

The Planning Board for the Town of Derry held a public meeting on Wednesday, September 28, 2011, at 7:00 p.m. at the Derry Municipal Center (3<sup>rd</sup> floor meeting room) located at 14 Manning Street in Derry, New Hampshire.

Members present: David Granese, Chairman, John O'Connor, Vice Chair; Frank Bartkiewicz, Secretary; John P. Anderson, Town Administrator; Randy Chase, Administrative Representative; David Milz, Town Council Representative, Ann Marie Alongi, Anne Arsenault, Alternates

Absent: Darrell Park, Jan Choiniere, Jim MacEachern, Michael Fairbanks

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

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 meeting materials.

Ms. Alongi was seated for Mr. MacEachern and Mrs. Arsenault was seated for Mrs. Choiniere.

### **Escrow**

**#11-26**

**Project Name: Gennaro Estates**

**Developer: Bob Allen**

**Escrow Account: Gennaro Estates, LLC**

**Escrow Type: Letter of Credit**

**Parcel/Location: PID 04074 & 04075, Bartlett & Gulf Roads**

The request is to release \$137,166.05 and request a replacement Letter of Credit in the amount of \$148,861.15 for the above noted project. Upon receipt of the replacement Letter of Credit, the Board will release the Letter of Credit #21693, drawn on Enterprise Bank, in the amount of \$286,027.20.

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

### **Minutes**

The Board reviewed the minutes of the September 14, 2011, meeting.

Motion by Anderson, seconded by O'Connor to accept the minutes of the September 14, 2011, meeting as written. The motion passed in the affirmative with Bartkiewicz abstained.

## **Correspondence**

Mr. Bartkiewicz advised the Local Government Center will hold its annual conference on November 16 through the 17, 2011, at the Radisson Hotel in Manchester. If any Board members are interested in attending, they should see Mr. Sioras or Mrs. Robidoux. SNHPC has forwarded information on an informational meeting regarding the formation of Scenic Byways routes in southern New Hampshire. The meeting will be held on October 3, 2011, at the Stevens Memorial Hall in Chester, beginning at 7:00 p.m. The Board is also in receipt of the new edition of *Town and City*.

## **Other Business**

### Farmers Market

Mr. Granese advised the Farmer's Market will continue with a Holiday Farmers Market and a Winters Farmer Market. Dates are currently scheduled for November 6<sup>th</sup> and 20<sup>th</sup>, and December 4<sup>th</sup> and 18<sup>th</sup>. For the Winter Market the market will run twice a month in January, February and March, on Saturdays.

### Meeting Schedule for month of October

Mr. Sioras advised Board will meet on Monday, October 10, 2011. The town is open that day. The second meeting in October will be held on October 24<sup>th</sup>. The days were changed to accommodate the Law Lecture Series which will be held on Wednesday evenings during the month of October in the meeting room.

## **Public Hearing**

### **Boomer Wolf, LLC**

### **PID 08275, 19 Manchester Road**

### **Acceptance/Review, Site Plan Amendment**

Mr. Sioras provided the following staff report. The owner is continuing the redevelopment of the former car dealership sites; the site name is Pinkerton Place. The purpose of this plan is a site plan amendment. The Planning Board approved this project on February 9, 2011 with the understanding that minor revisions may occur as tenants are secured. The proposed changes to the approved site plan include a reduction in the previously approved 5,000 square foot retail space to 4100 square feet with a drive-through and the 9,000 square foot retail building will be shifted further away from the front property line along Ashleigh Drive. Associated parking, grading, drainage and landscaping revisions are also proposed. All town departments have

reviewed and signed the plan. The applicant is requesting a waiver from LDCR 170-63.B.4, Parking, to be allowed to construct 240 parking spaces where 269 spaces are required by the regulation. All state permits have been obtained with the exception of the NHDOT Driveway Permit, which is pending. Mr. Sioras recommended approval of both the waiver request and the site plan amendment.

Patrick Crimmins of Appledor Engineering, presented on behalf of the applicant. Randall LaClaire, the owner's representative, and the owner, Janet Scott, were both present this evening. Mr. Crimmins advised the request this evening is for a site plan amendment. In February of 2011, the Board approved the original site plan. Mr. LaClaire provided the Board with copies of the presentation board. A copy was retained for the record. Previously, the approved site plan included a 19,000 square foot building, a 16,000 square foot building, a 5,000 square foot building along the frontage on Manchester Road and a 9,000 square foot retail pad, parallel to Ashleigh Drive. The proposed amendment takes the previously approved 5,000 square foot building and reduces the footprint to a 4100 square foot restaurant with a drive through. To the rear, the 9,000 square foot building will be pushed back with parking along both sides of the building.

The overlay plan demonstrates the changes in the site layout. The site itself will remain the same including the circulation and entrances. They are keeping the two other retail spaces (Woof-Meow and Goodwill) the same. They have reconfigured the parking spaces to accommodate the restaurant and drive-through. For the 9,000 square foot building, they have shifted the building off the road at the request of brokers and prospective tenants; it makes the building more visible. This will also address the Planning Board concern that the back of the building not face Ashleigh Drive.

The drainage and utilities will be tweaked to accommodate the parking lot shift. The connections to the mains will shift; they will change some catch basins, and the landscaping will essentially stay the same: they will have 63 rather than 65 shade trees. The fourteen street trees will remain. There are some slight modifications to the plan, but most of the changes are minor in nature with regard to the overall development.

Mr. Crimmins advised they are requesting a waiver from LDCR Section 170-63.B.4 to construct 240 parking spaces in lieu of the 269 parking spaces required by this section. The development has not changed with regard to the building envelope. By converting the building from retail to restaurant, it increased the parking calculation result. This is a shopping center and it is anticipated that the shortage will be made up by shared use. Customers will park to use the pet store or Goodwill and will also use the restaurant. They feel the parking shortage will not impact the site.

Mr. Anderson said in looking at the plan, between Woof-Meow and the restaurant, will the five spaces there create a stacking issue? Should the spaces be angled? Mr. Crimmins said the area is designed for two-way turning. There will be sufficient backing out distance.

Ms. Alongi asked with regard to the retail spaces. How do they get the customers to walk between the retail spaces and how do they attract the tenants between one building and another?

Mr. Crimmins explained the site has sidewalks and crosswalks that interconnect. Ms. Alongi did not feel it was user-friendly, especially in the winter. Mr. Crimmins said the intent is for pedestrians to walk. The site was designed with pedestrians in mind. They can use clear pedestrian routes to get from building to building.

Mr. Granese asked with regard to the area behind the pet store at the rear of the building. Can the five spaces be employee parking? Mr. LaClaire advised that area is going to be set aside for the doggy daycare drop off and pick-ups. It is not intended for long term use. Mr. Granese asked if the spaces will be marked? Mr. LaClaire said they intend to put up signs designating ten minute parking, or something similar.

Mr. O'Connor asked if any of the proposed changes impact anything that was agreed to with the Conservation Commission? Mr. Crimmins advised they are still 75 feet from the wetland; the edge of pavement in that area has not changed. They are still decreasing the amount of impervious surface from the existing condition. Mr. O'Connor asked if the new entrance, located to the far right of Manchester Road, had any issues with sight distance noted by the Technical Review Committee? Mr. Crimmins said there are no issues. That is part of the driveway permit application that went to the state.

Mrs. Arsenault asked where are the delivery and receiving areas? Mr. Crimmins showed the various areas for the pet store and Goodwill. The 9,000 square foot retail building has no designated loading areas. The anticipation would be that goods would be wheeled in through the doors during off hours; the same would hold true for the restaurant. Mrs. Arsenault asked if there is enough width for truck circulation?

Mr. Crimmins stated there is a truck circulation plan in the packet. Goodwill will have the largest trucks. Given the nature of the size of the buildings, they don't anticipate anything larger than a UPS truck at the other building locations. Woof-Meow has a pull off area with an overhead door. The intent is to back into the area. There is room enough to back out and turn if needed.

Motion by Bartkiewicz to open the public hearing, seconded by Milz. The motion passed with all in favor.

Mr. Granese asked for input from the public. There was none.

Motion by O'Connor to close the public hearing, seconded by Anderson. The motion passed with all in favor and review of the plan returned to the Board.

Mr. O'Connor noted that the parking is typical of what the Board has been doing over the past few years. The trend has been to reduce the number of parking spaces as the regulations appear to overstate the need. He would be in favor of reducing the parking. When the Board first accepted the parking design, it explored the opportunity for pedestrians to walk the site.

The Department of Public works had no comments at this time.

Motion by Anderson to accept jurisdiction of the site plan amendment application before the Board for Boomer Wolf, LLC located on Parcel ID 08275, 19 Manchester Road. O'Connor seconded the motion.

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

Motion by Anderson to grant a waiver from LDCR Section 170-63.B.4, to allow the construction of 240 parking spaces in lieu of the 269 spaces required by this section of the regulation, seconded by Bartkiewicz.

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

Motion by Anderson to approve the application subject to RSA 676:4, I, Completed Application, subject to the following conditions: address any remaining comments as indicated during the September 8, 2011 TRC meeting; subject to owner's signature; subject to on-site inspection by the town's engineer; establish appropriate escrow as required to complete the project; note approved waiver on the plan; completion of any outstanding conditions set forth on February 9, 2011; subject to receipt of all permits relating to the project; and that the above conditions all be met within 6 months. Bartkiewicz seconded the motion.


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

Mr. Granese stated the applicant has done a good job and the site looks nice. He likes the overlay between the old and new.

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 7:26 p.m.

Approved by:   
Chairman/Vice Chairman

Approval date:  10-10-11