

The Planning Board for the Town of Derry held a public meeting on Wednesday, March 16, 2016, 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: David Granese, Chairman; John O'Connor, Vice Chairman; Michael Fairbanks, Secretary; Charles Foote, Town Council Liaison; Randy Chase, Town Administrative Representative; Lori Davison, Jim MacEachern, Members; Marc Flattes, Alternate

Absent: Mirjam Ijtsma, Frank Bartkiewicz

Also present: George Sioras, Planning Director; Elizabeth Robidoux, Planning 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 noted the emergency exits, the location of meeting materials, and introduced the Board members and staff.

Mr. Flattes was seated for Mr. Bartkiewicz.

Escrow

#16-07

Project Name: South Avenue Townhomes

Developer: David Barka

Escrow Account: 17 South Avenue LLC

Escrow Type: Letter of Credit

Parcel ID/Location: 30012, 17 South Avenue

The request is to renew Letter of Credit #9092230 drawn on Granite Bank in the amount of \$8,601.55. The new expiration date will be March 17, 2017.

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

Minutes

The Board reviewed the minutes of the February 17, 2016 meeting.

Motion by MacEachern, seconded by Flattes to approve the minutes of the February 17, 2016 meeting as written. Chase, Foote, Fairbanks and Granese abstained; O'Connor, Davison, Flattes and MacEachern voted in favor. The Chair requested review of the minutes be placed on the next agenda as the vote resulted in a tie.

Correspondence

Mr. Fairbanks advised the Board has received a copy of a letter sent to Mr. Lamontagne reminding him of the expiration date of escrow held for the 30 Brook Street project. Correspondence has been received from an abutter to the Cowbell Corner project who expressed some concerns. Mrs. Robidoux sent a reply to the neighbor. The Board has been copied on the correspondence. The latest issue of *Town and City* is available for any member who would like to review it.

Other Business

Net Zero Task Force

Mr. Granese reported he had been asked to sit on the Net Zero Task Force as the Planning Board representative. Was anyone else from the Planning Board interested in sitting on that?

Motion by MacEachern to recommend the Chairman, Dave Granese, sit as the Planning Board representative on the Net Zero Task Force, seconded by Flattes.

Mr. Fairbanks inquired if Mr. Granese intended to place his name for consideration for another term on the Planning Board. Mr. Granese advised he has already submitted his request.

Chase, MacEachern, Foote, O'Connor, Flattes, Davison, Fairbanks and Granese voted in favor and the motion passed.

Schedule Public Hearing, Zoning Changes – Lenox Road

Mr. O'Connor recalled one of the abutters on Lenox Road approached the Board at the last workshop and said he was in the process of purchasing 10 Lenox Road. At that time, he asked not to be part of the zoning change. After contemplation, he has requested the Board to include Parcel 32035, 10 Lenox Road, in the proposed change from MHDR to GC. The purchase of the property is on-going. There is a letter in the file from the current owner of the property authorizing Mr. Hubbard to speak on her behalf with regard to the property.

Motion by O'Connor to schedule a public hearing on Wednesday, April 6, 2016, to amend the Town of Derry Zoning Ordinance, Article VI, Zoning Map and District Boundaries, Section 165-30, Zoning Map, to move Parcel 32033 (4 Lenox Road), Parcel 32034 (8 Lenox Road) and Parcel 32035 (10 Lenox Road) from the Medium High Density Residential Zoning District to the General Commercial District and to amend the zoning map accordingly. MacEachern seconded the motion.

Mr. Fairbanks noted the boundary is moving. He thought everyone on that line along Lenox had been notified previously. Mr. O'Connor recalled neighbors further down the road speaking at the workshop.

Chase, MacEachern, O'Connor, Flattes, Davison, Fairbanks, and Granese voted in favor; Foote abstained. The motion passed in the affirmative.

Notice will be sent to the abutters to these lots and a notice placed in the paper advising of the public hearing.

Voluntary Merger of 30 and 32 Scobie Pond Road, PID 08015 and 08015-003

Mr. Sioras explained the property is located on the left of Scobie Pond as one heads toward the power lines. The land is part of a family estate and the intention is to combine the two lots. There is an existing home on one of the lots. Staff would recommend approval.

Motion by MacEachern, seconded by O'Connor to approve, pursuant to RSA 674:39-a, a voluntary merger of parcels 08015 and 08015-003, 30 and 32 Scobie Pond Road. Parcel 08015 shall be retained. Discussion followed.

Mr. Flattes confirmed the structures identified on the map provided to the Board were sheds.

Chase, MacEachern, Foote, O'Connor, Flattes, Davison, Fairbanks and Granese voted in favor and the motion passed.

Request to extend approval – Chakarian – 114 Island Pond Road

Mr. Sioras advised the Board approved a subdivision of this lot and this is the first request to extend the approval. The Board historically grants the first request. Staff would recommend approval of the extension.

Motion by MacEachern, seconded by Flattes to grant a six month extension of the conditional approval granted on September 16, 2015, to William and Debra Chakarian, PID 06023 for a two lot subdivision of 114 Island Pond Road. This is the first extension of approval.

Chase, MacEachern, Foote, O'Connor, Flattes, Davison, Fairbanks and Granese voted in favor and the motion passed.

Request to extend approval – Provencal – 246 Island Pond Road

Mr. Sioras advised this is a similar request and is also the first request to extend the approval. The property is located on Island Pond Road near Warner Hill and the Fire Station. Staff would recommend approval of the six month extension.

Motion by MacEachern, seconded by Flattes to grant a six month extension of the conditional approval granted on November 04, 2015, to Arthur and Ruth Provencal, PID 07012 for a two lot subdivision of 246 Island Pond Road. This is the first extension of approval.

Chase, MacEachern, Foote, O'Connor, Flattes, Davison, Fairbanks and Granese voted in favor and the motion passed.

Other

Mr. Sioras noted there are two vacant alternate positions for the Planning Board. He is aware the three incumbents have placed their names for consideration. If anyone is interested, they should email Sheila Bodenrader in the Administrator's office.

Public Hearing

6-8 Bowers Road, LLC PID 02065, 8 Bowers Road Acceptance/Review, Site Plan Landscaping Business

Mr. Sioras provided the following staff report. The purpose of the plan is for a landscaping business in the Industrial I zoning district. The site was a former vitamin factory that was established in the 1970s. There are some abutters present who may have questions about the plan. All town departments have reviewed and signed the plan. There are a few waiver requests which are outlined in the attached letters from George Chadwick. There are no state permits required. Staff would recommend approval of both the waivers and the site plan application.

George Chadwick of Bedford Design presented for the applicant. Todd Bahan, owner of Groundhog Landscaping was present, as was Paul Taschereau, the builder. Mr. Chadwick explained the purpose of the plan is to construct an addition to the existing facility on this parcel. Currently there exists a 6400 square foot warehouse, and a 2400 square foot office to the rear. The front of the site has a 2900 square foot office that will remain unchanged. They would like to add 4496 square feet of warehouse space and 864 square feet of covered storage to the rear building. They will not change the existing building to the front. With that, they will add additional pavement (reclaimed asphalt) around the rear building and associated parking. They are also adding landscaping bins. They will maintain the existing drainage patterns and are adding 800 square feet of additional storage to the infiltration basin to handle what little increase in flow is created by the new pavement. There is a buried infiltration chamber behind the rear building that handles the roof runoff. They plan an extensive landscape addition to the property to meet the buffer requirements as they can. To the north, west and east there are residential homes. To the rear is land owned by the State of New Hampshire that is non-occupied and not residentially zoned. They will add landscaping to the perimeter to meet the 50 foot landscape buffer. To the east, they cannot meet the required 50 foot buffer because of the driveway, the proximity to the existing house, and the 50 foot setback is 10-20 feet from the corner of the house. They could not put the access on the driveway to the east if they maintained the 50 foot buffer. Groundhog added landscaping to the abutting property to the east to help buffer the activity on this site from that residence. There are a few waivers that have been requested. The

first is from the HISS mapping requirement found at LDCR 170-61.A.12. There is a limited amount of addition and expansion on the site and they felt that HISS mapping would not add information that would add value to the decision making process or to the design of the project.

The second waiver request is from LDCR 170-26.D, Driveway Sight Distance. Bowers Road intersects at Windham Road and climbs up the hill to crest and then drops down. The driveway to this site is at the crest of the hill. They are able to provide 173 feet of sight distance to the west and 144 feet of sight distance to the east; the requirement is 200 feet. With the locations of the existing driveways on Bower's Road, they cannot lower the road to achieve the sight distance. The applicant has been using this driveway and they do not feel they are adding additional traffic.

The last waiver has to do with the required residential buffer. Per LDCR Section 170-64.C, they are to provide a 50 foot buffer to the residential use. For reasons mentioned earlier, such as the existing driveway, and the addition of the reclaimed asphalt, they cannot not meet the 50 foot requirement. They have added landscaping and plantings on the abutting property which meets the intent of the regulations. This parcel has a septic system and well. There is an existing sign. They do not intend to add a new sign or lighting. Mr. Chadwick reviewed the rendering of the proposed addition. He noted Mr. Bahan and Mr. Taschereau were present in the event there were any questions.

Motion by MacEachern to open the public hearing, seconded by O'Connor. 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 Flattes to close the public hearing. The motion passed with all in favor and review of the application returned to the Board.

Mr. MacEachern said he could see on the plan set a proposed 35 x 60 display area behind the house. He asked for more information on that. Mr. Chadwick explained the display area is for landscape materials. Groundhog offers various materials for landscape projects and this would be an area to display the different types of materials that can be used. They will have an area with patio blocks, a seating wall, perhaps a small koi pond and a fire pit so that customers can see the different materials in use and see the type of project that Groundhog can do. Mr. MacEachern noted the cover sheet should be revised; the labeling is incorrect and identifies the proposed storage addition as "existing". Mr. Chadwick said he would review the plan sheets and correct that identification.

Mr. MacEachern asked with regard to the sight distance. Will there be any additional traffic? Landscape vehicles are entering and exiting the site. They are large vehicles. He is concerned with the traffic.

Mr. Chadwick said all vehicular traffic exists today. They are not adding any. This expansion enables Mr. Bahan to maintain his vehicles and to provide additional product storage. Mr.

MacEachern asked if the sight distance issue was because of the crest of the hill or because of the shrubs along the side of the road. Mr. Chadwick said the issue is the pavement itself. If they tried to lower the hill, it would affect the existing driveways on Bowers Road.

Mr. MacEachern asked what is the applicant offering for precautions on site with regard to chemical storage. This property abuts the Sybiak property and is near the rail trail; he has concerns that chemicals might leach out. Where will materials be stored? Mr. Chadwick said chemicals and pesticides will be stored inside the building. There are existing bins outside for gravel, rocks, mulch and landscape products. Currently there is a series of wheel stops along the edge. They do not want to add a berm because it will affect the flow of drainage. They have located the landscape materials as far away from the edge as they can. If any material bleeds onto the asphalt, they will have room to clean it up before it can discharge off the property.

Mr. O'Connor asked if the fertilizer was stored in bulk or in bags. Mr. Bahan said the fertilizer is stored inside the building and is enclosed. Mr. O'Connor asked if the MSDS sheets were provided to the town's Environmental Engineer. Mr. Bahan said prior to the purchase of the property, the Department of Agriculture came out to the site. They operate under the Department of Agriculture guidelines with regard to fertilizer. The Department of Agriculture approved the operation with regard to where and how they store fertilizer. James Kersten of the Fire Department had concerns with regard to specific chemicals being stored on site. Groundhog does not use those particular chemicals in their business. Mr. O'Connor asked if they used calcium chloride, and if so, where is it stored. Mr. Bahan explained they used bagged product, and it is calcium magnesium chloride. It is kept inside in bags. They take care of larger commercial sites and keep the majority of that material at the job sites. They may keep a tractor trailer load of it on site for back up.

Mr. O'Connor asked about the monitoring well. There was a buried oil tank on site. Has that been filled with sand? Mr. Bahan said he did not know but the property was purchased in 2010 by a private equity firm. He was given a clear deed when he purchased from that firm. He thought the tank had been removed and the monitoring well put in place. With regard to MSDS sheets, Groundhog purchases its mulch from M&R in Derry. He could provide MSDS sheets if required. Mr. O'Connor did not see the need. Mr. O'Connor asked if there were any plans to add more equipment. Mr. Bahan said he plans to stay at the current size and is not looking to expand.

Mr. Flattes asked how much material is stored on site. Mr. Bahan said they bring a load in and sell it. The material is there for a transient period of time as they sell it. They stock four flavors of mulch and bring it in as 80 yard loads. When they get down to about 20-30 yards, they order another load.

Mr. Flattes noted a concern about the truck route. Mr. Bahan explained the town had expressed a concern; the vehicles that head down Bowers Road have a 20 ton weight limit. Deliveries come up Bowers Road from Windham Road.

Mr. L'Heureux advised Mr. Chadwick explained the dynamics of the sight distance issue. They would have to reconstruct the road to meet it. They made a considerable effort to pull the slope back near the house, but they can't achieve the required sight distance without additional road work.

Mr. Fairbanks thought he recalled Mr. Chadwick providing information during one of the TRC staff discussions that he had an option to achieve the 50 foot buffer. Mr. Chadwick said they initially felt they wanted to maintain the existing edge of pavement, remove 10 feet and place plantings. That was the alternative to the entire 50 foot buffer. If they are required to landscape the entire 50 foot width of the buffer they can't put in the access. The access cannot be on the other side of the property. Mr. Fairbanks said he did see where Mr. Mackey had stated they would need an easement on the neighboring property for access to meet the 50 foot buffer, or would need to ask for a waiver. They have asked for the waiver.

Mr. Flattes asked if the mulch is stored in bins. Mr. Bahan said the mulch is in bins and it is already stored on site in that manner.

Mr. Granese asked if the Board should read the correspondence from Ms. Rose into the record. Mr. Sioras stated Ms. Rose had questions about the project but he felt that Mr. MacEachern, Mr. L'Heureux and Mr. Fairbanks addressed the questions. The correspondence is part of the file. Mr. Fairbanks noted Ms. Rose had concerns with environmental impact and they addressed it.

Mr. MacEachern stated the member packets had aerial photos that are part of the drainage summary. One is from 2013 and the other from 2015. The bins shown on the rendering are where the trucks are on the 2015 photo. The trucks would be moved? Mr. Bahan said the bin blocks go 70% of the length of the west side of the building; that is where the mulch is stored now. All of the trees they intend to take down are down. The bin blocks would be on both sides.

Mr. MacEachern said because this site abuts conservation land, a prime wetland and the rail trail, he felt it would be in the best interest to hold a site walk. Mr. Bahan said the Conservation Commission held a site walk. Mr. MacEachern explained because of the proximity it may be a good idea for the Planning Board to hold its own. Mr. Flattes and Ms. Davison agreed. Mr. MacEachern said in general, this is a good plan but he struggles with some of the concepts. The Board would defer accepting jurisdiction until after the site walk.

Mr. Fairbanks noted the access easement through the State owned property. Is there an intention to use this? Mr. Chadwick said they have no intention to use it but the easement is in place to benefit 8 Bowers Road.

Mr. Granese called for a straw poll to see if all the members wanted to hold a site walk. Mr. Chase said no. The Conservation Commission visited the property and signed off on the plan. This is a simple addition to an existing business. He does not see the need to delay review of the project. Mr. MacEachern said yes. Mr. Foote said yes. Mr. O'Connor said no as the Conservation Commission has reviewed the site and the Commission requests have been addressed and added to the plan with regard to tree species, and the invasive species note. Mr.

Flattes said yes and Ms. Davison said yes. Mr. Fairbanks said no, he was satisfied with the walk that was done, but asked why the Planning Board was not invited to attend the Conservation Commission's site walk. Mr. Granese said yes.

Mr. Sioras explained the Planning Board could not have been invited to a Conservation site walk because the plan had not yet been submitted to the Board. The members would want to make sure they do not prejudice an application.

The majority of the Board members wanted to hold a site walk. Dates were discussed as well as the availability of staff.

The site walk will be held on Monday, March 21, 2016, beginning at 8 Bowers Road, at 6:00 p.m. Abutters are welcome to attend.

Motion by MacEachern, seconded by O'Connor to continue the public hearing for 8 Bowers Road to April 06, 2016.

Chase, MacEachern, Foote, O'Connor, Flattes, Davison, Fairbanks and Granese voted in favor and the motion passed.

Ms. Davison asked there was enough time to notify abutters if the site walk was held on Monday. Mr. Sioras explained it would be part of the record and the abutters do not get direct notification of site walks.

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 7:50 p.m.

Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____