

The Planning Board for the Town of Derry held a public meeting on Wednesday, March 20, 2024, at 7:00 p.m. The meeting was broadcast from the Derry Municipal Center, 14 Manning Street, Third Floor meeting room, with a virtual option.

Members present: John O'Connor, Chair, David Nelson, Vice Chair, Andy Myers, Secretary, Randy Chase, Town Administrator's Representative, Dave Granese, Town Council Liaison, Dan Healey, Richard Malaby, Bryan Fishman, Members.

Absent: Chris Feinauer, Jim MacEachern, John Morrison, Members.

Also present: George Sioras, Planning Director; Mark L'Heureux, Town Engineering Coordinator, Lisa Carvalho, Planning Clerk

Mr. O'Connor opened the meeting at 7:00 p.m. The meeting began with a salute to the flag.

Mr. O'Connor seated Bryan Fishman as a Member of the Town of Derry Planning Board. Bryan has been appointed a full time Member of the Board and will be sworn in on April 6, 2024. Mr. Chase has been reappointed as Town Administrator's Representative. Mr. Granese has been reappointed as Town Council Liaison.

#24-05

Project Name: Denali Estates, Phase II

Developer: JAL, LLC.

Escrow Account: Same

Escrow Type: Performance Bond

Parcel ID/Location: 11059 Daniel Road

The request is to renew Performance Bond #011212137, drawn on Ohio Casualty Insurance Company, in the amount of \$561,174.48 for the above noted project. The expiration date shall be April 5, 2025.

Motion by Nelson, seconded by Myers to approve as presented.
All in Favor: Chase, Fishman, Healey, Granese, Malaby, Myers, Nelson, O'Connor vote Yes.
The motion passed.

#24-06

Project Name:

Developer: Ashleigh Development LLC

Escrow Account: Ashleigh Drive Subdivision Plan

Escrow Type: Letter of Credit

Parcel ID/Location: 08017, 37 Scobie Pond Road / 41 Ashleigh Drive

The request is to approve Letter of Credit #7000437-1, drawn on Enterprise Bank, in the amount of \$320,160.00, for the above noted project. The expiration date shall be March 10, 2025.

Motion by Nelson, seconded by Myers to approve as presented.
All in Favor: Chase, Fishman, Healey, Granese, Malaby, Myers, Nelson, vote Yes. Mr. O'Connor abstained. The motion passed.

Minutes

The Board reviewed the minutes of the March 6, 2024, meeting.

Motion by Nelson seconded by Myers to approve the minutes as amended of the March 6, 2024, meeting.
All in Favor: Chase, Fishman, Healey, Granese, Malaby, Myers, Nelson, O'Connor, vote Yes.
The motion passed.

Correspondence

There is no Correspondence.

Other Business

There is no other business.

Planning Director/Chairman Updates

Mr. O'Connor noted that on April 3, 2024, the Board will be electing the officers for the positions of Chair, Vice Chair and Secretary.

Public Hearing

A public hearing to discuss Derry Plumbing & Heating, PID 28002, 71 Birch Street, LLC site plan review.

Mr. Sioras stated the purpose of the site plan is for a new 8,632 SF building for Derry Plumbing & Heating, located in the Office/Medical/Business District. All town departments have reviewed and signed the plan. There are four waivers on the project. There is an attached letter explaining the waivers. They have a pending application for State permits with NHDES for the septic system permit with a copy of the application in our file. Staff recommends approval for both the waiver requests and the application. Mr. Sioras yielded to Nicholas Loring, representing Derry Plumbing & Heating.

Mr. Loring, of Benchmark, LLC, the engineers on the project, introduced Dave Benedict, the owner of the property. Mr. Loring stated that the site is Tax Map 28, Lot 2. The property is known as Shute's Corner, at the intersection of Birch Street and Kendall Pond Road. This lot is one of the newly created lots from the subdivision plan that was approved by the Planning Board in November 2023. The lot is 2.7 acres in the OMB District. Of the 8,632 SF commercial building, the second floor will take 3,000 SF for office space. The remaining square footage on the first floor. There is a retail showroom and office space at the front of the building. At the

rear of the building is a warehouse and garage with 2 doors. The business will be run from the garage area. We were granted relief from the ZBA to construct the building within the 75 foot wetland setback. We are closing both curb cuts on Birch Street and relocating the entrance to the side across from the Speedway gas station. This pushes the driveway as far from the intersection as possible, with a second access onto Kendall Pond Road. At this time there is a large parking area on the Kendall Pond Road side that will be removed and cleaned up. Most of the parking lot, and ADA spaces are along the Birch Street side. This is customer access. There is a one way drive around the building for traffic flow. There are six angled spaces along the north side of the site with signage designating the spaces as employee only parking. Front parking spaces near the showroom are for customers. There is a bioretention pond toward the corner of the intersection to improve drainage. All drainage will flow to the pond with a drainage culvert into the onsite wetland. There is no wetland impact from the project. As stated, we are applying for a site septic system permit and will be on municipal water. We have gone through TRC and Highway Safety processes and addressed all items. We were before the Conservation Commission, including a site walk, in October of 2023.

Mr. Loring stated that there are 4 waiver requests that all deal with landscaping. The first two are in separate sections but together as they are similar. Section 170-64.B.1 requires a 15 foot Street Tree Strip along the frontage of the property and Section 170-63.A.2 which requires a 15 foot Parking Green Space Setback. We are asking for relief along Birch Street as the parking there is tight on space off the front of the building. We are asking for a reduction to 10 feet. We have a minimum of 5 foot concrete sidewalk and the drive aisle and the parking spaces. We held everything tight to maintain as much green space in the front as possible. The 10 feet is off the right-of-way. From the back of the sidewalk to the boundary line there is approximately another 10 feet allowing for 20 feet of green space before one gets to the pavement. The number of trees and shrubs required to plant is met by the plan. The retention pond has plantings in it. These are additional to the landscaping calculations.

The third waiver request is Section 170-64.B.4 Plantings in Curbed Islands. The regulation requires that 25% of our plantings would be in landscaped islands within the parking area. We have tried to minimize our footprint and keep the parking spaced around the building. To add interior landscaping toward the 25% requirement would be a significant area. We need to plant 24 street trees and 24 shrubs per the requirements, and there is not enough room to plant six trees within the landscaped area. We are asking to move those plantings to the perimeter of the parking area.

The fourth waiver request is Section 170-63.A.8, Interior Landscape Area. The regulations require that 5% of the parking area be interior green space landscape. We have approximately 20,000 SF of parking area and drive aisles, with 5% of that being 1,000 SF, which would take up 6 parking spaces.

Accept Jurisdiction

Motion by Healey, seconded by Myers, to accept jurisdiction of the site plan before the Board for 71 Birch Street, Derry Plumbing & Heating, PID 28002, 71 Birch Street.
Roll Call Vote: Chase, Fishman, Healey, Granese, Malaby, Myers, Nelson, O'Connor vote Yes.
The motion passed.

Determination of Regional Impact

Motion by Healey, seconded by Myers, pursuant to RSA 36:56, the Board finds the proposal as presented at this time meets the definition of a development of regional impact.

Roll Call Vote: Chase, Fishman, Healey, Granese, Malaby, Myers, Nelson, O'Connor vote No, this is a small development and DOES NOT meet the definition of a development of regional impact.

Motion to open the Public Hearing by Healey, seconded by Myers.

All in Favor: Chase, Fishman, Healey, Granese, Malaby, Myers, Nelson, O'Connor vote Yes. The motion passed.

The **Public Hearing** is now open.

There were no online or public requests.

Motion to close the Public Hearing by Healey, seconded by Myers.

All in Favor: Chase, Fishman, Healey, Granese, Malaby, Myers, Nelson, O'Connor vote Yes. The motion passed.

The **Public Hearing** is now closed.

Mr. O'Connor stated that in October of 2022 and early spring of 2023 on the TRC notes it is stated that Derry Plumbing & Heating will keep the monument at Shute's Corner. This is not recognized as part of the plans.

Mr. Loring responded that the monument would remain where it is. Mr. Benedict stated, as a Veteran himself, that a lot of time went into planning around the monument with lights and flags.

Mr. Nelson referenced sheets 3 and 4 of the plan, stating that it appears that the snow storage area directly overlaps the area of the street tree plantings. He enquired as to the risk of damaging the trees.

Mr. Loring replied that they tried to keep the shrubs out of that area with no intent to bury the trees with snow. Snow would be moved toward the trees but not with a large loader.

Mr. Myers stated that the work done on the site is a great improvement. It has a park-like atmosphere. It is understood that the number of trees required will be effectuated. Is there a need for all 4 waivers? Regarding the Street Tree Strip, is there a way to fit more trees out front to make the site sightlier along Birch Street?

Mr. Loring referred to sheet 4, which shows that the septic system will be in that area. The leach field will be in front of the ADA spaces, and they will keep trees away from that section. There will be the same number of plantings.

Mr. Granese stated his approval of this improvement. He requested clarification on the color of the building.

Mr. Benedict replied that the gray color shown, with perhaps a bit of brown added, would be the color. The sides of the building will be metal. The front will be metal with stone.

Grant Waivers

Motion by Healey, seconded by Myers, to grant waivers LDCR Section 170-64.B.1-15, Street Tree Strip, LDCR Section 170-63.A.2-15, Parking Setback, LDCR Section 170-64.B.4, Plantings in Curbed Islands, LDCR Section 170-63.A.8, Interior Landscape Area.

After review of the waiver requests the Board finds that strict conformity to the regulations would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations.

Roll Call Vote: Chase, Fishman, Healey, Granese, Malaby, Myers, Nelson, O'Connor vote Yes. The motion passed.

Architectural Design Regulations

Motion by Healey, seconded by Myers, pursuant to LDCR 170-85, the Board finds that the application as presented demonstrates substantial compliance with the Architectural Design Regulations. This property is located in the Office/Medical/Business District and meets a HIGH level of compliance as outlined in Section 170-84.

Roll Call Vote: Chase, Fishman, Healey, Granese, Malaby, Myers, Nelson, O'Connor vote Yes. The motion passed.

Finding of Facts

The Board finds the proposed plan does not alter the existing conditions, which would affect access to the lots, ensuring the health, safety and welfare of the neighborhood remains unchanged as a result of the site plan.

The proposed development would allow for the ongoing redevelopment of the Shute's Corner area and help expand the Town's tax base.

The redevelopment project would provide replacing an existing, vacant parcel with a new home and building for a local business (Derry Plumbing & Heating) and provide employment opportunities.

Motion to agree with the above noted findings of fact by Healey, seconded by Myers.

Roll Call Vote: Chase, Fishman, Healey, Granese, Malaby, Myers, Nelson, O'Connor vote Yes. The motion passed.

Approve pursuant to

Motion by Healey, seconded by Malaby, to approve pursuant to RSA 676:4 I – Completed Application, with the following conditions:

1. Subject to owner's signature.
2. Subject to on-site inspection by the Town Engineer.
3. Establish appropriate escrow as required to complete the project.
4. Obtain written approval from the Planning Director/designee that the GIS disk is received and is operable and complies with LDCR Section 170-24-14.C
5. Conditions precedent shall be met within six months.

Roll Call Vote: Chase, Fishman, Healey, Granese, Malaby, Myers, Nelson, O'Connor vote Yes. The motion passed.

Mr. O'Connor stated that any party with issues on these decisions may bring them to Superior Court.

Mr. Nelson stated that we have 3 vacant Alternate positions and those interested in donating their time for the betterment of our community may visit Town of Derry NH to apply for one of these Alternate positions.

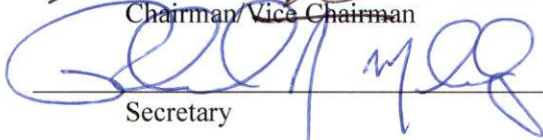
Motion by Healey, seconded by Nelson, to adjourn.

All in Favor: Chase, Fishman, Healey, Granese, Malaby, Myers, Nelson, O'Connor vote Yes. The motion passed and the meeting was adjourned at 7:33 p.m.

Approved by:



Chairman/Vice Chairman



Secretary

Approval date:

April 3, 2024