

The Planning Board for the Town of Derry held a public hearing on Wednesday, March 4, 2009 at 7:00 p.m. at the Derry Municipal Center (3<sup>rd</sup> Floor) located at 14 Manning Street in Derry, New Hampshire.

Members present: Virginia Roach, Chair; David Granese, Vice Chair; Jan Choiniere, Secretary; Randy Chase, Administrative Representative (7:08 p.m.); Brian Chirichiello, Council Representative; Phil Picillo (7:05 p.m.), Ann Evans (7:03 p.m.); John O'Connor and Maureen Heard, Alternates

Absent: Richard Tripp, Mark Cooper, Gary Stenhouse

Also present: George Sioras, Director of Community Development; Elizabeth Robidoux, Planning Clerk

Mrs. Roach called the meeting to order at 7:00 p.m. The meeting began with a salute to the flag. She introduced the staff and Board members present, and noted the location of emergency exits, agendas and additional materials.

Mrs. Heard was seated for Mr. Picillo, and Mr. O'Connor was seated for Mr. Cooper.

## **Escrow**

### **#09-10**

#### **AEC Office/Garage**

#### **American Excavating Corp (Seven Hills Dev.)**

#### **31011 & 31013, 5 & 15 Madden Road**

The request is to establish escrow in the form of Letter of Credit No 5520513070,2 in the amount of \$22,137.51, drawn on River Bank for the above noted project. The expiration date of the Letter of Credit is February 13, 2011.

Motion by Choiniere, seconded by Granese to approve as presented. All voted in favor and the motion passed.
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*Ms. Evans entered the meeting at 7:03 p.m.*

### **#09-11**

#### **AEC Office/Garage**

#### **American Excavating Corp. (Seven Hills Dev.)**

#### **31011 & 31013, 5 & 15 Madden Road**

The request is to approve Release #2 in the amount of \$22,137.51 for the above noted project. The Letter of Credit is drawn on Community Bank and Trust Company. This is the final release.

Mrs. Choiniere asked for an explanation of this request. Mr. Sioras explained the developer has renewed a letter of credit with a different bank and needs to establish the new one and release the old one.

Motion by Granese, seconded by Choiniere to approve as presented. All voted in favor and the motion passed.

*Mr. Picillo entered the meeting at 7:05 p.m. Mrs. Heard stepped down.*

## **Minutes**

The Board reviewed the minutes of the February 18, 2009 public meeting. No corrections or changes were noted and the Chair accepted the minutes as written with Ms. Evans abstained.

## **Correspondence**

Mrs. Choiniere noted the Board has received the following correspondence. On Saturday, May 2<sup>nd</sup>, OEP will hold it's 16<sup>th</sup> annual spring Planning and Zoning Conference; Plan NH is requesting submittals for the 2009 Merit Award Program; SNHPC is holding an information meeting regarding the NH Water Resources Plan on April 9th, and a Groundwater Management public meeting on March 26<sup>th</sup>. For information on any of these, Board members should see Mr. Sioras.

The Board is also in receipt of a letter from Nancy Mayville of NH DOT regarding the NH 28/Kilrea Road/Windham Depot Road intersection. Mr. Chirichiello asked Mr. Sioras to discuss the letter as he has received several calls regarding the proposed work at that intersection. Mr. Sioras read aloud the letter which confirmed the status of the project; she stated that the project is not listed on the 10 year plan. The project will be done along with others under the HSIP program and is slated for the FY 2010 program. She also advised the State will maintain Rt 28, as it does today, and the Town of Derry is responsible for maintenance of the roads that are the legs of the intersection (Kilrea, Windham Depot).

Mrs. Choiniere acknowledged receipt of a new edition of *Town and City*.

Abutters to the Bonneau plan were invited to view the plan with the engineer while the Board took up the rest of its administrative business.

## **Other Business**

### Our Town – Our Future

Mr. Sioras reminded the public of the town wide meeting to be held at West Running Brook School on Saturday, April 4, 2009 beginning at 8:00 a.m. He asked residents to RSVP to the Planning Office. Breakfast and lunch will be served.

### Request for Extension, Pinkerton Academy – Freshman Building

Mr. Sioras introduced Mary Anderson, Headmistress of Pinkerton Academy. Ms. Anderson introduced Mr. Daigle, Pinkerton's new Finance Administrator. They are requesting a one year extension on the approval for the new building. This is not a good time to build a new building. Financing has been hampered and they would like a year to let the economy get back on its feet.

Mrs. Roach confirmed this is the second extension request. Mr. Picillo asked with regard to enrollment figures. Is Pinkerton still projecting the same figures as when they started this project? Ms. Anderson stated they are full. They are working on the addition of 2 portable buildings which will be coming in this year to accommodate the need for space. Ms. Evans asked if Ms. Anderson expects the construction of this building will increase the tuition, or will the school be built with donated funds? Ms. Anderson advised they will not be using donations for this building. They had performed fundraising for the Theatre. Typically, they retire a bond to take a new one out. If they had been on track with the bonding and the project, there would have been a small increase in tuition cost. There will definitely be an increase in tuition as a result of this building.

Mr. Granese noted the last extension for this project was granted for 6 months. This is the second request. Mr. Picillo understood the economic climate and also felt that projects would be delayed as a result. Developers will be asking for extensions and requests such as this will not be uncommon. Procedurally though, two weeks ago, the Board had a similar request. The Board decided unanimously to only extend the approval for 6 months. He appreciates the financing issues but is concerned with granting a one year extension and the precedent it will set. Mrs. Roach recalled the request at the last meeting was for a two year extension and the Board granted only 6 months. Mr. Picillo felt that given the economic climate, only a 6 month extension should be granted.

Motion by Picillo to grant an extension on the approval for the Freshman Academy Site Plan for another 6 months, seconded by O'Connor.

Chase, Evans, O'Connor, Choiniere, Picillo, Chirichiello, Granese and Roach all voted in favor.

### CTAP Assessment Report

Mr. Sioras advised the report presented by Rachel Kelly of SNHP presented at the last meeting needs a formal vote to adopt it.

Mr. O'Connor asked if the Board adopts the report as written, does that mean the Board adopts the philosophy and goals set forth in it? Does the Board need to concur with the goals and objectives? Mr. Sioras explained that is up to the Board. The recommendations in the report were based on the review of the Community Assessment by a subcommittee made up of himself, Mrs. Roach, Mr. Chirichiello, Mr. Gomez and the other SNHPC Commissioners from Derry. They are long term goals to give guidelines. A formal vote is required as the state has funded it.

Mr. O'Connor confirmed the Board is just accepting the report. Many of the goals require a lot of work and funding and the funding mechanisms outlined in the report are vague.

Motion by Choiniere to adopt the CTAP Assessment Report, seconded by Chirichiello. The motion passed with all in favor.

Mr. Picillo inquired if any of the 26 communities involved in CTAP have not accepted the recommendations? Mr. Sioras said he did not believe so. The reports contain goals to implement and recommendations. Mrs. Roach felt this was a good tool to help towns focus and prioritize the goals. Mr. Sioras indicated any objective or goal would need to come back to the Board to be discussed before implementation whether it is a zoning or land use change. Mr. Picillo did not feel there was anything in that report that was binding on the Board.

### **Public Meeting**

#### **Master Plan – Community Facilities and Public Utilities Land Use Build Out**

Jillian Harris, Planner and Linda Madorma, GIS Analyst of Southern New Hampshire Planning Commission, presented.

## **Chapter 4, Community Facilities**

Ms. Harris reviewed draft chapters 4 and 5 of the Master Plan update. Chapter 4, Community Facilities was drafted by compiling the results of a questionnaire sent to Directors of various departments within the town regarding town-wide facilities. The focus of this chapter is the current community facilities, recent improvements to those facilities since the last Master Plan, as well as short and long term needs. This chapter answers those questions.

### Schools

There are five elementary schools, two middle schools and a private high school in Derry. Current enrollment for the 2008-2009 school year (grades 1-8) is 3510. The projections are that enrollment is on a downward trend. Projections have been made out to 2021 and it is estimated the enrollment will begin to climb again in 2013. All the schools in Derry are below capacity and have room to add more students. Kindergarten was added in 2008-2009 at the Grinnell Elementary. The schools do not anticipate any substantial improvements beyond general maintenance to any of the schools through the 2015 school year.

Mr. Picillo had a question regarding Pinkerton enrollment figures. The graph in the draft chapter conflicts with what was just presented to the Board by Ms. Anderson. Ms. Harris advised that SNHPC defines capacity differently than Pinkerton Academy. The Academy uses the number of teachers per the number of students. SNHPC uses a formula of 30 students per teacher and includes all attendees. Mr. O'Connor noted that students from Auburn and Chester attend Pinkerton as well. He asked if kindergarten student numbers were included in the enrollment calculations for the lower grades? Ms. Harris advised they were not; the graphs in this chapter for lower grades include children in grades one through eight.

Pinkerton's enrollment is currently at 3340 students. It is expected that number will sharply increase for the 2009-2010 school year (3420) and then decline again. Numbers have been consistently around 3000 students for many years and are expected to stay around that number. The Freshman Academy building is planned and is expected to alleviate the need for 20 portable buildings that are currently located on the grounds.

In the fall of 2008, a Community Survey was made available to the public at the Town Hall, the libraries, the Recreation Department and on line at the town website. 1000 hard copies were made available; the town received 89 responses for a return rate of 9%. For Community Facilities, the respondents were asked to rate town departments, facilities and services as excellent, good, adequate or poor, by checking the appropriate box. Respondents were asked to indicate 'don't know' if they were uncertain.

42% felt the schools were good, 26% felt the schools were adequate, 20% felt the schools were excellent, 6% felt the schools were poor and 6% did not know.

### Municipal Buildings

No major problems exist as of 2008 at the new Municipal Center and minor storage issues are expected to be addressed in the period through 2015.

### Veterans Hall

The Veterans Hall serves as a gymnasium and offices for the Parks and Recreation Division. There have been no major improvements other than the replacement of the gym lighting in 2005. There are major problems with several building systems including HVAC, structural and electrical. The building has a serviceable smoke detection system, but it is not sprinkled. The building is also inadequately insulated. The facility is outdated for the population of the community and the gymnasium and parking are inadequate for their level of use also. The Town is considering a few different options to either renovate the building or to build a new facility.

### Other Municipal Buildings

The Marion Gerrish Community Center may require electrical upgrades in future years, but otherwise no major improvements are needed in the foreseeable future other than at the Upper Village Hall.

The Upper Village Hall was closed to the public and has been vacant since 2005. The building has several major deficiencies including electrical, structural, and HVAC; the building was planned to be demolished but presently an organization has been working to preserve it. The future of the building is unclear.

### Public Works

Ms. Harris stated there are four departments under the Public Works Department: Buildings & Grounds, Transfer Station, Highway & Cemetery, and Sewer & Water.

The Adam's Memorial Building has inadequate parking and consideration should be made as to acquiring adjacent parcels to remedy the situation.

The Transfer Station Facility is in need of an upgrade to accommodate increased population and an increase in recycling programs and to create a more efficient operation. The Highway Department and Cemetery Division is in need of increased funds for pavement maintenance. The Sewer and Water Departments

have short and long term needs that are outlined in the current Capital Improvement Plan and will be discussed in the Public Utilities chapter.

### Police Department

The Derry Police Department consists of 59 Sworn Personnel, 5 Dispatch, 8 Clerical, 2 Animal Control Personnel, and 3 Part-time Personnel. The Department often has insufficient manpower to address all areas of law enforcement concerns within the community and will need to add approximately 8-10 officers beyond the current authorized strength to address problems such as cyber crime and street level issues.

The Town has recently added a 4,000 square foot addition in 2006 and remodeled offices to the Police Department. Within 10 years it will likely be necessary to add onto the building again to provide space for police operations and investigations. The facility will also be in need of a new roof in the next few years as well as updating the HVAC system in the old portion of the facility.

Survey results for the Police Department indicated 30% of the respondents felt the Department was excellent, 39% felt it was good, 21% felt it was adequate, 7% felt it was poor and 7% did not know.

### Fire Department

In 2005 the East Derry Fire precinct combined with the Derry Fire Department. Currently, the Derry Fire Department has 84 full-time employees, including 7 full-time employees in the Dispatch/Communications Bureau and 1 full-time uniformed mechanic and 1 civilian Director of EMS. The Department also has 1 part-time secretary and 3 part-time dispatchers.

Short term needs of the Fire Department include a Deputy Chief, a Training Officer, fill current vacancies and maintain shift staffing at 18, locate and purchase land to build a fire station to relocate the Central Station which is currently located at 131 East Broadway, complete the Derry Fire Department Strategic Plan and Fire Accreditation and develop a comprehensive Fire Code that would include Residential Fire Sprinklers.

Long term goals include additional firefighters to increase staffing on the engines and ladder to comply with NFPA 1710 and allow for four fighters per Engine Company, a Fire Training Facility that includes a Class "A" burn building with training tower, a concrete trench rescue simulator, an LP Gas/Flammable liquids training simulator, and a flashover simulator, locate and purchase property to build a fire station in order to relocate the Hampstead Road Station and develop consolidation and regional plans with surrounding fire departments and emergency agencies.

Respondents to the survey indicated 48% felt the Fire Department was excellent, 32 % felt it was good, 14% felt it was adequate, 3% felt it was poor and 2% did not know.

### Derry Public Library

Both libraries in Derry are experiencing an increased demand from the community for increased space, staff, hours, equipment and collections.

Current problems and needs for the Derry Library include, increased and reconfigured parking in order to be adequate for the volume of patrons visiting the library, increased funding for staffing, collections and equipment to keep pace with the growing demands of the library, infrastructure needs including an update of the main floor, mechanical and energy efficiency measures and various paving, concrete and landscaping needs as well.

### Taylor Library

Short-term needs include the possible replacement of a 10-year old copier and an older air conditioning system, printers and a fax machine. Long-term needs include an addition that is planned and will accommodate growing demands. Currently this addition is on hold do to budget constraints, but the library continues to implement fund-raising and pursue grants for it.

Results of the Community Survey indicate that 43% of respondents felt the Derry Library is excellent, 39% felt it is good, 11% felt it was adequate and 1% felt it was poor. For the Taylor Library, 21% of respondents felt the Taylor Library is excellent, 21% felt it was good, 15% felt it was adequate, 6% felt it was poor and 37% did not know.

### Parks & Recreation Division

The Parks and Recreation Division consists of 8 full-time employees, 1 part-time employee and 65 seasonal employees. The Division provides services and recreational opportunities for all age demographics, ranging from pre-school through senior citizens. The majority of participant enrollees are between the ages of five and twelve years of age.

The construction of a new Recreation complex is the Division's top priority for long and short-term needs. The building is in dire need of major structural and mechanical repairs and upgrades. The Division cannot meet the scheduling and facility usage demands for existing programming and rental requests; therefore, expanding services and programming is not feasible. A new complex is the ultimate short and long term solution in order to meet current and future needs of the Division.



Twenty seven percent of Community Survey respondents felt the Division was excellent, 45% felt it was good, 19% felt it was adequate, 1% felt it was poor and 6% did not know.

The Survey also asked respondents to rank recreation programs for seniors, youth and to rate the recreational areas and facilities.

	Excellent	Good	Adequate	Poor	Don't Know
Programs for Seniors	6%	16%	22%	9%	44%
Programs for Youth	16%	33%	22%	7%	18%
Recreational Areas/Facilities	24%	36%	22%	6%	8%

## Chapter 5, Public Utilities

The Community Survey asked respondents if the availability of municipal water service should be increased. 35% of respondents felt it should, 24% said no and 35% did not know. 47% of respondents felt the availability of sewer service should be increased, 18% said no and 30% did not know. 36 respondents felt funding for this type of expansion should be funded by private development, 19 of the respondents felt it should be funded by TIF districts, 11 felt it should be funded by taxes and 32 respondents felt the funding should come from water and sewer rates.

The town has a wholesale water supply purchase agreement with Manchester Water Works, which provides approximately 159,000 people with water. As of 207, Derry had 68 miles of water mains, 23,966 service connections and 575 fire hydrants. Table 5.1 in the Chapter shows water consumption and capacity in Derry for the past 10 years. Consumption is currently on a downward trend from 2001/02 when it reached a high of 1.92 Million Gallons per Day (MGD). The maximum daily capacity continues to be 3.32 MGD. Mr. Sioras noted that the water consumption drops are a result of the HADCO plant closing in 2003. That facility consumed a lot of water.

The majority of the population in Derry is serviced by private, individually owned wells. There are some satellite water systems owned and operated by Pennichuck Water Works, as well as a few private community wells. A map was presented showing areas in Derry serviced by Pennichuck or private water systems.

Currently the town has plans in the 2009-2014 Capital Improvement Plan (CIP) to extend municipal water service farther south on Rockingham Road/Rt. 28 from the West Running Brook/Winter Hill Rd. area to the vicinity of Berry Rd. Subject to this extension there are also plans in the CIP for a Warner Hill Rd. tank and

main construction of a 3.25 MGD tank, which would service predominantly the East/Central Derry customers including an existing community water system. Also included in the CIP are items such as the vehicle replacement program, rehab and pump replacement for the Meadowbrook Community Well System, Water Main upgrade and replacement program and various other upgrades and repairs to booster stations. Funding for these projects includes water receipts, bonds and grants.

Source water protection involves preventing the pollution of the groundwater, lakes, rivers and streams that serve as sources of drinking water for local communities. Communities often take for granted that a plentiful supply of high quality sources of drinking water, whether they are from groundwater or surface water, or both, will always be available. However, these natural resources are vulnerable to depletion and contamination and as such need to be protected. The NH DES evaluated the existing source water assessment data for all the active public water systems within the community. Ms. Harris reviewed the three types of public water supply systems that were evaluated by DES. The major areas of concern for wells are their proximity to highways and railroad beds, septic systems and agricultural land cover.

The Derry Wastewater Treatment Plant capacity is currently 4 MGD. In 2007 the town entered into an inter-municipal agreement with Allenstown for private septic system disposal. As of June 30, 2007 the Town of Derry had 46 miles of sanitary sewers, 18 miles of storm sewers, 1 Treatment Plant and 2,995 service connections. The town has stayed under the 2 MGD mark since 2000. For the fiscal year 2007, the town produced 1.75 MGD as the daily average treatment and the town maintains a 3 MGD capacity.

Currently the town has plans in the 2009-2014 CIP that include extending wastewater service farther down Rockingham Road from Bradford Street to the vicinity of Berry Road and then Phase 2 will include extending it the rest of the way down Rockingham Road to Ryan's Hill/Windham Town Line. This project will include a pump station as well. Other items in the CIP include the vehicle replacement program and various upgrades and repairs to the Treatment Plant and pump stations in town. Funding for these projects includes water receipts, bonds, capital reserves and grants.

### Energy

Promoting and incorporating energy efficient measures in Town Buildings, activities and ordinances has many benefits to the town, including reducing operating costs and cutting carbon emissions. The Town of Derry has undertaken several projects recently to promote energy efficiency in municipal buildings. In Fiscal Year 2004/05 energy use in the Municipal Center was cut dramatically, natural gas was reduced by 70% and electricity by 15%. This was done by instituting simple policies such as putting computers in sleep mode,

turning thermostats down/up after business hours and installing energy efficient lighting.

Derry also recently adopted a "Green Building and Vehicle Ordinance". Ms. Harris reviewed various points of that ordinance, as well as a list of energy efficient action goals.

Ms. Harris advised the next chapters will be Economic Development and Build Out Analysis. She then introduced Linda Madorma who presented the Build Out Analysis overview.

### **Build Out Analysis Overview**

Ms. Madorma stated CTAP is a five year initiative designed to study the effects of the widening of I-93. The purpose is to promote beneficial growth patterns and development practices that manage the impacts of growth on community services, remaining open space, schools, traffic patterns, environmental quality and existing residential and commercial development. The goal of the build out analysis is analyze multiple growth scenarios for the CTAP communities, and standardize procedures and data inputs from each regional planning commission conducting the build out analysis. The GIS data looks at land use that is digitized for each town, zoning, current buildings, community centers, road centerlines, sewer service areas, the National Services Network (NSN), the National Wetlands Inventory (NWI), 100-year floodplains and conservation lands. The GIS current buildings data was compiled using an aerial photography flyover conducted in 2005 as this data was uniform throughout the 26 communities.

They created a land use layer and devised 3 build out scenarios with the first two being created uniformly for all 26 communities. The first is the base build out which looks at the maximum amount of development that would be allowed under the current regulations. It takes into account density, setbacks, and lot coverage with the constraints of wetlands, 100-year floodplains and conservation lands. It is important to remember that when one is looking at the build outs, it is presented as a large scale, best guess as to what could happen.

The second build out is a standard alternative. Data from the NSW was added to adjust densities and the make the town more walkable around community centers. The third build out scenario, the community scenario, will show what the Board comes up with after it looks at the first two scenarios and provides input based on personal experience in the community. There may be changes to community center locations and constraints added that were not considered in the first two scenarios. Some towns try to determine what the build out year will be, as well as the total number of residents in that year.

Mr. O'Connor inquired as the towns in the CTAP area. Which surrounding towns are updating their Master Plans? Ms. Madorma stated Bedford, Raymond; it was also noted Auburn and Chester have recently updated their Master Plans.

Mrs. Roach thanked Ms. Harris and Ms. Madorma.

## **Public Hearing**

### **Craig & Snow Bonneau**

#### **Parcel ID 04061 & 04061-001, 20 & 24 Gulf Road**

#### **Acceptance/ /Review, Lot Line Adjustment**

Mr. Sioras provided the following staff report while Mr. Meisner handed out plans to the Board members. The purpose of the plan is for a lot line adjustment on two lots owned by the Bonneau's. The lots are located in the Low-Density Residential District which requires a 3 acre minimum lot size. There are no town department signatures required on the plan, no waivers have been requested and no state permits are required. He would recommend approval of this plan.

Kurt Meisner of Meisner Brem Corporation presented for the applicants. There are two parcels of land located on the north side of Gulf Road known as 20 and 24 Gulf Road. The lots had been previously subdivided and there is an existing home on one of the lots (04061-001). The house lot has an onsite well and septic. The intent is to adjust the rear lot line as shown into a curved area. The space being exchanged is identical, so the current lot sizes will not change. Lot 04061 has an approved septic design and the applicants have obtained, or are in the process of obtaining, a building permit to construct a new home on this lot. The plan is to sell the existing home and build a new one. Mr. Meisner presented a concept for a future subdivision of the parcels which will create a short cul-de-sac and add two more lots. He stressed the applicants do not plan to create that subdivision at this time, but don't want to box themselves in when they build the new home and sell the old one. They can add the lots to the rear in the future.

Tonight, nothing will change on the existing lot. They are just reconfiguring the rear area. There is a small area of wetland on lot 04061, but that has been considered with regard to the concept plan.

Mr. Picillo confirmed that Parcel B is new to lot 04061-001.

The floor was opened to the public.

Donald Kirkland, 18 Gulf Road, advised he abuts the lot. He has no problem with the plan itself but has a concern with regard to drainage on Gulf Road. New drainage was installed by the town on this road. The cascade drain on the

surface does not accommodate the water flowing down the street. Debris washes down the road. What will the new driveway entrance do to impact that drainage? The landowner will have to deal with it, as he is dealing with it now. He has been cleaning the debris but wonders if comment can be made with regard to that.

Mr. Sioras suggested Mr. Kirkland speak with DPW with regard to the drainage. The applicant will need to pull a driveway permit for the new home, and typically, that involves a site visit from a representative from DPW. Any future development of the lots will require engineering review and the drainage will be looked at again. He suggested Mr. Bonneau touch base with Dave Blanchard in Public Works with regard to the new driveway.

There were no further comments from the public and the plan returned back to the Board.

There were a few questions with regard to the concept plan and Mrs. Roach reminded Board members to deal with the plan that has been submitted.

Motion by Picillo to accept jurisdiction of the Lot Line Adjustment plan for Parcels 04061 and 04061-001, located on Gulf Road. The motion was seconded by Chirichiello. All voted in favor and the motion passed.

Motion by Picillo to approve as presented pursuant to RSA 676:4, III, *Expedited Review*, subject to the following conditions: subject to owner's signature, subject to onsite inspection by 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 Doug Rathburn that the GIS disc is received and is operable, that the above conditions are met within 6 months, and that a \$25.00 check, payable to RCRD should be submitted with the mylar in accordance with the LCHIP requirement. The motion was seconded by Granese.

Picillo, Chirichiello, Granese, Chase, Evans, O'Connor, Choiniere, and Roach all voted in favor and the motion passed.

Motion by Granese, seconded by Choiniere to adjourn. All voted in favor and the meeting stood adjourned at 8:03 p.m.

Minutes prepared by Elizabeth Robidoux, Planning Clerk