

The Planning Board for the Town of Derry held a public meeting on Wednesday, May 20, 2026, at 7:00 p.m. The meeting was broadcast from the Derry Municipal Center, 14 Manning Street, Third Floor meeting room, with a virtual option.

Members present: Dave Nelson, Chair, Richard Malaby, Secretary, Randy Chase, Town Council Liaison, Brian Chirichiello, Town Administrator Representative, Derek Minervini, Michael Wood, Jacob Pelletier, Members, and Thomas Mauzy, Alternate

Members absent: John O'Connor, Vice Chair, Bryan Fishman, Member, and Z. Michael Appleton, Alternate

Also present: Elizabeth Robidoux, Planning Director, Caroline Wilson, Planning Administrative Secretary II, Mark L'Heureux, Deputy Director of Public Works, Sam Fazioli, Engineering Coordinator, Beverly Donovan, Economic Development Director

Mr. Nelson opened the meeting at 7:00 p.m. The meeting began with a salute to the flag.

Mr. Mauzy was seated for Mr. Fishman.

Escrow

#26-16

Project Name: Liberty Apartments Garage Expansion

Developer: 6 Old Chester Road, LLC

Escrow Account: Same

Escrow Type: Letter of Credit

Parcel ID/Location: 39042, 6 Old Chester Road

The request is to establish Letter of Credit #1548, drawn on Primary Bank, in the amount of \$66,385.19, for the above noted project. The expiration date will be May 08, 2027.

Motion by Malaby, seconded by Pelletier, to approve Escrow #26-16 as presented.

Roll Call Vote: Chase, Wood, Minervini, Mauzy, Chirichiello, Pelletier, Malaby, and Nelson vote Yes. The motion passed.

#26-17

Project Name: 98 Gulf Road Subdivision Plan of Map 4, Lot 40

Developer: Hidden Pond Derry, LLC / David Aldrich

Escrow Account: Same

Escrow Type: Cash Escrow

Parcel ID/Location: 04040, 98 Gulf Road

The request is to approve a final release of cash escrow in the amount of \$18,026.25 for the above noted project. The amount to retain is zero.

Motion by Malaby, seconded by Pelletier, to establish Escrow #26-17 as presented.

Roll Call Vote: Chase, Wood, Minervini, Mauzy, Chirichiello, Pelletier, Malaby, and Nelson vote Yes. The motion passed.

Minutes

The Board reviewed the minutes of the May 06, 2026 public meeting.

Motion by Malaby, seconded by Pelletier, to approve the minutes of the May 06, 2026 public meeting as written.

Roll Call Vote: Chase, Wood, Minervini, Mauzy, Pelletier, Malaby, Nelson, vote Yes, Chirichiello abstained due to being absent. The motion passed.

Correspondence

Mr. Malaby reported that members were provided with a draft implementation matrix of Planning Board Goals for the remainder of 2026. The Board was urged to review this in advance of the discussion scheduled for June 03.

Other Business

Second Reading: Amended Policy & Procedure

Schedule a public hearing for June 17, 2026 to discuss proposed changes to the Town of Derry Zoning Ordinance, Article II, Word Uses and Definitions, and Article VI, District Provisions, Section 165-33, Central Business

Motion by Malaby, seconded by Pelletier, to schedule a public hearing for June 17, 2026 to discuss proposed changes to the Town of Derry Zoning Ordinance, Article II, Word Uses and Definitions, and Article VI, District Provisions, Section 165-33, Central Business District.

Roll Call Vote: Chase, Wood, Minervini, Mauzy, Chirichiello, Pelletier, Malaby, Nelson, vote Yes, The motion passed.

Schedule a public hearing for June 17, 2026, to discuss proposed changes to the Town of Derry Land Development Control Regulations, Article XIV, Architectural Design Review Regulations

Motion by Malaby, seconded by Pelletier, to schedule a public hearing for June 17, 2026, to discuss proposed changes to the Town of Derry Land Development Control Regulations, Article XIV, Architectural Design Review Regulations.

Roll Call Vote: Chase, Wood, Minervini, Mauzy, Chirichiello, Pelletier, Malaby, Nelson, vote Yes, The motion passed.

Planning Director and Chairman Updates

Ms. Robidoux announced that the Planning Department's summer intern, Abby, will be starting next week, and should be in attendance at the June 3rd meeting.

A few plans are in the works. Ms. Robidoux is looking forward to moving the proposed changes to the CBD forward this summer.

Mr. Nelson encouraged interested parties to apply on DerryNH.gov for the vacant alternate position.

Public Hearings

Ashleigh Development, LLC & Crystal Ave. Development, LLC

PID 30096, 18 Crystal Avenue

Acceptance/Review

Site Plan Amendment, Conversion of Building to Multitenant (12,430 SF)

Ms. Robidoux explained the proposal is located at 18 Crystal Avenue, the site of the former Rite Aid Pharmacy, which had a drive through pharmacy pickup. The parcel contains 2.15 acres. The proposal is to convert the building into 4 units: a 2,080 sf bank with drive thru, a 6,200 sf cheer gym; a 3,000 sf dental office with 5-6 operatories, and an empty future tenant space totaling 1,150 sf. The property is located in the Central Business District. Conversion from single to multi tenant buildings is permitted in the zone and the uses as proposed this evening, are all permitted in the district.

Neither Highway Safety nor Conservation Commission review was required for this application. The largest user on site will be the cheer gym, with the most activity occurring at night and on the weekends when the other uses are closed. The existing Rite Aid signs will be removed, and the applicant intends to utilize the existing pylon sign. (Note: the signage included in the attached rendering is for placeholder purposes only and does not represent any specific potential tenant) The applicant is aware any major changes to the pylon sign or landscaping will require further Planning Board review. The applicant intends to clean up the existing landscaping. New windows will be added to the building facing the parking lot to add visibility and allow for more natural light.

Details requested by DPW were not fully updated on the submitted plan set. DPW is requesting those remaining items be addressed as conditions precedent to a final Planning Board approval. The majority of the change will be handled through building permit applications which will be reviewed by the Code and Fire Prevention offices.

Any future tenants will need to fill out a Change of Use application with the Planning Office. The parking calculations are adequate for the proposed uses. The calculation for the Cheer Gym should be refined and clarified – it is not clear what is meant by ‘6,200/29 = 1:214.’

A NHDES Sewer Connection permit is required.

The DPW condition details include review of stormwater or sewer drainage modifications by Town staff before those are implemented and put on the plan.

The abutter at 16 Crystal came into the office to review the plan. While reviewing, it was noted the driveway to 16 Crystal’s commercial lot is partially on the property of 18 Crystal. An easement should be drafted between the parties and noted on the plan to protect the current and future owners of both properties. The abutter also commented on drainage issues occurring on her property (flooded basement), that seemed to be coming from 18 Crystal.

Sam Fazioli and Alex Stitt (not present) went on site at 18 Crystal and observed conditions in the wetland on the east side of the property. They observed the outlet from the 18” CMP pipe from the Rite Aid is completely submerged in dirt. The inlet for the pipe that connects this wetland and drainage from the 18” CMP to the drainage network on Crystal Ave is also submerged in dirt. Mr. Fazioli recommends the entire area where the pipes meet should be excavated to fully expose the pipes to allow water to exit and enter the outlet and inlets. The pipes themselves should be jetted to fully clear them out. The wetland should also be fully cleared of debris.

Suggested wording for additional recommended conditions precedent has been provided to the Chair and the Secretary.

Staff recommends the Board review the proposed site plan amendment, make a determination with regard to Regional Impact.

Motion by Malaby, seconded by Pelletier, to accept jurisdiction of the amended site plan before the Board for Ashleigh Drive Development, LLC, PID 30096, 18 Crystal Avenue.

Roll Call Vote: Chase, Wood, Minervini, Mauzy, Chirichiello, Pelletier, Malaby, Nelson, vote Yes, The motion passed.

Motion by Malaby, seconded by Pelletier, that pursuant to RSA 36:56, the Board finds the proposal as presented at this time meets the definition of a development of regional impact.

Roll Call Vote: Chase, Wood, Minervini, Mauzy, Chirichiello, Pelletier, Malaby, Nelson vote No, this is an existing retail structure that is only being redesigned for multitenant use and does not meet the criteria for a development of regional impact.

Motion by Malaby, seconded by Pelletier, to open the Public Hearing.

All members vote Yes. The motion passed.

Owners Chris McCarthy and Simon Beylin were recognized. They purchased the property about 6 months ago, seeing the potential to redevelop the building. They have been working closely with Town staff to identify local businesses that could be homed here. There is one signed lease and several LOIs at this time. The parking and infrastructure is in place. Northpoint Outdoors has been hired to clean up the landscaping and to grub the wetlands.

Mr. Chirichiello mentioned that he lives on Rollins Street, and his wife worked in the building at 18 Crystal Ave. for 25 years. He appreciates the landscaping cleanup that has been occurring. Would there be a business on the back side of the building?

Mr. McCarthy explained that the Cheer Gym's main entrance will be on the parking lot side, but it will have a secondary egress in the back of the building. This door will also be used to bring athletic mats in and out.

Mr. Chirichiello inquired if any plantings will be done along Crystal Ave. Mr. McCarthy explained that this area will be improved and maintained to increase attractiveness. Mr. McCarthy added that true windows will be added along this side of the building to increase natural lighting. The beds closest to the building will be landscaped.

Mr. Chirichiello mentioned that the walkway along the front is crumbling. Mr. McCarthy noted that the flatwork will be repaired. A parking space will be eliminated to improve access to the building.

Mr. Nelson inquired if there were already false windows in the front. Mr. McCarthy explained (with the exception of the first one after the door) these are panels, and will need to be removed and true windows added.

No members of the public wished to comment at this time.

Mr. Mauzy agreed that it will be nice to see business being done on the property and wished the owners good luck.

Mr. Chase confirmed that the owners were prepared to address the discharge and inlet problems with the pipes on the property. Mr. McCarthy and Mr. Beylin spoke with the abutter at 16 Crystal Ave. earlier today about the history of the drainage on the lot. The owners intend to clean that out and work with DPW to see what can be done with stormwater management on the parcel, and flowing onto abutting parcels.

Motion by Malaby, seconded by Pelletier, to close the Public Hearing.

All members vote Yes. The motion passed.

Motion by Malaby, seconded by Pelletier, to find that pursuant to LDCR 170-85, the application as presented demonstrates substantial compliance with the Architectural Design Regulations. This property is located in the Central Business District and meets a HIGH level of compliance as outlined in Section 170-84.

Roll Call Vote: Chase, Wood, Minervini, Mauzy, Chirichiello, Pelletier, Malaby, Nelson, vote Yes. The motion passed.

The Board finds the proposed plan provides safe and efficient vehicular and pedestrian access, and the design and construction of the access ways and walkways are adequate to accommodate the anticipated volume of traffic proposed by the development.

The Board finds the proposed parking plan is adequate for the site, and meets the parking density requirements for the proposed uses.

The Board finds the continuation of the landscape plan from the prior use meets the intent of the regulations.

The Board finds the stormwater management as proposed is designed to control the post development runoff so that it does not exceed predevelopment runoff.

The Board finds the utility construction standards are met.

The Board finds exterior lighting, and snow storage provisions are adequate.

Motion by Malaby, Seconded by Pelletier, to agree with the above noted findings of fact.

Roll Call Vote: Chase, Wood, Minervini, Mauzy, Chirichiello, Pelletier, Malaby, Nelson, vote Yes. The motion passed.

After review and deliberation of the site plan amendment application for PID 30096, Ashleigh Development, LLC, the Board finds the applicant has satisfied the general requirements of the Land Development Control Regulations. Therefore, **the motion is to Approve pursuant to RSA 676:4 I – Completed Application, with the following conditions:**

Conditions Precedent:

- ☐ Subject to owner's signature
- ☐ The existing pipe inlets and outlets referenced in Note 9 on Sheet 2 of the Plans shall be fully cleared of all sediment, leaves, debris, and trash down to their respective inverts. The two pipes conveying flow to and from this area shall also be thoroughly cleared by jetting, vacuuming, or other methods as required by the Town Engineer. In addition, the adjacent wetland area shall be cleared of all trash, other inorganic materials, and large dead woody debris, as required by the Town Engineer and/or Environmental Coordinator.
- ☐ An access easement be drafted, recorded, and noted on the plan, to memorialize a portion of the driveway for 16 Crystal Ave is located on 18 Crystal Avenue lot.
- ☐ Establish appropriate escrow as required to complete the project

- Change title of plan from “Change of Use Site Plan” to “Site Plan Amendment”
- Obtain written approval from the Planning Director/designee that the GIS submission is received and is operable and it complies with LDCR Section 170-61.C
- Subject to receipt of applicable state or local permits relating to the project.
- Any water, sewer, or drainage modifications must be submitted to the town for approval.
- Clarify the parking calc for the cheer gym and update the plan accordingly.
- Conditions precedent shall be met within 6 months.

Conditions Subsequent:

- Subject to on-site inspection by the Town’s engineer
- The owner and tenants are responsible for determining billing arrangements as they pertain to water usage. The DPW will not be involved in the installation or reconfiguration of manifolds or submeters within the building, as tenant layouts and internal plumbing configurations may change frequently over time. Only one master water meter will be installed for the property.
- Each tenant secured as of the date of this meeting, shall submit an emergency contact form to the Planning Department. (Cheer gym, dental office, bank)
- Change of Use applications shall be submitted to the Planning Office for any future tenants

Roll Call Vote: Chase, Wood, Minervini, Mauzy, Chirichiello, Pelletier, Malaby, and Nelson vote Yes. The motion passed.

EPSI, Inc.

PID 08001-002003, 12 A Street

Acceptance/Review

Site Plan Review, 20,500 SF Light Industrial

The proposal is to construct a 20,500 SF light industrial building consisting of a mix of general office, light manufacturing, and warehouse space for EPSI, Inc. Engineered Pressured Systems specializes in high-pressure isostatic presses and custom-built pressure vessels. The building is proposed to be two stories with a future 5,000 SF expansion area to the rear of the building, which will be 58± feet tall. This is a future high bay testing area – the height is required to accommodate a crane. The property is located in the newly designated Industrial II district. 47 parking spaces are proposed. The lot contains 3.49 acres and the proposal meets the requirements in the zoning ordinance. Snow storage areas are shown on the plan and trash will be collected by an outside vendor.

Given the existing conditions of municipal infrastructure and a high water table, ensuring the stormwater management system met the needs and requirements of the town was a little challenging. The applicant's engineer worked with DPW to address the concerns of the town and ensure proper separation of utilities will be achieved. Specific conditions relating to construction and water main details have been suggested by DPW.

With regard to traffic, the proposal will add about 113 vehicle trips per weekday, with 14 vehicles entering during peak morning and evening hours. This will have minimal impact on Manchester Road and the surrounding road network. Truck traffic will be around 2 truck trips per day on average, which will have no impact on the existing road network. The project proposes two driveway entrances off A Street. The project is not proposed to increase noise or emissions in the district, or generate any type of nuisance.

The applicant is requesting waivers from LDCR Section 170-26 (A) (14) to not provide VGC throughout the site, and LDCR Section 170-63.C (14) to permit 47 parking spaces where the regulation requires 54. The second waiver request was added today after further review of the parking calculation.

A NHDES Alteration of Terrain Permit and a Town of Derry Driveway Permit(s) are required.

Staff recommends the Board review the proposed site plan and waiver requests and make a determination on Regional Impact.

Mr. Nelson asked if either of the waivers requested would prevent the Board from accepting jurisdiction; Ms. Robidoux stated they would not.

Motion by Malaby, seconded by Pelletier, to accept jurisdiction of the site plan application before the Board for EPSI, Inc., PID 08001-002003, 12 A Street.

Roll Call Vote: Chase, Wood, Minervini, Mauzy, Chirichiello, Pelletier, Malaby, Nelson, vote Yes. The motion passed.

Mr. Chase asked if there was any data available on the water consumption for the proposed use. Paul LaBrosse, owner of EPSI, Inc, was recognized. Mr. LaBrosse thanked the Board for hearing the proposal and noted that staff has been very helpful. Mr. LaBrosse explained that EPSI is a high-pressure equipment manufacturer for various industries (i.e. ceramics, oil and gas, defense, etc.) Isostatic pressing is a method of densifying material, and condensing powders into solids. EPSI includes a group of engineers and a small group of assembly and testing personnel. Fabrication and machining is contracted out. The materials are then assembled and tested out, and finally the team installs the assemblies in the field.

Mr. LaBrosse explained that a 500-gallon water tank may be filled once or twice per year for use in their operations. The only other water usage would be sink and toilet usage for the 17-18 employees (which may increase to 20 employees within the next 3 years.)

Motion by Malaby, seconded by Pelletier, that pursuant to RSA 36:56, the Board finds the proposal as presented at this time meets the definition of a development of regional impact.

Roll Call Vote: Chase, Wood, Minervini, Mauzy, Chirichiello, Pelletier, Malaby, Nelson, vote No, this is a smaller fabrication facility that will not be drawing heavily on water or traffic, and therefore does not meet the definition of regional impact.

Motion by Malaby, seconded by Pelletier, to open the Public Hearing.

All members vote Yes. The motion passed.

Michael Malynowski, PE with Allen and Major Associates, was recognized.

The front portion of the building will be 2 stories, and the back will be a 58'-high single clear story area. Parking will be in the front with ancillary parking in back. There is a double loading dock proposed. The truck turning movement plan shows that a WB 57 truck and Town emergency apparatus can enter, circle, and exit the lot. There is a 5,000 square foot future addition proposed in the rear which would also be a 58' high single clear story. There is a single overhead door in that space, and there will be a crane at that level. There are handicap accessible spots in the front of the building. The primary employee entrance will be along the top. There are Do Not Enter signs in the driveway to prevent customers and employees from interfering with the truck traffic.

The stormwater management system is closed in the front. There is a large open basin the rear, which will provide treatment and filtration for the water before discharging into the municipal wastewater system. There is a smaller subsurface infiltration system in the top parking area that will collect roof water only; which complies with the AoT permit that is currently pending review.

Water and sewer connections were configured working very closely with DPW. As the system is older, the contractor will need to be aware of the special precautions that must be taken during installation. A nighttime water shutdown will be necessary for the businesses in the immediate area. The sewer connection is being provided by the line that comes across the Tupelo parking lot. Special measures will be taken to protect this line.

The lighting has been planned to ensure zero light trespass across property lines. All of the new driveways meet the Town's sight distance requirements. The landscaping plan was reviewed; street trees will be planted along A Street, around the parking area, and in the internal islands. The basin in the back area will be loamed and seeded with wildflower mix.

Mr. Chirichiello inquired about the parking waiver; Ms. Robidoux confirmed that 54 are required, and they are proposing 47. Mr. Malynowski confirmed that there will only be a total of 20 employees at this location. There is room along the back edge near the 5,000 sf future addition for more parking if needed, but it did not seem prudent to construct parking just to meet the regulation when it is felt that it will not be necessary.

There were no further questions or comments from the Board.

Mr. David Provencher, 26 Miltimore Road, came forth from the audience and was recognized. Mr. Provencher inquired about the proposed tree line being set back from where the current tree line exists; how many trees will need to be removed to achieve this? Mr. Malynowski explained that the tree line depicted actually contains vegetation, not quite full maturity trees. The majority of the site was cleared prior to the current ownership. Mr. Provencher acknowledged the wildflowers and loam to be placed in the rear of the lot; Mr. Malynowski clarified that it will be a dry pond meant to drain in between storms. In large storm events it can fill to the top, and then filter and drain into the municipal system.

Mr. Provencher asked for more information on the business' service to customers in the defense industry. Mr. Nelson explained that this question was not germane to the site plan review process.

No additional members of the public wished to comment.

Motion by Malaby, seconded by Pelletier, to close the Public Hearing.

All members vote Yes. The motion passed.

Mr. Nelson inquired why vertical granite curbing (VGC) is required in industrial parks, only to result in the Board granting waivers in the majority of cases. Ms. Robidoux explained this requirement is a holdover from a time when granite curbing was a main feature of stormwater management systems, as it effectively channels water. However, stormwater management systems have since evolved. The Town does not maintain the curbing on private sites. This LDCR requirement is on the list of items the Board might consider amending in the future.

Mr. Fazioli concurred, stating that VGC is preferred on public roadways to aid in plowing, but the Town is not managing private properties. The alternate material proposed is acceptable to DPW.

Motion by Malaby, seconded by Pelletier to grant a waiver from LDCR SECTION 170-26.A (14) to not provide vertical granite curbing throughout the project in lieu of either slip formed concrete where VGC is required and for the use of Cape Cod style curb along the perimeter as shown on the plans. After review of the waiver request the Board finds that strict conformity to the regulations would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations.

Roll Call Vote: Chase, Wood, Minervini, Mauzy, Chirichiello, Pelletier, Malaby, Nelson, vote Yes. The motion passed.

Mr. Chase wished to confirm that there would not be any walk-in retail customers. Mr. Malynowski confirmed there will not be. Any customers that come to the facility are by appointment only.

Motion by Malaby, seconded by Pelletier to grant a waiver from LDCR SECTION 170-63.C (14) to permit 47 parking spaces where the regulation requires 54. After review of the waiver request, the Board finds that specific circumstances relative to the plan, or conditions of the land in such plan, indicate the waiver will properly carry out the spirit and intent of the regulations.

Roll Call Vote: Chase, Wood, Minervini, Mauzy, Chirichiello, Pelletier, Malaby, Nelson, vote Yes. The motion passed.

Motion by Malaby, seconded by Pelletier, to find that pursuant to LDCR 170-85, that the application as presented demonstrates substantial compliance with the Architectural Design Regulations. This property is located in the Industrial II ZONING DISTRICT and meets a Medium High Level of compliance as outlined in Section 170-84.3.

Roll Call Vote: Chase, Wood, Minervini, Mauzy, Chirichiello, Pelletier, Malaby, Nelson, vote Yes. The motion passed.

The Board finds the proposed plan provides safe and efficient vehicular and pedestrian access, and the design and construction of the access ways and walkways are adequate to accommodate the anticipated volume of traffic proposed by the development.

The Board finds the proposed parking plan is adequate for the site and meets the parking density requirements for the use.

The Board finds the landscape plan meets the intent of the regulations.

The Board finds the stormwater management as proposed is designed to control the post development runoff so that it does not exceed predevelopment runoff.

The Board finds the utility construction standards are met.

The Board finds exterior lighting, snow storage provisions, and erosion and sediment control provisions are adequate.

The Board finds the proposal for storage of solid waste and disposal of waste conforms with any and all applicable local, state and federal regulations, and the applicant has provided reasonable safeguards ensuring such wastes will not become an undue threat to the environment, nor create an undue nuisance.

Motion by Malaby, seconded by Pelletier to agree with the above noted findings of fact.

Roll Call Vote: Chase, Wood, Minervini, Mauzy, Chirichiello, Pelletier, Malaby, Nelson, vote Yes. The motion passed.

Motion by Malaby, seconded by Pelletier, that after review and deliberation of the site plan application for PID 08001-002003, EPSI, Inc., the Board finds the applicant has satisfied the general requirements of the Land Development Control Regulations, or in cases where the regulation cannot be met, has satisfied the waiver requirements. Therefore, the motion is to Approve pursuant to RSA 676:4 I – Completed Application, with the following conditions:

Conditions Precedent:

- ☐ Comply with the VHB review letter(s)
- ☐ Subject to owner's signature
- ☐ Update the plan set to specify the Inserta Tee detail (provided via email on 5/5/2026) on the plans and in the details section. The tee must be installed at an angle no greater than 45 degrees to the existing 15" PVC SDR35 sewer main.
- ☐ The entire 6" PVC SDR35 sewer service shall be realigned for a straighter line to the building and note that the Town Inspector shall determine the final location of cleanouts.
- ☐ Add a note to the plan specifying that "UTS shall be the sole Contractor authorized by the Town of Derry to install the Inserta Tee" (contact number provided via email 5/5/2026).
- ☐ Note on Infiltration System-01 details that backfill material below and throughout shall be ¾" double washed stone.
- ☐ The Iron Rod (property corner) which should be on the northeast corner near the Tupelo sign was not found on site. This boundary marker must be reset.
- ☐ Add a note to the plan specifying that cutting in the new water main into the existing water main will affect several businesses along A Street and require a nighttime shut down.
- ☐ Establish appropriate escrow as required to complete the project
- ☐ Note approved waiver (s) on the plan
- ☐ Obtain written approval from the Planning Director/designee that the GIS submission is received and is operable and it complies with LDCR Section 170-61.C
- ☐ Subject to receipt of applicable state or local permits relating to the project (i.e., AoT, Building Department, Fire Department, Water/Wastewater, Driveway, etc.)
- ☐ Conditions precedent shall be met within 6 months.

Conditions Subsequent:

- ☐ Subject to on-site inspection by the Town's engineer

Roll Call Vote: Chase, Wood, Minervini, Mauzy, Chirichiello, Pelletier, Malaby, Nelson, vote Yes. The motion passed.

Dennis Lincoln, Jr. & Karen Lincoln
PID 02126, 10 Craven Terrace
Richard & Marie Luise Brownell Family Trust
PID 02127, 12 Craven Terrace
Acceptance/Review, Lot Line Adjustment

The purpose of the plan is to create an equal land swap of 0.149 acres between 10 and 12 Craven Terrace. The lots are located in the Medium Density Residential District which requires a minimum lot area of 1 acre, and 125 feet of frontage. A variance was granted on December 18, 2025, to permit 10 Craven Terrace to decrease the frontage to 100 feet as a result of the proposed lot line adjustment (Case 25-146). The two lots will change as follows: 10 Craven Terrace will decrease frontage to 100', the land area will remain the same after the change. 12 Craven Terrace will increase frontage to 154.36', with the land area remaining the same after the change. The driveway providing access to 10 Craven will now be fully on the lot's own frontage. Both lots are on private wells and septic systems.

The proposed lot line is not fully perpendicular to the roadway and a waiver will be required.

The applicant is requesting a waiver from LDCR Section 170-25 (2) to allow a lot line that is not at a substantial right angle to the street.

Staff recommends the Board review the proposed lot line adjustment and waiver. Regional Impact does not apply to Lot Line Adjustments.

Motion by Malaby, seconded by Pelletier, to accept jurisdiction of lot line adjustment plan before the Board for Dennis & Karen Lincoln, PID 02126, 10 Craven Terrace and Richard & Marie Luise Brownell Family Trust, PID 02127, 12 Craven Terrace.

All members vote Yes. The motion passed.

Motion by Malaby, seconded by Pelletier, to open the Public Hearing.

All members vote Yes. The motion passed.

Brandon Wing, LSIT from Promised Land Survey (PLS), was recognized. The purpose of the proposal is to clean up an existing area where the driveway of 12 Craven Terrace encroaches across the property line. 12 Craven Terrace was constructed in 1967 very close to the property line. This is an equal land area swap.

Mr. Chirichiello felt this was a straightforward request and cleans up the boundary.

No members of the public wished to comment.

Mr. Chase inquired why the property line was not perpendicular to the road. Mr. Wing explained they were trying to maintain 100' of frontage on the 10 Craven Terrace property while maintaining an equal land swap. Mr. Chase wondered why the first course of the adjustment, measuring 29.16

feet, could not have been more perpendicular. Mr. Chase felt that the shed, fence, and driveway in the area could be moved, and a waiver would not have been needed. Mr. Wing understood, and mentioned that standard practice is to either suggest a client move something, or to suggest adjusting the lot line. Countless options were considered to accommodate both parties.

Mr. Nelson agreed with Mr. Chase, CAD tools could have been used to calculate how to perform an equal land swap with slightly different inflection points. Is it reasonable to request the waiver if equal area could have been achieved without a waiver? A hardship should exist.

Mr. Wing explained that it was done this way because of the challenges of making it work with as few angle points in the line as possible.

Mr. Nelson added that the proposal also does not meet the regulation that all lots shall be rectangular.

Motion by Malaby, seconded by Pelletier, to close the Public Hearing.

All members vote Yes. The motion passed.

Mr. Malaby inquired about the timeline for the shed and fence to be moved. Mr. Wing was not aware. Mr. Nelson was not sure this was part of the Board's jurisdiction.

Mr. Chirichiello was more concerned with the driveway's encroachment than with the shed's encroachment.

Mr. Nelson supported Mr. Chase's comments, and felt there was not a hardship present to warrant granting the waiver. There would be an easier way to achieve compliance without any major downsides.

Motion by Malaby, seconded by Pelletier, to grant a waiver from LDCR SECTION 170-25 (2) to allow a lot line that is not at a substantial right angle to the street. After review of the waiver request 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.

Roll Call Vote: Minervini, Mauzy, Chirichiello, Pelletier, and Malaby vote Yes.

Chase voted No, there is evidence that the line could be made perpendicular and still have an equal land swap without the need for the waiver.

Wood voted No for the same reason as Mr. Chase.

Mr. Nelson voted No in agreement with Mr. Chase; it does not present hardship that cannot be easily overcome.

With 5 Yes votes and 3 No votes, the motion passed.

Motion by Malaby, seconded by Pelletier, to find the proposed plan does not alter existing conditions which would affect access to the lots, ensuring the health, safety, and welfare of the neighborhood remains unchanged as a result of the adjustment of the lot line.

Roll Call Vote: Chase, Wood, Minervini, Mauzy, Chirichiello, Pelletier, Malaby, Nelson, vote Yes. The motion passed.

Motion by Malaby, seconded by Pelletier, that after review and deliberation of the lot line adjustment application for Dennis & Karen Lincoln, PID 02126, 10 Craven Terrace and Richard & Marie Luise Brownell Family Trust, PID 02127, 12 Craven Terrace, the Board finds the applicants have satisfied the general requirements of the Land Development Control Regulations, or in cases where the regulation cannot be met, has satisfied the waiver requirements. Therefore, **the motion is to Approve pursuant to RSA 676:4 III – Expedited Review**, with the following conditions:

Conditions Precedent:

- ☐ Subject to owners' signatures
- ☐ Establish escrow for the setting of bounds or certify the bounds have been set
- ☐ Note approved waiver (s) on the plan
- ☐ Obtain written approval from the Planning Director/designee that the GIS submission is received and is operable and it complies with LDCR Section 170-24.C
- ☐ Submission of the appropriate recording fees, payable to the Rockingham County Registry of Deeds. [This includes the \$25.00 LCHIP fee, recording fees for the mylar and the Notice of Decision.]
- ☐ Conditions precedent shall be met within 6 months.

Conditions Subsequent:

- ☐ Subject to on-site inspection by the Town's engineer
- ☐ The documents reflecting conveyance of the lots, by deed, should be recorded at the RCRD subsequent to or in conjunction with the final mylar and a copy of the recorded deeds shall be provided to the Planning Department for the file.

Roll Call Vote: Chase, Wood, Minervini, Mauzy, Chirichiello, Pelletier, Malaby, Nelson, vote Yes. The motion passed.

Catherine M. Desimone Revocable Trust
PID 02141, 12 Miltimore Road
Joann Clark Irrevocable Property Trust
PID 03106, 28 Miltimore Road
Acceptance/Review, Lot Line Adjustment

The purpose of the plan is to grant 28 Miltimore Road an additional acre of land. The lots are located in the Medium Density Residential District which requires a minimum lot area of 1 acre, and 125 feet of frontage. The two lots will change as follows: 12 Miltimore Road will decrease by 1 acre, resulting in a lot with 3.119 acres of land. 28 Miltimore will gain one acre resulting in a lot consisting of 4.644 acres of land. Both lots are on private wells and septic systems.

This is a fairly standard request and does not result in any non-conformities for either of the lots.

Staff recommends the Board review the proposed lot line adjustment. Regional Impact does not apply to Lot Line Adjustments.

Ms. Robidoux added that the rectangular piece of land to the left of the cul de sac with the tree line indicated is part of Map 3, Lot 106. The adjustment is taking place behind Map 2, Lot 143. Part of the line is going away and is being moved to the left. Mr. Nelson suggested that the lot line to be removed be indicated with dashed lines rather than a solid line. Ms. Robidoux agreed, and suggested this be added as a condition

Motion by Malaby, seconded by Pelletier, to accept jurisdiction of lot line adjustment plan before the Board for Catherine M. Desimone Revocable Trust, PID 02141, 12 Miltimore Road and Joann Clark Irrevocable Property Trust, PID 03106, 28 Miltimore Road.

Roll Call Vote: Chase, Wood, Minervini, Mauzy, Chirichiello, Pelletier, Malaby, Nelson, vote Yes. The motion passed.

Motion by Malaby, seconded by Pelletier, to open the Public Hearing.

All members vote Yes. The motion passed.

Brandon Wing, LSIT from Promised Land Survey, was recognized.

Mr. Wing agreed that a "phantom" line (dashed line) would be more suitable to indicate the lot line to be removed.

Mr. Wing explained the Clarks had a good relationship with Ms. Desimone, who recently passed away. The Clarks maintained the portion of Ms. Desimone's lot which is bisected by a large wetland. There was a tentative agreement to do the lot line adjustment, which has been solidified with Ms. Desimone's son. Mr. Wing has delineated the wetlands.

No members of the Board had questions at this time.

Nicole Barrett, 32 Miltimore Road, was recognized. Ms. Barrett inquired if any change in land use would be occurring on the acre to be transferred. Mr. Wing said there were no changes proposed. Mr. Nelson added that the area will remain in the same zoning district and will be the same use. Mr. Wing added that the area will continue to be mowed and maintained by the Clarks. There had been horses in that area years ago.

Neither members of the Board nor additional members of the public came forth to comment further.

Motion by Malaby, seconded by Pelletier, to close the Public Hearing.

All members vote Yes. The motion passed.

Motion by Malaby, seconded by Pelletier, to find the proposed plan does not alter existing conditions which would affect access to the lots, ensuring the health, safety, and welfare of the neighborhood remains unchanged as a result of the adjustment of the lot line.

Roll Call Vote: Chase, Wood, Minervini, Mauzy, Chirichiello, Pelletier, Malaby, Nelson, vote Yes. The motion passed.

Motion by Malaby, seconded by Pelletier, that after review and deliberation of the lot line adjustment application for Catherine M. Desimone Revocable Trust, PID 02141, 12 Miltimore Road and Joann Clark Irrevocable Property Trust, PID 03106, 28 Miltimore Road, the Board finds the applicants have satisfied the general requirements of the Land Development Control Regulations. Therefore, **the motion is to Approve pursuant to RSA 676:4 III – Expedited Review**, with the following conditions:

Conditions Precedent:

- ☐ Subject to owners' signatures
- ☐ Establish escrow for the setting of bounds or certify the bounds have been set
- ☐ Obtain written approval from the Planning Director/designee that the GIS submission is received and is operable and it complies with LDCR Section 170-24.C
- ☐ Submission of the appropriate recording fees, payable to the Rockingham County Registry of Deeds. [This includes the \$25.00 LCHIP fee, recording fees for the mylar and the Notice of Decision.]
- ☐ Correct the zoning reference on the plan. The lots are located in the MDR district, not LMDR.
- ☐ Conditions precedent shall be met within 6 months.
- ☐ The lot line to be removed shall be dashed on the plat.

Conditions Subsequent:

- ☐ Subject to on-site inspection by the Town's engineer
- ☐ The documents reflecting conveyance of the lots, by deed, should be recorded at the RCRD subsequent to or in conjunction with the final mylar and a copy of the recorded deeds shall be provided to the Planning Department for the file.

Roll Call Vote: Chase, Wood, Minervini, Mauzy, Chirichiello, Pelletier, Malaby, Nelson, vote Yes. The motion passed.

Murdoch Family Revocable Trust
PID 06059, 62 Lane Road
Acceptance/Review, 2-Lot Subdivision

Ms. Robidoux explained the proposal is for a two lot subdivision of 62 Lane Road. The property is located in the Low Medium Density Residential District which requires a minimum lot area of 3 acres and 150 feet of frontage. The proposed frontage exceeds the requirement. A variance was granted on February 05, 2026, from the provisions of Section 165-47.B (1) to allow the creation of two lots with less than the 2 acre minimum. The proposed lots are 1.85 acres and 1.60 acres. The lots will have private wells and septic systems. There are wetlands to the rear (West Running Brook), however, there is a stone wall and tree line to the rear which will limit any potential vehicular access to the rear of the property.

The proposed lots will be identified as Parcel 06059 (parent parcel), 62 Lane Road and Parcel 06059-001, 60 Lane Road. The trees near the proposed driveway will need to be removed for sight distance purposes, and the temporary culvert in front of the proposed lot will be reconstructed to town standards.

Note 6 states the owner can choose to install residential sprinklers. The form of fire protection needs to be specified. The Town cannot (per state law) require residential fire sprinklers in SFR, however, the Town can require fire protection in the form of a cistern or hydrant. This lot is not in the hydrant district, so the choices are limited to the construction of a fire cistern or the voluntary installation of residential sprinklers. If the owner chooses to not install sprinklers, the plan needs to be updated to show the cistern area and construction details, or Note 6 could be amended to state, "The applicant voluntarily chooses to equip the homes with residential sprinklers."

A waiver is requested from LDCR Section 170-25.G to allow an existing drill hole to remain as a boundary monument. Required permits include State Subdivision, Town Driveway and Building Permits, and State Septic Permit.

Staff recommends the Board review the proposed plan, vote on Regional Impact, and review the waiver request.

Motion by Malaby, seconded by Pelletier, to accept jurisdiction of the 2 lot subdivision plan before the Board for the Murdoch Family Revocable Trust, PID 06059, 62 Lane Road.

Roll Call Vote: Chase, Wood, Minervini, Mauzy, Chirichiello, Pelletier, Malaby, and Nelson vote Yes. The motion passed.

Motion by Malaby, seconded by Pelletier, pursuant to RSA 36:56, the Board finds the proposal as presented at this time meets the definition of a development of regional impact.

Roll Call Vote: Chase, Wood, Minervini, Mauzy, Chirichiello, Pelletier, Malaby, and Nelson vote No, this is a small, 2 lot subdivision, geographically in the center of Town, and does not meet the definition of a development of regional impact.

Motion by Malaby, seconded by Pelletier, to open the public hearing.

All members vote Yes. The motion passed.

Brandon Wing, LSIT from Promised Land Survey, was recognized.

Mr. Wing stated that the applicant was granted a variance for lot area. The proposal meets and exceeds the requirements for soils. The waiver for the front westerly property corner is being requested because there is currently a drill hole in a stone set by a previous surveyor. Legal rules for removing a boundary include obtaining Town Council and abutter permissions; and it is a misdemeanor to disturb a boundary monument without permission. On the new lot (to the west), there is a 4,000 square foot area depicting the suitable area for a new individual septic system. State subdivision approval has been garnered. Getting a septic design approved at this stage is a bit like putting the cart before the horse, so in this instance it is easier to show the 4,000 square foot area.

Mr. Wing explained that this project was inherited from another surveyor. PLS went to the site and performed their own traverse closure and field checks. It does not make sense to install the septic in the back, and the buyer (who was established after PLS did their work on the site) wants the septic in the front, and the well in the back. This makes more sense topographically.

The driveway will be close to 150', and the buyer wants to shorten it. However, if it is 150' or longer, the buyer understands that he is required to provide an approved turnaround for fire apparatus. The buyer wishes to voluntarily opt to install residential sprinklers. The boundary points have been set.

Mr. Nelson inquired if the drill hole was in a very large rock; Mr. Wing explained it was a significant enough rock that the other surveyor drilled it to mark the lot. The rock would have to be moved intentionally. Mr. Nelson was concerned that a layperson could inadvertently move the rock and disturb the bound. Mr. Wing did not see the rock himself, but if it is movable, best practice is to not drill into it as a monument. Mr. Nelson suggested adding a condition that Mr. Wing examine the hole drilled into the rock; Mr. Wing was amenable to this.

Mr. Nelson inquired if there would be an as-built septic design. Mr. Wing explained that the final state-approved septic plan is required to show the site conditions as built; and it will be on record with the Derry Building Department and the NHDES Subsurface Bureau.

Mr. Chase was concerned that the well and septic were not established on the proposed plan. Well radius, proximity to neighboring septic systems, etc., are not yet known. Mr. Wing assured that the installations will meet all State and local requirements. Mr. Chase felt that with these proposed changes, the Board would not really know what they were voting on.

Mr. Wing assured that the well radius will be entirely on the new lot, as will the new septic system. The location of the words on the plan, "Proposed Lot 6, Lot 59-1, new area 69,707 square feet, 1.67 acres" will be the location of the new septic system. The 75' well radius will be in the rear of the lot and none of the septic components would encroach on it.

Mr. Nelson inquired why the updated configuration was not provided on the plan for the Board's consideration. Mr. Wing explained that PLS came into the project in a later stage, and the buyer was recently established. The plan was already submitted to the Board when it became known that the buyer wanted to amend the well and septic locations.

Mr. Nelson suggested there could be a way to amend the documentation after the fact to show that all of the Board's concerns have been met.

Mr. Chase asked Mr. Fazioli what Engineering's thoughts were, regarding the Board approving a plan without a defined septic and well location. Mr. Fazioli stated that although there are usually approximate well and septic locations, the final location is not set until NHDES has reviewed and approved it. Prior approvals were tentative as well; the final plan is ironed out as the dwelling specifications are finalized. Mr. Fazioli was comfortable with this particular instance because it is only one new lot, and the request is not egregious.

Scott Martinelli, 58 Lane Road, was recognized. Mr. Martinelli attended the ZBA hearing for this proposal. Mr. Martinelli's septic is in the front of his lot and his well is in the back. The bound separating 58 Lane from the new lot is a loose laid farmers wall. Mr. Martinelli has not seen the drilled bound, and would be happy to see it be replaced by a granite bound. Mr. Martinelli believed that when the swale was created to allow the three lot subdivision to the west of this, the drilled stone was lost in reestablishing the soil at the edge of the road.

Mr. Wing explained the PLS crew did tie to the drill hole. They are not always easy to find, but they did not paint it because homeowners don't always want to see bright orange paint in their yard. Mr. Nelson felt that if the bound is viable and is in a rock that is not going to move anytime soon, then it should be fine.

No additional members of the public rose to comment.

Mr. Mauzy agreed with Mr. Chase in the matter of the septic and well; he wished that the updated proposal was made available on the plan for the Board's review this evening.

Ms. Robidoux reminded the Board that the final plan mylar will come back to the Board to be signed before it is recorded at the Registry of Deeds. Would it be appropriate to have the final plat match what will likely be constructed?

Mr. Nelson felt that conditional approvals for redrawing something occur when the instructions to redraw is are very specific, and usually do not require or allow any discretion on how it gets drawn. The Board should be cautious when saying that they will approve something, and then sign a plan that is different. Mr. Wing was in favor of the Board adding such a condition. Mr. Nelson suggested the condition read, "The well location will be moved to the area behind the proposed house with the appropriate 75' well radius, and the septic will move to the area in front of the proposed house, in the area of the wording "Proposed Lot 6, Lot 59-1, new area 69,707 square feet, 1.67 acres" as exists on the current plan."

Mr. Chase agreed with this wording, as the Engineering Department did not have issues with the changes, and the abutter's septic and well are in the same configuration, which would be more harmonious. Mr. Fazioli agreed with this condition.

Mr. Mauzy was concerned that the proposed driveway may disturb the proposed septic. Mr. Wing assured that the driveway is completely designed and works. Mr. Nelson added that the Planning Board does not have much jurisdiction over septic designs; most of the purview is with NHDES. Mr. Wing added that NHDES did a large rewriting of the septic regulations in February and they are quite strict.

Neither members of the Board nor members of the public rose to comment further.

Motion by Malaby, seconded by Pelletier, to close the public hearing.

All members vote Yes. The motion passed.

Mr. Nelson suggested that if the Board moves to grant the waiver for the existing boundary monument, then there would not be any purpose in creating an additional condition about it. No members of the Board opposed this.

Motion by Malaby, seconded by Pelletier, to grant a waiver from LDCR SECTION 170-25.G to allow the existing boundary monument, specifically, a drill hole at the tee intersection of the stonewall to remain as the right-of-way monument. After review of the waiver request 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.

Roll Call Vote: Chase, Wood, Minervini, Mauzy, Chirichiello, Pelletier, Malaby, and Nelson vote Yes. The motion passed.

The Board finds the proposed plan provides safe and efficient vehicular access, and the design and construction of the roadway is adequate to accommodate the anticipated volume of traffic proposed by the development.

The Board finds the stormwater management as proposed is designed to control the post development runoff so that it does not exceed predevelopment runoff.

Motion by Malaby, seconded by Pelletier, to agree with the above noted findings of fact.

Roll Call Vote: Chase, Wood, Minervini, Mauzy, Chirichiello, Pelletier, Malaby, and Nelson vote Yes. The motion passed.

Motion by Malaby, seconded by Pelletier, after review and deliberation of the two lot subdivision plan application for PID 06059, the Murdoch Family Revocable Trust, the Board finds the applicant has satisfied the general requirements of the Land Development Control Regulations, or in cases where the regulation cannot be met, has satisfied the waiver requirements. Therefore, **the motion is to Approve pursuant to RSA 676:4 I – Completed Application**, with the following conditions:

Conditions Precedent:

1. Subject to owner's signature
2. Establish escrow for the setting of bounds or certify the bounds have been set
3. Establish appropriate escrow as required to complete the project
4. Note approved waiver (s) on the plan
5. Obtain written approval from the Planning Director/designee that the GIS submission is received and is operable and it complies with LDCR Section 170-24.C
6. Subject to receipt of applicable state or local permits relating to the project
7. Update note 6 to clarify the mode of fire protection
8. Submission of the appropriate recording fees, payable to the Rockingham County Registry of Deeds. [This includes the \$25.00 LCHIP fee, recording fees for the mylar and the Notice of Decision.]
9. The well location will be moved to the area behind the proposed house with the appropriate 75' well radius, and the septic will move to the area in front of the proposed house, in the area of the wording "Proposed Lot 6, Lot 59-1, new area 69,707 square feet, 1.67 acres" as exists on the current plan.
10. Conditions precedent shall be met within 6 months.

Conditions Subsequent:

1. Subject to on-site inspection by the Town's engineer

Roll Call Vote: Chase, Wood, Minervini, Mauzy, Chirichiello, Pelletier, Malaby, and Nelson vote Yes. The motion passed.

Board Member Comments

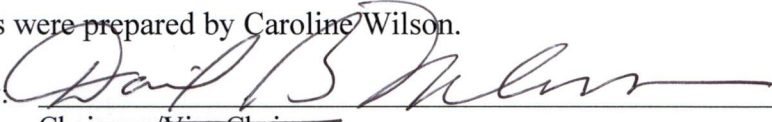
None.

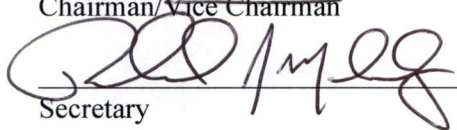
Motion by Malaby, seconded by Pelletier to adjourn.

All members present voted Yes. The motion passed, and the meeting was adjourned at 8:45pm.

The minutes were prepared by Caroline Wilson.

Approved by:


Chairman/Vice Chairman


Secretary

Approval date: June 03, 2026