

The Planning Board for the Town of Derry held a public meeting on Wednesday, July 13, 2011, at 7:00 p.m. at the Derry Municipal Center (3rd floor meeting room) located at 14 Manning Street in Derry, New Hampshire.

Members present: David Granese, Chairman; John O'Connor, Vice Chairman; Jan Choiniere, Secretary Pro-Temp (7:10 p.m.); David Milz, Town Council Liaison; Randy Chase, Jim MacEachern (7:07 p.m.), Members; Michael Fairbanks, Anne Arsenault, Alternates

Absent: Frank Bartkiewicz; John P. Anderson, ~~Darryl~~Darrell Park

Also present: 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 the exits, and agendas.

Mr. Fairbanks was seated for Mr. Bartkiewicz and Mrs. Arsenault was seated for Mr. Park.

Escrow

#11-20

Project Name: Indian Hill Estates

Developer: Brady Sullivan Indian Hill, LLC

Escrow Account: Brady Sullivan Indian Hill, LLC

Escrow Type: Letter of Credit

Parcel/Location: PID 04003, Indian Hill Road/Goodhue

The request is to renew Letter of Credit #181, in the amount of \$211,793.75 for the above noted project. The new expiration date will be August 2, 2012.

Motion by O'Connor to approve as presented, seconded by Milz. The motion passed with all in favor.
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#11-21

Project Name: Derry Walmart

Developer: Walmart Real Estate Business Trust

Escrow Account: Walmart Real Estate Business Trust

Escrow Type: Cash escrow

Parcel ID/Location: PID 08279, 11 Ashleigh Drive

The request is to accept cash escrow in the amount of \$424,000.00 for the Fair Share Contribution to be used toward the Route 28/Manchester Road off site road improvements. Upon execution of the construction contract for the Route 28/Manchester Road improvements, the Board authorizes release of the \$424,000.00 to the General Fund. Pursuant to RSA 674:21,V (j), the funds shall be returned to the applicant, plus accumulated interest, if the contribution has not been utilized by the town by July 13, 2017.

Mr. O'Connor inquired as to the \$100,000.00 check that was also received by the Town? Mrs. Robidoux advised it was for the conservation contribution.

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

#11-22

Project Name: Hampstead Road & Harvest Drive (Harvest Estates)

Developer: Robert MacCormack

Escrow Account: Hampstead Road & Harvest Drive

Escrow Type: Letter of Credit

Parcel ID/Location: PID 10015, 10024, 10025, Hampstead Road and Harvest Drive

The request is to release \$482,393.88 and request a replacement Letter of Credit in the amount of \$258,331.68 for the above noted project. Upon receipt of the replacement Letter of Credit, the Board will release the Letter of Credit in the amount of \$740,725.56.

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

Minutes

The Board reviewed the minutes of the June 22, 2011, meeting.

Motion by O'Connor, seconded by Fairbanks to accept the minutes of the June 22, 2011, meeting as written. The motion passed in the affirmative with Milz, Chase and Arsenault abstained.

Correspondence

Mr. Granese advised the Board has received an agenda for the Southern New Hampshire Planning Commission meeting to be held on July 26 at 11:30 a.m. at the SNHPC offices on Dubuque Street in Manchester. The agenda is posted on the main floor lobby of the Municipal Center. Members wishing to view the new issue of *Town &*

City should see the Planning Office. A copy of the updated Change in Use index has been provided to the Board. Mr. Granese commented it is nice to see the new businesses in town.

The Board is in receipt of a copy of the Nutfield News article published with regard to the Board's meeting on the request to change the town line between Windham and Derry. It was forwarded with handwritten comments on it. Mr. Granese asked that residents please come to the meetings and express their concerns on issues publically. Mr. O'Connor asked that if residents are sending correspondence or remarks to the Board that they put their name on it. The Board recognizes citizen concerns but in this instance, the comments were not signed and it is difficult to tell if the comments came from a Derry resident or not. The Board likes to follow up on comments, but can't do that without a contact.

Other Business

Farmers Market

Mr. Granese reminded everyone of the Farmers Market that takes place every Wednesday between 3:00 and 7:00 p.m.

Summer Schedule

The next meeting of the Planning Board will be August 24, 2011.

Mr. MacEachern was now seated.

PUBLIC HEARING

To amend Section 165-30 Zoning Map by rezoning certain parcels from Office Research Development to Low-Medium Density Residential (LMDR).

Purpose of Amendment: to rezone 8 properties that lie within the Office Research Development zone to Low Medium Density Residential. If the amendment is adopted, these properties will be subject to the Low Medium Density Residential zoning requirements contained in Section 165-47 of the Derry Zoning Ordinance. An amendment to the zoning map delineating the lots in the Low-Medium Density Residential zone is being adopted to reflect these changes. For the lots affected, this amendment is comprehensive in nature. The properties affected are as follows:

Parcel 02082, 20.5 Berry Road
Parcel 02146, 7 South Range Road
Parcel 02147, 15 South Range Road
Parcel 02148, 17 South Range Road
Parcel 02082-001, 25 South Range Road
Parcel 02070, 7.5 Willow Street

Parcel 02149, 57.5 Frost Road
Parcel 01027, 105 Frost Road

Mr. Granese asked for public comment.

Arthur Caras advised he owns three of the parcels. He asked the Planning Board to consider changing the properties back to a residential use as it was fifteen years ago. Under the present zoning, it would be less density than it was years ago. During the time the Board updated the old Master Plan, he was asked to put his land into this type of industrial use. He agreed if the use could be industrial or residential; it was then decided to leave the land as industrial use only. The Planning Board promised at that time that if the Town Council voted in favor of supplying utilities and good access to the property it would not be too problematic for the neighbors.

Nothing happened after that and he asked the Board several times to rezone the property back to a residential use, which it did not. Now, they are at the stage where it is being discussed. Mr. O'Connor asked for clarification of when the Board made promises? Mr. Caras said it was in the 1990's during Mary Ann Edmann's tenure as Chair. At that time, the Board had adopted a new Master Plan prepared by Hans Klunder. The properties are surrounded by residential uses on Berry, Windham and Frost. It would be a negative impact on the neighborhood to have half a million square feet of industrial office/research and development. Holden Engineering looked into the potential use of the lots and determined that it could support 500,000 square feet of office space with sewer and water if there was good access; even then, it was not economically feasible. If the lots were developed commercially, UPS trucks and cars would go in and out of the properties at a high volume. They gave it time to make it work, and it did not. There were people who looked at the properties in the 1990's but they said it was located too far off a highway exit, there were no utilities or good road access and it would have to be built out from within the town.

Mr. Fairbanks asked what was the zone before the property changed to ORD? Mr. Caras said it was Rural residential which allowed agricultural type uses. Single family homes were allowed on 10,000 SF with water and sewer.

Mr. MacEachern said originally the lots had 10,000 SF zoning; it was then rezoned to 1 acre residential and then to ORD. This has been discussed and gone back and forth a few times. Each time there has been good discussion on each side. Mr. Caras said they tried to make it happen [development] when it was zoned rural residential, but nothing happened. The proposed zoning would blend in with the rest of the community.

Mrs. Choiniere was seated and appointed Secretary Pro-Temp.

Joe Santos, 12 South Range Road advised he has lived in Derry for about 30 years. During that time there have been a few requests to change the zone. When it was changed to ORD, there had been talk shortly thereafter to build a school on the

property. Why is there a request to change the zone now and are there any potential plans to develop?

Mr. O'Connor said it was changed to ORD in 1999, which is more light industrial and research. Now, because there is no water or sewer in that area, Mr. Caras would like to see it zoned residential. He could then have 2 acre residential. It has been available for years as ORD with no takers to develop it. Mr. Santos wanted to know why the intent was to rezone Low Medium Density Residential and not Low Density Residential which is three acres? Mr. O'Connor explained that previously it had been 1 acre zoning, but the intent was to move it to two acre zoning. Mr. Santos noted there is a lot of wetland in that area. Mr. O'Connor felt that the size of the wetland may prohibit development of some lots.

Mr. MacEachern added that the reason the Board looked at 2 acre zoning is to be as consistent with the surrounding area as possible. Three acre zoning is not in this area of town. If the lots are subdivided, they will need to meet the wetland requirements. Some of the lots may be larger than 2 acres, but they definitely won't be less than 2 acres which is the minimum. There is no plan in place or before the Board for housing at this time. Mr. Santos asked why is Mr. Caras asking for this now? What is his plan?

Mr. Caras said the plan is to have the property rezoned to 2 acre residential so that it had the potential to be subdivided. The Planning Board has not given permission to subdivided the property. He would just like to see the zoning designation changed. If he wanted to subdivide his lots, he would have to have prepared fully engineered plans and go through that year long process. He can't grid out 40 house lots without permission. He owns 160 acres of the land that is being discussed this evening.

Mr. Santos wanted to know why the Board did not look at 3 acre zoning rather than 2 acres? There is no sewer in that area. Mr. Caras stated the proposed zoning coincides with the surrounding neighborhood. He would not want to see one acre zoning because the lots would need 1.5 acres for septic.

Mr. O'Connor said current ORD at one time could have had 1 acre and 10,000 SF which is less than what is being requested now. Mr. Caras is requesting 2 acres. The lower lots are wet and may not be developed. Mr. Santos said his concern is that this area of town is the only decent area left to develop. He is not against homes, but homes on smaller lots without sewer do not seem like a good idea, especially as the lots about Windham where there is 5 acre zoning. The Board noted that the lots adjacent to these properties will actually have 1 acre when developed [Spruce Pond Estates} along the town boundary. Mr. Santos said there are 3 lots along South Range Road that are on 10 acres of land. Mr. Caras can do what he wants, he would rather see homes than commercial development and is glad there is no intent to put a school there. Having a school in that area would not have been a good choice. There were many traffic accidents in that area; a light has finally been installed. The land that is there should be preserved. Two acre zoning without water or sewer is not wise. There is a lot of wetland and runoff in the area.

Cheryl Holbert, 20 Berry Road, said she has lived in the area for 19-20 years. She has seen the changes come and go. Her concern, which is a consensus for the neighbors, is for the wildlife in the area. Mr. Caras was kind enough to let them walk the land with the Nature Conservancy. There is a concern in town to protect wildlife corridors. This is the only parcel in this area of Derry that has the potential to be a wildlife corridor. More important to the neighbors is the question of sewer and water for this area. The land was changed to ORD to keep it neutral. Infrastructure improvements are a large undertaking. On Berry Road, there are residents who have had to re-drill wells. Hooking into the town infrastructure is expensive and may cost some people their homes. How does the town communicate expansion plans to the neighbors? There are a lot of wetlands in the area. It is a massive expense to hook to the town water and sewer. How are the residents made aware of the impacts and fees? Do the neighbors have a say in that kind of decision? They have been told in the past that there is a need for water and sewer in this area. Mrs. Holbert explained the neighbors had previously been told if the zoning changed, water and sewer would be brought to the neighborhood and that is a massive expense for homeowners to connect to the infrastructure.

Mr. Granese said if anything was to be built there, it would come before the Planning Board and there would be abutter notification. The expansion of water and sewer falls under the purview of Public Works. Mr. MacEachern stated that at the time the Board rezoned the property to ORD, it was in keeping with the then Master Plan and the Master Sewer and Water Plan which shows water and sewer being installed down Windham Road and then to Route 28. There are no plans to run it in that area now. All of that would involve many public hearings. Mr. Caras is here to ask that his property be rezoned back to residential. This is not a request that involves the expansion of water and sewer. This is up a level from the 10,000 SF lots to a 2 acre minimum. This is a public hearing to rezone the property. If Mr. Caras chooses to subdivide, he needs to come back to the Board and there would be a public hearing.

Mrs. Holbert did not feel it was desirable to develop the land in the manner it is zoned now. If it is rezoned, the desirability could change. Her concern would be that if the zone changes, does that get the area closer to water and sewer? The feeling is to keep the zone the way it is so that it does not get developed.

Mr. Milz stated that water and sewer are more preferable for a commercial use. It is less likely to need water and sewer installation in an area for strictly residential use. The infrastructure would still go down Route 28. The Town Council has plans to schedule a workshop later this summer to discuss the expansion of water and sewer down Route 28 (Ryan's Hill). Mr. O'Connor asked with regard to the number of people that had to re-drill wells on Berry Road. Mrs. Holbert explained the wells are 500-600 feet deep and re-drilling had more to do with the developer of the homes not drilling deep enough and nothing to do with the amount of wetland in the area. There is a large aquifer in the area, but it is below the 500 foot level.

Don Allen, 17 South Range Road advised his well is 800 feet deep. At 750 feet, it was only yielding ½ gallon a minute. He recalled that a few years ago, the Planning Board had talked about the possibility of an overly zone that would be a form of cluster development. If there was a way to preserve the natural features so that wildlife can be protected, that sounded like a good idea. The Board advised the open space ordinance did not move beyond the Planning Board to Town Council. Mr. Allen said that sounded like a good idea to preserve open space.

Mr. Santos reiterated he felt if the land was rezoned to residential, it should be three acre zoning. Everything he is hearing supports a larger land density.

Mary Cappoto, 10 Towne Drive advised her lot has over 5 acres of land. She would rather the lots stay zoned ORD so that they stay undeveloped. Perhaps the Conservation Commission could consider purchasing all of the land. Right now, it is not desirable to developers. If the land was residential, where would the roads go? There are a lot of wetlands.

Mr. Milz stated the Board would not plan that. This hearing is to change the zone. Mr. Caras would need to develop the plan showing the road and setbacks. Mr. MacEachern said there are access points to some of the parcels already and they are visible when you look at the map of the properties. They are fingers of land that lead to main roads. Those are potential rights of way into the lots. Ms. Cappoto said she likes the land back there as it is. She also asked why was not everyone was noticed of the meeting? Not all the residents on Willow or Town received notices.

The map of the area was made available on the overhead for the members of the audience after a period of technical difficulty and Board members pointed out the fingers of land mentioned by Mr. MacEachern.

Mrs. Robidoux explained that notices of the public hearing were sent to abutters located 200 feet in all directions of the 8 parcels. Not everyone picked up their mail.

Brian Fox, 59 Frost Road, advised unfortunately, one of the rights of way is located at 57.5 Frost Road which is adjacent to his lot. The majority of the neighbors do not want to see this land developed. It sounds like there is less chance of development if the land remains zoned as it is and they want to see it left as is. He does not want to see cars going up and down beside his driveway if the land behind him is developed.

Ms. Cappoto asked if the Planning Board would present to the Conservation Commission the possibility of the purchasing this land so that it can be preserved? Or is that moot if the Board changes the zone tonight? Mr. MacEachern said requests can be made directly to the Conservation Commission which meets on the first and third Monday of the month.

Mr. Granese explained the Board may or may not make a decision on the land this evening, but if it is approved, it will be forwarded to Town Council and they will hold

another public hearing. They have the final say. Mr. MacEachern noted that the Conservation Commission can at any time offer to purchase a property; it does not matter what the land is zoned.

Suzanne Marciano, 61 Frost Road, asked if the land is rezoned LMDR would it be single family residential or would the result be something like Quail Hill? The Board felt it would be developed single family residential. Ms. Marciano asked if the access road from Frost is not on Mr. Caras' property, is that person asking for the change? Why are there so many properties.

Mr. O'Connor explained that the request was originally for three properties but the Board can't spot zone. The Board did not want to isolate or spot zone and wanted to make sure the zoning was like everything else in the area.

Alana Missildine, 28 Berry, stated that last year on the internet she had seen that people wanted to develop the land with homes for the elderly. When would residents know if that is proposed? Mrs. Robidoux stated there has been no conceptual plans or other discussion with staff to develop any of the parcels under discussion this evening.

Ms. Missildine asked once the rezoning gets to Town Council, how long would it be before someone could propose a development? The Board advised the zoning becomes effective thirty days after the Town Council approval. Ms. Missildine asked what the Board thought the time frame would be for Town Council approval? Mr. Granese advised it would depend on what this Board does tonight. If the Board votes to send the rezoning to Town Council, it would be forwarded for their agenda. The Board felt it would be a few months before rezoning could take effect if the Board voted in favor of the request and Town Council approved it. The earliest the issue would be decided would likely be in October.

Ms. Missildine asked if a proposal goes forward to subdivide for an elderly community, would that force water and sewer into this area? The Board advised that the LMDR is not zoned for elderly housing.

Mr. Santos felt the land should be zoned like the land to left of the ORD parcels (Willow). Mr. O'Connor noted the parcels along Frost are one acre and the lots on Berry are grandfathered. Mr. MacEachern said the other lots are zoned two acres but because of the soils, are larger. Mr. Chase stressed the zoning needs to be uniform. It is LMDR on the left of the ORD and LMDR on the right. The lot sizing would depend on the engineering. The existing lots did not have planning and are therefore smaller than what is allowed today. There was supposed to be other land in the area zoned industrial that would have been compatible with the ORD. That was located on Windham Road. However, the developer backed out and developed the land residentially, which left these parcels hanging in the wind. Mr. Santos asked what prevented owners from coming back and saying I want a change? Mr. Chase advised they can request it, but it may or may not be granted.

Mr. O'Connor said if the soils won't handle a septic system, then the lots become larger than two acres. Each lot is sized depending upon its unique land properties. Mr. Santos felt in that case, all the homes would be crowded into one spot. Mr. O'Connor explained Frost Road is in the Medium Density Residential and stands alone. These lots would need to conform to the requirements of the LMDR. The Board can't know what the size of individual lots would be without an engineered plan before the Board. Mr. Santos reiterated that the lots should be low density because they cannot support the required septic and wells.

Mr. Granese noted the total number of acres in the ORD zone totals 260 acres in response to Mr. Santos' request for the information.

There was no further public comment.

Motion by MacEachern to close the public hearing, seconded by Choiniere. The motion passed with all in favor and discussion came back to the Board.

Motion by MacEachern to schedule a vote to the next meeting. Discussion followed.

Mr. Fairbanks asked if any of the other five property owners requested this change? Mrs. Robidoux explained the Board held a workshop in April and the other landowners were notified. The gentleman who owns property closer to Windham attended, and Mr. Allen spoke with Mr. Sioras as he could not attend. She did not believe any of the owners of the 8 parcels were in opposition to the change. All were notified and were aware of the request. It was noted discussion regarding the request began on January 29, 2010.

Mr. Granese reviewed the process the Board follows when it receives a request to rezone a property. The request is discussed by the Board, and either forwarded to the Subcommittee for discussion or sent directly to a workshop. The Board discusses the request in full during the workshop, which is open to the public, and determines if the request should move to public hearing. If the Board agrees with the request, it is scheduled for a public hearing and the abutters are notified. It is a long, methodical process and the decision is not made in one meeting. Meeting notices are on cable and in the paper. Many times, no one attends. He is glad to see people took the time to come to the meeting tonight and speak. Mr. Fox stated they did not know about this potential change before they were notified of the public hearing. It would have been nice to know ahead of time so that their concerns could be addressed.

Mr. Granese explained when they get a rezoning request the Board holds a workshop to determine if the request is feasible or not. Votes are not taken at that time; it is discussion only. Input is taken from the requestor and any attendees. It is an open discussion. Then the Board votes to hold a public hearing. Mr. Fox said it would have been nice to be notified earlier in the process. Mrs. Robidoux went over the process of notification and explained that discussions take place during public meetings. Workshops, being meetings, are not in the paper but are placed on the agenda. Public

hearings are noticed in the paper. All Planning Board meetings are open to the public. For the public hearing, the Board is not required to notify anyone other than the affected land owners. This Board went beyond those bounds and notified all of the abutters and sent out about 120 notices in an effort to be transparent so that residents would know what was going on in their backyards. Mr. Granese noted that workshops are now televised. This Board tries to be as transparent as possible so that people know what is going on.

Motion by MacEachern to schedule this matter to the first available meeting in September for a vote, seconded by O'Connor.

Chase, Arsenault, O'Connor, Fairbanks, Milz, MacEachern, Choiniere and Granese all voted in favor and the motion passed.

Mr. Granese advised there will be no additional notifications. The public hearing will continue on September 14, and the Board has scheduled a vote at that time. He thanked the residents for attending the meeting and providing comments.

Tsienneto Fourteen Development LLC
14 Tsienneto Road, PID 08079-005
Site Plan Amendment – Lighting Design

Mr. Granese provided the following staff report prepared by Mr. Sioras. The Planning Board approved the site plan for the office medical building on September 12, 2010. The owners would like to revise the lighting design for the site. The revised design will achieve a more uniform light distribution across the property. The lighting consultant has opted to increase the number of light poles while using a lower energy bulb that emits less light per unit. There are no town signatures required, and no waivers requested. In the absence of Mr. Sioras, Mr. Granese reported the recommendation is to approve the amended lighting design plan.

Keith Coviello, of Long Beach Development Associates, Inc., presented for the applicant. The staff report explained what they want to do on the site. The property is located up the street from Overlook and adjacent to the Goddard School. The parking lot is now paved and the building is going up. The owner wanted to upgrade the lighting design. This involves the installation of more light poles and they are seeking permission from the Board for the change. The previous plan was approved for four light poles; the request is to increase that to 13. Mr. Sioras had felt this was a change that should be brought to the Board. The previous light bulbs were 40,000 lumens. The proposed lighting reduces each bulb to 12600 lumens, which will require more poles to keep the overall site lighting the same. The installation of additional poles will provide for more uniform lighting of the property.

Mr. Fairbanks felt this would be less intrusive to the neighbors. There are more poles, but less light and there would be no big, bright spots.

Mr. O'Connor confirmed the lighting package provided by the applicant that was contained in the member packets.

Mrs. Choiniere asked why the applicant opted to change the lighting design; it is not often that a developer will spend more money on a site. Mr. Coviello said it was suggested by the lighting consultant as it would provide more uniform, gentle lighting for the entire site. Mrs. Choiniere noted this is a significant increase in the number of poles. Mr. O'Connor noted the lighting is "green" and will reduce the energy consumed. The overall brightness will remain fairly equal with what was originally approved. Mr. Coviello felt this was a good change for the site.

There was no public comment, DPW had no comments, and the plan came back to the Board for review.

Motion by O'Connor to accept jurisdiction of the Site Plan Amendment application before the Board for Tsienneto Fourteen Development, located on Parcel ID 08079-005, 14 Tsienneto Road, seconded by Choiniere. Discussion followed.

Mrs. Arsenault asked if there are any dangerous elements to the new lighting, for example mercury in the bulbs that could create a difficulty when it comes to disposal of the bulbs? Will there be any danger of the light bulbs being smashed? Mr. Coviello did not know. Mrs. Choiniere noted the newer fluorescent bulbs contain mercury. Mrs. Arsenault stated the applicant needs to make sure the bulbs are disposed of properly because otherwise, if they contain mercury, it could pose a danger to the community. Mr. Coviello said he would mention the concern to his client. Mr. O'Connor thought the bulbs were high pressure sodium. Mrs. Arsenault noted the disposal costs are likely higher than the installation cost of the bulbs. The Board noted after review of the lighting specifications the lighting is metal halide. Mr. Granese said he would assume the State of New Hampshire has regulations in place regarding the appropriate disposal of such items.

The motion passed with all in favor.

Motion by O'Connor to approve pursuant to RSA 676:4, I, Completed Application, subject to the following conditions: Remove the TRC signature block from the cover sheet; update the abutter list on the cover sheet; subject to owner's signature; update Notes on Sheet C1 to identify the purpose of the plan amendment: revision of lighting design on site plan approved September, 2010; establish appropriate additional escrow as required to complete the project; obtain written approval from the IT Director that the GIS disk is received and is operable; that the above conditions are met within 6 months, and improvements shall be completed by December 31, 2012. Choiniere seconded the motion.

Chase, Arsenault, O'Connor, Fairbanks, Milz, MacEachern, Choiniere and Granese all voted in favor and the motion passed.

Bob Allen

6 Tinkham Avenue, PID 35015-009

Site Plan Determination – addition to industrial building

Mr. Granese read the staff report prepared by Mr. Sioras. The purpose of this plan is for a 6120 square foot addition to an existing machine shop located in the Industrial IV district on Tinkham Avenue. The business is expanding and additional space is needed. There will also be additional employees. Town department signatures are not required for this proposal. A waiver has been requested from LDCR Section 170-63.B.4, Parking Calculations. In the absence of Mr. Sioras, Mr. Granese reported the recommendation is to approve both the waiver request and the site plan determination/change in use plan.

Bob Allen presented. The intent is to add to additions to 6 Tinkham Avenue which will be used for storage and shipping and receiving. This will allow him to grow the business. Eventually, he will add a second shift. Mr. MacEachern noted the additions will be used for storage and warehousing, but the request is to keep the parking the same. Is the parking lot filled now? Mr. Allen said he currently has seven employees. Mr. MacEachern asked how many employees does Mr. Allen plan to have? Mr. Allen said he has already increased the number of employees and they are squeezed now. He has no issues with the parking.

Mr. O'Connor noted in the TRC notes that Mr. Mackey had wanted an opportunity to review the file with regard to the addition placed on the building 1997 because of concerns with the stream. Mrs. Robidoux advised Mr. Mackey did review the file and the minutes from the 1997 meeting at which the plan was approved, indicate that there were no site changes and any drainage issues were corrected.

There was no public comment, and no comments from DPW. The plan went back to the Board for review.

Motion by MacEachern to accept jurisdiction of the Site Plan Determination application before the Board for Bob Allen, owned by Karl Gschwind, located on parcel 35015-009, 6 Tinkham Avenue, seconded by O'Connor. The motion passed with all in favor.

Motion by MacEachern to grant a waiver from LDCR Section 170-63.B.4, Parking Calculations, to allow 13 existing parking spaces where the regulation requires 28 spaces, seconded by Milz.

Chase, Arsenault, O'Connor, Fairbanks, Milz, MacEachern, Choiniere and Granese all voted in favor.

Motion by MacEachern to approve pursuant to LDCR, Article IX, Section 170-51, Site Plan Determination, subject to the following conditions: add size of the additions to the plan; subject to owner's signature; obtain written approval from the IT Director that the GIS disk is received and is readable; note approved waiver on the plan; provide storm water mitigation for the new impervious surfaces; that the above conditions be met within 6 months and improvements shall be completed by December 31, 2012. Choiniere seconded the motion.

Chase, Arsenault, O'Connor, Fairbanks, Milz, MacEachern, Choiniere and Granese all voted in favor and the motion passed.

Rockingham Community Action

9 Crystal Avenue, PID 30097

Site Plan Determination/Change of Use (former CVS space)

Mixed use: office/day care/existing pizza shop

Mr. Granese read the staff report prepared by Mr. Sioras. The purpose of this plan is for a change of use from the former CVS pharmacy to Rockingham Community Action and office space. The existing pizza parlor will remain. The applicant proposes to improve the site with new landscaping, re-striping the parking spaces and revised entrances/exits. This new use will improve the overall site and bring an additional business and office uses to our downtown Central Business District. No town department signatures are required and there are no waiver requests. In the absence of Mr. Sioras, Mr. Granese reported the recommendation is to approve the site plan determination/change in use plan.

Matt McCormack of MSC Engineers presented for the applicant. He was joined by Karen Moschella of Rockingham Community Action and Phillip Grandmaison of Southern New Hampshire Services, Inc., which recently merged with Rockingham Community Action.

Mr. McCormack advised they are seeking approval for a Site Plan Determination/Change in Use on 9 Crystal Avenue, a one acre parcel, located in the Central Business District, known as parcel 30097. Sheet C1 shows the existing features. There is a one story, 10,450 square foot building on an almost entirely impervious site. A portion of the building is occupied by Season's Pizza; a large portion of the building is vacant. The lot is serviced by water, sewer, overhead electric, and gas. Existing utilities will remain. No utility work is proposed. There are currently 37 parking spaces and a 16 foot access easement located to the south of the lot between the building and Meineke. Sheet C2 shows the proposed site plan.

The proposal is to add 4,000 square feet of day care, 4600 square feet of social group space and to retain the 1789 square feet for the pizza parlor. Note 9 dictates the day care classroom schedule. There will be two classes in the morning and one in the afternoon. The two morning classes have staggered start times to facilitate drop offs. Note 11 provides the parking calculations. Per the regulations, 45 spaces are required for the combined uses and 45 spaces have been provided. Two of the spaces are handicap accessible, with one of those spaces being van accessible. The 16' access leads to three parking spaces located in the southern portion of the lot. Those will be reserved for building employees only.

Currently, there are three entrances to the property. They will block off one entrance to increase safety for pedestrians and the children. There will be a five foot wide raised grass island installed next to a new five foot sidewalk. This will help direct traffic into the site. There will be two crosswalks on site to increase pedestrian safety and there will be a 1750 square foot playground to the rear.

There is an existing dumpster and dumpster pad on site. The dumpster will be moved to the existing pad and they will add a 4 foot high solid fence enclosure. Two snow storage areas will also be added to the lot.

Sheet C3 shows the drainage and erosion control for the site. There is one existing catch basin that connects to a catch basin on Meineke's property. The structure in between was crushed and filled with stone and it is causing a ponding issue. The intent is to speak with Meineke to see if that can be fixed, acknowledging the affected area is on Meineke's property. Silt fence will be added as well as appropriate erosion control. There will be no alteration of existing drainage patterns, with perhaps the exception of correcting the issue at Meineke.

In summary, the proposed day car and social groups will be a benefit to the Derry community.

Mr. MacEachern asked if there will be any work done to the exterior of the property? Mr. McCormack showed a rendering of the outside of the building, which was retained for the file. Mr. McCormack pointed out the proposed sign and explained the exterior of the building will be repainted to match the existing color and the applicant will add a 25 square foot awning noting "Rockingham Community Action" and "Season's Pizza". Mr. McCormack reviewed the proposed update of the existing sign. It will denote Rockingham Community Action on top; the list of services provided in the middle (Head Start, Working Future, Work Place Success, Fuel Assistance Outreach), and Season's Pizza on the bottom.

Mr. MacEachern noted there is one entrance to the building currently. The day care use will be separated from the other uses per the TRC discussion. Will everyone enter the building through the front door and then there will be interior separation, or will there be another entrance constructed that is separate for the day care?

Ms. Moschella said she has not seen the interior plans, but the NH Licensing Bureau will come out. They will need multiple entrances and exits. Mr. MacEachern noted the packet documents talk about a separate entrance. There will be a door leading to the playground, and he assumes another exit, but will there be another entrance? Mr. McCormack advised during the TRC meeting, Ron Ross of Rockingham Community Action had indicated the day care use would be separated from the social groups and both uses would be separate from the pizza shop. Mr. MacEachern wondered if the separation would be interior, or if there would be an exterior separation? If it is on the exterior, the Board should see it. He would feel more comfortable if he knew where they were going to be before approving the site plan. Mr. McCormack was aware of the main entrance to the front, one in the rear and the entrance for Season's Pizza. Mr. MacEachern said either the TRC notes are not clear or the plan is not. If the facilities are separated, where are the two means of egress? He did not think the only other exit would be through the play ground.

Mrs. Robidoux said the Fire Department will make sure the day care meets the appropriate requirements. Day cares have specific requirement with regard to entrances and exits and the distances they need to be. Upon review of the building plans, Firefighter Kersten would make sure the requirements are met.

Mr. MacEachern commented this is good work and will make the site more safe.

Mr. Grandmaison stated this has been the culmination of a two year process. They are trying to better serve the needs to the families in Rockingham County. One of the other major uses will be the Fuel Assistance Program; the other is Workplace Success. Adults on temporary assistance receive the training they need to get them off welfare and to work.

Mr. Granese asked for a definition of "social group". Mr. Grandmaison said that is the term Mr. McCormack used to define the Workplace Success, Working Futures and fuel assistance programs.

Mr. Granese asked for total hours of operation. They will have a typical business day. In Manchester they currently operate 8:30 a.m. to 4:30 p.m. Mr. Granese asked if there will be meetings that will run until 8:00 or 9:00 p.m.? Ms. Moschella said that would not be typically. The Head Start program does offer parent education meetings once a month that take place when it is most convenient for the working parents. Typically they take place between 6:00 and 8:00 p.m. The education topics cover child raising issues such as getting your child to sleep at night and topics of that nature.

Mr. O'Connor asked with regard to the site entrances. Have any of them been set aside for one way? Mr. McCormack advised they did not specify them as entrances or exits. The most northerly is 26 feet wide and has room for two way traffic. The southerly is the 16 foot access area and that is about 22 feet wide.

Mr. O'Connor asked if the dumpster would be shared for all the uses in the building? Mr. McCormack believed that currently, there are two, 6 yard dumpsters. Mr. O'Connor thought one was used for oil recovery for Meineke. Mr. McCormack agreed that one or both of them belong to Meineke; they will be moving.

Mr. O'Connor asked with regard to the fence line and entrance to the playground for the children. There are no abutters present this evening. Will there be a drop off area? Will it be a chain link fence and how will the noise issue of the children in the playground be addressed for the abutters? Mr. McCormack explained there is a concrete retaining wall behind the building near the property line. On top of that is a 6 foot stockade fence. They will add the chain link on the side closest to the building.

It was noted Rockingham Community Action will not be open on Saturday or Sunday.

Mrs. Arsenault asked for an explanation of the hours of operation and how that coordinates with the social groups and the children who will be on site. Will there be intermingling? Mr. McCormack advised Mr. Ross had indicated during TRC that no one from the social groups can walk through the day care. Mrs. Arsenault asked if RCA will interact with other areas of the Derry community? Will they combine with other organizations to provide services? Ms. Moschella said they work to collaborate with other social services in town. With Head Start, they have collaborated for the home based program. They work with The Upper Room, the Marion Garrish Center, and the 7th Day Adventist Church. They are always looking to building on their collaborative efforts.

Mr. Chase had comments with regard to the access closest to Meineke. Meineke is congested on that side now. It can create an issue for the future. Tool vendors park there as do customers. He can see the potential for conflicts with the southerly access. Mr. McCormack advised they were encouraged to speak with Meineke to make sure those types of issues are avoided. Mr. Chase asked if the TRC suggested that access not be used and perhaps lose two to three parking spaces and come in closer to Crystal? Meineke may have a problem policing their vendors and customers. He would not be opposed to a waiver for three spaces. Mr. McCormack did not recall that coming up during the discussion. They want to make the site safe for the children and feel this is the safest form of entrance, but are open to suggestions of the Board. Mr. Chase felt a beneficial alternative would be some form of marking or striping to make it more visible so that people don't park in the area of the access. If the access is striped from Crystal, people will see it and be aware of the entrance and not park there. Mr. McCormack thought that a great point.

Mr. MacEachern said he likes the access where it is and likes the proposed plantings. This will limit the flow of traffic. He agrees that striping would indicate that people can't park there. People may not see the entrance because of the greenery and it may force them to use the more northern entrance. Mr. Chase suggested adding a condition that the area be striped. Mr. Granese noted during the TRC meetings Mr. Sioras brought up

the concern of the shared access and suggested cross access agreements with Meineke.

There was no public comment. Mark L'Heureux wanted to remind the applicant that because the sidewalk will be reconstructed, escrow will need to be posted for that work.

There was no further comment and the plan came back to the Board for review.

Motion by MacEachern to accept jurisdiction of the Site Plan Determination application before the Board for Rockingham County Action, owned by MH Parsons & Sons Lumber, Inc., located on Parcel ID 30097, 9 Crystal Avenue, seconded by Choiniere. The motion passed with all in favor.

Motion by MacEachern to approve, pursuant to LDCR, Article IX, Section 170-51, Site Plan Determination, subject to the following conditions: Add Planning Board Secretary to the signature block; subject to site inspection by the Town's engineering staff; sign details should be provided for the main sign; provide building façade details to Planning Director for review; add the exterior grease trap location to the plan (if one exists); establish appropriate escrow as required to complete the project; stripe the entrance or properly mark the entrance near Season's Pizza to denote the entrance, with the approval of the Public Works Department; put a 6 foot fence around the dumpster (to protect the children); plans showing entrances and egress to the building for the separate uses are to be reviewed by Town staff; obtain written approval from the IT Director that the GIS disk is received and is readable; that the above conditions be met within 6 months and improvements shall be completed prior to December 31, 2012. Discussion followed.

Mr. McCormack asked if the striping of the 16 foot access should be up to what point? Mr. MacEachern felt that could be decided with the Department of Public Works.

Choiniere seconded the motion.

Chase, Arsenault, O'Connor, Fairbanks, Milz, MacEachern, Choiniere and Granese voted in favor and the motion passed.

There was no further business to come before the Board.

Motion by Choiniere, seconded by MacEachern to adjourn. The motion passed with all in favor and the meeting stood adjourned at 9:02 p.m.