

The Planning Board for the Town of Derry held a public meeting on Wednesday, September 02, 2020, at 7:00 p.m. The meeting was broadcast from the Derry Municipal Center, 14 Manning Street, Third Floor meeting room.

Members physically present: John O'Connor, Chairman; Lori Davison, Vice Chair; Mark Grabowski, Secretary; Richard Tripp, Town Council Liaison; Jim MacEachern (7:01 p.m.), Mark Connors, Jennifer Carrier, Doug Danzey (7:19 p.m.), Members

Members digitally present: None.

Absent: Dave Granese; Randy Chase

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

Mr. O'Connor opened the meeting at 7:00 p.m. The meeting began with a salute to the flag. Mr. O'Connor advised that although the Stay at Home order has expired, Emergency Order #12 as issued by Governor Sununu waives the requirement that all members be physically present. Members can attend the meeting electronically. He provided the appropriate links for members of the public to join the meeting virtually via a MAC, PC, or by phone.

Election of Secretary

Mr. O'Connor advised the position of Secretary was open and opened the floor to nominations.

Motion by Davison, seconded by Connors to appoint Mark Grabowski as Secretary.

MacEachern, Connors, Tripp, Davison, Carrier, and O'Connor voted in favor; Grabowski abstained, and the motion carried.

Escrow

#20-19

Project Name: BR-10 – Subdivision Steele Road

Developer: BR-10, LLC

Escrow Account: Same

Escrow Type: Letter of Credit

Parcel ID/Location: 04084, 1 Bartlett Road

The request is to approve a final release of Letter of Credit #1278F, drawn on the Bank of New England in the amount of \$171,460.80 for the above noted project. The amount to retain is zero.

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

#20-20

Project Name: Prime Storage
Developer: Prime Storage Derry, LLC
Escrow Account: Same
Escrow Type: Cash Escrow
Parcel ID/Location: 08280-004, 23 Ashleigh Drive

The request is to establish cash escrow in the amount of \$79,554.96 for the above noted project. This escrow is non-interest bearing.

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

#20-21

Project Name: Lordon Commons LLC
Developer: Same
Escrow Account: Same
Escrow Type: Performance Bond
Parcel ID/Location: 016-038, 17 Old Derry Road -Londonderry

The request is to approve a final release of the performance bond in the amount of \$42,768.00 for the above noted project. Bond #565409 – The Main Street America Group.

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

#20-22

Project Name: Subdivision Mill Road/Alyssa
Developer: NIKKO Land LLC
Escrow Account: Same
Escrow Type: Letter of Credit
Parcel ID/Location: 06040-001, 45 Mill Road

The request is to approve Release #1 in the amount of \$5,618.56 for the above noted project. Upon receipt of a replacement Letter of Credit in the amount of \$24,481.44, the town will release Letter of Credit #1, drawn on Washington Savings Bank, in the amount of \$30,100.00.

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

#20-23

Project Name: Valerie Estates
Developer: American Excavating Group
Escrow Account: Same
Escrow Type: Performance Bond
Parcel ID/Location: 02081, 62.5 Bedard Avenue

The request is to approve Release #1 in the amount of \$240,269.33 and request a replacement performance bond in the amount of \$54,451.44 for the above noted project. Bond #837075552 – Ohio Casualty Insurance Group.

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

Minutes

The Board reviewed the minutes of the August 19, 2020, meeting.

Motion by MacEachern, seconded by Grabowski to approve the minutes of the August 19, 2020, meeting as written.

MacEachern, Connors, Tripp, Davison, and Grabowski voted in favor; Carrier and O'Connor abstained, and the motion carried

Correspondence

Mr. Grabowski advised the Board is in receipt of a request from Town Council to review the Sign Ordinance, specifically dealing with off premise advertising on electronic message center signs. The Board has also received the quarterly newsletter from NH DES.

Introduction of Board Members

Mr. O'Connor noted there are two new members that have joined the Board this evening – Jennifer Carrier and Doug Danzey. He would like to take a few minutes for each member to introduce themselves and provide a brief biography.

Mr. Sioras is the Planning Director for the Town of Derry. Elizabeth Robidoux is the Planning and Economic Development Assistant. Mark Grabowski has been in Derry for twenty years and lives here with his wife and two children. He has been on the Planning Board for about a year and a half; previously he was on the school Board. Jennifer Carrier has recently moved to town, but grew up in Derry. She is looking forward to working with the Board. Lori Davison is the Vice Chairman and moved to Derry in 2008 from Burlington, VT. She joined the Board in 2011, previously serving as Secretary,. Mark L'Heureux is the Engineering Coordinator for the Town of Derry. Jim MacEachern has been a Board member for many years. He enjoys being a member of the Board. Mark Connors moved to Derry in 2004 and is a member of the Derry Rail Trail Alliance. He joined the Planning Board three years ago as an alternate and lives in town with his three children. Mr. Tripp is the Town Council Liaison and was previously an alternate member of the Planning Board. Mr. O'Connor, Chairman, has lived in Derry for 30 years, been on the Planning Board for over 10 years and is also the President of the Marion Gerrish Community Center as well as a State Representative.

Zoning Amendment Request

Relating to the correspondence items, Mr. O'Connor noted this is the second request received from Town Council recently to review and perhaps amend the Zoning Ordinance. He asked Mr. Sioras to speak to this most recent request. The Board will likely be holding workshops on zoning changes once the subcommittees meet to discuss the amendments relating to the Exit 4A gateway and the solar ordinance. Mr. Sioras explained Town Council has asked the Planning Board to look at electronic signs. There is a business on Crystal Ave that has been advertising off premise businesses not located in Derry. Town Council is asking the Board to look at the ordinance again. He would suggest holding a workshop at the next meeting. Bob Mackey, Code Enforcement Officer, has requested that he be allowed to attend as his office enforces the ordinance. This could be scheduled for September 19, 2020. Mr. O'Connor asked Mrs. Robidoux to please send the Board members a list of the applicable sections of the Zoning Ordinance relevant to Electronic Message Center signs.

Ms. Davison inquired if any members of the Board would like to join the subcommittee to discuss the Solar Ordinance. At this time, the subcommittee is comprised of herself, Mr. O'Connor and Mr. Connors. She felt it would be appropriate to open this up to have more participants.

Mr. Sioras said along with the sign amendments, staff will bring forward an amendment relating to downtown housing. Because of the COVID pandemic, there has been a slow down in development. There are projects in the pipeline as development has not halted, but he anticipates lighter agendas between now and the end of the year. It would be an appropriate time to work on zoning amendments.

Other BusinessRecommend Road Acceptance – Steele Road

Mr. L'Heureux noted the Board just approved the release of the BR-10, LLC escrow which was held for the construction of Steele Road. As part of creating a new public roadway, the Board needs to recommend Town Council accept the road as a Class V public roadway. The road is 1800 feet in length, located in the southeast quadrant of Derry. All of the improvements have been completed. Town Council would need to accept the road for the Town to take over maintenance.

Mr. O'Connor recalled when the subdivision plan was before the Board for review, there had been a question about an existing culvert not working properly. Was that upsized to handle the flow? Mr. L'Heureux explained the drainage was installed per the plan. The town will still monitor the area during construction of the homes, but everything is working well.

Motion by Tripp, seconded by Connors to recommend Town Council accept Steele Road as a Class V road.
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Grabowski, Carrier, Davison, MacEachern, Connors, Tripp and O'Connor voted in favor and the motion passed.

Doug Danzey was seated. Mr. O'Connor asked him to introduce himself. Mr. Danzey is a two-year resident of Derry and lives here with his family. He has been a Real Estate agent for six years; prior to that he was in the mortgage industry for 22 years. He is looking forward to being active in the community.

Public Hearing

Pinkerton Academy PID 43008, 19 North Main Street Acceptance/Review Site Plan Addition of new turf field

Mr. Sioras provided the following staff report. The purpose of the plan is for the addition of a new turf field at Pinkerton Academy. The property is located in the Medium High-Density Residential district and this is a permitted use. All town departments, including the Conservation Commission have reviewed and signed the plan. There are no waiver requests. NH DES has issued an Alteration of Terrain permit for the project as the disturbance area is greater than 100,000 square feet. Staff recommends approval of the site plan; but there was comment that a site walk would be beneficial, and he would recommend scheduling that and continuing the hearing to September 16, 2020.

Ken Costello, of SMRT, Inc., presented for the applicant. Dr. Timothy Powers, Headmaster, was present virtually. The proposed project is for the development of a new natural grass practice field located to the west of the existing baseball field. They have created a design plan for the required construction. There is an access road that leads to Tsienneto Road that runs in front of this proposed field. The site is sloped, and they will cut and fill to balance the site. The area is 200 x 300'; topsoil will be added, and the area will be loamed and seeded. There is a 2:1 slope on the west and north side of the field. The land slopes to a catch basin and it will be graded above the field. To the west is the cross-country trail which will remain in place. The cross-country trail will be above the field. Access to the field is by walking in from the existing ball field. There will be no vehicular access to this field. The only access is for Pinkerton maintenance crew. An Alteration of Terrain permit has been obtained.

Motion by MacEachern, seconded by Davison to accept jurisdiction of the site plan before the Board for Pinkerton Academy, PID 43008, 19 North Main Street.

Grabowski, Carrier, Davison, MacEachern, Connors, Danzey, Tripp and O'Connor voted in favor and the motion passed.

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

Mr. O'Connor advised that anyone attending via Zoom could raise their hand to be acknowledged or could phone in.

There was no public comment.

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

Mr. Connors advised he had sent a question to Mrs. Robidoux with regard to the plan set. He was confused by the dates on the plans. The overall plan set is dated 2002, but there is a sheet in the plan set from 2019 prepared by Fuss & O'Neill which was part of the roadway extension plan. He was not sure if the turf field plan was contemplated before the roadway went in, and is that why the finished roadway is not shown on this plan set? Why would staff sign off on the plan if there was conflicting information? Mr. Costello explained this plan set focuses on the natural grass field. Mr. Sioras added staff reviewed this plan set which includes the plan sheet from Fuss & O'Neill. The Registry of Deeds does not record site plans. Staff signed off on the plans for the turf field, which does not change the exiting roadway. Mr. Connors said he was confused because it did not look like this plan took the new roadway into account. Given the dimensions of the field, what are they proposing as the use of the field? Mr. Costello said they are not designating the field for any particular sport. It is an open field area. They planned the dimensions of construction by the area available to allow flexibility. It will primarily be used as a practice field.

Mr. O'Connor noted the adjacent housing on Tsienneto Road. What is the width of the buffer between the field and the residences? Mr. Costello explained there are trees along the property line. The cross-country trail runs between the field and the property line. The field is about 5.5 feet below the property line. There is a 2:1 slope which will be seeded with conservation seed. The land is bowl shaped to the north and west and then slopes down to sit above the baseball field.

Mr. MacEachern inquired what sits between the new field and the baseball field. There is a gradual slope and a swale. Mr. MacEachern advised he asked previously when the roadway plan was before the Board what the future plans for this area would be and the Board was told there were no future plans. Are there future plans for this area? There is a roadway now out to Tsienneto, and Pinkerton is now adding this practice field. What are the long-term plans for this side of the road? Dr. Powers advised this field is being given to the school as a donation for additional practice space and to add a field in town. That side of the campus is primarily athletic. They have two turf fields, the artificial turf field, the baseball field, the softball fields and then this additional practice field. With the cross-country trail, the majority of outdoor sports are on this side of campus. This is it for the near future; there are no immediate plans to develop the remaining land. Physical education also uses this area as an outdoor classroom, as does the Forestry Department.

Mr. MacEachern asked what is beyond the wetland above the baseball field. Dr. Powers said the cross-country trail goes through that area, which is wooded. He reiterated there are no plans to construct anything in that area at this time. He confirmed the new practice field will not be lighted. Mr. Costello added the field would not be made any larger because they want to use the existing material on site and not have to bring material in, or take any material off site. They also do not want to disturb the cross-country trail.

Mr. O'Connor noted there had been a suggestion to hold a site walk – are members interested in that? Mr. MacEachern said he would like to see how close to the adjacent homes the field will be in case there is a need to add arbor vitae or some other buffer. Otherwise, he does not feel there will be any issues. Would it be possible to mark out the corners of the proposed field so that the Board can have a visual of its location?

Mr. Grabowski suggested a straw poll of the members, as not all members may feel a site walk is necessary.

Grabowski, Danzey, and Connors voted no; MacEachern, O'Connor, Davison, and Tripp voted yes; Carrier abstained.

The Board then discussed the most appropriate day/time to hold the walk. The decision was made to hold it on September 9, 2020, at 5 pm at Pinkerton Academy. Board members would be able to park along the new access way. Dr. Powers requested each person attending complete the Self-Monitoring Form two hours prior to the site walk; it is a requirement for anyone visiting campus.

Motion by MacEachern, seconded by Davison to continue the public hearing to September 16, 2020.

Grabowski, Carrier, Davison, MacEachern, Connors, Danzey, Tripp and O'Connor voted in favor and the motion passed.

Solar Ordinance Subcommittee

Ms. Davison advised she would like to have a few more members for the Solar Ordinance subcommittee. There is not a large time commitment as they only need to review the proposed draft. She anticipated two to three meetings. Any interested Board members or members of the public should reach out to Planning staff.

Other

Mr. Tripp advised there would be a meeting of the Hood Park Revitalization Steering Committee tomorrow at 11 am.

There was no further business before the Board.

Motion by MacEachern, seconded by Grabowski to adjourn. The motion passed with all in favor and the meeting stood adjourned at 7:47 p.m.

Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____