

The Planning Board for the Town of Derry held a public meeting on Wednesday, June 06, 2018 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; Brian Chirichiello, Town Council Representative; Randy Chase, Town Administrative Representative; Frank Bartkiewicz, Jim MacEachern (7:11 p.m.), Maya Levin, Matt Leavitt, Members

Absent: John O'Connor, Lori Davison, Mark Connors, Elizabeth Carver

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.

Mr. Bartkiewicz was named Secretary Pro-Temp; Mr. Leavitt was seated for Mr. O'Connor.

## **Escrow**

### **#18-11**

**Project Name: Sal's Derry NH**

**Developer: Lupoli Brothers Realty**

**Escrow Account: Same**

**Escrow Type: Cash Escrow**

**Parcel ID/Location: 32032, 2 Lenox Road**

The request is to establish cash escrow in the amount of \$55,915.92 for the above noted project. This escrow is non-interest bearing.

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

## **Minutes**

The Board reviewed the minutes of the May 16, 2018, meeting.

Motion by Bartkiewicz, seconded by Chirichiello to approve the minutes of the May 16, 2018, meeting as amended. The motion passed with Chase, Levin and Leavitt abstained.

## Correspondence

Mr. Bartkiewicz advised the Board is in receipt of the most recent edition of *Town and City*.

## Other Business

### Roundtable with Town Council

Mr. Granese reported he provided a brief to the Town Council last evening to advise what the Planning Board has been working on and what the Board plans to do in the future. In attendance were Ms. Levin, Mr. MacEachern, Mr. Leavitt, Mr. Sioras and Ms. Robidoux. Mr. Chirichiello noted a subcommittee update was provided; the committee is looking at rezoning in certain areas of town. Town Council is aware the Board is working hard and doing good work.

### Farmer's Market

Mr. Granese reported the Farmer's Market began today and will be held every Wednesday from 3 to 7:00 P.M.

### Summer Schedule

Mr. Sioras reminded Board members of the summer schedule. The Board will meet on July 18 and August 1<sup>st</sup>. The regular schedule will resume in September.

## Public Hearing

### **Springlook Farm**

**Owner: Debra K. Chakarian Rev. Trust**

**PID 06023-003, 112 Island Pond Road**

**Acceptance/Review**

**Site Plan Determination**

**Primary business – landscaping**

**Secondary business – wholesale and retail nursery**

Mr. Sioras presented the following staff report. The developer is Springlook Farm, which is James and Lisa Whiteneck. The location is the former Chakarian Farms. The application is to operate a landscaping business as the primary business with a wholesale and retail nursery as the secondary business. The previous business operated with the nursery as the primary use. The ZBA granted a variance to Springlook Farm to allow the landscaping business as the primary business. The property is located in the Low Density Residential District; however, Chakarian Farms operated from this lot for many years and there has been a long-term business use on the lot. Staff would recommend approval of the application.

Tim Peloquin, of Promised Land Survey, presented for the applicants who were present. Springlook currently operates in Salem, New Hampshire where they have a landscape and irrigation company. It has been a family dream to operate a nursery. The lot has 21 acres of land. Historically, Chakarian Farms operated from this location for many years. The new owner hopes to restore the business in a similar manner, but operate as Springlook Farm, with a few additions. The property will be changing owners and the Whitenecks hope to bring their landscaping company here and eventually operate a nursery. To begin, the operations would be more on the landscaping end. They applied for a variance and were granted conditional approval from the ZBA. The Board has before it this evening a change of use plan. Mr. Peloquin called attention to Note 1 which states, "The purpose of the plan is to depict existing site conditions and proposed site improvements on Map 6 Lot 23-003, #112 Island Pond Road. Improvements are as follows: the expansion of the previously used residential, which is above the retail area from 40' x 40' to 40' x 50'; the continued utilization of the retail area in kind; the expansion of the carriage house, as shown, which shall continue to be used for vehicle storage." Note 2 states, "The proposed use of the property will change from mainly retail with the side landscaping business to mainly a landscaping/hardscaping business with a side retail business along with the owner's place of residence being the second floor of the existing building. Building permit for renovation required." Mr. Peloquin added there will be slight expansion inside the retail building for the residential use. The carriage house will be expanded for additional storage.

Mr. Peloquin also called attention to Note 8 which outlined the hours of operation. "Seasonal hours of operation of the landscaping business shall be Monday through Friday from 7 A.M. – 5 P.M. and Saturdays 8 A.M. – 2 P.M. Seasonal hours of retail shall be 8 A.M. to 6 P.M. daily." This would be the maximum; they may operate less hours but wanted to show those two items on the plan.

A future greenhouse area is shown on the plan in the area where the former greenhouses used to be. The existing gravel parking area will remain the same. The buildings stay the same. To the west of the expanded carriage house are noted ten to twelve 16' x 32' material storage bunkers. Those will hold mulch, crushed gravel, etc., for the retail aspect of the landscaping business. The Whitenecks are respectful of buffers for the neighbors and don't want to create anything that is busier than the former business. The family has a good reputation and intends to run a good business.

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

Dennis Wiley, 122 Island Pond Road, stated he and his wife have lived at their home for 40 or more years. The main concern raised by abutters at the ZBA hearing was the restriction of the size of the landscaping business so that it fits the residential neighborhood. They did not want to see a large operation with semi-tractor trailers, tri-axle dump trucks, industrial loaders, excavators, and large material stockpiles, like some companies seen around time. He believes the ZBA and the Whitenecks compromised and the recommendations can be found on the current plan. He believes the Whitenecks will be good neighbors and there will be no problems. He would ask the Board to accept those recommendations as notes on the plan which will protect the abutters into the future. If the business expands, the owners would be required to come back

to the Board for approval of the change in size of the operation. Note 3 under the Variance notes section on the plan should be amended to more accurately reflect a gross vehicle weight of 26,000 pounds. There is one additional item. "Landscaping" is loosely defined. There have been issues in the area (not with the Chakarians) with commercial cordwood processing operations, mostly due to the noise that is generated. He discussed this briefly with the Whitenecks. If they are agreeable to not process cordwood commercially, he would like that note added to the plan.

*Mr. MacEachern was seated.*

Mr. Wiley asked if the recommendations of the ZBA were made as notes on the plan, the conditions would stay with the property and not the property owner. Mr. Granese confirmed that was correct.

Mr. Chirichiello asked Mr. Wiley if he had any issues with the property owner selling cordwood. Mr. Wiley said no. The issue is with hauling in trees by the grapple load and processing them. That type of operation was not approved in advance and is quite noisy. Mr. Chirichiello asked for confirmation if the issue was the cutting the trees on site, or the selling of firewood. Mr. Wiley said there are not many trees on the property; the issue is the processing of the trees into firewood because it is noisy. Mr. Chirichiello noted many landscapers sell firewood in the fall and wanted to clarify the concern. Mr. Wiley said if it is a required portion of the business, that is fine, but he would prefer that they not cut the trees [into cordwood length} on site.

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

Mr. L'Heureux had no comments on the plan.

Mr. MacEachern confirmed the intent of the plan is to show the revisions to the structures and facility as well as a similar business to what has historically occurred on site. Is there any intent to cut trees or chip wood outside of the normal operations? Mr. Peloquin stated the owner would only be cutting wood on site for his personal use which might come in by the grapple load. Any firewood that is offered for resale would be brought in pre-cut to length. He will amend the note with regard to the gross vehicle weight.

Mr. Chase suggested rewording that note to limit the owner to 6 wheeled vehicles only. Having a gross vehicle weight restriction puts an undue burden on the town when it comes to enforcement. It is difficult to tell the difference in weight between some vehicles. "No larger than a 6 wheeled truck" will cover it.

James Whiteneck e agreed it would be easier if the note said 6 wheeled dump truck. The only issue he has is that flower deliveries are made in box trucks that exceed 6 wheels and the vehicle weight. Mr. MacEachern said the stipulation is meant to state the owner of the property will not own more than a 6 wheeled vehicle. He felt it would be acceptable to say the owner of the property is limited to a 6 wheeled truck with delivery trucks being limited to a gross weight of 26,000 pounds. Mr. Whiteneck stated trucks delivering bulk material will be over 26,000

pounds. He is fine with limiting the company to a specific size. Mr. Granese agreed the ZBA was recommending limiting the business trucks not delivery trucks.

Mr. Peloquin advised Mrs. Whiteneck and Austin Whiteneck are interested in working with the garden clubs, and providing “how to” seminars once the nursery gets going. They want to be involved with the community going forward.

Mr. Granese asked when the Whitenecks would plan to open if they move forward with the nursery component. Mr. Whiteneck said the landscaping business would open sooner than the garden center. They would move as fast as they could on the garden center but will need to do some fits ups. They hope to be able to open that portion at some point this season but realistically it may be next season. They will operate now as the landscaping business.

Ms. Levin stated during the ZBA discussions, the abutter at 1 Stone Fence stated they could see the mulch pile from their window. The storage bunkers are close to the property line and trees have been cut in the buffer. Is it possible to put some of the trees back? Mr. Peloquin believed at the ZBA the discussion had been about a concern that there might be piles of mulch that could be seen. The mulch will not be near the property line, the trees were cut a while ago, and the neighbors were more concerned about the view. Mr. Leavitt noted the abutter at 1 Stone Fence had not seen piles of mulch before and this could be a potential issue for them. They might see the bunkers rather than piles of mulch. Mr. Peloquin said where the bunkers are more than 100 feet from the property line and the abutting homes are more distant than that, he did not feel it would be an issue. There is a significant buffer. There is a tree line along the back and an old stone wall. Mr. Leavitt commented it might take a while to grow the nursery business. Is there a time table? Mr. Whiteneck explained they have no plans to expand or grow the landscaping business beyond what it is now. It is difficult to determine how much time it will take to grow the nursery business and garden center. They will grow as fast as they can.

Mr. Leavitt asked if the board needed to be concerned with the number of material storage bunkers. Mr. Whiteneck explained a load of mulch is about 70-90 yards at the very most. There would be more mulch in April and May; the bunkers will also hold other material such as loam and crushed stone. People won't be able to see the material inside the bunker for the most part unless someone is standing right in front of them. Mr. Leavitt was still concerned there may be odors that would affect the abutters. Mr. Whiteneck stated he would do something along that side, perhaps add some evergreen trees. It would take time for the trees to grow enough to shield the views as the abutter is on a hill overlooking this property. Mr. Leavitt asked if there would be any environmental impacts to the pond because of the material. Mr. Peloquin said no. The storage bunkers are over 100 feet away from the pond. The property owner would not be allowed to fill in the pond or allow erosion of the land adjacent to it. There are no impacts to the pond as part of this application.

Motion by MacEachern, seconded by Chirichiello to accept jurisdiction of the site plan determination application before the Board for Springlook Farm (Owner Debra Chakarian), PID 06023-003, 112 Island Pond Road.

Chase, Levin, Chirichiello, Leavitt, MacEachern, Bartkiewicz and Granese voted in favor and the motion passed.

Motion by MacEachern, seconded by Bartkiewicz to approve, pursuant to LDCR Section 170-51 – Site Plan Determination, with the following conditions: Subject to owner’s signature; Subject to on-site inspection by the Town’s engineer; Obtain written approval from the IT Director that the GIS disk is received and is operable and complies with LDCR Section 170-61; Conditions precedent shall be 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; Vehicles no greater than 6 wheels as owned by the business.

Chase, Levin, Chirichiello, Leavitt, MacEachern, Bartkiewicz and Granese voted in favor and the motion passed.

### **Workshop – to discuss amendment of Article VI, Section 165-32.1, General Commercial II**

Mr. Sioras stated the Board discussed the proposed changes at the last meeting. On Tsienneto Road there are several medical office buildings. Adding the proposed uses of Medical Office and Health Service Facility would make the zone consistent with what currently exists there. This cleans up the zone.

Mr. Chirichiello said the change made sense given the existing uses. Mr. L’Heureux had no comment on the proposed changes.

The Board agreed the proposed changes should be made and would like to move the changes forward to a public hearing. The item will be placed on the June 20<sup>th</sup> agenda to schedule a public hearing for July 18<sup>th</sup>.

### **Subcommittee Meeting**

Mr. MacEachern reminded the Board there will be a subcommittee meeting next Wednesday, June 13, 2018, beginning at 7:00 p.m. in Room 207 to continue discussions about proposed changes to the Central Business District and surrounding zones.

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 7:36 p.m.

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

\_\_\_\_\_  
Secretary

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