

LONDONDERRY, NH PLANNING BOARD **MINUTES OF THE MEETING OF APRIL 5, 2017 AT THE MOOSE HILL** **COUNCIL CHAMBERS**

I. Call to Order

Members Present: Mary Wing Soares, Vice Chair; Chris Davies, Secretary; Rick Brideau, Ex-Officio – Town Employee; Jim Butler, Town Council Ex-Officio; Tom Dolan, Town Council Ex-Officio (alternate); Giovanni Verani, Ex-Officio – Town Manager Appt; Leitha Reilly, member; Al Sypek, member; Ann Chiampa (alternate member); Kyle D’Urso (alternate member)

Also Present:

Colleen Mailloux, Town Planner; John R. Trottier, P.E., Assistant Director of Public Works and Engineering; Laura Gandia, Associate Planner; Michael Ramsdell, Town Attorney

Vice Chairperson Soares called the meeting to order at 7:00 PM, explained the exit and emergency procedures, and began with the Pledge of Allegiance. She appointed alternate member A. Chiampa to vote for A. Rugg and alternate member K. D’Urso to vote for S. Benson. She also requested the presence of T. Dolan on the Board until such time that J. Butler arrives. J. Butler arrived within minutes and T. Dolan stepped down.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Member A. Sypek made a motion to approve the minutes of March 8, 2017, as presented. L. Reilly seconded the motion. The motion was granted, 6-0-3 with K. D’Urso, C. Davies and R. Brideau abstaining. The Vice Chair voted in the affirmative.

B. REGIONAL IMPACT DETERMINATIONS: Town Planner Mailloux informed the Board there were two applications for the Board to consider for regional impact. She described them as follows:

Application for a site plan for 206 elderly housing units with a clubhouse and associated amenities, roads, parkings and driveways, a phased development plan - Cross Farm Development, LLC – Nashua Road/NH Route 102 – Map 6 Lot 59-1, Zoned AR-1; and

Application for a site and subdivision plan for an affordable elderly apartment project for 102 rental units with internal subdivision of one lot into three – Steven Lewis (Applicant) and Town of Londonderry (Owner) – 30 Sanborn Road – Map 15 Lot 83-2, Zoned R-III

She stated that Staff recommends that the project are not developments of regional impact as they do not meet any of the regional impact criteria as

listed in the guidelines prepared by Southern NH Planning Commission (SNHPC).

Member A. Sypek made a motion that the Cross Farm development does not meet the criteria for regional impact determination. R. Brideau seconded the motion. The motion was granted, 9-0-0.

Member A. Sypek made a motion that the Lithia Springs development does not meet the criteria for regional impact determination. R. Brideau seconded the motion. The motion was granted, 9-0-0.

C. DISCUSSIONS WITH TOWN STAFF: None.

D. Other – Motion for Reconsideration on the Planning Board’s March 8, 2017 decision regarding the application acceptance and public hearing for a formal review of a site plan for a multi-family workforce housing rental project comprised of twelve (12) twenty-four (24) unit buildings containing a total of 288 rental units, 30 Stonehenge Road & 13 Hardy Road, Map 12 Lots 120 & 131, Zoned AR-1, First Londonderry Association, LLC (Owner & Applicant)

Member G. Verani recused himself and stepped down for the Board. Chairwoman Soares counted seven voting members for this item. K. D’Urso did not participate as a voting member. Chairwoman Soares explained that this is not a public hearing on the motion and there will not be a vote on the application that evening. She added that the only discussion that will occur is whether the Board will reconsider the application on May 3rd, and that discussion will involve Board members only. She explained that she is making this motion to address the procedural errors on March 8, 2017, and noted that if the applicant were to challenge the previous rulings, it is very likely that the application would be sent back to the Board to correct those errors. She stated that the procedural errors were as follows: (1) evidence was presented during the Board’s deliberations that was given not to applicant nor was the applicant given an opportunity respond to it, and (2) when the first motion was made to conditionally approve the application and the vote ended in a 3-3- tie (she stated that the tie vote does not deny the plan nor does it approve the plan), a second motion was necessary to deny the application or disapprove the application which needed to include specific reasons for disapproval according to state statute. She explained that she consulted with the Town attorney and asked him to get other professional input on this matter as to the necessity of the Board to correct those procedural errors. She said she received advice, and believes that the Planning Board must ultimately vote to affirmatively approve or deny the application. She then made the following motion:

Chairwoman Soares made a motion that the Planning Board take the following steps to reconsider its March 8, 2017 decision on First

Londonderry Association, LLC's site plan application: strike from the record photographs and other information presented during the Planning Board's deliberation on the application; provide notice the applicant and the abutters that the Planning Board will conduct new deliberations and vote on the application during its meeting on May 3, 2017; and deliberate and vote on the application on May 3, 2017 based on the evidence submitted prior to the Planning Board's March 8, 2017 deliberations.

Member A. Sypek seconded the motion.

Member C. Davies expressed concerns that the Board was not willing to consider the information that was presented during March 8th deliberations. J. Butler asked if that information could be available at the next meeting if they vote to reconsider it. Chairwoman Soares asked Attorney Ramsdell if a nonpublic meeting was necessary to discuss it. Attorney Ramsdell stated that they could go into a nonpublic meeting but he believes he can answer that question in a satisfactory manner, and if not, then the Board could go into a non-meeting. He offered the Board two options for discussion: (1) strike the information and photographs that were presented during the March 8, 2017 so that it is not considered during the new deliberations; or (2) the Board could decide if that information has been preserved and can be made available to the applicant with an opportunity for the applicant to respond to it before May 3rd, then the Board can consider it. He added that the Board cannot consider the information and the photographs without giving the applicant an opportunity to review and respond to it. C. Davies liked the second option and the Board concurred. Chairwoman Soares rescinded her motion and A. Sypek rescinded his second.

She then made second motion as follows:

Chairwoman Soares made a motion that the Planning Board take the following steps to reconsider its March 8, 2017 decision on First Londonderry Associates, LLC's site plan application: (1) provide the record of photographs and other information presented during the Planning Board's March 8th deliberations to the applicant, and provide notice to the applicant and abutters that the Planning Board will conduct new deliberations; (2) vote on the application during its meeting on May 3, 2017; and (3) deliberate and vote on the application on that date based on the evidence submitted up to that date.

Member A. Sypek seconded the motion.

Member A. Chiampa asked when that information will be provided. Chairwoman Soares stated that the information will be provided prior to the May 3rd meeting so that the applicant will have the opportunity to respond to it. L. Reilly stated that the scope is limited to what was provided at that meeting. The Board concurred. Chairwoman Soares stated that the only discussion that will occur is on the photographs that were presented, the new information the Councilor Butler presented at that meeting and nothing

else. She added that the Board will deliberate on that information and vote. She asked Attorney Ramsdell if the motion was in order and received confirmation that it was. She expressed her concern over revisiting this again. She thanked the public for coming, and welcomed the public to come back in May.

The motion was granted, 7-0-0. The Chair voted in the affirmative.

Member G. Verani returned to the Board.

III. Old Business

A. Application acceptance and public hearing for formal review of a lot line adjustment & consolidation, West & Elwood Road, Map 5 Lot 40, Map 2 Lot 44, and Map 2 Lot 43, Zoned AR-1 – Belize Real Estate Holdings, LLC (Owner & Applicant – Map 2 Lot 44), Continental Paving, Inc. (Owner – Map 2 Lot 43), Wayland H. Elwood Realty Trust of 2008 (Owner, Map 5 Lot 40) – continued from the February 1, 2017 and March 1, 2017 meetings

Chairwoman Soares read the case into the record. J. Trottier informed the Board that there were two outstanding checklist items for which waiver request were submitted. He added that if the Board grants the waivers, then Staff would recommend that the application be accepted as complete. He described the two checklist waivers as outlined in the Stantec Memorandum dated April 6, 2017. He noted that Staff supports granting the waiver to section 4.12.C.2 and item iii.12 for acceptance purposes only, and recommended that the boundary plan be provided for the remainder lot (Map 5 Lot 40) as part of the conditional approval because an abutting easement holder contacted the Planning Department expressing concern. He added that in response to the 2nd waiver request to section 3.10 and item III.24 of the checklist to not provide a high intensity soil survey that Staff supports the granting of that waiver and noted that after the lot line adjustment, lot 44 will consist of 33 acres, lot 40 will consist 64 acres and lot 43 will consist 65 acres with each lot having sufficient area for at least one single family home. He explained that lots in excess of five acres are not subject to New Hampshire Department of Environmental Services subdivision approval. G. Verani recused himself and stepped down from the Board. Chairwoman Soares counted the voting members as seven with K. D'Urso not participating in the voting.

Member A. Sypek made a motion to approve the waiver request 1 for acceptance purposes only as outlined in Staff's Recommendation Memorandum dated April 5, 2017.

Member J. Butler seconded the motion.

The motion was granted, 7-0-0. The Chair voted in the affirmative.

Member A. Sypek made a motion to approve waiver request 2 as outlined in Staff's Recommendation Memorandum dated April 5, 2017.

Member L. Reilly seconded the motion.

The motion was granted, 7-0-0. The Chair voted in the affirmative.

Member A. Sypek made a motion to accept the application as complete per Staff's Recommendation Memorandum dated April 5, 2017.

Member R. Brideau seconded the motion.

The motion was granted, 7-0-0. The Chair voted in the affirmative.

Chairwoman Soares stated that 65 day time clock in which to render a decision has started.

Eric Mitchell, Eric Mitchell & Associates, 106 S. River Road, Bedford, New Hampshire presented for the applicant. He reminded the Board that there are two items on the agenda for the project: (1) the lot line adjustment and consolidation plan, and (2) the subdivision application. He described the lot line adjustment of the lot lines between Map 002 Lot 43, Map 002 Lot 44 and Map 005 Lot 40. He added that two acres from Lot 43 (owned by Continental Paving and containing approximately 67) would be transferred to Lot 44 (owned by Belize containing approximately 16.7 acres) and after all the adjustments, the lot 44 would be 33.8 acres in size. He further explained that Map 5 Lot 40 which is owned by Wayland Elwood Realty Trust 2008 currently consists of 80 acres but after the adjustment would consist of 64.5 acres. He stated that lot 44 would be then be subdivided as listed as the next agenda item. Town Planner Mailloux explained to the Board, E. Mitchell and the public that the overhead projector not working.

J. Trottier reviewed the waiver request to section 4.01.C of subdivision regulations and the outstanding design review items as outlined in the Staff Recommendation memorandum dated April 5, 2017. There were no other Staff comments. Chairwoman Soares asked the Board for questions/comments.

Member A. Sypek made a motion to approve the Applicant's request for the above waiver to the Subdivision Regulations as outlined in Staff's recommendation memorandum dated April 5, 2017.

Member L. Reilly seconded the motion.

The motion was granted, 7-0-0. The Chair voted in the affirmative.

The Chair asked for public input and there was none.

Member A. Sypek made a motion to grant conditional approval of the lot line adjustment between Map 2, Lots 43 and 44 and Map , Lot 40, West Road & Elwood Road, Belize Real Estate Holdings, LLC, Wayland H. Elwood Realty Trust & Continental Paving, Inc (Owners), in accordance with plans prepared by Eric C. Mitchell & Associates, Inc. dated June 21, 2016, last revised March 9, 2017 with the following precedent conditions to be fulfilled within two years and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated April 5, 2017.

Member R. Brideau seconded the motion.

The motion was granted, 7-0-0. The Chair voted in the affirmative.

"Applicant", herein, refers to the property owner, business owner, or organization submitting this application and to his/its agents, successors, and assigns.

PRECEDENT CONDITIONS

All of the precedent conditions below must be met by the Applicant, at the expense of the Applicant, prior to certification of the plans by the Planning Board. Certification of the plans is required prior to commencement of any site work, any construction on the site or issuance of a building permit.

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Public Works & Engineering/Stantec review memo dated April 5, 2017.
2. A boundary plan for the remaining portion of Lot 40 be provided in accordance with Section 4.12.C.2 of the Subdivision Regulations.
3. The Applicant shall provide the Owner's signature(s) on the plans.
4. Required permits and permit approval numbers shall be noted on the plan.
5. Access, utility and drainage easements shall be reviewed and approved by the Town.
6. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.
7. The Applicant shall provide a check for \$25 (made payable to the Rockingham County Registry of Deeds) for LCHIP.
8. The Applicant shall note all general and subsequent conditions on the plans.

9. Third-party review fees shall be paid within 30 days of conditional site plan approval.
10. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
11. Final engineering review.

PLEASE NOTE – If these conditions are not met within two (2) years of the meeting at which the Planning Board grants approval, the Board's approval will be considered to have lapsed and re-submission of the application will be required. See RSA 674:39 on vesting.

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
2. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals which may be required as part of this project (that were not received prior to certification of the plans). Contact the Building Division at extension 115 regarding building permits.
3. **No construction or site work for the subdivision may be undertaken until a pre-construction meeting with Town staff has taken place, filing of an NPDES – EPA Permit (if required), and posting of the site-restoration financial guaranty with the Town.** Contact the Department of Public Works to arrange the pre-construction meeting.
4. The project must be built and executed as specified in the approved application package unless modifications are approved by the Planning Department & Department of Public Works, or, if Staff deems applicable, the Planning Board.
5. Prior to issuance of a certificate of occupancy, all site improvements and shall be completed.

B. Application acceptance and public hearing for formal review of a subdivision of one lot into 18, 72 Elwood Road, Map 2 Lot 44, Zoned AR-1 – Belize Real Estate Holdings, LLC (Owner & Applicant) – continued from the February 1, 2017 and March 1, 2017 meetings

Chairwoman Soares read the case into the record. J. Trottier informed the Board that there is one outstanding checklist item for which a waiver request was submitted. He added that if the Board grants the waiver, then Staff would recommend that the application be accepted as complete. He described the checklist waiver as outlined in the Stantec Memorandum dated April 6, 2017. He noted that Staff supports granting the waiver to section 3.05 and item x.7 for acceptance purposes only.

Member A. Sypek made a motion to waive the utility clearance letter for acceptance purposes only as outlined in Staff's Recommendation Memorandum dated April 5, 2017.

Member R. Brideau seconded the motion.

The motion was granted, 7-0-0. The Chair voted in the affirmative.

Member A. Sypek made a motion to accept the application as complete per Staff's Recommendation Memorandum dated April 5, 2017.

Member L. Reilly seconded the motion.

The motion was granted, 7-0-0. The Chair voted in the affirmative.

Chairwoman Soares stated that 65 day time clock in which to render a decision has started.

Eric Mitchell, Eric Mitchell & Associates, 106 S. River Road, Bedford, New Hampshire presented for the applicant. He explained to the Board that the purpose of this application is for a residential subdivision of Map 2 Lot 44 (33.88 acres) into 19 single family house lots. He added that there is frontage on West Road and Elwood Road with eight lots having access on Elwood Road/West Road and the remaining lots having access off of a proposed cul-de-sac road, Nettie Way which is about 1,300 feet in length (a waiver is requested for that length). He described the road grades as 6% or less with pavement width at 28 feet. He added that the average lot size is 1.5 acres. He commented on the waiver request for the utility clearance letter and apologized for not having the clearance letter.

He explained that the telephone company sent two letters both with the same address. He added that he is waiting to receive the corrected letter. J. Trottier then reviewed three waiver requests and the design review items as outlined in the Stantec Recommendation and Staff Recommendation memorandum dated April 5, 2017.

Chairwoman Soares asked the Board if there were any questions. C. Davies commented on the length of the cul-de-sac. J. Trottier commented that the cul-de-sac will meet the radius requirement and received fire department approval. A. Chiampa commented on the topography around the cul-de-sac. J. Trottier described the cut and fill associated with the roadway. Chairwoman Soares asked for public input.

Resident Mike Speltz, 18 Sugarplum Lane, addressed the Board and commented on the length of the cul-de-sac and the temporary nature of the cul-de-sac. He asked for further clarification on the cul-de-sac and future development of that area. J. Trottier expressed similar concerns and noted that the Town received conceptual plans for future development connecting Nettie Way to Elwood Road at some future point. Town Planner Mailloux noted that the Board needs to feel comfortable approving this plan as a stand-alone project noting the other plans are only conceptual. E. Mitchell stated that the length of the cul-de-sac was requested to reduce the amount of cut and fill and does not increase the number of lots in the development. C. Davies reiterated that those houses will have residential sprinkler system and E. Mitchell referred him to note 13 on the plan which provides for residential sprinkler systems.

Member A. Sypek made a motion to approve the Applicant's request for the above waivers to the Subdivision Regulations as outlined in Staff's recommendation memorandum dated April 5, 2017.

Member R. Brideau seconded the motion.

The motion was granted, 7-0-0. The Chair voted in the affirmative.

Member A. Sypek made a motion to grant conditional approval of the subdivision of Map 2 Lot 44 from one lot into 19, Elwood Road & West Road, Belize Real Estate Holdings, LLC (Owner & Applicant) in accordance with plans prepared by Eric C. Mitchell & Associates, Inc. dated June 24, 2016, last revised March 8, 2017 with the following precedent conditions to be fulfilled within two years and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated April 5, 2017.

Member L. Reilly seconded the motion.

The motion was granted, 7-0-0. The Chair voted in the affirmative.

"Applicant", herein, refers to the property owner, business owner, or organization submitting this application and to his/its agents, successors, and assigns.

PRECEDENT CONDITIONS

All of the precedent conditions below must be met by the Applicant, at the expense of the Applicant, prior to certification of the plans by the Planning Board. Certification of the plans is required prior to commencement of any site work, any construction on the site or issuance of a building permit.

- 12.The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Public Works & Engineering/Stantec review memo dated April 5, 2017.
- 13.The Applicant shall provide the Owner's signature(s) on the plans.
- 14.The Applicant shall provide a clearance letter for this project from the telephone utility.
- 15.The associated lot line adjustment and consolidation plan of Map 2 Lots 43 & 44 and Map 5 Lot 40 must be finalized prior to subdivision plan signature.
- 16.Required permits and permit approval numbers shall be noted on the plan.
- 17.Access, utility and drainage easements shall be reviewed and approved by the Town.
- 18.The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.
- 19.The Applicant shall provide a check for \$25 (made payable to the Rockingham County Registry of Deeds) for LCHIP.
- 20.The Applicant shall note all general and subsequent conditions on the plans.
- 21.Third-party review fees shall be paid within 30 days of conditional site plan approval.
- 22.Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
- 23.Final engineering review.

PLEASE NOTE – If these conditions are not met within two (2) years of the meeting at which the Planning Board grants approval, the Board's approval will be

considered to have lapsed and re-submission of the application will be required. See RSA 674:39 on vesting.

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

6. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
7. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals which may be required as part of this project (that were not received prior to certification of the plans). Contact the Building Division at extension 115 regarding building permits.
8. **No construction or site work for the subdivision may be undertaken until a pre-construction meeting with Town staff has taken place, filing of an NPDES – EPA Permit (if required), and posting of the site-restoration financial guaranty with the Town.** Contact the Department of Public Works to arrange the pre-construction meeting.
9. The project must be built and executed as specified in the approved application package unless modifications are approved by the Planning Department & Department of Public Works, or, if Staff deems applicable, the Planning Board.
10. Prior to issuance of a certificate of occupancy, all site improvements and shall be completed.

C. Application acceptance and Public Hearing of a proposed 83 lot conservation subdivision, Lorden Commons Phases 2, 3 and 4 - 17 Old Derry Road, Map 16, Lot 38, Zoned AR-1, Lorden Commons, LLC (Owner) and Chinburg Properties, Inc. (Applicant) – continued from the January 4, 2017, February 8, 2017 and March 1, 2017 meetings

Chairwoman Soares read the case into the record. G. Verani returned to the Board and Chairwoman Soares appointed K. D'Urso as a voting member for S. Benson for total of nine voting members. Town Planner Mailloux reminded the Board that the application was accepted as complete at the January 4, 2017 hearing at which time there were water concerns with the wells. She stated that since that time, the Board was waiting for additional hydrogeological analysis. She added that J. Lopez was working on resolving those issues and he is back with an update for the Board. Town Planner Mailloux stated that she is recommending

that the hearing be continued indefinitely until such time, a hearing is scheduled with new abutter notices sent for formal approval.

J. Lopez, Keach-Nordstrom Associates, 10 Commerce Park N, Bedford, presented for the applicant and addressed the Board. He noted that the applicant agreed and agrees to extend the 65 day timeclock. He commented on the January 4th conversations and listened to all the comments presented at that hearing. He added that the applicant hired a third party consultant because they were interested in having a fresh set of eyes review the plan and the outstanding issues. He also stated that he looked at developing a plan with monitoring wells but was not able to find a strong model to follow which led in part to the decision to hire a third party consultant. He explained that water connection was explored. He commented on his efforts with Manchester and the lack of feasibility with it and reviewed a possible water connection with the Town of Derry. He added that the Derry town line is 1,400 feet away from the site with a 12 inch water main and a hydrant located at the town line. He explained his efforts with Derry, Londonderry to secure a water connection. He explained that the best feasible option is water connection with the Town of Derry. He added that the water line would be owned by Derry and would come into Londonderry noting the numerous required approvals, the coordination of the ownership of the franchise areas, and the interaction with the Public Utilities Commissions, Manchester Water Works and Pennichuck Water Works. He added that the Pubic Utilities Commission will have the final approval. He explained that the process may take an additional five months. He then reviewed the Conceptual Utility Plan as it relates to the water connection starting at Carberry Drive with a 2 inch water main down Old Derry Road to the entrance of the property with a fire hydrant which would then turn into an 8 inch water main serving Phases 2, 3 and 4 and terminate at the temporary cu-de-sac on Calla Lane. He stated that it would not service Phase 1 and the cistern would be removed with the addition of fire hydrants along Old Derry Road.

He stated that there were a couple of minor items to review. He commented on the issue with the wells with the 50 existing homes. He stated that Chinburg Properties submitted a survey to the occupants of Phase 1 who were given an opportunity to reply with any issues and/or concerns. He added that there were a few properties that had issues and Chinburg was able to correct those issues through mechanical items or education. He stated that to date, he was not presented with any known issues. He added that the applicant completed an off-site survey, a right-of-way survey and a final existing condition plan for future use by the Town of Londonderry. He described what he perceived as the process going forward with the water line connection and concluded his presentation.

Chairwoman Soares asked the Board for input. A. Chiampa confirmed that the bonding costs will be borne by the applicant. K. D'Urso commented that the Phase 1 owners will be interested in public water and expressed concern over the 8% grade of the road and asked about reducing it to 5%. J. Lopez stated that additional blasting (additional 15 feet or more) would be necessary and commented on the criteria allowed by the requested waiver. C. Davies echoed K. D'Urso concerns about the Phase 1 residents. He also expressed concern over the water connection. J. Lopez stated that there would be no further construction

until all required approvals were obtained. G. Verani asked for clarification on the water connection location and franchise agreement. J. Lopez did not have the details as to franchise agreements as it relates to Pennichuck. J. Trottier stated that he believes Partridge Lane and Allison Lane would be under Derry's franchise. L. Reilly asked the applicant to have a plan for the Phase 1 residents to tie in to the water line. She expressed concern over future residents in the development paying a tax bill to the Town of Londonderry, a water bill to the Town of Derry, and a sewer bill to Lorden Commons.

Chairwoman Soares asked for public input.

Abutter Michael Boyle, 15 and 15A Old Derry Road addressed the Board and expressed concern over future and past blasting which he claimed damaged both of his homes. He also expressed frustration of homes being close to his property line. He referenced the conceptual utility plan. and J. Trottier explained the extension from Carberry Drive. He presented the Board with a 2006 document from himself to his neighbors expressing his concerns over a road and an unsigned petition regarding the slope on the road with notification of accidents from June 2000 to August 2006. He commented on the blasting effects on Meeting House Road and neighboring wells.

Phase 1 resident Charles Armstrong, Four Iris Lane, addressed the Board and pointed out that Chinburg's representation that there were no issues with Phase 1 residents is incorrect. He presented the Board with an e-mail from himself to Paul Kerrigan, Chief Operating Officer of Chinburg Properties dated January 19, 2017 where he expressed concerns over outstanding water issues including quality, recovery rate, etc. He explained that the e-mail was received but he never received a response.

Phase 1 resident Megan Ivy, Eight Calla Road, addressed the Board with concerns over outstanding issues with her well. She added that the distribution list was missing residents. She noted that she spoke with a Chinburg representative in the last two days and issues still remain unresolved. She expressed frustration with the responses she received from Chinburg and over additional blasting and its effect on Phase 1 wells. She commented on the property values between the phases, one with water and one without. She asked for baseline testing for the blasting and reiterated concerns over the grade of the road. J. Lopez commented on the blasting and the requirements by the State which are more stringent due to the Meetinghouse Road incidents and the requirement of a monitoring plan in some instances. He noted the monitoring requirements that are required for this project which are different from Phase1 construction. J. Trottier stated that pre-blasting conditions will be documented with consent of the property owners. C. Davies requested that the blasting requirements be made available to the residents and asked about Town oversight of the blasting. J. Trottier stated that the Town does not have monitoring oversight and Town Planner Mailloux added that she believes that the State coordinates the monitoring. C. Davies expressed concern over best efforts being made to reach out to the neighboring property owners. C. Davies asked that the Phase 1 residents provide their concerns over issues to the Town Staff.

Phase 1 resident Bob Wilkes, 18 Iris Lane, addressed the Board noting the emergency water relief that was granted for residents on Longwood and proper planning for the future.

Chairwoman Soares noted that there was no additional public input and reiterated the importance of offering the opportunity for Phase 1 resident to hook up to the water. Town Planner Mailloux asked for the applicant to agree to extend the 65 timeframe until at least June 8, 2017 and J. Lopez agreed. She added that new abutter notifications will be sent once the applicant comes back before the Board with a date certain for a hearing.

Member A. Sypek made a motion that the application be continued indefinitely with new abutter notification to be sent upon determination of a date certain for a public hearing as requested by the applicant.

R. Brideau seconded the motion.

The motion was granted, 9-0-0. The Chair voted in the affirmative.

Chairwoman Soares noted again for the record that the applicant agreed to extend the 65 day time clock to at least June 8, 2017.

D. Lot Mergers

L. Gandia informed the Board that there are two lot mergers being presented to the Board. She explained that the first lot merger involves the merger of two lots: 15 Ash Street and 17 Ash Street. The second notice of merger is for the merger of three lots: 206 Rockingham Road, 204 Rockingham Road and Three Clark Road. She explained that these mergers are pursuant to State statute and require a signature by the Planning Board chair. Chairwoman Soares asked the Board if there were any questions. L. Reilly asked about the zoning of the lots for the Rockingham/Clark Road merger. Town Planner Mailloux explained that the zoning of each lot will remain the same and that she anticipates the owner requesting a rezoning the entire parcel. She also reviewed the actual and anticipated buffers and setbacks of the lots. L. Reilly asked about the Ash Street properties. Town Planner Mailloux explained that the lots are both residential and the intent is to keep them residential and build a single family residence on them.

Member A. Sypek made a motion that in accordance with RSA 674:39-a that the following existing parcels be consolidated: 15 Ash Street (Map 10 Lot 79) and 17 Ash Street (Map 10 Lot 80).

The motion was seconded by R. Brideau. The motion was granted, 9-0-0.

Member A. Sypek made a motion that in accordance with RSA 674:39-a that the following existing parcels be consolidated: 206

Rockingham Road (Map 15 Lot 26), 204 Rockingham Road (Map 15 Lot 27), and Three Clark Street (Map 15 Lot 27-1)

The motion was seconded by R. Brideau. The motion was granted, 9-0-0.

IV. New Plans/Conceptual/Non-binding Discussions

Public hearing and review of discretionary conditions of approval for a site plan conditionally approved on November 30, 2016 for a Planned Unit Development (PUD), Phase 1 - buildouts of Woodmont Commons, Subarea WC-1, WC-1-GL, and WC-2, 34 Nashua Road (Map 010 Lot 052), 5 Garden Lane (Map 010 Lot 54-1) and 15 Pillsbury Road (Map 010 Lot 41), Pillsbury Realty Development (Applicant) and Demoulas Supermarkets, Inc. (Owner), Robert D. & Stephen R. Lievens (Owner), and Pillsbury Realty Development, LLC (Owner)

Chairwoman Soares read the case into the record. Ari Pollack, Esq., Gallagher, Callahan & Gartrell, P.C., 214 North Main Street, Concord, NH 03301, and Jeff Kevan of TF Moran, 48 Constitution Drive, Bedford, NH 03110 presented for the applicant and the master developer of the project, Pillsbury Development, LLC. A. Pollack reminded the Board that the application for Phase 1 was before and conditionally approved by the Board on November 30, 2016. As part of the approval, two of the precedent conditions required that he appear before the Board for confirmation of satisfaction that those two conditions were met. He described the two conditions as follows: (1) precedent condition 6 required the applicant to return to the Board for approval of the Phasing Plan for on and off-site improvements; and (2) precedent condition #8 required third party review and Planning Board approval of the Fiscal Impact Analysis prepared for Phase 1. He referenced his work with the New Hampshire Department of Transportation (NHDOT) and a memo from the NHDOT which approved the "trip trade" - how much can traffic can pass through the intersection before the whole sale improvements are necessary and before NHDOT's design improvements roll forward. He added that Town Staff is involved in these conservations. He explained that the fiscal impact analysis that was generated for Phase 1 (update to the larger study) was sent to RKG Associates, third party review firm who previously reviewed the fiscal impact study of the master plan, noting that the methodology was found to be sound. He stated that there are annual updates due to the Town. He explained that his presentation is limited in scope and is seeking the Board's approval to proceed with conditions 6 and 8 being satisfactorily met.

Town Planner Mailloux referenced the Staff Recommendation memorandum dated April 5, 2017 and focused on precedent conditions 6 and 8. J. Kevan explained the phasing plan (Phase 1A, 1B and 1C) which consisted of the improvements of Michels Way from the existing Market Basket area to Pillsbury Road including all the utilities and the construction of the drainage detention pond as Phase 1A. He added that the water would be extended from Pillsbury Road to Gilcreast Road

connecting a high pressure and low pressure system together as well as the construction of the brewery, 58 residential units, and a small office and retail component. He stated that Phase 1B (anticipated start time is summer 2018) includes all off-site traffic improvements, including improvements at the intersection of Route 102 and Garden Lane, Route 102 and Gilcreast, and on the main line of Route 102 as indicated in the off-site traffic mitigation plan, and the third phase consists of a series of buildings and the building out the balance of overall Phase 1 (anticipated completion date of year 2020). Town Planner Mailloux explained that the Phase 1A build program does not require off-site roadway improvements to be implemented as the construction of the previously approved 25,800 SF outparcel retail component associated with the Market Basket site plan will be deferred allowing the brewery to move forward without increasing the traffic capacity. She noted that this swap received NHDOT approval. She emphasized that Staff recommended that the complete construction of Michel's Way as part of Phase 1A.

Chairwoman Soares asked the Board for question. L. Reilly appreciated the complete construction of Michel's Way as part of Phase 1A. C. Davies asked for more detail about Michel's Way construction. J. Kevan stated that the area in front of Market Basket will be a two lane boulevard with a bike lane and sidewalks and as you move past Market Basket the road is funneled down to a single lane in each direction with an island in the middle and bike lanes and parallel parking on the sides. Town Planner Mailloux stated that everything from the current stop sign down to Route 102 will part of Phase 1B mitigation plan. A. Pollack added that the full submission for the overall Phase 1 contained a full traffic impact analysis which was submitted to the State as the basis for the conceptual and design review for approved construction. She referenced the TEC plans which contain the lane configuration and intersection improvements at Gilcreast and Pillsbury Road. Chairwoman Soares asked about the sidewalk and J. Kevan stated that there are sidewalks on both sides of the road. Town Planner Mailloux stated that only the timing is being approved as part of the Phasing Plan. A. Pollack added that he is working both with the Town and NHDOT.

Town Planner Mailloux added that the RKG analysis concluded that it will be a fiscally positive project and she referenced the annual reporting requirements. She stated that the Town will be working to make sure the project is fiscally positive.

Chairwoman Soares asked for public input.

Steve Barry, Londonderry Commons Board of Directors representative, addressed the Board to follow up on his concerns involving the cut through traffic. He informed the Board that he hired Steve Pernaw, Pernaw & Associates, to review the traffic concerns. He hoped that after the November 30, 2016 meeting that he could meet with the developer to discuss these concerns and was seeking clarification on the status of the traffic mitigation. J. Trottier added that Staff reached out to Jack Szemplinski after that meeting requesting specific information on these concerns before scheduling a meeting. He added that they only received comments last week, and attempted to schedule a meeting last week but was not able to do so. A. Pollack stated he made himself available for a meeting noting

that he requested information was not received until last week. He added that the concern involves a private road from an abutter who also has control over options they can implement. He stated he still has questions as to what exactly the abutter is seeking. S. Barry asked for S. Pernaw to speak and Chairwoman Soares stated his testimony would be better served at the meeting between himself, Staff, the applicant. A. Pollack noted the subsequent conditions of approval require additional traffic monitoring and safety measures. Chairwoman Soares discussed the possible change in traffic flow once Michel's Way is constructed. S. Barry expressed his concerns even with that construction. A. Pollack stated that continued discussion about these traffic concerns may not be appropriate at this point in time since these concerns are not part of the two conditions that the applicant is in front of the Board to review.

Nearby resident Mike Speltz, 18 Sugar Plum Lane, addressed the Board expressing concerns over the layout of the bike lane and parking, the Board's lack of involvement in the discussions with Londonderry Commons, and over the traffic impact analysis and updated traffic counts. He presented the Board with a picture of cars going south on Gilcreast Road. Chairwoman Soares reiterated that scope of the Planning Board's involvement for the hearing. A. Pollack noted the updated traffic analysis that is contained in the Planning Department's file and available for public review and inspection.

Member A. Sypek a motion to approve the Phasing Plan as required by the November 30, 2016 Notice of Decision, Precedent Condition 6 as described in the Woodmont Commons PUD – Phase 1 Phasing Narrative, dated April 4, 2017 and shown on the Woodmont Commons PUD – Phase 1 Phasing Plans prepared by TF Moran, dated March 3, 2017 and last revised April 5, 2017 with the modifications noted below:

- Michels Way from the intersection of Garden Lane northerly to Pillsbury Road be fully constructed in accordance with the Michels Way Roadway Improvement Plans in Phase 1A.
- The phasing narrative be updated to include the intersection of Pillsbury and Gilcreast Roads in Phase 1B.

Member R. Brideau seconded the motion.

The motion was granted, 9-0-0. The Chair voted in the affirmative.

Member A. Sypek made a motion to find that the applicant has satisfactorily met Precedent Condition 8 of the November 30, 2016 Notice of Decision.

Member R. Brideau seconded the motion.

The motion was granted, 9-0-0. The Chair voted in the affirmative.

V. Other Business

- A. Zoning Update – Town Planner Mailloux stated that the zoning update will continued to next meeting.

VI. Adjournment

Member R. Brideau made a motion to adjourn the meeting at approximately 9:15 p.m. Seconded by L. Reilly.

Motion was granted, 9-0-0.

The meeting adjourned at approximately 9:15 PM.

These minutes were prepared by Associate Planner Laura Gandia.

Respectfully Submitted,



Chris Davies, Secretary

These minutes were accepted and approved on May 3, 2017 by a motion made by C. Davies and seconded by R. Brideau.