

The Planning Board for the Town of Derry held a public meeting on Wednesday, June 18, 2014, 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; Frank Bartkiewicz, Secretary; Michael Fairbanks, Town Council Representative; Jim MacEachern (7:15 p.m.), Jan Choiniere (7:21 p.m.), Darrell Park, Ann Alongi, Members; Marc Flattes, Lori Davison, Frank Mazzuchelli, Alternates

Absent: Randy Chase

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

Mr. Granese called the meeting to order at 7:01 p.m. The meeting began with a salute to the flag. Mr. Granese noted emergency exits, the location of meeting materials and introduced the Board members and staff.

*Ms. Davison was seated for Mrs. Choiniere
Mr. Mazzuchelli was seated for Mr. MacEachern.*

Escrow

#14-09
Project Name: Mixed Use Development Site Plan
Developer: Route 28 Custom LLC
Escrow Account: Route 28 Custom LLC
Escrow Type: Letter of Credit
Parcel ID/Location: 03035-001, 230 Rockingham Road

The request is to renew Letter of Credit #06-13 in the amount of \$45,100.80 for the above noted project.

Motion by O'Connor seconded by Bartkiewicz to approve as presented. The motion passed with all in favor.
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Members of the public who were interested in the subdivision plan for 130 North Shore Road were invited to view the plan ahead of time.

Minutes

The Board reviewed the minutes of June 04, 2014, meeting. Ms. Alongi noted a correction to Page 10; Ms. Davison made a comment rather than Ms. Alongi.

Motion by O'Connor, seconded by Bartkiewicz to approve the minutes of the June 04, 2014, meeting as amended. The motion passed.

The Board reviewed the site walk notes of June 07, 2014.

Motion by O'Connor, seconded by Bartkiewicz to approve the June 07, 2014 site walk notes as written. The motion passed with Park abstained.

Correspondence

Mr. Bartkiewicz advised the Law Lecture Series will be held at the Town of Derry on October 1, 8 and 15. The three lectures are on The ZBA in New Hampshire, How to Run a Land Use Board and Impact Fees in New Hampshire. Members should contact the Planning Office if they would like to attend.

The Board has received a letter from Mary Eisner of 21R Derryfield Circle requesting a zoning amendment. Mr. Bartkiewicz read the letter into the record. Ms. Eisner would like to have Section 165-45 of the Zoning Ordinance (MHDR district) amended to exclude multifamily dwellings. She feels allowing this type of use causes unintended consequences and changes the character of existing neighborhoods.

Other Business

Schedule workshop for resident zoning request – Mary Eisner

Mr. Sioras asked the Board if they would like to schedule the workshop to discuss the change proposed by Ms. Eisner. Mr. Granese said he felt the Board should be looking at the zoning in town in not just one area but all areas. Much of the zoning has been in place for many years and should be revisited. Mr. Sioras advised the July agenda will have several plans to review and it might be best to hold the workshop at the August meeting. The Board elected to schedule the workshop to discuss Ms. Eisner's request for August 20, 2014.

There will be one Planning Board meeting in July and one in August for the summer schedule.

Other – NH DOT Presentation

Mr. Fairbanks advised the NHDOT will be holding a presentation on July 15, 2014. One of the items to be discussed is Exit 4a and its status. He suggested it might be a good meeting for Board members to attend as it may play into future zoning plans for the town.

Public Hearing**Ocean State Job Lot****PID 08284, 30 Manchester Road****Acceptance/Review****Review of new tenants, façade and sign improvements**

Mr. Sioras provided the following staff report. The purpose of the plan is for a review of two new tenants and façade and sign improvements to the building which is now partially occupied by Ocean State Job Lot. The two new tenants are ALDI Food Market and MonkeySports Superstore. There will also be the addition of two truck docks and reallocation of the parking. There are no town department signatures required, no waiver requests or state permits. He would recommend approval of the site plan revisions for the new tenants, façade improvements, signage, loading docks and parking. Mark Shovlin of Ocean State Job Lot is present as is Peter Holden of Holden Engineering to discuss the plan.

Mr. Holden advised they are dividing the building into three sections. Ocean State Job Lot (OSJL) will cut a store out of the middle and the end of the building. They will need to add two more truck docks; one will be located at the north end of the building, the other will be at the south end where the garden center used to be. In order to accommodate the new truck docks, they had to relocate and eliminate some of the parking to avoid traffic conflicts. When he prepared the original Wal-Mart site plan, there was more than sufficient parking for the building. They have sufficient parking for these three stores. The existing pylon sign will be relocated to the center of the property to make it easier to see. Handicap parking has been relocated for the three stores.

Mr. Shovlin explained they received input from both ALDI and MonkeySports on what they typically do for a façade and will modify the OSJL façade to tie in with the improvements for the other two stores and make the façade more modern. They will utilize painted masonry and dryvit. The MonkeySport entrance comes out a bit from the face of the building; ALDI does something similar. OSJL will paint its front and have dryvit elements over the front door. With regard to signage, they have picked a location that provides visibility for all three tenants.

Mr. Granese asked what is happening with the fenced area. Mr. Shovlin advised that is where the ALDI loading dock will be. MonkeySport will use the existing loading dock to the rear and a new loading dock will be constructed for OSJL on the right hand side of the building. Mr. Granese confirmed the entire façade will be redone. Mr. Shovlin added that ALDI will be responsible for the work to be done to their section of the façade. Mr. Granese asked if they had considered incorporating granite into the design. Mr. Shovlin said they had not.

Motion by O'Connor to open the public hearing, seconded by Bartkiewicz. The motion passed with all in favor and the floor was open to the public.

Mark Flattes, Linlew Drive, asked why the loading dock was being placed on the street side of the building. He felt there was plenty of room behind the building. Mr. Shovlin said it was more

a function that each unit needs to have its own loading dock and be able to provide security for its space. Mr. Flattes asked if the loading docks could face away from the street. Mr. Shovlin said it would not work because of land restrictions. Mr. Flattes asked if there would be empty shelves or pallets behind the building or will all storage be contained inside. Mr. Shovlin said it would be indoor. There may be some crates near the back doors. Mr. Flattes felt any storage to the front would be an eyesore. Mr. Shovlin was certain storage in front of the stores would not be allowed by OSJL. Mr. Flattes asked if there would be more than one dumpster. Mr. Shovlin said each store will have dumpster; the OSJL dumpster is small.

There was no further public comment.

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

Mr. O'Connor noted the previous approvals pre-dated Derry's MS4 permit. He asked Mr. L'Heureux if he thought that now they were revising the site plan the applicant would have to initiate a new stormwater management plan. Mr. L'Heureux did not believe so as there is no new impervious surface. Mr. O'Connor explained since 2013, the laws have changed. Derry is mandated by the EPA to reduce salt. New apartment buildings and large commercial sites are required to add conditions such that they meet the terms of RSA 489-C, Salt Application Certification. Complying with the RSA will be a benefit to the business owner. Mr. O'Connor explained the benefits, adding the Town of Derry and other towns in Southern New Hampshire are now mandated to reduce sodium. This property is near a sensitive area and he could recommend this as a condition of approval.

Ms. Alongi asked for some background on the ALDI store. Mr. Sioras stated ALDI is an international company. It is a nontraditional grocery store. Customers can purchase in bulk and they only carry 1400 brands of items. They carry unique brands of foods. Ms. Alongi commented she knew them in Europe as ALDO.

Mr. Mazzuchelli asked if there were going to be any traffic impacts with the addition of these two stores. Mr. Sioras reported he had spoken with the Director of Public Works. When the town looked at widening Manchester Road, they reviewed the traffic counts for this site based on the square footage of the building. These uses will not add any more traffic than what existed when Wal-Mart occupied the site. The road has since been widened and the road improvements completed. This project will not affect traffic.

Mr. L'Heureux stated there will be drainage improvements associated with the dock work and escrow will need to be established.

Mr. Granese said it was nice to see new business coming to town. He has heard a lot about MonkeySport which will be a great addition to the town. He visited the Salem ALDI; OSJL is another good store. Mr. Fairbanks commented MonkeySports will bring people into Derry. Mr. Granese commented on the change to this area of town. Mr. Sioras said there are currently only five MonkeySport stores worldwide; Derry will be the 6th location and it will be a regional draw.

Motion by O'Connor to accept jurisdiction of the site plan application before the Board for Ocean State Job Lot, 30 Manchester Road, PID 08284, seconded by Bartkiewicz.

Park, Fairbanks, O'Connor, Mazzuchelli, Alongi, Bartkiewicz, Davison and Granese voted in favor and the motion passed.

Motion by O'Connor to approve pursuant to RSA 676:4, I, Completed Application, with the following conditions: subject to on site inspection by the Town's Engineer, establish appropriate escrow as required to complete the project, obtain written approval from the IT Director that the GIS disk is received, is operable, and complies with the LDCR Section 170-61.C, handicap parking spaces are to be located on the plan, the above conditions are to be met within 6 months and the applicant is required to use a Certified Salt Applicator for the site, pursuant to RSA 489-C, following the BMPs for applying road salt. Bartkiewicz seconded the motion.

Park, Fairbanks, O'Connor, Mazzuchelli, Alongi, Davison, Bartkiewicz, and Granese voted in favor and the motion passed.

Mr. Granese asked if there was an anticipated open date for the two new stores. Mr. Shovlin said their tenants are pushing to be open as soon as possible.

Mrs. Choiniere was now seated and Ms. Davison stepped down. Mr. MacEachern was now seated and Mr. Mazzuchelli stepped down.

AAA General Contractors, Inc.

Owner: Sean O'Keefe

PID 07094, 130 Rockingham Road

Acceptance/Review

2 Lot Subdivision

Mr. Sioras provided the following staff report. The purpose of this plan is for a two lot subdivision located in the Low Density Residential District where 3 acres and 200 feet of road frontage is required. One new building lot is being created. No department signatures were required for this project. There are two waiver requests: one for the side lot lines, the other for cover over the culvert. State subdivision approval is pending for this project. There are many abutters present tonight. He would recommend hearing from them and perhaps draft conditions based on their comments. The Board will need to accept revised plans as the engineer of record revised plan details after submission to the Planning Board.

Motion by MacEachern to accept revised plan, seconded by Bartkiewicz.

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

Bernie Temple of Eric C. Mitchell & Associates presented for the applicants. The proposed subdivision is on Lot 07094 on North Shore Road. The lot is an 8 acre parcel to be subdivided into two lots. The existing house lot will contain 3.02 acres and the new lot will contain 5.41

acres. They have applied for two waivers. One is to allow lot lines that are not perpendicular to the road; they have found it just won't work. The other is to allow less cover over the driveway culvert than required by the regulation. State subdivision approval was received this week. The driveways are shown on the plan. They are proposing to amend the existing driveway and use that to access the new lot. This will be a long driveway, going uphill. The existing gravel driveway to the north will be the new driveway to the existing lot. He feels they have addressed the drainage concerns raised by the abutters and the town. He has added a detention pond and diversion berm to make sure no drainage runs to the neighbor's lot (132 North Shore), and level spreaders to slow the flow. They did a drainage study which shows they have reduced the flow for the 10 and 25 year storm at the culvert. He discussed the drainage concerns of the Santiago's and will keep the detention pond and diversion berm to the left side of the driveway to keep it away from the Santiago's house. There had been some concerns about erosion off the existing lot. They will pave the driveway to the property line and will add silt fence and stone check dams. He hopes that addresses all the abutters concerns.

Motion by O'Connor to open the public hearing, seconded by Bartkiewicz. The motion passed with all in favor and the floor was open to the public.

Frank Santiago, 132 North Shore Road, had a prepared statement that he read into the record. Board members all had a copy and a copy has been retained in the file. He is concerned with the development of a second home at a high elevation above his home which may increase runoff to his lot. He asked that BMPs be followed for steep forested slopes to decrease runoff, sediments and decrease velocities. He felt the BMPs should be overdesigned as the required maintenance might not occur over time. He described conditions on his property such as areas of standing water and flooding that are attributed to the trees being cut on the adjacent lot. He also has a concern the culvert on North Shore Road will not be able to accommodate additional flows.

Joseph Howard, 121 North Shore Road, shared the same concerns as Mr. Santiago regarding the drainage and the roadway. The south side of the road, near the existing house, had excessive runoff when they put in the gravel driveway as a construction entrance for the existing house. The erosion silted across under the culvert into Big Island Pond. It is just now clearing up after several years. Mr. Temple said he will put in stone check dams and other items like silt fence; he would like to see those changes on the plan. It has been stated they will pave the existing driveway to the property line, but the property line does not abut the pavement and that will leave a gap with gravel there. The other culvert leads to Big Island Pond which causes flooding on his neighbor's property on Howard's Grove Road. He asks the Planning Board to do all that is possible to abate the runoff and silting to the culverts. The top of the hill of the applicant's property is over 120' above Island Pond. The existing house is 38 feet above the pond. The culverts are at 11 and 25 feet above the pond. That is a hilly property. Mr. Howard presented a map showing the different elevations. A copy was provided for the record and for each Board member.

Normand Hemond, 120 North Shore Road, lives to the left of the existing house at 130 North Shore Road. He agrees with the statements about the water problem. There are springs under the ground that flow during spring time. His house is built on a ledge. He is concerned with potential blasting and its effect on his house. They have said they are not sure if they will blast.

He is also concerned with the water. It now comes up in his basement and he now has cracked walls from when they blasted for the existing house.

There was no further public input.

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

Mr. Granese asked if the existing home will be torn down or will stay. It will remain. Mr. Granese asked for the elevations of the street, the proposed home and the detention pond. Mr. Temple advised the street is 228 feet from sea level. The proposed home will be 304 feet above sea level and half way down the driveway, the detention pond is at approximately 268 feet above sea level. The detention pond will catch the proposed driveway runoff. There will be a couple of level spreaders which catch and spread the water out. There is an existing 15" roadway culvert. They did a drainage study and they are reducing the flow at the 10 and 25 year storm. The driveway is graded at 10%, levels off for a bit and is then at 10%. There is approximately 850-900 feet of driveway. It is unknown if they will need to blast or not. The test pits have shown a suitable area for the septic.

Mr. Granese stated if they find they do have to blast it would be expected that a pre-blast survey is done and that they would work with the neighbors and be responsible for damages. Mr. Temple said that was understood and they would follow standard protocol.

Mr. O'Connor asked if the Fire Department had any issues with this plan. Mr. Temple said the house will have sprinklers. Mr. O'Connor asked with regard to the portion of the plan that shows land will be donated to the town. Mr. Temple explained that in the front, they will donate land to the town rather than creating an easement for sight distance. It will straighten out the property line. Mr. O'Connor asked if Conservation Commission looked at this plan. He wondered about the silt going into Island Pond. Mr. Temple advised this is the first he has heard that silt is getting into Island Pond from this property and Shoreland does not apply. They did not need to go before the Conservation Commission as there are no wetlands involved on this property. Mr. O'Connor asked for confirmation that the applicant will divert the drainage improvements to the west side of the driveway. Mr. Temple said they will do that.

Mr. Granese asked Mr. L'Heureux if there are any issues with the culvert draining. Mr. L'Heureux said he has not seen the drainage study so cannot speak to that. It appears the water traveling down will work as proposed. He is more concerned with the construction phase than the as built condition. This is a steep driveway. As they are building the driveway it will be susceptible to erosion and they will need a lot of check dams and silt fence. He has no issues with the plan waivers. The 3 foot depth of cover over the culvert is hard to meet as the ditches aren't that deep; he has no issues with the 2 feet of cover so that it blends better into the surroundings.

Mr. O'Connor noted the concerns of the residents. There was a similar concern when the Board was reviewing the Bartlett Road plan. He questioned if the Board should hold a site walk to view the property and see if the culvert needs to be replaced.

Mr. Fairbanks asked how the town can increase inspections during the construction phase to make sure they are doing the right thing. He feels this project might need more inspections than usual. Mr. L'Heureux said the town will hold escrow for the work associated with the right of way but not the items above the right of way. The town does not typically spend time beyond the 40 foot limit. In this case, they would need to be more vigilant and Code Enforcement would inspect as the house is being built. This is a long driveway on a steep slope. Mr. Fairbanks asked if the drainage will be put in as they are constructing the driveway. Mr. L'Heureux said there needs to be a good plan of action that can be modified as they built.

Mr. Granese asked if the existing gravel driveway will be paved. Mr. Temple said they will pave it and construct the driveways per the town regulations, 40 feet from the edge of the roadway. He noted one of the abutters had discussed the existing culvert which is buried in silt and they can look at clearing that out. Blasting considerations can be conditions of approval. Mr. L'Heureux said he looked at the two culverts today and the openings to the concrete culverts were clear.

Mr. Granese asked if they were adding a culvert at the proposed driveway. Mr. Temple said the water goes under the culvert into a level spreader and then into the roadside ditch. On either side of the driveway there is a ditch with stone check dams every two feet of elevation.

Mr. Granese asked Mr. Temple to explain the waiver from the side lot lines. Mr. Temple said if they set the lot lines per the town regulations, it would be straight and then turn; this is an odd shaped lot. They are trying to make it uniform with what is there. Mr. Granese said he did not know the area well; will this be the highest house in the neighborhood? Mr. Temple said Anna Circle is on the hill behind this lot. Mrs. Robidoux said there was a home closer to Germantown that sat higher than the proposed home.

Mr. Sioras noted the owner of the lot was present and asked him to address the Board.

Mr. O'Keefe said the lot used to belong to his grandparents who owned it since 1911. The new owner will make the property better than it is today. The lots need to be finished and he is unable to do it. A logger took down pine trees that were at risk of crushing the existing home. The abutters had indicated they had concerns regarding runoff and he had pavement and hay brought in. He has not heard from any of the neighbors over the last three years. They said tonight the situation has gotten better over the last three years. This is what the arborist told him would happen; the trees would be able to flourish and suck up water. Mr. Hemond's driveway is paved with no culvert so any water from North Shore Road crosses Mr. Hemond's driveway into the catch on the other side. The engineer has said they have lowered the flows to the street. The land has three different tiers. Behind this lot is a development of many homes that sit higher than this house will. That is where the run off is coming from and has been a problem for a long time. This proposal will make the problem better.

Mr. MacEachern noted there has been a lot of concern noted and the Board has received some good feedback. A 10% grade is steep. He feels a site walk would be appropriate even though it is unusual to hold one for a one lot subdivision. However, the Board needs to understand the

plan, adding he has no issues with the plan. Mr. Granese polled the Board and all agreed to hold a site walk. Mrs. Choiniere asked what is the purpose of a level spreader. Mr. L'Heureux said it is a flattened out stone area that slows the water down and flattens it out; there is not a lot of depth to it, maybe 12 inches, made to slow flow and spread it out. He noted silt fence is temporary but stone check dams provide permanent erosion control. Mr. O'Connor asked Mr. Temple to put stakes in the area of the detention pond and the proposed level spreaders. Mr. Temple said he would lay out the driveway and the BMP structures.

Motion by MacEachern to accept jurisdiction of the 2 lot subdivision application before the Board for AAA General Contractors, 130 North Shore Road, PID 07094, seconded by Choiniere.

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

Mr. Temple confirmed he would have the center line of the driveway staked up to the well location, the detention pond, and all the BMPS. The exact spot for the house has not been chosen yet, but he can give a general idea of where it might be.

Mr. Sioras noted if the Board holds a site walk, it will need to continue this hearing to July 16th. The Board discussed potential site walk dates and determined to hold the site walk on Saturday, June 28, 2014 beginning at 8:30 a.m., noting that some of the members would be unable to attend on this date.

Mr. Fairbanks noted for people not attending the site walk, they should obtain permission of the owner if they intend to visit the site. Mr. Granese confirmed the Board has permission from the owner to enter his property. Mr. Temple thought he would have the stakes in place by the end of next week. Mr. Granese said he will contact the owner and walk on a different date.

Stephen Pascoe, AAA General Contractors, suggested that it would be reasonable for anyone other than a Board member to contact the owner at least 24 hours in advance if they wanted to walk the site at a time other than the official site walk. Mr. Granese said people should not be walking the property outside of the site walk. If Board members can't attend on that day, they should contact the owner. Mr. O'Keefe advised there is ample parking on his lot.

Motion by MacEachern, seconded by Bartkiewicz to continue the public hearing for AAA General Contractors/Sean O'Keefe to July 16, 2014.

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

Mr. Fairbanks recused himself from the next hearing.

Keystone Builders, LLC
Owner: Ernestine Kallontzis
PID 24005, 70 Fordway
Review, 14 Unit Multi Family Site Plan Development

Continued from May 21, 2014

Mr. Sioras provided the following staff report. The purpose of the plan is for a 3 story, 14-unit apartment building located in the Medium High Density Residential District. All town departments have reviewed and signed the plan. The Highway Safety Committee also voted to endorse the plan. There are no state permits required and no waivers requested. He would recommend approval of the plan as the applicant has met all of the technical aspects.

Tim Peloquin of Promised Land Survey presented for the applicant. Jeff Lewis of Northpoint Engineering, LLC and Robert MacCormack of Keystone Builders were also present.

Mr. Peloquin explained the proposal is for a 14 unit, 3 story, 35 foot high multifamily located on 1.14 acres of land in the MHDR zone. They have met with staff over several months, attending two TRC meetings, two Highway Safety meetings, and the plan has been reviewed by the outside consulting engineer, Keach Nordstrom Associates. They met with the Planning Board last month and had a site walk attended by Planning Board members and abutters. At the last meeting and site walk, concerns were raised regarding traffic. They hired Steve Pernaw to prepare a traffic study. The Board had a copy of the study. On page 6, Mr. Pernaw provided his conclusion that the impact of this project is negligible. There are several pages of DOT traffic counts taken at and around the intersection of Fordway and Kendall Pond outlined in the report. In 2008, there were 5500 vehicles at peak; in 2011 there were 5000 vehicles. The traffic is decreasing slightly. They have attempted to comply as much as practical with the Board and abutter issues. They met with Mr. L'Heureux on site to address the downstream drainage that ties into the catch basin where the overflow connects across the street. There will be a double grate catch basin which will improve the drainage. During the site walk there were several discussions regarding the landscaping and several people wondered if some of the trees could be saved. The landscape architect is not recommending that option. The proposed new trees will grow and mature. The landscape plan would not be fulfilled if the pines are left and they die or shade what is intended to grow. He is recommending they keep to the proposed landscape plan. It is in their best interest to landscape the property appropriately and shield their site from the roadway and intersection. With regard to recreation, they are required to demonstrate 7000 square feet of recreation area. 25,000 square feet will remain grass and they will add a picnic table and perhaps a granite bench near the front of the building.

The building height was also a concern. In any zone, 35 feet is the maximum height allowed for a residential home. They have modified the roof line to accommodate a 35 foot height. They are allowed 60 feet in this zone but have created something that is more suitable to the neighborhood. They did their best to address all of the comments and concerns. They are requesting conditional approval this evening.

Mr. Granese confirmed the plan before the Board this evening had not been revised since the last hearing. Mr. Peloquin provided a copy of the 35 foot elevation to the Board for their review. A copy was not retained for the record.

Ms. Alongi asked for the location of the main entrance to the building and confirmed there will be no parking spaces on Fordway and that the parking lot faces the Desilet's lot and Pinehurst.

The building can be entered from the rear parking lot. Mr. Granese confirmed per the elevation plan provided that the left elevation faces Fordway and the front elevation faces the parking lot.

Mr. O'Connor noted the TRC notes indicate a conversation regarding density and whether the number should round up or down. Do they need a waiver to round up? Mr. Peloquin stated in the past, the number has been rounded up and they sought guidance from the Zoning Administrator. The ordinance is not clearly written. Mr. O'Connor noted during the previous hearing for OSJL, the applicant will use a Certified Salt Applicator; will they do the same here? Mr. Peloquin said they will follow the guidelines; it is environmentally smart.

Mr. Sioras advised Mr. and Mrs. Desilet stopped in the office today. They were unable to attend the meeting this evening but asked that their comments be shared. Mrs. Robidoux stated they reported that they had a discussion with Mr. MacCormack and he will move the buffering trees back from their property line. They did have some concerns that the trees would impede sight distance from their driveway but when the plan was scaled the trees closest to Fordway would be well enough back not to interfere. Mr. Desilet wanted to thank the Board for their consideration of his concerns and for attending the site walk. The Desilets cannot endorse this plan, but would prefer to see the proposed development rather than 4 duplexes. They appreciate working with Mr. MacCormack. Mr. Peloquin said their sight lines will not change and they will continue to work with the Desilet family on the buffer.

Mr. Park said he has the same concerns as before. He feels the applicant has exceeded the minimum square foot per unit with the fourteen units. Mr. Sioras said the density is based on lot area. Mrs. Choiniere said the calculation at 3630 square feet per unit is found on page 3 of the plan set. Mr. Sioras said this is a zoning requirement and is not something that can be waived by the Planning Board. Mr. Granese asked if this is an issue. Mr. Sioras said Mr. Mackey made the decision. Mr. Park felt if you rounded up to 14 and perform the division, then the density falls outside of the guideline. Mr. Sioras said the number was rounded up based on Mr. Mackey's interpretation. Mr. MacEachern said it would make sense to round up because the result is not 13.2; it is 13.65; he agreed the guidelines are not clear. Mr. Park said at 14 units, it no longer meets the zoning requirement. Mr. O'Connor said the minimum lot area is 3630 square feet per dwelling unit; at 14 units they would need 50820 square feet. They have 49556. Mr. Granese asked if it was common practice to round up. Mr. Sioras said he can't think of too many examples; it does not happen often. Mr. MacEachern said it may have been an error that the next step in the calculation was not performed. Rounding up violates the ordinance and the Board can't accept a plan that violates the zoning ordinance. It would require a variance from the ZBA if they want to keep the 14 units. The Board discussed the issue and noted there can't be a half a bedroom or half a unit. Mr. Peloquin stated they were caught off guard by this and would like an opportunity to discuss it during the public input portion of the hearing. The numbers will be tight if they back off to 13 units.

Motion by MacEachern to open the public hearing, seconded by Park. The motion passed with all in favor and the floor was open to the public.

Nicole Adams, 24 Pinehurst, said the applicant has said they are meeting all the requirements, but she asks the Board to consider the effects this development will have on the neighborhood.

This will change the character of the neighborhood. They drove through Mr. MacCormack's development in Salem and it is not in anyone's backyard and does not affect the neighbors as this one will here. This will have an effect on the home values. The character of the neighborhood is beautiful and this would change the appeal and feeling of home.

Mary Eisner, 21R Deerfield, said she is opposed to this project. The zoning code allows multifamily but is hard to believe such a building was intended to be allowed in this neighborhood which is primarily residential. This project will have a negative impact on the character of the neighborhood. The traffic report and the Highway Safety Committee have both said there will be no traffic impact; that is hard to believe. There will be an additional 80 to 100 trips per day added to the road and there are other projects planned for the area within half a mile. There had been discussion during the June 4th meeting with regard to the housing needs. She does not believe this proposal meets the housing needs in the Town of Derry and this project would have a negative impact on traffic and the neighborhood. She urges the Board to deny the proposal.

Mark Flattes noted he did a site walk later in the day than the rest of the Board and met with the neighbor. He is concerned with the negative impact to the abutters on Pinehurst and Fordway. It appears this project may have a negative impact on the values as well as other environmental impacts such as the water runoff and increased traffic flow. This is located at a dangerous intersection. He feels this plan may need to be revisited to address the safety and environmental concerns raised by the residents.

There was no further public input.

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

Mr. Granese read from the TRC meeting of March 8, 2014, noting Mr. Mackey indicated the number of units should be rounded down and the issue discussed with the Planning Board. Mr. Peloquin stated Mr. Park's comment was astute and they do not want to apply for a variance. They will round the number down to 13 units. Regarding the abutter concern about decreased home values, he did not agree. This building and intersection will be greatly improved. There is a mobile home park across the street which is more likely to affect home values than a new, landscaped building. He noted he is not an appraiser and this was his opinion. With regard to the environmental concerns; he does not feel there are any. They are retaining drainage on site and providing an emergency overflow. There are no adverse drainage effects to the neighborhood and he feels they have met all of the criteria.

Mr. Granese asked if the Board needed to follow any specific procedure since the number of units has now been decreased. Mr. Sioras said the number of units can be placed as a condition of approval.

Mr. MacCormack said he touched on the demographic need for this type of housing at the site walk. This project is addressing a demographic need in the area. He has a report from the New

Hampshire Center for Public Policy Studies. He provided a copy to each Board member; a copy was retained for the record.

Mr. MacCormack advised the overall demand for homeownership is declining and the wrong types of units are available. Over the next ten years the market will be for smaller units. New Hampshire's current housing supply is poorly aligned with evolving preferences among different age groups. This mismatch exists for both aging Baby Boomers and younger workers. Older residents want to downsize but there are more three or more bedroom units than there are 1-2 bedroom units in the state. It is unclear whether the larger units built for Baby Boomers during their child rearing years will draw interest from buyers in future years. In addition, younger age groups are less likely to be homeowners compared to previous generations. Seniors will occupy a growing portion of the state's housing units. The senior population is expected to double between 2010 and 2015 and as a result seniors will occupy one in three units by 2025, doubling the rental numbers. Mr. MacCormack said there is a need for rental housing for younger and older populations. That is why they wanted to do this project. It will support the demographic need for the future.

Mr. Granese asked if Public Works had any issues with the plan. Mr. L'Heureux said all of their comments were addressed. He would like a note added to the plan regarding the double grate on Pinehurst; this can be a condition of approval.

Mr. Granese asked if all the trees would be removed from the property. Mr. Peloquin said that is the suggestion as it would be an improvement. Mr. Granese asked if all the trees along Pinehurst would be taken down. Mr. Peloquin said those trees will unnecessarily shade the trees that are intended to grow and blossom. If left, the existing trees would eventually die off and be more of a detriment. It is not recommended they keep them. Ms. Alongi asked what kind of trees would be planted. Mr. Peloquin reviewed the landscape plan and advised there would be red maple, fir, birch, white oak and arbor vitae. Mr. Granese confirmed the parcel would be clear cut and that the trees to be planted are 6-8 feet high. Mr. Peloquin said they will grow about one and half to two feet per year and there will be fencing as well. It is in their best interest to screen the property from the road and intersection. The fence will be four feet tall, white vinyl, with open slats. There is a detail of the fence in the plan set (sheet 11).

Mr. MacEachern asked if the funding mechanism for the housing will be income based on needs. Mr. Peloquin said this will not be workforce housing. It is intended to be more upscale and is privately funded.

Motion by O'Connor to approve a 13 unit, multifamily plan for Keystone Builders, 70 Fordway, PID 24005, pursuant to RSA 676:4,I, Completed Application with the following conditions: comply with the Keach Nordstrom report dated May 20, 2014; the storm drain detail is revised as per the request of the Engineering Coordinator on May 21, 2014, add the double grate on Pinehurst; subject to owners signature; subject to onsite inspection by the Town's Engineer; establish appropriate escrow as required to complete the project; obtain written approval from the IT Director that the GIS disk is received, is operable, and complies with LDCR Section 170-61.C; no parking signs are added to the turnaround area adjacent to the dumpster; the above conditions are met within 6 months; revised plans are submitted showing 13 units; the applicant

is required to utilize Certified Salt Applicators and follow BMPs for road salt application per RSA ~~486-C489-C~~. Bartkiewicz seconded the motion.

Park voted no, stating the plan would alter the character of the neighborhood too drastically; O'Connor voted yes stating the applicant has met all of the requirements for the zoned area; MacEachern abstained as he had not attended all of the meetings or site walks but he would agree with Mr. O'Connor; Alongi voted yes; Choiniere and Bartkiewicz voted yes for the same reasons as stated by O'Connor; Granese voted no, stating the plan would create a hardship for the abutters, it is an apartment building, the size of the building, and it does not fit the landscape of the area. He added it will affect property values and the majority of the abutters do not want it in the area. The Board needs to look out for the residents in Derry and the future of Derry. The motion passed by a vote of 4-2-1.

Mr. Fairbanks was reseated.

Workshop

To review final zoning changes – creating a General Commercial IV District

Mr. Sioras advised staff made the changes suggested at the last workshop, revising the list of permitted uses. The document was sent to legal counsel for review and they have made the suggested changes to the definitions. The discussion had come up at Town Council that instead of looking at a small area around Webster's Corner, that the Board consider extending the zone down to the Windham town line. The map supplied shows the new zone. Mr. O'Connor felt the new zone followed the Master Plan and he concurs with the changes. Mr. Sioras said the district would extend from the area near the Grandview Flea Market site, south down Route 28. This will not impact the current General Commercial lots on Crystal Avenue. Mr. O'Connor confirmed the three Office Medical Business lots would be removed from OMB and added to this zone. Mr. Sioras said that is the intent and it makes sense since there is already sewer at that location. The property owners there had been supportive of the change.

Mr. Fairbanks asked if Mr. Sioras could explain the four parcels that are near Featherbed Lane on the map. Mr. Sioras said those parcels are in the General Commercial III zone which is the area surrounding the Robert Frost Farm. Those parcels have very limited use. He reported he received a phone call from the owner of the Metro Plaza who asked if the Planning Board would consider limiting the distance between gas stations. Mr. MacEachern said he would be for the buffer and Mr. Park said he would be against it. Mr. Granese stated this discussion came up again at the last workshop and the Board decided not to impose a buffer. Mr. Park did not feel it was within the Board's purview to limit competition. Mr. MacEachern respectfully disagreed; he would not like to see a gas station every fifty feet or car lot after used car lot. The Planning Board's job is to lay out the town per the vision of the residents. The Board held a short discussion regarding the number of pharmacies in town.

Mr. MacEachern felt Derry had a lot of the same uses and needed some diversity. The Board's job is to say yes if the applicant has met all of the regulations. The Planning Board is the Board that creates the rules they say yes to. They need to look at the rules and make sure they make

sense. Each zone has its own unique character. Water and sewer will dramatically effect what goes on Ryan's Hill. There is no 99 Restaurant without water and sewer. The Board needs to be specific in what it wants. This is why the Board goes through the Master Plan every few years. He suggested revisiting the Growth Management Ordinance. Attributes other than the school population can be brought to the table that might have helped with some of the previous discussions. The Board has no vehicle to stop a 40 lot subdivision today which would have a large effect on town services. He felt they needed to do their job as the Planning Board and look into this. Mr. Granese stated that was the point of his statement at the beginning of the meeting. Mr. MacEachern said it is a lot of work and hard for the Chairman because people are passionate about their property; they don't like change. However, the Board needs to do what is right for the whole town.

Mr. Granese noted the requested changes to this document have been completed. Mr. MacEachern confirmed a Charter School would be considered a private school. Mr. Granese said if there are no further changes to this document, it can go on the agenda to be scheduled at the next meeting and a public hearing can be held on August 20th. Mr. Fairbanks confirmed there would be no buffer between filling stations.

Review of proposed zoning change – deletion of height restriction in the Central Business District

Mr. Sioras advised during discussions with Town Council the issue of the height of buildings in the CBD came up. The current restriction is 60 feet as back in the 1960s and 70s the ladder truck could only reach so high. The argument was to eliminate the height restriction for the downtown only and the Planning Board would determine the height. This came up during discussion centering around the town owned property. The Fire Codes and Building Codes allow for increased building height. The suggestion was to eliminate the height restriction and keep it at the discretion of the Planning Board during site plan review.

Mr. Granese said he has spoken with Chief Klauber who indicated the buildings on the lots below the grade of Broadway could go higher because the land is lower than Broadway. If the buildings are sprinkled, have stand pipes and pressurized stairwells it would be okay to have a 30 story building.

Mr. MacEachern asked what the Board felt should be the right height in Derry. Would a ten story building be too tall and stick out? He has no problem with a 5-6 story building. After that, the buildings begin to cast shadows and affect the neighbors. Mr. Granese felt the height would depend on the location of the building. Mr. O'Connor felt the Board would have purview because in the TBOD the Board can require architectural review and review of the height would be included. Mr. MacEachern noted the Board can't deny something if all the regulations are met. Mr. Fairbanks noted the original suggestion had been to allow 100 feet.

Mr. Sioras said the arguments have been 50/50. Half would like a height restriction and the other half feel there should be no restriction. Some people feel the buildings should be restricted to five to six stories to retain the character of the downtown. Mr. Granese thought a 100 foot tall building could be 9-10 stories.

The Board considered maximizing the height at 100 feet. Mr. Fairbanks said the impetus was what to do with the open lots in Sawyer Court because the lot sits lower than Broadway. He would like to keep it open ended but agrees with Mr. MacEachern that the town should be careful what it wishes for. Mr. MacEachern thought the Board should first decide what it wants the town to look like. Mr. Fairbanks noted the other piece to consider is Exit 4A. If that does more forward, it has to be considered. Mr. Sioras commented the Town Council asked the Planning Board to look at this change and move it forward. Mr. MacEachern felt the Board needed to look at this on a broader scope. Mr. O'Connor said an 8 story building is approximately 90 feet tall. There was discussion about leaving this on the table until the next meeting or moving it forward as suggested by Council. Mr. MacEachern said it seemed the Board was generally agreeable to changing the ordinance but it needs to be in the context of looking at the town as a whole and planning for the town as a whole.

Mr. Fairbanks explained the discussion stemmed from the November workshop when they discussed what they wanted for the downtown. They zeroed in on building height and did not look at other aspects. Mr. Sioras said the Town Council is seriously looking at selling the parcel in the downtown and wants to be able to say what can and cannot be done in the area. Mr. MacEachern said the Board needs to figure this out as a team as to what the downtown should look like. Mrs. Choiniere said even at 60 feet an applicant could ask for a variance if they wanted to go higher with a building. Mr. Granese asked to have this placed on the next meeting's agenda.

Mr. Granese advised the Farmer's Market began today and will be every Wednesday between 3:00 and 6:00 p.m. Town Council will hold a public meeting tomorrow evening between 6-9 p.m. so that the public can meet the two candidates for Town Administrator and ask questions.

Motion by Choiniere, seconded by Park to adjourn. The motion passed with all in favor and the meeting stood adjourned at 9:43 p.m.

Approved by: _____
 Chairman/Vice Chairman

 Secretary

Approval date: _____