

The Planning Board for the Town of Derry held a public meeting on Wednesday, October 17, 2018 at 7:00 p.m., at the Derry Municipal Center (Third Floor Meeting Room) located at 14 Manning Street in Derry, New Hampshire.

Members present: Lori Davison, Chair Pro-Temp; Jim MacEachern, Secretary Pro-Temp; Randy Chase, Town Administrative Representative; Frank Bartkiewicz, Maya Levin, Members

Absent: David Granese, John O'Connor, Brian Chirichiello, Elizabeth Carver, Mark Connors, Matthew Leavitt

Also present: George Sioras, Planning Director; Elizabeth Robidoux, Planning and Economic Development Assistant; Mark L'Heureux, Engineering Coordinator

Ms. Davison called the meeting to order at 7:00 p.m. The meeting began with a salute to the flag. Ms. Davison then noted the emergency exits, the location of meeting materials, and introduced the Board members and staff.

Mr. MacEachern was appointed as Secretary Pro-Temp for the evening.

## **Escrow**

### **#18-20**

**Project Name: Subdivision of 74 Chester Road**

**Developer: Kevin Coyle**

**Escrow Account: Same**

**Escrow Type: Cash Escrow**

**Parcel ID/Location: 55012-002, 74 Chester Road**

The request is to establish cash escrow in the amount of \$13,024.80 for the above noted project. This escrow is non-interest bearing.

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 October 03, 2018, meeting.

Motion by MacEachern, seconded by Bartkiewicz to approve the minutes of the October 03, 2018, meeting as written. The motion passed with all in favor.

## **Correspondence**

Mr. MacEachern reported the Board has received a hand delivered letter from Rosa Snyder of 86 West Broadway addressed to the Planning and Zoning Boards in regard to 84 West Broadway and 5 Aiken Street. The Board has also received a request from Southern New Hampshire Planning Commission for projects to be included in the next 10 Year Transportation Improvement Plan. The Exit 4A project is in the 10 Year Plan. Questions should be directed to Planning staff.

Mr. Sioras advised with regard to the correspondence from Rosa Snyder, Code Enforcement has spoken with the owners of the properties and will address the issue and follow up with any required enforcement action.

## **Other Business**

None.

## **Public Hearing**

**Mastriano Group, LLC**  
**PID 06047-010, 11 Stone Fence Drive**  
**Acceptance/Review**  
**2 Lot Subdivision**

Mr. Sioras provided the following staff report. This is a unique application. The purpose of the plan is for a two-lot subdivision located in the Low Density Residential District. The two lots existed as part of the original subdivision back in 2004 and were merged by the previous owner in 2014. The lots changed ownership and the present owner would like to put the lot line back to the original, two lot status. One parcel will be 4.0 acres, the other will be 3.86 acres. All town departments have reviewed and signed off on the plan. There are several waiver requests. Staff recommends approval of both the waiver requests and the subdivision application.

Ms. Levin recused herself from this application. Mrs. Robidoux confirmed the application could move forward with four voting members with the caveat that if any decision resulted in a tie vote, the applicant held the right to request another vote at meeting where there were more voting members.

Tim Lavelle, of James L. Lavelle Associates, presented for the applicant. Mr. Lavelle explained this is a fairly simple plan. The lots are owned by the Mastriano Group. The two lots were approved with the original Stone Fence subdivision. The previous owner wanted to use the two lots as one lot with one home but did not move forward with that. The current owner would like to revert the property back to two lots. These are fairly large lots and will be serviced by one

shared driveway. Stone Fence Drive is steep in that area. They did conduct new test pits on the properties near the proposed construction areas and have submitted that data with the application.

Motion by MacEachern, seconded by Bartkiewicz to open the public hearing. 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.

There were no Board comments or questions.

Motion by MacEachern, seconded by Bartkiewicz to accept jurisdiction of the two-lot subdivision plan before the Board for Mastriano Group, LLC, PID 06047-010, 11 Stone Fence Drive.

Chase, MacEachern, Bartkiewicz, and Davison voted in favor and the motion passed.

Motion by MacEachern, seconded by Chase to grant waivers from the following sections of the LDCR: LDCR Section 170-23.B.9, Topography; LDCR Section 170-23.B.14, HISS Mapping; LDCR Section 170-23.B.15, Wetland Mapping and LDCR Section 170-25.A.5 to allow a common driveway for both lots as after review of the waiver requests 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 of the regulations.

Chase, MacEachern, Bartkiewicz and Davison voted in favor and the motion passed.

Motion by MacEachern, seconded by Bartkiewicz to grant approval 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; 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 shall be submitted with the mylar in accordance with the LCHIP requirements; submission of appropriate recording fees, payable to the Town of Derry.

Chase, MacEachern, Bartkiewicz and Davison voted in favor and the motion passed.

**Maverick Chrysler Dodge Jeep Ram  
PID 36017, 55 Crystal Avenue  
Acceptance/Review  
Site Plan Determination  
Display and Sales of New Vehicles**

Mr. Sioras provided the following staff report. The purpose of the plan is for the display and sales of new vehicles. The property is located in the General Commercial District. This new car facility is intended to be a temporary location for business operations for Maverick Chrysler Dodge Jeep Ram until the approved facility, located at 57 By-Pass 28, is constructed and has a certificate of occupancy. This temporary new car dealership will not have any service component and vehicles will be serviced off site. The sales office will be located in the space that formerly held a bank with a drive through and was most recently occupied by Orange Leaf. The display area will be in the parking area to the right of the building toward Peabody Road. All town departments have reviewed and signed the plan. There are no waiver requests. Staff recommends approval of the application.

Tim Peloquin, of Promised Land Survey, presented for the applicant. The applicant, Ilya Schnayder of Maverick Motor Group, was also present. Mr. Peloquin advised the Board approved an automotive dealership at 57 By-Pass 28 which is in the process of being constructed. The applicant is under a mandate from Fiat to establish a new vehicle sales presence within a ¾ mile radius of the approved site by the end of the year. They looked in the area and felt this site best suited their needs. There will be no service component as part of this application and the parking area is adequate for their needs. They will require space for a few sales desks, sales personnel and parking for a few cars. The purpose of the plan is to depict the display and sales of new vehicles within the leased area which is located on the southern end of Hood Commons. This is intended to be a temporary location for business operation for the dealership until the approved location is in operation. He stressed this temporary location will not have a service component. This has been iterated as a note on the plan (Note 7). There is some vacancy at Hood Commons and there is plenty of open parking area.

Mr. Schnayder explained FCA is requiring them to open by the end of the year. Originally, they were requested to also include service and parts sales. They met with town staff who was not in favor of service at this location. The landlord approved the use with a 12-18 month lease which will allow them time for construction in the event the winter is a long one this year. Hood Commons is a big part of the Derry community and this is a good way to introduce their brand and company to Derry. He feels this is a win/win for everyone.

Mr. Peloquin explained the parking lot has some existing striping in the area where they intend to park vehicles, but he has observed that since the area is open, people tend to drive all over the pavement. The area will be re-striped which will assist in confining and directing the traffic flow. They have also respected the walkway that services the school. They created ample space

for the pedestrians as well as crosswalks and stop signs. This will be an improvement to that area.

Motion by MacEachern, seconded by Bartkiewicz to open the public hearing. 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.

Ms. Davison asked if the applicant could explain how they will do business as they cannot use the space as a showroom. Mr. Shnyder advised they will have sales desks in the office space, along with brochures and tv monitors so that customers can custom configure the vehicle they would like to purchase. This is more to accommodate FCA and to introduce the company to the community. Parking will be along the edge of the parking lot and the intent is to have one of each type of vehicle. They negotiated up to 50 spaces in the lease but will likely have less cars than that.

Mr. MacEachern stated he drove by the area today in advance of the meeting; he was happy to see the spaces near Sumo Sushi have not been utilized as part of this application. He noted the designated employee and customer parking and believed the first few display vehicles would be parked in the spaces adjacent to the island. He appreciates the re-striping of the parking lot. Is there anyway to block off the area behind the store so that no one parks there? He saw the designation for the loading area and felt it would be better if it was striped off so people knew it was a loading area. Mr. Shnyder said they would install exterior cameras; he has observed youth back there in vehicles and on bicycles. He would want to make sure any additional striping was per town code and allowed by the property owner.

Mr. Peloquin noted the drive through area is being designated as one way only with no through traffic, and may be used as an area to bring vehicles to the customers to look at. Mr. MacEachern said people horse around back in that area; it is safer to have the striping there. Mr. Peloquin said there will be signs. Mr. MacEachern did not want people to drive through the old drive through area to get to the main parking lot. It would be dangerous for pedestrians.

Mr. Sioras advised Lt. Stanhope of the Fire Department and Capt. Thomas of the Police Department recommended striping the access way to Peabody Road to make the travel path more clear in this area. Mrs. Robidoux added Code Enforcement had a concern that disabled patrons may not be able to get across the parking lot safely to view vehicles and suggested using the drive up aisle as a place to bring cars to them. Mr. MacEachern suggested adding a planter in this area to block it off; it could be used for handicap parking and be a solution for what Code Enforcement was looking for. Mr. Peloquin indicated the tip down ramp to the crosswalk. Mr. MacEachern stated he would like to see that area blocked off so that people are not driving through it. Mr. Shnyder did not feel a planter would be ideal in the winter months as it would

be difficult for the snow plows. Two large “Do Not Enter” signs might be an acceptable alternative.

Mr. L’Heureux indicated he had no comments on this plan. Ms. Davison noted Ms. Levin was seated for this plan.

Motion by MacEachern, seconded by Bartkiewicz to accept jurisdiction of the site plan determination plan before the Board for Maverick Chrysler Dodge Jeep Ram, PID 36017, 55 Crystal Avenue.

Chase, Levin, MacEachern, Bartkiewicz and Davison voted in favor and the motion passed.

It was noted there is dedicated handicap parking in front of the building.

Motion by MacEachern, seconded by Bartkiewicz to approve, pursuant to LDCR, Article IX, 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, 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; conditions precedent shall be met within six months; as there are no provisions in the plan to allow viewing access of the new vehicles to the disabled, it is strongly suggested the drive through lane be utilized as the location to bring vehicles to – this would be safe viewing location; allow the drive through location in a form acceptable to the owner/town to be marked or denoted as a no driving lane.

Chase, Levin, MacEachern, Bartkiewicz and Davison voted in favor and the motion passed.

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 stood adjourned at 7:37 p.m.

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

\_\_\_\_\_  
Secretary

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