

The Planning Board for the Town of Derry held a public meeting on Wednesday, February 20, 2013, 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: David Granese, Chairman; John O'Connor, Vice Chairman; Frank Bartkiewicz, Secretary; John P. Anderson, Town Administrator; Randy Chase, Administrative Representative; Darrell Park, Jan Choiniere, Jim MacEachern (7:09 p.m.), Members; Ann Marie Alongi, Lori Davison, Alternates.

Absent: David Milz

Also present: George Sioras, Planning Director; Elizabeth Robidoux, Planning Clerk; Robert Mackey, Code Enforcement Officer; Frank Childs, Chief Financial Officer

Mr. Granese called the meeting to order at 7:00 p.m. The meeting began with a salute to the flag. He introduced the staff and Board members present, noted the location of the exits, and meeting materials.

*Ms. Davison was seated for Mr. MacEachern*

### **Escrow**

None.

### **Minutes**

The Board reviewed the minutes of the January 28, 2013, meeting.

Motion by O'Connor, seconded by Bartkiewicz to accept the minutes of the January 28, 2013, meeting as written. The motion passed in the affirmative with Choiniere abstained.

### **Correspondence**

Mr. Bartkiewicz advised the Board is in receipt of a notice of public hearing in the Town of Milford, concerning the replacement of a cell tower. The Board also received a copy of the winter edition of *The Source* newsletter.

## Other Business

### Fiscal 2014 Capital Improvement Plan Presentation

Mr. Sioras advised that as part of the budget process, the Capital Improvement Plan (CIP) is being presented to the Planning Board. Mr. Anderson presented, assisted by Frank Childs, Chief Financial Officer for the Town of Derry. Mr. Anderson reported that in accordance with Section 9.8 of the Town Charter, they were submitting to the Planning Board the preliminary CIP for Fiscal Years 2014 to 2019. The CIP has been prepared based on submissions by the various town department heads and has undergone an initial review by Mr. Anderson and Mr. Childs. The final proposed CIP will be based on the overall town budget for fiscal 2014. Attached to the summary report is the draft CIP along with a proposed funding summary that excludes Water, Wastewater and Cable. Pages 1 through 8 of the plan provide details on the various department and activity center requests. A copy of the CIP approved by Town Council for Fiscal 2013 has also been included for reference. All of the proposed items for fiscal year 2014 are included in the department preliminary budgets that Mr. Anderson will be considering as the budget is developed, to be presented to Town Council on March 29, 2013. As the Charter requires submittal of the draft CIP to Town Council by March 1, a copy of this draft was provided to the members of the Town Council in their packets for their meeting last evening.

Highlights of the 2014 projects requiring bonding are as follows:

The Route 28 South water and wastewater system expansions have been approved to be bonded. The present plan is to bond part of those in April of 2013, with partial construction of these projects to begin in September 2014. The remainder would be bonded in the summer of 2013 if the full expansion project moves forward.

Reconstruction of Rockingham Road from Bradford Street to Route 28 Bypass (Webster's Corner), including replacement of the Rockingham Road culvert, is to begin in September 2013. The first phase involves replacement of the culvert and reconstruction of the road to Winter Hill Road, along with the associated water, sewer and drainage requirements. This \$1,000,000 project is to be bonded in April 2013.

The \$3,000,000 project for the replacement of the existing "tipping facility" at the Transfer Station is currently being engineered/designed. Increased recycling revenue is projected to cover the full debt service for this project, therefore having no direct impact on the tax payer for the project. The revenue will come from the sorting facility which should be more user friendly. The EEAC has provided comment on the design process which is 20% complete. The EEAC will also weigh in once the project is 60% designed.

Every five years, a Geographic Information System (GIC) flyover of the Town is proposed and has been budgeted by IT for FY 2014 in the amount of \$90,000.

The significant FY 2014 capital project for the Police Department is the \$377,403, budgeted for replacement of the marked cruiser fleet every three years. This item is proposed to be funded by a capital lease.

The Public Works Department's FY 2014 CIP includes the replacement of two large dump trucks for \$81,500 each, with the Town covering 20% of the cost, while the remaining

80% would be covered by phase 3 of the State's salt mitigation program. Also included is \$110,000 for a loader replacement at the Transfer Station, funded by a capital lease, and \$400,000 for a recycling bailer for the new Transfer Station, funded by the Waste Trust Fund. This will process much of the new, separated waste.

The Derry Public Library has included \$83,000 for the conversion of their HVAC system from oil to natural gas, with an estimated payback of 10-12 years. The costs would include the extension of the gas main to the library from Grove Street/Park Avenue, the conversion of the existing boiler equipment to natural gas and the removal of the existing oil tank that would be required to be replaced in 2015. The town is looking into other opportunities to expand the availability of natural gas in the Town of Derry and at a potential tie in at Hood and Grinnell Schools.

The FY 2014 CIP for the Water Department includes \$220,000 for ongoing upgrades/replacement of the water mains and \$575,000 to construct a new booster station at Rockingham Road.

The Wastewater Department's FY 2014 CIP includes the \$635,000 that may be required to remove and dispose of the lagoon sludge adjacent to the site of the new Transfer Station facility, but the design of the station needs to be finalized in order to confirm that.

Mr. Anderson reminded the Board this is still a draft document that will be finalized once Town Council approves the budget for fiscal 2014.

*Mr. MacEachern was now seated and Ms. Davison stepped down.*

Mr. O'Connor advised Legislators met with the Treasurer of the State of New Hampshire and were told the bonding issues still look favorable. He asked with regard to the bond for the Route 28 project, will the proposed water tower be in the second phase? Mr. Anderson said it was hard to say at this time. The projections for 2015 would be contingent on what is approved and occurs in 2014. It is hoped the good rates can continue.

Mr. Childs stated they have been in discussion with the Town's financial advisor and bond counsel. The bonds for April of this year, based on the current notice, will be in the amount of \$4,750,000. That amount includes \$3,000,000 for the Transfer Station, \$1,000,000 for Rockingham Road and \$250,000.00 each for water and sewer expansions, as well as \$250,000 for the Woodlands water system upgrade which was approved last year. If the Route 28 project continues, they would look to bond the remaining \$3,400,000 at the end of the summer.

There were no further questions or comments from the Board. Mr. Anderson advised if the Board members had questions or concerns, they could speak with him or Mr. Childs.

#### 10 Year Transportation Plan - SNHCP

Mr. Sioras advised that the 10 Year Transportation Plan is made up of projects suggested by the Regional Planning Commissions and the NH DOT. The funding for the projects is through the Legislature. Tim White, Principal Transportation Planner for Southern New Hampshire Planning Commission (SNHPC) presented. He advised the last time he was before the Board to discuss the 10 Year Plan was in December of 2010 to talk about the 2013-2022 Plan. The

projects on that list were signed into law in June of 2012. The creation of the plan is a two year process, set out in state law. This is a challenging time for the state and municipalities to attempt to construct and maintain the transportation infrastructure. Costs are rising faster than revenues, therefore the creation of the Plan is an important process. The Department of Transportation (DOT) has advised of its priorities for the next version of the plan. The priorities are the maintenance of existing infrastructure to include making sure it is safe and in good repair, and addressing the red listed bridges. The number one priority is the completion of the I93 corridor improvements. Other projects that may or may not be funded are the I93 Exit 4A and the I293 Exits 6 and 7 in Manchester which are not on the current plan. Page 2 of the handout in the member packets outlines the two year process cycle. Mr. White directed Board members to the Implementation section where it states, "After adoption by the Legislature, Metropolitan Planning Organizations (MPOs) incorporate approved projects into their Transportation Improvement Program (TIP) and the STIP is updated." Last fall, SNHPC as an MPO completed an Air Quality Conformity Determination. The current TIP is the first four years of the 10 Year Plan. Those projects are ready for implementation. A new cycle is now beginning. A project solicitation letter was sent to Council Chairman Benson requesting a list of projects that are requested to be included in the next 10 Year Plan. The Planning Commissions are beginning to receive projects from the communities. The final list needs to be received by the end of the first week in March. The Technical Advisory Committee will review the submissions. Concurrently, projects are being submitted to all of the MPOs in the state. The projects will be combined, prioritized, and submitted to the state by April 1<sup>st</sup> so that the DOT can begin the next 10 Year Plan. This fall, the Governor's Advisory Council on Intermodal Transportation will hold public meetings on the draft Plan and communities will be able to provide comment. Of the 18 projects that were submitted from 9 stakeholders for the current 10 Year Plan (2013-2022), DOT asked for the submittal of one project that was considered a priority for the region. The other 17 projects were placed in the long range transportation plan list, which included two projects from Derry.

Mr. White explained that for this Plan cycle, DOT has requested the MPOs evaluate all of the proposed projects from the member communities, plus the projects on the current 10 year plan, and the long range plan. The TAC will do that after March 8<sup>th</sup>. DOT has indicated its priority which is maintaining the existing infrastructure in good, safe condition. The end goal is to submit a prioritized list to the NH DOT by April 1, 2013. Mr. White asked if the Board members had any questions?

Ms. Alongi asked for an explanation of the acronym CART. She was advised this stands for the Cooperative Alliance for Regional Transportation. This is the demand response bus service that serves residents in the Salem/Derry area. Mr. Anderson noted the Drew Road Bridge reconstruction was performed by the town; it is still on the list as the town is still awaiting reimbursement from the state. There were no further questions or comments.

#### Elderly Housing Subcommittee Update

In the absence of Mr. Milz, Mr. Anderson provided an update to the Board regarding the Subcommittee meeting held on February 7<sup>th</sup>. He advised Mr. Pease attended the meeting and

withdrew his request to have elderly housing added as a permitted use in the Office Medical Business District. No further action is required of the subcommittee at this time.

## **Public Hearing**

### **Proposed changes to the sign regulations**

**Continued from January 28, 2013**

A public hearing to discuss proposed amendments to the Town of Derry Zoning Ordinance, specifically:

To amend Article II, Word Usage and Definitions, Section 165-5, Definitions, to amend the definitions for Flashing Signs, Projecting Signs and Window Signs and to add definitions to define the following: Advertising Device, Billboard, Sign Permit, Abandoned Sign, Directional Sign, Digital Sign, Electronic Sign, Government Sign, Ground Sign, Interactive Digital Sign, Non-conforming Sign, Off Premise Sign, Residential Neighborhood Identification Sign, Sandwich Board Sign, Special Event Sign, Unsafe Sign, Wall Sign and Warning Sign.

To amend Article VI, District Provisions, to repeal the following sections of the Article and to renumber them accordingly: Section 165-32.2.E, General Commercial III; Section 165-34L, Office Business District; Section 165-37G.3, Neighborhood Commercial District; Section 165-45D.2.f, Medium High Density Residential Special Exceptions; Section 165-45.1.C.2.f, Medium High Density Residential II Special Exceptions; Section 165-46B.2.f, Medium Density Residential Special Exceptions; Section 165-46E.5, Medium Density Residential Campgrounds; and Section 165-49H, Traditional Business Overlay District Signs.

To repeal Article XII, Signs and Billboards in its entirety and replace it with the following: Article XII, Signs, Section 165-100, Purpose; Section 165-101, General Provisions; Section 165-101.1, Signs in Residential Districts; Section 165-101.2, Signs in Neighborhood Commercial Districts; Section 165-101.3, Signs in Business, Commercial and Industrial Districts; Section 165-101.4, Signs in the General Commercial III District; Section 165-101.5, Signs in the Traditional Business Overlay District; Section 165-101.6, Campground Signs; Section 165-101.7, Political Signs; Section 165-101.8, Off Premise Signs; Section 165-101.9, Nuisance Signs; Section 165-101.10, Interactive Digital Signs; Section 165-101.11, Electronic Signs, Section 165-102, Non-Conforming Use Signs, and Section 165-103, (Reserved for Future Use).

Mr. Sioras turned discussion over to Robert Mackey, Code Enforcement Officer, asking him to discuss the changes from the last hearing. He noted the goal would be to approve the changes this evening, move to a second public hearing, and then forward the changes to Town Council. Mr. Mackey stated at the last hearing, representatives from NH Signs suggested changes to the proposed amendments and provided comments. Those suggestions have been reviewed and

some of them have been incorporated into the document before the Board this evening. Highlights of the changes are the addition of definitions for awnings, marquees, and further clarification of the definition for electronic signs. The Board determined at the last hearing that rather than just limiting electronic signs (only allowed in the General Commercial and Industrial IV zones) to copy only, they can have images, but the transitions must be managed and the brightness would be regulated. Proposed Section 165-101.11 deals with that. This section restricts the change to not more than once every five seconds. The brightness will be no more than 0.3 foot candles more than the ambient brightness in the area. In order to measure that, he will need a light meter. There have been other clarifications to verbiage. In the Traditional Business Overlay District, the restriction on projecting signs has been removed, but the sign still needs to comply with height restrictions.

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

There was no public comment.

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

Mr. Anderson thanked staff for picking up where the subcommittee left off. All of the sign regulations are now in one place in the Ordinance. Mr. O'Connor asked if Mr. Mackey had a light meter? He does not but has been pricing them.

Motion by Anderson to accept the proposed changes to Article XII, Signs, and to schedule the second public hearing on the changes to March 6, 2013. The motion was seconded by O'Connor.

Chase, Park, Anderson, O'Connor, MacEachern, Choiniere, Bartkiewicz and Granese all voted in favor and the motion passed.

## Workshop

### Planning Board discussion regarding mixed use developments

Mr. Sioras stated that back in the fall, the Board decided to push out the discussion of mixed use developments as the Board was dealing with the proposed changes to the sign regulations and the General Commercial zone. In December, the Board received a letter from Attorney Hollis on the subject.

Mr. Granese noted this workshop is more of an informational discussion. He felt the Board needed to look at the material that was provided and schedule more workshops. Mr. Sioras advised the Board has information packets containing the following: information obtained from Southern New Hampshire Planning Commission, from the web, sourcing communities that are

similar to Derry, and the letter from Attorney Hollis. Mixed use can be many different things and can occur in large cities or small towns and can occur on as small an area as one parcel. Given the expected Planning Board hearing schedule in March and April, he would recommend any future workshops be taken up later in the spring. Mr. Granese suggested holding another workshop on June 5<sup>th</sup>. The Board members were in agreement.

#### Other – Board Appointments

Mr. Sioras advised several members of the Board will have their terms expire on March 31<sup>st</sup> of this year: Mr. Granese, Mr. MacEachern, and Ms. Davison. There is also an open alternate position. Board members wishing to request reappointment should send the request to Sheila Bodenrader or the Planning Office.

Motion by MacEachern, seconded by Bartkiewicz to adjourn. The motion passed. The meeting stood adjourned at 7:32 p.m.

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

\_\_\_\_\_  
Secretary

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