

The Planning Board for the Town of Derry held a public meeting on Wednesday, November 9, 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 Chair; Frank Bartkiewicz, Secretary; David Milz, Town Council Representative; Jim MacEachern, Jan Choiniere, Members; Michael Fairbanks, Anne Arsenault, Alternates

Absent: Randy Chase, Ann Marie Alongi, John P. Anderson, Darrell Park,

Also present: George Sioras, Planning Director; Elizabeth Robidoux, Planning Clerk; Mark L'Heureux, Engineering Coordinator; Attorney Lynne Guimond Sabeau, Boutin & Altieri, PLLC

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.

Mr. Fairbanks was seated for Mr. Park.

Escrow

#11-28

Project Name: Natural Energy Designs

Developer: Craig Fowler

Escrow Account: Natural Energy Designs

Escrow Type: Cash Escrow

Parcel/Location: PID 26030, Clark and Aiken Streets

The request is to approve the final release of cash escrow for the above noted project in the amount of \$1631.66, plus any accumulated interest. The amount to retain is zero.

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

#11-29

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

Developer: Robert MacCormack

Escrow Account: Hampstead Road and Harvest Drive

Escrow Type: Letter of Credit

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

The request is to renew Letter of Credit #19959, drawn on Enterprise Bank, in the amount of \$258,331.68 for the above noted project. The new expiration date will be December 10, 2012.

Motion by Bartkiewicz to approve as presented, seconded by Choiniere. There was a short discussion.

Mr. MacEachern confirmed this was a renewal of the Letter of Credit, not an extension of conditions of approval.

The motion passed with all in favor.

Minutes

The Board reviewed the minutes of the October 24, 2011, meeting.

Motion by O'Connor, seconded by Bartkiewicz to accept the minutes of the October 24, 2011, meeting as written. The motion passed in the affirmative with MacEachern abstained.

Correspondence

None

Other Business

Schedule Public Hearing for Floodplain Amendments

Mr. Sioras advised the Board discussed the proposed changes at its last meeting. Every few years, the Federal Emergency Management Agency (FEMA) visits the town. The purpose of the proposed amendments are to update the zoning so that the town is in compliance with the floodplain regulations for insurance purposes. This includes tweaking some of the definitions. There are suggested changes to the Zoning Ordinance and LDCR highlighted in red on the document the Board has before it. The purpose is to ensure town compliance with federal regulations. This has been done several times over the years.

Motion by MacEachern to schedule the public hearing to discuss amendment of the floodplain regulations to December 14, 2011, seconded by Bartkiewicz.

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

Mr. Granese requested the proposed changes be placed on the town website so that the public can view them.

Request to continue public hearing

Mr. Granese advised the Board is in receipt of a request from MTM Realty, LLC to continue the hearing scheduled for this evening to November 30, 2011. He read the letter from Robert Moran into the record. The applicant is requesting the additional time to comply with the Board's request for revised plans.

Motion by MacEachern to continue the public hearing for MTM Realty, LLC to November 30, 2011 and to re-notice the hearing as a compliance hearing. O'Connor seconded the motion.

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

Mr. MacEachern confirmed the hearing on November 30th will be a compliance hearing.

Other

Mr. Sioras reminded the Board that it is back on its Wednesday schedule. The next meeting, because of the Thanksgiving holiday, will be on November 30th. In December, the Board will hold only one meeting and that will be on December 14. Beginning January 11, the Board will go back to its normal schedule of the second and fourth Wednesday of the month. The workshop to discuss the changes proposed by the Conservation Commission has been set for November 30, 2011.

Public Hearing

**The Wonder Years Learning Center
PID 27088, 39 Birch Street
Acceptance/Review, Site Plan Determination
Day Care Center**

Mr. Sioras provided the following staff report. Present this evening are the applicants, Mike and Cheryl LaRosa, Frank Lukosius, property owner, Dave Fraser, Condo Association representative, and Karl Dube, the project engineer. The purpose of this plan is a site plan determination for a change of use. The Wonder Years Learning Center is proposing to re-locate from their current location across the street in the Nutfield Professional Building to the former Rite-Aid Pharmacy building. The pharmacy moved to their new location down the street at Shute's Corner. The building is currently vacant. There is sufficient parking. The existing lot has 171 spaces. Per the existing uses on the site and the proposed use, 114 spaces are required. Also attached to the staff report is a fact sheet providing more detail of the use provided by The

Wonder Years. No department signatures are required and there are no waiver requests. He would recommend approval of the site plan determination application.

Mike LaRosa presented. Currently, The Wonder Years operates from 44 Birch Street on the Parkland Medical Center campus. They have been at the present location for seven years and would like to move across the street in order to expand. They also have a location in Salem, New Hampshire. They have been in business for sixteen years.

The proposal is for a 95-100 child center. The State of New Hampshire will determine the final number of children that may be served at this location, but they can fit up to 100 children. They are currently licensed for 68 children at the 44 Birch Street location.

The intent is to renovate the Rite-Aid building and create 8 classrooms, storage areas, staff offices and an indoor play area. They will add an outdoor playground as well. They plan to place the playground on an area currently occupied by 13 parking spaces located between Birch Street and the building. There will be a 4 foot, vinyl privacy fence with emergency exits that will meet code. The children will be able to exit from the building into the play area and it will be safe.

The parking lot has a current total of 184 spaces. With the elimination of the 13 spaces there will be 171 spaces. They provided parking calculations based on the existing uses within the buildings in the Condo Association. Per those calculations, 114 spaces are required for all the uses.

With regard to The Wonder Years operations, there is no queuing for parking. Parents need to park and come into the building. There are 17 spaces that will be segregated for parent use. There are 13-15 spaces behind the building that will be used by staff. Historically, there is low use in that row of parking. There are also seven spaces in front of the fence that can be available for parents. They want to create a safe environment without any traffic. There is no set start or end time for the program. Parents drop off between 6:30 and 9:30 AM. They have been keeping track at their locations over the last few months and there has never been more than seven parents in the building at any one time. They have many sibling situations.

They plan to change the color of the building and add windows. The sign will be non-illuminated, primary color, block lettering on the front of the building. The Condo Association has approved the move to the building, the use, and the parking. There are no assigned spaces within the parking lot for the various uses. It is shared parking.

Mr. LaRosa concluded by saying they were very excited about this opportunity to move and expand and he would request the Board approve their proposal this evening.

Motion by MacEachern to open the public hearing, seconded by Milz. The motion passed with all in favor and the floor was open to the public.
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There was no public comment.

Motion by Choiniere to close the public hearing, seconded by MacEachern. The motion passed with all in favor and the plan returned to the Board for review.

The Board had no questions.

Motion by O'Connor to accept jurisdiction of the site plan determination application before the Board for The Wonder Years Learning Center, located on Parcel ID 27088, 39 Birch Street, seconded by Choiniere.

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

Motion by O'Connor to approve pursuant to LDCR, Article IX, Section 170-51, Site Plan Determination, subject to the following conditions: subject to on site inspection by the town's engineer as required for site improvements; establish appropriate escrow as required to complete the project; subject to receipt of state and local permits relating to the project; that the above conditions be met within 6 months; and improvements shall be completed by May 8, 2013. Bartkiewicz seconded the motion. Discussion followed.

Mr. Granese confirmed the Department of Public Works had no further concerns or conditions to add.

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

The Board noted this was a good proposal and it was glad the business could remain in town.

There was no further business before the Board.

Motion by Choiniere, seconded by Bartkiewicz to adjourn. The motion passed with all in favor and the meeting stood adjourned at 7:16 p.m.

Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____