

The Planning Board for the Town of Derry held a public meeting on Wednesday, February 21, 2018 at 7:00 p.m., at the Derry Municipal Center (3<sup>rd</sup> Floor Meeting Room) located at 14 Manning Street in Derry, New Hampshire.

Members present: David Granese, Chairman; John O'Connor, Vice-Chairman, Brian Chirichiello, Town Council Representative; Maya Levin, Frank Bartkiewicz, Jim MacEachern (7:06), Lori Davison (7:03), Members

Absent: Michael Fairbanks, Mark Connors, Elizabeth Carver

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

Mr. Bartkiewicz was appointed Secretary Pro-Temp for the evening.

### **Escrow**

None.

### **Minutes**

The Board reviewed the minutes of the January 03, 2018, meeting.

Motion by O'Connor, seconded by Bartkiewicz to approve the minutes of the January 03, 2018, meeting as presented. The motion passed with Chirichiello and Levin abstained.
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### **Correspondence**

Mr. Bartkiewicz reported the Board has received a copy of a letter addressed to Town Administrator David Caron from Southern New Hampshire Planning Commission (SNHPC). SNHPC is scheduling locations in Derry for the 2018 traffic counts. The Commission is inquiring if there are any specific locations the Town would like to have placed on the schedule, and of any planned road projects which would affect the integrity of the study. The Board is also in receipt of the most recent newsletter, *Supply Lines with the Source*, and the most recent edition of *Town and City*.

*Ms. Davison entered the meeting and was seated.*

**Other Business**Planning Board Membership

Mr. Granese advised terms will expire on March 31<sup>st</sup> for several members of the Board. If the members wish to be reappointed, they will need to apply. There is also an alternate position vacant. If any resident is interested in joining the Planning Board, he encouraged they apply.

Right to Know

Mr. O'Connor reported the Town Council hosted a training session facilitated by the New Hampshire Municipal Association on the Right to Know Law (RSA 91:a) which affects all Boards in town. A copy of the training is available on DVD which can be obtained through the Cable Division Coordinator, Owen Provencher. He encouraged members of the Board to review the training as it is imperative that the law be followed.

Voluntary Merger – Barry & Joyce Drago, PID 24034-024, 1 Magnolia Lane and PID 24100, 11 Hall Street

Mr. Sioras advised the Drago family purchased 11 Hall Street from the Town of Derry when the town sold the land. The purpose is to merge the two lots, retaining 1 Magnolia Lane. Staff recommends the Board approve the merger. Mr. Granese remembers this area from a prior project in the area. This application appears clear cut. Public works has no issues with the request.

*Mr. MacEachern entered the meeting and was seated.*

Motion by O'Connor, seconded by Bartkiewicz to approve, pursuant to RSA 674:39-a, a voluntary merger of Parcel 24037-024 (1 Magnolia Lane) with Parcel 24100 (11 Hall Street). Parcel 24100 will be deleted, and Parcel 24037-024 will be retained.

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

Capital Improvement Program Presentation – Fiscal 2019 - 2024

Mr. Sioras explained as part of the budget process and per the RSAs, the Capital Improvement Program (CIP) is to be discussed with the Planning Board prior to submitting it to Town Council with the budget.

Town Administrator David Caron and Chief Financial Officer Susan Hickey presented.

Mr. Caron explained per Section 9.8 of the Town of Derry Charter, the Town Administrator shall present the CIP to the Town Council after consultation with the Planning Board at the beginning of the budget process. RSA 674:5 is the State law that states the CIP is used by the Town Council in consideration of the town budget. The document has no legal standing but is a planning document that assists in identification of the capital needs of the town over a six-year period. This plan allows the town to plan how it will finance and acquisition the services over that period. This year, a different process was utilized. The Departments submitted requests to the Finance Department outlining capital needs for the next six years. The requests were reviewed in relation to existing services and available revenues. A Committee was established consisting of senior staff and representatives from Town Council and the Planning Board. The Committee reviewed the draft plan. That plan is being presented to the Planning Board this evening for review and consultation. The plan will be submitted to the Town Council, when they submit the draft FY 2019 budget prior to April 1<sup>st</sup>. By Charter the Council has to review and adopt the CIP with or without modification prior to June 1<sup>st</sup>. They focused on the funding structure for the CIP this year. Water/Wastewater projects are funded by the customers. Some financing may come through the State revolving loan fund if the project is very large which could include principal forgiveness. This ultimately results in savings to the customer. Cable projects are funded through franchise fees paid by cable customers. The vast majority of capital projects are funded through capital reserve funds or trusts which are replenished through a transfer from the unallocated fund balance which is the General Fund surplus.

For General Fund projects, the Town Council last year adopted a policy to transfer up to \$1.5 million annually from the unallocated fund balance to fund capital programs. That fund source has historically been unpredictable and unsustainable. The current CIP presumes a transfer of \$750,000 at the end of FY 2018 (June) from the unallocated fund balance to the capital reserve funds. That may not be enough in the long term to support the capital needs of the community.

The policy of transferring from the unallocated fund balance began in 2013. In 2014 and 2015 there were large transfers. In one of those years a large amount of the increase to the unallocated fund balance came from the sale of tax deeded properties. In another year there was a community discussion about the level of services in Derry. Through that process there were a number of positions that remained unfilled or were eliminated. Ultimately, those positions were restored, but as a result of that year, there were a number of positions which remained vacant which resulted in a large unallocated fund balance. In 2016, there were not enough funds to transfer to the Capital Reserve. In 2017, \$1.5 million was transferred. For Fiscal 2018 it is anticipated there will be \$1.2 million in excess fund balance over what is to be retained per the Town Council policy. The funds will stay in the there until the end of Fiscal 2018. If the funds are not used, they will then be transferred. For the purpose of analysis, they did not consider the FY 2018 funds in planning the CIP. One of the major cautions would be for example, large expense items such as fire trucks. They are not purchased often, but when they are acquired, they are expensive. Typically, the Town enters into a lease/purchase agreement over a period of five years for vehicles of this type. They want to make sure revenues coming into the capital reserve are sustainable to cover the lease payments as they move forward.

In this CIP, they recognize all planned capital expenditures with a sustained life over five years, with a value over \$100,000, or are funded through the Capital Reserve Fund. Annually, the town

funds \$1.4 million in the reconstruction of town roads, which by definition is a capital improvement. DPW's portion at \$11.5 million includes the reconstruction of the roads. Water and Sewer expenditures are paid for from user fees but are accounted for in the Plan. The General Fund, anticipating \$3.0 million, includes the \$1.97 million balance due for the Exit 4A contribution. Exit 4A is planned to begin construction as soon as Fiscal 2019/2020. Once the state plans for the exit are finalized, the town will need to fulfil the remainder of its obligation; at that point the Town may consider floating a bond for that obligation. The Information Technology Department has \$384,000 slated over the next six years. The Building and Grounds Trust Fund was established to fund planned significant repairs or modifications to town buildings as well as any unexpected repairs. This Fund was established last year and is under the control of the Town Council.

The following major projects are planned over the next six years. The Police Department is planning to update their radios and tasers. The Fire Department will purchase another Rescue/Pumper and update their mobile radios. The Public Works pavement management program is included as well as Highway trucks and equipment. The Water Department includes the upgrade of the water main and Cohas Station. Also included in major projects is the conversion of the cable meeting room to HD. The electronics in the meeting room have not been addressed since the Municipal Center was constructed many years ago.

Mr. Caron opened the floor to questions from the Board.

Mr. O'Connor asked if the Highway and Building fund was reduced as a result of funds received from the State from Betterment and Bridges. Mr. Caron said typically the town's annual investment is \$1.45 million for roads. The town received \$612,000 from the state specifically for roads; this was a one-time infusion which stipulated it had to be used for town roads and bridges. It could not supplant existing appropriations. The town could not reduce the amount it had budgeted, so the effect was that the road priority list was accelerated.

Mr. O'Connor noted there are MTBE funds available from the state. Are there any sites in Derry that will need to be addressed? Mr. Caron said there are no sites in Derry. The State is looking for a long-term solution for the MTBE issues in the towns south of Derry. Water for those communities will come from Manchester Water Works, which will mean the water will run through Derry. If water lines are expanded and constructed for the benefit of those communities, it would be at the State's expense. The Town has been in discussions with the State. The southern towns will likely discuss this at their Town Meetings in 2019; it is too late to do so this year.

Mr. O'Connor stated the Governor has changed the communication standards; are the police radios tied into the federal program? Mr. Caron said they are. The radio budget this year includes new portables and mobiles; last year the system was upgraded to allow interoperability between the town, the State, and other agencies. There is \$74,000 in place for the upgrade of the AM Emergency Broadcast System which will be funded on the revenue side by a grant. In Fiscal 2020, the Fire Department will replace its SCBA equipment. Normally that cost is about \$500,000 and is funded by a 90% Federal grant; the town pays the remaining 10%.

Mr. MacEachern asked with regard to the bonded indebtedness, what percentage of the tax rate is bonds? Mr. Caron said the town is currently bonding \$6 million. The town is allowed to bond 3% of its assessed valuation which is \$2.8 billion. The town could bond up to \$84 million. The town does not plan in this Plan to bond anything additional other than perhaps the Exit 4A contribution. Mr. MacEachern said there used to be funding mechanisms to keep the \$6 million dollars consistent so that when a bond retired it was replaced with a new bond so that the bonded indebtedness was consistent. Are there any bonds due that will be replaced with other projects? Mr. Caron said there are no plans to add bonds at this time. The theory is sound. For every dollar that reduces debt service, that is not immediately being replaced by debt service, it is recommended those funds be placed in the Capital Reserve Fund, rather than funding through surplus. That keeps the percentage of the budget allocated to capital needs, through capital reserves or debt service. When the town identifies a project that requires bonding, it can scale back on the capital reserves and use those funds to pay the debt service.

Mr. MacEachern said the Council used to allocate to the Capital Reserve; it was not funded from the Fund Balance. They allocated from the department budget line items. That practice seems to have stopped. He would rather see the bonded indebtedness level. He does not like this current process. Consistency is important in establishing the tax rate within the tax cap. Mr. MacEachern stated he appreciated the efforts put forth by Mr. Caron and Ms. Hickey. Mr. Caron agreed the approach outlined by Mr. MacEachern is sound, but it would be difficult to get under the tax cap.

There were no further questions from the Board. Mr. Caron thanked the Board for their time this evening.

#### Proposed Changes to the Central Business District

Mr. Sioras advised the Board has had discussions in the past regarding 19 Elm Street. The Town now owns that property. 35 Maple Street, which had a fire on the property, has been sold. The Board had discussed moving the Central Business District line over. The proposed changes are outlined on the map provided to the Board. This would move the following properties from the Medium High Density Residential II zone to the Central Business District: 34, 35, 37, and 18 Maple Street, and 13, 18 and 19 Elm Street. Mr. Granese felt the change was a good idea and it would be an opportunity to look at the allowed uses in that zone. He confirmed this would need to go to workshop. The Board members agreed. Mr. Granese advised he would discuss the date to place this on an agenda with staff and schedule the first workshop.

**Public Hearing****Kevin L. & Kathryn N. Coyle  
PID 09139, 40 Old Chester Road  
Acceptance/Review, 2 Lot Subdivision**

Mr. Sioras provided the following staff report. The purpose of the plan is a two-lot subdivision of a lot located in the Medium Density Residential District which is one-acre zoning. One new building lot is being created. All town departments have reviewed and signed the plan. There is a waiver request letter dated January 29, 2018 submitted by S & H Land Services to allow overhead utilities and to forgo the HISS map requirement. There are no state permits required. Staff recommends approval of both the waiver requests and the subdivision plan.

Peter Stoddard of S & H Land Services presented for the applicants. Kathryn Coyle was present. He explained this is a 2.4 acre parcel fronting on Old Chester Road and North Shore Road. The intent is to divide off one house lot from the existing house which is served by a leach field and well. The new lot and the existing lot will be connected to town sewer by an extension from North Shore Road. The topography of the lot is flat and gently slopes. The back of the lot is bordered by the brook. There are some small wetland areas on the lot, but they will not be impacted by the development. There is a good sized building envelope for the proposed house. The new lot will be just over one acre in size. Both homes will be served by private wells. The request to waive the HISS mapping requirement is because the lot will be serviced by town sewer. They would also like to continue the overhead wires to the new lot. This is a straight forward application.

Motion by O'Connor, seconded by Bartkiewicz 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, and review of the plan returned to the Board.

Mr. L'Heureux advised he has reviewed the plan with the engineer regarding the sewer. Most of the details and requirements have been taken care of. He reviewed the plan today and has some minor edits that need to occur. The last detail sheet for the road cross section detail needs to change the gravel requirement to "Crushed Gravel NH DOT 304.3". It currently states, "Bank Run Gravel NH DOT 304.2". The Sewer Profile stationing for the sewer man holes needs correction to match the Plan View. Also, the Sewer Plan view needs station labeling along the route starting with 0+00 at the existing sewer man hole. He will address these with the engineer but wanted those changes to be noted on the plan.

Mr. O'Connor commented in the Technical Review Committee (TRC) notes there is mention there might be ledge in the area. If that is the case, can the issue be addressed as a field change?

Mr. L'Heureux said they did discuss the possibility of ledge during the TRC meeting. There will be some funds escrowed to cover that possibility.

Motion by MacEachern, seconded by Bartkiewicz to accept jurisdiction of the two-lot subdivision plan before the Board for Kevin L. & Kathryn N Coyle, PID 09139, 40 Old Chester Road.

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

Motion by MacEachern, seconded by Bartkiewicz, to grant a waiver from the following sections of the LDCR. LDCR Section 170-24.A.12, HISS 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 carry out the spirit and intent of the regulations. LDCR Section 170-31.A, to allow overheard utilities, 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.

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

Motion by MacEachern, seconded by Bartkiewicz to approve, pursuant to RSA 676:4, III, Expedited Review, with the following conditions: Subject to owner's signature, subject to onsite inspection by the Town's Engineer, establish escrow for the setting of bounds or certify the bounds have been set, 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 170-24/170-61; note approved waivers on the plan, conditions precedent shall be met within 6 months, a \$25.00 check, payable to the Rockingham County Registry of Deeds should be submitted with the mylar in accordance with the LCHIP requirements, submission of the appropriate recording fees, payable to the Town of Derry. In addition, the additional plan items noted by Mr. L'Heureux at this meeting should be added to the plan.

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

**SMV Management Company, LLC**  
**PID 36065, 8 Peabody Road**  
**Acceptance/Review, 2 lot subdivision**

Mr. Sioras explained the applicant has requested this application be continued to March 21, 2018. The applicant's surveyor contracted the 'flu. He is under his physician's care and needs the additional time to recover. He is unable to leave his home at this time.

Motion by MacEachern, seconded by Bartkiewicz to continue the two-lot subdivision before the Board for SMV Management Company, LLC, 8 Peabody Road, PID 36065 to March 21, 2018.

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

**Ajit Kumar (MPV Development, LLC)**

**PID 27094, 3 Nutfield Court**

**Sandra L. Willand**

**PID 27095, 2 Highland Avenue**

**Review, Lot Line Adjustment**

**Continued from December 06, 2017**

Mr. Sioras stated he would defer to Doug MacGuire of The Dubai Group who was representing the applicant for this plan and for the residential site plan. He will discuss the changes that have been made to the site plan and the arrangements that have been made with the neighbors.

Mr. MacGuire advised the applicant is requesting to withdraw the lot line adjustment plan.

At the last meeting in December, the Board discussed if it made sense to adjust the lot line to meet the setbacks. If they did adjust the line, it would affect the building setback for buildings in the residential site plan. They have coordinated with the landowner and Ms. Willand, and are able to use an easement. They are requesting to withdraw the lot line adjustment application without prejudice. They have added an easement plan (Sheet E1), to the site plan set. The easement accomplishes the same thing as the lot line adjustment. He believed the application was still in the Board member packets for discussion purposes. The lot line adjustment is being withdrawn as the easement will be handled in the site plan.

Mr. O'Connor asked if the easement is proposed to replace the lot line adjustment between Parcels 27094 and 27095. Mr. MacGuire said it was. They will accomplish the same thing with an easement. Mr. Granese recalled the discussion about the impacts to the building. Mr. MacGuire said the Board discussed moving the lot lines to make it 27095 a conforming lot; that cannot be done without significantly affecting the site plan. There are several other encroachments that were handled by easement in the past; they are following suite and cleaning it up in that manner. The easement does not create setback encroachment issues. Mr. Granese asked how the Board should handle this procedurally.

Mr. Sioras explained at the last meeting Mr. MacEachern asked if this might be a better alternative. Mr. Sioras reminded the Board the applicant is asking to withdraw the lot line adjustment application without prejudice. Procedurally, the Board should acknowledge that.

Mr. MacEachern thought he had asked that the lot lines for Parcel 27095 be made conforming. The easements would go into perpetuity. An easement would still leave about 20% of the garage on the abutting property. What is being violated or infringed on by cutting the land? Mr.



MacGuire said to meet the side setbacks on this lot, they will need to push the lot lines even further. Otherwise, they would be encroaching on their own setback. In looking at the site plan and the existing lot line and setback, there is a 30-foot setback that needs to be on Parcel 27094. There would also have to be the setback for 27095. Moving the lines for 27095 encroaches on the 30-foot building setback for 27094. He does not see a negative effect if they do this as an easement. It addresses the Board's concerns about conformity. He would have proposed this as an easement, but the original engineer on the project had prepared the lot line adjustment. Mr. MacEachern felt the lot line adjustment was minor and the person has their own lot. It is not a dramatic shift. He does not see where the applicant is losing anything by moving that lot line. The rear lot line is not moving, it is just being extended. Mr. MacGuire directed the Board to Sheet 8 of the Site Layout plan for the site plan application. The existing lot line and proposed easement to benefit Parcel 27095 are shown. He indicated the area where the proposed lot line would have been. If the line had to be pushed out further, the 30-foot setback would encroach the corner of Unit 1. To make the lot conforming it would mean adjusting the lot to the rear and the lot line near the garage. Mr. MacEachern recalled that discussion and stated the Board knew it would be very difficult to make Parcel 27095 entirely conforming. The consensus at that meeting was that moving the line where he had it was fine. Mr. MacGuire recalled the Board asking him to make the lot conforming. When he found he could not do that, he converted it to an easement.

Mr. Granese thought the 30-foot setback would be met. Mr. MacEachern said even with this configuration, the lot would still be non-conforming. Mr. Granese said moving the line would clean up some of the encroachments. He would rather have it with the lot line there and have the Board acknowledge the change in the lot line does not remove the non-conformity. This is cleaner. Mr. MacGuire said he proposed an easement because there are other encroachment easements. He can move forward with the lot line adjustment if the Board is more comfortable.

Mr. MacEachern said to make Parcel 27095 conform they would have to lose a few condos, which would be fine with him. Mr. O'Connor thought the Board should allow the lot line adjustment so that the lot line is not going through the garage, and then grant an easement from the back corner of Unit 1. Mr. MacGuire said the lines can't move without impacting setbacks. They can't slide the first building over; the deck is considered a structure and needs to meet the 30-foot setback. It is one foot off the line. If they go forward with the configuration proposed, it meets the setbacks and puts the garage on Ms. Willand's lot. They can't make the lot completely conforming, which is what he recalled the Board asking. They can move forward with the lot line adjustment and not withdraw the application if that is the wish of the Board. In that case, he would update that in the updated site plan.

Mr. L'Heureux stated the site is riddled with old and newly proposed easements; it is not unusual to utilize easements for this type of project. There have been many added to the properties over time. Mr. MacEachern said he wanted to eliminate problems in the future. He did not like to continue bad habits. Mr. Sioras said the Lot Line Adjustment application was continued from December 06, 2017 at which meeting the Board took jurisdiction. The Board already opened the public hearing in December. The Board will need to move to vote the application up or down with regard to the lot line adjustment. The plan has not changed since December 6, 2017.

Mr. MacEachern moved to approve, seconded by Bartkiewicz, pursuant to RSA 676:4, III, Expedited Review, the lot line adjustment application before the Board for Ajit Kumar (MPV Development, LLC) PID 27094, 3 Nutfield Court and Sandra Willand, PID 27095, 2 Highland Avenue with the following conditions: subject to owners' signatures, subject to onsite inspection by the Town's Engineer, establish escrow for the setting of bounds or certify the bounds have been set; 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 170-24/170-61; conditions precedent shall be set within 6 months; a \$25.00 check, payable to the Rockingham County Registry of Deeds shall be submitted with the mylar in accordance with the LCHIP requirement; submission of the appropriate recording fees, payable to the Town of Derry.

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

**Ajit Kumar (MPV Development, LLC  
PID 27094, 3 Nutfield Court  
Acceptance/Review, Site Plan  
32 Unit Multifamily Residential Development  
Continued from December 06, 2017**

Mr. Granese asked if the site plan had changed since the last hearing in December. Mr. MacGuire stated it had. Mr. O'Connor noted the plan set in front of the Board contained the easement around Parcel 27095, which was just approved for a lot line adjustment. Mr. MacGuire advised he would amend the plans, removing the easement around that lot and adding the lot line adjustment. Mr. Granese said that could be made part of a motion.

Motion by MacEachern, seconded by Bartkiewicz to accept the amended plans as presented to the Planning Department on January 12, 2018. The motion passed with all in favor.

Mr. MacGuire provided the following overview of the plan and the changes that had occurred since the last meeting. His firm has addressed the concerns of the Board raised at the original hearing, as well as outstanding comments from Keach Nordstrom. Those have been reflected on the plan. At the last meeting a question had been raised about the onsite monitoring wells. This site has an active NH DES Groundwater Management Permit. Chism Machinery had a leaking diesel tank next to the building. The tank and the soils have since been removed. The wells were put into place to monitor the conditions. The wells have been in place for several years now. Credere Associates, LLC is monitoring the site and is under contract with the current owner. As part of the Groundwater Management Permit, upon demolition of the building, Credere Associates will be onsite to test the soil to make sure there is not additional contaminated soil that needs to be removed. There are sufficient grant funds (up to \$2 million) in place to cover contingencies. There is a full monitoring plan in place and the situation is under control. Upon approval of the site plan, Credere Associates will be on site. The Town has the Groundwater Management Permit on file and has been receiving updates. Mr. O'Connor said he would like to have copies of those materials and documents placed in the record file as

well as any subsequent documents. Any escrow approved for this project should include amounts to cover any additional testing.

Motion by O'Connor, seconded by Bartkiewicz 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 review of the plan returned to the Board.

Mr. Granese advised Mr. Fairbanks was unable to attend this evening but had asked with regard to the sewer permit noted in the Keach Nordstrom report. Mr. MacGuire explained the sewer extension permit is pending as well as some other state permits. All permits would be a condition of approval.

The plan proposes 32 units. The property can support 34 under the MHDR requirements. Mr. MacGuire said he felt the number proposed fit nicely into the property. This unique lot is between multifamily and single-family lots in the area. The development makes sense. There is a need for this type of housing in town. The development on Highland Avenue sold out. This is a similar development. The townhouse units will be 2 bedrooms, be run by an Association, there are no age restrictions or income limits and they are intended to be market rate.

Mr. L'Heureux advised he has worked with Mr. MacGuire to address any issues with the plan. Changes have been made in the alignment of Nutfield Court based on their discussions with the neighbors. Any remaining issues there will be worked out. More information has been obtained with regard to the drains, but the town will request the applicant obtain access easements (some are associated with the easement plan shown on the last page of the plan set) to insure all the drain improvements or work to be done outside the bounds of the property can be completed. He discussed the trench details with Mr. MacGuire today and some minor changes to the parking alignment in the multifamily adjacent to the lot (Parcel 27093). An issue remains with the fence proposed along South Avenue, east of Highland Avenue. There is a 6-foot stockade fence there now that fronts on the street; this is causing a sight obstruction. The fence should be noted as 4 foot tall vinyl, and because of the unique alignment with Highland Avenue, the other section of fence should be shifted back. Currently, it does meet sight distance. Mr. MacGuire said he spoke with the abutter's attorney and feels he can work that out. They have been working with the abutter, met with them several times, coordinated the plans with them, and have made multiple adjustments and added enhancements to the abutter's properties such as fencing and supplemental landscaping. They are drafting an easement and are fine with having that as a condition of approval.

Mr. L'Heureux said his department is neutral on the waiver requests. The developer is restricted by the dynamic of the roadway versus their access to the roadway.

Mr. Granese asked if there was a rendering of what the townhouses will look like. Mr. O'Connor provided one. Mr. MacGuire said he did not bring one with him. Mrs. Robidoux

provided a copy of the rendering from the file. Mr. MacGuire said they are the standard townhouse style unit. They are very similar to Highland Avenue. There will be a garage under configuration, coming in the basement level. The first floor would be living room/kitchen with the second-floor bedrooms. This design works very well with the topography on the lot and they will feel much smaller than they are because they can work them into the slope. He understands they will be the typical vinyl siding.

Mr. Granese commented the Board has seen instances where a rendering is presented at the meeting to the Board and then later, the building changes out in the field. He would want to make sure that if the Board approves a plan with a specific rendering, it will need to be constructed that way with those materials or will have to come back. Mr. MacGuire felt the rendering presented was an accurate depiction that has been coordinated with the client.

Mr. Chirichiello noted the five units to the right (Units 28-32) do not have garages like the other units. Will there be deeded parking (2 spaces each) for those units? Mr. MacGuire said there would. Because the topography drops away toward the brook, they are proposing walk out basements for those units. Mr. Chirichiello confirmed there would be two deeded parking spaces for each of those units. Mr. MacGuire said there is a significant number of parking spaces available on site. They are happy to say each of the units will have two parking spaces. Mr. Chirichiello agreed it appeared there is plenty of parking, but they want to make sure there is enough parking close to those units. Mr. MacGuire said the adjacent 11 spaces can be made exclusive to those five units and he would add a note to the plan that those spaces are deeded. They can even designate them by assigning unit numbers in paint. Mr. Granese thought that was fair and that deeding the spaces would be nice. Mr. MacGuire said the condo documents and perhaps the purchase and sales agreements can also call out those spaces for those units.

Mr. Chirichiello asked about the handicap parking space near the five units. Is that designated for any of those units? Mr. MacGuire explained they need to have ADA accessibility for a project of this size. Unit 32 has a longer separate, ramped access and is an ADA accessible/adaptable unit. It made sense based on the grading to make this unit accessible. If they have only one handicap space, they need to show it as van accessible. Mr. Chirichiello noted anyone with a placard could use that spot. Mr. O'Connor added that space has now been designated for Unit 32. Mr. MacGuire felt if a visitor to one of the other units in the development had a handicap placard, it was unlikely they would park in the spot for Unit 32 to go visit someone in one of the other units on the other end of the development.

Mr. Granese asked if there is any way any of these units could be three-bedroom units. Mr. MacGuire said no. They are 16 feet wide, 1280 square feet and two stories. There is no room to add an additional bedroom and they are being sold as two-bedroom units. The target demographic is young professionals or down-sizers. There could be a young family with a small child, but they feel that these units will be purchased by young professionals and singles. The price range per unit will be in the low to mid \$200,000.

Mr. MacGuire advised they have added access per the Keach Nordstrom request from the parking lot near Unit 1 to Highland Avenue. This walkway gives access to the rail trail. There is no formal floor plan provided tonight, however, the first floor will have a kitchen, bathroom and

living area. The second floor will have a bathroom and two bedrooms. There is no pool or club house included as part of this development. The location of the rail trail is a huge amenity. Mr. Chirichiello asked if bike racks would be added anywhere. Mr. MacGuire said that would be at the discretion of the Association.

Mr. Granese commented it would be nicer if this was a 20-unit development. Mr. MacGuire explained the developer is investing quite a bit to upgrade Nutfield Court. The access and infrastructure improvements have a cost and based on that, the developer felt he needed this level of density for the project to work.

Mr. Chirichiello asked with regard to the landscape plan. Mr. MacGuire felt it was a robust plan. There are over 100 trees planned to be planted on site where the regulations call for 44. They will also plant 30 shrubs. They are emphasizing the buffer to the existing neighborhoods with deciduous trees on the interior of the site and evergreens in the buffer. Some of the trees are flowering. They buffered the existing perimeter for the single-family residences as well as the multifamily on Nutfield Court. The plan should look nice and with the upgrades will be a nice addition to the neighborhood.

There will be a 6-foot-tall, wooden stockade fence that runs around the perimeter of the property. They are proposing a vinyl fence at the entrances and between the abutters closest to Nutfield Court. That is clarified on the plans.

Motion by O'Connor, seconded by Bartkiewicz to accept jurisdiction of the multifamily site plan application before the Board for Ajit Kumar (MPV Development, LLC), PID 27094, 3 Nutfield Court.

Levin, Chirichiello, O'Connor voted in favor.

MacEachern voted no as he does not find the application complete without the rendering and the layout of the apartments. Davison said no, citing the reasons stated by MacEachern. Bartkiewicz vote no for the same reasons.

Mrs. Robidoux advised the Board had copies of the renderings in their packets for the December 06, 2017 meeting.

Bartkiewicz rescinded his vote and voted yes.

Granese voted no for the reasons stated by MacEachern and Davison.

The motion passed by a vote of 4-3.

Motion by O'Connor, seconded by Chirichiello to grant a waiver from LDCR Section 170-26 B (2) Streets, Angle of Intersection, to allow a shared private driveway intersection with South ~~Read~~ Avenue at an angle of 71 degrees where 80 degrees is required. 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 that the waiver will properly carry out the spirit and intent of the regulations.

Levin, Chirichiello, O'Connor, Davison, Bartkiewicz, and Granese voted in favor. MacEachern voted no to stay consistent with his previous vote.

Motion by O'Connor, seconded by Bartkiewicz to grant a waiver from LDCR, Table of Geometric Standards, to allow an existing grade on the driveway of 1.0% where 1.5% is required. 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 that the waiver will properly carry out the spirit and intent of the regulations.

Levin, Chirichiello, O'Connor, Davison, Bartkiewicz, and Granese voted in favor with Granese adding he was voting in favor as DPW had no issues with the granting of the request. MacEachern voted no for the reasons stated previously.

Motion by O'Connor, seconded by Bartkiewicz to approve, pursuant to RSA 676:4, I, Completed application with the following conditions: Comply with the Keach Nordstrom Associates reports dated 12/5/2017, 01/16/2018 and any subsequent reports; building elevations shall not be changed in the field without administrative approval of the Planning Board or the Planning Board's designee; the deeded easement for the parking expansion along the adjacent multifamily site (Parcel 27093) shall be provided to the Planning Department; a twenty foot (20') construction easement for the replacement of the existing drainage (10 feet on each side of the drain), shall be required and shall be included on the plan, along with the submission of a written construction easement agreement; subject to owner's signature; subject to on-site inspection by the Town's engineer; receipt of State Alteration of Terrain permit; receipt of sewer connection permit; add a note to the plan citing the variance granted on 11/5/2017 and the conditions of the variance to Sheet 6; establish appropriate escrow as required to complete the project; add an appropriate amount to the escrow for future potential testing due to the monitoring wells; obtain written approval from the IT Director that the GIS disk is received and is operable and complies with LDCR Section 170-24/170-61; note approved waiver/s on the plan; subject to receipt of state or other 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 following Best Management Practices for the application of de-icing materials; all correspondence relating to the monitoring wells shall be submitted to the Planning Department for the file; the DES permit shall be added as a note to the plan, add a note to the plan that parking for the five units without garages (Units 28 – 32) are assigned parking spaces and that the parking spaces will be deeded to the units.

Levin, Chirichiello, O'Connor, Davison, Bartkiewicz, voted in favor. Granese noted he did not feel this development should be in this area, but the plan meets the regulations which forces his

hand to vote yes. MacEachern voted no for the reasons stated previously. The motion passed by a vote of 6-1-0.

### **Workshop #2 – Discussion of permitted uses in the Industrial and Commercial districts**

Mr. Granese said he had asked the Board to think about amending the definition of warehouse to remove self-storage and to create a new definition for self-storage. A draft has been included in the packets. He felt it was a good idea to separate out the two definitions. The Board members agreed. Mr. Chirichiello thought it was a good idea to break out the two definitions. He felt the Board now needed to see what the allowed uses in the zones should be. That is not going to be changed yet? Mr. Sioras said the existing zone clumps warehouse and self-storage together. By taking self-storage out of warehouse, it keeps warehouse in the general commercial and industrials zones but removes self-storage as a use. The town wants to encourage warehouses in the commercial and industrial areas, which would be areas such as Corporate Park Drive. Mr. O'Connor agreed with the changes to the definitions but felt "refrigerated" should change to "climate controlled".

The Board agreed and felt it was appropriate to move this forward to public hearing. Mr. Sioras said he will place this on the agenda for March 7<sup>th</sup> to schedule a public hearing for March 21, 2018.

There was no further business before the Board.

Motion by MacEachern, seconded by Bartkiewicz to adjourn. The motion passed with all in favor and the meeting adjourned at 8:41 p.m.

Approved by: \_\_\_\_\_  
Chairman/Vice Chairman

\_\_\_\_\_  
Secretary

Approval date: \_\_\_\_\_