areas. When she drafted this document, she used the existing requirements. Mr. Sioras suggested adding "plus HISS mapping" to Section B.1.b so that the wetlands can be protected.

Mrs. Choiniere asked with regard to signage. Should that be better defined? Mr. O'Connor recommended referencing Article 12 of the Zoning Ordinance rather than giving specifics dimensions here. Article 12 will spell out the requirements of GCIII. Mrs. Choiniere thought that was acceptable, but what will be the requirements for GCIII? Mr. Granese noted the current requirements listed will help control the signs and limit them. Mr. O'Connor said the Sign Ordinance Committee will take Section E.1 and E.2 and put it into the draft of Article 12.

Mr. Chirichiello asked about the term "no lighted". A pharmacy that stays open until 9:00 p.m., might need a lit sign. Mrs. Roach suggested changing that to "No internally illuminated". Mr. O'Connor felt there should be a size limitation and the Board should require an architectural rendering. Mrs. Robidoux suggested looking at the existing signs in this area to ensure the size requirement was in line with what is already there so that the size requirement is fair. It was noted that the Rockingham Acres sign is about 9 square feet. The Board noted they did not want to see 9 foot high signs in this area. Mr. Park suggested a size limitation of 15 square feet, which would be about a 3 x 5 sign. Mr. Chase said the only problem would be for a site that has multiple businesses on one lot. He suggested a 10 square foot address identification sign, and allowing each business to have an individual sign that does not exceed a certain size. For example, there could be a sign near the road identifying the address on Rockingham Road, and then when a customer pulls into the lot, there could be individual signs identifying each business. It was noted that in the Commercial district, the regulations allow 2 square feet for each linear foot of street frontage. Mrs. Choiniere thought that was too large an allowance for this zone. Mr. Chirichiello suggested that an applicant can always ask for a waiver if they need a larger sign. Mrs. Roach noted the Board wants this district to be fairly strict, with a low profile. Mr. Granese suggested having nice, wooden signs. Mr. Sioras offered to look at the regulations in other



communities that have historic districts to see what they require. There are some good sign regulations out there and he can provide the Board with a few examples. Mrs. Roach agreed the town wants to see nice looking signs in this area. Mr. Chase suggested adding a line that says the size limitation is to be determined.

Mrs. Choiniere asked Mr. Smith if he were to replace the sign at Rockingham Acres, what would he look for? Mr. Smith said he would want something that was low profile, less than what they have now. It is almost time for them to replace their existing sign. He noted that signs can be very costly, upwards of \$10,000.00. He could not give the Board a specific size this evening, but would rather see something that is constructed of stone and wood. Mrs. Roach thought a 3 x 5 was a good size. Mr. Smith said he would need to think about it. There needs to be a changeable reader board and the letters take up quite a bit of space. You can only fit about 16 per line and you need at least 2 lines.

Mrs. Choiniere asked the Trustees of the Robert Frost Farm what they would do if they needed a new sign? She was advised they felt that would be a decision made by the state. The state signs are uniform in size.

Mr. Granese asked the Board if they wanted to hold a site walk? Mr. O'Connor noted the Board will need to obtain permission from all of the property owners. Mr. Granese suggested finding a date and then asking for permission of the property owners. It was noted the Frost Farm is open to the public, so that is not an issue. The Board reviewed dates that were available and did not conflict with the Profile, Town Council budget meetings, training sessions or the Easter holiday. The Board decided to hold the site walk on Saturday, May 1, at 10:00 a.m. They will meet in the parking lot of the Robert Frost Farm. Mr. Sioras advised he would contact the landowners to obtain permission to enter their property during the walk. The public was invited to attend. Mrs. Roach suggested scheduling the next workshop after the Board has a chance to walk the properties. The Board agreed.

Mr. Granese noted the next regular meeting of the Board is April 7<sup>th</sup>. Mrs. Roach thanked the Board members for their hard work over the past 6 years that she has been on the Board. Mr. Granese also thanked the Board; its hard work is appreciated. Both have asked to be re-appointed to the Board.

Motion by Roach, seconded by Choiniere to adjourn. The motion passed unanimously and the Board stood adjourned at 8:03 p.m.
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