

The Planning Board for the Town of Derry held a public meeting on Wednesday, April 3, 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, Randy Chase, Town Administrator's Representative, Dave Granese, Town Council Liaison, Dan Healey, Richard Malaby, Chris Feinauer, \*Bryan Fishman, Members.

Absent: Andy Myers, Secretary, Jim MacEachern, Town Council Liaison Alternate.

Also present: George Sioras, Planning Director; Caroline Wilson, Administrative Secretary, Mark L'Heureux, Town Engineering Coordinator, \*Lisa Carvalho, Planning Clerk.

\*Denotes virtual attendance.

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

### **Election of Officers**

Nomination by Healey, seconded by Feinauer, of Dave Nelson to the position of the Town of Derry Planning Board Chairman.

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

Nomination by Granese, seconded by Healey, of John O'Connor to the position of the Town of Derry Planning Board Vice Chairman.

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

Nomination by Feinauer, seconded by Healey, of Richard Malaby to the position of the Town of Derry Planning Board Secretary.

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

Mr. Nelson, Mr. O'Connor, and Mr. Malaby assumed their new positions and the meeting continued.

Mr. Granese and Mr. Nelson thanked Mr. O'Connor for his service and welcomed the new members to their new positions.

### **#24-07 - Annual Review of Cash Escrow**

Mr. Sioras stated that the Town of Derry Planning Board is bound to three tasks annually: The Election of New Officers, Cash Escrow Review and Policy and Procedures Review. Mr. Sioras deferred to Mr. L'Heureux for comments on the older projects on the list of Cash Escrow Accounts. The Staff believes that there is adequate security to approve the cash escrows.

Mr. L'Heureux noted that the second digits on each line item on the form represent the year that the cash escrows were issued.

Escrow Account #11-12, T-Mobile Northeast, LLC, in the amount of \$17,417.82, is for the removal of a tower. This is a bond that is always in place until it is changed over or updated every 25 years.

Escrow Account #14-16, Samuel S. Kershaw, in the amount of \$44,978.29 is in regard to the driving range on Ryan's Hill. Mr. L'Heureux spoke with the owner and learned that he is planning to use the funds this year to finish resurfacing the area that was improved upon and some incidental work that needs to be completed.

Escrow Account #19-39, 11 Tsienneto Road, in the amount of \$22,777.20, was in place to restore the building after a fire at 6 Tsienneto Road. Mr. L'Heureux believes the work has been completed.

Mr. Nelson noted the typo in the account number, as it was not likely issued in 1939.

Mr. Sioras clarified that the first number represents the year the escrow was established. The second number represents the count of escrows in that year. Mr. Sioras suggested the correction to #19-09.

Mr. L'Heureux continued with Escrow Account #20-16, High Meadows, LLC, a three-lot subdivision on High Street. The project has not been started. There is activity to attempt a change of ownership.

Escrow Account #20-20, Prime Storage Derry, LLC is to change over canopy to more storage space. They have not discussed moving forward with the project currently.

The remainder of the list are 2, 3, and 4 lot subdivisions.

Motion by O'Connor, seconded by Malaby, to find the list of open cash escrows are held in amounts which provide adequate security for the proposed length of the project. The amounts listed above are the ending principle and interest amounts as of February 2024.

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

## Minutes

The Board reviewed the minutes of the March 20, 2024, meeting.

Motion by O'Connor, seconded by Malaby, to approve the minutes of the March 20, 2024, meeting.

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



## **Correspondence**

Mr. Malaby reported that the Board has received the March/April issue of New Hampshire Town & City magazine. This issue contains the New Hampshire Municipal Association's Annual Report for 2023.

## **Other Business**

### **Review of Planning Board Policy and Procedures.**

Mr. Healey stated that earlier this year he suggested keeping the Public Hearing open until the members of the public have their questions answered. Although he was told at the time that this procedure was in the Policies and Procedures document, it was not found there. Mr. Healey stands by this suggestion.

Mr. Nelson concurred. He recommended the Board draft language to add it to the Policies and Procedures for the benefit of future Board members. He also recommended closing the Public Hearing after the Board has had its questions answered and is ready to vote.

Mr. Granese agreed with Mr. Healey and added the suggestion to have the Developer or Town Engineer answer each question as they are asked, as opposed to asking all their questions at once and then awaiting each answer. This will avoid having any questions missed if there are many questions. He recommends closing the Public Hearing before granting waivers.

Mr. Nelson speculated that the reason for having one person on the presentation dais at a time was in response to Covid related issues. If the Board agrees that this is not a current concern, the new method could be implemented.

Mr. Chase stated that another reason for the current method, practiced pre-Covid, is that, at times, the Board would have non-popular items before it, in which case the Board did not want the Developer or Engineer and the aggrieved abutter sitting at the same table at the same time. He believes that if we change the method, there should be some degree of separation.

Mr. Nelson suggested the Board work on this to address both Mr. Chase and Mr. Granese's concerns.

Mr. Granese suggested adding a separate podium and a wireless microphone for the public to use when addressing their concerns.

Mr. Sioras stated that the new language will be drafted and presented to the Board at the next meeting. At that time the Board can approve or disapprove edits and vote again at the following meeting.

Mr. O'Connor brought attention to a recommendation from the Town Planning Director on page 4 of 14 in the Town of Derry Planning Board Policy and Procedures document.

The additional text is “At the Annual Meeting, the Planning Board shall review any non-public minutes to determine if the minutes should continue to be withheld from public disclosure. Any minutes deemed appropriate to be released to the public shall be posted publicly, with the date of the Board’s determination noted, and a copy of the minutes provided to the Town Clerk, noting the minutes are now public.”

Mr. Sioras thanked Mr. O’Conner and Mr. Healey for bringing this to his attention previously. At the Board Meeting on April 17, 2024, Mr. Sioras will have the non-public minutes available for review by the Board. In September of 2023, the Board voted to take this up at the Annual meeting in April of 2024.

Mr. Nelson asked if it is available for the Board to meet in a Non-Public session prior to the April 17 meeting to review and discuss the non-public minutes to be voted on for release.

The Board agreed to meet in a non-public session at 6:30 pm on April 17, 2024, to review and discuss the non-public minutes to be voted on for release.

Mr. Granese inquired about notice of the non-public meeting.

Mr. Sioras responded that it will be posted per the RSA. The non-public minutes go back to 2010 and must be reviewed. There are currently six and there are no new non-public minutes. This vote will be the final clean-up to approve them as non-public minutes. Controversy has gone away, for the most part. They must be reviewed every 10 years and 2009-2010 are the non-public minutes that will need to be reviewed.

Mr. Nelson suggested adding text (to the additional language above) regarding the procedure for review and citing the RSA.

Mr. Sioras responded in the affirmative.

Motion by O’Connor, seconded by Granese, to approve the first reading of the Town of Derry Planning Board Policy and Procedures document and request of Staff to schedule a second reading of the Town of Derry Planning Board Policy and Procedures document.

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

### **Planning Director/Chairman Updates**

Mr. Sioras commended Mr. O’Connor on his service as Chairman of the Board. The Planning Department has enjoyed working with John for the last few years.

Mr. Nelson stated that we have 3 vacant Alternate positions and those interested in serving on the Planning Board may visit [Town of Derry NH](https://www.townofderry.com) to apply for one of these Alternate positions.

Mr. Granese stated that there is a Rabies Clinic on April 6, 2024, from 1:00-5:00 pm at the Derry Municipal Center. Cash only. For dogs and cats. 1 year - \$15.00, 3 year - \$15.00 with proof of previous vaccination required.

Motion by O'Connor, seconded by Malaby, to adjourn.

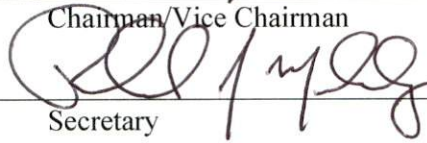
All in Favor: Chase, Fishman, Healey, Granese, Malaby, Feinauer, O'Connor, Nelson vote Yes.

The motion passed and the meeting was adjourned at 7:24 p.m.

Approved by:



Chairman/Vice Chairman



Secretary

Approval date:

April 17, 2024