

The Planning Board for the Town of Derry held a public meeting on Wednesday, May 4, 2011, 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 Chairman; Frank Bartkiewicz, Secretary; David Milz, Town Council Representative; John P. Anderson, Town Administrator; Randy Chase, Administrative Representative; Michael Fairbanks, Alternate (7:01 p.m.)

Absent: Darrell Park, Jim MacEachern, Jan Choiniere, Anne Arsenault

Also present: George Sioras, Planning Director; 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 material for the evening. Mr. Granese welcomed Michael Fairbanks, newly appointed alternate, to the Board.

Mr. Fairbanks was seated for Jan Choiniere this evening.

Escrow

#11-10

Project Name: Jon Clark/Dean Gibson (Rapp subdivision)

Developer: Jon Clark/Dean Gibson – John Svenson

Escrow Account: Jon Clark

Escrow Type: Cash Escrow

Parcel ID/Location: 27036, 28 Fairview Avenue

The request is to approve the final release of cash escrow for the above noted project in the amount of \$13,089.60 plus accumulated interest. The amount to retain is zero. The release of cash escrow is subject to the agreement (PW11-171) between John Svenson and the Department of Public Works that was executed on April 18, 2011.

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

Minutes

The Board reviewed the minutes of the April 20, 2011, meeting. Mr. Sioras noted the suggested amendment to the minutes provided by the Planning Department. The

purpose of the amendment is to clarify the intent of what was stated. The suggested change is to page 7, paragraph 3 to now read, "Mr. Sioras suggested a friendly amendment that revisions to the site plan sheets to reflect the changes to the easement areas and lot lines that have been approved tonight are allowed without further review by this Board pursuant to the discussion with Attorney Kevin O'Shea this evening."

Motion by Anderson seconded by O'Connor to accept the minutes of the April 20, 2011 meeting as amended. The motion passed in the affirmative.

Correspondence

Mr. Bartkiewicz advised the Board has received correspondence from the New Hampshire Land Surveyors Association reminding Planning Boards that NH RSAs state only a Licensed Land Surveyor or the Court can determine the boundary of a property. It is not acceptable for a professional engineer to stamp the plan and certify the boundary. The Board is also in receipt of an updated member information listing and the periodical "Great Bay Matters".

Other Business

Planning Board Policy & Procedures

Mr. Granese advised the Board has reviewed the Policy and Procedures over the last few meetings, and the suggested changes have been incorporated. Mr. Anderson noted the change in the meeting nights from the first and third Wednesday of the month to the second and fourth Wednesday of the month. Mr. O'Connor added that workshops will now be held during regular meeting nights.

Motion by O'Connor, seconded by Bartkiewicz to accept the revisions and adopt the Town of Derry Planning Board Policy and Procedures.

Chase, Anderson, O'Connor, Milz, Bartkiewicz, and Granese voted in favor; Fairbanks abstained and the motion passed.

Mr. Granese noted the next meeting date will be June 8, 2011, beginning the new schedule.

Schedule Workshop for M. Rose rezoning request

Mr. Granese advised that at the last meeting the Board discussed the request for rezoning received from Maureen Rose, resident.

Mr. Sioras explained that Ms. Rose had sent the Board an email supporting Arthur Caras' request to rezone from ORD to residential. Along with that, she submitted a

request to the Board that it look at the Industrial V zone near her home, and consider rezoning that to residential. The Board looked at the same request in 2009 and decided not to change the zoning. She is asking the Board to look at this again.

Mr. Granese stated he would like to form a subcommittee which he will lead, to look into the request further. Dave Milz, John O'Connor, and Frank Bartkiewicz offered to join the subcommittee. Mr. Anderson moved the formation of the subcommittee, seconded by Mr. O'Connor. Mr. Granese said the subcommittee will convene, review the request and bring its recommendation back to the Board, hopefully by the next meeting.

Schedule Public Hearing for ORD zone change

Mr. Sioras advised the Board had reviewed the request to rezone the ORD to LMDR and decided to hold a public hearing to discuss the change. June 22 is the suggested date. Landowners and abutters will be notified of the public hearing. Mr. Anderson suggested July 13 which would allow the Planning Department more time to prepare the abutter notices as there will be quite a number of them. Mr. Granese agreed that would be the better date. Mrs. Robidoux advised she could get the notices done but appreciated the Board's consideration for the extra time required to prepare the notices. The affected parcels are as follows: Parcel 02082, 02146, 02147, 02148, 02082-002, 02070, 02149 and ~~01207~~01027.

Motion by Anderson, seconded by Bartkiewicz to schedule a public hearing on July 13, 2011, to discuss the zoning change from ORD to LMDR.

Chase, Fairbanks, Anderson, O'Connor, Milz, Bartkiewicz and Granese voted in favor and the motion passed.

Request for Extension – T Mobile

Mr. Sioras advised the Board is in receipt of a request from T Mobile to extend the conditions of approval for an additional 6 months. This is the first request. Traditionally, the Board allows the first extension. Mr. Granese asked if Mr. Sioras believed the applicant is moving forward and will build the tower? Mr. Sioras said that it has happened before that the plans do not get built, but this applicant has not indicated anything other than they are moving forward. They are working on the escrow requirements. For construction, it is essentially a pad.

Motion by Anderson to grant a six month extension of the T Mobile approval to ensure compliance with the conditions of approval. Bartkiewicz seconded the motion. The new expiration date would be November 17, 2011.

The motion passed with all in favor.

Mr. Anderson asked Mr. Sioras to advise the applicant that any additional extension request will need to supply more information as to where the applicant is in the process.

Public Hearing

**Boomer Wolf, LLC
PID 08275, 19 Manchester Road
Condition Compliance Hearing – Architectural
Goodwill**

Mr. Sioras provided the following staff report. As part of the Planning Board conditional approval for the new commercial development at the former Dave Allen car dealership on February 9, 2011, it was requested the applicant return to the Planning Board and show the proposed architectural renderings of the building once a tenant was identified. The 16,000 SF building will be a Goodwill store. He would recommend approval of the architectural rendering.

This is condition compliance hearing. The site plan has already been approved. There are no permits required. Mike Sweeney of Goodwill and Randy LaClaire, representing Boomer Wolf are present this evening.

Mr. LaClaire, RKL Consultants, presented the plan to the Board. He showed the Board a rendering of the building that matches the footprint on the site plan. It is a steel frame, bar joist building with a flat roof. The exterior wall is insulated wood frame. There will be a canopy to the front with a 1:1 slope. The roof will be architectural asphalt shingles; siding will be plank clapboard. The trim will be cement board. The column bases will be brick fascia. There will be three gables on the building and there will also be a drive thru for drop offs.

Mr. O'Connor asked with regard to the dumpster location. Will the dumpster be screened? Mr. LaClaire explained the dumpster will be located to the north side and it will have a wood fence enclosure. Mr. Anderson commented the building has a look very similar to a national drug store. Could this be a multi-use building later? Mr. LaClaire noted the coloring is different. Mr. Anderson thought, based on the rendering, that the windows would not let in a lot of natural light. Mr. Sweeney said they developed the design for the store about two and a half years ago and used it for the Rockland, Maine store. They do not intend for the space to be used for a drug store. The ocean constraints forced them in Rockland to look at the design and ensure that it fit into the landscape. That is why there is a pitched roof and residential feel. In person, it is a very good looking building and is not an eyesore. Mr. Anderson asked again with regard to the windows? Mr. Sweeney explained they are 3' x 22' (7.5 feet off the floor) and they do let in a lot of natural light; the intent was to create a good working condition and retail environment. The windows are above the shelving, so the retail goods are not seen from the road. Mr. Anderson noted the Rockland facility is a nice store.

Mr. Granese asked if the Goodwill in Londonderry would close? Mr. Sweeney said not to his knowledge.

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

Motion by O'Connor, seconded by Bartkiewicz to close the public hearing. The motion passed with all in favor and the plan came back to the Board.

There was a short discussion relevant to the use of local materials in the facades of buildings.

Motion by Anderson to approve, pursuant to LDCR, Article XIV, Architectural Design Review Regulations, the rendering for the Goodwill store to be located at 19 Manchester Road. O'Connor seconded the motion.

Chase, Anderson, O'Connor, Milz, Bartkiewicz and Granese voted in favor. Fairbanks abstained as he had not been present for the original site plan. The motion passed in favor.

Mr. Granese welcomed Goodwill to Derry and wished the applicant luck in the future.

There was no further business to come before the Board.

Motion by Anderson, seconded by Bartkiewicz to adjourn. The motion passed with all in favor and the meeting stood adjourned at 7:22 p.m.