

The Planning Board for the Town of Derry held a public meeting on Wednesday, January 20, 2016, at 7:00 p.m., at the Derry Municipal Center (3<sup>rd</sup> 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; Randy Chase, Administrative Representative; Frank Bartkiewicz, Lori Davison (7:06 p.m.), Jim MacEachern, Members; Marc Flattes, Alternate

Absent: Mark Osborne, Mirjam Ijtsma

Also present: George Sioras, Planning Director; Elizabeth Robidoux, Planning Assistant

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.

*Mr. Flattes was seated for Ms. Ijtsma*

**Escrow**

**#16-01**

**Project Name: Subdivision of Map 03, Lot 147 Kilrea Road**

**Developer: Primecap, LLC**

**Escrow Account: Same**

**Escrow Type: Cash Escrow**

**Parcel ID/Location: 03147, 38 Kilrea Road**

The request is to establish cash escrow in the amount of \$14,670.72 for the above noted project. This escrow is non-interest bearing.

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

**#16-02**

**Project Name: Subdivision of Map 04, Lot 61 Gulf Road**

**Developer: Craig Bonneau**

**Escrow Account: Craig Bonneau**

**Escrow Type: Cash Escrow**

**Parcel ID/Location: 04061, 22 Gulf Road**

The request is to establish cash escrow in the amount of \$12,221.28 for the above noted project. This escrow account is non-interest bearing.

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

**#16-03**

**Project Name: Ocean State Job Lots**  
**Developer: Ocean State Jobbers**  
**Escrow Account: Same**  
**Escrow Type: Cash Escrow**  
**Parcel ID/Location: 08284, 30 Manchester Road**

The request is approve the final release of cash escrow in the amount of \$23,833.44 plus any accumulated interest for the above noted project. The amount to retain is zero.

Mr. MacEachern confirmed the escrow had been established for the work that was done on the entire site and was not attached to any one business. Ocean State owns the building.

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

**#16-04**

**Project Name: South Avenue Townhomes**  
**Developer: David Barka**  
**Escrow Account: 17 South Avenue LLC**  
**Escrow Type: Letter of Credit**  
**Parcel ID/Location: 30012, 17 South Avenue**

The request is to approve a release in the amount of \$62,389.44 and request a replacement Letter of Credit in the amount of \$8,601.55 for the above noted project. Upon receipt of the replacement Letter of Credit, the Board will release Letter of Credit #9092230 drawn on GraniteBank in the amount of \$70,990.99.

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

**#16-05**

**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 approve a release in the amount of \$181,585.15 and request a replacement Letter of Credit in the amount of \$320,520.24 for the above noted project. Upon receipt of the

replacement Letter of Credit, the Board will release Letter of Credit #091501 drawn on Salem Five Bank in the amount of \$502,105.39.

Mr. MacEachern questioned the wording of the request. Mrs. Robidoux explained this is the format that has been requested by Finance and ensures the Town receives the replacement before the Letter of Credit for the full amount is sent back to the applicant.

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

*Ms. Davison was seated.*

#### **#16-06**

**Project Name: Highland Place Condos**

**Developer: Extended Realty, LLC**

**Escrow Account: Same**

**Escrow Type: Letter of Credit**

**Parcel ID/Location: 26232, 37 Highland Avenue**

The request is to approve a release in the amount of \$39,910.32 and request a replacement Letter of Credit in the amount of \$263,150.21 for the above noted project. Upon receipt of the replacement Letter of Credit, the Board will release Letter of Credit #27279 drawn on Enterprise Bank in the amount of \$303,060.53.

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

#### **Minutes**

The Board reviewed the minutes of the December 02, 2015 meeting. Mr. Chase noted one correction on page 2 under the escrow for Bunker Estates. The correct address is 65 Fordway.

Motion by MacEachern, seconded by Flattes to approve the minutes of the December 2, 2015 meeting as amended. The motion passed with Chase abstained.

## Correspondence

Mr. Fairbanks reviewed the correspondence. The Board is in receipt of the most recent edition of *Supply Lines*, the newsletter produced by the State of New Hampshire, Department of Environmental Services.

## Other Business

None.

## Workshop

### **To discuss potential zone changes, Medium High Density Residential to General Commercial, in the area of Lenox Road**

Mr. Granese advised the Board that it had discussed the request to change the zones at the last workshop. There had been some discussion about which lots to include. At the suggestion of Mr. Fairbanks, the abutters were notified of this workshop so that they could be invited to attend and provide comment. Mrs. Robidoux reported the landowner next to Ms. Van Curen (Parcel 32035) called the Planning Office and indicated she was in favor of the change. Mr. Granese invited the public to speak.

Ms. McCall, 7 Lenox, advised her mother has owned the property since 1971. The property is located adjacent to Walgreens (Parcel 32121). This is a bit shocking. What is the reason for the rezoning? Mr. Granese explained the Board received a request from two property owners to change the zoning of their property to General Commercial, 4 & 8 Lenox Road. At the last workshop, the Board thought to expand the change up to the school lot and look at the parcels behind Walgreens to clean up the zone. Mr. Fairbanks had suggested the Board reach out to the property owners and abutting property owners so that everything the Board is doing is clear to all. Ms. McCall asked if the change occurred, would it change the tax rate on the property. Mr. Granese explained that so long as the use remained residential, it would not change the tax rate. The property would be taxed as a residence. Mr. Granese asked if they would be in favor of the change. Ms. McCall said if it did not change anything for the property, it is likely they would be in favor.

Mr. MacEachern said if the change was approved, they could still add a deck or something similar to the property. Ms. McCall commented that the buffer that is between them and Walgreens has not been maintained by Walgreens; her family has been maintaining it. She thought that had been part of the site plan approval. She was advised to speak to Code Enforcement on that issue. Mr. O'Connor said if the zoning of the property is changed to General Commercial, they could sell the property as commercial land. Mr. MacEachern added the property becomes more valuable if it is zoned commercial. Mr. Flattes asked how large is the property. Ms. McCall believed it to be about a quarter of an acre.

Randall Kelley, Hardy Court, said he understands what this change would open up. Many people have lived in this area for a while and won't find the change brings prosperity. It makes sense on the school side of Lenox, but on the Boyd side of the road, it opens a can of worms. It's a good idea to allow the change to happen on the Lenox side which would buffer the commercial development that is proposed. He does not feel an entrance onto Lenox is a good idea. It would create more traffic concerns. Mr. MacEachern confirmed the parcels under consideration are Parcel 32033, 4 Lenox, Parcel 32034, 8 Lenox, Parcel 32035, 10 Lenox, Parcel 32036, 12 Lenox, Parcel 32037, 14 Lenox, Parcel 32120, 20 Boyd Road and Parcel 32121, 7 Lenox Road. There is only one address on Boyd Road.

Mr. Granese confirmed that the letters were sent to the affected landowners and abutters notifying them of the workshop by US Mail.

Mr. MacEachern said Walgreens is Parcel 32123. If 32121 and 32120 are made General Commercial, there is not much that could be done commercially, even if the lots were combined. There is also a drop off on the Walgreen's side. He feels the Board did the right thing by notifying everyone. In looking at the area, it makes sense to keep the zone change on one side of the road. It does not make sense to encroach on the other side. Mr. Flattes asked how large are the parcels? He did not feel it was appropriate to spot zone three lots without looking at the entire street. Everyone should be involved in the decision. Mr. Granese did not feel it was spot zoning; the Board was looking to expand the commercial zone.

Mr. Chase noted that changing the zoning for 7 Lenox and 20 Boyd Road would be a different discussion as those two properties border the Central Business District, not the General Commercial zone. Why would the Board make those two properties General Commercial? He felt it would be best to leave those two parcels alone, although it was nice the abutters were notified. Mr. MacEachern recalled discussions about widening the road when the Board had been reviewing the Walgreen plan. Mr. Granese felt it might be best to not include 7 Lenox and 20 Boyd Road. He asked Mr. Sioras to get in touch with the owners of 12 and 14 Lenox Road to determine their thoughts and to hold another workshop on February 17<sup>th</sup>. If the Planning office hears back from those landowners, that would be great. The plan would be to move on to a public hearing following the next workshop.

Mr. O'Connor advised the parcels under consideration, 32033, 32035 and 32036 were 0.63, 0.41 and 0.33 acres in size, respectively.

Mr. Granese confirmed the Board members were in agreement to move forward with consideration of a zoning change for parcels 32033, 32034, 32035, 32036 and 32037. Mr. Sioras said he would reach out to the other two landowners by sending a follow up letter.

The next workshop will be held on Wednesday, February 17, 2016. Mr. Granese asked Mrs. Robidoux to see if the two landowners could attend the next workshop. Mr. Fairbanks said unless those owners expressed an interest, he did not see why the zoning for those parcels should be changed. Mr. MacEachern said if the Board did not ~~heard~~hear from those landowners, the

Board could consider that a no and just change the three lots. It would square off the General Commercial zone. Parcel 32037 is adjacent to the entrance to the school.

There was no further business before the Board.

Motion by MacEachern, seconded by Flattes to adjourn. The motion passed with all in favor and the meeting stood adjourned at 7:27 p.m.

Approved by: \_\_\_\_\_  
Chairman/Vice Chairman

\_\_\_\_\_  
Secretary

Approval date: \_\_\_\_\_