

The Planning Board for the Town of Derry held a public meeting on Wednesday, May 04, 2022, at 7:00 p.m. The meeting was broadcast from the Derry Municipal Center, 14 Manning Street, Third Floor meeting room with a majority of Board members physically present.

Members present: Jim MacEachern, Chair Pro-Temp; David Nelson, Secretary; Brian Chirichiello, Town Council Liaison; Randy Chase, Town Administrative Representative; David Granese, Mark Connors, Andy Myers, Members; Chris Feinauer\*, Richard Malaby, Alternates

Absent: John O'Connor; Joe Tremper, John Morrison Jr.

\*Denotes virtual attendance.

Also present: George Sioras, Planning Director; Elizabeth Robidoux, Planning & Economic Development Assistant

Mr. MacEachern opened the meeting at 7:09 p.m. The meeting began with a salute to the flag. He provided appropriate links for members of the public to join the meeting electronically via a MAC, PC or by phone. He then introduced the Board members.

Mr. Malaby was seated for Mr. O'Connor.

## **Escrow**

### **#22-09**

**Project Name: Denali Estates, Phase II**  
**Developer: JAL, LLC**  
**Escrow Account: Same**  
**Escrow Type: Performance Bond**  
**Parcel ID/Location: 11058, 19 Forest Street**

The request is to establish Performance Bond #012212137, issued by Ohio Casualty Insurance Company for the above noted project in the amount of \$1,103,115.02. The expiration date shall be April 07, 2024.

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

### **#22-10**

**Project Name: 30 Brook Street Site Plan**  
**Developer: Stage Crossing, LLC**  
**Escrow Account: Same**  
**Escrow Type: Letter of Credit**  
**Parcel ID/Location: 23016, 30 Brook Street**

The request is to approve a final release in the amount of \$5,184.00 for the above noted project. The amount to retain is zero.

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

### **Minutes**

The Board reviewed the minutes of the April 06, 2022, meeting.

Motion by Chirichiello, seconded by Granese to approve the minutes of the April 06, 2022, meeting as written.

Granese, Chirichiello, Connors, Myers, Nelson and MacEachern voted in favor, Chase and Malaby abstained, and the motion passed.

### **Correspondence**

The Board is in receipt of a Legal Notice for the Zoning Board of Adjustment public hearing to be held on May 18, 2022, relative to a special exception request to allow grading and drainage/stormwater management activities to occur within the outermost 75 feet of the Prime Wetlands buffer. This request requires a joint meeting of the ZBA, Planning Board, and Conservation Commission. The applicant is Promised Land Survey, LLC for Keystone Derry, located at 74 Rockingham Road.

Mr. Sioras explained per the Ordinance, the ZBA will seek input from the Planning Board and Conservation Commission on the request. This type of joint meeting does not happen often. Staff will not attend the meeting. Attendance is not mandatory by the Board members, nor does there need to be a quorum of members present, but the ZBA will be requesting input specifically from the Planning Board. Any work in the Prime Wetland buffer requires this type of joint meeting. The Prime Wetland Ordinance had been written by the Conservation Commission which wanted the input from multiple Boards on a request of this type. Mr. MacEachern cautioned the Board members who might attend the joint meeting to be careful in what they say and how they say it. This will be important when the site plan for 74 Rockingham Road comes before the Board. Members do not want to appear as though they are biased one way or the other with regard to the application. Mr. Connors noted there will be a Conservation Commission site walk of this property on Friday, May 06 during the day. Mr. Chase noted joint meetings are also held when commercial development is being proposed in the aquifer. When Board members speak at these meetings, they are speaking in their capacity as a Planning Board member.

Mr. MacEachern inquired if there were any applications of note on the ZBA agenda for this week. Mr. Sioras stated Family Promises has an application to allow a change in use at the former Holy Cross Church. Board members could attend to gain information on the proposal but

were not encouraged to speak, as the project may come before the Planning Board. Mr. MacEachern said if Board members do speak, discussion should be limited to what is in the regulations.

Mr. Nelson advised the Board is in receipt of a request to amend the Notice of Decision in the matter of Appolo Vineyards. Mrs. Robidoux explained the attorney for the Dionne family made the request. The Dionne's own the land on which Mr. Appolo has some of his vines and proposed parking. The attorney after reviewing the Notice of Decision felt that the language should more accurately reflect the agreement, which is a lease, not an easement. Staff cannot change the wording as the Board made a formal motion on the conditions of approval. The request is to amend the wording per the attorney's request.

Motion by Chiricheillo, seconded by Granese, to allow an amendment in the Notice of Decision dated March 16, 2022, for Appolo Vineyards as follows: Condition #4 to change the word "easement" to "leased". The condition of approval will now read: Per LDCR Section 170-61.A.10: Addition of note on the plan identifying and explaining the vine and parking leased area which is located on 2 Duck Pond Road (to include applicable deed references/RCRD recordings).

Chase, Granese, Malaby, Chirichiello, Connors, Myers, Nelson and MacEachern voted in favor and the motion passed.

### **Other Business**

#### First Request to Extend Conditional Approval, The Grindhouse, PID 32025-003, 43.5 Crystal Avenue

Motion by Chirichiello, seconded by Granese to approve the extension of the site plan approval granted to The Grindhouse, 43.5 Crystal Avenue, PID 32025-003, on October 20, 2021, for an additional six months. The new expiration date of the conditional approval will be October 20, 2022.

Chase, Granese, Malaby, Chirichiello, Connors, Myers, Nelson and MacEachern voted in favor and the motion passed.

#### Review of Policy & Procedures – First Reading

Mr. Chirichiello noted the amendment he requested is in the document. The document is being updated to reflect there will now be a Town Council Liaison Alternate. The Council Liaison Alternate receives the packet for each meeting so is up to speed on all matters. Mr. MacEachern noted the amendment which speaks to a physical quorum and electronic attendance.

Mr. Nelson commented on the amendment requiring the meetings to end at 10:00 p.m. with two, ten minutes extensions. During the annual Planning Conference, it was suggested by the

presenting attorney that a curfew could be implemented which stated that after a certain hour, no new agenda items could be started. Mr. Nelson asked the Board to consider that as an alternative. He agreed that the Board may not want to begin discussion on a matter which would require an in depth discussion after 9:30 p.m, or any other reasonable hour, as discussions and decisions should not be rushed. He would suggest eliminating the two, ten minute extensions, and instead, not take on a new agenda item after 9:30 p.m. Mr. Connors asked what would then happen to the remaining items on the agenda. He believed it might be helpful to let people in attendance know that they don't have to stay for the remainder of the meeting if the Board will not be discussing their particular item of interest. Mr. Granese thought the suggestion made sense, but felt the Board should leave the two extensions in the procedure. Mr. Nelson thought the Board should have as long a discussion as it wanted after 9:00 or 9:30 p.m.; the Board could agree to not begin discussion on any other item after that time. Mr. Granese explained he did not feel it prudent to have a meeting go as late as 11 or 11:30 p.m. Mr. MacEachern suggested the Board could intend to end the meetings at 10:00 p.m., and not begin discussion on an item the Board knows will take some thought and discussion after 9:30 p.m. It could be at the Board's discretion to extend the meeting beyond ten. Mr. Nelson said it should be one or the other: a curfew or extending the time as noted. Mr. MacEachern suggested wording the process as the Board will not address a new extensive business item after 9:30 p.m. For example, the Board would not want to start a public hearing on a development in the West Running Brook after 9:30 p.m. but might be able to address two lot line adjustments in that time frame.

The Board asked Mrs. Robidoux to research appropriate wording and bring the suggestions back to the Board for review at its next meeting. Not beginning 'meaty' business after 9:30 would be the goal. Mr. Sioras noted staff can look at the agenda items ahead of time and prioritize them based in this criterion.

#### Voluntary Merger – PID 08076, 7 Tsienneto Road and PID 08073, 11 Tsienneto Road

Mr. Sioras advised the lots are located on the south side of Tsienneto Road. The properties are located between Sunview Condominiums and Tire Warehouse, with the new medical building in between. The medical group has purchased the smaller, last piece of property with a long term vision of adding another medical building on that side of the street. Staff recommends approval of the voluntary merger.

Motion by Chirichiello, seconded by Granese to approve pursuant to RSA 674:39-a, the voluntary merger of PID 08076, 7 Tsienneto Road and PID 08073, 11 Tsienneto Road. Parcel 08076 shall be deleted, and Parcel 08073 shall be retained.

Chase, Granese, Malaby, Chirichiello, Connors, Myers, Nelson and MacEachern voted in favor and the motion passed.

Planning Director Updates

None.

Chairman Updates

None.

**Board Member Comments**

None.

There was no further business before the Board.

Motion by Chirichiello, seconded by Granese to adjourn.

All members voted in favor and the meeting stood adjourned at 7:34 p.m.

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

\_\_\_\_\_  
Secretary

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