

The Planning Board for the Town of Derry held a public meeting on Wednesday, March 19, 2014, 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: Dave Granese, Chairman; John O'Connor, Vice Chairman; Frank Bartkiewicz, Secretary; Randy Chase, Administrative Representative; Michael Fairbanks, Town Council Representative; Jan Choiniere (7:15 p.m.), Darrell Park, Members; Lori Davison, Alternate

Absent: Ann Marie Alongi, Jim MacEachern, Frank Mazzuchelli

Also present: George Sioras, Planning Director; Elizabeth Robidoux, Planning Clerk; Fire Chief George Klauber

Mr. Granese called the meeting to order at 7:00 p.m. The meeting began with a salute to the flag. Mr. Granese then introduced the staff and Board members present and welcomed Mr. Fairbanks back to the Board.

Ms. Davison was seated for Mr. MacEachern.

Escrow

None.

Minutes

The Board reviewed the minutes of March 05, 2014, meeting.

Motion by O'Connor, seconded by Bartkiewicz to accept the minutes of the March 05, 2014, meeting as written. The motion passed with Fairbanks, Granese, Park and O'Connor abstained.
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Correspondence

None

Other Business

Schedule public hearing for proposed changes to Town of Derry Zoning Ordinance, Article XX, Livestock

Mr. Sioras advised the Board held a workshop on this matter at the last meeting. The proposed changes have been reviewed by the town attorney and the Board has before it the final document. Mr. O'Connor had emailed staff today with legislative changes that are going through the state process. Mr. O'Connor explained that the state legislature is in the process of redefining the term "livestock". The new definition has passed the House and has been passed onto the Senate. He believes the amendments will pass the Senate. He inquired if the Board wanted to ask legal counsel if the town should consider amending its own definition. It would be a minor correction, removing the definition of 'fowl' and moving it to 'livestock'. The House found four places in the state RSAs where the definition of livestock had to be amended.

Mr. Sioras suggested forwarding the question to legal counsel, but the Board could schedule the public hearing. If the attorney felt there needed to be revisions as the town should comply with state statute, it could be taken up at the public hearing.

Motion by O'Connor to schedule a public hearing to discuss proposed amendments to Article XX, Livestock for April 16, 2014. The motion was seconded by Bartkiewicz.

Chase, Park, O'Connor, Davison, Fairbanks, Bartkiewicz and Granese voted in favor and the motion passed.

Public Hearing

To amend Article V, Zoning Map and District Boundaries, Section 165-31, District Boundaries to amend parcel identification numbers as follows: Section A, General Commercial: add Parcel 35020, 19 Folsom Road and Parcel 35027, 8 Laconia Avenue; and Section N, Medium High Density Residential to remove Parcel 35020, 19 Folsom Road and Parcel 35027, 8 Laconia Avenue.

Mr. Granese read the proposed changes in to the record. Mr. Sioras stated the Board had received a rezoning request to change 19 Folsom Road to General Commercial. The properties are located adjacent to the car wash, across from the Police Station. The request for 19 Folsom Road came from the family of Mrs. Dors. The Board contacted the owners of 8 Laconia who were also in favor of rezoning their property which currently has a business that was approved by the ZBA. Staff recommends the change of both properties from Medium High Density Residential to General Commercial.

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

Brad Carson, 8 Laconia Avenue, stated his family was in favor of the change. His wife has run a business from this location for the past 20 years. The change to General Commercial will help them out in the future.

There was no further public comment.

Motion by O'Connor, seconded by Bartkiewicz to close the public hearing. The motion passed with all in favor and discussion returned to the Board.

Mr. Granese noted the Board has held several workshops on this matter. It seems pretty straightforward. Mr. Sioras advised if the Board agrees with the change, it will be forwarded to Town Council for approval.

Motion by O'Connor, seconded by Bartkiewicz to accept the proposed changes to the Town of Derry Zoning Ordinance, Article V, Zoning Map and District Boundaries, Section 165-31, District Boundaries, to amend parcel identification numbers as follows: Section A, General Commercial: add Parcel 35020, 19 Folsom Road and Parcel 35027, 8 Laconia Avenue; and amend Section N, Medium High Density Residential District: to remove Parcel 35020, 19 Folsom Road and Parcel 35027, 8 Laconia Avenue, and forward the proposed amendments to Town Council for their consideration and approval.

Chase, Park, O'Connor, Davison, Fairbanks, Bartkiewicz and Granese voted in favor and the motion passed.

To amend the Land Development Control Regulations, Section 170-30, Fire Protection, to clarify the distance between fire cisterns/hydrants and building lots, as well as to provide clarification regarding fire cistern specifications.

Mr. Sioras advised the Board has held several workshops to discuss the fire regulations. Chief Klauber is present this evening to review the changes. Chief Klauber worked with James Kersten and Randy Chase on the recommended changes. The Board should have copies of proposed changes to the language that were submitted by Tom Carrier, the Water/Wastewater Superintendent relating to the water systems.

Chief Klauber thanked the Board for the opportunity to discuss the proposed changes during the workshops. A copy of the final draft was provided to staff and minor changes have been proposed with regard to the definition of public water systems to ensure there is no confusion between Pennichuck and the Derry water systems. The description of access to a building lot has also been clarified. He did not feel the proposed amendments were substantial. There had been changes in the state legislation in the requirements for fire protection sprinklers in one to two family homes. It is no longer legal for a Planning Board or a town to require them. The town regulations were in conflict with this change but the town could not just remove the sprinkler option from the regulations as it would put a burden on developers in non-hydrant areas. In some cases it is less expensive to install 13D or 13R sprinklers than to construct a cistern. This gives the Planning Board and staff flexibility when working with developers while remaining in compliance with the state RSAs.

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

There was no public comment.

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

The Board had no objection to the changes proposed by staff. Mr. Sioras advised that procedurally, since there are proposed changes to the language, the Board will need to notice a second public hearing. This matter can be continued to April 2, 2014.

Mrs. Choiniere entered the meeting and was seated at 7:15 p.m.

Motion by O'Connor to continue the public hearing to April 2, 2014 to hold the second public hearing regarding proposed changes to LDCR Section 170-30, seconded by Bartkiewicz. Discussion followed.

Mr. O'Connor noted there have been recent additions to the standards in 13D or 13R; the state may be behind in its adoption of those changes. Does the town need to cite the state? Chief Klauber said the town follows the current state Building and Fire Codes as adopted. The regulations are not referenced by a specific year. Rather than having to change the town regulations each time the state or NFPA makes a change, the town states it uses the codes "as adopted and accepted by the State of New Hampshire".

Chase, Park, O'Connor, Davison, Fairbanks, Choiniere, Bartkiewicz and Granese voted in favor and the motion passed.

There was no other business before the Board.

Motion by O'Connor, seconded by Bartkiewicz to adjourn. The motion passed with all in favor and the Board stood adjourned at 7:18 p.m.

Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____