

The Planning Board for the Town of Derry held a public meeting on Wednesday, October 18, 2023, 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: David Nelson, Vice Chair, Andy Myers, Secretary, Randy Chase, Town Administrator's Representative, Jim MacEachern, Town Council Liaison (Alternate), Richard Malaby, Dan Healey, Chris Feinauer, Members.

Absent: John O'Connor, Chair, Dave Granese, Town Council Liaison, Mark Connors, Member, John Morrison, Town Council Liaison (Alternate).

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

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 not present.

Escrow

#23-15

Project Name: Aspen Dental

Developer: Same

Escrow Account: Same

Escrow Type: Letter of Credit, Camden National Bank

Parcel ID/Location: 08002, 38 Manchester Road

The request is to approve a final release in the amount of \$131,207.04 for the above noted project. The amount to retain is zero. This escrow is non-interest bearing.

Mr. Sioras added that the site plan has been signed by the Town Public Works, Planning and Building departments. Staff would recommend approval of the fund release.

Motion by MacEachern, seconded by Myers to approve as presented.

Roll Call Vote: Chase, Healey, MacEachern, Feinhauer, Malaby, Myers, Nelson, vote Yes. The motion passed.

#23-16

Project Name: Marjorie A. Palmer Revocable Trust

Developer: Same

Escrow Account: Marjorie A. Palmer, Trustee

Escrow Type: Cash

Parcel ID/Location: 03128, 14 Stark Road

The request is to establish cash escrow in the amount of \$32,947.50 for the above noted project. This escrow is non-interest bearing.

Mr. Sioras added that the escrow has been signed by the Town Public Works, Planning and Finance departments. Staff would recommend approval.

Motion by MacEachern, seconded by Myers to approve as presented.

Roll Call Vote: Chase, Healey, MacEachern, Feinhauer, Malaby, Myers, Nelson vote Yes. The motion passed.

Minutes

The Board reviewed the minutes of the October 4, 2023, meeting.

Motion by MacEachern, seconded by Malaby to approve the minutes of the October 4, 2023, meeting as amended.

Roll Call Vote: Chase, Healey, Feinhauer, Malaby, Myers, Nelson, vote Yes. MacEachern abstained. The motion passed.

Correspondence

There was no correspondence.

Other Business

There is no other business.

Planning Director/Chairman Updates

Mr. Sioras stated that there will not be a Planning Board meeting on November 1, as no plans have come in. There are several plans in the works, so the Board will reconvene on November 15, 2023.

Public Hearing

A public hearing to discuss Franklin Street, LLC, Franklin Meadow Condominiums, PID 30070, 16 Franklin Street

Mr. Sioras stated that the project is Franklin Street, LLC, and is located at 16 Franklin Street. The purpose of this site plan is for a three unit residential condominium development located at the corner of Franklin and Pearl Streets. The property is in the Central Business District. This is the burned building on that corner. All Town departments have reviewed and signed the plan. There are two waiver requests. There are no State permits required. Staff would recommend approval of both the waiver requests and the site plan application. Mr. Sioras recognized Paul Chisolm, representing the developer.

Mr. Paul Chisolm, Engineer with Keach-Nordstrom Associates, the engineers and surveyors of record for the project. The existing 2-family building at the corner of Franklin and Pearl Streets

caught fire approximately 2 years ago. There has been a process to get through the Zoning Board to allow the 3-unit use. The site is in the Central Business District but had been in the TBOD Overlay District which brought to light some setback issues. Those items have been cleared up. The plan is to relocate the driveway on Franklin Street to the intersection of Pearl Street and where Franklin continues to the north. They are meeting with TRC, the Planning department and the Town Engineering Coordinator and working through different iterations of the project. The driveway will lead into the west side of the buildings which will have garage faces. Parking will be in front and between. There is some storm water management and two small-scale bioretention ponds to the west and south of the parking lot. This will open the sight distance as one goes north on Franklin Street. The fence will be removed. They are also moving the stop bar closer to Pearl Street, still meeting all requirements. Utilities will be town gas, water, and sewer. There will be a new hydrant, meeting a concern of the Fire Department. There is a 10x6 utility room on the southeast side of the structure where services will come into the building. Lighting and landscaping are all done to a residential scale. There is an erosion control plan during construction to keep materials from getting into the storm water system.

The first waiver is due to the requirement of putting boundary markers on the four corners of the site. In the very northeast corner of the site, the monument of the boundary is in the roadway. They are asking to waive the requirement of this boundary marker.

The second waiver is for underground electrical utilities. There are many poles in the area. The project will not work with Eversource until they have an approved plan and at that point Eversource does their own design. To accommodate the underground utilities Eversource would have to drop in a new pole.

There will be entry doors next to each of the three garage doors. The vinyl siding will be an earth tone.

Accept Jurisdiction

Motion by MacEachern, seconded by Myers to accept jurisdiction of the site plan before the Board for Franklin Street, LLC, PID 30070, 16 Franklin Street.

Roll Call Vote: Chase, Healey, MacEachern, Feinhauer, Malaby, Myers, Nelson, vote Yes. The motion passed.

Determination of Regional Impact

Motion by MacEachern, 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, Healey, MacEachern, Feinhauer, Malaby, Myers, Nelson, vote No, no regional impact. This small, local development DOES NOT meet the definition of a development of regional impact.

Motion to open the public hearing by MacEachern, seconded by Myers.
All in favor: Chase, Healey, MacEachern, Feinhauer, Malaby, Myers, Nelson, vote Aye. The motion passed.

The **Public Hearing** is now open.

None rise online. None rise in person.

Motion to close the public hearing by MacEachern, seconded by Myers.
All in favor: Chase, Healey, MacEachern, Feinhauer, Malaby, Myers, Nelson, vote Aye. The motion passed.

The **Public Hearing** is now closed.

Mr. MacEachern asked why the garages are not on Franklin Street. The project is a welcome one.

Mr. Chisolm responded that a drive-though concept was considered. Franklin is not a wide street and backing out into the street would not be appropriate.

Mr. Myers asked for clarification on the first waiver.

Mr. Chisolm responded that typically, along the frontage, the regulations require a granite bound. This is a 4x4x4 piece of granite that comes slightly above the grade. The corner in question is the northeast corner of the site and is in Franklin Street, in the road. The project does not want to disturb the road. The waiver is to mark the boundary with a railroad spike that will be flush and not be an obstruction to plows or traffic. This was discussed with Mr. L'Heureux.

Mr. Chase stated that he has an issue with the front setback. The CBD states that "front, side, and rear yard depths shall be agreed upon by the Planning Board and the Applicant. In no case shall the setback be less than 10 feet." Including the decks on this site plan, there is 5 feet. Without the decks it is 9 ¾ feet.

Mr. Chisolm stated that the setbacks have been worked on over the years of planning. There is frontage on both Franklin and Pearl Streets. The front setback of the property, by zoning, is where one takes access to the property if there is multiple places. We have frontage on Pearl, the side setbacks along Franklin on the west side and the rear setback is the south end of the property which is where the 10 foot setback is. Mr. Chisolm believes the front is an 8 foot maximum, the sides are 5 foot minimum, and the rear is 10 foot minimum. It is odd because there are 2 roads. Frontage from Franklin could be considered; that would be an 8 foot maximum setback, not minimum. The rear could be to the west or the south. In this case it is due to the frontage taken from Pearl.

Mr. Chase commented that if one counted Franklin as the front of the building, it would be no less than 10 feet. Normally your address is generally where your driveway comes out. Where you are calling it 16 Franklin Street tells me that your frontage is going to be on Franklin Street,

and you would have no less than 10 feet. The entrance is Pearl, but there is a Franklin Street address. Something has got to give here.

Mr. Chisolm responded that they have submitted a request to the Fire Department to change the address of the site to a Pearl Street address.

Mr. Sioras confirmed that the request has been made. Mr. Sioras spoke with Mr. Dave Eastman at Derry Fire Department, and they will change the address.

Mr. Chase stated that with the address change the frontage would be within regulations.

Mr. Nelson referred to the architectural renderings. The rendering shows the 2-story windows above the 3 garages and 3 access doors. This faces the drive and the parking lot, with access from Pearl Street. This is the back of the building. On the opposite side of the building are 3 doorway entrances to the garages and 3 balconies that will face Franklin Street. In these districts there is a preference to break up verticality. There is a nice demarcation around the garage doors with a contrasting color on the ground floor. The lighter color is only 2-stories in elevation. Would you consider doing the same on the Franklin Street side, starting the lighter color with the decks to bring down the excessive verticality of the appearance of our streetscape?

Mr. Chisolm stated that this would be done.

Grant Waivers

Motion by MacEachern, seconded by Myers, to Grant waivers LDCR section 170-25(G) – boundary monumentation to allow for railroad spike, LDCR section 170-66(C) – allow for overhead utility lines.

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, Healey, MacEachern, Feinhauer, Malaby, Myers, Nelson, vote Yes. The motion passed.

Architectural Design Regulations

Motion by MacEachern, seconded by Myers, to find pursuant to LDCR 170-85, that the application as presented demonstrates substantial compliance with the Architectural Design Regulations. This property is located in the Central Business District and meets a Very High level of compliance as outlined in Section 170-84 where traditionally buildings in the core of the district are taller, closer to the sidewalk, and built of more substantive materials, with elaborate design and detailing. The intent is to maintain a pleasing pedestrian environment as amended during the meeting.

Roll Call Vote: Chase, Healey, MacEachern, Feinhauer, Malaby, Myers, 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 site plan. The proposed development would allow for the ongoing redevelopment of the Central Business District/Downtown parcels and help expand the Town's tax base.

The redevelopment project would provide for additional housing options in the Downtown as well as improve the neighborhood.

The existing vacant eyesore property which had a fire will be demolished and replaced by a new structure. This property is on the Town's Property Maintenance Committee which recommends removal of the existing structure.

Motion to agree with the above noted findings of fact by MacEachern, seconded by Myers.
Roll Call Vote: Chase, Healey, MacEachern, Feinhauer, Malaby, Myers, Nelson, vote Yes. The motion passed.

Approve pursuant to

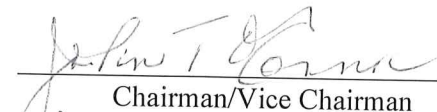
Motion by MacEachern, seconded by Myers, to approve pursuant to RSA 676:4 III – Expedited Review, with the following conditions:

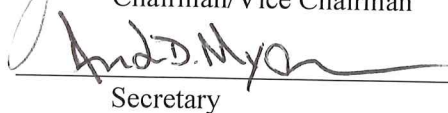
1. Subject to owner's signature.
2. Subject to on-site inspection by the Town Engineer.
3. Establish appropriate escrow as required to complete the project.
4. Note approved waiver(s) on the plan.
5. The existing, vacant structure shall be removed by December 15, 2023, as recommended by the Code Enforcement Officer.
6. Obtain written approval from the Planning Director/designee that the GIS disk is received and is operable and it complies with LDCR Section 170-24-14.C
7. Conditions precedent shall be met within six months.
8. Architectural renderings of the exteriors have been modified to show that the east facing side has the same color treatment as the west facing side.

Roll Call Vote: Chase, Healey, MacEachern, Feinhauer, Malaby, Myers, Nelson, vote Yes. The motion passed.

Motion by MacEachern, seconded by Myers, to adjourn.
All in favor: Chase, Healey, MacEachern, Feinhauer, Malaby, Myers, Nelson, vote Aye. The motion passed and the meeting was adjourned at 7:33 p.m.

Approved by:


Chairman/Vice Chairman


Secretary

Approval date:

11/15/2023