

The Planning Board for the Town of Derry held a public meeting on Wednesday, May 02, 2018 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, Lori Davison, Secretary; Brian Chirichiello, Town Council Representative; Frank Bartkiewicz, Jim MacEachern, Mark Connors, Members; Elizabeth Carver (7:03 p.m.), Alternate

Absent: Randy Chase, Maya Levin

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

Minutes

The Board reviewed the minutes of the April 18, 2018, meeting.

Motion by MacEachern, seconded by Bartkiewicz to approve the minutes of the April 18, 2018, meeting as written. The motion passed with all in favor.

Correspondence

None

Other Business

Board Member use of Social Media

Mr. Granese advised an email from Mr. O'Connor is being forwarded to the Board members. The topic has to do with Board members posting opinions and judgements about current projects on social media. The email contains a link to a recent Union Leader article on this topic. A City of Manchester Planning Board decision is being appealed in the Courts because members of the Board made their opinions on a project known on social media prior to the final decision of the Board. Mr. Granese cautioned members that if they state their opinions prior to the Board discussion of a project, it appears they are prejudiced toward the project and should recuse themselves, otherwise that could be grounds for appeal.

Other – Zoning Changes

Mr. Sioras reported the Town Council approved the amendments to the Warehouse and Self-Storage definitions in the Zoning Ordinance at its meeting last evening. On May 15th, the Town Council will hold a public hearing to discuss moving the 7 properties from the MHDR II to the CBD.

Mr. Granese asked Mr. Chirichiello to thank the Council for approving the changes to the definitions.

Ms. Carver entered the meeting and was seated for Ms. Levin

Public Hearing

Linda Rutter
PID 06058, 52 Lane Road
Acceptance/Review
5 Lot Subdivision

Mr. Sioras provided the following staff report. The purpose of the plan is for a five-lot subdivision of 52 Lane Road. Four new building lots are being created. The lot is located in the Low Medium Density Residential zone. This zone requires a minimum of two acres of land and only allows single family housing. All town departments have reviewed and signed the plan. There is a waiver request prepared by Promised Land Survey asking for relief from the required depth of cover over the culvert pipe. The state subdivision permit is pending. Staff recommends approval of both the waiver request and the subdivision plan.

Mr. Sioras reported it was discovered today that two abutters had not been notified of the hearing. One abutter phoned the office today and is present this evening. The Planning Office reached out to the other abutter this afternoon to inform them of the meeting and plan details. Mr. MacEachern confirmed all abutters had been notified.

Tim Peloquin of Promised Land Survey presented for the applicant who was also present in the audience. The lot is a 48-acre parcel located on Lane Road and is being submitted as a five lot, road frontage subdivision to create four new lots. His office did the topography, soil survey, wetland survey, and coordinated the road work portions for the drainage and proper sight distance. They have met with the Conservation Commission, which held a site walk, and appeared to be happy with the proposed plan. The plan has been before the Technical Review Committee and their issues have been addressed or are being addressed. The four new lots meet the zoning and development requirements of the Town of Derry. They are all at least 2 acres in size. All of the lots have pockets of wetland. There is a wetland located to the front of proposed parcel 06058-006 which is a marginal wetland. They looked at that area with the Conservation Commission and the area is being reevaluated by the Wetland Scientist now that the snow has

melted. When they conducted the test pits on either side of the wetland, the soils were not classified as wetland soils, nor was wetland vegetation observed; there are however, pools of standing water that are caused by the topography. This land was all farmland at one time.

Mr. O'Connor asked at what depth did they find water when they did the test pits in this area. Mr. Peloquin explained the seasonal high water table is at 26 inches and 24 inches; physical water was observed at 48 inches in depth.

Mr. Peloquin advised the four lots were marketed and there are four purchasers waiting to buy the lots once approved. He is hoping the Board will grant conditional approval this evening. The plan was reviewed by Vanasse Hangen Brustlin (VHB) and Mr. Peloquin has already been in contact with the review engineer, Mark Verostick, to discuss the comments. Many are technicalities that are easily addressed, and he has revised the plan accordingly. Mr. Peloquin feels, after his discussion with Mr. Verostick, that many of the comments have been addressed or can be readily achieved. There are a few issues to iron out with the Derry Public Works Department and he will continue to discuss those with Mr. L'Heureux.

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

Mr. MacEachern felt this was a straight forward application. He asked if the driveway to the existing home will be moved or will there be an easement to allow access to the new lot. Mr. Peloquin directed the Board's attention to the sight distance profile sheets; the existing driveway will be removed and each of the five lots will have its own driveway on its own frontage. Mr. MacEachern asked if the backland was all wetland. Mr. Peloquin stated the land could be developed. They had originally designed a conceptual subdivision which proved with a 1700 foot road, eleven new homes could be constructed on a cul de sac. However, this configuration made the most sense. For the future, there may be further subdivision of the property, but that would involve a variance to allow a driveway off Fox Hollow to accommodate one new building lot. There would be a lot line adjustment with an adjacent parcel; and potential dedication of land to the Conservation Commission so that the Commission would have access through the right of way on Warner Hill Road. That is for the future and not on the table tonight. Mr. MacEachern asked if this future action would include the construction of a new road. Mr. Peloquin said it would not. The subdivision on the table before the Board prevents that.

Mr. Connors asked if the remainder lot had enough frontage to subdivide and create a road to the back lot area. Mr. Peloquin said it did not. Mr. Connors asked if there were any options to construct a road coming in from Fox Hollow. Mr. Peloquin said there are several points of access to the back land. There is an additional 25 foot right of way on Lane Road to the north; there is a 50 foot right of way access from Warner Hill Road, and there is also access through Fox Hollow. When Fox Hollow was developed, they left the right of way to the Rutter land with

the intent that there might be some future connection to Lane Road. This subdivision prevents that from happening. In the future, the Rutters may use Fox Hollow as a driveway access for one new lot. Mr. Connors asked where with regard to the status of Humphrey Road. Mr. Peloquin explained the road is subject to gates and bars, is a Class VI road, and is owned by the Town. The town has no liability but does have a prescriptive right for an easement on the corridor. The road was closed by town vote in 1917.

Mr. L'Heureux advised he is working through some items with Mr. Peloquin which include mitigation of the watershed. Those items will be addressed during plan modification; he has no issues with the waiver request.

Motion by MacEachern, seconded by Bartkiewicz to accept jurisdiction of the five-lot subdivision application before the Board for Linda Rutter, PID 06052, 52 Lane Road.

Carver, Chirichiello, O'Connor, MacEachern, Davison, Connors, Bartkiewicz and Granese voted in favor and the motion passed.

Motion by MacEachern, seconded by Bartkiewicz to grant a waiver from LDCR Section 170-29.J, Culvert Depth, to allow less than the required 3 feet of cover over the crown of the culvert, so as to blend with the natural grades, as specific circumstances relative to the plan, or conditions of the land in such plan, indicate that the waiver will properly carry out the spirit and intent of the regulations. Discussion followed.

Mr. Connors asked why the culvert depth cannot be achieved. Mr. L'Heureux explained there are fixed points for the drainage that were put in place when the Town modified the drainage 20 years ago. They can't make it lower.

Carver, Chirichiello, O'Connor, MacEachern, Davison, Connors, Bartkiewicz and Granese voted in favor and the motion passed.

Motion by MacEachern, seconded by Bartkiewicz to approve, pursuant to RSA 676:4 III, Expedited Review with the following conditions: Comply with the Vanasse Hangen Brustlin report dated April 25, 2018; Address any remaining comments as indicated in correspondence dated April 10, 2018 from the Engineering Coordinator; Subject to owner's signature; Subject to on-site inspection by the Town's engineer; Establish escrow for the setting of bounds or certify that the bounds are set; Establish appropriate escrow as required to complete the project; Obtain written approval from the IT Director that the GIS disk is received and is operable and complies with LDCR Section 170-24; Note approved waiver on the plan; Subject to receipt of state permits relating to the project; Conditions precedent shall be met within 6 months.; A \$25.00 check payable to Rockingham County Registry of Deeds should be submitted with the mylar in accordance with the LCHIP requirement; Submission of the appropriate recording fees, payable to the Town of Derry.

Carver, Chirichiello, O'Connor, MacEachern, Davison, Connors, Bartkiewicz and Granese voted in favor and the motion passed.

Mr. Peloquin advised he will attempt to meet all of the conditions of approval, including the setting of bounds and establishment of escrow so that the plan can be executed by the Board at its next meeting.

There was no further business before the Board.

Motion by MacEachern, seconded by Bartkiewicz to adjourn. The motion passed with all in favor and the meeting adjourned at 7:22 p.m.

Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____