

The Planning Board for the Town of Derry held a public meeting on Wednesday, December 19, 2018 at 7:00 p.m., at the Derry Municipal Center (Third Floor Meeting Room) located at 14 Manning Street in Derry, New Hampshire.

Members present: David Granese, Chairman; John O'Connor, Vice Chairman; Lori Davison, Secretary; Brian Chirichiello, Town Council Liaison; Randy Chase, Town Administrative Representative; Frank Bartkiewicz, Maya Levin, Mark Connors, Members; Elizabeth Carver, Matthew Leavitt, Alternates

Absent: Jim MacEachern

Also present: George Sioras, Planning Director; Elizabeth Robidoux, Planning and 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. Leavitt was seated for Mr. MacEachern.

Escrow

#18-23

Project Name: 156 Hampstead Road

Developer: Mark Reed

Escrow Account: Same

Escrow Type: Cash Escrow

Parcel ID/Location: 09081-002, 156 Hampstead Road

The request is to approve a release of cash escrow in the amount of \$5,605.20 for the above noted project. The amount to retain is \$3,823.20.

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

#18-24

Project Name: East Derry Store Restaurant

Developer: 50 East Derry Store Con., Inc.

Escrow Account: Same

Escrow Type: Cash Escrow

Parcel ID/Location: 39033, 60 East Derry Road

The request is to approve a release of cash escrow in the amount of \$31,356.72 for the above noted project. The amount to retain is \$7,302.96.

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

Minutes

The Board reviewed the minutes of the November 07, 2018, meeting.

Motion by O'Connor, seconded by Bartkiewicz to approve the minutes of the November 07, 2018, meeting as written. The motion passed with Chirichiello, Leavitt, and Chase abstained.

Correspondence

Ms. Davison advised the Board has received a notice of public hearing from the Town of Salem regarding a 281-unit apartment development. The Board is also in receipt of a proposed zoning amendment intended to create a new district entitled the West Running Brook Village District.

Mr. Granese asked Mr. Sioras to provide a brief synopsis. Mr. Sioras advised Planning staff has worked with the Economic Development Director over the last few months to draft the West Running Brook Village District. The properties are from Clam Haven south on Route 28 to the Robert Frost Farm, north to Humphrey Road, and west on Rockingham Road. This is in the area where the Town Council extended water and sewer. Staff was charged by Administration to look at a new district that included mixed use design elements. The zone will be very specific and was picked because of the historic area which includes West Running Brook and is near the Robert Frost Farm. There are still developable lots in this area. Staff would recommend the draft be discussed at a workshop at the next meeting on January 02, 2019. The pictures provided to the Board in the packet are from the Garrison Glen development in the Town of Exeter; it is not what would be developed but gives an idea of what mixed use could look like. He and Mrs. Robidoux attended the NH Planners annual meeting last week at which successful mixed-use developments were discussed. Staff wanted to give the Board an idea of what a 50-acre mixed use development could look like.

Mr. O'Connor recalled in the fall of 2012, the Board began the first of many meetings to discuss the change from General Commercial to General Commercial IV. That change was final in February of 2015. At that time, Town Council specifically directed the Board to remove mixed use from the permitted uses. Is the Board now being asked by Town Council to add that use? Mr. Sioras said staff was asked to look at mixed use concepts. and that can be a discussion point as the preliminary draft is reviewed. Mr. Granese said the Board will get into an in-depth discussion at the workshop on January 02.

Mr. Connors confirmed the light blue on the map is the proposed area and that the Robert Frost Cooperative Mobile Home Park is not included in the proposed new district.

Mr. Granese said this item will be placed on the January 02, 2018 agenda and asked that the area of 19 Elm Street and the Central Business District also be added to the workshop discussion items.

Other Business

2019 Meeting Schedule

Mr. Granese reviewed the 2019 meeting schedule. The Board will not meet on July 03. Depending on whether there are applications received, the Board may or may not hold two meetings in August.

Voluntary Merger

Dennis and Jylle Marion, PID 06098, 121 Warner Hill and PID 06105 Warner Hill Road Lot

Mr. Sioras provided the following staff report. The Marion family owns two lots on Warner Hill Road; there is a house on one of the lots. No development is proposed, and staff recommends approval of the merger. Mrs. Robidoux mentioned parcel 06105 was formerly owned by Pennichuck Water Works. Mr. Sioras reminded the Board the ZBA denied an application by Pennichuck to designate PID 06105 as a buildable lot. The abutter purchased the lot from Pennichuck and wants to combine the lots. Mr. Connor confirmed it would now all be taxable land. Mr. Chirichiello asked for the acreage amounts of the parcels. Parcel 06098 currently has 4.8 acres; Parcel 06105 has 7.5 acres. Mr. Chirichiello believed the owner would place the majority of the property in current use; it was nice land to keep wooded.

Motion by O'Connor, seconded by Bartkiewicz to approve pursuant to RSA 674:39-a, a voluntary merger of PID 06098, 121 Warner Hill Road and PID 06105, known as the Warner Hill Road Lot. Parcel 06105 shall be deleted, and Parcel 06098 shall be retained.

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

Public Hearings

Estate of Donald Gagne

Pat Sullivan, Executor

PID 12118, 17 Back Chester Road

Acceptance/Review

2 Lot Subdivision

Mr. Sioras provided the following staff report. Pat Sullivan is the Executor of the Estate of Donald Gagne. The property is located at 17 Back Chester Road. The purpose of the plan is for a two-lot subdivision in the Low Density Residential zone. There is an existing home on the parcel. One new building lot is being created. The new lot will be 5.04 acres in size. All town

departments have reviewed and signed the plan. There are no waivers requested. Staff would recommend approval of the subdivision plan.

Tracey Sweeney, of Holden Engineering, presented for the applicant, who was present. Mr. Sweeney advised they did their due diligence during the TRC process and he is happy to answer any questions.

Mr. Chirichiello noted the road curves near the location of the proposed lot. Given the location of the driveway and the angle of the road, will there be any issues with sight distance? Mr. L'Heureux said some of the lower vegetation may need to be pruned and that is noted on the sight distance profile.

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 O'Connor, seconded by Bartkiewicz, to close the public hearing. The motion passed with all in favor and review of the plan came back to the Board.

Mr. L'Heureux said he has no issues with the plan.

Mr. Chirichiello asked if the town had received the legal documentation noting Mr. Sullivan was the Executor. Mrs. Robidoux believed that had been provided.

Mr. Connors asked if the Conservation Commission had held its site walk. Mrs. Robidoux said that did occur; if the Conservation Commission signs off on the plan, their review is complete.

Motion by O'Connor, seconded by Bartkiewicz to accept jurisdiction of the two-lot subdivision application before the Board for the Estate of Donald Gagne (Pat Sullivan, Executor), PID 12118, 17 Back Chester Road.

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

Motion by O'Connor, seconded by Bartkiewicz to approve pursuant to RSA 676:4, III, Expedited Review, with the following conditions: subject to owner's signature, subject to on-site inspection by the Town's Engineer, establish escrow for the setting of bounds, or certify the bounds have been set; correct the house numbers to "13" and "17"; add new parcel ID number to the plan, 13 Back Chester Road will be PID 12118-002, obtain written approval from the IT Director that the GIS disk is received, is operable, and complies with LDCR Section 170-24, professional stamps to be placed on the plan, conditions precedent shall be met within six 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.

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

Slate Asset Management LP
PID 08280-007, 22 Ashleigh Drive
SUSU 4 Derry LP
PID 08280-002, 35 Manchester Road
Acceptance/Review
Lot Line Adjustment

Mr. Sioras provided the following staff report. The purpose of the plan is for a lot line adjustment between the two parcels located in the Industrial IV district. Town department signatures are not required for a lot line adjustment. There are two waiver requests which will be discussed by the applicant's engineer. Staff would recommend approval of the plan.

Chris Tymula, of MHF Design, presented for the applicant. This is a straightforward application. They were here last in April to create lot 007. The road access is 50 feet wide. The applicant would like to add the access drive to Parcel 08280-002 as the property owner would like to control the access easement in the event Parcel 08280-007 gets developed. There is no work proposed at this time. The waivers are requested as there is no development planned and the application is to absorb the access area. Any development on either of the lots would necessitate the HISS mapping and wetland mapping. Mr. Tymula reviewed the rendering he had placed on the easel. The pink area is the road/access way. There is a 50 foot access easement that goes into Lot 007. They will take ownership of the accessway from Ashleigh to about where the UPS building is located. In 2017, SUSO 4 purchased the cinema land and the company also owns the Derry Meadows plaza.

Mr. O'Connor commented note #4 on the plan sheet indicates this is a private road and not maintained by the Town of Derry. At any time will the applicant come back to the Board and ask for a recommendation that this become a town road? Mr. Tymula said not at this time.

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 O'Connor, seconded by Bartkiewicz, to close the public hearing. The motion passed with all in favor and review of the plan came back to the Board.

Mr. Connors confirmed Ashleigh Drive is a public roadway; the driveway to the storage warehouses is a private driveway.

Mr. L'Heureux had no issues with the proposed plan or waiver requests. He confirmed the bounds have yet to be set on the lot.

Motion by O'Connor, seconded by Bartkiewicz to accept jurisdiction of the lot line adjustment plan before the Board for Slate Asset Management LP and SUSO 4 Derry LP, PID 08280-007, 22 Ashleigh Drive, and PID 08280-002, 35 Manchester Road.

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

Motion by O'Connor, seconded by Bartkiewicz to grant waivers from the following sections of the LDCR, Section 170-24.A.12, HISS Mapping and Section 170-24.A.13, Wetland Mapping, 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, O'Connor, Leavitt, Davison, Connors, Bartkiewicz and Granese voted in favor and the motion passed.

Motion by O'Connor, seconded by Bartkiewicz to grant approval, 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; obtain written approval from the IT Director that the GIS disk has been received, is operable, and complies with LDCR Section 170-24; 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 is provided with the mylar, in accordance with the LCHIP requirement, submission of the appropriate recording fees, payable to the Town of Derry.

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

There was no further business before the Board.

Mr. Granese noted there will be a workshop on January 29, 2019, beginning at 6:30 PM to create a vision to re-imagine the downtown. He wished everyone a happy holiday season.

Motion by O'Connor, seconded by Bartkiewicz 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: _____