

The Planning Board for the Town of Derry held a public meeting on Wednesday, February 6, 2008 at 7:00 p.m. at the Derry Municipal Center (3rd Floor) located at 14 Manning Street in Derry, New Hampshire.

Members present: Virginia Roach, Chair; Neal Ochs, Vice Chair; David Granese, Secretary; Beverly Ferrante, Council Representative; Phil Picillo, Town Administrator Designee, Ann Evans, Jim MacEachern, and David Nelson.

Alternates present: Jan Choiniere.

Absent: Alternate Richard Tripp.

Also present: George Sioras, Director of Community Development; Elizabeth Robidoux, Planning Clerk; Gary Stenhouse, Town Administrator; Frank Childs, Chief Financial Officer; Matt Peterson, Woodland Design Group, and several members of the public.

Chairman Roach called the meeting to order at 7:02 p.m., and the meeting began with a salute to the flag. Mrs. Roach advised of emergency exits, the location of additional agendas, and introduced the Board members and staff to those present.

Escrow

LOC 08-06 Pinkerton Academy Athletic Fields PID 43007 & 43008, North Main Street

The request is to approve a final release of escrow held for the above noted project. The amount to be released is \$10,108.80 plus the accumulated interest.

Motion by Ochs to approve as presented seconded by Nelson. The motion passed with all in favor.

Minutes

The Board took a few minutes to review the draft of the January 16, 2008 minutes. As no corrections were noted other than those presented on the draft, Mrs. Roach advised the minutes would be accepted as written.

Correspondence

Mr. Granese acknowledged the following correspondence: SNHPC has sent an announcement that they have implemented a Key Contact Planner program. The key point of contact for the Town of Derry will be Julie Chen. The relevant information is contained in the member packets.

Other Business

Mr. Sioras noted that as a result of the joint workshop held last week with the Town Council and the Conservation Commission, an open space workshop was to be scheduled. The Board reviewed available dates and felt that Wednesday, February 27, 2008 would be the best date.

Public Meeting Six Year CIP Presentation

The six year Capital Improvement Plan (CIP) was presented by Gary Stenhouse and Frank Childs.

Mr. Stenhouse advised that before the Board is the preliminary CIP, which may change before it goes to Town Council in April. The proposed 2009 budget will need to be reviewed with respect to the tax cap and the current revenue flow. As the Town looks through the document, most of the items for Fiscal Year 2009 and 2010 are capital reserve items, for example fire trucks. In 2009 there is an item for the proposed addition to the Taylor Library in East Derry. There is a large amount placed in the CIP for this addition, but he is unsure at this time of the end result.

Mr. Childs highlighted the larger items and major projects. In 2009, there is the 1.9 million dollar amount for the Taylor Library addition that is the only major general fund project. With regard to the water fund portion for 2012, there is a 3.75 million dollar line for Phase I of the expansion on Rockingham Road and south on Route 28 to about Frost Farm. In 2014, they have added a placeholder for Phase II of this project, which would continue the water from near Frost Farm to the Windham town line. 2012 also has a line item for 5.4 million for the expansion of sewer service through Sunset Acres. There is also a line for 1.25 million for the sewer portion (Phase I) of the Rockingham Road project and a placeholder for 2014 for Phase II of the sewer project.

Mr. Stenhouse noted this project had been discussed at the joint meeting last week. If the community wants to expand economically, this is the time to put the money forward for this project. It is not clear at this time where the funding will come from. Economic development activities have a benefit to the tax base at large, but the town is not at that point yet. This is the time to develop the plans and specifications. Mr. Childs noted that in 2015, the sewer will move forward to Barkland Acres, and the amount has been estimated at 4.8 million. He wanted to mention this because it affects the overall Master

Plan and future budget. He has looked at when the bonds will come due. There is not enough money available from those expiring bonds to complete the wastewater projects. There is always a struggle with using the wastewater balance to assist with the existing debt service. Sewer projects scheduled for 2012 to 2015 total about 12 million. The amount in the bonds about to expire totals about 10 million. This becomes a balancing act on the general fund side as the town works with the tax cap.

Mr. Ochs inquired if the amounts noted in this CIP have been adjusted to account for future inflation? Mr. Childs stated they have been adjusted by the department heads and reflect escalation costs. It is an attempt to be accurate absent finite engineering. The amount noted for 2012 is larger because that project would include a water tower and a new pumping station.

Ms. Ferrante noted that in past years the Council has met in the fall to review the goals for the next year and this did not happen this past year. They used to set new goals and review what had been done. She is curious as to where the Town Council will go because they have not reviewed this CIP. Will they look at it prior to budget season? Mr. Childs stated this process is no different than in the past. Ms. Ferrante disagreed. Mr. Childs stated the CIP comes from the department heads who work off new or prior goals. This document is preliminary because it needs to be fit into the operating budget and they will do that through the proposed budget for FY 2009. Mr. Stenhouse noted the Town Council controls when they meet to establish their goals for the next year. Ms. Ferrante indicated that the Town Council and Department goals have always been very similar. Mr. Stenhouse agreed, noting that economic development has always been first or second on the list of goals.

Mr. Picillo recalled that at the joint meeting, there was discussion as to how the sewer should be run to Route 28. He thought there were plans to run the sewer from West Running Brook, not through Bradford Road. It appears Phase I is different than what they thought of doing. Mr. Stenhouse stated the route was preliminarily designed based on input from the staff during the spring and fall of 2007. Mr. MacEachern recalled that the plan was to run sewer down Route 28, over to Clam Haven and then to run it up Route 28. This is one of the options. The other option is to take it from West Running Brook. He does not see taking the sewer through the South Range School area on this plan. Mr. Picillo thought a lot of the activity in the CIP was related to Route 28 and the By-Pass. He assumed this is planned so as not to pave the road and then dig it back up again to run other utilities. Mr. Childs stated Phase I of the water and sewer plans are identical so that they can be installed at the same time.

Mr. Picillo asked to see something for that area that isolates the area and provides a project plan. The Board confirmed that is what has been asked to be supplied to them. Mr. Stenhouse asked Mr. Sioras to send him an email, and Mr. Stenhouse will ask that data be put together.

Mrs. Choiniere had a question with regard to bonds. There is an item on page 5, noting 1 million dollars in 2011 for Route 28 and the Rockingham Road area reconstruction.

She assumes that will occur after the sewer improvements are complete? Mr. Childs and Mr. Stenhouse thought that was a good question. Mr. Childs stated it would depend upon what is accomplished. That amount may or may not be moved. They wanted to leave that in because of the cost involved with the road. The engineering is scheduled to be conducted in 2010 for the water and wastewater project and then they will revisit it in terms of Phase I. They wanted to leave it in, but are not looking to fund it at this time.

Mr. Nelson had a question regarding the Public Works highway project for the East Derry Road reconstruction. Is this part of the 30 year CIP? In previous years the Board has reviewed both the six year and the 30 year CIP and attempted to synchronize the first six years. He suggested looking at the 30 year CIP. Maybe the time to do that is before the 6 year CIP is approved by Town Council. As a second question, does anything on the State 10 year traffic plan include the Crystal Avenue and Broadway reconstruction?

Mr. Childs advised that Crystal Avenue and Broadway is a state project. The town has already provided its contribution to the project. The reconstruction is scheduled to start this spring or summer. Mr. Stenhouse noted that project was funded from a different source.

Mr. Nelson inquired if any projects in the town plan were impacted by the 10 year state plan? Mr. Stenhouse did not believe so, other than Exit 4A. He noted the 10 year state plan did not treat Derry generously, especially in light of the infrastructure needs of the fourth largest town in the state.

Mr. Nelson thought it would be helpful to have a copy of the Sewer and Water Master Plan to reference as the Board is reviewing this CIP and the Master Plan. It is helpful to have all of the Master Plans in one pile to reference. Mr. Stenhouse stated he would be happy to ask that Mr. Fowler and Mr. Carrier meet with the Board to discuss the sewer and water plan. The more the Board knows, the better it can plan. Mrs. Roach thought that was a good idea.

Mr. Nelson inquired if the roadway management plan is included in the operating budget or the CIP? Mr. Childs advised that is an ongoing plan, included in the operating budget. The amount is generally around 1.3 million. The town does not depreciate the roadways as long as they stay within the parameters of the roadway management plan that the Town Council adopted. They evaluate the road index each year and make sure that it is being maintained.

Mr. Nelson commented traffic issues often come up during the plan review process. There are targeted intersection improvements and the town does have impact fees for those improvements that fall outside of the 30 year plan. Has staff, either Planning or DPW, looked at patterns of growth and the need for improvements on arterial roads? He would like some feedback. Is the town doing an adequate job of planning for arterial roads, or just addressing the localized issues as they come up during plan review? Mr.

Sioras stated he would follow up with Mr. Fowler, but this did come up during the Wal-Mart discussions with regard to the widening of Route 28. They began to look at developing a formula to determine what the impacts of development will be on an intersection. That has not been completed yet. Mr. Nelson felt the town was looking at localized traffic flow and not looking at town wide flows and what the impacts would be at build out. He wanted to make sure the town did not end up with unacceptable service levels. He would like to see the broader view and the preliminary snapshot. When would the Board have final input for this CIP? He is just seeing this tonight and felt there might be additional comments or questions. Mr. Childs would like to have final comments by the end of the month. Mr. Stenhouse noted the role of the Planning Board in this process is to determine how the 6 year CIP coincides with the Master Plan. Items such as a new fire truck may not ~~full-fall~~ under that purview, but the expansion of water and sewer up Rockingham Road might. Mr. Nelson asked Mrs. Roach if the Board members should submit comments and questions individually or take a look as a group at the 30 year CIP, the Sewer and Water Master Plan, and this CIP, and see how it gels? Mr. MacEachern felt it should be done as a Board rather than individually. Mr. Childs noted the major focus should be on 2009. The Board decided to hold the next discussion on this as the first item of discussion at the workshop on February 27th as meeting sooner would not allow time for review of this or the open space ordinance.

Mr. Sioras stated he would forward the 30 year CIP to the Board in advance so that they would have two weeks to review it. Mr. Nelson asked for the Water and Sewer Master Plans to be forwarded at the same time.

Mr. Ochs inquired if the projections will change depending on economic factors? For example, the development of the By-Pass in Windham made the town aware of opportunities on 28 south. Mr. Stenhouse stated the water and sewer extensions were not in this plan two weeks ago, so the answer to that would be yes. Mr. Childs advised that Tom Carrier, Mike Fowler and he worked on this last week. In 2014, they put a Phase II of this upgrade effort. Phase I contains preliminary, internal estimates without any engineering being performed. The issue as they look at this is that it will need to be adjusted to account for the tax cap.

Mr. MacEachern inquired as to the status of bonds coming due. What will be available from bond sales to match up with the items scheduled for 2009? Mr. Childs advised the largest project is the library addition. The only bond retiring is the Horn Brook Bridge bond, which is under one million dollars. This does not look at what the town is paying for debt service now. New bonds would be issued at lower rates.

There was a short discussion between Mr. MacEachern and Mr. Childs with regard to bonds, what is coming due and the amounts of each as they related to the fund balance. Mr. Childs noted the bond rating for the town has not changed over the past five years. Mr. MacEachern asked what will happen with regard to the town's share of retirement system costs? Mr. Stenhouse commented that is a big part of the picture. FY2010 and beyond will change. Mr. Childs advised that the retirement board has

received a legal opinion that the money used to pay the supplemental medical benefits need to come from the employers. That is a large amount of money. Derry has joined with other towns through the New Hampshire Municipal Association to pose a legal challenge to that opinion. Derry's share would be about 129 million dollars of potential exposure. Mr. Stenhouse noted the amount is large because Derry is the 2nd largest member of the Municipal Association. The other two largest towns in the state are not part of the state retirement system. There was further discussion with regard to retirement funding. Mr. MacEachern was concerned that the retirement issues and all the projects would affect the fund balance. Mr. Childs noted there is 3.4 million dollars in bonds that will retire in 2010. Mr. Childs indicated the recommendation is not to use the fund balance to pay operational costs and it makes the budget difficult. However, this year, the town will only be dealing with the incremental increases on the rates.

There was a brief discussion with regard to the upgrade of water and sewer in the area near South Range School. Mr. MacEachern noted the lots in this area are smaller lots, and a significant number of the septic systems have failed. Mr. Childs commented in 2012, there is 5.4 million slated to cover the sewer project in that area. Mr. MacEachern thought that final figure would depend upon the funding mechanism. The last time an upgrade was done, the cost was about \$10 to 12, 000.00 per home.

Other Business

Ms. Evans spoke with regard to the scheduled open space ordinance workshop. She does not recommend sending this back to the subcommittee. There are questions that the entire Planning Board should answer. She would like to see the Board review the last copy of the draft ordinance, the Auburn ordinance and pick and chose what the Board would like to see deleted or added using those documents. The Board can then come to a group consensus. She noted that Councilor Coyle was opposed to open space because he felt if the road was less expensive to build, the developer would construct less expensive homes and that would affect the tax base. She feels they all need to work together to get an ordinance passed by the Town Council. Mrs. Robidoux will send the documents via email to the Board members.

Mr. Nelson inquired if there are any elements of the draft ordinance that will require legal feedback prior to the workshop? Ms. Evans said she was open to legal review at any time, but it may be the items the Board wanted to receive a legal opinion on will be removed from the ordinance. Mrs. Roach felt it would be more prudent to hold off legal review until there was another draft of the ordinance. Mr. Sioras agreed, and said the finalized draft can be sent right after the workshop. Ms. Ferrante suggested a copy of the Dover Open Space ordinance be sent to the Board members as well.

Public Hearing**Gennaro Estates****Parcel ID 04075 & 04074, 13 Bartlett and 90 Gulf Road
Acceptance/Review, 7 lot subdivision, Final Phase**

Matt Peterson, of Woodland Design Group presented for the applicant who was present in the audience.

Mr. Sioras reviewed his staff report for this project. The purpose of this plan is for a seven lot subdivision located at the corner of Gulf and Bartlett Roads in the Low Density Residential District. The lots are required to be 3 acres in size. All town departments have reviewed and signed off on the plan. The applicant is requesting a Conditional Use permit per Section 165-80.b.2. (a), and a waiver from Section 170-26.A.17, Streets, with regard to slope requirements. With regard to state permits, NH DES Site Specific, Wetlands, and State Subdivision approval have been obtained and copies of those approvals are in the file. Mr. Sioras recommended approval of the subdivision application. The Growth Management Special Permit development points have been met for this application.

Mr. Peterson outlined the plan. Sheet 1 of 21 shows the existing conditions of the property. The lot is located to the north side of Gulf Road and Bartlett Road is located to the east side of the property. There is a small lot, 04074 near the stone wall and this lot is about 1.46 acres in size. The lot is wet. Lot 04075 contains 38 acres. The lot drains down to Gulf Road and the wetlands. They have shown HISS mapping on Sheet 2. Peter Schauer of Schauer Environmental mapped the wetlands on the site. Because of the size of the property, the topography details have been broken into a few sheets. Sheet 3 provides an overview. They are proposing seven lots on Cella Drive. The majority of the lots will be 3 acres in size, with one oversized lot.

Sheet 4 shows the lot consolidation of Lot 04074 into 04075, and the re-subdivision of Lot 04075. This sheet also shows the lot size and the uplands. They added an additional sheet to show the building setbacks and the wetlands. This sheet also shows the areas of the slope easements. Sheet 5 shows the back lots at the end of the cul de sac. The largest lot will be 18.39 acres. Sheets 7 and 8 show the topographic subdivision, which outlines the proposed individual well and septic areas. They also show the test pit locations and state soils. Sheet 10 outlines the roadway plan. The intent is to construct the roadway entering off Gulf Road and traversing about 1200 feet to a cul de sac with curbed sections and closed drainage. There is guardrail proposed in some locations. The proposed drainage plan will incorporate a detention pond at Sta 7+75. It will collect the majority of the water, take it to a treatment swale, through a culvert, cross the road, and eventually lead to a town drainage system. The plan shows all of the driveway locations, grading, and anticipated sites for the homes.

An erosion control plan has been included which outlines the best management practices to be used, including hay bales, silt fence and stone dams. Lot 5 will contain a stockpile area. There were some drainage concerns near Gulf Road and Bartlett. The water sat in low points on Bartlett. A roadside swale will be installed to treat and direct water across the road. This is the offsite improvement they have been discussing and working on with staff for the past six to seven months.

Mr. Peterson outlined the grading plan. As the road climbs from 2% at the entrance it travels up to an 8% grade. They are requesting a waiver in this location to allow a 2:1 slope rather than the required 4:1 slope as it will have less of an impact on the wetland. They are trying to minimize the wetland impact. They have included a sight distance plan and have received comments from Keach Nordstrom Associates. They feel they will be able to address those comments satisfactorily.

Ms. Evans inquired which is the steepest driveway? Mr. Peterson advised that would be on lot 2. The slope of the driveway is 9-10%. Everything else comes in at the grade of the lot. Mr. Granese inquired if there is a sheet that shows the locations of the proposed homes? Mr. Peterson explained that Sheet 10 shows the roadway, and the tree lines on the lot. The homes would be within the cleared area. They did that to determine drainage calculations but did not show exact locations of homes. Mr. Granese asked if there is a sheet that shows the location of the driveways in comparison to the well and septic locations? Mr. Peterson said they did not do that, but it could be done.

Mr. Nelson inquired as to fire protection. Mr. Peterson stated Sheet 4, Note 21 indicates a sprinkler system will be required for the homes.

The Chair opened the hearing for public comment. There was none. The hearing went back to the Board.

Mr. Nelson asked with regard to the Conditional Use Permit and the waiver request. Mr. Sioras stated the Board should have a copy of the Conditional Use permit request, and he has just been handed the waiver request. Mr. Sioras passed copies of the waiver request to the Board members and one was retained for the applicant file.

Mr. Peterson advised the applicant is requesting a waiver from Section 170-26:A.17. The town requires 4:1 side slopes which can be reduced to minimize wetland impacts. They would like to construct 2:1 side slopes in the area of Sta 4+00 to Sta 7+10, utilizing guardrail, to minimize the wetland encroachment on the north and south of the roadway. Mr. Nelson inquired how would the area be stabilized? Mr. Peterson explained they would use jutte matting. They have noted the areas on the erosion control plan. They will also seed the area. The EPA and staff will watch this to ensure stabilization.

Mr. Peterson provided a breakdown of the Conditional Use Permit application. He provided explanations to the provisions as follows.

- a. *The proposed construction is essential to the productive use of land not within the Wetlands Conservation Overlay District.* Sheet 3 shows the majority of the upland is on the other side of the wetland that divides the property.
- b. *Design and construction methods will be such as to minimize detrimental impact upon the wetland, and the site will be restored as nearly as possible to its original conditions.* They worked with the Conservation Commission and the Wetland Board to ensure minimal wetland impact. The biggest constraint was the town requirement for a 300 foot radius. They minimized what they could.
- c. *No alternative which does not cross a wetland, or has less detrimental impact on the wetland, is feasible.* There was no other alternative available.
- d. *Economic advantage alone is not reason for the proposed construction.* They are trying to access the majority of the dry upland of the site.

Ms. Evans stated she assumed there will be underground utilities and granite curbing? Mr. Peterson replied that if the regulations call for such that is what will be constructed. Ms. Evans asked what is the anticipated retail of the constructed homes? Mr. Peterson stated the owner has no builder in mind yet, but has spoken with some developers. The residential market is not what it was. Mr. Peterson thought the homes would retail in the \$285,000 to 325,000.00 range. They are planning to build 4 bedroom homes.

Mr. Picillo asked with regard to a comment from KNA suggesting a street lamp be installed. Mr. Peterson stated they plan to fully comply with the KNA comments and that will be addressed.

Mr. Sioras commended Mr. Peterson on his work on this plan. The plan has been developed over the last year and had many challenges.

Motion by Nelson to accept jurisdiction of the 7 lot subdivision plan for Gennaro and Pearl Cella on Parcels 04074 and 04075, seconded by Ochs. The motion passed unanimously in favor.

Mrs. Roach asked for the distance of the roadway as it traveled from 4 to 8% slope. Mr. Peterson explained the road runs at 3% from Sta 0+27 to Sta 2+50; at 4% from Sta 2+50 to 5+00. There is a vertical curve between 4 and 8% for about 200 feet. The road is at 8% from Sta 7+00 to Sta 10+ for about 325 feet. The 150' curve transitions from 8% to 3%.

Motion by Nelson to grant a waiver from Section 170-26.A.17, to allow 2:1 slopes where 4:1 slopes are required as presented in the letter from Woodland Design Group dated February 5, 2008, and as presented this evening, seconded by Ochs.

Picillo, Ferrante, MacEachern, Ochs, Evans, Nelson, Granese and Roach voted in favor.

Motion by Nelson with regard to the Conditional Use Permit to ~~move~~make findings of fact that the CUP as requested has met all the requirements to grant such a request and such permit should be granted as requested. Ochs seconded the motion.

Picillo, Ferrante, MacEachern, Ochs, Evans, Nelson, Granese and Roach voted in favor.

Motion by Nelson to approve the subdivision of Parcels 04074 and 04074, pursuant to RSA 676:4:1, subject to the following: address and comply with all the comments contained in the KNA letter dated February 4, 2008, subject to onsite inspection by the town's engineer, the establishment of escrow for the setting of bounds, or the applicant provides certification the bounds have been set; establishment of appropriate escrow as required to complete the project; the applicant obtains written approval from Doug Rathburn that the GPS disk has been received and is operable, a notation is placed on the plan with regard to the approval of the Conditional Use Permit and the waiver, and that the above conditions are met within 6 months. The motion was seconded by Ochs.

Picillo, Ferrante, MacEachern, Ochs, Evans, Nelson, Granese and Roach voted in favor.

A motion was made by Ochs, seconded by Nelson and passed in favor to adjourn at 8:17 p.m.

Minutes recorded by Elizabeth Robidoux, Planning Clerk.