

The Planning Board for the Town of Derry held a public meeting on Wednesday, June 03, 2015, 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; Michael Fairbanks, Secretary; Randy Chase, Administrative Representative; Frank Bartkiewicz, Jim MacEachern (7:02 p.m.), Lori Davison, Members; Marc Flattes, Alternate

Absent: Mark Osborne, Jan Choiniere,

Also present: George Sioras, Planning Director; Elizabeth Robidoux, Planning Assistant; 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. Mr. Granese noted the emergency exits, the location of meeting materials and introduced the Board members and staff.

Mr. Flattes was seated for Mrs. Choiniere

Mr. Granese advised Mr. Osborne is currently attending a non-public meeting of the Town Council and is unable to attend this evening.

Escrow

None.

Minutes

The Board reviewed the minutes of the May 20, 2015 meeting.

Motion by O'Connor, seconded by Bartkiewicz to approve the minutes of the May 20, 2015 meeting as written. The motion passed in the affirmative with Chase abstained.

The Board reviewed the site walks notes of May 28, 2015.

Motion by O'Connor, seconded by Bartkiewicz to accept the notes of the site walk held on May 28, 2015. The motion passed with O'Connor, Fairbanks, and Chase abstained.

Mr. MacEachern was seated.

Correspondence

None.

Other Business

Mr. Sioras advised the Town Council held its public hearing on two zoning amendments last evening. The amendments related to the covenant provision found under the requirements for special exceptions passed and the proposed changes to the Central Business District and Traditional Business Overlay District have been continued to the next Town Council meeting. Mr. Fairbanks suggested when the building height restriction is discussed it would be helpful to explain the 350 foot height limit further; several people had been of the impression the Board would allow buildings that were 350 feet tall. Mr. O'Connor added that the elevation of the street on Broadway is at about 285 feet, so buildings would not be much taller than what exists now.

Informational Meeting – State of New Hampshire, Department of Transportation**PID 02017, 41 Kendall Pond Road
Replacement of Highway Maintenance Facility**

Mr. Sioras introduced Gary Clifford, Maintenance Supervisor, Highway Maintenance, District 5 and Roger Dionne, Project Manager, Department of Administrative Services who are present from the Department of Transportation to discuss the replacement of the highway shed on Kendall Pond Road. No vote is required of the Board this evening, they are here this evening to describe the project to the Board.

Mr. Clifford advised this facility is one of 18 facilities operated out of the Bedford office. He is the Project Manager for this project. Mr. Dionne is administering the contract with H.L. Turner. Mr. Clifford thanked the Board for allowing them to present the project this evening. They would like to listen to any comments from the Board and address them as needed. The purpose of the project is to redevelop the existing facility.

The existing facility includes the main patrol section facility where they store winter plows, there are outbuildings used for cold storage, an old salt shed where they currently store fire wood, the newer salt shed and the brine making facility. The plan is to demolish the majority of the buildings on site. The Highway Division has been operating from this facility since it was constructed in 1963; the building totals about 7000 square feet. The building is obsolete and makes them inefficient. This facility maintains Interstate 93 from the Massachusetts state line to Manchester. The facility is energy inefficient and unsound. It is time for an improvement. The old salt shed (3200 sf) was constructed in 1965 and that will be replaced as well. The 7200 sf salt shed will be retained under a different use as that was constructed in 1999. The brine facility was constructed in 2004. This project has been in the planning stages since the I93 expansion has been planned. In 2013 NHDOT received capital funds for the project.

The facility has 10 full time employees, six 6-wheeled plow trucks, two 10-wheeled dump trucks, two 10-wheeled brine trucks, a grader and backhoe, a tractor, an incident response truck and a few pick up trucks. Maintenance on this section of highway is very important. During the winter months the hire trucks come in to assist the state and additional employees are added to assist with snow removal.

Mr. Clifford provided information on the project specifications. The project has been allotted 3.2 million in capital project funds. H.L. Turner is the architectural engineer on the project., and developed the plans that are at 90% completion. They are advertising the schedule for June 11, bids are due in July, and the project should be complete by August 2016. The plan is to construct a 150 x 80 foot, 12,000 sf patrol shed. The building will include overhead doors, and crew quarters. The new salt shed will be 120 x 95 feet and will also have storage on both sides for cold storage. Mr. Clifford reviewed the grading plan, noting the location of the buildings on the plan. He noted they met with the Technical Review Committee on May 8th, received their comments and are currently working to incorporate those into the plan.

With regard to utilities, they will tie into water in a new location. There is water in two other locations on site. One goes direct to the brine building. They will tie into the existing septic and sewer system as well. In the future, they hope to build a forced main to put sewer to the pump station on the north side of Beaver Brook.

Mr. Clifford reviewed the floor plans outlining the crew quarters, offices, and ITS area. The bays will open on both sides so they can drive the trucks straight through. He noted the elevation for the new salt shed. The site will be served by electricity and they have a wood boiler which provides heat to the facility. Back up heat is provided by propane. The building will have a sprinkler system and there will be a fire alarm system. A new emergency generator will be provided to assist during power outages. Mr. Clifford said they were trying to redevelop the parcel to obtain the highest efficiency in maintaining I93. He asked if the Board had any questions.

Mr. MacEachern asked with regard to the blind spots on Kendall Pond Road. During the TRC discussion it had been noted the DOT would look to do some tree and brush clearing to address sight distance concerns. Do they still plan to do that? Mr. Clifford said they will do tree clearing but it will be independent of this project. They will work with the town. During the reconstruction of I93 they will lose their current crossover location and will also need to have the appropriate sight distance exiting the site. It is known they need to improve that. Mr. MacEachern said he just wanted to make sure it was addressed because there is a sharp curve in this location. Mr. O'Connor advised the state Legislatures toured the various facilities on I93 and viewed this site. The volume here in the winter is phenomenal and he was impressed with the job that was done from that facility.

There were no further comments or questions.

Public Hearing

**Extended Realty, LLC
PID 26232, 37 Highland Avenue
Review, Site Plan
20 Unit Townhouse Development
Continued from May 20, 2015**

Mr. Sioras provided the following staff report. This is a continuation from May 20th. The Board held a site walk last Thursday evening. The engineer has made some changes to the plan. Overall the neighbors appear to support the plan for the townhouses rather than the former apartment plan. The physical condition of the school has deteriorated and there are many broken windows.

Mr. Chase recused himself from this application.

Doug MacGuire, The Dubai Group, presented for the applicant, Eric Spofford, who was also present. He understood the focus of the site walk had been to get an understanding of the layout of the buildings on site and to look at the issues related to the waiver requests. The factors supporting the waiver requests were discussed at the last meeting and during the site walk but he was happy to review those for the Board if requested.

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

Craig Busted, 33 Highland Avenue, advised he was okay with the plan for the most part. There was no further public comment.

Motion by MacEachern, 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 asked Mr. L'Heureux if Public Works was happy with the plan. Mr. L'Heureux stated he believed the small technical issues could be worked out. The main issues were the extra parking space encroachment, the aisle width and sight distance on the Florence Road side of the project. They have sight distance for 180 feet. At 25 MHP they need to have 150 ~~MPH~~feet; at 30 MPH the sight distance should be 200 feet. The regulations call for 200 feet of sight distance. Vehicles are approaching a stop sign at this location and the traffic slows. He did not believe it was unreasonable to request the waiver. The applicant will still need to include details and revise the plan, but there is nothing on the plan that is insurmountable. His department is neutral to the waiver requests. Mr. Fairbanks asked with regard to the sight distance and the location of the exit. Mr. L'Heureux explained the exit is closest to Highland Avenue and it would lessen the sight distance. Mr. Fairbanks asked if it would help if the entrance and exit at this location were swapped. Mr. MacGuire said they have a better view of

Florence Street and the intersection from the proposed location. Mr. MacEachern noted at this proposed exit, drivers of vehicles could also see around the corner. Mr. Fairbanks said if Highway Safety is fine with it, he has no issues; he can now understand why they did not switch the exit and entrance at this location.

Mr. Granese confirmed there would be no dumpsters on site and the owners of the units will be responsible for removing their own trash.

Mr. Flattes asked if the Board had to discuss the fact the applicant had been requested to save the wording over the front door of the school. Could that be a condition of approval? Mr. Granese recalled this had been discussed at the last meeting and the applicant said he would take it down for the Heritage Commission. He did not feel that needed to be a condition of approval. Mr. Sioras said at the site walk there had been some discussion about looking at that header stone and seeing if it was possible to retain the "Charles Floyd" portion and place it in the wall on Highland Street near the steps to preserve some of the old school on site. Mr. Spofford indicated if it was possible he would do that. Mr. MacEachern felt the Board should not impose conditions that may not be enforceable on an applicant for items that might be beyond their control. Mr. MacGuire noted the applicant will be rebuilding the stone wall in this area and infilling the area. This is noted on the plan.

Motion by MacEachern, seconded by Bartkiewicz to grant a waiver from LDCR Section 170-26.A.16, Driveway Slopes to allow a driveway slope greater than 3% as after review of the waiver request the Board finds that specific circumstances related to the plan, or conditions of land in such plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

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

Motion by MacEachern, seconded by Flattes to grant a waiver from LDCR Section 170-26.A.16, Sight Distance, to allow a sight distance of less than 200 feet for the access of Florence Street as after review of the waiver request the Board finds that specific circumstances related to the plan, or conditions of land in such plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

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

Motion by MacEachern, seconded by Bartkiewicz to grant a waiver from LDCR, Subdivision Regulations, Figure 1, Service Road Cross Section, to allow improvements to the private right of way without using vertical granite curbing as after review of the waiver request the Board finds that specific circumstances related to the plan, or conditions of land in such plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

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

Motion by MacEachern, seconded by Flattes, to grant a waiver from LDCR Section 170-25.A.5, Curb Cut Location, to allow a curb cut less than 75 feet from an intersection as after review of the waiver request the Board finds that specific circumstances related to the plan, or conditions of land in such plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

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

Motion by MacEachern, seconded by Bartkiewicz to grant a waiver from LDCR Section 170-65.L, Infiltration System, to allow the emergency outfall design of Infiltration System #1 as after review of the waiver request the Board finds strict conformity to the regulation would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations. Discussion followed.

Ms. Davison confirmed the purpose of the infiltration system.

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

Motion by MacEachern, seconded by Flattes to grant a waiver from LDCR Section 170-63.A.2, Parking Setback, to allow a parking space to be within 15 feet of the right of way as after review of the waiver request the Board finds that specific circumstances related to the plan, or conditions of land in such plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

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

Mr. Fairbanks noted there was still one item for the Board to consider relating to aisle width. Mr. MacGuire said this had been discussed with the applicant. They are not opposed to supplying a 24 foot aisle way but felt a 20 foot aisle was acceptable because this is a one way configuration and they did not ask for the waiver. If the Board wants the aisle at 20 feet, they are happy to ask for the waiver. Mr. O'Connor noted the 24 foot aisle would cut into the proposed landscaping. Mr. L'Heureux said they would need a waiver at 20 feet or have to amend the plan to show 24 feet. The regulation calls for 24 foot aisle widths. Mr. Granese asked if it made a difference to the Department of Public Works whether the aisle was 24 or 20 feet. Mr. L'Heureux said his Department is neutral. Mr. MacEachern said he would want to make sure a fire vehicle could access the site. Mr. Fairbanks said he would like to see the width at 24 feet. Mr. L'Heureux said with regard to site circulation, DPW thinks the applicants should allow for the most they can get on site.

Mr. MacGuire said he would prefer to keep the aisle width at 20 feet and he would ask for the waiver; they don't anticipate conflicting flows. At 20 feet the circulation will function properly and they retain the additional green space.

Motion by MacEachern, seconded by Bartkiewicz to grant a waiver from LDCR Section 170-62.B.1, Aisle Widths, to allow a drive aisle width of 20 feet as after review of the waiver request the Board finds that specific circumstances related to the plan, or conditions of land in such plan, indicate that the waiver will properly carry out the spirit and intent of the regulations. Discussion followed.

Ms. Davison asked for a friendly amendment to indicate this is the access located of Florence Street so that the location is clear. Mr. MacEachern accepted the friendly amendment and it was seconded by Mr. Bartkiewicz.

Davison, O'Connor, Flattes, MacEachern, Bartkiewicz, and Granese voted in favor; Fairbanks voted no, and the motion passed.

Motion by MacEachern, seconded by Flattes to approve pursuant to RSA 676:4, I, Completed Application with the following conditions: comply with the Vanasse Hangen Brustlin report dated May 20, 2015 or later, subject to owner's signature, 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 disc is received, is operable and complies with LDCR Section 170-61, note approved waivers on the plan, subject to receipt of state or federal permits relating to the project, that the above conditions are met within 6 months, and snow and ice removal shall be performed by a "Green Sno Pro" certified contractor following Best Management Practices for the application of de-icing materials.

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

Mrs. Davison asked with regard to the summer schedule. The Board will meet once in July and once in August unless there are commercial applications received.

Motion by Bartkiewicz, seconded by Flattes to adjourn. The motion passed with all in favor and the meeting stood adjourned at 7:46 p.m.

Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____