

The Planning Board for the Town of Derry held a public meeting on Wednesday, September 15, 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, Chairman; John O'Connor, Vice Chair; Jan Choiniere, Secretary; Maureen Heard, Jim MacEachern, Members; Frank Bartkiewicz, Alternate

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

Absent: Randy Chase, Brian Chirichiello, Dave McPherson, Darrell Park

Mr. Granese called the meeting to order at 7:04 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, and agendas.

Mr. Granese sat Mr. Bartkiewicz for Mr. McPherson

## **Escrow**

**10-30**

**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 approve Release #1 in the amount of \$25,909.63 for the above noted project. The amount to retain is \$6,156.00.

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

## **Minutes**

The Board reviewed the minutes of the September 1, 2010, meeting.

Motion by O'Connor seconded by Bartkiewicz to accept the minutes of the September 1, 2010, meeting as written. The motion passed in the affirmative with Heard and MacEachern abstained.

## **Correspondence**

There was no correspondence to review.

## **Other Business**

### Schedule Public Hearing for proposed General Commercial III Zone

Mr. Granese advised that the anticipated date of the public hearing to discuss the proposed General Commercial III zone was to be October 18. However, given the noticing deadlines, staff is able to put this on the October 6<sup>th</sup> agenda, which was his preferred date.

Motion by MacEachern to hold a public hearing to discuss the proposed General Commercial III zone on October 6, 2010, seconded by Choiniere.

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

## Other

Mr. Sioras advised the Local Government Center will be holding its annual Law Lecture Series in October. On October 13, 20 and 27, the lectures will be held at the Derry Municipal Center. The town pays for the fee, so if any member would like to attend, please contact him or Mrs. Robidoux so that they can be registered.

## **Public Hearing**

**Anthony J. DeRosa**

**PID 03084, 191 Rockingham Road**

**Acceptance/Review, Site Plan**

**Auto body facility, first floor show room with residential apartment above**

**Continued from September 1, 2010**

Mr. Sioras provided the following staff report. This application is continued from the last meeting as the plan needed extensive revision. He would like to compliment the engineer for meeting the time line for the changes so that the Board could review the application this evening. The proposal is for a 4000 square foot auto body/motorcycle facility with a first floor showroom and residential apartment over the showroom. This will replace a dilapidated old ranch house and significantly improve the lot. This will be a family run business. All departments have reviewed the plan and signed off. The

applicant has several waivers which are in the member packets. The applicant is close to obtaining the revised NH DOT driveway permit; they just need to add final details to the plan. He would recommend approval of the plan.

Martin Finch, representing the applicant who was also present, advised they have received all local permits, for example from the Conservation Commission and town staff. They are going through the second review by Jones and Beach which has comments relating to items requiring waivers and things that are not design related or would change the plan in any significant manner. They have addressed the comments with regard to the increased flow of storm water and made significant revision to the plan. Mr. Finch said he would be happy to answer any questions of the Board. This property is located at 191 Rockingham Road, and is a proposed auto body shop. This will improve the lot after construction and he feels it will be a project that will better Derry overall.

Mr. Granese asked if the existing buildings will be removed? Mr. Finch stated they would be razed. Mr. DeRosa added that the 24 x 24 garage and trusses are actually in good shape if anyone was interested in them. Regarding the rendering of the proposed building, he is in the process of obtaining costs and he plans to meet all town requirements such as items for the paint booth. He is trying to get something that is aesthetically pleasing, and wants to get away from the 40 x 100 foot box.

Mr. Granese asked what are the plans for the exterior? Mr. DeRosa said he is looking at different types of vinyl siding that look like cedar shakes. Originally, he looked at traditional steel, but this would give it more of a residential look and is more appealing. He has not decided on the color, but is leaning toward a sagebrook green by Georgia Pacific. The establishment is for his sons, Mark and Anthony.

Mr. MacEachern noted there is extensive history with this project with staff notes going back as far as 2009. Are all the items from staff addressed? Mr. Finch stated there has been subsequent correspondence with the departments and Mr. DeRosa has continued conversations with the town and they have incorporated all of the comments. They have revised the plans and Mrs. Robidoux has confirmed that most if not all of the staff comments have been addressed. Mr. MacEachern said he wanted to make sure there are no outstanding issues to be added to the approval. Mr. Sioras noted the Board tabled this application to make sure the plan was complete and the applicant has addressed the majority of the comments.

Mr. O'Connor noted there are two recent Jones and Beach letters. The letter dated September 14, 2010 references a plan submitted to them on September 7<sup>th</sup>. Did they meet with Jonathan Ring? Mr. Finch said he did not meet in person, but had multiple conversations with Mr. Ring. Mr. Ring had questions with regard to the drainage and they provided a more water quality efficient system which resulted in additional new comments from Mr. Ring. Those details are being discussed and are addressed in the final plan. Mr. O'Connor noted there are still 22 items to address and some of those items are things that the Board will need to discuss and decide upon. For example, Mr.

Ring notes a waiver might be required for the submission of the architectural design. There are already 4 waiver requests. There are no lighting details provided. Mr. O'Connor noted that items 7, 12 and 15 should be addressed by the Board and this plan would then need a conditional approval.

Mr. Finch said they will address all the items and obtain a clean letter from Mr. Ring. He is committed to that. He agrees there are still some items to be addressed and some of them should be addressed by the Board, the town, and Jones & Beach. They did change the grading so the pipe that was of concern will not freeze. He won't be happy until Jones and Beach and all other parties are happy.

Mr. O'Connor commended Mr. DeRosa on what he is trying to do with the lot and agrees it will make the lot better.

Mr. Granese read item 12 from the Jones and Beach letter aloud, and asked if the architectural plans submitted meet the regulations? Mr. Sioras advised they show the concept but the regulations require color and specific detail. This is a great start but there are no final architectural details on the plan. Not everything is there. Mr. Finch said they would be revised and submitted shortly. Mr. Granese asked if the Board moves forward, can the architectural plan be a condition of approval? Mr. Sioras said the Board could do something similar to what they did for Water's Edge Salon: have the applicant come back under Administrative Business.

Mr. Granese asked what will the applicant do for lighting? Mr. Finch advised until the architectural detail is finalized, it would not be cost effective for his client to purchase or finalize the lighting intensity detail. When they have a more solid plan for the architecture, they will then add the lighting detail. Mr. Granese felt that could also be a condition of approval. Mr. MacEachern noted the applicant should make sure the lights are downward facing.

Mr. Granese spoke to item 7 in the Jones and Beach letter regarding landscaping. Mr. O'Connor read that item aloud. Mr. Finch advised they have submitted a waiver, but Mr. DeRosa is working on landscaping details. Mr. DeRosa stated he has found the people who know best what is required are the town staff. Mrs. Robidoux and Mr. Sioras have been excellent in working with them to get the plan to the Board. The best information comes from the town. He welcomes the contingencies. Since he does not know the town regulations, he wants to work with town staff to get this done and to fulfill the requirements. The project has been a challenge. Mr. Finch state they would like to be able to move forward with the final items, such as lighting, signage and architectural.

Mrs. Choiniere asked if the building is not required to be sprinkled, is there a plan for some sort of fire suppression system? Mr. DeRosa advised one is required for the paint booth. He has spoken with representatives from the fire department and received the appropriate information. He will do what is required and what is safe for his children.

Mrs. Choiniere asked why they will not be performing HISS mapping? Mr. Finch explained that a waiver had been granted from the HISS map requirement when they did the Lot Line Adjustment. The size of the lot is small. When they prepared the septic plan, test pits showed the soils to be good, sandy soil all over the site. Given that information, he felt it would be appropriate to ask for this waiver. HISS mapping will not alter the project.

Mr. Granese asked with regard to the sign. Mr. Finch advised that the plan submitted to Jones and Beach did show a double bollard sign that is located more than 10 feet from the property line as is required. It is on the plan and does meet the regulations. It will be a digital reader board, but will not scroll. Color has not been determined but they will utilize something that looks good and is not distracting to drivers. It will be internally lit. Mr. Granese asked that it not be as bright as the internally lit sign located a bit further south on Route 28.

Mr. O'Connor asked if Mr. L'Heureux was satisfied with the plan. Mr. L'Heureux stated he has no issues so long as all of his comments are addressed. Mr. O'Connor noted the original packet contained a copy of Mr. L'Heureux's memo, but this packet did not. Mr. Finch believed Mr. L'Heureux's comments had been addressed on the current plan, such as the storm water flow. Mr. L'Heureux advised he has not reviewed the most recent plan himself, but his comments should be addressed. Mr. O'Connor stated given the wording in the proposed Senate Bill 328, the Board could grant conditional approval, pending receipt of the NH DOT driveway permit. Mr. Finch stated he has been in conversation with NH DOT and his contact said he would get the permit to the town as soon as possible.

There were no abutters or interested parties present and the plan came back to the Board.

Motion by MacEachern to accept jurisdiction of the plan, seconded by Choiniere. The motion passed with all in favor.

Motion by MacEachern to grant waivers to the following Sections of the LDCR: Section 170-62.B.1, Section 170-63.A.2, Section 170.63.A.6, and Section 170-61.11. O'Connor seconded the motion.

MacEachern, Heard, O'Connor, Bartkiewicz, Choiniere and Granese all voted in favor.

Motion by MacEachern to grant approval for the Anthony DeRosa site plan, Parcel 03084, 191 Rockingham Road, pursuant to RSA 676:4, I, subject to the following conditions: Comply with the Jones & Beach letter dated September 14, 2010; the trench detail shown on Sheet 2 of 2 should be revised as following: "sandy gravel" should be "sand" and "Bedding" should be "3/4 stone"; Subject to owner's signature, subject to site inspection by the Town's 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; Note approved waivers on the plan; address any

remaining items contained in the previous reports; obtain approval from all town bodies; pending receipt of approval of the NH DOT driveway permit application dated June 16, 2010; ~~and~~ final architectural plans and lighting details shall be submitted to the Board and addressed as Administrative Business, and the above conditions are to be met within 6 months. Choiniere seconded the motion.

MacEachern, Heard, O'Connor, Bartkiewicz, Choiniere and Granese all voted in favor.

**Tsienneto Fourteen Development LLC  
PID 08079-005, 14 Tsienneto Road  
Acceptance/Review Site Plan Amendment  
Addition of delivery area to rear of building/generator/chiller**

Mr. Sioras provided the following staff report. The purpose of this plan is to revise the medical office building previously approved by the Planning Board on October 19, 2009. The lot is located between Merrimac Tile Company and CLM; the building is 24,000 square feet total. The change this evening is to add on a generator and transformer pad, concrete utility, and a new stairwell and delivery staging area to the rear of the building in the lower basement level. All town departments have reviewed the plan and provided signatures. There are no waiver requests, nor are there any additional state permits required. Steve Keach reviewed the plan and had no comments and recommends approval. Mr. Sioras stated he also recommends approval. His understanding is the applicant would like to break ground this fall.

Keith Coviello of Long Beach Development Associates represented the applicant. He stated the original plan was approved last October. The site is located between Merrimac Tile and The Goddard School and shares a driveway with the Goddard School. He referred the Board to Sheet 3 of the plan. At the time of the original approval, his client was not certain of the tenants of the building. That is now being firmed up and one of the tenants will be a surgery center. That type of use requires a staging and sterilization area and a small separate trash area so that they are not going to the dumpster multiple times during the day. Adjacent to the stairwell to the rear, they will be adding two, one story additions and a vent for the airway. They will also need three pads outside the building for a transformer, chiller and generator to be located in the islands. This required the islands to be larger, which resulted in a loss of seven parking spaces. Initially, the regulations called for 96 spaces for the plan; 96 are still required. They provided 111 spaces on the original plan. With the revision, they are netting 104 spaces, which still exceeds the regulatory requirement. They have also added three shrubs, that although not required, fill out the plan. In addition, they will have some grading at the staging area.

Mr. O'Connor asked if the Fire Department reviewed the vent to make sure it does not require a fire suppression system? Mr. Coviello advised the Fire Department will review that as part of the building plan submitted with the building permit application. The Fire Department saw this plan and did not have any concerns at the time.

Motion by MacEachern to accept jurisdiction of the plan, seconded by O'Connor. The motion passed with all in favor.

Motion by MacEachern, seconded by Heard to approve the site plan application for Tsienneto Fourteen Development, LLC, PID 08079-005, 14 Tsienneto Road, pursuant to RSA 676:4,I, subject to the following conditions: Comply with the KNA report dated September 13, 2010; subject to owners signature; subject to onsite 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 are met within 6 months, and a \$25.00 check, payable to RCRD should be submitted with the mylar in accordance with the LCHIP requirements.

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

There was no further business before the Board.

Motion by MacEachern, seconded by Heard to adjourn. The motion passed in the affirmative and the meeting stood adjourned at 7:50 p.m.