

The Planning Board for the Town of Derry held a public meeting on Monday, October 10, 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: David Granese, Chairman, John O'Connor, Vice Chair; Frank Bartkiewicz, Secretary; John P. Anderson, Town Administrator; David Milz, Town Council Representative; Jan Choiniere, Jim MacEachern (7:02 p.m.), Members; Ann Marie Alongi, Alternate

Absent: Randy Chase, Darrell Park, Michael Fairbanks, Anne Arsenault

Also present: George Sioras, Planning Director; Elizabeth Robidoux, Planning Clerk; Michael Fowler, Director of Public Works; Attorney Lynne Guimond Sabeau, Boutin & Altieri, PLLC.

Mr. Granese 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 meeting materials.

Ms. Alongi was seated for Mr. Park.

Escrow

None

Minutes

The Board reviewed the minutes of the September 28, 2011, meeting.

Motion by O'Connor, seconded by Bartkiewicz to accept the minutes of the September 28, 2011, meeting as written. The motion passed in the affirmative with Choiniere abstained.

The minutes were signed by the Chair and Secretary.

Correspondence

Mr. Bartkiewicz reported the Board is in receipt of correspondence from Attorney Robert Moran, representing The Halligan Tavern. He read the following into the record.

"Dear Mr. Sioras: I represent the owners of The Halligan Tavern regarding its application for rooftop seating and other related issues. I was informed this past Friday that a hearing on this matter has been scheduled for this evening. The owners of The Halligan Tavern intend to proceed with its plans for a deck and additional seating, as well as its plans to relocate the

dumpster. Unfortunately, I have a trial ~~the~~ that will commence tomorrow morning at 9:00 a.m., for which I will need all day and this evening to prepare and am unable to attend this evening's hearing. Accordingly, I would request that you continue the hearing to a future date. Thank you for your consideration. Very truly yours, Robert C. Moran, Esquire."

Motion by O'Connor, seconded by Bartkiewicz to continue the public hearing for MTM Realty, LLC, PID 29195, 32 West Broadway to November 9, 2011.

Alongi, Anderson, O'Connor, Milz, Choiniere, Bartkiewicz and Granese all voted in favor and the motion passed.

Mr. Bartkiewicz reported the Board has also received a memo from Town Clerk Denise Neale regarding duties and procedures relating to the Town of Derry Boards and Commissions.

Mr. MacEachern was now seated.

Other Business

Consultation with Legal Counsel

Motion by Choiniere to adjourn the meeting in order to consult with legal counsel, seconded by O'Connor. Mr. Granese amended to invite Mr. Sioras and Mrs. Robidoux to attend.

The motion passed with all in favor and the meeting adjourned at 7:03 p.m.

Motion by Anderson to reconvene the Planning Board meeting, seconded by O'Connor.

The motion passed and the meeting reconvened at 7:14 p.m.

Public Hearing

MTM Realty, LLC PID 29195, 32 West Broadway

Mr. Granese advised this public hearing has been continued to November 9, 2011.

Lake Avenue, Rocky Road, and Pebble Lane

Mr. Sioras ~~advised~~ said he would defer to Michael Fowler the Director of Public Works for this item.

Mr. Fowler advised that the residents of Lake, Rocky and Pebble put forth a petition in June of 2010 to have their roads accepted as public by the town. Since then, the Department of Public

Works, legal counsel and the surveyor have created a plan that they feel is ready for the Planning Board to recommend for layout and acceptance by the Town Council. The Planning Board looks at and recommends the layout and the geometry of the road under RSA 231:8 through 12. There is no prior dedication and the layout of the roads has been done from scratch.

The plan before the Board details three roads that are located off North Shore Road in the Beaver Lake area. The roads service 14 residences, plus or minus. Sewer has been installed and the road has been paved. The road is in comparatively good condition. The plan provided this evening for the public outlines the applicable areas in orange. The road is currently 14 to 16 feet wide and is paved. The town has ascertained five foot easements on each side of the road to create a 24 to 25 foot wide road to be maintained by the town in perpetuity; if recommended by the Planning Board and accepted by Town Council. This is a pure layout without prior dedication or prescription.

Motion by MacEachern, seconded by Choiniere to open the public hearing. Discussion followed.

Ms. Alongi verified the location of the easements.

Alongi, MacEachern, Anderson, O'Connor, Milz, Choiniere, Bartkiewicz and Granese voted in favor and the motion passed.

Mr. Granese opened the floor to the public. Mr. Anderson urged the public (there were about 10 people in attendance) to speak if they were in support of the proposal.

Robert Ormond, 3 Lake Avenue, advised he was in support of the petition. The residents have been through the hoops and all have agreed to the easements. They would like to see this move forward. He is also speaking for the Beauregards of Pebble Lane and Mr. Cockroft of Rocky Road.

There was no further public input.

Motion by MacEachern to close the public hearing, seconded by Bartkiewicz.

Alongi, MacEachern, Anderson, O'Connor, Milz, Choiniere, Bartkiewicz and Granese all voted in favor and the proposal returned to the Board.

Motion by MacEachern to recommend Town Council accept Lake Avenue, pursuant to RSA 231:8, in accordance with a plan prepared by Blaisdell Survey titled "A Survey and Plat for Layout of Lake Avenue, Pebble Lane and Rocky Road". Bartkiewicz seconded the motion.

Alongi, MacEachern, Anderson, O'Connor, Milz, Choiniere, Bartkiewicz and Granese all voted in favor and the motion passed.

Motion by MacEachern to recommend Town Council accept Pebble Lane, pursuant to RSA 231:8, in accordance with a plan prepared by Blaisdell Survey titled "A Survey and Plat for Layout of Lake Avenue, Pebble Lane and Rocky Road". Bartkiewicz seconded the motion.

Alongi, MacEachern, Anderson, O'Connor, Milz, Choiniere, Bartkiewicz and Granese all voted in favor and the motion passed.

Motion by MacEachern to recommend Town Council accept Rocky Road, pursuant to RSA 231:8, in accordance with a plan prepared by Blaisdell Survey titled "A Survey and Plat for Layout of Lake Avenue, Pebble Lane and Rocky Road". Bartkiewicz seconded the motion.

Alongi, MacEachern, Anderson, O'Connor, Milz, Choiniere, Bartkiewicz and Granese all voted in favor and the motion passed.

Mr. Granese explained the Planning Board had just voted to recommend Town Council accept the roads as laid out on the plan. This is not the official acceptance of the road by the town. The Town Council will hold a public hearing on October 18, 2011, beginning at 7:30 p.m. to discuss acceptance of the roads. Mr. Anderson suggested the residents attend that hearing and provide input there as well.

Mr. Granese announced the Board would now move into a workshop that would not be televised.

Workshop

Mr. Sioras explained that every few years, FEMA suggests changes to the Floodplain regulations. After performing a community visit, a letter was sent to Mr. Anderson; attached to the letter were the suggested changes. The Town of Derry was complimented on its existing regulations, but there are some recommended changes to the regulations and some recommended site visits. The changes have been brought to the Planning Board for discussion based on the results of the visit. It may be appropriate to ask Mr. Mackey to attend another workshop to discuss a few of the properties that would be affected by the changes. He recommends the workshop be continued to October 24, 2011 which will be a workshop night. The Board was in agreement.

Mr. Granese asked if there are any other changes that should be made to the regulations. Mr. Sioras said there are some zoning amendments the Board should look at in the near future.

Mr. Anderson asked if the people in the floodplain areas affected by the suggested changes should be notified so that they are aware the regulations may change? Mr. Sioras advised the FEMA report discussed 6 properties for which they were looking for more information. It should be determined if they are located in the Floodplain or not.

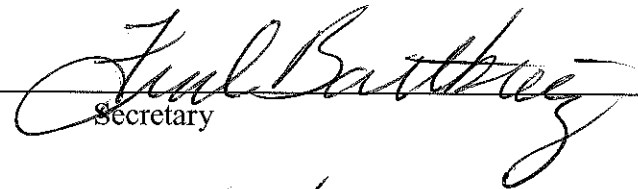
Mr. O'Connor confirmed Mr. Mackey has ownership of the document and is working with FEMA on this matter. Mr. Sioras explained that as Code Enforcement Officer, Mr. Mackey is the regulator of the map and the ordinance.

Mr. O'Connor advised he had questions of a technical nature for Mr. Mackey that he did not want to take up all of the Board's time discussing. He ~~suggested that he offered to~~ put the questions in writing to Mr. Mackey and copy the Board on it so that they are included and Mr. Mackey can get back to him on it. Mr. Sioras suggested having Mr. Mackey attend the workshop on October 24.

There was no further business to come before the Board.

Motion by MacEachern, seconded by Choiniere to adjourn. The motion passed with all in favor and the meeting stood adjourned at 7:29 p.m.

Approved by: 
Chairman/Vice Chairman


Secretary

Approval date: 10/24/11