

The Planning Board for the Town of Derry held a public meeting on Wednesday, February 19, 2014, 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; John O'Connor, Vice Chairman; Frank Bartkiewicz, Secretary; Darrell Park, Jan Choiniere, Ann Marie Alongi, Members; Lori Davison, Alternate

Absent: Randy Chase, Al Dimmock, Frank Mazzuchelli, Jim MacEachern

Also present: George Sioras, Planning Director; Elizabeth Robidoux, Planning Clerk; Mark L'Heureux, Engineering Coordinator; Fire Chief George Klauber; Larry Budreau, Acting Town Administrator; Frank Childs, Chief Financial Officer

Mr. Granese called the meeting to order at 7:00 p.m. The meeting began with a salute to the flag. Mr. Granese then introduced the staff and Board members present.

*Ms. Davison was seated for Mr. MacEachern*

Mr. Granese advised that the workshop for the mixed use concept will be moved to May 7, 2014. It is possible there will be new Board members effective April 1, 2014. It would be better to move forward with the workshop with the new Board in place. He also advised that Board members who are privy to the Attorney Client Privileged letter should read the letter and return it to Mrs. Robidoux prior to departing the building this evening.

## **Escrow**

### **#14-04**

**Project Name: Triangle Credit Union**

**Developer: Same**

**Escrow Account: Same**

**Escrow Type: Cash Escrow**

**Parcel ID/Location: 25008, 3 Windham Road**

The request is to approve Release #1 in the amount of \$74,260.80 for the above noted project. The amount to retain is \$3,240.00.

Motion by O'Connor, seconded by Bartkiewicz to approve as presented. The motion passed with all in favor.
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**#14-05****Project Name: 2<sup>nd</sup> Building - General Office Building****Developer: Tsienneto Fourteen Development, LLC****Escrow Account: Same****Escrow Type: Letter of Credit****Parcel ID/Location: 08079-005, 14 Tsienneto Road**

The request is to approve Release #2 in the amount of \$55,728.00 and request a replacement Letter of Credit in the amount of \$12,441.60 for the above noted project. Upon receipt of the replacement Letter of Credit, the Board will release the Letter of Credit in the amount of \$68,169.60.

Mr. O'Connor noted that the addition of this building adds to Tsienneto Road. The owners have done a good job of building up the area as a medical park.

Motion by O'Connor, seconded by Bartkiewicz to approve as presented. Discussion followed.

Ms. Choiniere asked why the Board is approving one amount, and asking for a replacement and then releasing a Letter of Credit for the original amount? Mr. Sioras explained that the Letter of Credit is similar to a check. The Board asks for a new one with the new amount and gives the Bank back the old one. This is a bank process. It makes it clean to have a new Letter of Credit at the lower amount.

The motion passed with all in favor.

**Minutes**

The Board reviewed the minutes of the January 15, 2014, meeting.

Motion by O'Connor, seconded by Bartkiewicz to accept the minutes of the January 15, 2014, meeting as written. The motion passed with Alongi and Choiniere abstained.

**Correspondence**

Mr. Bartkiewicz advised the Board has received two pieces of correspondence. One is a copy of *The Source*, a newsletter from DES and the other is a letter from Stephen and Spencer Bennett and Linda McGuire of Henniker advising of the proposed SB 354 which would redefine "Agritoursim".

## Other Business

Mr. Sioras advised the next two meetings will be on March 5<sup>th</sup> and March 19<sup>th</sup>. The Board will take up the livestock ordinance revisions again on March 5<sup>th</sup>. If any Board member has additional input, they should forward it to Mrs. Robidoux or Mr. Mackey. Mr. Granese expressed accolades for the Department of Public Works for the good job they did last night, clearing the roads from the storm. When he came back through town, all the roads, side roads and sidewalks had been done. They did an excellent job. Mr. O'Connor concurred stating as he came south from Concord, he noticed a dramatic difference when he crossed the Derry town line.

### Schedule public hearing for proposed zoning amendments – Folsom and Laconia

Mr. Sioras advised the Board has been discussing a potential zone change for 19 Folsom and 8 Laconia Avenue from MHDR to GC. 19 Folsom is located adjacent to the Monster Gas station. Staff has spoken with Mr. Carson who owns 8 Laconia, and that family is in favor of the change. Pricilla Flynn, on behalf of the Dors family, requested the change for 19 Folsom Road and also supports the change.

Motion by O'Connor to schedule a public hearing on March 19, 2014 to consider a change in zoning on Parcel 35020, 19 Folsom Road, and Parcel 35027, 8 Laconia Avenue from Medium High Density Residential to General Commercial. The motion was seconded by Bartkiewicz.

Park, Alongi, O'Connor, Davison, Choiniere, Bartkiewicz and Granese voted in favor and the motion passed.

### Review of Town Owned Property

Mr. Granese noted he received an email from Larry Budreau regarding the potential sale of town owned properties. He had asked that the list of town owned properties being considered for sale be forwarded to the Board for review and comment. Mr. Granese viewed the properties on the town GIS system and drove by some of them. He provided a list of suggested properties to sell to staff. Mr. Budreau is looking for suggestions to forward to the Town Council as they make their decision on the disposition of these properties.

Mr. Sioras said attached to the staff report is an email from Mr. Budreau explaining the process. Any recommendations will be forwarded through Mr. Budreau to the Town Council. The list needs to be discussed as this is part of the Charter requirements. Ms. Alongi asked why Mr. Granese chose this list of parcels over the other properties listed? Mr. Granese explained he went on the town GIS and entered each ID number. The ones that he did not choose are non buildable lots because they are landlocked or they are covered with wetlands. Ms. Alongi asked for confirmation that the properties not listed by Mr. Granese are likely not to sell? Mr. Granese said the majority of the lots he did not recommend for sale have a lot of wetland on them.

Mr. O'Connor had comments on several of the properties not listed by Mr. Granese. 46 Scenic Drive (08053-001) is a vacant piece of land; the past owner was denied a variance. On the GIS map, it shows the lot is behind the athletic field. He noted for parcel 08053-001, the GIS shows

what looks to be a driveway leading to it. He provided a copy of his map to Mr. Sioras. Mr. O'Connor thought it looked as if a right of way had been left. Mr. Sioras recalled when Scenic Drive was created in the 1970s, a right of way was left on paper for what he believed to be future access to the landlocked parcel. The area near the Barka School was town owned land. A right of way was left on paper because it was known that a school would be built there some day. Mr. O'Connor wondered if the town owns the right of way, can a future owner ask for it to be released? Mr. Sioras said they could, or the next owner of Parcel 08053-001 could upgrade the access to get to the lot. Mr. O'Connor noted the secondary emergency exit for the Barka School leads out to a cul de sac (Hummingbird Lane). Mr. O'Connor felt the Town Administrator could look at that parcel for the Town Council to see if that is a viable piece of property. Mr. Sioras said the person purchasing the lot would have the responsibility to obtain all appropriate approvals to develop the lot. Just because it is for sale, does not mean it is a buildable lot. Mr. O'Connor noted 90 Goodhue is also a fairly large lot. How would the land get opened so that a parcel is no longer landlocked? This parcel has 8 acres of land. Mr. Sioras said he understood that part of town to have a handful of landlocked parcels. Many of the subdivisions in this area predate zoning. Someone would need to purchase land from an abutter to gain access to the property.

Mr. O'Connor spoke with regard to the two properties located on Stark Road. Were they part of a recent subdivision the Board approved? Mr. Sioras said no. He recalls when Stark Road was a dirt road and was very narrow. The town widened the road in the 1980s. Those lots are located near the low part of the road and are covered with natural wetlands. Many times during the year the parcels are under water. These parcels are located beyond the area the Board approved for a subdivision.

Mrs. Choiniere said the lots on Stark Road are not buildable so she is not sure they would ever be sold, even if they were combined into one lot. She is not sure a developer could meet existing setbacks. Mr. Sioras agreed, stating a good builder would have built something on them years ago.

Mr. Granese asked the Board what it would like to do with the town owned property list? Mrs. Choiniere asked what happens if the town does not sell the lots at auction? Mr. Childs said the first four lots on the list were determined previously that they could be sold. But they did not sell in 2011. All of the other properties (3 homes and the remainder) were tax deeded to the town in 2012. This is the first time they are being vetted. The list is being reviewed by Department heads, the Heritage Commission, the Conservation Commission and Planning Board for their recommendations. Some are larger parcels that are landlocked and might be picked up by an abutter. The recommendations will be forwarded to Town Council. The town has looked at many parcels over the years and has determined not to sell them because they are either conservation lands or are too wet. Historically, the properties go to a live auction and there is no minimum price. The town standpoint is to get the properties back on the tax roll. The town is not in the real estate business. Mr. O'Connor asked why are these properties being handled differently from how the town handled the Pinkerton Tavern property? Mr. Childs explained 13 Manchester Road was a unique situation. Generally the town uses an auctioneer. The Tavern was purchased by the town specifically because it was required for the right of way improvements. Mr. O'Connor asked if the Abbott Street parcel would fall under the same

parameters? Would that be sold by at auction or by a real estate agent? Mr. Childs said the Town Council will decide that. If the town sells a property obtained by tax deed, it can only keep money equal to the taxes owed and the costs incurred to sell it. The remainder of the money goes back to the previous owner or heirs. The auction company does the advertising. The person purchasing the property pays the auctioneer's commission.

Mr. Budreau said his understanding of the process is as follows. A list of properties obtained by tax deed is prepared. The default response of the town should be to sell those properties as quickly as possible, but there is a process outlined in the Charter that requires input from the Planning Board, Conservation Commission and Heritage Commission. Those entities look at the list from their own unique perspectives. The Heritage Commission may suggest retaining a property because of its historic value; the Conservation Commission may want land for conservation and the Planning Board may see a benefit to retaining a parcel as town owned land for a period of time as the Board may be working on zoning changes that might affect the parcel or the Board may have a long range plan that affects the parcel.

Mrs. Choiniere asked if there is any reason the town can't sell them all? Mr. Budreau said the town is going through the process to see if there is any reason to retain them. Ms. Alongi asked if any of the parcels are needed for anything the Board is working on in the future? Mr. O'Connor had questions about the property located next to East Derry Memorial School, 45 Hunter. At the last school meeting, there had been discussion that the town may eventually need to close a school because of the decreasing enrollment. If an elementary school closes, East Derry Memorial may need to expand at a later date.

Mr. Granese asked if the Board wanted to move for all fifteen properties, some, or none of them? Mr. O'Connor recommended moving forward with the parcels suggested by Mr. Granese and then Mr. Budreau and the Town Council can decide. Mr. Park suggested recommending the sale of all of the parcels with the exception of 45 Hunter. Mrs. Choiniere asked if the School Board had an opportunity to review the list? Mr. Budreau said the School Department has not reviewed the list, but he did not see the harm in sharing it with them. That is the idea behind this process. Anyone with an interest can bring their opinion to the Town Council so that they can make an educated choice. Mr. Park said his initial reaction was to sell all of the parcels, but based on the Board's discussion this evening, he could see selling all of them except the Hunter Drive parcel as that may come in handy if the school wanted it. Mr. Granese said this is why the Board holds these discussions. The Board members all have their own opinions and ideas. Mr. O'Connor said many of the properties on this list have wetlands and could be used for future conservation, transfer of development rights, or wetland mitigation. Some of the land is not that great. Mr. Childs noted the Conservation Commission has not yet had a chance to comment on the list.

Motion by Park to recommend the Town Council sell all the parcels listed on the Town Owned Property List provided to the Planning Board, with the exception of 45 Hunter Drive, seconded by O'Connor. Discussion followed.

Mrs. Choiniere suggested if the school does not want 45 Hunter, it should be sold.

Park, Alongi, O'Connor, Davison, Choiniere, Bartkiewicz and Granese all voted yes and the motion carried.
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Mr. Granese confirmed Mrs. Robidoux will send a letter to Mr. Budreau regarding the Board's recommendation to Town Council.

#### Presentation of the Preliminary Capital Improvement Plan FY 2015

Mr. Sioras advised the Charter indicates the Capital Improvement Plan (CIP) is to be presented to the Planning Board every February at the beginning of the budget process. The Board members have a copy of the CIP and Mr. Budreau and Mr. Childs are present to answer any questions.

Mr. Budreau said the Charter states the Planning Board provides input on the CIP prior to the formation of the budget. This is a plan, not the budget, for 2015 through 2020. His memo highlights issues they felt were significant. Mr. Childs advised that last year for FY2015, the CIP was 8 million dollars. This year, the FY2015 CIP is 1.9 million. The difference is that in 2015 the town had the construction of a water tank on Warner Hill Road that was moved to FY2016. The Highway Department has a number of projects such as the North High Street culvert replacement which was pushed out to FY 2016 and the Tsienneto Road culvert replacement that was pushed out to FY 2017. Two projects that are no longer in the CIP are the extension of Merchant's Row to South Avenue as the Highway Department feels this is not realistic at the present time. Also removed from the plan is the reconstruction of East Derry Road. The Highway Department is working on that incrementally.

Many of the projects were pushed out or handled differently. This is a preliminary CIP submitted by the Departments and it will be part of the budget review process. Some of the projects may fall off or be pushed out based on discussions with individual departments.

Mr. Granese asked if the Federal and State grants are guaranteed? Mr. Childs said projects are only done if the town can secure the Federal funds or State grants. Most of these are Fire Department related and lean toward regional efforts. Mr. Granese asked why would the town not do something and gain revenue from other towns; for example, having our own specialized training facility for which other towns pay us? Mr. Childs explained from an overall debt service perspective, the Town Council has chosen to maintain a level tax rate. The objective of the staff team is to maintain the same level of service. He noted Chief Klauber was also present and might be able to add to the conversation.

Mr. O'Connor noted Federal funds must be accepted by the Town Council before the town receives the funds. It seems as if lately a portion of the Town Council is on a trend to reject grants. Chief Klauber said it is a process. He would look to apply for a grant, but needs approval from Town Council to apply. Many of the grants are competitive and there is no guarantee the town would be awarded the funding. The other issue would be staffing concerns. He does not feel the Fire Department has enough employees to staff a training facility at this time. Mr. O'Connor said in the past the grants received have been for the benefit of the town. Chief Klauber stated that his Department only applies for grants they feel will be beneficial to

the town, for example mobile radios. There are other grants for which they have opted not to apply.

Ms. Alongi asked what are the tax implications for the residents of Derry for this budget? Mr. Childs explained he cannot say at this point as they have not completed the budget process. Part of the budget is capital expenditures. The CIP is only one component of the budget. The last page of the handout shows the funding sources. Many of the projects are funded from the Capital Reserve Fund and there is no impact to the tax rate. Grants also have no impact. Capital leases and funds from the Operating budget have an impact. Ms. Alongi and Mr. Childs held a short discussion relative to operating funds, debt service, and funding sources. Ms. Alongi noted the total CIP is 1.2 million, with only \$300,000.00 impacting the tax payer. Mr. Childs said the total CIP is 1.9 million, but the remainder is from Water/Waste Water and Cable. Ms. Alongi felt the town has been hit with high taxes and her concern is raising taxes. If the town can cut back on anything that can affect the tax rate, she supports it. Mr. O'Connor asked if the CIP will go to a public hearing? Mr. Childs said there will be a public hearing for the CIP and the budget; it will likely be toward the end of April once the Departments hold workshops with Town Council. This will happen prior to Town Council voting on the budget in May. Mr. Granese noted taxes have risen in Derry because of the school. Why is there nothing school related in the CIP? Mr. Childs advised the school district is a separate entity from the town. Board members briefly discussed the current form of government.

Mr. Granese asked if the Board need to vote on the CIP? Mr. Sioras said that the Charter says the CIP shall be brought before the Planning Board prior to March 1st. The Board can give input on projects and can add projects, but this is more for informational purposes only. The Planning Board does not vote on it. Mr. Childs said as the Planning Board, they may feel there is something important to the town that is not on the CIP and they could discuss adding it. Mr. Sioras advised under other forms of government the Planning Board would approve the CIP; but not this one. In the past, there were some projects the Planning Board recommended be added to the plan or moved up, such as the Route 28 sewer and water expansion project. There needs to be a record the plan went before the Planning Board. Ms. Alongi felt the Board should hold a workshop on this before making a final recommendation. Mr. Sioras said the budget will be presented to the Town Council, and the CIP is part of that. At the Town Council's public hearing members could provide comments. Mr. Granese noted that because of the timing of the budget and the Board's schedule, there would not be time to hold a workshop. If Board members have suggestions, they can be forwarded to Mrs. Robidoux, who will forward them to Mr. Budreau and Mr. Childs.

Mr. Budreau said any input is important to the Town Council. Planning Board input can be important. If the Board had a ten year plan to open up the downtown, the Planning Board would have an opportunity to suggest the town acquire certain properties or construct a road. As he understands it, review by the Planning Board is to say that the Board would like the town to advance certain projects because they enhance certain long term goals of the Planning Board. Mr. Childs said a good example is what happened when the Board discussed what the town would do for commercial and industrial development. The Board looked at expansion south on Route 28 and the town started the process of extending water and sewer to that area of town in the hopes it will open up more commercial and industrial development as that part of the tax base

is a small part of the town's total. The town held off on that expansion until the Planning Board decided on the zoning for that section of town. Mr. Sioras recalled the Planning Board recommended moving some of the water and sewer projects forward in time, so now that project is happening sooner rather than later. The projects noted in FY 2014 have already been completed. Mr. Childs noted he included FY 2014 so that the Board could see what had already been approved and adopted.

As the Board did not need to vote on this item, Mr. Sioras advised Mrs. Robidoux will forward the minutes to Mr. Budreau. Mr. Granese said if any Board member has comments, questions or concerns, they should forward them to Mrs. Robidoux or Mr. Budreau.

## **Public Hearing**

**Anthony J. DeRosa**

**PID 03084, 191 Rockingham Road**

**Acceptance/Review**

**Waiver Request, Construction Requirements**

**Continued from January 15, 2014**

Mr. Sioras advised this hearing was continued from January 15<sup>th</sup>. The property is located at 191 Rockingham Road. At the last hearing, the Board asked for additional information including an as built of the site and technical information. Mr. DeRosa hired James Lavelle Associates, and Mr. Lavelle can explain what was in the field. Mr. L'Heureux will also have input.

Jim Lavelle handed out a two sheet plan set that was not provided for the record. He advised he was hired by Mr. DeRosa to redo the septic design and to layout the property with the new building which has been located on the plan. The building meets the setbacks. He then did an as built of the site plan showing the existing grading. The first sheet shows spot elevations for the binder course. The second sheet has superimposed elevations from the original site plan approval. The differences are easy to note. The deviation is minimal at best and he contends the pavement is as planned on the original site plan. The differences are 1/8 of an inch or 1". In general, the site closely matches the original site plan.

To the rear, Mr. DeRosa elected to pave the whole area rather than creating a turn out. The grading at the rear of the building on the original site plan was 4 -5 feet from the south property line to the parking lot. It did not work without a retaining wall and that made it better than the original design. Mr. Lavelle said he had a brief discussion with Mr. L'Heureux today regarding the grading. Mr. L'Heureux has some issues with the exactness of the grading. Mr. Lavelle's professional opinion is that the parking lot will drain as proposed. The berm will not be added until the finish course is placed on the parking lot. Mr. Lavelle explained the drainage will flow as proposed once the finish course has been placed. The coring tests and compaction tests have been performed. The findings have been submitted to the Board by Mr. DeRosa.

Mr. Granese confirmed the location of the property. The nearest cross street is Lawrence Road; the property is about 500 yards south of Steve and James Tavern.



Motion by O'Connor, 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 input.

Motion by O'Connor to close the public hearing, seconded by Bartkiewicz. The motion passed with all in favor and the waiver request came back to the Board for review and discussion.

Mr. Granese asked Mr. L'Heureux if all of the discussion items had been taken care of? Mr. L'Heureux advised that he observed the corings which were consistently 2" thick. The compaction results came back and met the standards. The plan provided reveals grading is close to plan. There are two problem areas that he can see. One is on the north side of the pavement near the dumpster and has a slight reverse pitch. It is fairly flat near the front corner (see the 401.6 and the 400.92). He would caution that once the curb is in, there will be puddling in these areas. The area may need to be shimmed to minimize the puddling. They will need to watch that when they do the top coat. Mr. O'Connor confirmed that can be corrected when they place the top coat. Mr. L'Heureux explained they can shim before they place the finish course. They will need to pay close attention while paving to minimize the pitch. Mr. Granese asked if there were any other issues? Mr. L'Heureux said no. Mr. O'Connor asked if all of the issues raised in Mr. DeRosa's letter to the Board dated February 4, 2014 have been resolved. Mr. L'Heureux said yes. Mr. O'Connor asked if they need a waiver if they can get the pitch correct? Mr. L'Heureux said the parking lot was not fine graded which would have avoided some the issues. It should be correctable. Mr. O'Connor asked Mr. Lavelle when the applicant is looking for an occupancy permit? Mr. Lavelle said that is why they are here. He said without the berm on the edge the water may run off until it is installed, but shimming can be done easily to correct the minor deviations in grading. There may be some puddling with heavy storms, but Mr. DeRosa would like his occupancy permit. It all grades to where it is supposed to go. Mr. O'Connor said given the current weather conditions there will not be paving; he feels the berm is critical. Can the applicant use sandbags? Mr. L'Heureux said spring is right around the corner. Drainage needs to be contained and mitigated per today's regulations. The occupancy permit is not tied just to the pavement. Drainage needs to work properly, the top course needs to be placed and all of the internal life safety items on the interior need to be met.

Mr. DeRosa stated he met with Mr. Mackey in the Building Department and he is moving forward with meeting all the town requirements. This meeting is based on the letter he received from Mr. Fowler. He wants it stated at this meeting that all of those issues are taken care of. Mr. Fowler said he had to seek relief. If a code had been cited, he would have taken care of it right away. He has gone to two meetings and expended funds. He is asking for relief so that he can ask for his occupancy permit from Mr. Mackey.

Mr. Granese said Mr. DeRosa needs relief from Section 170-75 of the LDCR. The Board wants to make sure the issues are taken care of so that Mr. DeRosa can move forward. The Board wants his business in town but the Board also wants everything to be done right. Mr. Lavelle said he is not sure what action the Board should be taking. The site plan to this point very nearly complies with the approved site plan. They still need to place the final coat of pavement and

install the berm. It makes no difference to the site with respect to drainage if the site is occupied or not.

Mr. Granese said the Planning Board action is to accept or deny jurisdiction of the waiver request and then he can move forward. Mr. Sioras noted it is cleaner for the record to have the waiver. This goes back to the original section cited. The site was not built as approved. Staff needed the as built to see what is in the field. It is cleaner if the Board takes action on it.

Motion by O'Connor to accept jurisdiction of the waiver application before the Board for Anthony J. DeRosa, 191 Rockingham Road, Parcel ID 03084, seconded by Bartkiewicz.

Park, Alongi, O'Connor, Davison, Choiniere, Bartkiewicz and Granese voted in favor. The motion passed.

Motion by O'Connor, seconded by Bartkiewicz to grant a waiver from the LDCR Section 170-75, Construction Specifications, specifically for the placement of the base pavement with the following conditions as after investigation and review of further testing, it was revealed that pavement was placed within acceptable deviations. Strict conformity to the regulation would pose an unnecessary hardship. Conditions include all future work shall be performed to Town of Derry and State of New Hampshire regulations and standards for municipal work. A note shall be added to the plan that shows the locations of deviation as noted by Mr. L'Heureux indicating the areas proposed for shimming.

Park, Alongi, O'Connor, Davison, Choiniere, Bartkiewicz and Granese voted in favor. The motion passed.

**Vito Solomini**

**PID 08066 and 08067**

**39 – 43 Tsienneto Road**

**Acceptance/Review, Lot Line Adjustment and 3 lot subdivision**

Ms. Choiniere recused herself from this application and took a seat in the audience.

Mr. Sioras provided the following staff report. The purpose of this plan is for a lot line adjustment and three lot subdivision located on Tsienneto Road in the Medium High Density Residential District for the above referenced parcels. One new building lot is being created. There are existing dwellings on two of the parcels. All town departments have reviewed and signed the plan. There are no waiver requests. He would recommend approval of the lot line adjustment and three lot subdivision. He asked the Planning Board to note that they approved this plan on March 20, 2013. The original conditions had not been met and the approval had expired. The applicant is re-submitting the plan for a new approval. Nothing has changed since the last submittal. It is not uncommon to ask for a re-approval if a plan expires.

Tim Peloquin of Promised Land Survey presented for the applicant. Vito Solomini was also present. Originally, this property was three lots platted at the Rockingham County Registry of Deeds. The lots had been consolidated by the previous owner into two lots. They have replatted the lines to meet the current zoning requirements, including soils requirements. The original plan had expired. They missed filing an extension request. He has tweaked and updated the plan to meet the conditions laid out for the last approval. He has attempted to add all of the items from the previous approval and has provided a mylar this evening for signature.

Motion by O'Connor to open the public hearing, seconded by Park. The motion passed with all in favor and the floor was open to the public.

There was no public input.

Motion by O'Connor to close the public hearing, seconded by Bartkiewicz. The motion passed with all in favor and the plan came back to the Board for review and discussion.

Mr. O'Connor asked if the proposed driveway meets sight distance? Mr. L'Heureux added that was his question. Mr. Peloquin said there was a small area that needed to be graded near the mailbox of a few inches. The area was humped up a bit; when you looked both ways at 10 feet back, there was an obstruction. That has been corrected and has been field verified. He can submit a letter to that effect. The bounds have already been set. Mr. L'Heureux noticed the easement has been added to the plan. Mr. Peloquin stated the easement was executed between the owner and the abutter. The driveway has been in existence pre-zoning. Mr. L'Heureux said his issues had to do with setting the bounds and the sight distance, which has been mitigated. His concerns have been addressed.

Motion by O'Connor to accept jurisdiction of the application before the Board for the Lot Line Adjustment and 3 Lot Subdivision plan for Vito Solomini, 39 and 43 Tsienneto Road, PID 08066 and 08067, seconded by Park.

Park, Alongi, O'Connor, Davison, Bartkiewicz and Granese voted in favor and the motion passed.

Motion by O'Connor to approve, pursuant to RSA 676:4,I, Completed Application, with the following conditions: subject to owner's signature; establish appropriate escrow as required to complete the project; obtain written approval from the IT Director that the GIS disk is received and is operable; the above conditions 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, along with the appropriate recording fees. Bartkiewicz seconded the motion.

Park, Alongi, O'Connor, Davison, Bartkiewicz and Granese voted in favor and the motion passed.

Mr. Peloquin noted all conditions set were met in advance of the meeting.

Mrs. Choiniere was reseated.

### **WORKSHOP – Changes to the LDCR, Section 170-30, Fire Protection**

Mr. Sioras advised that the proposed changes discussed during the last workshop have been incorporated. Mr. Chase had made suggestions regarding the distance from fire protection. Chief George Klauber advised the proposed amendments were discussed with the Board last month. The intent of the amendment is to clean up the language in this Section and make sure the regulations are consistent with the state RSAs which speak to when developers are allowed to have sprinklers in single family residences. The town requires cisterns. The Board has before it a document with additions and deletions. At the last meeting, the question was raised regarding the 1000 foot distance from cisterns or hydrants to avoid an odd shaped lot with the 1000'. After listening to the Board and having a discussion with Mr. Chase, a Board member and Firefighter, Chief Klauber advised he thought it best to now define the distance from the hydrant or cistern to the access drive of the building lot. Now it will be more clear on the plan. He feels the proposed changes are fair to all. This alleviates the Fire Department issue and gets them to the end of the driveway. Regarding the fire cisterns, it is now better defined where the 1000' will be measured from.

Mr. O'Connor asked with regard to new residential sprinkler systems, does the Fire Department inspect them every few years? Chief Klauber said no. The Department reviews the plans and inspects the installed system prior to the granting of the Certificate of Occupancy. The fire code is clear that in one to two family homes, there is no inspection after the CO unless the property is being used for rental property. The Department can test the system the first time, and make sure it is as approved and installed correctly. Typically, a system in a single family home is about a \$4,000.00 investment. The town works with the installer to make sure the installation is properly done. They inspect in phases before the home is sheet rocked. Their inspections are for safety and to protect the people in the house.

Mr. Sioras said they would like to schedule this amendment for the March 19<sup>th</sup> meeting; that can be done at the next meeting of the Board. Once approved, it will become effective. Because it is in the LDCR, it does not need to go before the Town Council for approval. Mr. Granese said he liked the changes regarding the distance. Chief Klauber thanked Mr. Chase and Mrs. Robidoux for working on this to make sure the wording flowed appropriately. Board members were satisfied with the proposed changes.

There was no further business before the Board.

Motion by Choiniere, seconded by Park to adjourn. The motion passed with all in favor and the Board stood adjourned at 8:41 p.m.

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

\_\_\_\_\_  
Secretary

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