

The Planning Board for the Town of Derry held a public meeting on Wednesday, July 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, Chairman; John O'Connor, Vice Chair; Jan Choiniere, Secretary; Brian Chirichiello, Town Council Representative; Gary Stenhouse, Town Administrator (7:09 p.m.); Randy Chase, Administrative Representative (7:26 p.m.); David McPherson, Maureen Heard, Jim MacEachern, Members; Frank Bartkiewicz, and Darrell Park, Alternates.

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

10-25

Project name: Overlook Parking Lot Expansion

Developer: Two Tsienneto Road Realty, LLC

Escrow Account: Two Tsienneto Road Realty, LLC

Escrow Type: Cash Escrow

Parcel ID/Location: 08079-001, 6 Tsienneto Road

The request is to establish cash escrow in the amount of \$32,065.63 for the above noted project.

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

Minutes

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

Motion by O'Connor seconded by Chirichiello to accept the minutes of the July 7, 2010, meeting as written. The motion passed in the affirmative with Heard, MacEachern, Choiniere and McPherson abstained.

Correspondence

The Highway Safety Committee has sent a memo to the Planning Board with recommendations regarding the proposed construction of a Walmart at 11 Ashleigh Drive. The Derry Downtown Committee copied the Planning Board on a letter to the Highway Safety Committee, identifying suggestions to improve the pedestrian friendliness of the downtown. The Board also received a notice from the Division of Historical Resources regarding a project in Rindge; Mrs. Choiniere suggested that anyone who had questions or required more information on the correspondence should contact Mr. Sioras.

The Board has also received a staff report from the Fire Department. Mr. Sioras advised that the Town of Londonderry is renaming its streets as part of the E 9-1-1. Whispering Pines will be affected. Chief Klauber will write a letter to Londonderry. Once Londonderry approves its street name changes, the Derry Planning Board will hold a public hearing, which should take place sometime in the fall. Chief Klauber is recommending Town Council approve the changes recommended by Londonderry. Most of this is through the Fire Department.

Mrs. Choiniere also advised the Board has received a notice from LGC of the 23rd annual municipal volunteer awards and the dates of the 69th annual conference. For more information, Board members can contact Mr. Sioras or Mrs. Robidoux. The Board has also received a new issue of *The Source* and *Town & City*.

Other Business

Recommendation to Accept Brandy Rock Road

Mr. Granese advised the Board has received a memo from the Department of Public works, requesting the Planning Board recommend Town Council accept Brandy Rock Road as a public road.

Mark L'Heureux, Engineering Coordinator, explained the road is complete. Brandy Rock is located off of Gulf Road. A copy of the plat is attached to the memo and shows the location of the road. The road is approximately 2000 feet, and there are no liens. All of the escrow has been released, as the road was built to town standards. The department will go to Town Council for formal acceptance of the road.

Mr. Granese questioned that since there are no buildings on the road yet, if the road is not accepted and the developer damages the town road, does it give the town more teeth to get the developer to repair the road? Mr. L'Heureux explained that the developer would pay or be responsible for repairs if the road is not accepted. Once a road is accepted, the town is responsible for making sure the repairs are done. The developers are told to stay off the pavement of new roads. All of the driveways have been constructed with 40 foot aprons to allow the off loading of construction equipment.

Typically, the developers take care not to damage the roads. If there is damage, the town can hold up the Occupancy Permit until the roadway is fixed.

Mr. O'Connor had some concerns. He tried to gain entrance to this road and it was gated. He assumes no residents live there. When the Board accepted Lamprey the Board said it would not accept the road until residents were on it. He is also concerned there is no escrow to hold the developer's feet to the fire. His opinion is that the Board should forego approval until the lots start to be developed. If approved, this road needs to be ungated and DPW will need to plow it. If the road is damaged, the town would have to litigate and that is costly. Mr. L'Heureux understood the comments and concerns, but said that there is no RSA that says the town can leave the road closed once it has been built to the approved plan. By law, there is no bar to accepting the road if the improvements are complete; it does not matter if there are residents on the road or not. The road cannot be gated if it is a town accepted roadway, without the town approving that separately. The town is restricted to the laws of roadway layout.

Mr. Granese noted if the road is approved, it would have to be open because it is a public road. His concern is who repairs the damage if any occurs. Mr. L'Heureux said in this case, the developer still owns all of the lots; that does not preclude him from selling them independently to other developers.

It was noted Mr. Stenhouse was now present.

Mr. O'Connor asked who is the developer? It is Jim Rausch. Mr. O'Connor asked with regard to the RSA. Mr. L'Heureux stated that under the RSA, once all improvements are complete, there is no reason not to accept the roadway. There are other RSAs that speak to Occupancy Permits and Building permits. Mr. MacEachern asked if there is an estimated time frame where the town has to accept the road after completion? Mr. L'Heureux said this request is at the request of the applicant. The Board determined the applicable RSA is RSA 674:40,a. Mr. Stenhouse confirmed the town has inspected the road and found it to be ready for acceptance.

Motion by MacEachern to recommend formal acceptance of Brandy Rock Road, seconded by Stenhouse. Discussion followed.

Mr. Chirichiello asked if it is typical to accept the road without houses being built? Mr. L'Heureux advised the road has been inspected and it has been found to meet town requirements. Other roads have been accepted without homes or businesses on them, including Ashleigh Drive, and Montgomery Farm Road. Mr. O'Connor confirmed that Occupancy Permits would be withheld if the road is damaged.

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

Other

Abutters to the Walmart project were invited to view the plan ahead of the public hearing and to speak with the engineers and designers.

Public Hearing**NH Boring, Inc.****PID 23005, 40 Fordway****Acceptance/Review, Site Plan, Office Building**

Mr. Sioras provided the following staff report. NH Boring is located at 40 Fordway; this is the site of the former town garage. The town sold the property to NH Boring and the property is once again on the tax rolls. Tom Garside, the owner, is present this evening and will present the plan. The intent is to construct an [2300 square foot] office building that will look like a house. All departments have signed off on the plan. The property is located in the Industrial zone. There are no waiver requests, and no state permits required. He would recommend approval of the site plan application.

Tom Garside advised he now owns the lot that used to site the old DPW garage. He currently runs his business from there, but his office is in Londonderry. With approval, he will tear down the old brick pump house, and put up a new office for about 10 employees. He provided the Board with a copy of the elevation of the proposed building.

Mr. Granese asked if the main garage will be left intact? Mr. Garside stated he will not touch the garages; he is just removing the old pump house which is located in the floodplain. The proposed building is planned at this time to have cedar siding. The colors are brown with green shutters. There will be no signs on the building.

Mr. Stenhouse believed this lot was serviced by town water and sewer. Mr. MacEachern asked if the brick building will be knocked down? Where will the new building go? Mr. Garside said the building located to the far left on the plan is the pump house. That is in the flood zone, and will come down. To the right of that, in front of the garage, will be the location of the new office building. Mr. MacEachern asked if construction of the building will decrease parking? It will, but there is plenty available. Mr. Granese asked if anything will be constructed in place of the old pump house? Mr. Garside stated the building will be taken down to the slab, which will remain in place. It is not certain what is under the slab. It appeared the site would only lose three to four parking spaces. Mr. Stenhouse commented he goes by that site quite a bit and does not see large vehicles there.

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

Mr. O'Connor asked if Mr. Garside had seen the review letter from Keach Nordstrom? He had not, but Mr. Sioras advised his surveyor had a copy. Mr. MacEachern did not think there was anything in the review of major concern. Mr. L'Heureux provided Mr. Garside with a copy of the report.

Motion by MacEachern to accept jurisdiction of the plan, seconded by Choiniere. All voted in favor and the motion passed unanimously by a roll call vote.

Mr. MacEachern asked if there would be a sign for the building on the lot? Mr. Garside said not at this time. His business is very specific and they deal strictly with engineers, not the general public, so he does not feel a need to have a sign. Mrs. Choiniere noted the Board can always condition that a sign would require a conditional compliance hearing.

Mr. O'Connor moved to approve the site plan for NH Boring, located at 40 Fordway, Parcel ID 23005, pursuant to RSA 676:4, I, Completed application, with the following conditions: Comply with the KNA report dated July 19, 2010; subject to owner's signature; subject to on site inspection by the town engineer; 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, any sign to be forthcoming is to be reviewed by the Planning Board. The motion was seconded by Mr. McPherson. Discussion followed.

Mr. MacEachern noted that sheet 3 of 6 for the house elevations shows the interior of the house. It appears the applicant is using a standard house plan. What will the interior be like? Mr. Garside said he will cut up the bedrooms into offices; this is a one story house. The bathrooms will remain the same. Mr. MacEachern asked if the Board wanted to add a note because the interior will not look anything at all like this plan. This plan shows a master bedroom and bath, which he assumes will not be in the office building. He likes the building, but the interior will not be what is depicted on sheet 3. There should be a reasonable facsimile for the Building Inspector. Mr. Stenhouse said the Board can add the condition, but did not feel it was necessary as the Building Inspector would ensure it was built to the plan submitted at the time of permit.

It was noted Mr. Chase was now present.

The Board added the following condition: Sheet 3 of 6 to be updated to show what the interior will look like upon completion of the building, moved by O'Connor and seconded by MacEachern.

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

Mr. Granese advised the next item of business is a Design Review for Walmart. There will be discussion, but no votes will be taken this evening.

The Board moved and seconded to take a short break. The motion passed. The Board reconvened at 7:35 p.m.

Walmart**PID 08279, 08276-001, 08276, Ashleigh Drive****Design Review, Site plan, 155,826 square foot retail store**

Mr. Sioras advised this is the first official meeting with Walmart; there may be a few more meetings of this type before formal submittal of a site plan to the Board. This evening, Walmart will present to the Board to obtain input from both the public and the Board on the proposed project. He introduced Peter Imse, of Sulloway & Hollis, counsel for the applicant, and Jon Brodeur, Professional Engineer, of Doucet and Associates. Mr. Imse in turn introduced Giles Ham, of Vanasse & Associates, Inc., and Gabe Massa of MMA-Architects. Mr. Imse advised they are here for a preliminary meeting under Design Review for the proposed new Walmart store on Ashleigh Drive. This is similar to the previous design two years ago which has been revived and is moving forward. In addition to the plans presented this evening, they have also submitted a waiver from the parking regulations, which will be discussed by Mr. Brodeur. Mr. Brodeur provided the Board members with a handout depicting the slide presentation. A copy was not retained for the file.

Mr. Brodeur began by reviewing the existing site conditions plan. It shows the hill where the proposed store will be located at the knob of the hill in an area that is currently cleared. This is the site of the former water tank. The area is surrounded by forested cover. The proposed site uses the main portion of the cleared area, maintaining the largest buffer in all directions. There are abutters to the north, south, and east, and power lines to the west. The main access from Ashleigh utilizes town standards to cross where wetland impacts are minimized. They have maintained the maximum grade of 6%, and minimized the amount of impact where they could to the forested area. There are two main access points to the store through the grocery and general merchandise entrances. They have set up the handicap access per the ADA requirements, and there is a large, landscaped area to provide safe access to the building. The regulations require 5% internal landscaping, and they have provided 7.7%. They are requesting a waiver from the parking requirements due to a difference in what the town defines as 5.0 and what Walmart prefers and considers 5.0; this is a difference of 54 spaces. They took the parking from the lower southwest portion of the site. They have met with the Technical Review Committee twice. The reduction in parking allows them to minimize pavement and keep site access at a 6% grade, while maintaining Walmart's 5.0 ratio. This does not incorporate the largest shift of employees. However, Walmart feels this is adequate for the Northeast and takes into account snow storage during the winter months.

Mr. Brodeur advised the abutters to the east have an existing tree line and they do not propose to perform any work there that will impact the existing vegetation. They will

also utilize dark sky compliant lights (no light above the horizontal plane), with full cut off fixtures, and will focus the light down. There was a question with regard to the standards associated with the foot candles, and they are proposing 1.8 as a minimum. It was advised that the 12 foot candles indicated in the Regulations is in error. The goal is to minimize lighting. Walmart will not provide anything that is unsafe for their customers. They have not requested a formal waiver for the lighting, but will do so if necessary.

Regarding the grading, there are 4 proposed basins total. Because the site is located at the top of a hill, they have maintained the current flow path of water and mitigated the flow rate and volume at the state and local level. The one area where they have over mitigated is to the southeast where there is no true defined point of discharge. They did not want to discharge toward abutters, so treated the stormwater rather than providing a pond. They have reduced the peak flows in all directions and have met or exceeded the town requirement. Mr. Brodeur explained how they meet the stormwater requirements, by providing a summary of the drainage plan.

Giles Ham, Traffic Engineer, of Vanasse & Associates, advised the Route 28 corridor is the subject of upcoming roadway improvements. In 2007, Hoyle Tanner Associates was hired by the town and included the then proposed 225,000 square foot Walmart store, and projected roadway improvements to accommodate that. These improvements should start this fall and include widening to the south of Ashleigh Drive, adding through and turn lanes. The current Walmart design of 155,000 square feet has been incorporated into the traffic study of this project. Vanasse & Associates looked at 7 intersections from Scobie Pond to the intersection of Tsienneto and Folsom; there are 4 signals along this distance. The traffic counts were based upon IT trip generation rates. It is estimated the peak hour of traffic will generate between 700 and 900 cars, with 8000 to 9000 on a typical Saturday. There is a store across the street, so 60-80% of those cars are at the existing store currently. The other store will be redeveloped at some point, but may not have as intense a use. Ashleigh Drive will be widened to three lanes, as you exit Ashleigh. There will be two lanes going into Ashleigh, with the outside lane dropping off at the entrance to the site at the driveway. The overall desire was to accommodate the project, and all signals will remain at an acceptable level during the design years.

Mr. Brodeur advised the emergency access to the rear of the site will be gated and is in response to a request from the Fire Department to provide access to a substation that is located to the rear of this site. The access will be gated with a Knox box at both ends. The hammer head shown on this plan, may be changed to a cul de sac. They are working out the details with the town to design to what the town would prefer.

Mr. Imse introduced Gabe Massa of MMA-Architects who will review the architecture and signage. Mr. Massa advised he provided the Board with a booklet that shows the building design and some of the green features. Regarding the exterior design, he looked at the day and evening environment. He has included some interior themes as

well to show how the stores are now being structured. He also forwarded two CDs to the Board that discusses Walmart's global sustainable goals.

Mr. Massa provided an overview of the site. There will be a screened compactor with 10 foot masonry walls, and a refrigeration compressor located behind a decorative masonry wall; there will also be a drive-through on the left. There will be two signs on pylons; one located at the intersection of Manchester and Ashleigh, the other at the entrance to the site. They will work with the town to decide what works best.

For the entrances to the store, there will be a market and pharmacy to the left, and home and garden center to the right. There will be a pedestrian area in the middle, for employees or customers. They will plant a mature tree. Human scale was very important in the design. This building is on average 32 feet tall, and is 36.4 feet at the highest point. The covered canopy protects customers from the rain and other elements. The outdoor living area is simple. The signs on the building are wayward finding signs. The facsimiles of the night environment give a sense of what it will look like. The covered canopies are translucent, 12 feet high, and put lighting on the way finding signs. To the rear of the building is a pre-cast wall that will cover the trucks. There is one compactor that is fed from the inside of the building. There will also be bale and pallet storage that will be behind a wall. The signage is similar to the existing, but at this facility, there will be a drive thru pharmacy. The pylon sign is 95 square feet, and is 30 feet tall, LED lit from the interior. The interior of the store has been designed around a 5 foot, 7 inch person.

Sustainability focus is on energy management, HVAC, white roofs, refrigeration, and heat reduction. Walmart utilizes daylight harvesting where the lights automatically dim as the sunlight comes into the store. This building will save a half a million gallons of water per year.

Mr. Granese opened the floor to the public.

Scott Lavoie, 6 Thames Road had the following comments. There is already a Walmart in town and now there will be a grocery store, located between two other grocery stores. Mr. Granese advised that everyone is here tonight to talk about the design of the building, not the business itself. Mr. Lavoie asked if every Walmart has an emergency access road? Mr. Granese explained the access has been requested by the Fire Department. Mr. Lavoie asked if it could be located somewhere else? Can it go through the apartments so that it does not affect property values and the distance would be less. He believed it would affect his property value. Mr. Lavoie said the access road will provide easy access to his yard, which currently is not easily accessible. It is an issue for him. Why can't it go through the apartments? They rent and it will not affect their property value. Mr. Granese said the Board can look into that. Mr. Lavoie said he is not against having a Walmart, but he wants to maintain his property value.

Gary Lynch, Heritage Lane, had concerns with water runoff. Where does it go? That is critical with this design, and he needs to know where it goes. The first presentation

showed that a lot of water would run to the southeast corner. There have been issues at other Walmarts where hazardous chemicals from broken bags and disarray of products polluted rivers and polluted the fish. Will the design for this area sustain mishaps and broken bags? This building has a flat roof and a large parking lot. Rain water will come down and where will it go? He would like the Board to look at runoff in this plan. He knows the movie theater and Hannaford were approved, and is this a consideration for the Board? Regarding the parking lot aprons, he can see how oil and garbage can collect, as it does at the Salem Walmart, and that will get into the runoff. Mr. Granese advised the Board will look at that during the final review. Currently, the applicant is at the Design Review process and is listening to the comments. The Board will look into the drainage. It was noted the Conservation Commission has already looked at this proposed plan.

There were no further public comments.

Motion by MacEachern, seconded by Stenhouse to close the public hearing. All voted in favor and the motion passed. The plan came back to the Board for review and discussion.

Mr. Chirichiello asked with regard to the emergency access, why that particular location was selected? Mr. Stenhouse explained that area has a dedicated public right of way, which has been in existence since the 1950's. The road was supposed to extend down off London Road, but that never happened. Mr. Chirichiello noted the access will be gated so will not have traffic, but would like confirmation it is for emergency vehicles only. Mr. Stenhouse said he did not believe it was intended to look like a road, it will be dirt, with a road and drainage under.

Mr. McPherson asked how many parking spaces will be at the new site versus the old site? Regarding on site trailer storage, there are several trailers stored on site at the current store which he believes is for storage, will Walmart commit to having no outside storage at the new store? He asked if the current site will be maintained as if it were occupied, meaning kept clean, mowed, etc., until there is a new occupant? Regarding the design, he would like to see a more New England style façade of the building; he is not sure he likes the curvature. He would like to see a few other design options.

Mrs. Heard liked the curve of the building because it gets away from the 'big box' lines. She would also be in favor of adding some type of New England accents. She likes the louvers/awnings over the windows. Overall, she feels this is a good design and will fit well.

Mr. O'Connor asked with regard to the retail sales in the current parking lot. Will there be any material in the new parking lot for sale? Regarding the current foot candle, he would want to see what the difference would be. Is the new store less bright than the old store? What type of fixtures will be used? The east side (garden shop) has an island. He assumes there is a drive through in that location to pick up large bagged items. Is the turning radius there sufficient? Will there be a sign to indicate no through

traffic as he would think they would not want anyone driving to the rear. He also asked if Ashleigh Drive is part of the work in TIF district? Mr. Stenhouse advised the construction on Ashleigh will be coordinated, but the town will not do work on Ashleigh. The applicant will do the work.

Mr. O'Connor asked with regard to the gated location, is there going to be a cul de sac or hammerhead? Will the gate be at the top of the cul de sac, or at the top of London? The plans show the access as gravel. There is a lot of runoff in that area during spring and he hopes the gravel is stabilized so it does not wash away. Mr. MacEachern thought it was gravel at the ends, and paved in between. Mr. Brodeur advised the current plan is for a gravel access. That can be addressed. Mr. O'Connor asked that it be looked at as the town keeps getting 100 year storms. Mr. Brodeur said he will work with the town to determine the preferred solution. Mr. O'Connor continued by stating sheet C4 shows the zoning setback, which looks to be less than 30 feet. Mr. Brodeur said that is a typographical error; the setback is significantly greater for the front. Regarding the refrigeration, Mr. O'Connor asked if they are utilizing Freon or ammonia? If it is ammonia, what type of hazmat setup will they have, given the winds in that area. It could be an issue if there is an emergency and people need to be evacuated. Mr. Massa said he would get back to the Board with that information as he was not certain; he will also obtain the tonnage.

Mr. O'Connor asked if the truck bay slopes down? Mr. Brodeur said it does; the truck dock drops about 4 feet. There is a drain at the base. Mr. O'Connor asked if DPW had looked at that to determine what would happen if a 50 gallon tank let go into the drain. Mr. Brodeur said that has not yet been reviewed. Mr. O'Connor asked if food comes in through the truck bay? Mr. Brodeur said this is the primary loading dock for all product. Mr. O'Connor noted that in some states, there are drainage requirements based on delivery of product. Mr. Brodeur said the gate will be located off the cul de sac or hammerhead, so the trucks can plow without unlocking the gate. Mr. O'Connor said he was impressed with the use of LED lighting, and hopes that Conservation Commission will deal with the wetland issues. What will be the hours of operation? Mr. Brodeur stated they are currently requesting a 24 hour store. Mr. O'Connor spoke to deliveries – he would like to know what the delivery schedule would be for the different types of trucks; the hours may need to be changed so as not to disturb the neighbors. He confirmed the traffic study provided to the Board is current.

Mr. Granese said he was expecting to see the old design, and was hoping to see a store that looked more like the Epping location, with colonial features. He also realizes that Flagship Cinema has curves, but perhaps this building could be made to look more colonial. He likes the overhang and louvers, the pedestrian walkway and greenways to the front of the building; there is just something about the front of the building. Regarding lighting, what type of bulbs will be used in the parking lot? Mr. Brodeur said LED is being studied, although that is not what is shown. Mr. Granese recalled seeing a recent article which said a site in Manchester converted to LED lighting and is now saving 67%. Mr. Massa indicated Walmart is aggressively looking at this type of lighting for its sites; the way finding lights and cooler lights are LED. Mr. Brodeur said they

would look into it and can see what the feelings are for this application. Mr. Granese said he knew these were new fixtures but he also knows that Walmart is extremely energy efficient. Will the freezer lights go on and off with motion as they do in other stores? Mr. Massa was not certain and said he would get back to the Board with that information. Mr. Granese asked with regard to the access road; it looks as though there is already access there now and it will be moved down. Chief Klauber, who was in the audience, stated currently, there is a path that is well defined. Mr. MacEachern confirmed the path is where the right of way exists. Mr. L'Heureux noted the water lines run along the path as well.

Mr. Granese noted the recommendations provided by the Highway Safety Committee. They are requesting a stop sign at the end of the driveway where it meets Ashleigh, which should meet the new MUTC regulations. Mr. Brodeur advised that was an oversight and will be added to the plan. Mr. Granese also noted the queuing concern in front of Dunkin' Donuts and asked the applicant to mitigate that concern. Mr. Brodeur said he would look into that as well, and work with the state and local officials to determine the best design for that location.

Mr. Granese asked what will happen to the old Walmart? Mr. Imse said there are no current plans, but Walmart will not own a business that is vacant. They will go into an aggressive mode to sell it and put it back into use. He has the authority to assure the Board they can make part of their approval that the site will be maintained until it is sold. Mr. Granese inquired as to the gas station on the existing Walmart site? Mr. MacEachern noted that is a separate lot. Mr. Granese said he thought this was a great plan that will be an asset to the town, and did not have additional concerns at this time.

Mrs. Choiniere advised she had a concern for providing appropriate lighting that will not affect the neighbors and asked how the zero cut off affects that. Mr. Brodeur stated that no light will go above the horizontal plan. The zero cut off works so that at the perimeter of the building, there are reflectors and shields that minimize spill over. She asked how large is the existing Walmart? He said about 115,000 square feet. The previous design for the new building was larger. Mrs. Choiniere said she liked the design.

Mr. MacEachern said he liked the design as well, and asked if there are other Walmart's in New England with the same design that he could view? Mr. Brodeur said the closest is in North Attleboro, Massachusetts; it is similar with a few minor differences. Mr. Massa said he would provide the Board with a list of stores. Mr. MacEachern advised he has no issue with a parking waiver request and may in fact want to make the parking lot smaller. He stated he had an off line discussion with Mr. Stenhouse and with Mr. Sioras. He believes the town allows too much parking and needs to make sure that the parking lot fits the building and standard customer number, not just what is there during the holiday. On the Linlew Drive side of the lot, there is a narrow tree line. Understanding they have already met the landscape requirement, he would like to see that last row of parking on that side filled in with rows of trees of alternating depth to provide screening for the residents of Linlew Drive. The current Walmart has so much parking, they can run sales that take up 3-4 rows of parking and still have enough. He

sees this as an opportunity to provide more screening for Linlew Drive and decrease parking. He likes what has been presented.

Mr. Stenhouse said he likes the building in general. With regard to parking, he agrees with Mr. MacEachern; he would like each lot look as though it were the holiday season, every day. He is concerned that 1.8 foot candles look dark at more than 50 feet from the building. He would like to see more information on that and is sure the Police Department and Planning will review that. Regarding the emergency access, he would suggest Planning work with engineering and the Fire Department to meet the town needs for emergency access, but with less impact to the neighborhood. He would like to know the average number of trucks per day that will come into the site and he does not want to see trucks used for storage. He is also concerned about refrigerated trucks coming in and out of the site at night. The questions regarding drainage asked by the resident on Heritage should be addressed. Where does the drainage go? How does Walmart handle it when bags break on site? Are there floor drains or detention areas? Mr. Brodeur advised that no fertilizer or chemical is allowed to be stored outside. Plants are the only material stored outside. Mr. Stenhouse asked that the comments that have come through the Planning Board this evening be shared with the Walmart representatives, such as the Highway Safety comments and Mr. L'Heureux's email to Doucet and Associates so that they can be addressed.

Mr. Chase agreed there will be a problem screening Linlew Drive. None of the elevations show the difference between the parking lot and the floors of the apartment buildings. Mr. MacEachern's suggestion may be wise to avoid light spilling into a second floor balcony. Trees will also cut down on the noise. Are there any retaining walls planned? Mr. Brodeur stated it is planned to be graded as a slope with the exception of the wetland crossing. Mr. Chase suggested that Mr. Brodeur research large bulk fuel storage facilities for the loading dock well; there should be a basin. In these systems, the drainage system has a gate, and until the well gets full, the gate stays closed. It would contain any spills in the well in the event of an emergency so that the spill can be mitigated in the well, rather than in the drainage system. The area around the loading dock also looks too narrow to turn around in. Mr. Brodeur said the scale of the building may be throwing it off; there is a substantial turn around. The purpose is to come in, spin around and back in.

Mr. Chase had the following comments with regard to the emergency access road. The Highway Department is recommending a cul de sac for maintenance purposes. It was discussed that the access could come in off Oxford, but there was an issue with the topography and existing detention pond. The right of way from London Road goes past Thames and the water lines from the old water tank are there as well, so that area is being utilized.

Mr. Bartkiewicz would like to see a colonial look to the building, but everything else is great. He also had a concern with trucks backing in.

Mr. Park seconded Mr. Bartkiewicz' comments; he felt the building had more of a California feel than New England.

Mr. Granese asked if something could be added to the façade. They are not looking for the louvers to be changed, just the roofline. Mr. Masse said he could look at regional material that the Board really likes such as a cultured stone that can be integrated into the base of the building. Mr. Granese said he likes the brick and stone, etc., and acknowledged the curves tie in with the theatre. Maybe they could do a design similar to the Epping store. Mr. Masse said the curvature works with the topography. Adding dormers will impact the overall design and may not end up being what the Board is looking for. This makes the building unique. Mr. Granese suggested that next time they come before the Board, they bring both so that the Board can see them together.

Mr. McPherson said it is a nice store, but he thought the design needed a little tweaking. It may be a case of you know it when you see it on the architectural rendering. The Board does not want to see a basic box, and wants to see a little bit of personality. He likes the tone and colors, but there is one (unidentified as yet) thing that is missing. Mr. Granese asked if adding cornices would work?

Mr. O'Connor suggested placing rubber speed bumps on the grade going down the driveway, but Mr. Brodeur advised that plowing with speed bumps in place is extremely difficult. The speed bumps end up getting plowed up, and they are very noisy as traffic travels over them, which may become disturbing to neighbors at night. He feels the current design of the driveway is safe and it will be constructed to secondary road standards. Mr. O'Connor asked if any of the parking lot will be constructed with permeable pavement? Mr. Brodeur said Walmart has some pilot stores with that type of pavement and they are looking into it. Mr. Massa added there has not been a lot of success with porous concrete, based on the installation of it and because trucks drop dirt and clog the pores of the pavement. It has not been successful for Walmart, but they are still pursuing it as an option.

Mr. Imse stated they appreciated the Board's time this evening and the comments. They will work on the comments and address the questions. Mr. Granese thanked the representatives from Walmart and the abutters for their comments. It was a good presentation. When they are ready to come back to the Board, they should speak with Mr. Sioras to be placed on the agenda.

The Board took a break for several minutes before entering a workshop.

Workshop

Mr. Granese advised the purpose of the workshop is to review the draft of a zoning amendment which creates a General Commercial III district. The parcels potentially affected by the establishment of a General Commercial III zone include the following:

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 said the Board has copies of the proposed GCIII draft with the changes incorporated as suggested by Attorney Clark. He would like to discuss the changes.

Mr. Sioras advised Attorney Clark would like to meet with the Board. He provided the suggested changes from a legal point of view so that the Board remains on safe legal ground. He suggested perhaps one more workshop so that he could attend and provide comments in person. He was unable to attend this evening as he had a conflict and was attending a meeting in another town.

The Board reviewed the draft amendment.

Mr. O'Connor liked the idea of putting the purpose back into the document. It captured what the Board intended by the creation of this zone. Originally when the Board discussed GCIII, it was noted it could be used in other areas with historic sites. This appears specific to the Robert Frost Farm. He also noted that Attorney Clark struck out #2 with regard to the Natural Expansion of Pre-existing Non conforming uses. His rationale is good. The Board may need to write a sentence as some people may not know they can expand an existing use in the future. Mr. Granese suggested adding "historic site or area" to further clarify the purpose. Mr. O'Connor wondered if it should be so broad, or specific to the Farm. Mrs. Heard noted when the Board was working on the draft, it was to be generic. She thinks Attorney Clark may have felt this was a unique situation and needed a unique solution. Wouldn't the Board try to shoe horn other areas of Derry if they tried to make this more generic? What other areas of town would fit this? They are doing this for the Robert Frost Farm because it is special and meaningful. Mr. Chirichiello thought this was spot zoning. Mr. Granese recalled the Board got away from the overlay district so that this could be done in other areas of town. He would not want to make it specific to just the Robert Frost Farm. Mrs. Choiniere asked if there are any other zones created specifically for one area? There are none. Mr. O'Connor noted this is not normally done in practice. Mr. Chase said when he first wrote the draft, it was intended to be used elsewhere and the Board should want to avoid spot zoning by naming specific areas. This has to be generic. Attorney Clark should be asked about that. The focus should be on the 'historic structure'. There could be a 100 foot silo somewhere else in town, but as written, you could only have something as tall as the Robert Frost Farm; this has to be generic. Mr.

Granese agreed Attorney Clark may be under the impression this was written with the intent of protecting the Farm.

The Board agreed they would prefer to have Attorney Clark present before they finalize the draft. Mr. Granese said the next workshop would be held on August 4th.

The purpose was changed to “to protect and preserve the character of the neighborhood in the vicinity of **a historic site**, there is established a General Commercial III district which limits and regulates the uses, size, height and architecture of structures in the zone so as to compliment the historic site.”

It was decided to hold off on the deletion of Permitted Uses, #2 until it can be further discussed at the next workshop. Mr. O'Connor noted the explanation to strike was that the protection is already given under state statute.

The Board had no issues with the section regarding full service restaurants.

Regarding the section detailing the gross square foot restriction in the district under Permitted Uses, the Board felt that the suggested changes clarified what the Board was trying to say. The intent is to keep retail buildings to 5000 square feet or less, regardless of whether there is one entity in the building, or multiple entities.

The Board had no suggested changes to the pharmacy drive-thru item, or the suggested changes regarding banks. Area and dimensional requirements were not amended.

Under Buffers, the changes reflect what is in the LDCR and clarifies the intent. This section essentially states that buffers have to be at the same level as required by the LDCR or greater. Natural vegetation has to be left in place if it exceeds the requirement in the LDCR. Mr. Chase asked what will happen if a lot is entirely wooded? Does the entire natural vegetation have to stay? Essentially, that would make the lot undevelopable. The Board agreed the wording in this section should be reviewed to ensure that the intent remains, but lots can be developed.

Under Additional Requirements, the Board opted to remove the wording “Robert Frost Farm” so as to make this zone more generic to historical sites. Under the section having to do with construction, the Board agreed that the wording should be changed to remove “the Robert Frost Farm”. Construction should not exceed the height of the tallest building located on the historical site in the zone

The Board opted to discuss the section having to do with Signage at the next workshop.

Regarding Excluded Uses, the Board thought Attorney Clark's explanation was logical. They also agreed that it was beneficial to define “Professional Office” as this is not defined elsewhere in the Zoning Ordinance.

Regarding the suggested changes to the General Commercial II zone which were provided for consistency in the Ordinance, the Board thought that once they went through this document, they could look at General Commercial and General Commercial II and work on cleaning up those sections of the Zoning Ordinance.

Mr. McPherson questioned “wireless communication facilities”, isn’t that the same as a retail store? Mr. Chase explained a communication facility transmits communication by definition and is not retail sales.

The Board discussed the proposed changes to the Zoning Map and recalled that during the site walk, they wanted to add the condex to the affected lots. Mrs. Robidoux will have Parcels 02090R and 02090L added to the map.

There was no further business before the Board.

Motion by MacEachern, seconded by Heard to adjourn. The motion passed with all in favor and the meeting stood adjourned at 9:29 p.m.
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