

The Planning Board for the Town of Derry held a public meeting on Wednesday, December 16, 2020, 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, Chairman; Lori Davison, Vice Chair; Mark Grabowski* Secretary, Richard Tripp*, Town Council Liaison; Randy Chase, Administrative Representative; Jim MacEachern, Doug Danzey, Jennifer Carrier, Mark Connors, Members

Absent: Dave Granese

*Denotes virtual attendance.

Also present: George Sioras, Planning Director; Elizabeth Robidoux*, Planning and 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. He then introduced the staff and Board members.

Escrow

#20-30

Project Name: Villages at Oakwood

Developer: Lifestyle Homes of Derry NH

Escrow Account: Same

Escrow Type: Letter of Credit

Parcel ID/Location: 08039, 42 Tsienneto Road

The request is to approve Release #1 in the amount of \$104,814.00 on Letter of Credit #43340, drawn on Enterprise Bank for the above noted project. Upon receipt of a replacement Letter of Credit in the amount of \$201,171.60, the Board will release the Letter of Credit held in the amount of \$305,985.60. The Board requests the replacement Letter of Credit extend the expiration date for an additional twelve months.

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

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

#20-31**Project Name: 64 Lane Road Subdivision****Developer: Evan Tedeschi****Escrow Account: Same****Escrow Type: Performance Bond****Parcel ID/Location: 06060, 64 Lane Road**

The request is to approve Release #1 in the amount of \$7,788.96. The amount to retain is zero. This is the final release of Performance Bond \$72226038 – CNA Surety.

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

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

#20-32**Project Name: Health Service Facility****Developer: 29 Ashleigh Drive, LLC****Escrow Account: Same****Escrow Type: Letter of Credit****Parcel ID/Location: 08280-006, 29 Ashleigh Drive**

The request is to renew Letter of Credit #43724, drawn on Enterprise Bank in the amount of \$198,434.45. The expiration date will be January 14, 2022.

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

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

#20-33**Project Name: Shepard Landing****Developer: Healyford Realty, LLC****Escrow Account: Same****Escrow Type: Letter of Credit****Parcel ID/Location: 27094, 3 Nutfield Court**

The request is to approve Release #2 in the amount of \$125,647.20, on Letter of Credit #43461, drawn on Enterprise Bank for the above noted project. The amount to retain is zero. This is the final release.

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

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

Minutes

The Board reviewed the minutes of the November 18, 2020, meeting.

Motion by Connors, seconded by MacEachern to approve the minutes of the November 18, 2020, meeting as written.

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

Correspondence

Mr. Grabowski advised the Board is in receipt of a memo from the Planning Assistant regarding proposed changes to the Industrial IV district. Staff provided proposed amendments and requested that a workshop be scheduled. The Board is also in receipt of a Notice of Public hearing from the Town of Auburn ZBA for a variance request located on Boxwood Drive.

Other Business

Schedule public hearing – Expansion of Traditional Business Overlay District, Article V, Districts and Boundaries, Section 165-30, Zoning Map

Mr. Sioras explained at the last meeting on November 18, 2020, the Board agreed to move forward with the expansion of the Traditional Business Overlay District (TBOD) boundary. The Board has before it a map of the area. The blue shows the existing lots in the TBOD, the green identifies the parcels to be added to the district and the beige color shows the underlying zone which is the Central Business District. In January, the Board will hold a workshop to discuss changes to housing density and parking in the TBOD.

Motion by MacEachern to schedule a public hearing for January 20, 2021, regarding proposed changes to the following section of the Town of Derry Zoning Ordinance: Article V, Zoning Map and District Boundaries, Section 165-30, Zoning Map to expand the boundary of the Traditional Business Overlay District. Davison seconded the motion. Discussion followed.

Mr. Connors asked if the decision had been made to not include the properties near Storer Court or is that something that can be discussed at the public hearing. Mr. Sioras recalled the Board opted to not expand to those lots.

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

Subcommittee Reports

Sign Ordinance Subcommittee

Mr. Sioras reported. The Sign Ordinance Subcommittee will meet in the Planning office and via Zoom on December 29, 2020 at 11:00 AM. Members of the committee, which is comprised of Mr. Sioras, Mrs. Robidoux, Mr. Mackey, Mr. Danzey, Ms. Carrier, and Mr. MacEachern are welcome to attend in person or virtually.

Renewable Energy Subcommittee

Ms. Davison reported. The Renewable Energy Subcommittee has met three times. They took the original draft created by the Net Zero Committee and went through it line by line, amending it to create a more customized ordinance. The document is ready to come back to the Planning Board for a workshop.

Mr. Grabowski expressed concern that the document should be reviewed by specific members of Town of Derry staff, designated by the Board, before it comes back to the Planning Board for the next workshop. This will limit the number of workshops the Board may have on the draft ordinance. Specifically, he would request Mr. L'Heureux in Public Works to review the draft. Mr. Sioras noted that Mr. Mackey in the Code Enforcement office will be reviewing the draft prior to a workshop by the Planning Board. He felt it was important for the Board to adhere to its zoning amendment process as outlined in the Board's Policies and Procedures to avoid any legal challenges. He did not see any issues with asking a few key staff members to review the document and comment prior to the workshop. Mr. Grabowski asked that any staff comments be included in the workshop materials once one was scheduled. Mr. Connors noted that review by staff experts might be beneficial before the Board finalizes the document. Even though subcommittee meetings are open the public, technically they are not considered a workshop even though they are attended by Board members. Mr. Grabowski stressed he agreed a workshop was required by the process, but he wanted to avoid having a workshop and then delaying the process by having to send the document to staff or elsewhere for review, and then scheduling another workshop. It is more efficient to send the document to staff for review and comment first. Mr. Sioras explained how the Board came to create a zoning amendment process. The Renewable Energy draft will be placed in the Code format and then scheduled for a workshop in January.

Public Hearing

David and Payton Trust PID 09126, 17 Young Road/13 Old Chester Road Acceptance/Review, 2 lot subdivision

Mr. Sioras provided the following staff report. The purpose of the plan is for a two-lot subdivision located in the Low Medium Density Residential district, which has a two-acre minimum lot size. One new house lot is being created. All town departments have reviewed and signed the plan. There are no requested waivers. The NH DES Subdivision approval has been received and is in the file. Staff recommends approval of the subdivision plan.

Tim Peloquin, Promised Land Survey, presented for the applicants. The plan is for a two-lot residential subdivision of 17 Young Road which is a 4.7-acre lot and has an existing single-family dwelling. The proposed subdivision meets the regulations to subdivide the lot in a two-acre zone. Topographic data has been included on the plan, as well as the proposed septic location, well location, wetlands and HISS mapping data. The proposed dwelling location is indicated on the plan. The parent lot will retain 2.7 acres in size at 17 Young Road; the new lot at 13 Old Chester Road, will be 2.0 acres. They meet the minimum setbacks along the sideline. There is a stonewall that runs along the side and rear of the property. Monuments have been set. The driveway plan and profile information has been included in the plan set which shows the sight distance and driveway grading for the proposed new driveway. The profile proves that stormwater will not sheet flow into the town street and that safe sight distance has been met. The Conservation Commission held a site walk of the property. There will be no wetland impacts. The Conservation Commission requested the following note be added to the plan. "Derry Conservation Commission urges the applicant to mitigate the invasive vegetation on this parcel using appropriate control measures pursuant to State rules and guidelines." This is Note 14 on the plan set.

Motion by MacEachern, seconded by Connors to accept jurisdiction of the two-lot subdivision plan before the Board for David and Payton Trust, PID 09126, 17 Young Road.

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

Motion by MacEachern, seconded by Connors to open the public hearing. MacEachern, Chase, Danzey, Connors, Carrier, Davison, Grabowski, Tripp, and O'Connor voted in favor and the motion passed.

Jonathan Berg, 18 Old Chester Road, asked about the type of home planned for the lot, and will it be single family or multi family.

Mr. Peloquin explained the home is intended to be a single-family residence; multifamily is not allowed in this zone. Sheet 2 of the plan set shows the intended location of the new dwelling, although it could be moved so long as it is located within the building setbacks and does not infringe on the wetland. The home is planned to be set back from the road. The applicant will use the existing gravel path as the driveway location. The proposed dimension of the new home is noted on the plan.

There was no further public comment.

Motion by MacEachern, seconded by Davison to close the public hearing. MacEachern, Chase, Danzey, Connors, Carrier, Davison, Grabowski, Tripp, and O'Connor voted in favor and the motion passed.

Mr. L'Heureux advised all of the Public Works comments have been addressed.

Mr. Connors asked how far from the intersection is the proposed driveway. Mr. Peloquin noted the stationing in the driveway sight distance profile which shows the driveway at about 250 feet or more from the intersection. Ms. Davison asked about the well radius. Mr. Peloquin explained the state requires the 75-foot protective well radius be shown on the plan; the majority of the radius needs to be within the lot, and it has to be outside of the septic area.

Motion by MacEachern, seconded by Connors 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, obtain Conservation Commission Chairman's signature in the TRC block; establish escrow for the setting of bounds or certify the bounds have been set; establish appropriate escrow if 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.C; subject to receipt of applicable local permits relating to the project (i.e., wetland, Building Department, Fire Department, Water/Wastewater, Driveway); conditions precedent shall be met within 6 months; submission of the appropriate recording fees, payable to the Rockingham County Registry of Deeds (this includes the \$25.00 LCHIP fee, and recording fees for the mylar and the Notice of Decision).

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

The Board wished the public and each other a happy holiday season.

There was no further business before the Board.

Motion by MacEachern, seconded by Danzey to adjourn. The motion passed with all in favor and the meeting stood adjourned at 7:35 p.m.

Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____