

The Planning Board for the Town of Derry held a public meeting on Wednesday, July 15, 2020, at 7:00 p.m. The meeting was broadcast from the Derry Municipal Center, 14 Manning Street, Third Floor meeting room.

Members digitally present: John O'Connor, Chairman; Randy Chase, Town Administrative Representative; David McPherson, Secretary

Members physically present: Lori Davison, Vice Chair; Richard Tripp, Town Council Liaison; Jim MacEachern, Mark Connors; Members; Dave Granese, Alternate

Absent: Mark Grabowski

Also present: George Sioras, Planning Director (meeting room); Elizabeth Robidoux, Planning & Economic Development Assistant (virtual)

Mr. O'Connor called the meeting to order at 7:04 p.m. Mr. O'Connor advised the listening public that because some members of the Board are not physically attending the meeting due to health or other reasons, they are participating via Zoom. Others are physically present in the meeting room. This is still allowed, even though the Governor has lifted the 10 person per room maximum requirement. Mr. O'Connor provided the appropriate links for members of the public to join the meeting virtually via a MAC, PC, or by phone. Board members saluted the flag.

Mr. O'Connor introduced members of the Board and staff.

Frank Bartkiewicz

Mr. O'Connor informed the Board of the recent passing of former Board member, Frank Bartkiewicz. Frank was a member of the Planning Board for over ten years; for many of those years he was the sitting Secretary. He was also a Commissioner at the Southern New Hampshire Planning Commission. Frank attended and participated in all of the meetings and was an asset to the Town, the Planning Board, and to the towns in Rockingham County in general. When the Board held site walks, Frank always brought his camera and documented the site walks. He will be truly missed. On behalf of the Board, Mr. O'Connor wanted to express deepest condolences to Frank's wife, Joan, and to Frank's family.

The Board held a moment of silence in Frank's memory.

Mr. Granese was seated for Mr. Grabowski.

Escrow

#20-14

Project Name: Subdivision of Map 04, Lot 37

Developer: Lake Realty Trust

Escrow Account: Same

Escrow Type: Cash Escrow

Parcel ID/Location: 04037, 124 Gulf Road

The request is to establish cash escrow in the amount of \$15,487.20 for the above noted project. This escrow is non-interest bearing.

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

#20-15

Project Name: Brookview Estates

Developer: MPV Development

Escrow Account: Same

Escrow Type: Cash Escrow

Parcel ID/Location: 29149, 18 Maple Street

The request is to establish cash escrow in the amount of \$152,985.02 for the above noted project. This escrow is non-interest bearing.

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

#20-16

Project Name: Subdivision of Map 29, Lot 046

Developer: High Meadows, LLC

Escrow Account: Same

Escrow Type: Cash Escrow

Parcel ID/Location: 29046, 46 High Street

The request is to establish cash escrow in the amount of \$71,597.52 for the above noted project. This escrow is non-interest bearing.

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

#20-17**Project Name: North Point Outdoors****Developer: Same****Escrow Account: Same****Escrow Type: Performance Bond****Parcel ID/Location: 08280-007, 22 Ashleigh Drive**

The request is to approve Release #1 in the amount of \$101,895.41 and request a replacement performance bond in the amount of \$192,682.80 for the above noted project. The current bond is: Bond #SUR10000420 – Frankenmuth Mutual Insurance Company

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

Minutes

The Board reviewed the minutes of the June 17, 2020 meeting.

Motion by MacEachern, seconded by Granese to approve the minutes of the June 17, 2020, meeting as written.

Chase, Davison, MacEachern, Tripp, Granese, and O'Connor voted in favor. The motion passed with McPherson and Connors abstained.

Correspondence**Request to amend Zoning Ordinance – Renewable Energy**

Mr. O'Connor advised the Board is in receipt of a letter from Mary Till (and Craig Lazinsky), at the direction of the Net Zero Committee. The request is for the Board to consider amending the Zoning Ordinance to include a Renewable Energy Ordinance. This has been presented for discussion by the Board. Ms. Davison has graciously accepted the task of Chair for the subcommittee which will review the proposal. She will be forming the committee. The Office of Strategic Initiatives has a model ordinance, and the New Hampshire Municipal Association has additional information; these could be used as resources to assist the subcommittee in its review. The Town of Wilton recently adopted a renewable energy ordinance, although theirs focuses on wind systems. Mr. O'Connor believed this request for an ordinance has come forward because the state is very close to opening up the net metering. If the net metering is increased from 1 to 5 megawatts, the Town could potentially save on expenses with the addition of a solar complex at the old transfer station.

Request to review zoning in the Traditional Business Overlay District

Mr. O'Connor believed each of the members had a copy of an email sent to him from the Town Administrator, Dave Caron. The request is in line with the Planning Board goals for the year, and Mr. Caron has asked the Board to look at the zoning in the downtown sooner rather than later. The Board will work on this as a whole Board and not move it to subcommittee. Once the Board is ready to discuss it, a workshop will be scheduled. It is hoped the Economic Development Director will attend the workshop so that she can present why some of the suggested changes would be beneficial.

Mr. Sioras reported he spoke with Mr. Caron. The Board had prioritized zoning review in the area of the Exit 4A gateway and has plans to look at housing – these are all goals from the Master Plan. Mr. O'Connor noted Mr. MacEachern is Chairing the subcommittee that will be looking at the gateway area rezoning. Mr. MacEachern confirmed the plan is to pull that subcommittee together in mid-September to begin those discussions.

Mr. Connors asked with regard to the renewable energy review. He thought this was something the Board should look at but noticed the document forwarded from Net Zero focused on solar. He felt it might be prudent to be a little more forward thinking and also consider geothermal, biomass, and hydro. He agreed to volunteer for the subcommittee; Mr. O'Connor stated he will also be on that subcommittee.

Other BusinessRestoration of Lots on Carroll Circle

Mr. O'Connor related there was a time when Assessing offices merged lots [held under common ownership] without the owner's approval. In 2012, laws were passed to allow the lots to be unmerged at the request of the owner. This is the first request the town has received.

Mr. Sioras explained the lots were created by subdivision back in the 1960s. In the 1990s, the Assessing office involuntarily merged the lots. The law gives legal authority for owners to restore the lots if the request is presented to the town. Towns have to approve these requests. This matter will go before Town Council for a final vote at their next meeting, but Council has asked the Planning Board for a recommendation. Staff recommends the approval and that the matter be forwarded to Town Council.

Mr. Connors said he is familiar with the area and took a ride through there today. The area is unique in that the majority of the lots are residential in nature, but the area is zoned Industrial. The lots, if unmerged, will be non-conforming and it would create a very small building lot. Mr. Sioras believed the owner was going to remove the existing barn to potentially construct a single family home. The lot will be legal non conforming. Planning Board approval is not required to obtain a building permit for the new lot, although a variance will likely be required as any new home would not meet some of the minimum requirements for the zone. Mr. Connors suggested the Board look at zoning in this area at some point. Mr. O'Connor confirmed the Board just needs to make a recommendation and this matter does not require a public hearing.

Motion by MacEachern, seconded by Granese to recommend the restoration of Parcel 02062 to the Derry Town Council, as requested by the landowner, Donald Carroll, to its pre-merger status.

Chase, McPherson, Davison, Tripp, MacEachern, Granese, Connors and O'Connor voted in favor and the motion passed.

Request to extend approval, PID 35011-001, 14 Folsom Road, Stinson Hills

Mr. O'Connor noted Folsom Road will be widened as part of the Exit 4A project along the frontage of this project. The applicant is requesting a 2 year extension on the conditional approval to allow DOT to perform the work. He would support the extension. Mr. Sioras advised the project is for the 36,000 sf medical office park. Given the combination of COVID-19 and the construction of Exit 4A, this request is not unreasonable. This is the first request to extend the approval.

Mr. Connors asked if it was typical to grant an extension for this amount of time. Mr. Sioras said it is not unprecedented in certain circumstances. The Board granted a similar extension many years ago for the project where Hannaford is now located. The economy went into a recession and the applicant was granted a two-year extension on the approval. Mr. Connors expressed concern that as Exit 4A is a design/build project, it is possible there may be changes along the frontage of this property as the road project gets built. Does it make sense to grant an extension, or should the applicant just come back for re-approval? Mr. Sioras said the engineer for the project is also the engineer for the Exit 4A project. The Stinson Hills project takes into consideration that the frontage and part of the driveway is going to change; the main site plan will not be affected by Exit 4A. If for any reason the project changes as a result of the design/build, the applicant will come back to the Board.

Motion by MacEachern, seconded by Granese to extend the approval granted to Stinson Hills, LLC, 14 Folsom Road, PID 35011-001, on February 19, 2020, to and additional twenty-three (23) months. The new expiration date of the conditional approval will be July 15, 2022.

Chase, McPherson, Davison, Tripp, MacEachern, Granese, Connors and O'Connor voted in favor and the motion passed.

Other

Mr. Sioras advised the Board will meet on August 5 to view the first development concept in the West Running Brook zone. There will some administrative business to address before the presentation. He noted this is not a public hearing. Mr. O'Connor added this is an opportunity for questions and answers before the formal application comes before the Board.

There was no further business before the Board.

Motion by MacEachern, seconded by Granese to adjourn. McPherson, Chase, Davison, Connors, MacEachern, Tripp, Granese and O'Connor voted in favor. The motion passed and the meeting stood adjourned at 7:39 p.m.

Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____