

The Planning Board for the Town of Derry held a public meeting on Wednesday, February 01, 2023, at 7:00 p.m. The meeting was broadcast from the Derry Municipal Center, 14 Manning Street, Third Floor meeting room.

Members present: John O'Connor, Jim MacEachern, Vice Chairman; Chairman; David Nelson, Secretary; Randy Chase, Town Administrative Representative; Dave Granese, Mark Connors, Andy Myers, Members; Richard Malaby, Chris Feinauer, Alternates

Absent: Brian Chirichiello, Joe Tremper, John Morrison

*Denotes virtual attendance.

Also present: George Sioras, Planning Director; Elizabeth Robidoux, Planning and Economic Development Assistant

Mr. O'Connor opened the meeting at 7:00 p.m. The meeting began with a salute to the flag. Mr. O'Connor provided the appropriate links for members of the public to join the meeting virtually via a MAC, PC, or by phone. He then introduced the staff and Board members.

Mr. Malaby was seated Mr. Tremper.

Escrow

#23-02

Project Name: Hyla Brook Wedding Venue

Developer: Hyla Brook Land Holdings, LLC

Escrow Account: Same

Escrow Type: Performance Bond

Parcel ID/Location: 03110, 140 Rockingham Road

The request is to establish a performance bond #0826665, issued by IFIC Surety for the above noted project in the amount of \$259,070.40. The expiration date will be January 24, 2024.

Motion by MacEachern, seconded by Granese to approve as presented.

Chase, Granese, Malaby, MacEachern, Connors, Myers, Nelson, and O'Connor voted in favor and the motion passed.

Minutes

The Board reviewed the minutes of the January 18, 2023, meeting.

Motion by Nelson, seconded by MacEachern to approve the minutes of the January 18, 2023, meeting as written.

Chase, Malaby, Connors, Nelson, and O'Connor voted in favor; Granese, MacEachern and Myers abstained and the motion passed.

Correspondence

Mr. Nelson advised the Board is in receipt of a copy of the 2022 Annual Report from the Southern New Hampshire Planning Commission. The most recent edition of *Town and City* is available.

Other Business

Voluntary Merger of PID 16018, 15 Escumbuit Road and PID 16018-001, 13 Escumbuit Road

Mr. Sioras stated staff recommends approval of the Voluntary Merger. The Board had approved a restoration of involuntarily merged lots last year, and the new owner is requesting the lots to be merged. The lots are located on Big Island Pond.

Motion by MacEachern, seconded by Granese to approve, pursuant to RSA 674:39-a, the voluntary merger of PID 16018, 15 Escumbuit and 16018-001, 14 Escumbuit Road. Parcel 16018-001 will be deleted and Parcel 16018 will be retained. Discussion followed.

Mr. Connors asked if 17 Escumbuit was now part of 15 Escumbuit. Mr. Sioras said it was. Mr. Connors confirmed the vacant lot was being added to the lot with the home on it. He felt it was better for the lake to combine the lots.

Chase, Granese, Malaby, MacEachern, Connors, Myers, Nelson, and O'Connor voted in favor and the motion passed.

Chairman and Planning Director Updates

Planning Director

Mr. Sioras reminded the Board there is a site walk scheduled for Saturday, February 11, beginning at 9:00 A.M. The Board should plan to meet in the Municipal Center parking lot; the site walk will take a few hours. The Board will be walking the Traditional Business Overlay District on both sides of Broadway. If the weather is an issue, the site walk will be rescheduled.

Planning Board Chairman

Mr. O'Connor reminded the Board members that a list of zoning amendment topics was emailed to them last week. That list should be reviewed. If any member would like to assist staff on drafting wording to bring to a workshop for any particular topic, please reach out to the Planning staff.

He announced Saturday, February 04 is the School Board Deliberative Session. This begins at 10:00 A.M. at West Running Brook School.

Public Hearing

Judith L. Davis

PID 04070, 86 Gulf Road

David & Kimberly Lobley

PID 04075-007, 6 Cella Drive

Acceptance/Review, Lot Line Adjustment

Mr. Sioras provided the following staff report. The purpose of the plan is for a lot line adjustment between the two referenced parcels. The properties are located in the Low Density Residential District. All town departments have reviewed and signed the plan. There are several waiver requests, outlined in the letter from Promised Land Survey, dated January 12, 2023. Staff recommends approval of the waivers and the lot line adjustment plan.

Tim Peloquin, Promised Land Survey, stated the Lobley family owns 6 Cella Drive, which is a newer town road. Mr. Lobley asked his neighbor if she would sell the back three acres of her property to give him more of a buffer for the future and the land around him. There is no viable way to create a subdivision of his lot. He is adding three acres to his existing three acres for a total of 6 acres; Mrs. Davis is giving up three acres and will reduce her lot size to 5 ½ acres. The area is unused woodland. Additional bounds will be set to monument the new lot line.

Motion by MacEachern, seconded by Granese to accept jurisdiction of the lot line adjustment plan before the Board for Judith Davis, PID 04070, 86 Gulf Road and David & Kimberly Lobley, PID 04075-007, 6 Cella Drive.

Chase, Granese, Malaby, MacEachern, Connors, Myers, Nelson, and O'Connor voted in favor and the motion passed.

Mr. MacEachern noted determination of regional impact does not apply to a lot line adjustment.

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

Mr. Connors inquired about the area at the end of the cul de sac, noted as a dashed line, north of Parcel 04075. Mr. Peloquin explained that is the frontage along the cul de sac for that parcel.

Mr. Peloquin explained the waivers are being requested as the regulations don't apply for lot line adjustments.

Motion by MacEachern, seconded by Granese to grant waivers from the following sections of the LDCR as both existing lots conform to the Zoning Ordinance, have existing dwellings, wells, and individual subsurface disposal systems.

1. LDCR Section 170-24.A (6) to not show the setback lines on the plans;
2. LDCR Section 170-24.A (11), to not show the two foot contours on the plan;
3. LDCR Section 170-24.A (13), to not perform wetlands mapping of the parcels;
4. LDCR Section 170-25.A (2), to allow side lot lines that are not radial/right angles;
5. LDCR Section 170-25 (B), to not prove the minimum lot size by soil type; LDCR Section 170-25 (C), to not perform HISS mapping; and
6. LDCR Section 170-25 (F) to not provide test pits or percolation tests.

After review of the waiver request, the Board finds strict conformity to the regulations would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations.

Chase, Granese, Malaby, MacEachern, Connors, Myers, Nelson, and O'Connor voted in favor and the motion passed.

Motion by MacEachern, seconded by Granese, to find the proposed plan does not alter existing conditions which would affect access to the lot, ensuring the health, safety and welfare of the neighborhood remains unchanged as a result of the lot line adjustment.

Chase, Granese, Malaby, MacEachern, Connors, Myers, Nelson, and O'Connor voted in favor and the motion passed.

Motion by MacEachern, seconded by Granese to approve pursuant to RSA 676:4, III, Expedited Review, with the following conditions:

1. Subject to owner's signature
2. Subject to on-site inspection by the Town's engineer
3. Establish escrow for the setting of bounds or certify the bounds have been set
4. Note approved waiver (s) on the plan
5. Obtain written approval from the Planning Director/designee that the GIS disk is received and is operable and it complies with LDCR Section 170-24.C
6. Conditions precedent shall be met within 6 months.
7. Submission of the appropriate recording fees, payable to the Rockingham County Registry of Deeds. [This includes the \$25.00 LCHIP fee, recording fees for the mylar and the Notice of Decision.]

Chase, Granese, Malaby, MacEachern, Connors, Myers, Nelson, and O'Connor voted in favor and the motion passed.

Board Member Comments

Mr. Connors advised there is a Bill working its way through the Legislature that pertains to the construction of the rail trail at Exit 4A. He encouraged Board members to review the bill and provide comment to the legislatures. The next hearing is scheduled for February 07, 2023, beginning at 2 P.M. in Concord, New Hampshire.

Motion by MacEachern, seconded by Granese to adjourn. The motion passed with all in favor and the meeting stood adjourned at 7:18 p.m.

Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____