

The Planning Board for the Town of Derry held a public meeting on Wednesday, August 01, 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; Lori Davison, Secretary; Brian Chirichiello, Town Council Representative; Randy Chase, Town Administrative Representative; Frank Bartkiewicz, Jim MacEachern (7:02 p.m.), Maya Levin, Members; Matt Leavitt, Elizabeth Carver, Alternates

Absent: John O'Connor, Mark Connors, Elizabeth Carver

Also present: George Sioras, Planning Director; Elizabeth Robidoux, Planning & Economic Development Assistant; Mark L'Heureux, Engineering Coordinator; Assistant Fire Chief Scott Jackson

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. Leavitt was seated for Mr. O'Connor.

Escrow

#18-14

Project Name: Highland Place Condos

Developer: Extended Realty, LLC

Escrow Account: Same

Escrow Type: Letter of Credit

Parcel ID/Location: 26232, 37 Highland Avenue

The request is to renew Letter of Credit #27279, drawn on Enterprise Bank, in the amount of \$97,425.51 for the above noted project. The expiration date for the Letter of Credit shall be August 06, 2019.

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

Mr. MacEachern was seated.

Minutes

The Board reviewed the minutes of the July 18, 2018, meeting.

Motion by Bartkiewicz, seconded by MacEachern to approve the minutes of the July 18, 2018, meeting as written. The motion passed with all in favor.

Correspondence

Ms. Davison advised the Board has received correspondence from FEMA regarding Discovery Meetings which took place around the State in 2016. FEMA, working with the University of New Hampshire, has since been working on a coastal flood hazard analysis and flood hazard mapping. A Flood Risk Review meeting will be held on Tuesday, August 21, 2018, in Durham to review the map for an area that includes the Town of Derry between 3 and 4 p.m.

Other Business

Mr. Granese reminded the Board the next meeting will be September 05, 2018.

Master Plan Consultant

Mr. Sioras announced that Community Circle has been chosen as the consultant to work with the Board on the upcoming Master Plan update. The town received five responses to the Request for Proposals. Staff will meet with the consultant in September to go over the schedule.

Hannaford to Go – Revised Plan – PID 08280-002, 35 Manchester Road

J.M. Lord presented for Hannaford. Hannaford would like to amend their plan to a Park and Call model, similar to Londonderry. The previous plan showed a drive up, queue area to the side of the building. In the new plan, parking would be in front of the store. They will utilize seven existing spaces at the existing crosswalk. Each space has a number. Customers pull in and call to let store staff know in which space they are parked. Mr. L’Heureux advised DPW had no comments.

Mr. Chirichiello stated he did not see any handicap spaces. Will any of the seven designated spots take away from handicap parking. Mr. Lord said they will not. There are ten handicap spots total for the store. They picked an outside parking aisle so that it won’t affect the handicap parking. Mr. Leavitt had comments about the existing crosswalk. Staff and customers still have to cross a full lane of traffic to get into the store; is there any thought to adding lines? Mr. Lord said they may widen the existing crosswalk; the area is fairly well protected.

Motion by MacEachern, seconded by Chirichiello to approve the following amendments to the plan approved by the Planning Board on May 18, 2018: signing seven (7) existing parking spaces in the parking lot near the right front corner of the building; elimination of the drive up access; elimination of the call box and gull wing.

Chase, Levin, Chirichiello, Leavitt, MacEachern, Davison, Bartkiewicz and Granese voted in favor and the motion passed.

Mr. Lord advised the previous plan called for work to be done on an existing catch basin; they will still complete that work.

Public Hearing

Town of Derry Fire Department

Pursuant to RSA 231:133-a

Re-designation of thirteen (13) addresses on or adjacent to Richardson Road

Mr. Sioras explained Pennichuck Water Works has a well lot that is no longer being utilized. The lot will be sold as a residential lot, for a single-family dwelling. This resulted in a re-designation of addresses adjacent to the lot. Assistant Fire Chief Scott Jackson is present to explain the changes and the process.

AC Jackson advised a public hearing is being held to allow the affected property owners to comment and express any concerns on the proposed address changes. The Fire Department does not make these changes lightly and tries to minimize address changes. There will be a town wide address change coming at some point over the next few months. This particular change affects thirteen properties. Because of the number of addresses affected, the Department opted to use the Public Hearing forum for the changes, rather than obtaining individual sign offs from the residents. This change will re-designate the addresses for 8.5 Richardson Road through 20 L and 20 R Richardson Road. Pennichuck Water Works owns the current 8.5 Richardson Road. When this was a well lot, it was not an issue. It will become a residential lot which will create issues for EMS, Police, and Fire response if it keeps its current address as this is a back lot, not a frontage lot.

Chapter 51-14 of the Town of Derry Code states the Fire Department shall designate property and house numbers. RSA 213:133-a states that prior to assigning or altering numbers, the governing body or Planning Board shall hold a public hearing for which ten days' notice has been given. Notices were sent out with ten days' notice. Two of the owners/tenants have not picked up their notice and two notices were returned. Everyone else received the notice.

8.5 Richardson Road is a larger lot containing 6.5 acres with a long driveway accessing the lot. Many of the residences in the area are two family homes or a condex. This lot will be for a single-family home, not a two-family. AC Jackson showed two pictures of the parcel. The concern is that the house will be set far back from the road. The Department was not able to reassign just this lot as there is already a 2 Richardson Road. The proposed changes are as follows.

8.5 Richardson Road becomes 10 Richardson Road.

20L and 20R Richardson Road become 22 L and 22 R Richardson Road.

18L and 18R Richardson Road become 20L and 20R Richardson Road

16L and 16R Richardson Road become 18L and 18R Richardson Road

14L and 14R Richardson Road become 16L and 16R Richardson Road

12L and 12R Richardson Road become 14L and 14R Richardson Road
10L and 10R Richardson Road become 12L and 12R Richardson Road.

Mr. Leavitt noted one third of the affected parties seem to have not been notified. AC Jackson explained the letters are sent certified, return receipt to the legal addresses; the town did not go door to door to deliver the notice.

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

Christopher Chandler and his spouse provided an address of 18B Richardson Drive or Road. He noted there is confusion over the proper name of the road. No one ever gets it right. It is also confusing because the addresses are also known as 18A and 18B Richardson; sometimes its 18L and 18R. People get lost trying to find their home, and they never get the right mail. Changing the address again will add to the confusion. They do not consent to the change. Other concerns noted by the Chandlers included the cost to change a driver's license, confusion at the DMV over the addresses and the DMV forcing them to place an incorrect address on their license, street signs that say Richardson Drive at one end and Richardson Road at the other, the time it takes to change the address (it will take a year to get it complete) and receiving mail that belongs to a neighbor. Mrs. Chandler felt that the town was imposing a cost to move their residence when they technically are not moving. She felt 8.5 should be changed to 8 and their lots should be left alone. It was noted the street sign has been corrected to "Richardson Road", but who decides which road name is correct? The cost to change an address is astronomical. The other issue is they are being told the legal address should be either "left" or "right", but the homes are labeled "A" and "B". She did not feel it was the other resident's responsibility to deliver their mail to them.

Mr. Sioras explained Planning and Fire Department staff reviewed the original subdivision plan which created Richardson Road. The legal name of the road is 'Richardson Road'.

Mr. Chirichiello believed the legal address should be reflected on the deed for the property and if the deed states the address is 18B Richardson Road, then it should not be changed to 18R Richardson Road. The town map will need to be clarified as it has "drive" rather than "road". He inquired why it was not possible to only change the address for the one lot. AC Jackson explained there is already an 8 Richardson Road. Existing numbering is 2,4,6,8, 8.5 and 10 Richardson Road. Half numbers are not recognized at the state level. Once the change is made, the town notifies E911 and the Post Office. The post office will deliver mail for one year that has the old address on it to the new address. They have had no reported issues on other changes they have done before. The town provides a letter to the residents that can be kept with important documents so that when the house sells in the future, the document is available for the new deed. The town does not charge for that letter. There is no cost to change an address with the utility companies, it can be done when the bills come in each month; the DMV will provide a sticker for the license. There are checks and balances. He agreed it is an inconvenience; he has had to do it himself. The standard numbering throughout the state is Left and Right for residences. "A" and "B" are for buildings on the same lot and then separate units are provided unit numbers. He can understand the concern that a deed may say "A" or "B", but the town

record is Left or Right. Mr. Chirichiello said he would want more clarification on the AB versus LR; it can make it hard to sell a property if the deeds don't match.

Jose Velho, gave an address of 12B Richardson. He said Left and Right is the correct way to number the houses. His deed says Left/Right and felt the numbering should go back to that. The house numbers say A and B. Their driver's license says A and B and the DMV will not let them change it.

Kevin Quigley of 18A Richardson stated the Pennichuck lot has always been 8.5 Richardson. Why change it now? It already has a number and he felt an issue was being made where there was none; no one is talking about building on it. AC Jackson said it has to be changed because it is now a buildable lot.

Mr. Sioras explained the history of the lot, and why some of the Pennichuck system has been decommissioned. This lot needs a house number so that it can tie into the E911 system.

Mr. Granese clarified the Planning Board can't vote on this matter, nor can the Town Council. This public hearing is being held so that the residents can speak. Mr. Chirichiello confirmed the lot cannot be given a half number because of the 911 system; if that is the case why are there existing residential lots in town with half numbers. AC Jackson said there will be a global, town wide change coming over the next few months which will eliminate that. The Fire Department tries to make the changes as they can so that they can get ahead of the changes. The current address of 18A should be 18L. They are not doing the address changes lightly; this occurs state wide. The numbers have to be sequential. Every 50 feet of roadway along the travel distance will have a new number. The Fire Department has the final say over the house numbers. They don't like to make changes of this sort, but this is happening state wide. They just did a new numbering off Walnut Hill Road; there were three half numbers there. They created a new road for three lots. The recent numbering of Louise Way has 97 as the top number; they can add two more houses on that road and not have an issue. It was noted that the parcel id numbers for the lots are not the same as the house numbers.

David and Staci Santos of 16B Richardson Road stated they wanted to support the Fire Department but there will be a cost to changing address labels, business cards, and checks, time and energy. Since there will only be one house on the lot why can't this become Richardson Extension? Mr. Chirichiello said the lot has frontage on Richardson Road and it would be costly to create a road. Mrs. Santos inquired as to the difference between a driveway and a private road, and what is the cost. Mr. L'Heureux explained any new road would need to be constructed to town standards, whether it was a public or private road, and the cost would be at a minimum around \$100,000.00 to construct. Mrs. Santos stated they were not in consent with this change and wanted clarification on the left and rights. She did not want to have to change her address more than once and would like to know if it would be drive, road, what is the number, and will it be left or right.

AC Jackson said the designation will be Left or Right. The Fire Department will notify the residents of the effective date of the change, will notify the post office, and obtain a letter to be completed for the Assessor's office of the new, corrected, legal address. He agreed there would

be a cost to update business cards and things of that nature. He understood the confusion between A and B. Some property owners assign those addresses when they rent units, but that is not the state standard. Mr. Chase commented there are also over/under duplexes which have A/B designations as well.

There was no further comment.

Motion by MacEachern, seconded by Bartkiewicz to close the public hearing. The motion passed with all in favor.

Mr. Leavitt advised he works in the GIS field and has a relationship with map programs such as Google and TomTom. He is disturbed that the programs have Richardson listed as a drive when it is a road. He will reach out to his contacts to have this changed to the correct road name. Ms. Levin asked if the town could do anything about the DMV issue. AC Jackson said he is not up to speed on the DMV process, but they should be using the legal address provided by the town. The DMV should not be dictating Left/Right or A/B. Letters will go out to the residents mid-September. All affected property owners will be notified, and they will be responsible for notifying any tenants of the change if the owner address is different than the street address. The town will record the address changes at the Registry of Deeds.

23 Crystal Avenue, LLC

PID 32020, 23 Crystal Avenue

Acceptance/Review

Site Plan

Re-development of site – bank, urgent care, physical therapy, spa and light industrial

Continued from July 18, 2018

Mr. Sioras provided the following staff report. The applicant has made a few changes to the plan as outlined in the memorandum from Karl Dubay. Randy Knowles of The Dubay Group is present this evening, as well as Dick Anagnost and Scott Schubert.

Motion by MacEachern, seconded by Bartkiewicz to accept revised plans. Chase, Levin, Chirichiello, Leavitt, MacEachern, Davison, Bartkiewicz and Granese voted in favor and the motion passed.

Randy Knowles presented. There have been changes to the plan, but the front layout has not changed. Most of the changes are to the rear of the site. They have added green space behind the pavement and the pavement has been significantly reduced. The drainage was storage under the parking lot, now everything is above ground, will sheet flow to the green area, and be treated by a forebay. The essential layout of the site has not changed. This plan set shows the removal of the street trees as discussed at the last meeting. The back area will be seeded and allowed to naturalize. The VHB comments are being addressed; the sewer pump station details are being worked on. The NH DOT has issued new guidelines with regard to tip downs and those are being incorporated into the plan. The Conservation Commission is happy with the revised plan and their Chairman will sign the plan. There are two waiver requests currently. One is to waive

the street tree strip width from the required 15 feet and the other is to replace the required 6 street trees with evergreen and deciduous shrubs.

Mr. Granese felt this plan will change the look of the area; he liked it. He is not a fan of having all shrubs along the front of the lot. He drove Crystal Avenue several times and noted the maturing trees at CVS, and Enterprise Bank. Those frontages look good. An email was sent on July 26, 2018, from Town Administrator David Caron to Mr. Granese. Mr. Granese read the email into the record. In summary, Mr. Caron noted there had been comment that trees would interfere with sight distance until the street trees mature. He requested the Planning Board require all developers along Crystal Avenue to install mature street trees as greenscaping adds to the attractiveness of the town. Mr. Granese would concur with that statement. He did notice the trees being replaced in the downtown. He believes there should be trees in the street strip.

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

Steve Trefethen, landowner at 12 Laurel Street, stated he would prefer to have street trees as they will block headlights from shining on his property. The ornamental trees at the Municipal Center are mature and are not that tall. He felt mature trees could be planted that did not interfere with visibility. Trees have changed the landscape of the town and he feels streetscaping should be an important item on any plan. He noted in the staff report that staff does not support the waiver of the street tree requirement. He would like to see landscaping in front of the church parking lot as well, and hopes the Planning Board will keep the street trees on the plan.

Lori Van Curen, 8 Lenox Road, asked about the island to the rear of the parking lot, and improvements to the church parking lot. Mr. Knowles explained the island is a grassed area that will not collect water. They cannot show improvements to the church parking lot on their plan as they don't have a formal agreement with the church. Ms. Van Curen asked that the town consider adding a left turn arrow to align with the new left turn lane onto Lenox for the safety of the busses and parents who take their children to and from school. Since the area is to be widened there, it should be done right. The new left turn lane will not do anything if traffic queues there. She also inquired if the church traffic exiting their parking lot will be able to take both left and right turns. Mr. L'Heureux said the left and rights out of the church parking lot will be as they are now; the church traffic has a right to access, to enter and leave the lot. Ms. Van Curen felt that would block traffic going in both directions if someone was trying to get into the right-hand land to turn right onto Rollins or head toward Birch Street. She felt \$50,000 in improvements was worth it to avoid the potential problem. Mr. L'Heureux clarified the road is not being widened; it is being resurfaced. The parking spaces are being realigned and lines will be added on the road. People currently create a left turn lane now, without markings. Ms. Van Curen maintained there have been many accidents at this intersection; the town should still consider adding that left turn light. She suggested the Board request a list of accidents that have occurred in this location over the last few years.

There was no further public comment.

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

Mr. L'Heureux advised Public Works has no issues with this plan. They are in favor of the reconfiguration of the drainage and reduced parking. It makes sense and promotes good circulation on the site. He believes all of the outstanding issues will be addressed; they have been listed as conditions. Mr. Chirichiello asked that the applicant provide input on the landscaping changes proposed by the Board at the last meeting. Is there a hardship if the Board requests the applicant to put the trees back on the plan?

Mr. Anagnost said they took the feedback at the last meeting and made changes to the plan. They have no issues with the planting of street trees; they were on their original plan submission. The trees were deleted in this plan set based on the feedback from the Board.

Mr. Leavitt said he would prefer to have the street trees. He agreed with Mr. Granese and had been more concerned about the sight distance lines. Now that he can see the sight distance cones on the plan, he finds they are wide enough so there is room to put trees on the site and they will not obstruct views at all. Mr. Knowles agreed the trees would not block sight distance and explained they are proposing Armstrong Maples and Japanese Lilac. These are columnar, upright trees. At maturity, they are 15-20 feet wide so there will not be a huge canopy over the road. The trees will visually break up the site. When asked about the relationship of the proposed trees to the overhead wires, Mr. Knowles explained the overhead wires are closer to the sidewalk and go across the entrance; that is why they picked these particular trees – they did not want them to interfere with the wires. They are also urban and salt tolerant. Mr. Leavitt said he was okay with having street trees if they did not interfere with anything. He then asked if the left turn lane coming onto Crystal will cause conflicts with left turns onto Laurel Street. This may increase the opportunities for accidents. He has heard traffic won't be intense coming and going from this site but can still see a risk potential. He commented there will be a left turn lane from Crystal onto Lenox. Even though there is no light for the turn, there will be a dedicated left turn lane which decreases the risk to make the turn. Cars will not be in the intersection and it will be safer with the dedicated lane.

Mr. Chase said he had no problem with the streetscaping and adding trees but felt that when the trees reached 20-40 feet, they will eventually be in the wires. He would prefer trees that are shorter than that, so they are not hacked up by the utility companies. Mr. Knowles said the Japanese Lilac stays about 15-20 feet tall. They can do all Japanese Lilac. Mr. Chase said he would not be opposed to that.

Mr. Granese asked if the waiver for the street trees was still required. Mr. Knowles said they need the waiver for the width of the street tree strip but won't need the waiver for the 6 street trees as they will be putting them back. Ms. Van Curen, with consent of the Chair, stated the dogwoods across the street don't grow very tall and look nice; perhaps the applicant could plant the same trees. Mr. Knowles said the Japanese Lilac looks very similar to the trees across the street. It was noted the Board could vote on the waiver for the street trees; if the waiver failed, the applicant would be planting trees.

Motion by MacEachern, seconded by Bartkiewicz to accept jurisdiction of the site plan application before the Board for 23 Crystal Avenue, LLC, 23 Crystal Avenue, PID 32030.

Chase, Levin, Chirichiello, Leavitt, MacEachern, Davison, Bartkiewicz and Granese voted in favor and the motion passed.

Motion by MacEachern, seconded by Bartkiewicz to grant a waiver from LDCR Section 170-64.B.1 to allow less than the required 15 feet for the street tree strip 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.

Chase, Levin, Chirichiello, Leavitt, MacEachern, Davison, Bartkiewicz and Granese voted in favor and the motion passed.

Motion by MacEachern, seconded by Bartkiewicz to grant a waiver from LDCR Section 170-64.B.1 to allow shrubs rather than the required 6 street trees as after review of the waiver request the Board finds that circumstances related 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.

Chase, Levin, Chirichiello, Leavitt, Davison, Bartkiewicz and Granese voted against; MacEachern voted in favor and the motion failed.

Motion by MacEachern, seconded by Bartkiewicz that pursuant to the Town of Derry Zoning Ordinance, Section 165-80.B.2.a.d, a Conditional Use Permit is granted. After review of the proposal, the Board finds that:

1. The proposed construction is essential to the productive use of land not within the Wetlands Conservation District;
2. Design and construction methods will be such as to minimize detrimental impact upon the wetland, and the site will be restored as nearly as possible to its original condition;
3. No alternative which does not cross a wetland, or has less detrimental impact in the wetland, is feasible;
4. Economic advantage alone is not reason for the proposed construction.

Chase, Levin, Chirichiello, Leavitt, 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 I – Completed Application, with the following conditions: Comply with the Vanasse Hangen Brustlin report dated July 12, 2018, and any subsequent reports; Subject to owner's signature; Subject to on-site inspection by the Town's engineer; Establish escrow for the setting of bounds or certify that the bounds are set; All boundary markers are to be set following construction/completion of project; Note that all utilities shall be completed on site prior to

gravel placement and paving; Note that final proposed gas service location shall be coordinated between the Town of Derry and Liberty Utilities; The sewer pump station shall comply with NH Env. Wq 705 including emergency operation and alarm notification requirements. Details for the alarm and generator must be provided; Provide detailed sewer design flow calculations and proposed extra capacity for any future expansion plans; Show a top view detail depicting the two pumps and associated piping; Water/Wastewater permit approvals are required prior to final approval; Establish appropriate escrow as required to complete the project; Obtain written approval from the IT Director that the GIS disk is received and is operable and complies with LDCR Section 170-61; All utility trenches required for site plan development shall be completed no later than September 30, 2018; Note approved waiver/s on the plan; Remove Note 7 from Sheet 5 as this plan will not be recorded; Subject to receipt of state or federal 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. Discussion followed.

Based on the timing of the approval, and the fact that the Board continued the hearing for two weeks, and after discussion with the applicant, Mr. MacEachern felt it was fair to amend the motion to state the utility trench completion date should be October 15, 2018. Mr. L'Heureux said it was important to get the work done this construction season.

MacEachern amended the motion such that all utility trenches required for site plan development shall be completed no later than October 15, 2018. Bartkiewicz seconded the amendment.

Chase, Levin, Chirichiello, Leavitt, MacEachern, Davison, Bartkiewicz and Granese voted in favor and the motion passed.

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 stood adjourned at 8:17 p.m.

Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____