

The Planning Board for the Town of Derry held a public meeting on Wednesday, August 17, 2016, 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; Michael Fairbanks, Secretary; Charles Foote, Town Council Liaison; Randy Chase, Town Administrative Representative; Frank Bartkiewicz, Jim MacEachern (7:02 p.m.), Lori Davison, Members; Elizabeth Carver, Mark Connors, Marc Flattes, Alternates

Absent: John O'Connor, Mirjam Ijstma

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. Connors was seated for Mr. O'Connor, Mr. Flattes for Mr. MacEachern, and Ms. Carver for Ms. Ijstma*

## **Escrow**

### **#16-23**

**Project Name: Frost Road Sprinklers**

**Developer: James N Taylor**

**Escrow Account: Same**

**Escrow Type: Cash Escrow**

**Parcel ID/Location: 03104-005, Frost Road**

The request is establish cash escrow in the amount of \$5,000.00 for the above noted project. This escrow is non-interest bearing. Escrow is being held in accordance with the affidavit of Plan Note Change, recorded at D-39386 at the Rockingham County Registry of Deeds.

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

*Mr. MacEachern was seated and Mr. Flattes stepped down.*

### **#16-24**

**Project Name: Mutual Sales Warehouse Expansion**

**Developer: Mutual Sales, Inc.**

**Escrow Account: Same**

**Escrow Type: Letter of Credit**

**Parcel ID/Location: 31005-007, 2 Corporate Park Drive**

The request is to approve a release in the amount of \$12,512.88 on Letter of Credit #16-01, drawn on Jeanne D'Arc Credit Union. The amount to retain is \$6,220.80. Upon receipt of a replacement Letter of Credit, the Board will release the Letter of Credit held in the amount of \$18,733.68.

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

**#16-25****Project Name: Subdivision of Land Map 3, Lots 104-5 & 104-5-1****Developer: Grace Homes & Excavation****Escrow Account: Same****Escrow Type: Cash Escrow****Parcel ID/Location: 03104-005, 31 Frost Road**

The request is to approve Release #1 in the amount of \$11,378.88 for the above noted project. The amount to retain is \$5,767.20.

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

**#16-26****Project Name: Indian Hill****Developer: Indian Hill Derry 2015, LLC****Escrow Account: Same****Escrow Type: Cash****Parcel ID/Location: 04003, Indian Hill Road**

The request is to approve Release #1 in the amount of \$58,205.95 for the above noted project. The amount to retain is \$153,587.79.

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

**Minutes**

The Board reviewed the minutes of the July 06, 2016 meeting.

Motion by MacEachern, seconded by Bartkiewicz to approve the minutes of the July 06, 2016 as written. The motion passed with all in favor.

## Correspondence

Mr. Fairbanks reported the Board is in receipt of a notice of public hearing from the Town of Milford. A public hearing will be held on August 23<sup>rd</sup> to review a site plan for a telecommunication tower proposed on Summer Street, Board members have invitations to attend a seminar on NH Forest Law and a copy of the recent edition of NH Business Magazine is available. The Board has also received a Memorandum from Southern New Hampshire Planning Commission outlining the application process for Road Safety Audits. SNHPC is seeking applications from its member communities for audits intended to address specific traffic related or safety problems. The applications are due to the State of New Hampshire on December 1, 2016. In order to assist towns seeking submit an application, SNHPC is requesting copies of the application forms by October 1, 2016. The Danforth traffic circle has been suggested as a potential area for review.

Mr. Granese asked the process for recommending a site for consideration. Mr. Sioras advised it would be through the Town Administrator's office with input from the Planning Board, staff, and Mr. Fowler in Public Works.

Motion by MacEachern, seconded by Fairbanks to recommend a Road Safety Audit to look at the Danforth traffic circle. Discussion followed.

Mr. Fairbanks asked if there had been consideration of the intersection of By-Pass 28 and English Range Road. Mr. Sioras advised the State has scheduled improvements for that intersection for 2017. Mr. Flattes suggested the intersection of A Street and Manchester Road. Mr. Sioras explained that is a state road and would be outside of the jurisdiction of the town.

Chase, Connors, Foote, MacEachern, Davison, Bartkiewicz, Fairbanks and Granese voted in favor; Carver abstained. The motion passed with the majority in favor.

## Other Business

### SNHPC Nomination

Mr. Granese thanked Dr. Adam Burch for attending the meeting this evening as the Board discussed his request to be considered as a representative to the Southern New Hampshire Planning Commission. Dr. Burch was unknown to many of the Board members and his attendance offered the Board the opportunity to meet him and to ask questions; Mr. Granese appreciated Dr. Burch taking the time to attend this evening. Prior applicants were well known to the Board members. Dr. Burch explained he is a resident of the town, and is also a part of the Regional Public Health network which accounts for ten communities in the area. Southern New Hampshire Planning Commission is involved with several of those communities in the Public Health Network. With regard to Public Health planning infrastructure, SNHPC provides advice to towns that would directly impact the health network.

Motion by MacEachern, seconded by Bartkiewicz to recommend Town Council appoint Adam Burch as a representative from the Town of Derry to the Southern New Hampshire Planning Commission.

Chase, Carver, Connors, Foote, MacEachern, Davison Bartkiewicz, Fairbanks and Granese voted in favor and the motion passed.

The recommendation will be forwarded to Town Council for approval.

#### Town Council/Planning Board Goal Setting Session

Mr. Sioras advised the Town Council will be scheduling a workshop with the Planning Board and Economic Development Advisory Committee to discuss goals. The date will be September 27<sup>th</sup>. A more formal notice will be sent from Mr. Daly, the Acting Town Administrator to the Board members. Mr. Granese advised he will not be able to attend that evening. Other members noted the NH DOT has a public information meeting that evening scheduled to discuss the Interstate 93/Exit 4A project. Mr. Sioras advised Mr. Daly will confirm the date and time with the Board members.

#### Windham-Derry Self Storage – discussion regarding removal of dumpsters from the site plan

Mr. Sioras introduced Paul George, the owner of Windham-Derry Self Storage, located at 230 Rockingham Road. The request is to remove the proposed dumpsters from the approved site plan. Mr. George explained he has been running the site for a few years now and per the legal contract with his tenants, his tenants cannot utilize the onsite dumpsters. There is a dumpster located near the office building. There are 150 storage units on site and they currently have the existing dumpster emptied every two weeks; 90% of the material in the dumpster is construction waste from his company. It does not make sense to construct the pads and install the additional dumpsters; he does not want to encourage dumping on site. They want to be able to monitor what tenants are throwing away and do not want to have dumpsters out of sight. Tenants have the option to ask permission to utilize the dumpster near the office. Mr. George said this issue was an oversight when they were designing the project. If he had known at the beginning of the project dumpsters were a bad idea, he would not have included them in the plan. He reviewed the plan provided to the Board. The green denotes the existing dumpster near the office. The red indicates the dumpsters he does not want to construct. Page 1 shows Phase 1 and 3 of the project; Page 2 shows Phase 2. The phases are almost complete. Phase 2 can't be seen from the road. Mr. George said they should be ready for occupancy of Phase 2 in September. He reiterated no one is allowed dump on site per the tenant lease. Mr. MacEachern asked if a tenant cleans out their unit, are they required to cart out the debris. Mr. George said yes. That process has worked so far. The worst case would be if someone abandoned their unit. In that case he would bring in a separate dumpster and clean out the unit. They don't want to encourage dumpster use on site.

Mr. L'Heureux said the concern from Public Works is that this owner operates one way and does not allow dumping on site. A future owner may operate differently and would want to have dumpsters on site. The Board may want to have a note added to the plan, associated with the approval, use, and occupancy. The Board could have the current proposed dumpster areas designated as future refuse areas in case any future owner wanted to construct the pads and install the dumpsters. Mr. Connors asked if the request was to construct the pads, but not put in the dumpsters. Mr. George said he does not want to construct the pads. The NH Self Storage Association suggested lease, which he uses, does not include a tenant right to utilize on site dumpsters. Mr. Connors said he did not disagree with the request but wondered if the pads should be there for any future owner. Mr. L'Heureux said he understood what Mr. George was saying with regard to his site and the current method of operation. The Board may want to note these areas as future areas. The slab does not have to be poured, but the area can be graded so that one could be poured at a later date. He noted a recently constructed storage warehouse has dumpsters on site; each site operates differently.

Mr. George suggested turning those areas into parking spots that could be turned into a pad. Mr. L'Heureux said the areas could be grassed; they just need to be designated on the plan for the future. Mr. George said he was agreeable to that suggestion.

Motion by MacEachern, seconded by Bartkiewicz, to approve the applicant's request as discussed with the applicant and as noted in the August 10, 2016 memorandum from Elizabeth Robidoux, Planning Assistant, for 230 Rockingham Road. The request is to remove the dumpsters. The plan shall be amended to note the dumpster areas and the areas shall be graded appropriately so that at a future point in time, a dumpster may be added.

Chase, Carver, Connors, Foote, MacEachern, Davison, Bartkiewicz, Fairbanks and Granese voted in favor and the motion passed.

#### Request to extend approval –Crystal Realty, 23 Crystal Avenue, Phase I, PID 32030

Mr. Sioras advised there has been a request to extend the approval granted for 23 Crystal Avenue for another 6 months. Phase I is the clearing of invasive species, grading and preparation of the site. This is the first request for approval. He felt this was a reasonable request.

Motion by MacEachern, seconded by Bartkiewicz to approve a six month extension of the conditional approval granted to Crystal Realty, 23 Crystal Avenue, PID 32030. The new expiration date will be February 17, 2017.

Chase, Carver, Connors, Foote, MacEachern, Davison, Bartkiewicz, Fairbanks and Granese voted in favor and the motion passed.

**Kevin & Joyce Coalter**  
**25 Frost Road, PID 03104-005003**  
**Bryan Fowler & Salvatore Mazza**  
**16 South Range Road, PID 03104-008**  
**Acceptance/Review**  
**Lot Line Adjustment**

Mr. Sioras introduced Bernie Temple of Eric C Mitchell & Associates, Inc. This is a lot line adjustment between two properties.

Mr. Temple advised a lot line adjustment is proposed between a new 3 acre lot (25 Frost Road) and an existing 1 acre lot (16 South Range Road), located in the Low Medium Density Residential zone, which has a minimum lot size of two acres. One acre will be moved from 25 Frost Road to 16 South Range, resulting in two, 2 acre lots.

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

Mr. L'Heureux advised Public Works had no comments.

Motion by MacEachern, seconded by Fairbanks to accept jurisdiction of the lot line adjustment before the Board for Kevin and Joyce Coalter, PID 03104-005003, 25 Frost Road and Bryan Fowler and Salvatore Mazza, PID 03104-008, 16 South Range Road.

Chase, Carver, Connors, Foote, MacEachern, Davison, Bartkiewicz, Fairbanks 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: subject to owner's signature, subject to onsite inspection by the Town's Engineer, establish escrow for the setting of bounds, or certify the bounds have been set, obtain written approval from the IT Director that the GIS disk is received, is operable, and complies with LDCR Section 170-24/170-61, conditions precedent shall be met within 6 months, a \$25.00 check, payable to the Rockingham County Registry of Deeds shall be submitted with the mylar in accordance with the LCHIP requirements, submission of the appropriate recording fees, payable to the Town of Derry.

Chase, Carver, Connors, Foote, MacEachern, Davison, Bartkiewicz, Fairbanks and Granese voted in favor and the motion passed.

The next meeting of the Board is on September 07, 2016.

There was no further business before the Board.

|  |
|--|
| Motion by MacEachern to adjourn, seconded by Bartkiewicz. The motion passed with all in favor and the meeting stood adjourned at 7:27 p.m. |
|--|

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

\_\_\_\_\_  
Secretary

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