

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF DECEMBER 6, 2017 AT THE MOOSE HILL COUNCIL CHAMBERS

I. Call to Order

Members Present: Art Rugg, Chair; Mary Wing Soares, Vice Chair; Rick Brideau, Ex-Officio – Town Employee; Al Sypek, member Chris Davies, Secretary; Scott Benson, Assistant Secretary; Ann Chiampa (alternate member); Peter Commerford (alternate member) and Roger Fillio (alternate member); (and Leitha Reilly, member arriving at 7:30)

Also Present: Colleen Mailloux, Town Planner; John R. Trottier, P.E., Assistant Director of Public Works and Engineering; Laura Gandia, Associate Planner; and Beth Morrison, Recording Secretary

Chairman Rugg called the meeting to order at 7:00 PM, explained the exit and emergency procedures, and began with the Pledge of Allegiance. Chairman Rugg appointed A. Chiampa to vote for L. Reilly.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Member M Soares made a motion to approve the minutes of November 1, 2017, as presented.

R. Brideau seconded the motion.

The motion was granted 4-0-3, with members C. Davies, A. Sypek and A. Rugg abstaining.

The Chair voted in the affirmative.

Member M Soares made a motion to approve the minutes of November 8, 2017, as presented.

R. Brideau seconded the motion.

The motion was granted 6-0-1, with member S. Benson abstaining.

The Chair voted in the affirmative.

- B. REGIONAL IMPACT DETERMINATIONS:** Town Planner Mailloux informed the Board that she had one project for their consideration. She described the project as follows, 86A Adams Road, Map 6 Lot 113-01, Zoned AR-1, Dane Development, LLC, and noted that the project does not meet the criteria set forth by the SNHPC for developments of regional impact.

- C. DISCUSSIONS WITH TOWN STAFF: J. Trottier informed the Board that Woodmont Commons has some changes to their blocks. He stated that they have shifted Main Street in their plans to the north, away from Market Basket. He wanted to make the Board aware of these minor changes from the original site plan as they come up. Town Planner Mailloux explained that the parking decks are being squared off a little bit for ease of plowing and the 603 brewery building is shifting forward 40 feet to allow for loading access to the rear of the building. M. Soares asked if the parking would be utilized by other buildings in the Woodmont Commons area, as she thought it was a lot of pavement. Town Planner Mailloux noted that the site plan calculations for parking would be for the all the buildings being built.

Town Planner Mailloux informed the Board about a request for an extension of a site plan for 3 Akira Way. She noted that the Board had granted them an extension until 2017, which is expiring. She explained that staff supports granting the extension as they have requested. She further explained that staff has advised them that within the next two years, if the Board grants the extension, they would need to achieve active and substantial development, such as drainage in place, roadway built, foundation in place and building permits have been pulled.

A Sypek made a motion to request the extension that was requested until December 6, 2019.

R. Brideau seconded the motion.

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

Town Planner Mailloux informed the Board that one of the precedent conditions of the previously approved elderly housing project on Sanborn Road would be made a subsequent condition due to financial reasons related to HUD.

A. Rugg informed the Board that the Southern New Hampshire Planning Committee (SNHPC) is having a meeting on December 18, 2017, to discuss age related communities with the Town Council. He stated that SNPC has 3 alternate positions available, with L. Reilly from this Board taking one spot and Marty Srugis from the Heritage Commission taking another one. He stated that there are two applicants for the one open position, Suzanne Brunelle and Douglas Tetrault in the audience tonight. He asked both applicants to come up and address the Board.

Suzanne Brunelle, addressed the Board. She informed the Board that she is a 1983 graduate of Londonderry High School, has her Bachelor of Science in criminal studies and her Juris Doctorate (JD) degree. She stated she is licensed to practice law in Massachusetts, Maine and New Hampshire. She noted that she is on the ZBA Board currently in Londonderry.

A. Rugg asked the Board for input. C. Davies asked how long S. Brunelle has been with the ZBA. She stated that she has been on the ZBA for 1-1/2 to 2 years and she is a full time member.

Douglas Tetrault addressed the Board. He stated that he was a New Hampshire native who was born and raised in Manchester. He went to college in Vermont and then worked in Boston. He stated that when his daughter was born a couple years ago, he decided to move back to Londonderry. He currently works in Boston for a consulting firm working on affordable housing. He explained that he saw the ad in the newspaper and is looking for a way to give back to his community.

A. Rugg asked the Board for any questions. M. Soares asked both candidates, if the Planning Board did not choose them, would they consider running for Town Council or the School Board. D. Tetrault asked he would like to look at the Senior Resources Committee, the Londonderry Housing and Redevelopment Authority (LHRA) and the Town Council. S. Brunelle stated that she would defer on both as she has time constraints. A. Rugg explained the way the process works, in which the Planning Board makes a recommendation to the Town Council and then the Town Council would appoint the new member.

M. Soares made a motion to recommend Suzanne Brunelle, Leitha Reilly and Martin Srugis be appointed as alternate members to the Southern New Hampshire Planning Commission.

C. Davies seconded the motion.

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

III. Old Business - N/A

IV. New Plans

A. Application for formal review of a subdivision of one lot into two, Seven Litchfield Road, Map 12, Lot 20, Zoned AR-1, Seven Litchfield Road Realty Trust, LLC (Owner & Applicant)

Town Planner Mailloux informed the Board that the applicant has requested a continuance until the January 10, 2018, meeting.

M. Soares made a motion to continue the application for formal review of a subdivision of one lot into two, Seven Litchfield Road, Map 12, Lot 20, Zoned AR-1, Seven Litchfield Road Realty Trust, LLC (Owner & Applicant) until January 10, 2018.

R. Brideau seconded the motion.

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

Chairman Rugg announced that this plan is continued to January 10, 2018, at 7 p.m. in the Town Hall. This is your only notice.

B. Application for formal review of condominium conversion of 86A Adams Road, Map 6 Lot 113-01, Zoned AR-1, Dane Development, LLC (Owner & Applicant)

Chairman Rugg read the case into record. J. Trottier stated there was one outstanding checklist item for which a waiver request has been submitted and staff recommends accepting the application as complete. He stated that staff supports granting the waiver also.

C. Davies made a motion to grant the waiver to checklist item III.12 and Section 4.12 of the Subdivision regulations per Staff's recommendation memorandum dated December 6, 2017. M. Soares had stepped out of the room.

R. Brideau seconded the motion.

The motion was granted, 6-0-0. The Chair voted in the affirmative.

C. Davies made a motion to accept the application as complete per Staff's recommendation memorandum dated December 6, 2017. M. Soares had stepped out of the room.

R. Brideau seconded the motion.

The motion was granted, 6-0-0. The Chair voted in the affirmative.

Joseph Maynard from Benchmark engineering 1F Commons Dr Suite 39, Londonderry, NH, addressed the Board representing Dane Development. He stated that this is a recently subdivided lot from 2015 that is overall looking to convert this to a condominium. He stated that they have received state subdivision approval. He explained the five waiver requests that are associated with this application.

Chairman Rugg opened it up to questions from the Board. J. Trottier informed the Board the applicant is requesting four (4) additional waivers of the Subdivision Regulations:

1. Section 3.10 and 4.17.A.32.iii requiring HISS mapping of the entire parcel.
2. Section 3.04 and 4.17.A.23 requiring topography of the entire parcel.
3. Section 4.17A.2 and 4.17.A.3 requiring the topographic plan to show the entire boundary of the parcel.
4. Section 3.02.A.2 requiring monuments be set at all corners, curves and angle points and no more than 1,000 feet apart along any straight line.

He stated that staff supports granting each of these waivers as the lot was recently

subdivided and soils, topography, and boundary information was provided as part of that plan and appropriate plan references were included on the condominium conversion plan. The Planning Board approved a similar waiver for monumentation, to avoid placing monuments in the wetlands. A. Chiampa asked why the septic states existing septic tank. J. Maynard stated that when you build a condominium it has to be substantially complete in order to certify that it was built appropriately, and therefore when this plan was created the tanks were already in the field.

Chairman Rugg opened it to the public for comments and there was none.

M. Soares made a motion to approve the applicant's request for the above waivers of the subdivision regulations per Staff recommendation memorandum dated December 6, 2017.

R. Brideau seconded the motion.

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

M. Soares made a motion to grant conditional approval of the Condominium Conversion Plan for 86A Adams Road, Map 6, Lot 113-01, Dane Development, LLC (Owner & Applicant), in accordance with plans prepared by Benchmark Engineers, Inc., dated September 7, 2017 with the precedent conditions to be fulfilled within two years and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum, dated December 6, 2017.

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. All DRC comments shall be addressed.
2. The Owner's signature shall be provided on the plans.
3. Condominium declaration shall be reviewed and approved by the Town.

4. An executed copy of the condominium declaration shall be provided to be recorded at the Rockingham County Registry of Deeds, concurrent with the recording of the plans.
5. 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.
6. The Applicant shall provide checks for LCHIP and recording fees, made payable to the Rockingham County Registry of Deeds.
7. The Applicant shall note all general and subsequent conditions on the plan sheet to be recorded.
8. Final planning 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.

V. Other Business - N/A

VI. Adjournment

Member R. Brideau made a motion to adjourn the meeting at approximately 07:40 p.m. Seconded by M. Soares

The motion was granted, 7-0-0.

The meeting adjourned at approximately 07:41 PM.

These minutes were prepared by Beth Morrison

Respectfully Submitted,



Chris Davies, Secretary

These minutes were accepted and approved on January 10, 2018 by a motion made by M. Soares and seconded by R. Brideau.

STAFF RECOMMENDATION

To: Planning Board
From: Colleen P. Mailloux, AICP, Town Planner
John R. Trottier, PE, Assist. Dir. Of DPW

Date: December 6, 2017

Application: Application Acceptance and Public Hearing for formal review of a subdivision plan to convert an existing duplex building to a condominium, 86A Adams Road, Map 6, Lot 113-01, Dane Development, LLC (Owner & Applicant).

- **Completeness:** There is one outstanding checklist item for which a waiver request has been submitted. Should the Board approve the waiver as requested, Staff recommends that the application be accepted as complete.
 1. Checklist Item III.12 and Section 4.12 of the Subdivision Regulations to provide the boundary of the subject property by metes and bounds. Staff supports granting the waiver as the boundary was provided in the recently approved subdivision/lot line adjustment plan and appropriate plan references have been included on the condominium conversion plan.

Board Action Required: Motion to grant the waiver to Checklist Item III.12 and Section 4.12 of the Subdivision regulations per Staff's recommendation memorandum dated December 6, 2017.

Board Action Required: Motion to Accept the Application as Complete per Staff's recommendation memorandum dated December 6, 2017

- **Waivers:** The Applicant is requesting four (4) additional waivers of the Subdivision Regulations.
 1. Section 3.10 and 4.17.A.32.iii requiring HISS mapping of the entire parcel.
 2. Section 3.04 and 4.17.A.23 requiring topography of the entire parcel.
 3. Section 4.17A.2 and 4.17.A.3 requiring the topographic plan to show the entire boundary of the parcel.
 4. Section 3.02.A.2 requiring monuments be set at all corners, curves and angle points and no more than 1,000 feet apart along any straight line.

Staff supports granting each of these waivers as the lot was recently subdivided and soils, topography, and boundary information was provided as part of that plan and appropriate plan references were included on the condominium conversion plan. The Planning Board approved a similar waiver for monumentation, to avoid placing monuments in the wetlands.

Board Action Required: Motion to approve the Applicant's request for the above waivers of the Subdivision Regulations per Staff recommendation memorandum dated December 6, 2017.

- Recommendation: Based on the information available to date, Staff recommends that the Planning Board **CONDITIONALLY APPROVE** this application with the Notice of Decision to read substantially as follows:

Board Action Required: Motion to grant conditional approval of the Condominium Conversion Plan for 86A Adams Road, Map 6, Lot 113-01, Dane Development, LLC (Owner & Applicant), in accordance with plans prepared by Benchmark Engineers, Inc., dated September 7, 2017 with the precedent conditions to be fulfilled within two years and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum, dated December 6, 2017.

“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. All DRC comments shall be addressed.
2. The Owner’s signature shall be provided on the plans.
3. Condominium declaration shall be reviewed and approved by the Town.
4. An executed copy of the condominium declaration shall be provided to be recorded at the Rockingham County Registry of Deeds, concurrent with the recording of the plans.
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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.