

The Planning Board for the Town of Derry held a public meeting on Wednesday, April 21, 2010, at 7:00 p.m. at the Derry Municipal Center (3rd Floor) located at 14 Manning Street in Derry, New Hampshire.

Members present: David Granese, Member; Jan Choiniere, Member; Randy Chase, Administrative Representative; Brian Chirichiello, Town Council Representative; John O'Connor, Member; Maureen Heard, Member; Jim MacEachern, Member, David McPherson, Member; Frank Bartkiewicz, Darrell Park, Alternates

Absent: Gary Stenhouse

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.

Escrow

10-10

Project Name: Pinkerton Freshman Building

Developer: Pinkerton Academy

Escrow Account: Pinkerton Academy

Escrow Type: Cash Escrow

Parcel ID/Location: 43001, 22 North Main Street

The request is to establish cash escrow in the amount of \$48,308.40 for the above noted project.

Motion by Choiniere, seconded by O'Connor to approve as presented. Discussion followed.

Mr. MacEachern asked Mr. L'Heureux to speak to this escrow request and to provide highlights as this request was questioned at the last meeting. Mr. L'Heureux apologized for not being available to attend the last meeting. The original escrow amount covered inspection fees because of the long standing relationship with Pinkerton Academy. There have been four projects with the school during his tenure with the town. Each escrow has been established between \$10,000.00 and 50,000.00. Escrow is typically held for right of way improvements, utility connections, sidewalks and inspections. The new amount took into consideration the comments from the previous meeting. Pinkerton had no reservation with the change, and DPW feels this is a low risk project based on Pinkerton's public input as the town's school. He described the work to be

escrowed and stated this is the new amount that is amenable to the Public Works Department.

Mr. McPherson asked if Mr. L'Heureux recalled the amount that was escrowed for the Barka School? Mr. L'Heureux advised that amount was zero. That was a joint project with the school department. Pinkerton Academy is a quasi public high school, so the department wanted to remain within the guidelines to establish escrow. Mr. McPherson asked if Mr. L'Heureux recalled what the escrow was for West Running Brook? Mr. L'Heureux did not know, and said he would have to research that. Mr. McPherson advised his concern is that Pinkerton is a private, for profit institution, and will we let a box store skate away with a \$40,000.00 escrow? Mr. L'Heureux said that they look at the whole project and the risk involved in each. Pinkerton Academy has been around for a long time and is established. There has been past practice with them for the same type of escrow. Mr. McPherson wondered if a box store would use the same argument? We have two things coming up for escrow tonight, the salon being one of them. That escrow is for \$45,000.00. Pinkerton's building is a 20 million dollar project. At a three thousand dollar difference, it does not make sense. Mr. L'Heureux stated that DPW feels very comfortable with this amount. It was discussed and there are guidelines that are used; the escrow was processed using those guidelines. He was asked who was involved in the office discussions? Mr. L'Heureux replied, Public Works, Mike Fowler, himself and George Sioras. Mr. Sioras noted that his department does not provide the figures. Mr. McPherson stated his concern stems from two projects that are widely different in scope, but have essentially the same escrow amount.

Mr. MacEachern stated he shares the same concerns as Mr. McPherson. Pinkerton Academy is a for profit business. As he looks at this, work is coming to the road. Is this why the two projects are so similar in numbers? The next escrow request [salon] is right on the road. Mr. L'Heureux explained they used the site restoration number. For Pinkerton's project, there is no clearing and grubbing as they are working in a field. Mr. MacEachern asked why there are no landscape figures? Mr. L'Heureux said that the other project has a residential buffer to be constructed because of the use; Pinkerton does not have a lot of landscape or buffering.

The motion passed with McPherson objecting.

10-13

Project name: Water's Edge Salon & Spa

Developer: Shelly Devlin

Escrow Account: Water's Edge Salon & Spa

Escrow Type: Letter of Credit

Parcel ID/Location: 37010, 128 East Broadway

The request is to establish Letter of Credit #19799, established at Enterprise Bank, in the amount of \$45,121.54 for the above noted project. The expiration date of the Letter of Credit will be April 19, 2011.

Motion by O'Connor, seconded by Choiniere to approve as presented. The motion passed unanimously.

Minutes

The Board reviewed the minutes of the April 7, 2010 meeting.

Motion by O'Connor, seconded by Choiniere to accept the minutes of the April 7, 2010 meeting as written. Discussion followed.

Mrs. Robidoux asked if at this time, she could clarify the process for a request to change zoning on a property. It had been discussed at the last meeting under "Other Business" with regard to 14 North Main Street. The process described during that meeting was not entirely correct. Mr. Sioras advised that the process is as follows: A request is received, the owner of the property is invited to attend the Planning Board workshop. If the Planning Board decided to hold a public hearing, at that time, the affected property owners are notified by certified mail.

The motion passed unanimously.

Correspondence

Mrs. Choiniere advised the Board is in receipt of new contact information for the current Board members. There is a new issue of *Town and City*. The New Hampshire Division of Historical Resources has notified the town by copy that they would like information from the Derry Heritage Commission regarding placement of a possible cell tower at 8 Lawrence Road.

Mrs. Choiniere also advised that on April 28, 2010, The NH DOT will hold a Public Officials/Public Information Meeting regarding the upgrades to the intersection of Kilrea Road, Route 28 and Windham Depot Road. The meeting will be held in the 3rd floor meeting room of the Derry Municipal Center and will begin at 7:00 p.m. Mr. Sioras later added that part of this upgrade will include a traffic light as well as turning lanes; construction is set to begin in 2012.

Other Business

Mr. Granese advised he has been requested by Councilor Benson that members of the Planning Board be designated to attend a Town Council workshop on May 4, 2010. He has designated Mr. Chase, Mrs. Heard and Mr. O'Connor. This is an informal workshop. In addition, the Planning Board will be holding a site walk on May 1, 2010, beginning at 10:00 a.m. The Board members will meet in the parking lot of the Robert Frost Farm.

Public Hearing**Bonnie Christopherson****Tobacco Road****Request to reclassify Tobacco Road as public, pursuant to RSA 674:40, III****Continued from February 3, 2010**

Motion by O'Connor to table without prejudice this application.

Mrs. Choiniere asked why this application would be tabled? Mr. Granese advised not all of the abutters signed the petition and the fees have not been paid. It was continued from February 3rd to allow the applicant to pay the fees.

Mrs. Robidoux advised a public hearing was to be held on February 3rd with the other private road petitions. This was the only application under 674:40 where the applicant did not pay the fees. The Board elected to continue the hearing to allow the applicant to pay. A letter was sent out requesting the fees be received by the 16th of April, and they were not. For notification purposes, the fees should have been paid by the applicant prior to the public hearing. The application was scheduled for a public hearing; since it was continued to a date certain, the Board needs to at least discuss it.

Mr. MacEachern felt that since the applicant did not meet the intent of the RSA, then they need to start over. Is there any reason to table this? Mr. Granese advised that in order to follow protocol, it would need to have some action. This was a continued public hearing. Mr. MacEachern asked that someone notify the applicant of the need to reapply. Mrs. Robidoux will do so. Mr. Sioras advised that per the Road Ordinance, 100% of the owners of frontage lots had to sign the petition; that did not happen; therefore it is also an incomplete application.

MacEachern seconded the motion. The motion passed with Chirichiello absent.

Heather Asadoorian**PID 32115-001, 19 Boyd Road****Review, 2 Lot Subdivision****Tabled from April 7, 2010**

Mr. Sioras advised that this is a 2 lot subdivision, located on Boyd Road. The intent is to create one new building lot. Per Mr. MacEachern's request at the last meeting, the location of the driveway has been moved. Jones and Beach has reviewed the changes.

Martin Finch of Meisner-Brem presented for the applicant. He advised they revised the plan per the request of the Board and have obtained independent review. The plan also

went through previous TRC review. The requisite revisions have been made to the plan. Per the abutter and Board comments, they have moved the driveway to the right of the property, rather than the left to avoid a cluster of driveways in one location. There are two to three minor comments to be addressed pertaining to Derry detail standards. Otherwise, all of the revisions are complete. They are requesting approval of the plan this evening.

Mr. Granese asked if there were any questions from the Board?

Mrs. Choiniere noted the layout is what was discussed, but she can see that the driveway for the new lot and the lot across the street back up to each other. Will this cause a problem, given the narrow roadway? Mr. Finch advised the new proposal alleviates two driveways coming out onto the street across from the abutter's driveway. It would be more of an issue if the new driveway is on the left, given that cars are parked on Boyd Road in front of the existing lot. This is the best alternative. Mrs. Choiniere agreed this was better. The other two are offset, but these two are directly across from one another. Mr. Finch advised they have provided a hammerhead turnaround in the driveway and adequate parking; he does not believe the driveway location will cause a problem.

Mr. MacEachern thanked Mr. Finch for taking the neighbor's concerns into consideration. This layout is similar to his neighborhood and he feels this is an improved design. Mr. Finch said he felt this created a better situation, because there is now a clear line of sight.

Mr. Granese asked if there was any public comment? Mr. Hodgkins advised he is satisfied with this plan. Mrs. Choiniere noted the Board already took jurisdiction of the application at the last meeting.

Motion by Choiniere, to approve the two lot subdivision for Parcel 32115-001, 19 Boyd Road with the following conditions: Comply with the Jones and Beech report dated April 19, 2010; remove the drain port from the service connection detail; subject to owner's signature; subject to onsite inspection by the 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; the above conditions be met in 6 months; and, a check in the amount of \$25.00, payable to RCRD should be submitted with the mylar in accordance with LCHIP requirements. MacEachern seconded the motion.

Chirichiello, McPherson, Heard, MacEachern, Chase, O'Connor, Choiniere and Granese all voted in favor and the motion passed.

WORKSHOP

Mr. Sioras advised that last year, the Town Council hired Arnett Development to be the economic development consultant. One of his tasks is to market the TIF district and come up with some proposals for that area. With Mr. Arnett tonight is the architectural design team he hired to assist him: Alan Saucier and Bill Flynn of Saucier + Flynn. The Planning Board held a workshop back in February on the TIF district to get idea of what the Board would like to see up there. Mr. Arnett is back with some concepts. Mr. Granese asked that Mr. Arnett be allowed to go through his presentation and then the Board can ask questions.

Mr. Arnett said it was good to be back in front of the Board. Tonight, they are back after taking the Boards comments and suggestions. His colleagues will lead the Board through a process where they took the Board's concepts and came up with some interesting options for the community going forward. They were hired to do economic development for the town and given specific projects to manage. One of the highest priorities is the TIF district on Route 28 to ensure it is developed to its highest and best use, that will maximize the economic benefits, such as adding to the tax base and creating diverse, quality jobs. This needs to be an economic job center. This is important given the growth areas for the community going forward. There are some growth areas that will require expensive infrastructure to be installed. Two areas previously slated for growth were the area where the land owner has now requested the Board consider residential development; the other is now owned by the State. This makes the TIF district even more important. There are many dozens of smaller parcels in town, but this is the only thing that can be considered in the near future as an economic center. The goal is to find the best way to maximize tax and employment opportunities.

Mr. Arnett advised the properties are all owned privately. Several properties are being actively marketed by commercial brokers. He would like to come up with a plan that does not require property changes or acquisitions, so that the private owners can benefit. The last time the Board met on this, it discussed issues such as wetlands and topography and access issues that cross property lines. If each of the six properties had to accommodate those restraints, it would decrease the build out and tax base. He advised they wanted to come up with the best use. He showed the Board what they came up with at the last workshop in February. He identified the lots in the area which included Hannaford, the cinema, the PSNH power line, the woodchip facility and the site for the often rumored retail store. During the workshop, the Board took out what did not work and the various restrictions such as road, wetlands, topography. The Board can see it develops into smaller pods, rather than larger lots. Alan Saucier and Bill Flynn worked with him on this project. He has worked with them in the past on various successful projects. During the course of this workshop, they will show the Board buildings that don't necessarily represent Derry. They are not suggesting that things like a large skyscraper be built in Derry; they are facsimiles that are used to show elements around the buildings that would be compatible here.

Alan Saucier commended the Board, Mr. Sioras and Mr. Arnett on the previous work that was done; it was informative. He reviewed the presentation with the Board, beginning with the area that encompasses the TIF district. He outlined the open space system, or undevelopable land. They feel the undevelopable land is a really valuable asset. Just because it will not support a building or street does not mean it does not have inherent value within the TIF district. It connects to large open space within the town. That is important to consider. The collection of wetlands and detention basins is a lovely piece of open space. He challenged the Board members to think of how that open space can be dealt with along the edges to enhance the experience of being in the TIF and providing a value add. It is not just a place to dump stormwater.

There are two corridors of wetlands through this site; one is in Hannaford Plaza. He showed areas earmarked for development. There are some interesting buildable pods available. He is interested in engaging the community in terms of circulation and connectivity. How do we connect the parcels, pods and the larger surrounding community? Perhaps the existing residential area could be extended, or a loop road placed through the old water tower property to Linlew Drive. There could be a third access that connects Hannaford Plaza to the woodchipping site. He wants to provide options to get on and off the site and give an urban feel, while understanding this is a suburban development. Mr. Arnett commented placing a loop road through the old water tower site adds another lot and adds value. Mr. Saucier stated that by making these connections, it makes this a more humane place to be.

He reviewed the proposed alternatives with the Board. Areas denoted in red indicate retail; purple is office space; mixed color areas are mixed use; yellow is residential. The Board can see the box store on the larger site. There has been an evolution of the buildings that are there and a reconfiguration of the sites to provide a friendlier streetscape on Manchester Road. Perhaps there could be some smaller infill on the Hannaford site that could be food related. For the woodchipping site, they envisioned smaller retail that might be agriculturally based to compliment the adjacent residential neighborhood. The thought was to extend the existing residential neighborhood down provided the Board feels this is a good use. There are two cul de sacs that provide a disconnect to respect the two different uses, which becomes a commercial TIF and a residential TIF. Around the existing cinema, office, retail and mixed use can be added. Buildings are pushed toward the street, with parking behind, which makes it more pedestrian friendly.

Toward the retail site, they have indicated a 150,000 square foot box store, and perhaps a medium and small box. At the base of the hill with a loop road, they see the possibility for a small hotel which could be a good addition to Derry. It is sized for 150 rooms with associated parking. They have also added some smaller retail and office space.

Mr. Saucier showed various concepts of what could be constructed in this area. He showed a grocery store with a green roof which connected to a neighborhood park. This is an example of how the topography can be used so that the construction fits the site and open space can be retained. Topographically, a big box could be set down into

the grade so that the apartments on Linlew overlook the roof and the building then becomes disguised. With careful carving and retaining, parking and services can be provided.

Mr. Arnett commented that if this configuration is used, there is the potential to add 6-8 commercial/office buildings rather than if one building was constructed per lot. The HADCO site has the ability to add two more buildings. The seven acre site has more buildings because they did a combination approach. This proposal shows higher improvement than if each lot was developed one at a time. Mr. Saucier indicated having wider streets, and buildings with smaller footprints that are clustered to the road, gives a more pedestrian feels.

An alternative concept for the area if a big box store were not to be considered would be to work with the topography and create an office park. Passive recreation could be provided in the open space areas along with stormwater mitigation. Parking can be underneath the buildings. The footprint of the buildings designated in the "U" and "L" are just a bit under 200,000 square feet. Cars would be parked entirely under the "U" which proposes a 500,000 square foot office development based under various floor scenarios in various buildings. Currently that nets more parking than would be required under the current regulations. This shows us the site has a lot of potential than just as a site for a box store, and that it can add to the tax base. The bulk of the buildings in this area would be multi and mixed use capabilities, especially if a hotel is added to the area. He showed examples of office buildings that are constructed around open space. In this example, the lower buildings are more of a campus-style office building, which averages three floors to a building. By having many smaller footprints, one gets the equivalent footprint of a larger building. The office space per square foot is more valuable than a single use commercial. He noted there is no reason a large retail store could not work on this site as well.

Mr. Arnett explained that open space can be used not just for stormwater runoff. Everything connects and a trail system could be added to the rear of the site near true habitat areas, which keeps people off the road. It allows an opportunity for employees to walk to everything they need. This does not require property line changes or zoning changes, but allows property owners to work together. This district is designed for cars but provides a nice design to maintain the natural resources and the ability to use them in a positive sense. This can be a great asset.

They took the usable land and developed it to its maximum potential, but also used the natural areas to add value. The Board may need to look at this for a while, but it can provide options.

Mr. Park stated he was impressed. Mr. Granese said he ideally would like to see the area of the box store sold to a huge company and have other development come in. That might chop up some of the land. It is nice to have a big box, and a restaurant. He feels there is enough residential, so why not continue the proposed residential area as commercial and place a fire gate at the end. Mr. Saucier said the first cul de sac could

be continued and there could be mixed use/commercial/office. It could be stopped respectfully short of the residential neighborhood. There can be nice pedestrian and emergency connections. From a tax base/development point of view office feels better back there; retail should be kept closer to Route 28.

Mr. McPherson liked the layout and thought process for the office park in the "U" and "L" configuration. He concern is that Derry is part of the north Boston market. Tsienneto Road will have a new medical office building. There is a transition from the existing hospital area to that area. The medical use is already on Tsienneto. For an office park, there would be a need for a few big anchor tenants. The Sun Micro System Park is basically empty; Edgewater Park in Wakefield, MA, is now in a downturn. Who would they see as tenants?

Mr. Arnett advised that the concepts developed were not based on marketing assessment of demand. They wanted to look at what might happen. New Hampshire is different than Massachusetts and there are significant advantages to having a business here. Unlike some of the larger buildings, these are small and allow incremental growth; 22,000 square foot buildings could be constructed. Route 495 buildings are large, in the areas of 80,000 to 100,000 square feet and need a large tenant, or several compatible tenants. This plays to the New Hampshire advantage, which is small and flexible. This concept is based on a land use analysis.

Mr. McPherson said he looks at the developments in Merrimack which has cycled. It looks like a great idea on paper, but how will we draw investors? Mr. Arnett explained some of the places like this are doing well, such as Centerra Park, which is outside of Lebanon. Mr. McPherson felt that area of New Hampshire has a different socioeconomic base than Derry. Job stability is strong due to the colleges, etc. Mr. Arnett said he wants to make sure the Board members are aware of the available options.

Mr. Flynn said that we are in a period of change. No one is sure what the future trends will be. This is the first year that Walmart will be closing more stores than they are opening. The whole retail industry is in flux. The hottest planning issue right now is how do we recapture suburbia? That was the thought process to providing smaller buildings. It is an option. Flexibility should be considered.

Mr. Chase said he agreed with Mr. Granese regarding the residential portion. He does not want to put homes on the little commercial land we have left; it will put the town in the hole in the amount of about \$250,000.00. We are looking to broaden our tax base in the TIF, not chop it off. What was done on Corporate Park is doing well. The topography fits the small business condos. Mr. Saucier said they talked about that in the office. They thought about a place to live and work, for example a small office with residential above. That type of development would have little impact on the land. They wanted to show opportunities for integration.

Mr. Chase said he understands the problems in that area. He asked Mr. Flynn and Mr. Saucier to think more three dimensionally so that with the smaller square feet you need a smaller plot of land. He did not see a parking garage depicted anywhere, which would fit in with the clustered, smaller footprints. If this area had smaller multi-story buildings with a parking garage, it would alleviate the questions with regard to parking calculations.

Mrs. Choiniere thought the "L" and "U" shapes were a nice layout and took into consideration the data from the Board. She is familiar with Network Drive in Burlington. They are now breaking those larger buildings into smaller companies. The flexibility of the smaller buildings is good and will attract a higher job base (salary wise) than a retail store. She likes the idea of an office plan; it looks very nice.

Mrs. Heard stated many companies have health and wellness initiatives. This configuration would encourage companies to come here if they can offer employees open space for walking and jogging. Her company is big on space around a building for the employees to be healthy. She likes that the open space is connected and can be used for a multitude of uses. This could be a good marketing tool.

Mr. Flynn thought it was important and a significant focus on the plan was to open discussion relevant to other ideas, for example foot print sizes and use. It is hard to focus on specific uses or programmable space because there is no marketing data. The open space is a community asset in a time of sustainable development. Open space is attractive to companies. It speaks to livability and a sense of place. There is more flexibility and opportunity than just six sites. This is an interesting sight for development.

Mr. Saucier invited the Board to look at the overriding framework for the TIF. What are the things that as a community, the Board feels strongly about? This can be designed to be flexible and can change with the need or lack of need for retail, with a strong attitude towards accessible open space; it can be beneficial. The creation of paths and recreation does not cost a lot of money and if companies can see that the open space can transcend property lines; that is a benefit. It is important for employees to be able to cross property lines to access open space. Another important piece is how to configure buildings relative to where they sit in relationship to the street, parking and open space. If there is good vehicle pedestrian access, and we know where the developable land is, we can encourage potential use of the site.

Mr. Arnett said they talked about what Derry needs, and configured a potential hotel as a three floor, Hampton Inn style, that fits the area. Mr. Saucier felt it could be a welcoming sight on the other side of the open space. Regarding sustainable areas and open space, the stormwater treatment is sometimes over engineered. It can be an artfully done thing that contributes to and enhances the open space and becomes a front door view rather than a back door hole in the ground.

Mr. Sioras stated he can see the connectivity between the theatre and Hannaford. There are some existing paths there; when you stand at that location, it is hard to believe you are in the middle of a shopping area. Mr. Flynn thought the important thing to get at is to not lose sight of the unique opportunities regardless of the use on these lots. The Board should operate under the knowledge that this is a competitive market. It is important to identify a theme, or an identity that sets an attractive bar for this development and Derry, that can give Derry a competitive edge in the development market place. Right now, it is hard to determine the uses. They had been asked to not change the boundaries of the property lines. What they bring is an effort to rethink what the TIF is, and what it might be. This is a unique, competitive asset in a competitive market. The town is marketing against some attractive, existing spaces. There are long time frames between decision making and opening the doors. He asked the Board to please rethink what the TIF could be, the assets it contains, and that it is not just another developable piece of land. Mr. MacEachern asked for an explanation of boundary restrictions. Mr. Flynn said they tried to show something that was not restrictive, that could be developed with the least amount of disturbance. Mr. Arnett explained they did not want to have to change property lines. It is challenging to get everyone to work together. This plan did not require merging of property. Mr. MacEachern said that if at the end of the day, it is better to merge some parcels, then it is important to know that. Mr. Flynn said that is something that property owners should decide.

Mr. MacEachern said he has sat on this Board for 12 years and attended all the charettes for the downtown to consider what could be, not what was. He does not want to miss an opportunity for the highest and best use. He does not want to miss a future opportunity if they merged a lot or two. The designs are interesting. Did we consider the west side of Route 28 and the lots that are for sale? That is where Exit 4A might go. Mr. Arnett felt there should be some good discussions regarding that corridor, but his charge was for this specific area. He explained that the standards such as topography will drive the new development. Mr. MacEachern thought that what fits into an area should be considered to make sure that it all works. Mr. Arnett said they did not mention a parking garage, but the "U" shaped cluster has underground parking. The thought was to provide partial underground in each building, rather than one large garage. There are two scenarios here. Proposed retail can fit into one. They are not suggesting that it not be permitted or encouraged.

Mr. Granese explained that the Board told Mr. Arnett to go with this side of Route 28 and not chop up the land. Mr. Saucier said they performed a site analysis and the existing lot lines were serendipitous. They tried to keep property ownership sacred. He agrees that when buildable areas abut common property lines, the owners might do something to come together. Mr. MacEachern thought the concepts presented were nice.

Mr. Arnett asked the Board to take some time to look at this and he will pass any questions or comments on to Mr. Saucier and Mr. Flynn. He appreciated the Board's attention this evening.

There was no further business before the Board.

Motion by MacEachern, seconded by O'Connor to adjourn. The motion passed and the meeting stood adjourned at 8:41 p.m.
