

The Planning Board for the Town of Derry held a public meeting on Wednesday, March 6, 2024, at 7:00 p.m. The meeting was broadcast from the Derry Municipal Center, 14 Manning Street, Third Floor meeting room, with a virtual option.

Members present: John O'Connor*, Chair, David Nelson, Vice Chair, Andy Myers, Secretary, Randy Chase, Town Administrator's Representative, Dave Granese, Town Council Liaison, Dan Healey, Richard Malaby, Chris Feinauer, Members, and Bryan Fishman, Alternate

Absent: Jim MacEachern, John Morrison, Members.

Also present: George Sioras, Planning Director; Mark L'Heureux, Town Engineering Coordinator, Lisa Carvalho, Planning Clerk

*Denotes virtual attendance.

Mr. Nelson opened the meeting at 7:00 p.m. The meeting began with a salute to the flag.

Mr. Nelson stated that he would be Chair Pro-Tem this evening as Mr. O'Connor is virtual. Mr. Fishman is seated for the vacant Planning Board seat.

Minutes

The Board reviewed the minutes of the February 21, 2024, meeting.

Motion by Granese seconded by Myers to approve the minutes of the February 21, 2024, meeting.

Roll Call Vote: Chase, Fishman, Healey, Granese, Malaby, Feinauer, Myers, O'Connor, Nelson vote Yes. The motion passed.

Correspondence

There is no Correspondence.

Other Business

There is no Other Business.

Planning Director/Chairman Updates

Mr. Sioras stated that at the next Board meeting in two weeks, Derry Plumbing & Heating will present their site plan.

Mr. Nelson gave a reminder that Planning Board terms are available. The Town Council will be voting on the seats at their second meeting in March. Visit [Town of Derry NH](https://www.townofderry.com) | for more information.

Public Hearing**A public hearing to discuss Heather Michelle Davis and Michelle & Paul T. Carr, PID 18001 & 18001-001, 112, & 110 North Shore Road, 2-lot Subdivision & Lot Line Adjustment**

Mr. Sioras stated the purpose of the plan is for a two lot subdivision and lot line adjustment plan located in the Low Density Residential District. 2 new single family house lots are being created. All town departments have reviewed and signed the plan, including the Conservation Commission. There is a waiver request for the driveway access through the second lot. No State permits are required when a lot is 5 acres or larger. One lot is 18 acres. The other lot is 5.8 acres. Staff recommend approval of both the waiver request and the application. Mr. Sioras yielded to Craig Francisco, the surveyor representing the owners.

Mr. Craig Francisco, Director of Surveying & Mapping, Bedford Design Consultants, was recognized. Mr. Francisco stated that this is a straightforward, 2 lot subdivision. There is an access easement as the frontage is majorly a beaver pond. We are requesting a waiver to do two lots with a shared driveway to go around the beaver pond.

Accept Jurisdiction

Motion by Myers, seconded by Granese, to accept jurisdiction of the lot line adjustment and subdivision plan before the board for Heather Davis & Michelle & Paul Carr, PID 18001 and 18001-001, 112 & 110 North Shore Road.

Roll Call Vote: Chase, Fishman, Healey, Granese, Malaby, Feinauer, Myers, O'Connor, Nelson vote Yes. The motion passed.

Determination of Regional Impact

Motion by Granese, seconded by Myers, pursuant to RSA 36:56, the Board finds the proposal as presented at this time meets the definition of a development of regional impact.

Roll Call Vote: Chase, Fishman, Healey, Granese, Malaby, Feinauer, Myers, O'Connor, Nelson vote No, this is a small lot line adjustment and subdivision and DOES NOT meet the definition of a development of regional impact.

Motion to open the public hearing by Granese, seconded by Myers.

Roll Call Vote: Chase, Fishman, Healey, Granese, Malaby, Feinauer, Myers, O'Connor, Nelson vote Yes. The motion passed.

The **Public Hearing** is now open.

There were no online or public requests.

Motion to close the public hearing by Granese, seconded by Myers.

Roll Call Vote: Chase, Fishman, Healey, Granese, Malaby, Feinauer, Myers, O'Connor, Nelson vote Yes. The motion passed.

The **Public Hearing** is now closed.

Mr. Chase asked if the driveways could be beside one another rather than a shared driveway for 120 feet before they split.

Mr. Francisco responded that this was considered. One driveway will hook right to the house and the other will continue to the back lot. Mr. Francisco didn't see the point in having two curb cuts so close together.

Mr. L'Heureux stated that the sight distance portion of the driveway was difficult to locate and address throughout the process. The profile shows the slope, looking to the right as one exits the driveway, that needs to be removed. Sight distance was affected to the left by a stone wall that protrudes over the property bound and is obstructive to sight distance.

Grant Waivers

Motion by Granese, seconded by Myers, to grant waiver LDCR Section 170-25-25.A. 5 Lots. Each driveway shall have access through its own frontage.

After review of the waiver request the Board finds that strict conformity to the regulations would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations.

Roll Call Vote: Chase, Fishman, Healey, Granese, Malaby, Feinauer, Myers, O'Connor, Nelson vote Yes. The motion passed.

Architectural Design Regulations

Not applicable.

Finding of Facts

The Board finds the proposed plan does not alter the existing conditions, which would affect access to the lots, ensuring the health, safety and welfare of the neighborhood remains unchanged as a result of the subdivision plan.

The proposed development would allow for providing additional housing opportunities in the community as the high demand for housing in both Derry and the state of New Hampshire continues.

Motion to agree with the above noted findings of fact by Granese, seconded by Myers.

Roll Call Vote: Chase, Fishman, Healey, Granese, Malaby, Feinauer, Myers, O'Connor, Nelson vote Yes. The motion passed.

Approve pursuant to

Motion by Granese, seconded by Myers, to approve pursuant to RSA 676:4 I – Completed Application, with the following conditions:

1. Subject to owner's signature.
2. Subject to on-site inspection by the Town Engineer.
3. Establish appropriate escrow as required to complete the project.
4. Establish escrow for the setting of bounds or certify the bounds have been set.
5. Note approved waiver on the plan.
6. Driveway-cross easement be deeded/recorded at the Rockingham County Registry of Deeds.
7. Subject to the appropriate recording fees, payable to the Rockingham County Registry of Deeds. (This includes the \$25.00 LCHIP fee, recording fees for the mylar and the Notice of Decision.
8. Obtain written approval from the Planning Director/designee that the GIS disk is received and is operable and complies with LDCR Section 170-24-14.C
9. Conditions precedent shall be met within six months.

Roll Call Vote: Chase, Fishman, Healey, Granese, Malaby, Feinauer, Myers, O'Connor, Nelson vote Yes. The motion passed.

A public hearing to Thomas D. Saad, PID 06035, 182 Island Pond Road, 2-Lot Subdivision

Mr. Sioras stated that the purpose of this plan is for a two lot subdivision located at 182 Island Pond Road in the Low Density Residential District. There is an existing home on the property. One new single family house lot is being created. All town departments have reviewed and signed the plan. There are no waivers requested. They have applied for the State subdivision approval. There is a copy of the application on file. State approval is pending. They have obtained their NH DOT driveway permit as Island Pond Road is a state road. There is a copy of the permit on file. Staff would recommend approval of the subdivision application. Thomas Saad is in attendance. Mr. Sioras yielded to Dan Koravos.

Mr. Dan Koravos of DK Engineering, the engineer on the project, was recognized. The lot in the front is a one acre lot. They have received a variance for the one acre lot and the frontage on August 17, 2023.

The driveway that we have shown is a common driveway for 30-50 feet, as the original lot was subdivided in 1993, at which time they were allowed 3 driveways. We submitted to DOT to have 2 driveways put in and this was denied. DOT responded that we could go with a common driveway to gain access to the rear lot. We redesigned and resubmitted the plan and DOT approved the plan. The Town requires 200 foot sight distance. DOT requires 400 foot sight distance. We showed DOT that there is not 400 feet available. We propose to move the driveway approximately 40 feet further down the hill which will provide additional sight distance. We will also remove a couple of large trees that currently block sight distance. Mr. Koravos stated that the DOT engineer considered this an improvement. DOT amended the previous driveway permit from 1993.

Mr. Koravos stated that the State approval has been received and the number is on the plan. This will be on the mylars and CAD plan.

The front lot has an existing home and septic system. The rear lot will be a 6.1 acre lot and will have no further development on it as access is not available and would require more variances.

The soils on the site are a Chatfield-Hollis-Canton outcrop. These are hydraulic soils Group B, which is second in terms of infiltration. The soil is loamy sand and is good for leaching. Testing found no groundwater within 8 feet of the surface around the house. Most of the back of the property is wooded. There are several wetland areas throughout the back of the property. The runoff flows to Ballard Pond. The time of concentration is large because of the groundcover, the slope and the soils. This reduces any minor impact to the front of the lot. There was no increase in calculations, even for a 50-year storm. Calculations showed a few hundredths of an acre-foot of volume increase in the runoff. Mr. Koravos proposes down drains and rooftop infiltration around the building, mitigating the increase of volume.

Accept Jurisdiction

Motion by Granese, seconded by Myers, to accept jurisdiction of the two lot subdivision plan for Thomas Saad, PID 06035, 182 Island Pond Road.

Roll Call Vote: Chase, Fishman, Healey, Granese, Malaby, Feinauer, Myers, O'Connor, Nelson vote Yes. The motion passed.

Determination of Regional Impact

Motion by Granese, seconded by Myers, pursuant to RSA 36:56, the Board finds the proposal as presented at this time meets the definition of a development of regional impact.

Roll Call Vote: Chase, Fishman, Healey, Granese, Malaby, Feinauer, Myers, O'Connor, Nelson vote No, this is a 2 lot subdivision well within the boundaries of the Town and DOES NOT meet the definition of a development of regional impact.

Motion to open the public hearing by Granese, seconded by Myers.

Roll Call Vote: Chase, Fishman, Healey, Granese, Malaby, Feinauer, Myers, Nelson, O'Connor, vote Yes. The motion passed.

The **Public Hearing** is now open.

There were no online or public requests.

Motion to close the public hearing by Granese, seconded by Myers.

Roll Call Vote: Chase, Fishman, Healey, Granese, Malaby, Feinauer, Myers, Nelson, O'Connor, vote Yes. The motion passed.

The **Public Hearing** is now closed.

Mr. Nelson stated that based on the DOT involvement that this is a county road and asked for confirmation from Mr. L'Heureux.

Mr. L'Heureux replied that it is a hybrid state road. Mr. L'Heureux believes that the Town of Derry performs winter maintenance and DOT handles any repairs.

Mr. Nelson stated that roads that are not numbered State highways were originally county roads. The county eventually gave the roads to the State.

Mr. Chase stated that the plan cannot be approved without a waiver for the shared driveway.

Mr. Myers confirmed that DOT approved 2 waivers: one for frontage and one for lot size. He inquired as to the reasoning that one lot has 1 acre and the other has 6 acres.

Mr. Koravos stated that the lot lines are proposed as such because there are wetlands in the back lot that needed to be gone around to get the driveway to the back. The area for the house is cleared and there can be no further development in that lot.

Grant Waivers

Motion by Granese, seconded by Myers, to grant waiver LDCR Section 170-25-25.A.5 Lots. Each driveway shall have access through its own frontage.
After review of the waiver requests the Board finds that strict conformity to the regulations would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations.
Roll Call Vote: Chase, Fishman, Healey, Granese, Malaby, Feinauer, Myers, O'Connor, Nelson vote Yes. The motion passed.

Architectural Design Regulations

Not applicable.

Finding of Facts

The Board finds the proposed plan does not alter the existing conditions, which would affect access to the lots, ensuring the health, safety and welfare of the neighborhood remains unchanged as a result of the subdivision plan.

The proposed development would allow for providing additional housing opportunities in the community as the high demand for housing in both Derry and the state of New Hampshire continues.

Motion to agree with the above noted findings of fact by Granese, seconded by Myers.
Roll Call Vote: Chase, Fishman, Healey, Granese, Malaby, Feinauer, Myers, O'Connor, Nelson vote Yes. The motion passed.

Approve pursuant to

Motion by Granese, seconded by Myers, to approve pursuant to RSA 676:4 I – Completed Application, with the following conditions:

1. Subject to owner's signature.
2. Subject to on-site inspection by the Town Engineer.
3. Establish appropriate escrow as required to complete the project.
4. Establish escrow for the setting of bounds or certify the bounds have been set.
5. Subject to receipt of applicable state or local permits relating to the project. (State Subdivision approval from NHDES.)
6. Subject to the appropriate recording fees, payable to the Rockingham County Registry of Deeds. (This includes the \$25.00 LCHIP fee, recording fees for the mylar and the Notice of Decision.)
7. Driveway-cross easement be recorded at the Rockingham County Registry of deeds.
8. Note approved waiver on the plan.
9. Obtain written approval from the Planning Director/designee that the GIS disk is received and is operable and complies with LDCR Section 170-24-14.C
10. Conditions precedent shall be met within six months.

Roll Call Vote: Chase, Fishman, Healey, Granese, Malaby, Feinauer, Myers, O'Connor, Nelson vote Yes.

The motion passed.

A public hearing to discuss Steven J. & John E Piec, Craig J. & Snow Bonneau, PID 26170 & 26169, 21 & 23 Central Street, Lot Line Adjustment

Mr. Sioras stated the purpose of this application is for a lot line adjustment between the above referenced parcels. The properties are located in the Downtown Central Business District. Town department signatures are not required for a lot line change. There is a waiver request for high intensity soil mapping. When lots are on Town water and sewer it is not necessary to have HISS mapping for the soils. Staff would recommend approval of the waiver request and the lot line adjustment plan.

Mr. Shayne Gendron of Herbert Associates, Inc., representing Craig and Snow Bonneau and Steven and John Piec, was recognized. Mr. Gendron stated that the goal is to clean up the lot line between 2 existing lots. Mr. Bonneau owns the property at 23 Central Street where there is currently a burned out building. Mr. Gendron stated that Mr. Bonneau may redevelop the property in the future. Cleaning up the lot line is the first step in this process. 23 Central is a 1.1 acre lot. The Piec property at 21 Central Street is 0.47 acres. The proposal is to straighten the lot line, not to change the lot sizes. These lots are both on sewer and water.

Accept Jurisdiction

Motion by Granese, seconded by Myers, to accept jurisdiction of except jurisdiction of the lot line adjustment and subdivision plan before the board for Steven & John Picc and Craig & Snow Bonneau, PID 26170 & 26169, 21 & 23 Central Street.
Roll Call Vote: Chase, Fishman, Healey, Granese, Malaby, Feinauer, Myers, O'Connor, Nelson vote Yes. The motion passed.

Determination of Regional Impact

Not required for lot-line adjustments.

Motion to open the public hearing by Granese, seconded by Myers.
Roll Call Vote: Chase, Fishman, Healey, Granese, Malaby, Feinauer, Myers, O'Connor, Nelson vote Yes. The motion passed.

The **Public Hearing** is now open.

There were no online or public requests.

Motion to close the public hearing by Granese, seconded by Myers.
Roll Call Vote: Chase, Fishman, Healey, Granese, Malaby, Feinauer, Myers, O'Connor, Nelson vote Yes. The motion passed.

The **Public Hearing** is now closed.

Mr. Nelson noted on the plan that there is a dotted line to represent the existing lot line and a solid line representing the new lot line. For clarity, could the note be changed to "existing lot line to be extinguished?"

Mr. Gendron responded in the affirmative.

Grant Waivers

Motion by Granese, seconded by Myers, to grant waiver LDCR Section 170-24.A (12) – high intensity soil mapping.
After review of the waiver request the Board finds that strict conformity to the regulations would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations.
Roll Call Vote: Chase, Fishman, Healey, Granese, Malaby, Feinauer, Myers, O'Connor, Nelson vote Yes. The motion passed.

Finding of Facts

The Board finds the proposed plan does not alter the existing conditions, which would affect access to the lots, ensuring the health, safety and welfare of the neighborhood remains unchanged as a result of the lot line.

Motion to agree with the above noted findings of fact by Granese, seconded by Myers.
Roll Call Vote: Chase, Fishman, Healey, Granese, Malaby, Feinauer, Myers, O'Connor, Nelson vote Yes. The motion passed.

Approve pursuant to

Motion by Granese, seconded by Myers, to approve pursuant to RSA 676:4 III – Expedited Review, with the following conditions:

1. Subject to owner's signature.
2. Subject to on-site inspection by the Town Engineer.
3. Establish appropriate escrow as required to complete the project.
4. Establish escrow for the setting of bounds or certify the bounds have been set.
5. Note the change "existing lot line to be extinguished" on the plan.
6. Note approved waiver(s) on the plan.
7. Obtain written approval from the Planning Director/designee that the GIS disk is received and is operable and complies with LDCR Section 170-24-14.C
8. Conditions precedent shall be met within six months.
9. Submission of the appropriate recording fees, payable to the Rockingham County Registry Deeds. (This includes the \$25.00 LCHIP fee, recording fees for the mylar and the Notice of Decision.)

Roll Call Vote: Chase, Fishman, Healey, Granese, Malaby, Feinauer, Myers, O'Connor, Nelson vote Yes. The motion passed.

Mr. Granese reminded that there are seats open on Boards of the Town. Visit the Town website for more information. Tuesday, March 12, 2024, is Town Election Day. Please get out and vote. Every vote counts.

Motion by Granese, seconded by Myers, to adjourn.
All in Favor: Chase, Fishman, Healey, Granese, Malaby, Feinauer, Myers, O'Connor, Nelson vote Yes. The motion passed and the meeting was adjourned at 7:40 p.m.

Approved by: 
Chairman/Vice Chairman


Secretary

Approval date: March 20, 2024