

The Planning Board for the Town of Derry held a public meeting on Wednesday, September 16, 2015, at 7:00 p.m., at the Derry Municipal Center (Cable TV Studio) located at 14 Manning Street in Derry, New Hampshire.

Members present: David Granese, Chairman; John O'Connor, Vice Chairman; Michael Fairbanks, Secretary; Mark Osborne, Town Council Representative; Randy Chase, Administrative Representative; Frank Bartkiewicz, Lori Davison (7:02 p.m.), Mirjam Ijtsma, Members

Absent: Jim MacEachern, Marc Flattes

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.

Escrow

#15-21

Project Name: Aroma Joe's #27

Developer: Zielfelder Builders, LLC

Escrow Account: Same

Escrow Type: Letter of Credit

Parcel ID/Location: 08274, 13 Manchester Road

The request is renew Letter of Credit #20028445 in the amount of \$5,184.00 for the above noted project. The new expiration date is October 17, 2016.

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

Ms. Davison was seated.

Minutes

The Board reviewed the minutes of the September 02, 2015 meeting.

Motion by O'Connor, seconded by Bartkiewicz to approve the minutes of the September 02, 2015 meeting as written. The motion passed with Ijtsma abstained.

Correspondence

None.

Other Business**Request to extend approval – Cowbell Corner Realty, PID 04126 & 04127, Rt. 111 & Island Pond**

Mr. Sioras advised this is the first request to extend approval. The developer is in the process of finalizing escrow for the project. Staff would recommend a six month extension.

Motion by O'Connor, seconded by Bartkiewicz to extend the conditional approval granted on May 18, 2015 for PID 04126 and 04127, Route 111 and Island Pond Road, Cowbell Corner Site Plan for an additional six months. The new expiration date will be March 18, 2016.

Davison, Osborne, O'Connor, Ijtsma, Chase, Bartkiewicz, Fairbanks and Granese voted in favor and the motion passed.

Public Hearing**William K. Chakarian & Debra K. Chakarian
PID 06023, 114 Island Pond Road
Acceptance/Review, 2 Lot Subdivision**

Mr. Sioras provided the following staff report. The purpose of the plan is for a two lot subdivision of the property known as Chakarian Farms. The property is located in the Low Density Residential District. No new building is taking place. The ZBA granted a variance on July 16, 2015 to create a back lot that has zero feet of frontage on an approved street. The new back lot created is 24.21 acres. This lot existed many years ago. The subdivision will re-establish this back lot and separate out the existing retail business and greenhouses. All town departments have reviewed and signed the plan. There are waiver requests which are outlined in a letter from Promised Land Survey dated August 31, 2015. There are no state permits required for this application. Staff would recommend approval of the waiver requests and the subdivision plan.

Neal McCarthy of Promised Land Survey presented for the applicants. There is no proposed construction on the property. The intent of the plan is to separate the commercial/retail space from the residential. They will maintain the existing access with an easement so that the residential property can still use the access. Mr. O'Connor asked if the easement will be a deeded document. Mr. McCarthy said there is a note on the plan stating the access will be shared

and there will be a maintenance agreement. The commercial property will maintain the access from the road to the intersection of the residential driveway. The residential property owner will maintain the driveway from the intersection to the house. This will be recorded in Brentwood as part of the deeds for the two properties.

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

Mr. L'Heureux had no issues or comments with regard to this plan.

Mr. Chase asked if the town will be notified of the means of access for 114 Island Pond. There is a gate on the main access and it may be problematic if emergency access is required. There is nothing on the street to show 114 is located to the back of 112 Island Pond Road. The town should be notified that access to 114 Island Pond is through the entrance to 112 Island Pond. The town can add a note in the emergency response system so that when the Fire or Police respond, they see a note advising of the access. Mr. McCarthy asked how he would phrase such a note on the plan. Mr. Chase suggested, "Notify emergency services that the means of access to 114 Island Pond Road is to be added to the computerized dispatch system. 114 Island Pond Road is accessed through 112 Island Pond Road's driveway."

Mr. Fairbanks had a concern with the statement that no new construction was proposed "at this time." Mr. McCarthy said there are no plans of which he is aware to add to the new lot. The intent is to keep the farm and the current residence. Mr. Fairbanks noted there would not be access to the new lot in the event the owner wanted to subdivide in the future.

Motion by O'Connor to accept jurisdiction of the subdivision application before the Board for William Chakarian and Debra Chakarian, PID 06023, 114 Island Pond Road. Bartkiewicz accepted the motion.

Davison, Osborne, O'Connor, Ijtsma, Chase, Bartkiewicz, Fairbanks and Granese voted in favor and the motion passed.

Motion by O'Connor, seconded by Bartkiewicz to grant waivers from the following sections of the LDCR – Sections 170-25.B; 170-25.C; 170-25.F and 170-24.A.13, as 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 waivers would not be contrary to the spirit and intent of the regulations.

Davison, Osborne, O'Connor, Ijtsma, Chase, Bartkiewicz, Fairbanks and Granese voted in favor and the motion passed.

Motion by O'Connor, seconded by Bartkiewicz to grant waivers from the following sections of the LDCR – Sections 170-25.A.5 and 170-24.A.6 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, indicated the waiver will properly carry out the spirit and intent of the regulations.

Davison, Osborne, O'Connor, Ijtsma, Chase, Bartkiewicz, Fairbanks and Granese voted in favor and the motion passed.

Motion by O'Connor, seconded by Bartkiewicz to approve pursuant to RSA 676:4, I, Completed Application, with the following conditions: subject to owner's signature; subject to on site inspection by the Town's Engineer; establish escrow for the setting of bounds or certify the bounds are set; obtain written approval from the IT Director that the GIS disc 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, should be submitted with the mylar in accordance with the LCHIP requirements; submission of the appropriate recording fees, payable to the Town of Derry; driveway access agreement shall be recorded and the Book and Page number shall be noted on the final plat; notify all emergency services that access to 114 Island Pond Road is through 112 Island Pond Road.

Davison, Osborne, O'Connor, Ijtsma, Chase, Bartkiewicz, Fairbanks and Granese voted in favor and the motion passed.

Derry Senior Development, LLC
PID 07058, 6 Drew Road
Acceptance/Review, 6 Lot Subdivision

Mr. Sioras provided the following staff report. The purpose of the plan is for a six lot subdivision. Five of the lots will be single family house lots in a zone that requires a minimum of three acres. A remainder lot of 37.6 acres will be deeded in fee to the town for conservation purposes. This property is located in the Low Density Residential District. The ZBA granted three variances on July 16, 2015 to allow the creation of a lot with 100 feet of road frontage where the ordinance requires 200 feet; to allow the creation of a lot with 100 feet of lot width where the ordinance requires 200 feet; to allow the creation of a lot that faces to a Class VI road where the ordinance requires lots to face approved streets. This parcel had previous approvals over the years for a 28 lot subdivision in the 1980s and a 34 unit fifty-five and older housing development. Those approvals are no longer valid. All town departments have reviewed and signed the plan. There are no state permits required. There are two waiver requests which are outlined in a letter from Eric Mitchell dated September 01, 2015. Staff would recommend approval of both the waiver requests and the subdivision plan. A few years ago the Board held a site walk at this property. He believes the neighbors would rather see single family development

of this lot rather than elderly housing. The density for the proposed development is significantly lower than the previous proposals.

Eric Mitchell of Eric C. Mitchell & Associates, Inc., presented for the applicants. He noted the technical name of the owner is "Derry Senior Development" which has no bearing on the purpose of this proposal. The intent is to create five house lots and leave a remainder lot to be deeded to the Town for conservation purposes. All of the history of the lot is in the past and the owners want to move forward with this proposal. There are two waiver requests. The first is to waive the requirement for underground utilities to the homes. There is overhead power on their side of the street and it will be a short run to the houses. They will put in underground utilities to the 8 acre lot. However, because it is such a short run to lots 1, 2, 4 and 5, they are requesting the waiver. The second waiver is to allow less than three feet of cover over the culvert pipe. There is an existing ditch line along the road and four of the house lots will require driveway culverts. Because these are for driveways, they are proposing at least 1 ½ feet of cover over the culvert pipe. If they need to have more cover, they will need to dig holes for the 15" culverts. He believes 1 ½ feet of cover is enough to keep the culvert pipe from crushing.

Mr. Granese asked what it the main reason for the request to use overhead electric. Mr. Mitchell said the poles are on their side of the road and the wires are already there. The run to the homes will be very short.

Mr. L'Heureux had comments with regard to the depth of cover over the culvert pipe. During TRC he had indicated the depth could potentially be reduced to two feet, not 1 ½ feet. One of the driveways, noted on this plan as 58-1 which is incorrect, does not note the elevation. He would prefer the waiver to say two feet of cover over the pipe; this allows for truck deliveries, leaves the culverts less susceptible to frost and is better for longevity purposes. There is also a note on Sheet 7 of the plan with regard to sight distance indicating the contractor shall remove all obstructions between the street and the sight lines to achieve visibility. That note needs to be elaborated. The driveways will require swale work to meet the sight distance for the driveway and to accommodate flows.

Mr. Mitchell stated he would agree to amend the waiver to request relief to allow 2 feet of cover over the pipe. The depths vary but they will make sure there is at least two feet of cover.

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

Mr. Granese confirmed that after this subdivision, there will be no land remaining. Mr. Mitchell explained the 37 acre remainder in the back which is accessed from the Class VI Jackman Road will be deeded in fee to the Town for conservation. The land will be available for public access. He does not know what the town will do with that land in the future. There are some wells on the property the town can use.

Mr. Granese asked how far will the homes be from the street. Mr. Mitchell said the front setback is 35 feet, but he would imagine the homes will be 100-200 feet from the edge of roadway. The public utility limits how far they will allow overhead utilities without imposing an additional fee or setting of additional poles; that will dictate the placement of the homes. Mr. Granese said he prefers to see underground utilities; it looks better and it is better when there are storms.

Mr. O'Connor asked if Mr. Mitchell had any concerns with the Keach Nordstrom review. Mr. Mitchell said he did not. Many of the comments are housekeeping items. They will add the Certified Soil Scientist stamp to the plan.

Motion by O'Connor to accept jurisdiction of the subdivision application before the Board for Derry Senior Development, LLC, PID 07058, 6 Drew Road, seconded by Bartkiewicz.

Davison, Osborne, O'Connor, Ijtsma, Chase, Bartkiewicz, Fairbanks and Granese voted in favor and the motion passed.

After discussion, the Board determined the waivers should be voted on individually.

Motion by O'Connor, seconded by Bartkiewicz to grant a waiver from LDCR Section 170-31.A to allow overhead utilities as the proposed lots are frontage lots which will allow for only short overhead runs. Lot 58-3 will be serviced by underground utilities.

Davison, Osborne, O'Connor, Ijtsma, and Bartkiewicz voted yes. Chase voted no indicating he felt the stated distance to the homes would be better served with underground electric; Fairbanks and Granese voted no for the same reason. The motion passed by a vote of 5-3-0.

Motion by O'Connor, seconded by Bartkiewicz to grant a waiver from LDCR Section 170-29.J, Storm Drains, to allow a minimum depth of cover from the road or ground surface to the crown of the pipe shall be not less than 2 feet due to the existing drainage ditch along Drew Road.

Davison, Osborne, O'Connor, Ijtsma, Bartkiewicz, Chase, Fairbanks and Granese voted in favor and the motion passed.

Mr. O'Connor asked Mr. L'Heureux to further explain his comment with regard to the swales along the side of the road. Mr. L'Heureux said he would like the swales regraded between the culverts to accommodate the flows culvert to culvert.

Motion by O'Connor, seconded by Bartkiewicz to approve pursuant to RSA 676:4, I, Completed Application, with the following conditions: Subject to owner's signature; comply with the

Keach Nordstrom Associates report; subject to on site inspection by the Town's Engineer; establish escrow for the setting of bounds or certify the bounds have been set; establish appropriate escrow as required to complete the project; obtain written approval from the IT Director that the GIS disc is received, is operable, and complies with LDCR Section 170-24; note approved waivers on the plan; subject to receipt of state or federal permits relating to the project; conditions precedent shall be met within 6 months; a \$25.00 check payable to Rockingham County Registry of Deeds should be submitted with the mylar in accordance with the LCHIP requirement; submission of appropriate recording fees payable to the Town of Derry; revise parcel ID numbers for the new lots to correspond with the Town of Derry identification (i.e., 070580—01); and regrade the swales along the side of the road from culvert to culvert.

Davison, Osborne, O'Connor, Ijtsma, Bartkiewicz, Chase, Fairbanks and Granese voted in favor and the motion passed.

There was no further business before the Board.

Motion by Davison, seconded by Bartkiewicz to adjourn. The motion passed with all in favor and the meeting stood adjourned at 7:39 p.m.

Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____