

The Planning Board for the Town of Derry held a public meeting on Wednesday, October 21, 2015, at 7:00 p.m., at the Derry Municipal Center (3<sup>rd</sup> Floor Meeting Room) located at 14 Manning Street in Derry, New Hampshire.

Members present: John O'Connor, Vice Chairman; Michael Fairbanks, Secretary; Mark Osborne, Town Council Representative; Randy Chase, Administrative Representative; Frank Bartkiewicz, Lori Davison, Jim MacEachern, Mirjam Ijtsma, Members; Marc Flattes, Alternate

Absent: Dave Granese

Also present: George Sioras, Planning Director; Elizabeth Robidoux, Planning Assistant, Mark L'Heureux, Engineering Coordinator.

Mr. O'Connor called the meeting to order at 7:04 p.m. The meeting began with a salute to the flag. Mr. O'Connor noted the emergency exits, the location of meeting materials and introduced the Board members and staff.

*Mr. Flattes was seated for Mr. Granese*

## **Escrow**

### **#15-24**

**Project Name: Granite Clover Self Storage**

**Developer: Crom, LLC**

**Escrow Account: Same**

**Escrow Type: Letter of Credit**

**Parcel ID/Location: 01023-001, 125 Windham Road**

The request is establish Letter of Credit #6211, drawn on Eastern Bank in the amount of \$199,707.12 for the above noted project. The expiration date will be October 16, 2017.

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

## **Minutes**

The Board reviewed the minutes of the October 07, 2015 meeting.

Motion by MacEachern, seconded by Bartkiewicz to approve the minutes of the October 07, 2015 meeting as written. The motion passed with Chase and Flattes abstained.

**Correspondence**

None

**Other Business****Request for extension of approval, Stanion/Rioux Lot Line Adjustment, PID 29046 & 29054**

Mr. Sioras advised this is the first request for extension of a lot line adjustment for parcels located on Everett and High Streets. Staff recommends approval of the request to extend the approval for an additional six months.

Motion by MacEachern, seconded by Bartkiewicz to approve a request to grant a six month extension of the conditional approval granted by the Board on April 15, 2015, for a lot line adjustment between Parcel 29054, 5 Everett Street and Parcel 29046, 46 High Street. The new expiration date will be April 15, 2016. This is the first request.

Chase, Ijtsma, Osborne, Flattes, MacEachern, Davison, Bartkiewicz, Fairbanks and O'Connor voted in favor and the motion passed.

**Voluntary Merger, 125, 117, and 119 Windham Road, Parcels 01023-001, 01023-003 & 01023-004, Crom, LLC.**

Mr. Sioras explained the three properties, 117, 119 and 125 Windham Road are part of the storage warehouse plan approved by the Board. One of the conditions of approval was to combine the three lots into one lot. The applicant has met all of the conditions of approval. Staff recommends approval of the voluntary merger.

Motion by MacEachern, seconded by Bartkiewicz to approve a voluntary merger, pursuant to RSA 674:39-a, merging Parcel 01023-001, 125 Windham Road, with Parcel 01023-003, 117 Windham Road and Parcel 01023-004, 119 Windham Road. The lot to be retained is Parcel 01023-001.

Chase, Ijtsma, Osborne, Flattes, MacEachern, Davison, Bartkiewicz, Fairbanks and O'Connor voted in favor and the motion passed.

**Public Hearing**

**Lou's Custom Exhaust  
PID 05037, 82 Rockingham Road  
Acceptance/Review, Site Plan  
Automotive Repair Facility**

Mr. Sioras provided the following staff report. The property is located on Rockingham Road, adjacent to the self storage facilities as one travels from Clam Haven toward Shute's Corner (Intersection of Birch and Rockingham). The purpose of the plan is for a 3200 square foot automotive repair facility located in the General Commercial IV zone. The building will be connected to the town's new water and sewer extension along Rockingham Road (Route 28). There is a waiver request from the landscape buffer requirement. Staff would recommend approval, however there were some technical issues to be worked out that are identified in the Vanasse Hangen Brustlin report. It would be up to the engineer if he would like two more weeks to resolve those issues; otherwise staff would recommend approval of both the waiver and the plan; all town departments have reviewed and signed the plan. Mr. O'Connor confirmed if the Board accepted the plan this evening, the clock would begin. Mr. Sioras said it was conceivable the applicant could receive conditional approval this evening, depending on the engineer's comments and comments from Mr. L'Heureux.

Matt Routhier, Northpoint Engineering, presented for the applicant who was also present. Mr. Routhier provided an overview of the project. This is a 0.91 acre lot, located at 82 Rockingham Road. The town water and sewer has been stubbed into the parcel. The lot is bound on the north and east by the self storage facility, across the road by a residential lot and an auto salvage garage, and to the west by a residential lot that is zoned General Commercial IV. The lot to the west appears to have been cleared. The intent is to construct a 3200 square foot garage. The facility deals with car repair and custom exhaust. They are proposing a 2700 SF garage and a 480 SF office, as well as 15 parking spaces which will primarily be used to move cars in and out of the garage. They anticipate approximately 10 trips per day based on the use and code.

They have lined up the access to the site with Bedard Avenue to make it cleaner and to get away from the entrance to the self storage facility. The building will be in the middle of the lot to provide landscaping in the front of the building as well as to the western portion of the site. The rear of the lot is where the infiltration pond for stormwater will be located. It is anticipated the stormwater will infiltrate into the ground based on the soils.

Mr. Routhier advised he has reviewed the comments from VHB. He does not see anything that will cause issues; most are housekeeping items.

Mr. O'Connor inquired about the monument to Reverend Parker on the lot. Will the applicant do anything with that monument? Mr. Routhier advised the original monument was in the right of way; there had been a taking by the State. The new monument has been located on the subject parcel. They do not intend to disturb the monument.

Mr. Fairbanks asked for an explanation of the waiver request. Mr. Routhier said the waiver is requested due to the location of the parking which is within the 20 foot buffer. The parcel to the west has a residential house, but it seems the parcel is used commercially. They would like to buffer the site with a 6 foot stockade fence and landscaping in lieu of a vegetated buffer.

Mr. Sioras stated the abutting parcel is a commercial business. It used to be a residential home. The parcel was zoned commercially in the 1990s; today it is zoned General Commercial IV. Mr.

Fairbanks asked if the Board should be considering the buffer to be between a residential and nonresidential use or nonresidential to nonresidential. Mr. Sioras said the lot looks like a house, but he knows the use is commercial. If the use of the lot was residential there would have to be a 20 foot buffer.

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

There was no public input.

Motion by MacEachern, 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. MacEachern asked Mr. Routhier to explain the components of the proposed buffer. Mr. Routhier said they intend to erect a 6 foot, stockade fence with landscaping on the abutter's side.

The Board reviewed the plan. Mr. MacEachern asked where is it noted on the plan that they will erect the 6 foot fence. Mr. O'Connor referred to Sheet 2, Note 10; Mr. Routhier advised there is a call out on Sheet 2 to the rear of the property. Mr. MacEachern asked with regard to hours of operation. Luis Gonzalez, the owner, advised they are open Monday through Friday between 8:00 a.m. and 5:00 p.m., and on Saturday, 8:00 a.m. to 1:00 p.m. They are closed Sunday.

Mr. Flattes asked if the applicant will be working on commercial vehicles such as tractor trailers or heavy construction equipment. Mr. Gonzales stated he currently operates at 172 Rockingham Road in Derry. They do mostly exhaust work and do not work on large trucks. They will not be doing anything that will contaminate the area.

Mr. O'Connor asked Mr. L'Heureux if he had any issues. Mr. L'Heureux said most of the comments in the VHB report were technical in nature and will require a second review and tweaking of the plan. He did not see anything that will impact the plan.

Mrs. Ijtsma asked if what would happen if there was a residential use in a commercial zone. Mr. Sioras explained that the residential use would continue and be grandfathered. Once the use changed to commercial, the residential use would go away. An owner could not subdivide the lot and add another home.

Motion by MacEachern to accept jurisdiction of the site plan application before the Board for Lou's Custom Exhaust, PID 05037, 82 Rockingham Road, seconded by Bartkiewicz.

Chase, Ijtsma, Osborne, Flattes, MacEachern, Davison, Bartkiewicz, Fairbanks and O'Connor voted in favor and the motion passed.

Motion by MacEachern, seconded by Bartkiewicz, to grant a waiver from LDCR Section 170-64.C.2,ii, to allow for improvements to be located in the 20 foot buffer along the western

property line and to provide a 6 foot stockade fence and plantings in lieu of the staggered buffer plantings where the regulation does not allow structures, pavement, utility construction, signage and similar hardscape within the buffer without permission of the Board. After review of the waiver request, the Board finds that specific circumstances relating to the plan, or conditions of the land in such plan, indicate the waiver will properly carry out the spirit and intent of the regulation.

Chase, Ijtsma, Osborne, Flattes, MacEachern, Davison, Bartkiewicz, Fairbanks and O'Connor voted in favor and the motion passed.

Motion by MacEachern, seconded by Bartkiewicz to approve, pursuant to RSA 676:4, I Completed Application with the following conditions. Comply with the Vanasse Hangen Brustlin report; 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; establish appropriate escrow as 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 170-61; note approved waiver on the plan; subject to receipt of state or federal permits relating the project; that conditions precedent are met within 6 months; snow and ice removal shall be performed by a "Green Sno Pro" certified contractor following Best Management Practices for the application of de-icing materials.

Chase, Ijtsma, Osborne, Flattes, MacEachern, Davison, Bartkiewicz, Fairbanks and O'Connor voted in favor and the motion passed.

Mr. O'Connor noted the plan has been approved and there is a 30 day appeal window.

There was no further business before the Board.

Motion by MacEachern, seconded by Flattes to adjourn. The motion passed with all in favor and the meeting stood adjourned at 7:28 p.m.

Approved by: \_\_\_\_\_  
Chairman/Vice Chairman

\_\_\_\_\_  
Secretary

Approval date: \_\_\_\_\_