

The Planning Board for the Town of Derry held a public meeting on Wednesday, June 20, 2012, at 7:00 p.m. at the Derry Municipal Center (Cable TV Studio) located at 14 Manning Street in Derry, New Hampshire.

Members present: David Granese, Chairman; Frank Bartkiewicz, Secretary; David Milz, Town Council Representative; John P. Anderson, Town Administrator; Jim MacEachern (7:04 p.m.), Jan Choiniere, Members; Lori Davison, Alternate.

Absent: John O'Connor, Darrell Park, Ann Alongi, Joe Donahue, Randy Chase

Also present: George Sioras, Planning Director; Elizabeth Robidoux, Planning Clerk; Mark L'Heureux, Engineering Coordinator; Fire Chief George Klauber

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 exit and meeting materials.

Ms. Davison was seated for Mr. MacEachern.

Escrow

#12-14

Project Name: Boomer Wolf, LLC

Developer: Same

Escrow Account: Same

Escrow Type: Cash

Parcel ID/Location: PID 08275, 19 Manchester Road

The request is to approve Release #2 in the amount of \$35,640.00. The amount to be retained is \$91,854.00.

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

Minutes

The Board reviewed the minutes of the June 06, 2012, meeting.

Motion by Anderson, seconded by Bartkiewicz to accept the minutes of the June 06, 2012, meeting as written. The motion passed in the affirmative.

Correspondence

Mr. Bartkiewicz advised the Board is in receipt of a Notice of Decision from Judge Lewis of the Rockingham County Superior Court relative to PPG, LLC vs. Planning Board Derry NH, dated June 11, 2012. The Board also has a Memo from Michael Fowler, Director of Public Works, regarding a proposed fair share assessment from Burlington Self-Storage for their facility on Linlew Drive. This was related to Condition #4 of their approval. Mr. Bartkiewicz also advised the Board in receipt of the latest edition of *Town & City*. In this issue there is a good article on non-public meetings. Board members can view that on line if they are interested.

Other Business

Schedule public hearing for Zoning Amendments

Mr. Sioras advised the Board has discussed the proposed zoning amendments to the Office Medical Business zone and the rezoning of General Commercial properties to Office Medical Business. The changes were finalized at the last meeting. The next public hearing date is July 18, 2012.

Mr. MacEachern was now seated. Miss Davison was then seated for Mr. Park.

Motion by Milz to schedule a public hearing on July 18, 2012, to discuss the proposed changes to the OMB/GC zones, specifically the rezoning of 26 parcels currently zoned General Commercial to Office Medical Business and an amendment to the permitted uses allowed in the Office Medical Business zone. The motion was seconded by Bartkiewicz.

Davison, Anderson, Milz, Choiniere, Bartkiewicz and Granese all voted in favor; MacEachern abstained. The motion passed.

Fair Share Assessment – 4 Linlew

Mr. Sioras advised that as part of the approval for Burlington Self-Storage, one of the conditions was to determine if a fair share assessment needed to be assessed against 4 Linlew Drive to contribute to the Route 28 expansion. Ron Müller & Associates prepared a trip generation report that was reviewed by Mike Fowler. Mr. Fowler indicates he does not believe a fair share assessment needs to be rendered against 4 Linlew Drive, based on the decrease in the number of trips for the self-storage use. Mr. Anderson asked if this item can be tabled for a discussion at the next meeting? He would like this reviewed again as he felt the previous use was a vacant building, and that the new use has more impact than HADCO's storage use of the site. The Board agreed to table this item and discuss it on July 18th.

Public Hearing

**Ernest Lewis Keith Revocable Trust
PID 29029, 15 Hillside Avenue
Acceptance/Review, 2 lot subdivision**

Mr. Sioras provided the following staff report. The purpose of the plan is for a two lot subdivision located in the Medium High Density Residential District. Lots in this zone are allowed 100 feet of frontage with a minimum area of 10,000 square feet if they are serviced by municipal water and sewer. Per the plan, one new building lot for a single family residence is being created. All town departments have reviewed and signed the plan. There are two waivers requested in the letter dated May 25, 2012 from Jeffrey Land Survey, from LDCR Section 170-24A.12, HISS Mapping and Section 170-24A.13, Wetland Mapping. Staff supports both waiver requests as the lots will be served by municipal water and sewer. Mr. Sioras advised he would recommend approval of both the waiver requests and the subdivision plan.

Gregg Jeffrey, Jeffrey Land Survey presented for the applicant. He advised he represents Stephen Delaney. The application is as described by Mr. Sioras. The existing lot has 23,000 square feet. The intent is to carve out a new lot with 10,800 square feet, leaving the existing residence with 12,000 square feet. There is existing water and sewer to the current residence. The proposal is for one new single family dwelling. This is a fairly straightforward plan.

Mr. Anderson said he was confused by the house numbering. Number 15 is the existing lot; Number 13 Hillside is across the street and the new house is proposed to be #12 Everett and is located to the west? Mr. Jeffrey explained the existing home fronts on Hillside and the new lot fronts on Everett. These were the address numbers given to him by the Fire Department. Chief George Klauber, who was also present, stated this is an existing neighborhood and those were the numbers that were available.

Motion by Milz to open the public hearing, seconded by Bartkiewicz. The motion passed with all in favor and the floor was open to the public.

Charles Crompton, 19 Hillside Avenue, stated his property abuts the Keith property on the south. He has been there for 33 years. Hillside Manor was constructed in the early 1900s. The Keith house was built in 1910; his own house in 1922, with the other properties in the neighborhood being built in that era. At that time, Derry was a mill town with manufacturing, and had trains and many cows. It was a small, humble town with humble homes. The neighborhood has single family homes such as capes, ranches and old school Craftsman homes. He does not want to see a duplex or a 2500 square foot trophy house in the neighborhood. The plan says single family and it should not be a duplex. That would be out of character considering the existing properties.

Brenda Gile, 13 Hillside Avenue, advised her concern is the same as Mr. Crompton. This is a neighborhood with older homes. This will be a newer home on a city lot and the town needs to be sure there is adequate off street parking. There is not enough parking now for the existing

home. There is no driveway for the four to five cars that access the existing single family home. The new lot will add more drivers in a small space. This is a quiet neighborhood with children; they don't want a house that takes away from what they have.

Paula McCoy, 14 Everett Street, said she has two points. If any of the members have driven by Everett Street in the last several months, the number of cars in the street is amazing. She is not sure where the cars go in the winter, but they are now lined up. The new house will be beside her property. She wanted to make sure there was available parking and a duplex would be too much for this area.

There was no other public comment.

Motion by MacEachern to close the public hearing, seconded by Bartkiewicz. The motion passed with all in favor and the plan came back to Board for review.

Mr. Granese asked with regard to the new single family house, did Mr. Jeffery know the square footage or style that will be built? Mr. Jeffery said for the sake of the plan it is shown as a 28 x 40 box, but that is to show that it can fit on the property. As a Surveyor, he has no control over the style of home, other than it is a single family home. He can understand the concerns of the neighbors and has spoken with the Planning Director about it being a single family house because that is what would fit in that area.

Mr. Granese asked about the structure to be razed. Mr. Jeffery said that is a shed. The existing home will remain and the shed will be removed from the new lot.

Mr. Anderson asked if the Board can place a restriction that a duplex cannot be built on this property? Mrs. Choiniere noted the plan says "single family". That would lead her to believe it can't be a duplex on the lot. Mr. Sioras explained that single family and duplex are both allowed in this zone. If the builder wants to construct something other than a single family home, because that is the proposal, he would need to come back to the Board for a plan modification. He also noted there are setback requirements in the zone of 15 feet to the side and rear and 35 feet to the front.

Mr. L'Heureux advised the plan fulfills its obligations related to utilities.

Mr. Anderson asked if Mr. Jeffery looked at the lack of parking for 15 Hillside? The new driveway is shown for 13 Everett, but there is only a dirt driveway that does not really go anywhere shown for 15 Hillside. Mr. Jeffery said he has noted on the plan the area where the residents access the lot. That is where the driveway and gate are located. Mr. Anderson asked if there can be a condition that all parking be off street for both premises? Mr. Sioras explained that the town would need to post the road; otherwise it is assumed there is public parking on the street. The neighbors could apply to the Highway Safety Committee to request posting of the road and if Highway Safety agrees, the recommendation would be referred to Town Council for approval.

Mr. Anderson asked Mr. Crompton if he could explain the parking. Mr. Crompton said he has known Earnest Keith for 33 years and has maintained the property for them. Mr. Keith's son took over the property about ten years ago. At that time, the younger Mr. Keith installed chain link fence around the lot. The fence is 6 feet high, with a 9 foot wide gate. Mr. Crompton said the nine foot wide gate parleys into two to three parking spots on the property, but it is hard to get cars into that area. Currently, the house is being rented and the gate interferes with parking because the gate is so narrow. The current residents are nice and maintain the property but there is an issue with the gate; that is why there is a parking problem. The gate [and fence] will need to come down for the subdivision. His point earlier is to limit the square foot size of the house.

Motion by MacEachern to accept jurisdiction of the application before the Board for Ernest Lewis Keith Revocable Trust, 15 Hillside Avenue, PID 29029, seconded by Milz.

MacEachern, Davison, Anderson, Milz, Choiniere, Bartkiewicz and Granese all voted in favor and the motion passed.

Motion by MacEachern to grant a waiver from LDCR Section 170-24A.12, HISS mapping and Section 170-24.A13, wetland mapping, as after review of the waiver requests, the Board finds that specific circumstances relative to the plan, or conditions of the land in such plan, indicate that the waiver will properly carry out the spirit and intent of the regulations. He noted the findings applied to both waiver requests. Mr. Milz seconded the motion.

MacEachern, Davison, Anderson, Milz, Choiniere, Bartkiewicz and Granese all voted in favor and the motion passed.

Motion by MacEachern to approve the two lot subdivision plan before the Board for the Ernest Lewis Keith Revocable Trust, 15 Hillside Avenue, PID 29029, pursuant to RSA 676:4,III, Expedited Review, with the following conditions: Subject to owner's signature, subject to on site inspection by the 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 the IT Director that the GIS disk is received and is operable; note all approved waivers on the plan; the above conditions shall be met within 6 months; improvements shall be completed by November 30, 2013, a \$25.00 check, payable to Rockingham County Registry of Deeds, should be submitted with the mylar in accordance with the LCHIP requirement, along with the appropriate recording fees, and the plan is approved with the condition that a single family dwelling is what is allowed. Any future changes to the dwelling type are to come back before this Board for review. Bartkiewicz seconded the motion. Discussion followed.

Mr. Anderson asked Mr. Jeffery to speak with his client with regard to the parking issue and advise that the Planning Board strongly encourages the client to resolve the issue to keep peace in the neighborhood.

MacEachern, Davison, Anderson, Milz, Choiniere, Bartkiewicz and Granese all voted in favor and the motion passed.

Revisions to LDCR Section 170-24 and 170-26

Mr. Sioras advised the Board is proposing changes to the LDCR after a discussion regarding house numbering per the E-911 standards. The Board previously held a workshop with Chief Klauber. The suggested changes are in the member packets. He asked Chief Klauber to provide an overview with regard to why the change is recommended and to the E-911 addressing standard.

Derry Fire Chief George Klauber stated the reason he is recommending the change is the current numbering and naming of streets and roads in the Town of Derry is poor and not good for public safety. He would like to plan this for the whole town, but that is a long process. This is the first step. For new streets going in, he would like to recommend a model that follows the E-911 naming and numbering standard. Even numbers would be on the right and odd numbers would be on the left. The numbering begins at the street line and every 50 feet becomes a number. If one goes 400 feet down the road, every fifty feet there is a digit. For a lot with 200 feet of frontage, the address becomes the number that aligns with the area adjacent to the house location. Currently, many times the Fire Department choses a number because it is the only number available and the system is not always logical. Sometimes, the Town has to use a half number.

If a lot is subdivided in the future, this system allows for future growth and renumbering. For roads of length, this system is helpful in finding the correct house when it is known there is a number every 50 feet. He recently had a situation where he went to perform an inspection at 200 Island Pond Road. He assumed the house would not be that far up the road and instead drove for miles before he got to the location. What happens when those lots ask to be subdivided? It will be difficult to assign numbers.

Chief Klauber stressed that the amended regulation would not apply to any existing roads; this is for future subdivisions and new streets. The Fire Department will do the best it can to number logically on existing streets. Copies of the E-911 standards can be made available and he would be happy to answer any questions regarding how the Department assigns house numbers.

Motion by Anderson to open the public hearing, seconded by Milz. The motion passed with all in favor and the floor was open to the public.

There was no public present.

Motion by Choiniere to close the public hearing, seconded by Bartkiewicz. The motion passed with all in favor and discussion came back to the Board.

Mr. Granese thought this was a great idea and it made sense that even numbers are on the right and odd numbers are on the left. In his neighborhood, the first house has 800 feet of frontage and has number 1. The next house on the street is assigned number 3.

Mr. MacEachern asked if there is any reason 50 feet was used rather than any other number? Chief Klauber advised that is the national standard. It is not about lot size, but about lot placement. Mr. Milz noted standard Chicago city lots are 40' x 120'.

Motion by Anderson to approve the following changes to the LDCR Section 170-24, Final Application Submittal, Subsection A, item 10, to read:

~~“The~~ For subdivisions of existing lots of record, the applicant shall obtain a house number for each lot in the subdivision from the Chief of the applicable Fire Department. Should a property be subdivided which has already been assigned a new house number, appropriate modification may be required by the Fire Chief ~~with jurisdiction~~. For new subdivisions, the applicant shall provide a proposed street name and proposed house numbers that meet the standards of the most recent amendment of the Addressing Standards Guide for E-911, prepared by the NHDOS, Division of Emergency Services, Bureau of Emergency Communications. An 11 x 17 sheet with the proposed street names and house numbers shall be provided to the Fire Chief (or his designee) for approval prior to submittal to the Planning Board.

And secondly, to approve the following changes to LDCR Section 170-26, Streets, subsection A, item 1, to read:

All new subdivisions shall meet the standards recommended by the State of New Hampshire Department of Safety, Division of Emergency Services, Bureau of Emergency Communications addressing standards guidelines. No street name shall be used which will duplicate or be confused with any street name already in use. Further, the use of persons “first” names as street names shall normally be avoided.

Such changes shall become effective upon approval. MacEachern seconded the motion. Discussion followed.

Mr. Anderson suggested that “NHDOS” not be used as an acronym and instead the entire term “New Hampshire Department of Safety” be used instead in Section 170-24A.10.

MacEachern, Davison, Anderson, Milz, Choiniere, Bartkiewicz and Granese all voted in favor and the motion passed.

Chief Klauber thanked the Board for their support of this change. He mentioned he is not looking to do the whole town at once, but he hoped as his staff moves forward with renaming and renumbering problem areas in town that the Board would support that effort as well.

There was no further business to come before the Board.

Motion by MacEachern, seconded by Bartkiewicz to adjourn. The motion passed with all in favor and the meeting stood adjourned at 7:40 p.m.

Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____