

The Planning Board for the Town of Derry held a public meeting on Wednesday, June 05, 2013, 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; Frank Bartkiewicz, Secretary; John P. Anderson, Town Administrator; Randy Chase, Administrative Representative; Albert Dimmock, Sr., Town Council Liaison; Darrell Park, Jan Choiniere, Members; Ann Marie Alongi, Frank Mazzuchelli, Alternates

Absent: Lori Davison, Jim MacEachern, John O'Connor

Also present: George Sioras, Planning Director; Elizabeth Robidoux, Planning Clerk; Robert Mackey, Code Enforcement 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, and noted the location of the exits, and meeting materials.

~~Ms. Davison~~ *Ms. Alongi* was seated for Mr. MacEachern for the evening; Mr. Mazzuchelli was seated for Mr. O'Connor.

Escrow

#13-13

Project Name: Covey Run

Developer: Covey Run, LLC

Escrow Account: Same

Escrow Type: Letter of Credit

Parcel ID/Location: 31021, 81 North High Street

The request is to renew Letter of Credit #68059605 in the amount of \$86,815.15. The new expiration date is June 30, 2014.

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

#13-14

Project Name: Granite State Credit Union

Developer: Same

Escrow Account: Same

Escrow Type: Cash

Parcel ID/Location: 27002, 38 Birch Street

The request is to establish cash escrow in the amount of \$33,357.74 for the above noted project.

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

#13-15**Project Name: Triangle Credit Union****Developer: Same****Escrow Account: Same****Escrow Type: Cash****Parcel ID/Location: 28008, 3 Windham Road**

The request is establish cash escrow in the amount of \$77,500.80 for the above noted project. The developer will need to provide one additional signature.

There was a short discussion regarding the length of time it takes to establish escrow; it is different for each applicant.

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

Minutes

The Board reviewed the minutes of the May 15, 2013, meeting.

Motion by Anderson, seconded by Bartkiewicz to accept the minutes of the May 15, 2013, meeting as written. The motion passed in favor.

The Board reviewed the notes of the site walk held on May 11, 2013.

Motion by Bartkiewicz, seconded by Anderson to accept the notes of the May 11, 2013, site walk as written. The motion passed in favor.

Correspondence

None.

Other BusinessVoluntary Merger - Panos

Mr. Sioras advised the lots to be merged are located on Beaver Lake Avenue and owned by the Panos family. There are two lots with existing cottages that were built in the 1920s. The intent is to tear down the two cottages and construct a single family residence for the owner and his

family. Mr. Anderson asked if there are deeded water rights for Parcel 51084, which abuts to the rear? Mr. Sioras advised he is not aware of any as his office does not have the deeds to the properties. It is possible.

Motion by Anderson to table the matter of the voluntary merger of Parcels 51079 and 51080 to the June 19, 2013 meeting to allow the Planning Office an opportunity to review the abutting deeds. Bartkiewicz seconded the motion.

Chase, Park, Anderson, Alongi, Mazzuchelli, Dimmock, Choiniere, Bartkiewicz and Granese voted in favor and the motion passed.

Request to reconsider decision – 22 Lenox Road, Site Plan

Mr. Sioras advised the Board has received a request to reconsider the denial of the 22 Lenox Road site plan. The letter was prepared by Attorney Panciocco on behalf of the applicant. The letter is self-explanatory. The Board also has an attorney client privileged letter from Attorney Lynne Sabean providing her opinion. Mr. Granese stated he has read both letters and asked the Board to make a motion to reconsider its decision.

Motion by Bartkiewicz, seconded by Alongi to reconsider the denial of the 22 Lenox Road site plan.

Chase, Park, Anderson, Mazzuchelli, Dimmock, and Choiniere voted no. Alongi, Bartkiewicz and Granese voted yes, with Granese stated he felt it would have shown good faith for the Board to rehear the matter. The motion failed by a vote of 3-6-0 and the denial of the plan stands.

Public Hearing

Accurate Transport, Inc.
PID 08017, 41 Ashleigh Drive
Acceptance/Review
Site Plan – The Dumpster Depot
Continued from May 1, 2103

Mr. Sioras advised the Board is in receipt of a request to continue the hearing to the next meeting which is June 19th. The applicant cannot attend the meeting this evening. He read the letter into the record. Mr. Anderson inquired as to the agenda for the next meeting. There are two other public hearings scheduled.

Motion by Anderson to continue the hearing for Accurate Transport to June 19, 2013, seconded by Bartkiewicz.

Chase, Park, Anderson, Alongi, Mazzuchelli, Dimmock, Choiniere, Bartkiewicz and Granese voted in favor and the motion passed.

Mr. Granese noted there will be no other notification of the continuance.

Workshop

Sign Regulations

Mr. Sioras advised that proposed sign regulations have been remanded back to the Board from Town Council. Town Council would like the Board to consider incorporation of some of the changes suggested by Attorney Sabean during her last review of the regulations, and input from local realtors.

Bob Mackey, Code Enforcement Office, stated the Board should have a copy of the changes that have been incorporated as a result of the Town Council request. He took the letter from the attorney and incorporated her suggestions. He has made minor changes to address the concerns regarding abandoned signs so that if a business owner is undergoing renovations or is temporarily shut down, they won't lose the right to their sign. He has incorporated a few new definitions: Official Sign, Political Sign and Temporary Sign. Previously, the Board had used 'electronic message center sign' and 'electronic sign' interchangeably. That has been corrected. He did address the question of real estate signs and that has been given its own Section. He is suggesting a limit of four (4) square feet for residential lots and thirty two (32) square feet for non-residential lots. The signs must be removed immediately upon rental or sale of the property.

Mr. Granese asked with regard to real estate signs. How large a difference is there between what had been proposed and what is proposed now? Mr. Mackey said that prior, the Board did not limit size of the signs as they were handled under the general provisions for temporary signs. If the sign was to be permanent, it required a permit beyond 30 days. It is hard to control the time frames for real estate signs. In the commercial zones, the size can be larger. Thirty-two square feet is the same size as a sheet of plywood (4 x 8). The other size the Board previously discussed was 16 square feet (4 x 4). The Board can set an upper limit of 16 square feet if it so chooses.

Mr. Anderson felt the new wording under Temporary Sign needed to be more specific, for example, not to exceed one week. Mr. Mackey said he did look at other towns. Temporary Signs are usually 30 days. For things like barn sales, a week should be sufficient. Mr. Anderson suggested wording for real estate signs such as no greater than 18 square feet. He felt 32 square feet was too large. Mr. Mackey said temporary construction signs have an upper limit of 32 square feet. Mr. Anderson thought that size was okay for that application, but real estate signs should be limited to 18 square feet.

Mr. Dimmock noted that beverage distributors put up temporary signs on restaurants. Are those allowed for 30 days? Mr. Mackey said temporary signs are meant to address signs used for yard sales or flea markets. One week is a sufficient time frame for that type of sign. If someone wants a sign up for longer than that, they can get a temporary sign permit which will allow them

to have the sign up for 30 days. Mr. Dimmock asked with regard to signs in yards that advertise things like “gutter service”. Are those considered temporary signs? Mr. Mackey explained if the sign is related to a contractor who is working on a project on the property, it is common practice to put up a sign advertising the company doing the work. The sign can be in place while the project is ongoing. These are not typically regarded as signs requiring a permits, so long as the sign leaves as soon as the project is complete.

Mr. Anderson agreed a contractor could get a permit. Under the new proposed changes the Board is saying that seven days is okay for a yard sale sign, but anything between seven and thirty days needs a permit. Seven days for a yard sale is plenty of time. There are many signs that pop up all over town and Mr. Mackey and his staff spend quite a bit of time pulling those signs.

The Board determined that the suggested changes were sufficient to address the comments and concerns. The changes will be incorporated and brought before the Board at the next meeting. A date for a public hearing will be supplied at that time.

There was no further business to come before the Board.

Motion by Park, seconded by Alongi to adjourn. The motion passed unanimously and the meeting stood adjourned at 7:22 p.m.

Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____