

The Planning Board for the Town of Derry held a public meeting on Wednesday, October 07, 2015, at 7:00 p.m., at the Derry Municipal Center (3rd Floor Meeting Room) 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; Frank Bartkiewicz, Lori Davison, Jim MacEachern (7:03 p.m.), Mirjam Ijtsma, Members

Absent: Randy Chase, 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

#15-22

Project Name: Hampstead Road & Harvest Drive (Harvest Estates)

Developer: Robert MacCormack

Escrow Account: Hampstead Road & Harvest Drive

Escrow Type: Letter of Credit

Parcel ID/Location: 10015, 10024 & 10025, Hampstead Road

The request is approve a release of Letter of Credit #19959 in the amount of \$174,286.08. This is the final release. The amount to retain is zero.

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

#15-23

Project Name: 17-27 Ashleigh Drive, Self Storage

Developer: Yvon Cormier Construction Corp.

Escrow Account: Same

Escrow Type: Letter of Credit

Parcel ID/Location: 08280-004, 23 Ashleigh Drive

The request is to establish Letter of Credit #091501, drawn on SalemFive Bank in the amount of \$502,105.39 for the above noted project. The expiration date will be September 29, 2016.

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

Mr. MacEachern was seated.

Minutes

The Board reviewed the minutes of the September 16, 2015 meeting.

Motion by O'Connor, seconded by Bartkiewicz to approve the minutes of the September 16, 2015 meeting as written. The motion passed with MacEachern abstained.

Correspondence

Mr. Fairbanks reported the Board is in receipt of the fall edition of *The Source* newsletter. A copy is available in the Planning Office.

Other Business

Recommendation to Accept Harvest Drive as a Class V town road

Mr. Sioras advised Harvest Drive is located off Hampstead Road. The development has been completed according to the plan and the Department of Public Works is recommending acceptance.

Mr. L'Heureux advised the Board has just released the escrow held for the project, all of the improvements are complete, and the town has received as-builts. The developer constructed 4400 feet of new roadway and an emergency access that connects to Village Brook Lane.

Motion by MacEachern, seconded by Bartkiewicz to accept Harvest Drive as a Class V town road and to forward consideration of same to Town Council for approval.

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

Review of Town Owned Properties

Mr. Sioras advised the Board has received the annual list of tax deeded properties prepared by Dawn Enwright, the Tax Collector. The list is reviewed by the Heritage Commission, Conservation commission and staff. Alan Côté prepared a memorandum that lists the characteristics of the lots. Mr. Sioras asked the Board members to review the list and forward any comments to Mrs. Robidoux who will compile the comments by the end of the week and forward them to Mrs. Enwright. Mrs. Enwright would like to hold a public hearing in November and then forward applicable properties to auction.

Mr. Granese asked if the Planning Board needed to take any action on these properties this evening. Mr. Sioras said no; the members should review the list and forward comments to Mrs. Robidoux. There may be some properties that Board members feel the town should retain or sell.

Mr. O'Connor noted two parcels have paper streets and he was of the understanding that after 20 years of non-existence, the land reverted back to the owners on either side. Mr. Sioras said he was not clear on the RSA but believed that after 20 years the road lost status and the land could revert back to the abutting landowners through a release of public servitude. Mr. O'Connor also had a question with regard to 19 Elm Street. He felt the town might retain liability if it was found there were PCBs on site. His concern is that the main drainage from Hood Pond is 10 feet away from the transformers and it would be very costly if there was contamination. He suggested verifying if there are PCBs on site and then enshrouding it. Mr. Sioras explained this building is known as the Fischercraft building and is on the Property Maintenance Committee list. It is possible the site might qualify for a Brownfields grant. Mr. O'Connor's comments will be placed on the record and forwarded to Town Council for their public hearing. These are the types of comments the town would like to receive.

Mr. Fairbanks said some of the parcels looked familiar; were they on last year's list? Mr. Sioras said the first fifteen or so were on the list last year. Some are non buildable lots. Last year, a few of the abutters purchased lots. The Board's list contains highlighted parcels; those are the vacant land parcels.

Request to extend approval – James Taylor/Aaron Hill, PID 24037, 19 Kendall Pond Road

Mr. Sioras advised this is the request is for the 18 unit apartment building approved on Kendall Pond Road. The email from the developer is self-explanatory. They are requesting a second extension.

Mr. Granese said he would not be opposed to granting this extension but would not be in favor of a third extension.

Motion by MacEachern, seconded by Bartkiewicz to grant a six month extension to the conditional approval for a multifamily site plan granted on December 03, 2014 to James Taylor and Aaron Hill, PID 24037, 19 Kendall Pond Road. This is the second and final request. The new expiration date will be June 03, 2016.

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

Public Hearing**Prime Cap, LLC****PID 03147, 38 Kilrea Road****Acceptance/Review, 3 Lot Subdivision**

Mr. Sioras provided the following staff report. The purpose of the plan is for a three lot subdivision in the Low Density Residential District. There is an existing home on the lot. One lot would be created on Kilrea Road and one lot on Mill Road. All town departments have reviewed and signed the plan. There is one waiver request which is outlined in a letter from Promised Land Survey dated August 20, 2015. State subdivision approval has been obtained and a copy of the approval is in the file. Staff would recommend approval of the waiver request and the subdivision plan.

Neal McCarthy of Promised Land Survey presented for the applicants. He stated this is a fairly straightforward application. The intent is to create two new building lots. Each lot is over the required size by acreage and soils. The test pits look good. They have preliminary septic systems that will work. The waiver request is for the culvert under the driveway off Mill Road. There is not much of a natural swale in that area of Mill Road and they want to be able to collect the water coming off the road. They can't quite get the coverage over the culvert and maintain the required pitch off the road. All the lots have adequate frontage. There is minimal wetland on the property and no wetland impact.

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

Joel Shortlidge, 23 Pemigewasset Circle, stated he spent some time with Richard Holmes, the Town Historian. The house on 38 Kilrea Road was constructed by General George Reid's son. There is some historic value. The character of this neighborhood is beautiful and he would like to see that character maintained. He suggested setting the proposed home further back on the lot on Kilrea to maintain the character along the frontage of the road and to maintain the precedence of the historic home along that stretch of Kilrea Road. Mr. O'Connor confirmed the existing home at 38 Kilrea has not been designated by the State as a historic home.

Motion by MacEachern 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 with the waiver request. He did have a comment about the planned culvert on Mill Road. The plan shows headwalls. He would like to see a precast concrete headwall detail placed on the final plan.

Mr. MacEachern asked if based on the comments from the abutter, if the proposed home on Kilrea could be shifted back. Mr. McCarthy said they would likely need to do another test pit to verify a new area suitable for a 4K area. He did not see a reason not to shift it back.

Mr. Fairbanks noted that 90% of the recent plans the Board has seen request a waiver from the regulation requiring three feet of cover over pipe. If there are so many requests granted to reduce the depth of cover, perhaps the Board should look at changing that regulation. Mr. L'Heureux said the town tries to obtain three feet over cover which protects the structure from frost. Sometimes the topography does not allow it. He can see Mr. Fairbank's point, but felt the town should encourage the three feet of cover. Many times the waiver request is for segments or specific areas on the plan. Three feet of cover is better for the long term life of the product.

Mr. O'Connor asked why the town would request precast. Mr. L'Heureux explained the plan shows a headwall and he would like to minimize the product type. Precast structures do a good job of holding back material. Mortar and rubble types are not always constructed properly for the lean on the wall and they fall over.

Mr. Fairbanks confirmed the existing house at 38 Kilrea that is the former home of General Reid's son will remain and there will be no development on that lot. He asked how much further back from the road did the abutter want the proposed home. Mr. Sioras advised the existing house sits close to the road. There is an apple orchard on this lot to the rear. If the house is pushed back, he would like to protect the orchard. Mr. McCarthy said they had noted the existing tree line on the plan but did not survey individual trees, so he could not say if the trees would be affected. Mr. Sioras advised new homes need to be at least 35 feet from the front lot line. Preferably, the new home will sit back further than that. Mr. Fairbanks said per the plan, it appears the proposed home is pushed back away from the road. Mr. MacEachern asked if an additional test pit could be done to see if the septic can be pushed back to accommodate a new location for the house. Mr. McCarthy said if the house was pushed back they would likely have to use a gravity system and it would be beneficial to have another test pit for the septic system. He did not know how much it could cost to hire the equipment to do the test. Mr. Osborne had a concern that the cost of the additional test pit might be an unreasonable financial burden. Mr. L'Heureux felt it would be difficult to enforce a specific location for the home on a contractor. The placement of the home almost always changes from what is shown on the approved plan. If the building is placed within the building envelope it would be difficult to enforce a specific setback. Mr. MacEachern said the new test pit would determine the placement of the home, once the placement of the well and septic have been defined.

Motion by MacEachern to accept jurisdiction of the subdivision application before the Board for Prime Cap, LLC, PID 03147, 38 Kilrea Road. Bartkiewicz seconded the motion.

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

Motion by MacEachern, seconded by Bartkiewicz to grant a waiver from LDCR Section 170-29.J, Culvert Coverage Depth to allow 2 feet of coverage where the regulation requires 3 feet, specific to the proposed driveway and culvert on Lot 03147-002, 25 Mill Road, 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.

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

Motion by MacEachern, seconded by Bartkiewicz to approve pursuant to RSA 676:4, III, Expedited Review, 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; 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 the approved waiver 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; precast concrete headwall detail shall be placed on the plan, and an additional test pit will be conducted to see if in fact the proposed home for lot 03147-001 can be moved back further than shown on the plan.

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

There was no further business before the Board.

Motion by MacEachern, seconded by Davison to adjourn. The motion passed with all in favor and the meeting stood adjourned at 7:33 p.m.

Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____