

The Planning Board for the Town of Derry held a public meeting on Wednesday, December 1, 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 (7:16 p.m.); Brian Chirichiello, Town Council Representative; Randy Chase, Administrative Representative; Frank Bartkiewicz, Alternate

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

Absent: Darrell Park, Maureen Heard, Jim MacEachern

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, and agendas.

Mr. Bartkiewicz was seated for Mr. Park.

## **Escrow**

### **#10-42**

**Project Name: Martingate**

**Developer: Martingate, LLC**

**Escrow Account: Martingate, LLC**

**Escrow Type: Letter of Credit (Enterprise Bank)**

**Parcel ID/Location: 30047, 1 West Broadway**

The request is to renew Letter of Credit #19981, drawn on Enterprise Bank in the amount of \$45,961.34 for the above noted project. The expiration date will now be December 4, 2011.

Motion by O'Connor, seconded by Bartkiewicz to approve. The motion passed with Chirichiello abstained as he sits on a Board with one of the principles.

### **#10-43**

**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 the final release of cash escrow for the above noted project in the amount of \$6156.00 plus accumulated interest. The amount to retain is zero.

Motion by O'Connor, seconded by Bartkiewicz. The motion passed with all in favor.

**#10-44****Project Name: Bunker Estates****Developer: JEMCO Builders & Development, Inc.****Escrow Account: JEMCO****Escrow Type: Letter of Credit, #20001082, TD Bank****Parcel ID/Location: 02020-001, 65 Fordway**

The request is to renew Letter of Credit #20001082 in the amount of \$62,122.86. The new expiration date will be December 11, 2011.

Motion by O'Connor, seconded by Bartkiewicz to approve as presented. It was noted the Board had a memo that approved the creditworthiness of the bank. The motion passed in the affirmative with Chirichiello abstained, as his employer markets the property.

**Minutes**

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

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

**Correspondence**

Mr. O'Connor advised correspondence was received from a concerned citizen with regard to the last meeting. Mrs. Robidoux provided a response to the citizen and it appears the matter is resolved. Mr. Chirichiello asked if all of the concerns had been taken care of? Mr. O'Connor noted that the citizen had requested information regarding the Planning Board decision on the CLM parking lot. There were concerns and questions as to whether the applicant had met certain criteria, and the response was appropriate as far as he can see. Mrs. Robidoux replied by letter and explained the meeting and the criteria. Mr. Chirichiello noted the citizen requested a new hearing. Mr. Granese advised the Board approved the plan. The citizen had an issue with the bridge to the get to the new parking lot and was concerned there would not be adequate access for wildlife. There was also some confusion between this project and Overlook Medical Center. The Board answered the questions that evening and thought everything was addressed and the concerns satisfied; the Board approved the plan. An email was sent by the citizen requesting a new hearing. Mrs. Robidoux explained the

process for appeal; several emails went back and forth, but the issue seems to be resolved at this point.

### **Other Business**

Mr. Granese advised Town Council will hold its public hearing on the proposed zoning changes in the area of the Robert Frost Farm on December 7. He asked Board members to attend to support the request.

Mr. Sioras advised at the next Planning Board meeting, the Board will hold a Design Review on the Walmart plan. The design incorporates Board comments from this summer. This is not the final submission. Abutters will be notified of this hearing and plans are currently in the office if anyone would like to review them.

### **Southern New Hampshire Planning Commission – 10 Year Highway Plan**

Tim White, Senior Transportation Planner at Southern New Hampshire Planning Commission (SNHPC) reported he is visiting the Planning Board's in SNHPC's region. They are beginning the development process for the next 10 year plan – the 2013 to 2022 version. In August they did the Joint Air Quality Conformity Statement. The Transportation Improvement Plan was approved in September and the long range Regional Transportation Plan. It is hoped the Conformity Plan approval process will be completed by the Federal Highway Commission and the FTA by the end of the year.

This is a revolving two year process. They are taking the projects from the first 4 years of the current plan and those are becoming the Regional Transportation Improvement Program, which implements road and bridge projects for the state.

The process involves soliciting project information from member communities, taking town feedback and then the Technical Advisory Committee ranks the suggested projects. That information is sent to NH DOT by May of 2011. He is asking the town to begin to think about projects in the current version and what the town would like to see in the next 10 year plan. He has provided an overview of Derry's 10 year highway plan projects. Projects that are currently funded include the final design engineering for Exit 4A, CART, and the widening of I-93.

Items that are found in the long range transportation plan are largely unfunded. They come from town CIPs, Master Plans and Corridor Studies. They are more conceptual in nature. There are two projects listed for Derry that are on the state's Red List Bridge List. Regarding Exit 4A, there are funds in the current 10 year plan. The design for the interchange is reaching its final stage. The Environmental Impact Statement should be finalized by mid 2011. There should be a record decision by the end of the year. The construction has not yet been funded. Mr. White asked if the Board had any questions?

*Mrs. Choiniere was now seated.*

Mr. O'Connor asked if the presentation packet would be available to the public? Mr. Sioras said copies would be available in the Planning Office and a copy would be placed on the Planning Department page of the town website. Mr. White noted information on the 10 Year Highway Plan is also available on the NH DOT website.

Mr. O'Connor inquired with regard to Exit 4A. Is the final design funded by the state? The state currently has one million dollars set aside for the design in the current 10 year plan. If more funding is required, will it come from the towns? Mr. White did not know. Just because an item is listed in the long range plan does not mean it is funded. It only means that the project is regionally significant. SNHPC believes projects on that list will be funded because of their regional importance. This includes the Exit 4A construction project.

There were no further questions.

## **Public Hearing**

**Boomer Wolf, LLC**

**PID 08275 & 08276**

**10 Tsienneto Road**

**Determination of Regional Impact**

**Design Review, Site Plan**

**Commercial development of four retail buildings consisting of 49,000 SF±**

Mr. Sioras advised this is the Design Review hearing and relates to the former Dave Allen and Troy Allen dealerships. Tonight the applicant is seeking input from the Board. The town has been working with the applicant's engineering staff and consultant on the concepts. This evening, Patrick Crimmons of Appledore Engineering and Randy ~~LeClaire~~LaClaire, the owner's representative will present the plan. The owner is also present this evening.

Mr. Crimmons advised his client is proposing a commercial redevelopment at 17 and 19 Manchester Road. Currently, the lots are two vacant auto dealerships. The property is bounded to the north by 3 abutting parcels, to the east by Linlew Drive and the Pinkerton Tavern, to the south by Route 28 (Manchester Road), and to the west by Ashleigh Drive. The project consists of merging the two lots and demolishing the existing building on 17 Manchester Road. The project has a total of 49,000 square feet of retail space. The existing building at 19 Manchester Road, will consist of 19,000 SF of retail space. The intent is to enclose the existing canopy at the left hand corner of the building and have that become an addition to the building. Along Ashleigh Drive, they are proposing a 9,000 SF retail space; along the frontage of Manchester Road another 5,000 SF of retail space, and then at 17 Manchester, a 16,000 SF retail space.

The project meets all the dimensional, setback and open space requirements. It will reduce impervious area by 4.5%. They are providing the required 245 parking spaces for the 49,000 SF of retail space, including 12 ADA spaces. There will be new granite curbing along the access drives and the parking lots. The dumpster for each building will be in a fenced enclosure.

They have worked with the town, Hoyle Tanner, and Vanasse Associates to layout the site to accommodate the widening on Ashleigh Drive and Route 28. They have also incorporated pedestrian connectivity through the entire site, along the frontage of the site and connections to the existing walking trail. They met with Saucier + Flynn who are working on the drainage master plan for this area. This is a key component; they want people to be able to walk from building to building. They have an enhanced landscape plan throughout the site. There will be street trees along the frontage and stormwater enhancement. All impervious areas will be treated on site; runoff will be collected by catch basins, flow to grassed treatment swales, and then discharge to the wetland to the rear. There will be no wetland impacts. The site will disturb over 100,000 square feet, and will require an Alteration of Terrain permit. They will submit a drainage analysis to the state and to the town. A preliminary drainage analysis has been included in the Planning Board packets.

With regard to utilities, they will use the existing service for the building at 19 Manchester Road. The proposed buildings will be served by a new water service loop; sewer will tie into the existing sewer man hole; electric and telecommunications will be underground and the site will be serviced by natural gas. They have included a preliminary photometric plan and cut sheet for the parking lot light fixture. The lights are full cutoff, nighttime friendly.

Mr. Crimmons reported they have been proactive in coordinating with the town staff, and consultants and have reached out to the Walmart's traffic consultant. Meetings were held on October 27<sup>th</sup> with Planning and the Department of Public Works, on November 2, with Saucier + Flynn, on November 12, with the TRC, and on November 18 with Highway Safety.

Randy ~~LeClaire~~LaClaire presented a rendering of the building to be renovated at 19 Manchester Road. They are still in the early design stages, but this building is in keeping with the intent of the rest of the proposed development. They will maintain the EIFS along the front, and the vertical wood will use board and batten. The canopy will be enclosed with EIFS. They will add a new entrance to the corner and clean up the rear. There will also be an entrance for the service areas. The intent of the developer is to take on an antique New England feel, and they will use rough sawn post and beam type construction and appearance. The icons indicated will have exterior back lighting.

Mr. Granese asked if the colors on the rendering are the proposed colors? Mr. ~~LeClaire~~LaClaire said the colors are not cast in stone. The existing roof is a red shingle. In answer to Mr. Granese's other questions, Mr. ~~LeClaire~~LaClaire responded that the new building will have a wood appearance exterior with a concrete foundation. They

have potential tenants for the 19,000 and 16,000 square foot buildings, but not for the remaining two. It is possible the 9,000 SF building could have two tenants. Mr. Granese commented the Union Leader reported Goodwill would be one of the tenants. Mr. ~~LeClaire~~LaClaire advised that was not set in stone or confirmed as there is not a lease agreement with Goodwill. If an agreement is signed, they would likely be in the 16,000 SF building.

Mr. O'Connor asked with regard to lighting. Will it be metal or high pressure sodium? Will they try to match the surrounding businesses? Mr. ~~LeClaire~~LaClaire said they would try to match the surrounding area. Mr. O'Connor noted that there is no mention of snow removal on this plan, and that may need to be addressed. Mr. Crimmons said that was a good comment and he would look at it.

Mrs. Choiniere asked if the buildings will all be single story? Mr. ~~LeClaire~~LaClaire said the existing building has a mezzanine area; the rear of the cupola will be open space and there will be no storage in it. There is a dormer in the rear of the second floor that is used for mechanical space.

Mr. Chase asked if the two lots will be graded, or will they remain the same? Mr. Crimmons said they will even the slope as you come across the site from Ashleigh toward the new buildings. The finished floor will come up about two feet and then go back to grade. Mr. Chase asked with regard to the entrance on Ashleigh Drive. Where is it in relationship to the driveways for Dunkin' Donuts and Sullivan Tire? Mr. Crimmons said the entrance is not in line with those across the street; it is more between them. Mr. Chase said it would be helpful if the plan showed the three entrances in relation to each other. Mr. ~~LeClaire~~LaClaire noted the existing entrance off Ashleigh Drive will be moved just a bit to accommodate the roadwork on Ashleigh.

Mr. Granese asked about the emblem on the front of the building rendering. Mr. ~~LeClaire~~LaClaire said it is an iconic element that will represent the retailer; it could be anything. Mr. Granese suggested in its place, an old clock. This rendering looks like what the Board wanted to see in this area with regard to open space, walkability and pedestrian friendliness. He likes the look of this building and is looking forward to seeing the designs for the other buildings. This is the first thing people will see and will be the focal point of the development.

Mrs. Choiniere asked what is the area to the right of the proposed 50 x 50 square? Mr. Crimmons advised the preliminary grading design includes a small detention area; they may be able to remove that, but it has been reserved in the event they need it. That area could be extended. There is an existing foot trail to the left and they wanted to show that they can connect to it from the sidewalks.

Mr. O'Connor advised the Board needs to look at regional impact which also includes vehicular impact. Mr. Crimmins stated his office provided a copy of the plan to Walmart's engineers so that their updated analysis will include this proposed 49,000 SF of retail space. They do not have traffic counts. Mr. O'Connor said he assumed all of

the counts will be accounted for. Mr. Sioras noted Mike Fowler has been coordinating with all of the various entities. Mr. Crimmons said they have provided Hoyle Tanner with an electronic copy of their plan so that their curb cuts will be where they are shown on the plan. Mr. O'Connor noted that as Route 28 is a state road, the state will have final say on the curb cut locations.

Mr. Chirichiello asked with regard to the 9,000 SF building. As one travels up Ashleigh, will the back of the building face the road? Mr. ~~LeClaire~~LaClaire said yes; they have a landscape plan that will address that. Mr. Chirichiello asked that something be done to dress up the rear of the building so that passersby are not looking at a blank wall. Ashleigh Drive is the entrance to the future Walmart and the Cinema. Mr. ~~LeClaire~~LaClaire said they would certainly look at it. Mr. Granese commented Ashleigh Furniture in Salem made the back of their building look like the front because they had the same situation. Mrs. Choiniere asked if there will be access to the southeast of 19 Manchester Road? Mr. ~~LeClaire~~LaClaire said the proposed tenant is looking at service areas for that side for its customers and there will be a customer entrance there.

Mr. Granese asked if the walkways will be lighted or will the lighting come off the building? Will there be any lights between the 19,000 SF and 5,000 SF building? Mr. ~~LeClaire~~LaClaire said there will be lighting on the buildings. Mrs. Choiniere requested that the back of the 5000 SF building that faces Route 28 be dressed up as well as it appears the rear of that building will face Route 28 as well. Mr. ~~LeClaire~~LaClaire said they would look at that.

The Board provided suggestions for retailers they would like to see in this development. The suggestions included Trader Joe's, a bookstore, Joanne's Fabric, a nice American food restaurant, Panera Bread, and the Pinkerton Tavern. Mr. Granese noted the town has great restaurants in town and choices range from sub shops and burgers to Mediterranean food. Mr. ~~LeClaire~~LaClaire stated the owner's intent is to have a family friendly development.

There was no public comment.

Mr. Chase asked with regard to the small panhandle of land adjacent to Linlew Drive. Is there any thought to developing that part of the lot? Mr. ~~LeClaire~~LaClaire said they were open to suggestions. Mr. Chase felt there was room for another 5,000 SF development that would not impact the wetland. Mr. Granese thought a lighted path/walkway would be great there as well. This area will be phenomenal and it would be nice to attract people to the area.

Mr. Sioras complimented the developer, his consultants and engineers. It was a pleasure to work with such a professional and first class group. Mr. Granese said this concept is a nice plan and he is looking forward to seeing the final plan. He likes what he sees so far.

At the next meeting, the Board will review the Design Review plan for Walmart and a 3 lot subdivision on Kilrea Road.

Motion by Choiniere to adjourn, seconded by Bartkiewicz. The motion passed in the affirmative and the meeting stood adjourned at 7:55 p.m.