

The Planning Board for the Town of Derry held a public meeting on Wednesday, September 07, 2016, 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; Charles Foote, Town Council Liaison; Frank Bartkiewicz, Jim MacEachern, Lori Davison, Mirjam Ijstma, Members; Elizabeth Carver, Mark Connors, Marc Flattes, Alternates

Absent: Mike Fairbanks, Randy Chase, John O'Connor,

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. Bartkiewicz was appointed Secretary Pro-Temp. Mr. Connors sat for Mr. O'Connor, and Mr. Flattes was seated for Mr. Fairbanks

Escrow

#16-27

Project Name: Tupelo Music Hall

Developer: Tupelo Music Hall, LLC

Escrow Account: Same

Escrow Type: Letter of Credit

Parcel ID/Location: 08001-002004, 10 A Street

The request is establish Letter of Credit #28901 in the amount of \$93,892.61, drawn on Enterprise Bank for the above noted project. The expiration date will be February 18, 2017.

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

#16-28

Project Name: Subdivision of Map 03, Lot 147 Kilrea Road

Developer: Primecap, LLC

Escrow Account: Same

Escrow Type: Cash Escrow

Parcel ID/Location: 03147, 38 Kilrea Road

The request is to approve Release #1 in the amount of \$10,782.72 for the above noted project. The amount to retain is \$3888.00.

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

#16-29**Project Name: Wetland Impact Plans – Driveway Crossing****Developer: Yvon Cormier Construction Corporation****Escrow Account: Same****Escrow Type: Letter of Credit****Parcel ID/Location: 08280-004, 7 Ashleigh Drive**

The request is to approve a release of Letter of Credit #12101, drawn on SalemFive Bank in the amount of \$36,573.12. The amount to retain is zero. This is the final release.

Motion by MacEachern, seconded by Flattes to approve as presented. Discussion followed.

Mr. MacEachern confirmed with Mr. L'Heureux this escrow was held to construct the access driveway for the new storage facilities on Ashleigh Drive. There is separate escrow held for the site construction.

The motion passed with all in favor.

Minutes

The Board reviewed the minutes of the August 17, 2016 meeting.

Motion by MacEachern, seconded by Bartkiewicz to approve the minutes of the August 17, 2016 as written. The motion passed with Ijtsma abstained.

Correspondence

None.

Other Business

Mr. Sioras advised the next meeting of the Planning Board, scheduled for September 21st will be held in the Cable TV studio as the Law Lecture Series will be in the third floor meeting room. Mr. O'Connor and Mr. MacEachern are attending the Law Lectures. Mr. MacEachern confirmed with Mr. Granese that Mr. MacEachern and Mr. O'Connor will be excused from the Planning Board meeting to attend the lecture.

The Planning Board, Town Council, and Economic Development Advisory Committee will be holding a joint workshop on September 27th. Mr. Sioras believed the meeting would begin at 7:00 p.m. The time and location will be confirmed for the Planning Board members in advance of the meeting. Mr. Granese advised he will be unable to attend that meeting as he has a conflict.

Public Hearing

Paul C. Doolittle
Patricia K. Hutchins
Robert W. Doolittle
33 Old Chester Road, PID 09138
Acceptance/Review
3 Lot Subdivision

Mr. Sioras provided the following staff report. The purpose of this plan is for a three lot subdivision located in the Low Medium Density Residential District where the lot requirement is two acres. Two new single family building lots are being created; the third lot will be for the existing farm. All departments have reviewed and signed the plan. There is a waiver letter prepared by Promised Land Survey attached. State subdivision approval has been granted and a copy of that is in the file. Staff would recommend approval of the waivers and the subdivision plan.

Paul Doolittle presented. He advised this has been a long process. He feels the application is complete and is prepared to answer questions from the Board. Mr. Granese confirmed they are dividing one lot into three lots and that Mr. Doolittle was prepared to answer questions about the waiver requests.

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

There was no public comment.

Motion by MacEachern to close the public hearing, seconded by Flattes. The motion passed with all in favor and review of the plan returned to the Board.
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Mr. L'Heureux advised any issues with driveway access or regrading of the swale have been noted in the plan. He is neutral on the waiver requests. He noted the Board may want to discuss the waiver with regard to the water main extension given the drought conditions. Mr. MacEachern asked where the water main ends now. Mr. L'Heureux explained the main ends near the intersection of Old Chester Road and Young Road. The distance from that point the edge of the parent lot is 1000 feet, but it is well over 1000 feet to the bounds of the new lots. Technically, Mr. Doolittle has to ask for a waiver because of the proximity of the parent lot to the water main, but the development is taking place much further away. The water main ends

across the street from Parcel 09126. No one on Old Chester Road has town water. Mr. Connors asked if there was a water main near Beaver Lake Road. Mr. L'Heureux said no. Mr. MacEachern believed there was town sewer along Beaver Lake Avenue, Jennie Dickie Lane and in that area. The sewer main ends just shy Old Chester on North Shore Road.

Mr. MacEachern inquired if there are any cisterns on Old Chester Road. What was done for fire protection for the homes across the street from the farm when they were constructed? Mr. L'Heureux noted those home predate any residential sprinkler requirement. Mr. MacEachern asked with regard to fire protection. Mr. Sioras said there is a note on Sheet 2 with regard to residential sprinklers for the new homes.

Mr. MacEachern discussed the waiver requests. Is the waiver from the cistern requirement for all three lots or just the two new lots? Mr. Doolittle said for the two new lots. With regard to water, the water main is located 1500-2000 feet away. Mr. MacEachern noted Promised Land Survey submitted a waiver request from the HISS mapping and wetland mapping requirement. He asked for an explanation of the request. Mr. Sioras explained HISS mapping and wetland mapping was conducted on the area where the two new lots would be located, but the mapping was not done for the remainder of the parent lot which is where the third lot would be created (separating off the farm). This is not an uncommon waiver request when the parent parcel is large. There is no development proposed for the remainder of the parent lot at this time. The regulations say the entire lot (parent lot) must be mapped, and they are asking for a waiver from that requirement to only allow mapping on the area where the two new lots will be created. The two new lots meet the requirements for zoning and soils.

Mr. Doolittle noted there is a dashed line on the plan shown near the lot line between Parcel 09138 and Parcel 09138-002. That line shows the limit of the wetland mapping and soil survey. They are asking for a waiver so that they don't have to map the remainder of the farm lot. Mr. MacEachern felt the wording in the waiver request did not make that clear.

Mr. MacEachern recalled a newspaper article which stated the farm lot had been sold to a religious organization. Mr. Doolittle said in the future, he hopes to do that. The intent is to place part of the property in a conservation easement. He would like to preserve as much land as possible. It was not his intent to develop the lot. He has a meditation practice that takes place at his residence and the people staying on the property currently are in that same mode.

Mr. Connors confirmed the parent lot, once subdivided, will have 24.77 acres. The new lots are going to be 2.04 and 2.05 acres.

Mr. Granese read into the record an email received from Rena DeCosta, who resides at 51 Old Chester Road, listing her concerns with regard to the proposed development. She has concerns that drilling for the two new wells might affect her water supply and wondered who would be responsible for any adverse effects. She noted they are currently being very careful with the amount of water they use. Will the property lines be marked so they can see them? How far from the property line can a house be built? Can a temporary place to live be put up while the house is being built?

Mr. Granese did not believe the Board had purview over wells. Mr. Doolittle said the property line is where the field has been hayed for years. They cleared the area of invasive species a few years ago and planted beneficial borders. The property line is in the cleared area. There is stake at the corner of the property which he believes is at the edge of the DeCosta's driveway. The new lots encompass an area that is 4.5 acres. Mr. Connors knew the Conservation Commission looked at this plan. He heard Mr. Doolittle say he was considering placing a conservation easement on the property. Is there any value in the two proposed lots going to the Conservation Commission? Was that considered? Mr. Doolittle said he left no stone unturned with regard to these lots. He has farmed this property for years. He needs the money from the sale of the lots. He is working with a local contractor, Mr. Fowler, and will not be building the homes himself. The single family homes are proposed around 2000 square feet. Mr. Fowler already has someone interested in purchasing one of the lots. This process would have been concluded much sooner, but he missed the submission deadline dates twice due to changes resulting from the summer schedule of the Board.

Mr. Granese asked with regard to the well question. Mr. Sioras said it is a tough call. It is hard to tell what the well draw will be. They will need water on the site in order to obtain an occupancy permit. He understands the abutter is concerned new wells will affect the water table. He does agree the well drillers will know what they are doing. Mr. Doolittle advised there is 50 acres of wetland nearby. Mr. Connors thought the abutter was concerned because the water will be coming from the same aquifer. Mr. Doolittle explained how water migrates through the ledge and gravel. It is the rate of refill of the wells that is the issue. He has three wells on the farm. He is having problems with the 300 foot drilled well. The fifteen foot dug well is dry but the 60 foot dug well has no issues and the water is delicious.

Mr. MacEachern asked if there are any potential issues if the Board votes to grant the waiver from the water main extension requirement. What does it mean to the balance of the property if the Board grants that waiver? Will it negate the impact for future expansion of the water system?

Mr. L'Heureux said he cannot see where granting the waiver would nullify meeting the requirements in the LDCR for any future development. The newly created lots are on the other side of the property from the location of the water main. To add 1600 feet of 18" diameter ductile iron pipe, hydrants, and road repair would cost in the vicinity of \$200,000.00. Once that cost is incurred, it essentially nullifies the revenue from the sale of the lots. If someone wants to create lots closer to the intersection, he does not see how it would affect the ability to grant or not grant waivers in the future. There would be a new plan with a new set of circumstances and its own dynamics. Mr. MacEachern said he wanted to be sure that the Board does not create unintended consequences for the future if the waiver is granted this evening. Mr. L'Heureux noted it is a benefit to the town to extend water service. The Board decides to grant waivers or not.

Mr. Connors asked if the land between Young Road and Cross Road had all been part of this farm previously, but subdivided off. Is there to be a slow development of the remaining parcel?

Mr. Doolittle reviewed the history of the lot. The farm is part of the original range grants which were 500 feet wide and ½ mile long. When laid out, the ranges provided each settler with forest, field and water. They were intended for single family settlements. The property adjacent to his lot is two more ranges that were incorporated into the Broadview Farm. The original grant did not extend back to Young Road. His father had been asked if a portion of the property could be developed for a summer camp. That request was granted, but then two single family homes were constructed. That was a disappointment. At the end of his property, near the two new lots is land that is now owned by the DeCosta family. That lot was cut off before his grandfather owned the land.

Mr. Flattes asked for the regulated distance from the water main to the lot that requires a connection to the water system. Mr. L'Heureux advised the distance is 1000 feet. The main lot is within that distance but the new lots are much further away. That is why a waiver is required.

Motion by MacEachern, seconded by Bartkiewicz to accept jurisdiction of the 3 lot subdivision application before the Board for Doolittle, Hutchins, and Doolittle, 33 Old Chester Road, PID 09138.

Connors, Ijtsma, MacEachern, Foote, Davison, Flattes, Bartkiewicz and Granese voted in favor and the motion passed.

Motion by MacEachern, seconded by Bartkiewicz to grant a waiver from LDCR Section 170-25C, HISS mapping, to not require mapping of the remaining farm acreage of 24.77 acres as after review of the waiver request, the Board finds that strict conformity to the regulation would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations.

Connors, Ijtsma, MacEachern, Foote, Davison, Flattes, Bartkiewicz, and Granese voted in favor and the motion passed.

Motion by MacEachern, seconded by Bartkiewicz, to grant a waiver from LDCR Section 170-24A.13, Wetland mapping, to not require mapping of the remaining farm acreage of 24.77 acres as after review of the waiver request, the Board finds that strict conformity to the regulation would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations.

Connors, Ijtsma, MacEachern, Foote, Davison, Flattes, Bartkiewicz, and Granese voted in favor and the motion passed.

Motion by MacEachern, seconded by Bartkiewicz to grant a waiver from LDCR Section 170-28, Water Mains and Section 170-30A.1 and A.3, Fire Hydrants and Cisterns as after review of the waiver request, the Board finds that specific circumstances relative to the plan, or conditions of

the land in such plan indicate the waiver will properly carry out the spirit and intent if the regulations. Discussion followed.

Mr. Connors confirmed the applicant has agreed to install residential sprinkler systems in the new homes.

Connors, Ijtsma, MacEachern, Foote, Davison, Flattes, Bartkiewicz, and Granese voted in favor and the motion passed.

Motion by MacEachern, seconded by Bartkiewicz to approve the subdivision pursuant to RSA 676:4,I, Completed Application, with the following conditions: subject to owners signatures, subject to onsite inspection by the Town's Engineer, establish appropriate escrow as required to complete the project, obtain written approval from the IT Director that the GIS disk is received, is operable and complies with LDCR Section 170-24/170-61, note approved waivers on the plan, conditions precedent shall be met within 6 months, a \$25.00 check, payable to the Rockingham County Registry of Deeds should be submitted with the mylar in accordance with the LCHIP requirement and submission of appropriate recording fees payable to the Town of Derry.

Connors, Ijtsma, MacEachern, Foote, Davison, Flattes, Bartkiewicz, and Granese voted in favor and the motion passed.

Mr. Doolittle inquired if it would be possible to sign the mylars this evening in order to get the plan recorded tomorrow. Mr. L'Heureux advised escrow will need to be established for the project for the required roadwork. Mrs. Robidoux said the GIS disk will need to be reviewed and approved. Mr. Granese said as soon as all the conditions of approval are met, the plan can be signed.

There was no further business before the Board.

Motion by MacEachern, seconded by Flattes to adjourn. The motion passed with all in favor and the meeting stood adjourned at 7:42 p.m.

Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____