

The Planning Board for the Town of Derry held a public meeting on Wednesday, August 24, 2011, 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: John O'Connor, Chair Pro-Temp; Frank Bartkiewicz, Secretary; John P. Anderson, Town Administrator (7:39 p.m.); Randy Chase, Administrative Representative; David Milz, Town Council Representative; Darrell Park, Jan Choiniere, Members; Michael Fairbanks, Anne Arsenault, Ann Alongi, Alternates

Absent: David Granese, Jim MacEachern,

Also present: George Sioras, Planning Director; Elizabeth Robidoux, Planning Clerk; Michael Fowler, Mark L'Heureux, Public Works; Brenda Keith, Boutin & Altieri, PLLC.

Mr. O'Connor called the meeting to order at 7:00 p.m. The meeting began with a salute to the flag. He introduced the staff and Board members present, and noted the location of the exits, and agendas.

Mr. Fairbanks was seated for Mr. MacEachern and Mrs. Arsenault was seated for Mr. Granese.

Escrow

#11-23

Project Name: Asadorian Subdivision

Developer: Nicole Pace

Escrow Account: Nicole Pace

Escrow Type: Cash

Parcel/Location: PID 32115, 19 Boyd Road

The request is to approve the final release of cash escrow for the above noted project in the amount of \$12,052.90, plus accumulated interest. The amount to retain is zero.

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

#11-24

Project Name: Gennaro Estates

Developer: Bob Allen

Escrow Account: Gennaro Estates, LLC

Escrow Type: Letter of Credit

Parcel ID/Location: PID 04074 & 04075, Gulf and Bartlett

The request is to release \$288,564.77 and request a replacement Letter of Credit in the amount of \$286,027.20 for the above noted project. Upon receipt of the replacement Letter of Credit, the Board will release Letter of Credit #21693 drawn on Enterprise Bank in the amount of \$574,591.97.

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

Minutes

The Board reviewed the minutes of the July 13, 2011, meeting. It was noted there was a change to the spelling of Mr. Park's name.

Motion by Park, seconded by Choiniere to accept the minutes of the July 13, 2011, meeting as amended. The motion passed in the affirmative with Park and Bartkiewicz abstained.

Correspondence

Mr. Bartkiewicz advised the Board has received information on the following:

- Municipal Law Lecture Series which will be held at various locations throughout the state during the months of September and October;
- Municipal Volunteer Award nomination deadline;
- Save the Date for the LCG annual conference to be held at the Radisson Hotel in Manchester on November 16 and 17;
- The latest issue of *Town and City*; and,
- The latest issue of *The Source*, which has interesting articles in it.

For further information on any of the above, please contact George or Elizabeth.

The Board has also received a copy of correspondence from FEMA regarding the Community Assistance Visit held on April 7, 2011. Mr. Sioras advised that periodically, FEMA updates the floodplain insurance program. They take a look at the local ordinances and make recommendations for changes to the Zoning Ordinance and Floodplain Regulations on what can and cannot occur in the floodplain. The report for the Town of Derry was favorable. Derry has tried hard to keep the regulations in tune with the updates and we were commended for that. The suggested changes to the current ordinance are mostly housekeeping changes that will have to be made so that the town is not in default. It is important to keep the regulations updated to protect the homeowners who carry this insurance in the event they need to make a flood insurance claim. The Board can review the suggested changes and hold a workshop later in the year to review them.

Other Business

Route 28 Improvement Update

Michael Fowler, Director of Public Works, advised he wanted to provide an update to the Board on the status of the road widening in the area of the Route 28 Tax Increment Finance (TIF) district. He is pleased to report that they are working with the 10th landowner along the corridor and are close to closing. He noted the efforts of Brenda Keith from Boutin & Altieri in assisting with the project. All agencies, such as NH DOT, DES and other agencies, and have provided their blessing on the plan and the town can now move forward. The intent is to get the bid out in September and he has been authorized to go out to bid for the bond shortly thereafter. The project totals about 5.3 million dollars which includes the engineering, construction inspections and the construction itself. Phase I of the project will be to relocate utilities; he anticipates they can probably work on the utility portion until mid-December. Over the winter, the utility companies can move the overhead lines so that the town can start construction in April. He anticipates full completion by October of 2012. They now have firm timelines. They have been coordinating with the developers in the area of the project – Boomer Wolf and Walmart.

Regarding the scope of the project, it will begin around Hood Commons Plaza and continue to the intersection at Tsienneto. The bulk of the widening will take place from Tsienneto to Ashleigh Drive. They will add one lane to the east side which will widen the road by 25 feet along that stretch. North of Ashleigh Drive they will relocate the median and sidewalk, but the remainder is in adequate condition.

Mr. O'Connor complimented Mr. Fowler's team on the process; it has brought development interest into the area and that is good for Derry. Mr. Bartkiewicz echoed Mr. O'Connor's comments.

Public Hearing

Request to recommend acceptance as a public road by Town Council sections of Worthley Road that have prior dedication, pursuant to RSA 674:40, III; and a recommendation to Town Council that sections of Worthley Road be accepted pursuant to RSA 231:8 (layout).

Michael Fowler, Director of Public Works, confirmed the Board had copies of the plan set for Worthley Road prepared by Promised Land Survey.

In 2010 and prior, Town Council wrestled with the private road issue, which included Worthley Road. Town Council accepted a petition from the residents for layout of the road on June 1, 2010. He received a directive from then Town Administrator, Gary Stenhouse, to move forward with the survey plan the Board sees before it today. This plan lays out the ownership rights which were determined by title and survey research into the lots. Town Council has scheduled its own public hearing on this matter for September 20, 2011.

With regard to the Planning Board, they will this evening be looking at portions of the road, or dedicated right of way, and will be asked to recommend acceptance of the road to Town Council, very similar to what the Board does now for roads in new subdivisions. There are four ways a road can be laid out by the town under RSA 229:1. One is eminent domain, which does not apply here. There can also be construction of a road on public land with deeded ownership. Some areas of Worthley qualify. Another method is through prescriptive use of the road, for twenty plus years, beginning prior to 1968. There has been some evidence to that effect submitted to the town. The other method is through dedication and acceptance which is the traditional and more modern way.

The town did not take anything by eminent domain on Worthley Road. Land was acquired by easement, but the owners still own the underlying land. They have deeded a 50 foot right of way. For purposes of public passage, the town wanted enough room to be able to trim trees and take care of drainage without disturbing the landowners. All four of the impacted landowners have signed off on that. Mr. Fowler took the Board through a description of the layout.

Sheet 2 of the plan set, as one travels east, shows a portion of road that had prior use and dedication. [Current property owners: Beck, Soucy, Joyner, Laroche, Hofmann, Pearson, Farmer, Carnevale, Bear, Mazzone] There is public sewer, the road has been paved and maintained in the winter by Public Works and there is evidence of public use that was submitted by landowners. He believes there is ample evidence along this section of the road of prescriptive use. The Board will be asked to endorse acceptance of that portion to the Town Council under RSA 674:40. Areas A and B [Bouthillette and Bostwick] as shown on the plan contain both paved and gravel surfaces. The owners along this portion have agreed to grant easements to the town and have deeded ownership of the 50 foot right-of-way to the town for that section.

Sheet 3 shows Area C [Wetherbee]. There is no evidence of prior dedication, so the town obtained an easement from the property owner for the 50' right of way for public passage. The next area is along the stretch of land currently owned by the Gill family. There is an existing right of way easement that was previously dedicated in 1989 as part of the North Shore Heights plan that is recorded at Rockingham County Registry of Deeds as Plan D-19360. The recorded plan has a note that the road was dedicated for public use in perpetuity to the town, but research of the town records shows the town never accepted the area. Under RSA 674:40, III, the Board can endorse acceptance of

the area. This section will not be 50 feet wide, but they feel that what is provided will be adequate for the passage of the traffic in that area.

Area D [Nottonson] is a small area that has been granted as an easement for a future turnaround. The town will need to do some future work to it, such as upgrading it so that it meets the geometric standard. That is a portion that can be accepted under RSA 231:8. Mr. Fowler confirmed that the area will be adequate as a hammerhead and no other public agencies have expressed a concern with the area.

Motion by Milz, seconded by Choiniere to open the public hearing. The motion passed.
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Mr. O'Connor asked for input from the public.

John Gill, 17 Worthley Road noted this has been one long issue. His counsel, Attorney Prunier was not able to attend the meeting this evening. Mr. Gill felt that going forward with the acceptance of the road would cost the town money one way or the other. It will either be in legal fees to defend his suit against the town, or it will be to negotiate with him for payment of the land. He has never been spoken to about this. When he purchased his property he believed this portion of the road to be part of his property. Mr. Gill read a portion of a letter written by Attorney Steve Clark to John Moody on February 15, 2007 regarding assessments of the property. In the letter, Attorney Clark stated that just because the right of way area is not being taxed does not mean the property owner does not own it. The fact there is a dedication does not change the legal ownership of the land until the legislative body votes to accept the road. He currently has 2.35 acres of land and will lose about half an acre. He has no problem with a town maintained road, but wants someone to talk to him. He keeps being told the town will take the land. The town has never sought to take that piece of property until the petition came forward. He is not being threatening. At one point in time this issue will either go to court, or the town will sit down and negotiate with him.

Motion by Milz to close the public hearing, seconded by Choiniere.
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Mrs. Dionne expressed a wish to speak and no vote was taken.

Susan Dionne, 22 Worthley Road advised she had been before the board in she believed February of 2009. At that time, she presented much of Charlie Pearson's information as he was unable to attend that evening. When the hearing was done, the Board voted unanimously to send this to Town Council and recommended the road become public. The neighbors still come to her to verify the status of the issue. There are 18 families on the road. Seventeen want the road to become public. Mr. Gill initially signed the original petition. This has been a long process for us [the residents] and they want it to keep moving forward. The town has maintained the road for as long as she has lived there which is 30 years. She felt Mr. Fowler summed it up thoroughly.

There was no other public input.

Motion by Milz to close the public hearing, seconded by Choiniere. The motion passed unanimously.

Mr. Fowler recommended the Board members take the opportunity to look at the plan. Regarding the reference about the Gill property, there is a plan recorded at the registry and that is sufficient to move it forward to Town Council. Under RSA 674:40, III, the Board may vote on the matter. If the Board votes not to recommend acceptance, the matter can still move forward to Town Council but it would require a super-majority of 2/3 of the Council voting in the affirmative to pass. He stated it is believed that they have all the evidence required to move forward and to accept Worthley as a public way.

Mr. O'Connor asked if under RSA 674:40, III the Board's vote this evening will supersede the vote taken in February of 2010 for the portions under RSA 674:40 they already voted on? Mr. Fowler said he would not speak for Counsel, but felt it did not hurt to reaffirm the previous vote. It establishes a record going forward in the event there is a legal question. The record will provide the facts.

Mr. O'Connor asked if the board had any questions? He asked that the Board discuss the lower section first. Mr. Fowler noted the deeds for the properties are complicated. For the lower section because of prescriptive use, the deeds are complicated and show some form of a prior right of way. This plan will clean it up if the road is accepted.

Mrs. Choiniere asked with regard to improvements on the road. Mr. Fowler explained that the town currently has no intention of upgrading, widening or paving the road. Where it changes from paved to gravel is near the Greenblatt and Dionne property. There is no intention at this time of improving the road down to North Shore Road. The intent would be to accept the road as is.

Mr. Fairbanks asked if Mr. Fowler felt there was a full legal dedication of the land as he is hearing some controversy? Mr. Fowler said that there is a plan on record, but no deeded reference. It is important to note this in the context of the present day subdivisions, using for an example Harvest Drive or Brandyrock Road. The town does not receive a deed from the developer stating it owns the road. The recorded plan serves as an indication of dedication. In the research of Worthley Road, the town could not find a deed, but the Planning Board did, in 1989, approve the North Shore Heights plan which serves as the dedication of the right of way and that is the legal premise the town is working from. For the upper section, there is no prior dedication.

Mr. Anderson was seated at this time.

Mr. Gill asked if he could speak again. Mr. O'Connor noted the public hearing was closed, but he would allow it.

Mr. Gill said he was glad to hear Mr. Fowler agree there was no deed and there has not been. There are just words on a plan. He removed his name from the petition because he is the only resident on the road who will lose land. He wants to be able to do what everyone else is doing and let the town use it, but he owns it. He wants the road just like everyone else on the road, but does not want to lose his property. He does not feel the town can take his property. There is no deed so he does not feel this will stand up in court. He would love for everyone on the road to have a town maintained road. He would like to see good negotiation. He wants the road for the neighbors but does not want to lose the land. He is asking the Planning Board for this; the town does not have to take that land.

Mr. Fairbanks inquired if there is any option where the Gill land will not be taken? Mr. Fowler wanted to clarify the terms being used. He explained that Areas A, B, C and D are based on the layout and the land has been deeded by easement. The owners still own the land, but are allowing the activity of the dedication, meaning vehicles are allowed to pass on the right of way. "Taking" is a misnomer. This [the area in front of Mr. Gill's home] has been a dedicated right of way for town use since 1989.

Mr. Chase thought there had been a similar situation near Beaver Lake where the road was to be upgraded but one of the residents withdrew their signature from the petition and the petition could not go forward. Does this apply? If Mr. Gill is not on board, how can this move forward? Mr. Fowler recalled that issue had to do with the Field Road petition. In that case, the plan was recorded in 1966 with a 42 foot wide right of way. Kenro and Field Road are essentially gravel paths, about 18 feet wide. The question came up, what are the plans for the future of the road? If the plan was to widen the road to a two lane road, that resident was not interested. At the original hearing, the town had neither intent nor the funds to do a project of that nature. Why would the town widen a road and pave it for 15-20 vehicles when the funds could be used elsewhere? The request to upgrade Field Road came under RSA 674:40 as a petition. The resident chose not to withdraw her name from the petition and everyone seems happy with the result. In this situation, the removal of Mr. Gill's signature from the petition is not relevant at this particular instance because there is a layout occurring on some parts and there is evidence of prior dedication.

Mr. Chase asked for more information regarding the plan for North Shore Estates that was referenced. Mr. Fowler advised when the Orchard Drive development was created and recorded in 1989, some of the land connects to the rear of Worthley Road. At the time of approval, the developer put a note on the plan for future dedication of the right of way to the Town of Derry in perpetuity. Charlie Pearson brought that to the attention of the Planning Board. Mr. Chase asked if Mr. Gill owned his property in 1989? It was confirmed Mr. Gill purchased in 2001. Mr. O'Connor stated the Board has the authority, under RSA 674:40, III to recommend acceptance of Worthley Road to Town Council. After the Board makes a determination under RSA 674:40, it can then deal with the layout portions.

Motion by Anderson to recommend acceptance as a public road by the Town Council sections of Worthley Road that have prior dedication pursuant to RSA 674:40, III, seconded by Bartkiewicz.

Park, Arsenault, Chase, Anderson, Fairbanks, Milz, Choiniere, Bartkiewicz and O'Connor all voted in favor and the motion passed.

The Board was informed that under RSA 231:8, they are acting in an advisory capacity only. The motion would be to endorse in the affirmative that sections of Worthley Road be accepted under the layout provisions of RSA 231:8, and that the matter be forwarded to Town Council.

Motion by Anderson to affirm that sections of Worthley Road be accepted under the layout provision of RSA 231:8, and that the matter be forwarded to Town Council, seconded by Bartkiewicz.

Anderson, Milz, Bartkiewicz, and O'Connor voted yes. Fairbanks, Park, Arsenault, Chase and Choiniere voted no. Mr. Chase advised he is troubled with the dispute, can see both sides of it, and would want to see that cleared up before the matter goes to Town Council. Mrs. Choiniere agreed.

Mr. O'Connor advised the vote failed by a vote of 5 to 4.

Mr. Sioras advised there is no Planning Board recourse. The issue will be taken up at the Town Council level under RSA 231:8. It was confirmed by Counsel that acceptance under RSA 231:8 would require a super majority vote of the Town Council.

Mr. Fowler stated the Town Council meeting to discuss acceptance of Worthley Road will be September 20, 2011 beginning at 7:30 p.m.

BR-10, LLC

PID 04084 and 17002, 1 Bartlett Road and 343 Island Pond Road Acceptance/Review, Lot Line Adjustment

Mr. Sioras provided the following staff report. The proposal is for a Lot Line Adjustment between Parcel 04084 and Parcel 17002. A subdivision plan will follow as a separate application. Town signatures are not required for this proposal, nor are state permits required. The applicant is requesting a waiver from the HISS map requirement, and he would recommend approval of the waiver as HISS mapping is not required for a lot line adjustment. The property owners, Bill Dickey and Bob Allen are both present tonight. Mr. Sioras advised he would recommend approval of the lot line adjustment application.

Jim Lavelle, Lavelle Associates, presented for the applicants. The purpose of the plan is to take a section of land to the rear of the Island Pond lot and transfer it to the larger

parcel to the rear. They intend to transfer 1.29 acres from Parcel 17002 to Parcel 04084. This leaves Parcel 17002 at just over the 3 acre minimum for the zone. Mr. Lavelle reviewed the plan set with the Board. Items included an overview of the cover sheet, the proposed lot line adjustment plan on sheet 2, the larger parcel on sheet 3, detailed topography on sheet 4 as well as the existing home on the front parcel, test pit locations, a proposed 4,000 square foot septic replacement receiving area and the location of the existing septic to the front of the building. There are no wetlands involved in this lot line adjustment. The plan set does however show the wetlands that are located to the rear of the proposal on Parcel 04084. Keach-Nordstrom reviewed the plans and all comments have been addressed. The Board has a copy of the return comments, which was faxed over today. Keach Nordstrom had no issues with the HISS map waiver.

Mr. Anderson asked why are they creating the lot line adjustment and has the applicant spoken to the Heritage Commission with regard to the stone wall? Mr. Lavelle advised the stone wall stops as depicted on the plan. There is no intent to remove it and it will no longer be a property line. The intent of the lot line adjustment is to help in the design of the eleven lot subdivision.

Motion by Anderson, seconded by Choiniere to open the public hearing. The motion passed in the affirmative and the floor was open to comments from the public.

Mr. Sioras advised the abutters that many of the questions they had were related to the subdivision proposal. There were no public comments.

Motion by Milz to close the public hearing, seconded by Choiniere. The motion passed in the affirmative and review of the plan returned to the Board.

Motion by Choiniere to accept jurisdiction of the lot line adjustment plan, seconded by Anderson.

Park, Arsenault, Chase, Anderson, Milz, Fairbanks, Choiniere, Bartkiewicz and O'Connor all voted in favor and the motion passed.

Motion by Choiniere to grant a waiver from LDCR Section 170-24.A.12, HISS mapping, seconded by Bartkiewicz.

Park, Arsenault, Chase, Anderson, Milz, Fairbanks, Choiniere, Bartkiewicz and O'Connor all voted in favor and the motion passed.

Motion by Choiniere to approve the lot line adjustment for Parcels 04084 and 17002, pursuant to RSA 676:4,I, Completed Application, subject to the following conditions: establish escrow for the setting of bounds, or certify the bounds have been set; plan should be stamped by a wetland scientist; obtain written confirmation from the IT

Director that the GIS disk is received and is operable; note approved waiver on the plan; the above conditions are to be met within 6 months; improvements (setting of bounds) shall be completed by August 24, 2012; a \$25.00 check, payable to the Rockingham County Registry of Deeds should be submitted with the mylar, along with all applicable recording fees, in accordance with the LCHIP requirement. Bartkiewicz seconded the motion.

Park, Arsenault, Chase, Anderson, Milz, Fairbanks, Choiniere, Bartkiewicz and O'Connor all voted in favor and the motion passed.

BR-10, LLC**PID 04084, 1 Bartlett Road****Acceptance/Review, 11 lot subdivision**

Mr. Sioras provided the following staff report. The proposal is for an eleven lot subdivision located at 1 Bartlett Road, which is located in the Low Density Residential district. This zone requires a three acre minimum and 200 feet of frontage for each lot. All town departments have reviewed and signed the plan. The applicant was before the Conservation Commission on August 22 and the Conservation Commission Chair was authorized to sign the plan. At the time the staff report was compiled, no waivers were required for the plan, but he will speak to that later. A NHDES Alteration of Terrain permit is required, Dredge/Fill wetlands permit and Subdivision approval permits have been filed with the state and the applicant is awaiting approval. Additionally, the Groundwater Resource Impact Assessment report, as requested by the Technical Review Committee, has been prepared to show the potential impact of this development on the groundwater resource and nearby water supply wells. The report reveals that well yields in the site vicinity readily meet typical residential water use demands per the NH DES Water Well Bureau well yield guidelines. The applicant used StoneHill Environmental to prepare the report.

His recommendation this evening would be for the Board to hear the plan and listen to comments from abutters and then table the plan to allow the applicant to address the many technical items contained in the Keach-Nordstrom report. He would not recommend taking jurisdiction of the plan this evening.

Jim Lavelle, Lavelle Associates, presented for the applicant. The proposal is for an eleven lot subdivision on a 37.9 acre parcel (after the lot line adjustment) with the lots ranging in size from 3 acres to 5.18 acres. The proposed road will be named Steele Road and will be located off Bartlett. The 1600 foot road will end in a cul de sac. The lots all meet the minimum lot size, have at least 200 feet of frontage and meet or exceed the soil zoning required for the lots. The front setbacks meet the 35 foot requirement, the side and rear setbacks are 15 feet and wetland setbacks have been met, whether they are 30 feet to a wetland less than an acre or 75 feet to a wetland one acre or larger in size. The plan set is comprised of 21 sheets. It was last revised two

days ago to address the Keach-Norstrom comments [the Board was not provided a copy of the revised plan set]. Mr. Lavelle advised the meets and bounds for the lots are noted in the plan set. In addition, the lot numbers and addresses have been approved by Assessing and the Fire Department. Wetland areas have been noted on the plans as well as the easement areas for drainage. The five plus acre lot at the end of the cul de sac is noted, as well as the septic areas for each lot. Topography and soils are also on the plan. The remaining sheets in the plan set were prepared by Gregsak Engineering and detail the roadway design, drainage, lighting and stop signs, and contain the more technical aspects of the subdivision. Keach-Nordstrom reviewed the plan and his office received the review comments on August 22nd. Mr. Lavelle advised the comments with regard to the survey portion of the plan have been addressed and he anticipates Mr. Gregsak will address the additional ones within the next few days. Mr. Lavelle said Mr. Gregsak will also be addressing a few comments received from Mark L'Heureux in Public Works.

Motion by Anderson, seconded by Bartkiewicz to open the public hearing. The motion passed in favor and the floor was opened to the public.

Kristine Poor, 2.5 Bartlett Road (Parcel 04089), advised they have concerns regarding Bartlett Road and the runoff. There is no catch basin on the plan to the west side of the new street. Past history in this area shows significant runoff in the winter and spring. January through March of each year they see runoff that crosses the street before the proposed road and catch basin. She hopes that the town will look at that. Bartlett Road is used as connector road to Island Pond from Gulf. This is a very narrow road. Adding a new intersection will put a strain on the narrow road and add traffic. The proposed location of the new roadway on Bartlett is dangerous. There is a sharp curve to the east that creates a potential blind intersection. The 300 foot line of sight does not consider snow banks or high brush in the summer. Each week since they have lived there, there has been a close call with traffic as they pull out of their driveway or go to the mailbox. They have lived at this location for 18 years. She advised they are concerned with regard to road improvements. Regarding the well issue, is the well test report from StoneHill a public document? Mr. Sioras said it was and a copy can be made available.

James Fraser, 2 Bartlett Road, advised he echoed Mrs. Poor's comments regarding the drainage in early spring. The proposed location of Steele Road is on a declining turn. His driveway is there. He can't get to his mailbox in the winter time because of the ice. Parcel 04083 is his lot number, but the arrangement on the plan presented to the Board shows his lot located more east than it is. The barn is shown as being in front of the Poor's house; it is in front of his home. The area marked as a 50 foot right of way has a creek in it. Mr. Lavelle advised the right of way is shown on the plans; the location of the parcels was based off the town GIS. He did not survey across the street. He has noted on the plan that the depicted right of way is not for use.

Mr. Fraser advised Steele Road has already been cleared. That will exacerbate the runoff onto Bartlett Road near Parcel 04082. The water will run on the road to the front of his lot. There is a huge ice pack in that location that does not thaw out until mid-April;

this makes the driving adventurous and will make the ice pack larger. He can see a problem if an additional 30 cars are added to the area.

Mr. Anderson asked Mark L'Heureux of the Engineering staff to look into this. This is the first that Mr. L'Heureux is hearing that there is an issue in this area. He asked Mr. L'Heureux to address the concerns for the next meeting to see what might be done to address the water concerns.

Mr. Lavelle stated that some of the concerns are addressed in the design of the subdivision. Sheet 9 shows the underground flow and where they will put the road. The Steele Road drainage design intends to intercept that flow and put it into a detention area. The intent is to fix the culvert that travels under Bartlett Road, treat the stormwater, and construct road improvements on Bartlett which are also noted on the plan. The stone wall runs away from Bartlett which will allow room to improve the road, except for the most easterly portion which will be dedicated to the town. There is an 8% grade further up the subdivision.

Mr. O'Connor noted there have been some very large storms during the last three years. What is the grade on that section of Bartlett Road? Mr. Lavelle advised it is 2% transitioning up to 3%. The 8% grade starts about 250 feet up Steele Road. There will be a number of catch basins that will catch the drainage, including two located on Bartlett Road.

Neil Hitter, 354 Island Pond Road (Parcel 17005-003) concurs with the other abutters. He can't imagine what this will look like unless Bartlett Road is improved. He has a 9 foot dug well, and now has some concerns regarding the water issues that were mentioned and how that might affect him.

Mr. Sioras stated that in general terms, the southeast corner of Derry has had some issues with wells because of the topography. The department wanted to play it safe and have a well study performed. The well yield has been determined to be adequate for the number of homes proposed. Further to the west, there had been issues with wells in that one person had water and a neighbor did not. Mr. Hitter said he does not have an artesian well. Mr. Sioras advised the department can give Mr. Hitter access to the well report. He would suggest that Mr. Hitter contact Bob Mackey in Code Enforcement as he has information regarding the individual wells and septs in the area.

Mr. Hitter spoke with regard to the new road being constructed. A lot of clearing was done across the street from his property on Parcel 17002. Is there going to be an access to the proposed subdivision from Island Pond? There will not. Mr. Hitter asked if the clearing on Parcel 17002 was done on purpose? Mr. L'Heureux explained that there had been a water problem on the property caused by an obstructed culvert, and the owner had to excavate the culvert to repair it. The owner is currently storing equipment there. He is not aware of any plans for that property at this time. Mr. Hitter suggested that an access to the new subdivision be proposed off Island Pond Road.

Island Pond could handle the traffic better than Bartlett Road. It will be hard to take that left toward Island Pond Road. He did note that he needs their property to back into his lot for safety purposes.

Thomas Danson, 11 Bartlett Road (Parcel 04077) questioned a road off of Gulf Road that has been constructed. That has not been mentioned this evening. Does this go into the same development? Mr. Lavelle advised it does not. That is a development being constructed parallel to the proposed Steele Road development. It is a separate entity. That road is for an approved subdivision that is finally being constructed.

Mr. Danson said there has always been a rumor about getting rid of water on that side of the road. No one has told them where it was going. When he called Town Hall, the person he spoke with did not know anything about the subdivision on Gulf Road. Mr. Anderson explained the subdivision on Gulf Road was approved about four years ago and went through the same process as the one under discussion this evening. Because of the economy, the developer did not build the subdivision right after it was approved. The plan for that approved subdivision is on file and available to be viewed if he would like to see it.

Mr. Lavelle said he hopes they have taken the water and drainage into consideration. The Department of Public Works will review the plan based on the concerns expressed tonight. Keach-Nordstrom also had comments on the drainage and the intention is to take care of some of the drainage problems on Bartlett Road with this subdivision.

Mr. O'Connor asked how long does Mr. Lavelle anticipate it will take to address the engineering review comments and the abutter concerns? Mr. Lavelle thought about a week as they are mostly housekeeping items. Mr. Sioras suggested tabling the plan to September 14th.

Motion by Anderson, seconded by Bartkiewicz to table the public hearing and discussion for an 11 lot subdivision to be located at 1 Bartlett Road, to September 14, 2011, at 7:00 p.m.

Park, Arsenault, Chase, Anderson, Milz, Fairbanks, Choiniere, Bartkiewicz and O'Connor all voted in the affirmative and the motion passed.

Mr. Lavelle stated he would have revised plans for review well in advance of the meeting. Mr. Anderson noted that Mr. Lavelle has heard the abutter concerns regarding the sight distance issue where Steele Road meets Bartlett and asked that Mr. Lavelle go into more detail on that during the September 14th meeting.

Motion by Choiniere, seconded by Bartkiewicz to close the public hearing until September 14.

The motion passed unanimously in favor.

There was no further business before the Board this evening.

Motion by Choiniere, seconded by Park to adjourn. The motion passed with all in favor and the meeting stood adjourned at 8:36 p.m.
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