

The Planning Board for the Town of Derry held a public meeting on Wednesday, July 15, 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: John O'Connor, Vice Chairman; Michael Fairbanks, Secretary; Mark Osborne, Town Council Liaison; Lori Davison (7:28 p.m.), Jim MacEachern, Frank Bartkiewicz, Mirjam Ijtsma, Members; Marc Flattes, Alternate

Absent: David Granese, Randy Chase

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

Mr. O'Connor, Chair Pro-Temp called the meeting to order at 7:00 p.m. The meeting began with a salute to the flag. Mr. O'Connor noted the emergency exits, the location of meeting materials, and introduced the Board members and staff.

Mr. Flattes was seated for Mr. Granese

Escrow

#15-12

Project Name: Aroma Joe's #27

Developer: Zielfelder Builders, LLC

Escrow Account: Same

Escrow Type: Letter of Credit

Parcel ID/Location: 08274, 13 Manchester Road

The request is to release \$17,554.32 and request a replacement Letter of Credit in the amount of \$5,184.00 for the above noted project. Upon receipt of the replacement Letter of Credit, the Board will release Letter of Credit #20028445 in the amount of \$22,738.32.

Motion by Bartkiewicz, seconded by Fairbanks to approve as presented. The motion passed with all in favor. (MacEachern not present)

#15-13

Project Name: Parking Lot Expansion – Granite House

Developer: CCN Realty, LLC

Escrow Account: Same

Escrow Type: Cash

Parcel ID/Location: 29139 and 29140, 33 & 35 West Broadway

The request is to approve the final release of cash escrow in the amount of \$4,406.40 plus any accumulated interest for the above noted project. The amount to retain is zero. This is the final release.

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

#15-14**Project Name: CLM Parking Expansion****Developer: Center for Life Management****Escrow Account: Same****Escrow Type: Letter of Credit****Parcel ID/Location: 08079, 10 Tsienneto Road**

The request is to approve a release in the amount of \$100,502.21 and request a replacement Letter of Credit in the amount of \$9,720.00 for the above noted project. Upon receipt of the replacement Letter of Credit, the Board will release Letter of Credit #SB-2005 in the amount of \$110,222.21.

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

#15-15**Project Name: Wetland Impact Plans – Driveway Crossing****Developer: Yvon Cormier Construction Corp.****Escrow Account: Same****Escrow Type: Letter of Credit****Parcel ID/Location: 08280-004, 7 Ashleigh Drive**

The request is to approve Release #2 in the amount of \$171,062.93 for the above noted project and request a replacement Letter of Credit in the amount of \$36,573.12. Upon receipt of the replacement Letter of Credit, the Board shall release the Letter of Credit in the amount of \$207,636.05.

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

Minutes

The Board reviewed the minutes of the June 17, 2015 meeting.

Motion by Flattes, seconded by Bartkiewicz to approve the minutes of the June 17, 2015 meeting as amended. The motion passed with the majority in favor. O'Connor and MacEachern abstained.

Correspondence

Mr. Fairbanks read aloud an email from Jan Choiniere, outlining the reasons for her resignation from the Board. Mr. O'Connor commented Mrs. Choiniere has been an asset to the Board and he is sorry to see her leave. Other Board members agreed. Mr. Fairbanks added she was a good member of the Board.

Mr. Fairbanks advised the Board was provided a copy of the Mixed Use Subcommittee notes from their meeting of June 22, 2015. The next meeting of the subcommittee will be July 27, 2015 beginning at 2:00 p.m. in the Municipal Center. The Board has also been provided an updated contact list.

Other Business

Voluntary Merger – 92 and 100 Goodhue Road

Mr. Sioras explained the application is for a voluntary merger of parcels owned by Richard Griessel who lives at 74 Goodhue. He is combining two other parcels he owns; one of them was recently purchased at town auction. There are no development plans at this time of which staff is aware.

Motion by MacEachern to approve pursuant to RSA 674:39-a, a voluntary merger of parcels 04018, 92 Goodhue Road and 04054-002, 100 Goodhue Road. Parcel 04054-002 shall be retained. Flattes seconded the motion.

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

Other

Mr. Sioras advised the Board that Town Council has scheduled a public hearing for August 4, 2015 to address the change in wording from "circumference" to "radius" with regard to building height restrictions. He commended the Board on its work this year. The Board has worked on three major zoning changes for the town including the downtown zoning, the multifamily zoning and the creation of a General Commercial IV district.

Public Hearing**Halcyon Club, Inc.
PID 30042, 2 Central Court
Acceptance/Review, Site Plan Determination
Parking Lot Expansion**

Mr. Sioras provided the following staff report. The purpose of the plan is to construct a 48 space overflow parking lot for the Halcyon Club. This property is located in the Central Business District. All town departments have reviewed and signed the plan. There are several waiver requests outlined in the letter from Benchmark Engineering. Staff recommends approval. One of the abutters did come to the office and met with Mr. Sioras, Mrs. Robidoux and Mr. Wentworth. Issues raised by the abutter have two parts. One is the issue of the parking lot expansion for the club, the other is a code enforcement issue having to do with the cars, equipment and junk that are on the lot. Staff was under the impression if the site plan was approved, the lot would be cleaned up and the various items would be removed from the parking lot.

Mr. Flattes advised he would be recused from this application.

Jack Szemplinski, Benchmark Engineering, presented for the applicant. The property is located on Central Street, east of the Halcyon Club which owns the property. Part of the lot is paved and part of the lot is gravel with a lot of items to be removed, for example junk cars. The owner would like to improve the property by creating 48 paved parking spaces with landscaping around the property to buffer the neighbors. There is one catch basin proposed in the middle of the parking lot which is intended to tie into the catch basin located in the town right of way.

Mr. Szemplinski advised since the date of submittal of the application, they have met with one of the abutters and come to an agreement to add approximately 10 additional trees. He would like to present the Board with a revised plan showing the revised landscaped buffer as agreed with the abutter. Keach Nordstrom has reviewed the original plan and provided comments. They can meet those requirements.

Motion by MacEachern to accept revised plans, seconded by Bartkiewicz. The motion passed with all in favor.

Mr. Sioras asked Mr. Szemplinski to explain where the additional trees have been located. Mr. Szemplinski stated the property is located on Central Street. Central Court is south of that. The lot is across the street from the Halcyon Club building which is located to the left. Mr. O'Connor noted the Halcyon Club owns several properties in the area. There is an auto repair entity across the street from the subject lot.

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

Steve Trefethen advised he is the owner of an 8 unit residence to the north of the proposed parking lot and was also noticed for another 6 unit property he owns. He has packages he would like to present to the Board and submit for the record. Some of the information had been presented to Town Council at their last meeting. The packet included the following: several photos of the parking lot as it exists today with vehicles stored on it, a parcel map of the area, a parcel map noting this parcel and 4 town owned properties behind and to the right of it, a portion of the proposed site plan, and text of his proposed comments for this evening. Mr. Trefethen asked that any member of the Board who is also a member of the Halcyon Club or a customer of the Halcyon Club to consider stepping down. Mr. Trefethen advised his packet shows what is on the site now. The town owns four parcels located in the same area for which it paid over one million dollars which are slated for future development. Mr. O'Connor asked Mr. Trefethen to please keep his comments to the plan before the Board this evening. Mr. Trefethen said he worked with the applicant and they have agreed to change the plan and add trees along the lot toward Central Street. He feels that is the right thing to do. The applicant has agreed to add evergreen trees along the property line. He would like to see conditions of approval placed on the plan and the record. The landscaping should be of substantial size and there should be conditions that the applicant is required to take care of the landscaped beds and ensure they are weeded. He feels his residential tenants should be able to look at a clean property.

With regard to the lighting, Mr. Trefethen wanted to make sure the lights don't shine into his tenants' windows. He also believes that the tenants at 15 Central Street should not be allowed to park in this parking lot. He would like this to be a very clear condition of approval. 15 Central Street currently has an auto mechanic and auto sales business. Those tenants place vehicles on this lot. He has not complained about it to date because people need to be able to make a living but the plan states this lot is intended for overflow for the Halcyon Club. He wants the Planning Board to make it clear the parking lot is not for everyone to park in; it is only for overflow for the Halcyon Club. The landscaping needs to be kept clean and weeded. He feels that placing trees closer to Central Street will help his property and it helps to screen his property and the town owned properties.

Ms. Davison entered the meeting.

Mr. O'Connor noted that since the town has initiated the Property Maintenance Ordinance, there are opportunities for the town to ensure that weeds don't get out of control; Code Enforcement enforces the Ordinance. He did not want the Board to be redundant when there was already an active Ordinance. Mr. Trefethen felt it was important to mention that right now his people cut the area between the building and parking lot. His residential tenants would like to see it clean. If it looks nice when they go to develop the town sites to the rear it will be better.

Donna Lato, 3 Sawyer Court, advised the above ground pool shown on the plan is in her back yard. When they were growing up, there were trees all around their property. Now there is a parking lot to the side and one is proposed to the rear. She has been told the Halcyon Club wants

to use this lot as overflow. Currently the Halcyon Club has an upper lot with 17 spaces which is never used. She is not sure why they need more parking. She believes the lot would only be used during their annual cookout. It could be used as is. This lot abuts the municipal parking lot. Halcyon customers could walk to the municipal lot. She was told the garage tenants would still be able to park 6 cars on this lot. Halcyon has also assured them that no one will exit behind their property and that people in this parking lot will use the entrance/exit on Central Street. Sawyer Court is narrow and she has a concern for traffic. Ms. Lato advised that people camp in the town parking lots for weeks at a time and the town does nothing about it. They end up taking care of the trash left by those in the campers. Teenagers use the pool in her backyard. She would like a buffer and a fence to protect the young people from people watching them. She opposes this plan and is requesting a buffer. She has dealt with the fumes from the former paint booth and does not want fumes from this. She would like to not have to pick up others trash and would like to understand why a private club needs so many spaces.

Mr. Osborne asked how long Ms. Lato has lived at this address. Ms. Lato said her father purchased the property in 1968; she has lived there for most of her life. Mr. Osborne asked in absence of a buffer to protect the views of the pool, what is the view like now. Ms. Lato said her lot is surrounded by parking lots. The municipal lot is on one site, Mr. Trefethen has a lot on the other side, this is proposed to the rear and the Abbott Court lot is to the front. The light will be right in her backyard and the bedrooms are located to the rear of the house.

Michael Iannuzi, 3 Sawyer Court, questioned the 48 parking spaces. How will it be ensured that only customers of the Halcyon Club use those spaces? Any time there is a town function or something at the Opera House there is overflow onto their street. What is the purpose of the gate if it is never used? What does this do to their property values? There will never be development on this lot if it is turned into a parking lot. The parking lot brings noise and trash to their neighborhood. The town purchased the lot across the street from them and took down the building. Now people randomly park in the vacant lot. He feels 20 spaces might be okay but 48 seems excessive. He feels this will be used by the Opera House or Halligan's customers and that will create noise issues. They deal with that now from people using the municipal lots.

Cheryl Paradis, 3 Sawyer Court, stated she has lived at this address for her entire life. There are two large trees at the rear of the property. Their yard currently has a pool, a trampoline and a horse shoe pit. No one used this parking lot before. The building across the street from them that was torn down (8 Central Street) is now a parking lot and people leave trash there. There is no trash can there and she picks up the trash and takes it to the dump. The same thing happens with the municipal parking lot. They have taken care of the area behind the pool for 46 years. Her property has always been kept to the best they could. Her concern is for the safety of her children; she fears there will be people leaving the club, watching her children while they are in the pool or on the trampoline. People parking in this parking lot will infringe on her privacy. When she asked the applicant to put up a fence, she was told she could put up a fence on her property. They have not had a lot of issues with Halcyon customers. She does have a concern for her children and wants something there so that she does not have to worry about people watching her children. With regard to parking, there have been three occasions where there was overflow from the Adam's Memorial building because the municipal parking lot was full. The

downtown parking issue needs to be addressed. Will the town owned property (former Difeo lot) become a parking lot too? She feels the town is trying to push them out because they opposed what happened with 8 Sawyer Court. She is requesting that two trash bins be placed at 8 Sawyer Court and one in the municipal lot. They have had issues with the people camping in the municipal lots.

John Beliveau, Vice President of the Halcyon Club, stated the Halcyon Club owns the building at 15 Central Street and rents to two garages. They have told their tenants they can put 6 cars on the lot at 2 Central Court during the day. The six spaces would be for the tenant's customers, not the junk cars that are there now. They can be there for the day but the cars should be leaving at night. The Club needs extra space. The Halcyon Club holds 70 people downstairs and 110 people upstairs for a total of 180 people. The side lot has 12 spaces, they need more parking for functions. There is a 15 foot buffer from the pool. They have no control over the municipal parking lot. They are trying to improve what is now a dirt lot.

Mr. Trefethen stated he had been told by Mr. Sioras that this parking lot was intended for overflow parking only, not for the tenants. What about the 6 spaces? Mr. Sioras reported Mr. Trefethen met with Mrs. Robidoux, Mr. Wentworth and Mr. Sioras to discuss the plan. Note 2 on the site plan states the purpose of the plan is to construct a 48 space ~~overnight-overflow~~ parking lot for the Halcyon Club. He was unaware of the 6 tenant spaces until this evening. Mr. Trefethen said the Board needs to be clear on the conditions. The Halcyon Club has nice people but he feels the Board needs to clarify the site plan. He does not see a reason for overflow parking. He feels there should be a site plan for 15 Central Street. The public needs to know that lot is what is says it is on the site plan. Overnight, camper and truck parking should be restricted.

Mr. O'Connor confirmed Mr. Trefethen owns the apartment building to the north of 2 Central Court and that his parking lot has 8-9 spots that are shared with the Halcyon. Mr. Trefethen said some of the spaces are cut in two by the way the lot line goes. His tenants park along the building; they don't have a lot of cars. When the Halcyon Club has a function, they use his parking lot. He has tried to be decent about people parking in his area. For whatever reason, the Halcyon patrons don't park in the 17 spaces in the upper lot.

Mr. O'Connor asked if there is a fence between Mr. Trefethen's property and the Paradis property. Mr. Trefethen said there is not. His crew cuts the lawn area in between and he keeps the trees trimmed. There is some blockage between his property and their property. The backyard of 3 Sawyer Court opens up in the area of the pool. Mr. Sioras has told him the proposed site plan meets the current buffer requirements.

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 discussion of the plan returned to the Board.

Mr. Sioras spoke with regard to the landscape buffer. The applicant's representative spoke with Mr. Trefethen and ~~he~~ Mr. Trefethen asked for an enhancement of the buffer between the proposed parking lot and his property to the north. He assumes the proposed gate is to prohibit traffic from exiting to the right. When he and other staff met with Mr. Trefethen, they told him the Planning Board can put conditions on the plan with regard to the removal of the junk cars and Code Enforcement can enforce that. He can't speak to the pool issue. The Board may want to discuss a buffer for the pool. Everything else on the plan meets the regulations and that is why staff signed off on the plan. The Town Administrator could look ~~in to~~ into the items that have been raised about what is happening on the town owned lots.

Mr. O'Connor asked Mr. L'Heureux if the soils on the lot will need to be tested before work can be done on the lot since the area may have oils from leaking vehicles. Also, the plans show a proposed catch basin. Where does that go? Does it go to wastewater or does it end up with the stormwater in the streams? Is there an issue with test pits and will there be any impact to the MS4 permit?

Mr. L'Heureux did not believe this project will affect the MS4 permit. The catch basin will eventually outfall to Beaver Brook as all do in this network. The catch basins have a series of sumps and are cleaned annually. Originally, the plan proposed a treatment swale to handle the drainage. The Town asked them to add a catch basin that will have a perforated pipe, which allows the water to leach into the ground. The catch basin will have a sump to catch contaminants. They want to see paved surfaces to help catch the contaminants in the catch basins.

Mr. MacEachern asked with regard to the lighting plan. The lighting plan is on Sheet 3. He asked why the lights are not proposed to be downward facing, shielded lights so that the light does not project. He feels the light can be projected down into the parking lot so that the light does not shine everywhere. He would like the light to go in one direction. Mr. Fairbanks noted the plan does show the lights shine onto the parking lot. Mr. MacEachern said he wants to make sure the lights are shielded. He is used to more detail on the plan; he does not see the fixture has a shield. Mr. L'Heureux said the light shown conforms and will do what Mr. MacEachern wants. He said Mr. MacEachern could request the lights be LED, which is what the Board has been seeing on recent plans.

Mr. Fairbanks asked Mr. Szemplinski to walk through the waiver requests.

Mr. Szemplinski explained the first waiver is from the requirement for a ten foot landscaped island. The parking lot is too narrow to do that. They want to preserve the buffer and also need a 24 foot wide drive aisle to accommodate Fire Department requirements. With regard to the interior landscaping waiver request, the landscaping will be extended along the property line to accommodate the abutters and interior landscaped islands do not make sense in this application. The request for the pipe cover waiver is because there is an existing catch basin in the town right of way. The existing elevation does not allow them to put the three feet of cover over the pipe that will connect to that catch basin. Two feet of cover will meet the manufacturer specifications

and it will still meet the H2O loading. Mr. L'Heureux stated he had no issue with any of the waiver requests.

Mr. O'Connor asked about the catch basin that is located in the right of way. Mr. Szemplinski advised a catch basin is located south of the proposed improvements. Water heads in that direction. Public Works requested the additional catch basin. Mr. Fairbanks felt it might be a good trade off to allow the waivers in order to gain a fence to the rear to address the abutter's concerns. Mr. Szemplinski said the owner is following the zoning requirements with regard to the number of trees and has agreed to add larger trees in the buffer. The owner has already gone over and above the regulations. He directed the Board's attention to sheet 2 of the revised plan. They could save the tree that is proposed to be cut (the one closest to the pavement) as a concession. This lot is located in the Central Business District zone and provides for the proposed use. They are going beyond what is required for landscaping to appease the abutter. He feels once the site is completed, it will be an improvement for the neighborhood.

Mr. Osborne asked if they can propose to leave the tree as a concession, why is it being taken in the first place. Mr. Szemplinski explained the tree is very close to the parking lot; as the tree grows it can undermine the pavement. They felt it would be better to remove it. They could be flexible on that issue. There is one in the center of the parking lot that has to go, but they could save the one in the northeast corner of the lot.

Mr. Osborne stated it has been pointed out there are cars and mechanical activity going on in the parking lot owned by the Halcyon Club. Mr. Sioras said this lot is located across from a garage. There has been a garage there for many years and the use predates zoning and site plan review in that location. The tenants there are putting cars and junk on this lot. This is not associated with the Halcyon Club functions. Mr. Osborne asked for the number of spaces currently available to the Halcyon Club. Mr. Beliveau said there are 17 spaces in one lot, and they share 12 which totals almost 30 spaces. Mr. Osborne asked if there is any prohibition against using the municipal lot when there is overflow. Mr. Sioras said there is not. The zoning ordinance says businesses can use a combination of on street, private and municipal parking. People cannot park overnight however. Mr. Osborne asked how many spaces are available in the municipal lots? Mr. Sioras thought there were about 35 in the Abbott Court lot, and 30 in the other lot for a total of somewhere between 65-70 spaces. Mr. Trefethen said the issue is during the winter, people can't use the sidewalks; they are icy. Mr. Osborne felt between the existing spaces owned by the Halcyon Club and the municipal lots there were about 100 spaces available for the Halcyon Club. This plan contemplates 48 spaces. He confirmed the Halcyon Club holds 180 people.

Mr. Beliveau said the Club has weddings and other outings on the weekends. Mr. Fairbanks noted there could be a shortage of parking if the Adam's Memorial Building had an event on the same day as the Halcyon Club. Mr. MacEachern noted the patrons at Halligan's also utilize the municipal lots. Mr. Sioras recalled he attended a political meeting at the Adam's Memorial Building late one afternoon and the parking lots were all filled. Mr. Osborne said if this plan were to be approved, his hope is that the site would be cleaned up. If the plan is not approved, could the town expect it to be cleaned up? Mr. Sioras said he and other staff met with Mr.

Trefethen and staff has spoken internally. If nothing happens with this plan tonight, Code Enforcement can go out and request the lot be cleaned up.

Mr. O'Connor noted the buffer rules have been re-written and the Planning Board can now determine the final design of the buffer. Mr. Sioras agreed the buffer was at the Board's discretion. The Board can request a fence, specific types of trees or a combination. This is the oldest part of town and there used to be railroad tracks, Difeo Oil and multifamily, there are very few site plans available. This plan will improve the area in the long run. There are not many records for this area of town. The Paradis family has one of the last remaining homes in the area.

Mr. O'Connor asked Mr. L'Heureux if the soil on site is contaminated, will the applicant be required to mitigate. Mr. L'Heureux said if the town observes anything, the appropriate state authority will be notified. He is not anticipating anything substantial. He feels they may find localized small spills which would be typical in any parking lot over time and most of that would be removed as part of the normal construction process.

Motion by MacEachern, seconded by Bartkiewicz to accept jurisdiction of the application before the Board for Halcyon Club, Inc., 2 Central Court, PID 30042.

Ijtsma, Osborne, MacEachern, Bartkiewicz, Fairbanks and O'Connor voted in favor and the motion passed.

Motion by MacEachern, seconded by Bartkiewicz to grant a waiver from LDCR Section 170-61.A.12, High Intensity Soil Mapping, as after review of the waiver request the Board finds that specific circumstances relative to the plan, or conditions of the land in such plan, indicate the waiver will properly carry out the spirit and intent of the ordinance.

Ijtsma, Osborne, MacEachern, Bartkiewicz, Fairbanks and O'Connor voted in favor and the motion passed.

Motion by MacEachern, seconded by Bartkiewicz to grant a waiver from LDCR Section 170-63.A.7, 10 foot wide landscaped island, 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.

Ijtsma, Osborne, MacEachern, Bartkiewicz, Fairbanks and O'Connor voted in favor and the motion passed.

Motion by MacEachern, seconded by Bartkiewicz to grant a waiver from LDCR Section 170-63A.8, 5% interior parking lot green space, as after review of the waiver request the Board finds that that specific circumstances relative to the plan, or conditions of the land in such plan, indicate the waiver will properly carry out the spirit and intent of the ordinance.

Ijtsma, MacEachern, Bartkiewicz, and O'Connor voted in favor; Osborne and Fairbanks voted in opposition, and the motion passed.

Motion by MacEachern, seconded by Bartkiewicz to grant a waiver from LDCR Section 170-65.I, Minimum depth of cover over pipe, as that specific circumstances relative to the plan, or conditions of the land in such plan, indicate the waiver will properly carry out the spirit and intent of the ordinance.

Ijtsma, MacEachern, Bartkiewicz, Fairbanks and O'Connor voted in favor; Osborne voted in opposition and the motion passed.

Motion by MacEachern to approve, pursuant to RSA 676:4, I, Completed Application, with the following conditions: comply with the Keach Nordstrom Associates review, 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 disk is received, is operable and complies with LDCR Section 170-61, note approved waivers on the plan, subject to receipt of state or local permits relating to the project, conditions precedent shall be met within 6 months, snow and ice removal to be performed by a "Green Sno Pro" certified contractor following Best Management Practices for the application of de-icing materials. MacEachern began formulation of additional conditions of approval.

He suggested adding there be no overnight parking permitted on the parking lot and to allow the use of only 6 spaces, located to the front of the lot off Central Court, to be used for the auto shops across the street only during working hours (7 AM to 7 PM daily) exclusive of weekends. Mr. Fairbanks asked if the Board could vote on that separately in case Board members disagreed with just that condition. He personally feels the Halcyon Club should be sticking with the submitted plan. Perhaps the Halcyon Club can agree to use six spaces in the upper parking lot. Mr. MacEachern thought that could be a topic for discussion. If the Halcyon Club wants to let them use the six spaces it can only be during the work week. Mr. Fairbanks would prefer not to have the six spaces on this lot as a condition of approval. He can see six spaces turning into seven and increasing from there. The Board felt they should hold a straw poll to see if other Board members felt the number of spaces set aside for the tenants at 15 Central Street should be a condition of approval.

Mr. MacEachern was okay with having the six spaces set aside and felt the town would be able to police that number. Mr. Beliveau interjected and stated there are two garages at 15 Central Street and both tenants should be able to have six spaces at 2 Central Court. Mr. MacEachern stressed Mr. Beliveau had originally indicated 6 spaces for the tenants. The plan originally contemplated no spaces, he is trying to give him 6 spaces and now Mr. Beliveau wants twelve spaces. Mr. Szemplinski felt it would create a problem if businesses in the downtown are denied the ability to park. They will be parking on the street. Is it better for people to park on the street or in a parking lot? Businesses need parking to survive in town. There is no other place for them to park and he feels this will result in violations.

Mr. Fairbanks said there are 12-17 spaces on the west side of the Halcyon Club, maybe those could be used during the day. Mr. Beliveau said the tenants are located directly across the street from this parking lot and the parking needs to be made feasible so the business can survive and function. He does not feel it is unreasonable for them to park there. The lot can support up to 12 cars neatly. Mr. O'Connor commented if the plan is denied, everything stays status quo, other than the items that can be addressed by the Property Maintenance Ordinance.

Mr. Trefethen said the Halcyon Club does not have land around its buildings and a parking lot there is a good idea. There are six to eight spaces available in the rear of 15 Central Street and four elsewhere; he feels there are a total of 18 spaces attached to 15 Central Street, but that building may not have a site plan. He also believes the Halcyon Club has an additional 6-8 spaces around the club.

The Board completed the straw poll. Mr. Bartkiewicz said he could agree to the six spaces, Mr. Fairbanks said no, Ms. Ijtsma could agree to the six spaces, Mr. Osborne wanted to know what the thought process behind not allowing it. Mr. Fairbanks said he believes there is parking at 15 Central Street and the site plan states the purpose of the plan is to create parking for overflow, not six (now 12) repaired cars. Mr. MacEachern said he was suggesting allowing it during business hours only, which would be during the day. This would be during times the Halcyon Club was likely not using the spaces for overflow. Mr. O'Connor wondered what would happen if a car was in for repair and the garage had to keep the car overnight waiting for parts? Mr. MacEachern said then don't park that car in the lot; leave it in the garage. Mr. Osborne said he was not persuaded the Board should allow the six tenant spaces. Mr. O'Connor said he could agree to the six spaces. The result of the straw poll was that four members could agree to allow 6 tenant parking spaces and two members could not.

Mr. MacEachern said if the number of tenant spaces is an issue for the property owner, the property owner has the option to withdraw the plan this evening and resubmit the plan showing parking spaces for tenant use for the Board to consider. Mr. Szemplinski said the Halcyon Club owns the building at 15 Central Street. They did not think the tenant parking would be a big deal. People park there today. The businesses will not be functional with too many restrictions. There is no other place to put the spaces other than in the municipal lot or on the street. He feels the town is missing a good opportunity to improve the area if the plan is denied ~~to improve the area~~. Depriving an existing business of the ability to do business is contrary to the spirit of the ordinance. The tenants are parking there today. This discussion is just because they did not add a note to the plan that twelve spaces would be used. The Halcyon Club still owns the building and the parking is still being done by people attached to the Halcyon Club. The place is a mess right now and this parking lot would organize the parking.

Mr. MacEachern said he did not disagree but the note on the plan did not say that. The Vice President of the Halcyon Club originally said 6 spaces. He appreciates people are trying to run a business and suggested the 6 spaces on Central Court during the day. Mr. Beliveau made a request for six tenant spaces but the submitted plan asked for zero. Mr. Beliveau said he could live with six spaces. Mr. Fairbanks said the straw poll allowed six spaces. Mr. MacEachern said no one disagreed this proposal is a nice addition to the area but they need to be respectful of the

people in the area. The tenant spaces can be striped or signed to designate them during the day. Not everyone would be thrilled, but it is a good compromise. The condition was added that six ~~tenant-parking~~ spaces adjacent to Central Street be designated as tenant spaces, 7 AM to 7 PM daily, exclusive of weekends.

The Board went back to discussion of potential conditions of approval. Mr. MacEachern added the condition that LED lighting is required in the parking lot. The lights should be downward facing and denoted on the plan.

Mr. MacEachern said he would also like to see the addition of a six foot stockade fence running from the back corner of the Paradis property extending to the lot line of Parcel 30040.

Mr. Fairbanks said if the applicant puts up a fence he should be able to cut the number of trees back to the original proposition because the installation of a fence is over and above. Mr. Beliveau said if they put up a fence, the tree they proposed to retain will have to come down. Mr. MacEachern said that was understood and worded the condition as follows: Addition of a six foot stockade fence, the location denoted as “stone bound found” extending toward Central Street to the corner of the lot line for Tax Map 30040. In addition to the installation of the fence, the applicant has the right to go back to the original proposed landscape design specification for trees.

Mr. Trefethen said he would prefer to have trees planted. It will look funny to have a fence in the middle of his parking lot. Mr. Osborne said without seeing a picture of the existing trees it is hard for him to decide. Ms. Paradis offered to show him pictures she had on her cell phone. Mr. Osborne wanted to know why the tree in the northeast corner had to come down to accommodate the fence. Mr. O’Connor said it would come down to accommodate the parking lot. The tree is right on the edge of proposed pavement; the roots would damage the pavement over time.

Mr. MacEachern suggested amending the proposed condition to state that the additional trees or fence were to be negotiated between the property owner and the abutters. They could have the additional trees or a fence. Mr. Fairbanks questioned the outcome if the parties came to an impasse. Mr. L’Heureux stressed the Board should stay with one or the other for a condition. The Board should not be giving an option – it should be the fence or the additional trees. It should not be open to negotiation beyond the vote of the Board. Mr. O’Connor felt that privacy for the Paradis family was a higher priority and suggested having the fence run from the stone bound to the edge of Mr. Trefethen’s parking lot. Mr. MacEachern agreed.

The Board conducted a straw poll to see where members stood with this condition – did they want to see additional trees or a fence? Mr. MacEachern, Ms. Ijtsma and Mr. Bartkiewicz had no objection to the fence. Mr. O’Connor and Mr. Fairbanks had no objection to the fence if they went back to the original landscape plan. Mr. Osborne had no objection to the fence. The condition was worded that a 6 foot stockade fence be installed running from the back corner of the Paradis lot (Parcel 30039) near the “stone bound found” to the edge of the parking lot of Parcel 30040. In addition to the installation of the fence, the applicant has the right to go back to the original proposed landscape design specification for trees.

Mr. Sioras suggested the Board add a condition that the site is cleaned up. Code Enforcement can initiate a letter to the landowner, allowing them time to reach compliance. If compliance is not met within the time frame, Code Enforcement typically sends another letter. If compliance is still not met, the next step is to take the landowner to court.

Mr. O'Connor added ~~a fourth~~ *another* additional condition that the vehicles are removed from the lot based on the recommendation of Code Enforcement.

Bartkiewicz seconded the motion.

Mr. Osborne questioned why there would not be a site walk. Mr. O'Connor noted there had not been a request for one and most members are familiar with the area.

Ijtsma, MacEachern, Bartkiewicz, Fairbanks and O'Connor voted yes; Osborne voted no. The motion passed.

Ms. Davison was now seated.

The Board recessed for a few minutes and resumed the meeting at 8:52 p.m.

**Yvon Cormier Construction Corp.
ID 08280-0047, 17-27 Ashleigh Drive
(aka 23 Ashleigh Drive)
Acceptance/Review, Site plan
72,000 self storage facility**

Mr. Sioras provided the following staff report. The purpose of the plan is for a 72,000 square foot self storage facility, with two buildings, located in the Industrial IV zoning district. All town departments have reviewed and signed the plan. The applicant met the conditions imposed by the Conservation Commission and the Conservation Commission Chair has signed the plan. This lot is located on the right side of Ashleigh Drive, across from the Cinema. The driveway is now paved. The Board had previously approved the driveway plan. There are several waiver requests. NHDES Alteration of Terrain and NHDES Sewer Extension permits are pending. Staff would recommend approval of both the waiver requests and the site plan application. He advised Chris Tymula and Patrick McLaughlin were present representing the applicant.

Chris Tymula, MHF Design, presented the application. He began by clarifying information reported in a recent *Nutfield News* article. The article inferred this was the lot owned by the Dumpster Depot developer and is one and the same development. This lot is owned by and being developed by a different developer than the developer for the Dumpster Depot lot. They are two separate lots and two separate projects. Yvon Cormier used to own the lot now proposed for Dumpster Depot but sold it to the person developing the Dumpster Depot lot.

The wetland impact plan had been before the Board a few years ago and that resulted in the construction of the roadway to this lot. He reviewed photos taken from various angles around the lot. In one photo, the tree line abutting the PSNH easement is clearly seen. An overlay of the proposed site development was shown to the Board so that Board could see where the extent of development was in relation to the PSNH easement which is between the development area and the abutting neighborhood on Olde Coach.

Mr. Tymula reviewed the existing conditions and topography plan. There is a large wetland channel bisecting the middle of the lot, a stone wall and an old path. The limit of the paved road is about 500 feet from Ashleigh Drive. The wetlands were delineated by Gove Environmental in 2010. The plans indicate the proposal is for 17-27 Ashleigh Drive. The Fire Department has since assigned the lot the address of 23 Ashleigh based on the location of the buildings.

This lot is located in the Industrial IV zone. They are proposing two buildings. One is 32,000 square feet with 200 units, the second building is 40,000 square feet with 258 units. There is also proposed an overhead canopy structure to store RVs and boats, etc., and three outside storage areas which can hold cars, boats, and other vehicles. There will be no stockpile of materials such as dirt or stone. There is additional room to place storage pods on site. They are proposing an 8 foot tall security fence with gated access. The gate will be equipped with a Knox box or approved equal. Fire apparatus can maneuver around the site. They meet all of the zoning codes and have requested a few waivers from the street tree requirement, trees per perimeter, and for the infiltration system.

Mr. Fairbanks said he saw the note on the plan stating there is also a waiver for the number of parking spaces. Mr. Tymula explained that note will be removed. When they looked at the parking originally, they based it on the office space, which required six spaces. They have shown the six striped spaces near the office. In one of the TRC meetings, it was noted that spaces needed to be provided for the “warehouse” use and a waiver would be required. They looked at the units which have overhead doors. There are 65 of those units and parking is provided in front of them, they are just not striped. They have more than the required amount of spaces.

Mr. Tymula explained there is a 28 foot tall, free standing sign near the front of the lot that is 183 square feet. There will be two wall signs totaling 155 square feet each. Those will be internally illuminated as well.

They are proposing closed drainage for this site and will utilize manholes and catch basins. There is also an underground pipe and stone infiltration system to handle the roof runoff. They meet the DES and town standards with regard to reduction in peak flow. This project will be subject to an Alternation of Terrain permit and the plan shows the limits of prior construction which is noted on the plan as Phase I. They are considering the storage units to be Phase II of the entire project.

Mr. Tymula advised they will utilize silt fence, stabilize the construction entrance, and provide silt sacks for the existing catch basins as part of the erosion control plan. There will be a full

Operations and Maintenance Plan and Stormwater Management Report. All utilities will enter the site off Ashleigh Drive including water, gas, and sewer. The buildings will be sprinkled. They will remove one of the proposed hydrants and centrally locate the other hydrant per Mr. L'Heureux's comments. With regard to the lighting plan, no light will trespass to other properties. They will use LED lighting. Woods surround the site. Mr. O'Connor asked if the site will be lighted at night. Mr. Tymula explained the lights will be dimmed at night but not extinguished. They discussed various options including motion sensor lighting, but felt it would be more intrusive to have lights going on and off during the evening hours.

With regard to landscaping, the entrance will be landscaped as well as near the office. They intend to plant street trees across from the cinema that mimic those at the cinema.

Mr. O'Connor asked if the request from the Conservation Commission to switch some of the plantings had been noted on the plan. Mr. Tymula said they did replace one of the species as requested and there had been a misunderstanding with regard to the maple trees but that issue is now resolved. He then proceeded to review the proposed signage and handed out color renderings to the Board. He noted the colors for the doors and lettering will be maroon, the building will be a sand tone, and there will be stone work around the base of the building near the office. The canopy will have the same color palette and there will be gray bollards.

Mr. Fairbanks asked if there will be two stories of storage. Mr. Tymula said from Ashleigh Drive, the structures will be two stories but from the rear, they will be one story.

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

There was no public comment.

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

Mr. Fairbanks asked for an explanation of the waiver requests. Mr. Tymula began with the request to decrease the number of required street trees from 17 to 13. The driveway is 30 feet wide and the building is set far enough back from the road to require signage. The addition of the four trees would block the signage. The wetlands limit the location of the driveway and the sign placement. With regard to the number of trees based on the perimeter of the building, they are requesting a waiver from the requirement to plant 41 trees. This is an Industrial zone surrounded by woods. The addition of 41 trees would not change the aesthetics of the site or provide a benefit. The site is between 100 and 200 feet from the nearest residential zone. The third waiver request is from the requirement that calls for three feet of cover over the pipe for the infiltration system. 85% of the system will have in excess of three feet of cover. They will meet manufacturer specifications for the remainder. In order to meet the requirement, they would have to raise the site up and unnecessarily add to construction costs.

Mr. Fairbanks noted the site has wetlands. Is there any other buildable land on this lot? Mr. Tymula advised the wetlands wrap around the lot and there is no other developable area. The area along the front of Ashleigh has treatment areas.

Ms. Ijtsma asked about the PSNH easement and the residential buffer. What if PSNH clears trees, what happens to the buffer? Mr. Tymula explained PSNH has 225 feet between this site and the Dumpster Depot site. Photos taken today are consistent with the photos he showed the Board this evening. The tree line runs along the easement to Ashleigh. They can't prevent PSNH from removing trees in their easement, but they are a fair distance to the abutters and have trees on their lot between their lot and the PSNH easement. Ms. Ijtsma confirmed the existing treed buffer is not on PSNH land.

Mr. O'Connor inquired as to hours of operation. Mr. Tymula said they will be open 24 hours a day. Clients can only enter the site with a pass code or key card through the gate. There will also be an 8 foot tall fence with barbed wire on top.

Ms. Davison confirmed storage units will be rented to store normal household items such as furniture and other belongings. Mr. Tymula said there are many apartment buildings in Derry and people need places to store their belongings. The buildings will have hallways. They may lose a few units to accommodate the mechanical room. There will be no material stockpiled on site. It may be that some people will store vehicles here; for example, landscape vehicles.

Mr. O'Connor asked if the minipods would be under the canopy. Mr. Tymula said if they did add pods, they would be placed in the outside storage areas. The applicant has no issue with the Board restricting the number of pods allowed on site. Mr. Fairbanks also confirmed the storage units are intended to store normal household items. Mr. Flattes asked if a landscaper could rent a unit and run the business from it. Mr. Tymula said a landscaper or other tradesman might rent a unit to store tools and equipment there, but would not put loam or mulch on site.

Mr. L'Heureux stated all of the technical details had been addressed. The few remaining details have been outlined in the proposed conditions of approval.

Motion by MacEachern to accept jurisdiction of the application before the Board for Yvon Cormier Construction Corp., 17-27 Ashleigh Drive (aka 23 Ashleigh Drive), PID 08280-004, seconded by Bartkiewicz.

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

Motion by MacEachern to grant a waiver from LDCR Section 170-64.B.1, Street Tree Strip, as after review of the waiver request, the Board finds that specific circumstances relative to the plan, or conditions of the land in such plan, indicate the waiver will properly carry out the spirit and intent of the regulations. Bartkiewicz seconded the motion.

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

Motion by MacEachern to grant a waiver from LDCR Section 170-64.B.2, Trees per building perimeter, as after review of the waiver request, the Board finds that 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. Bartkiewicz seconded the motion.

Davison, Ijtsma, Osborne, MacEachern, Flattes, Bartkiewicz, and O'Connor voted in favor; Fairbank voted no, and the motion passed.

Motion by MacEachern to grant a waiver from LDCR Section 170-65.K, Underground detention basin, as after review of the waiver request, the Board finds that specific circumstances relative to the plan, or conditions of the land in such plan, indicate the waiver will properly carry out the spirit and intent of the regulations. Bartkiewicz seconded the motion.

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

Motion by MacEachern, seconded by Bartkiewicz to approve pursuant to RSA 676:4, I, Completed Application with the following conditions: Comply with the Vanasse Hangen Brustlin report, 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 disk is received, is operable, and complies with LDCR Section 170-61, note approved waivers on the plan, subject to receipt of state or local permits relating to the project, conditions precedent shall be met within 6 months, snow and ice removal shall be performed by a "Green Sno Pro" certified contractor utilizing Best Management Practices for the application of de-icing materials, adjust the connection point of gas at Ashleigh Drive, one hydrant per discussions with DPW and Fire personnel, note 3/4" crushed stone for infiltration detail and sieves, specify additional stone under the infiltration areas where filling above the existing grade, adjust DMH-5 and OSC-2 to be installed at the corners of the field. Change OSH-2 to a CB or a DMH, add a Heavy Duty Pavement Detail utilizing Town of Derry specifications. Discussion followed.

Mr. Fairbanks asked if the Board should stipulate the maximum number of storage pods. Mr. MacEachern added the condition that the number of outdoor storage pods be limited to no more than 20. Board members were in agreement.

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

Motion by MacEachern, seconded by Flattes to adjourn. The motion passed with all in favor and the meeting stood adjourned at 9:29 p.m.

Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____