

The Planning Board for the Town of Derry held a public meeting on Wednesday, January 03, 2018 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 Randy Chase, Administrative Representative; Jim MacEachern, Lori Davison, Frank Bartkiewicz, Members; Elizabeth Carver, Alternate

Absent: Michael Fairbanks, Brian Chirichiello, Maya Levin, Mark Connors

Also present: George Sioras, Planning Director; 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 then noted the emergency exits, the location of meeting materials, and introduced the Board members and staff.

Ms. Carver was seated for Ms. Levin

Ms. Davison was appointed Secretary Pro-Temp in Mr. Fairbank's absence.

Escrow

#18-01

Project Name: AEC/Office Garage

Developer: American Excavating

Escrow Account: Seven Hills Development

Escrow Type: Letter of Credit

Parcel ID/Location: 31013, 5 Madden Road and 31011, 15 Madden Road

The request is to renew Letter of Credit #22413, drawn on Enterprise Bank in the amount of \$22,137.51 for the above noted project. The new expiration date will be December 23, 2019.

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

#18-03

Project Name: Craig Bonneau

Developer: Craig Bonneau

Escrow Account: Same

Escrow Type: Cash

Parcel ID/Location: 04061, 22 Gulf Road

The request is to approve Release #1 in the amount of \$12,221.28 for the above noted project. The amount to retain is zero. This is the final release.

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

Minutes

The Board reviewed the minutes of the December 06, 2017, meeting.

Motion by MacEachern, seconded by Bartkiewicz to approve the minutes of the December 06, 2017, meeting as presented. The motion passed with all in favor.

Correspondence

Ms. Davison advised the Board is in receipt of correspondence from both the Town of Bedford and the Town of Hudson providing notice of a public hearing to discuss the installation of wireless communication towers in each town. The hearings will be on January 8th and January 10th, respectively. Mr. MacEachern questioned why the Town of Derry would receive notification as an abutter to these projects. Mr. Sioras explained the RSAs require that any town within a 20 mile radius of such a project must receive notification of the public hearing. No action is required by the Board.

Ms. Davison reported the Board has received a copy of the 2017 Change of Use listing. Information has also been provided from From the Barrel Brewery in Londonderry, advising they will be moving to 6 West Broadway, lower level. The correspondence explains their operation, describes the proposed tasting room, and the proposed parking. Ms. Davison asked if this project will come before the Planning Board. Mr. Sioras believed it may. The plan is for the Brewery to move to the lower level of 6 West Broadway. The space used to house The Met Children's Museum and then a daycare. The driveway goes below grade and parking will be to the rear in the municipal lot. The Board may need to look at this in relation to the parking impact. Mr. O'Connor recalled the former tenant had between 20-30 children in the space.

Mr. Granese added it was nice to see a business moving to Derry from Londonderry. Recently, Revive Salon moved from Derry to Londonderry.

Other Business

Site Walk – 3 Nutfield Court

Mr. Granese advised the Board was to have held a site walk at 3 Nutfield Court to review the site on December 30, 2016, but because of the weather conditions it had been moved to January 06, 2017. In looking at the forecast for this Saturday, it is projected temperatures will be below zero again and in the interest of safety, the site walk will be postponed once again. The new date is

January 13, 2018. He suggested the Board members drive by the site and review the area in the event they are unable to hold a site walk on the 13th. The applicant will be back before the Board on January 17th.

Voluntary Merger – Craig and Linda Boulanger, PID 56053-001, 5 Mundy Lane and Parcel B as noted on Plan D-36718

Mr. Sioras said this is a proposed merger of two parcels owned by the same people. A map has been provided showing the two properties to be merged. The lots were created back in the late 1960s, early 1970s. Staff recommends approval of the merger. Mr. L'Heureux confirmed Public Works has no issues with the proposal.

Motion by MacEachern to approve, pursuant to RSA 674:39-a, a voluntary merger of Parcel 56053-001 (5 Mundy Lane) with Parcel B (as noted on Plan D-36718). Parcel B will be deleted and Parcel 56053-001 will be retained.

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

Extension Request – Salvatore N. Lupoli (Sal's Pizza), PID 32032, 2 Lenox Road, 3rd Request

Mr. Sioras explained the Board has received a request from Sal's Pizza to extend the conditions of approval for an additional 6 months. The applicant has been working with the Planning and Public Works offices. They need more time to complete the conditions of approval. Phil McCabe from the Lupoli Companies is present this evening to explain the request. Mr. Granese showed a picture, provided by the applicant, of the new Sal's Pizza in Billerica, Massachusetts, noting this would be a great improvement.

Mr. McCabe stated they are excited to bring a new building, similar to the one shown, to Derry. Construction in Billerica took longer than anticipated. They worked on the facility in Manchester and then Billerica, which opened 2 weeks ago. The community has been highly responsive to the new building. The Billerica site is similar to the site in Derry in terms of the fit up and change required. They are looking forward to bringing the building to Derry and want to start as soon as the weather will allow. They require the third extension so that they can begin construction in the spring.

Mr. L'Heureux advised the applicant contacted him about a month ago to finalize the conditions of approval. One of the conditions requires excavation of a test pit in the sidewalk on Crystal Ave to verify the elevation of the buried conduit which is incased in concrete. That will have a large impact on the drainage on the site. The Town does not grant pavement cuts in December, which impacted the applicant's ability to meet the conditions of approval. Public Works has no issue with the Board granting another 6 month extension. As Mr. McCabe explained, the construction of the Billerica site took longer than anticipated. The applicant has been working in good faith to move this project along, but the timing did not work out.

Mr. MacEachern appreciated the explanation. Historically, the Board does not grant three extensions of approval, but given the facts provided, the weather, and the work that would have to be done on Crystal Avenue; this seems to be more of an issue of timing. He confirmed the June date for the expiration of the approval would meet the applicant's needs.

Motion by MacEachern, seconded by O'Connor, to grant a 6 month extension of the conditional approval granted to Salvatore Lupoli, 2 Lenox Road, PID 32032. The new expiration date will be June 6, 2018. This is the third and final extension of the conditions of approval.

Chase, O'Connor, MacEachern, Davison, Bartkiewicz and Granese voted in favor. Carver abstained as she lives on Lenox Road. The motion passed.

Mr. Granese commented this project will greatly enhance Crystal Avenue.

Public Hearing

Martingate, LLC

PID 30047, 1 West Broadway

Revocation of Site Plan approved June 9, 2008

Pursuant to RSA 676:4-a

Mr. Sioras provided the following staff report. The project was intended for the vacant lot located on the corner of Manning and West Broadway where the Farmers Market is held. The applicant had proposed a three story, mixed use building. The property is owned by the Benson family. Brad Benson has advised they will not be moving forward with the project at this time and will instead focus on the redevelopment of a lot they own on Maple Street. Once the Maple Street project is completed the intention is to bring the multi-use building project back before the Board. The RSAs allow a plan to be revoked at the request of the owner. There is an email from Mr. Benson indicating they will not move forward with the project at this time and that they do not wish to renew the escrow that is in place for the project. In order to release the escrow, the site plan has to be revoked. This requires a public hearing and that the Notice of Revocation be recorded at the Registry of Deeds.

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

There was no public comment.

Motion by MacEachern, seconded by Bartkiewicz to close the public hearing. The motion passed with all in favor and the public hearing was closed. Review of the request returned to the Board.

Mr. MacEachern noted the original approval was in 2008. As so much time has passed, he did not believe the approvals were still in effect. Mr. Sioras explained the applicant met all the

conditions of approval and has held escrow in place for the project, which keeps the approval current. The applicant can opt to not continue to renew the escrow, which is the case for this project. If the escrow is not renewed, the approval needs to be revoked.

Board members who were seated at the time of the original approval in 2008 remarked the proposed building was attractive and hoped the applicant would come back with the project in the future.

Motion by MacEachern to revoke the multi-use site plan approved on June 08, 2008, for Martingate, LLC, PID 30047, 1 West Broadway, pursuant to RSA 676:4-a, at the request of the applicant, and to record the Notice of Revocation at the Rockingham County Registry of Deeds. The motion was seconded by O'Connor.

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

#18-02

Project Name: Martin Gate, LLC

Developer: Same

Escrow Account: Same

Escrow Type: Letter of Credit

Parcel ID/Location: 30047, 1 West Broadway

The request is to approve the release of Letter of Credit #19981 drawn on Enterprise Bank in the amount of \$45,961.34 for the above noted project. This is the final release. The amount to retain is zero.

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

Workshop #1 – Discussion of permitted uses in the Industrial and Commercial districts

Mr. Granese stated it is time to look at the next steps in the rezoning process. This would include a look at the permitted uses in the zones. He spoke with Mr. Sioras and Mrs. Robidoux and asked that a workshop be held to discuss the permitted uses in the Industrial and Commercial zones. He took a look at the permitted uses in the General Commercial, General Commercial IV, and Industrial I, III, IV, V and VI zones. There are some permitted uses that should be removed, such as warehouse. The current definition of Warehouse is as follows: "A fully enclosed building used for bulk storage of goods and merchandise, including bulk sales outlets and self-storage units." He believes "warehouse" should be removed from these zones. Would the Board be in favor of that change? There are a few others, but that one stood out to him. Ms. Davison asked where would they then be allowed? Mr. MacEachern said in other industrial zones. He would like an opportunity to look at the other zones in light of the November site walk. He

beleved the Board needed to look at all of these zones so that the rezoning is appropriate. Maybe they should all be reviewed and a proposal brought forward to the Board. He suggested bringing in the Economic Development team to see what their thoughts were for these areas.

Mr. O'Connor confirmed the zones mentioned by Mr. Granese were General Commercial, General Commercial IV, Industrial I, III, IV, V, and VI.

Mr. MacEachern agreed the Zoning Ordinance needed to be reviewed, but felt that the Board needed to begin to work on the Master Plan update and funds should be requested in the next budget cycle which is coming up. Any changes made at this time by the Board would need to be tied to the Master Plan update. Will Mr. Sioras be requesting funds for the update?

Mr. Sioras advised he is recommending funds be placed in the budget for the next fiscal year to update the Master Plan. The last time the Master Plan was updated, it was adopted by the Board in 2010. The Board worked for 18 months, beginning in late 2008 and working through all of 2009. The RSAs state the Master Plan *shall* be updated every 10 years. They are at that point now. He will put this in the budget. Town Council will make the final decision as to whether it gets funded or not; it has been suggested by the Council that the Master Plan be updated. This can be done by a consultant, by subcommittee, or in a combination of staff and the Board with assistance from the Southern New Hampshire Planning Commission (SNHPC).

Ms. Carver asked what would happen if the Town Council does not approve the funding for the Master Plan. Mr. MacEachern stated the Council has to approve the need to update the plan but how it gets accomplished is up to the Board. He believes there is enough knowledge and talent on staff to do this. The amount of outside consulting required is up for debate. The cost for an update can be anywhere between \$50,000.00 and \$150,000.00. It depends on how much is delegated to a consultant.

Mr. Sioras explained Town Council has discussed the need for an update the Master Plan during the last two budget cycles, but were unable to fund it. The last quote received was a minimum \$75,000.00 and that was to have the work done by SNHPC and staff with assistance from the Board. It can cost \$125,000.00. Mr. MacEachern felt there was an opportunity to do a good job on the Master Plan and not spend a lot of money.

Mr. O'Connor recalled the 2010 update contemplated the impacts from Exit 4A and as a result, the Plan had to include a complete review of the proposed build out for the town. He wondered if that would have to be redone.

Mr. Sioras stated he will request funding in the next budget cycle. If the funding is approved, the Board can then discuss who will do what to update the plan. Specifics cannot be discussed at this time, other than a generic number for the cost.

Mr. Granese asked the Board members to look at the current permitted uses in the Industrial and Commercial zones. Perhaps the definition of warehouse can be reviewed or revised, taking out a few uses, or it can be made specific to a specific zone. The Board needs to look at the various areas and see what should be allowed in certain areas based on the utilities that are available.

The Town spent money to bring water and sewer to certain areas of town and the uses that are permitted should be the best ones for the area. He would prefer not to have residents asking “how did that get built there?” and have to respond “because it is a permitted use in that zone” as the Board had not looked at it.

Mr. O’Connor suggested the town needs to see what it can do to get natural gas in more areas of town. It is a good incentive for commercial and industrial businesses because natural gas is less expensive than propane.

Mr. Granese asked that the Board review the uses in the General Commercial and Industrial zones, and that another workshop be scheduled for the next meeting on January 17, 2018. .

There was no further business before the Board.

Motion by MacEachern, seconded by O’Connor to adjourn. The motion passed and the meeting stood adjourned at 7:37 p.m.

Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____