

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF OCTOBER 12, 2016 AT THE MOOSE HILL**
3 **COUNCIL CHAMBERS**
4

5 **I. Call to Order**
6

7 Members Present: Art Rugg, Chair; Mary Soares, Vice Chair; Scott Benson,
8 Assistant Secretary; Rick Brideau, CNHA, Ex-Officio; Jim Butler, Town Council Ex-
9 Officio; Leitha Reilly, member; Al Sypek, member; Ted Combes (alternate
10 member); Ann Chiampa (alternate member)
11

12 **Also Present:**

13 Colleen Mailloux, Town Planner; John Vogl, GIS Manager/Comprehensive Planner;
14 John R. Trottier, P.E., Assistant Director of Public Works and Engineering; Laura
15 Gandia, Associate Planner
16

17 Chairman Rugg called the meeting to order at 7:00 PM, and began with the Pledge
18 of Allegiance. He appointed A. Chiampa to vote for Chris Davies, and Ted Combes
19 to vote for L. Reilly. He noted that L. Reilly would be arriving shortly.
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22 **II. ADMINISTRATIVE BOARD WORK**
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24 **A. APPROVAL OF MINUTES**
25

26 Member M. Soares made a motion to approve the minutes of October 5,
27 2016, as presented. R. Brideau seconded the motion. The motion was
28 granted, 7-0-0. **The Chair voted in the affirmative.**
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31 **B. REGIONAL IMPACT DETERMINATIONS: N/A**
32

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34 **C. DISCUSSIONS WITH TOWN STAFF: N/A**
35

36
37 **III. NEW PLANS/CONCEPTUAL DESIGN:**
38

39 **A.** Application acceptance and Public Hearing for formal review of a
40 Minor Site Plan and Conditional Use Permit to construct a 702 +/-
41 square foot uncovered deck on the second floor of an existing
42 commercial building, and other associated site improvements at 80
43 Perkins Road (Map 15 Lot 55, Zoned MUC) - KAK Real Estate Holdings,
44 LLC (Owner & Applicant)
45

46 Chairman Rugg read the case into the record. J. Trottier stated that
47 there are no outstanding checklist items, and recommended that the application
48 be accepted as complete.

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M. Soares made a motion that the Planning Board accept the application as complete per Staff's Recommendation Memorandum dated October 12, 2016.

R. Brideau seconded the motion.

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

Chairman Rugg stated that this starts the 65 day to timeframe to render a decision.

Steven B. Keach, Keach-Nordstrom Associates, Inc., 10 Commerce Park North, Suite 3B, Bedford, NH 03110, along with Kurt Kendall, KAK Real Estate Holdings, LLC, presented for the applicant. S. Keach stated that in 2013 K. Kendall purchased the property which was formerly Verani professional office space. He further noted that in 2014, K. Kendall obtained site plan approval for a change of use, renovations and other associated site plan improvements. He stated that the building is currently occupied by Twin Smoke Shop, a retail cigar shop with a lounge on the second floor. He explained that the proposal before the Board involves the construction of a 702 SF deck off the easterly side of the building with access to it from the cigar lounge. He stated the construction of the deck is an amendment to the 2014 site plan, and noted that the building is situated approximately 6 feet from the front lot line in the mixed use commercial district (there is 60 foot setback in that district). He stated the non-conformity exists primarily due to two right of way acquisitions by the New Hampshire Department of Transportation. He described the deck with a somewhat irregular shape in part due to the geometry of the building as it relates to the front property. He explained that deck will not encroach any further into the existing non-conformity and in fact, it will be slightly further away (7-8 feet away) and that the construction of the deck requires the granting of a conditional use permit (CUP). He stated that if the CUP is approved, then the applicant would be seeking approval of the minor site plan to build it as well as the granting of four waivers.

He stated that the CUP under Section 2.4.5.D.2 of the Zoning Ordinance is necessary for the cited dimensional deficiency and noted that there are standards to be considered and demonstrated for its approval. He added that he felt that the applicant met those standards. He also added that the only other change contemplated is the restriping of the parking spaces to the east of the building to accommodate the columns – no physical improvements beside construction of the deck. He reviewed the four waivers: (1) a waiver from Section 3.11 of the Site Plan Regulations requiring that a Landscape Plan be provided. He noted there are no changes to the landscape plan; (2) a waiver from Section 3.12 of the Site Plan Regulations requiring that an Illumination Plan be provided. He noted that the site has exterior lighting today and there are no plans to change it; (3) a waiver from Section 3.14 of the Site Plan Regulations requiring that a traffic impact analysis be provided. He noted that this is an ancillary space which will not change the volume of site generated traffic – it is an amenity for the existing clientele; and

97 (4) a waiver from Section 3.07 of the Site Plan Regulations requiring that a
98 Stormwater Management Plan be provided. He stated they are not adding any
99 additional impervious surfaces or changes that would affect stormwater run-off.
100 Additionally, he stated that the deck is constructed over an area that was
101 previously paved. S. Keach concluded his presentation.
102

103 Chairman Rugg asked for Staff comments. J. Trottier reviewed the four waiver
104 requests as outlined in Staff recommendation memo dated October 12, 2016, and
105 stated that the Staff supports the granting of the waivers. J. Trottier also
106 reviewed the criteria for the CUP as outlined in the Staff recommendation memo
107 dated October 12, 2016, and stated that Staff supports the granting of the CUP.
108 He reviewed the precedent conditions from the October 12, 2016 memo (See
109 attached). There were no other comments from Staff.

110

111 Chairman Rugg asked for comments/questions for the Board. A. Chiampa asked
112 and received assurance that the handicap spaces would be kept. T. Combes
113 asked about the location of the door, and was informed that access from the deck
114 would be from the cigar lounge (the access would be located where the windows
115 currently are). M. Soares asked if the deck was seasonal, and expressed concern
116 over serving liquor on the deck. She was informed that the deck is seasonal, and
117 the terms and requirements of obtaining a liquor license is governed by the State
118 of New Hampshire.

119

120 Chairman Rugg asked for public input, and there was none.

121

122 **M. Soares made a motion that the Planning Board approve the four**
123 **(4) waivers requested as outlined in Staff's Recommendation**
124 **Memorandum dated October 12, 2016.**

125

126 **R. Brideau seconded the motion.**

127

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

129

130 **M. Soares made a motion that the Planning Board approve the**
131 **Conditional Use Permit as outlined in Staff's Recommendation**
132 **Memorandum dated October 12, 2016.**

133

134 **R. Brideau seconded the motion.**

135

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

137

138 **M. Soares made a motion that the Planning Board grant approval for**
139 **a site plan to construct a 700 square foot exterior deck at 80**
140 **Perkins Road, Map 15 Lot 55, KAK Real Estate Holdings, LLC (Owner**
141 **& Applicant) in accordance with the plans prepared by Keach-**
142 **Nordstrom Associates, Inc., dated August 10, 2016 and last revised**
143 **September 22, 2016 with the following precedent conditions to be**
144 **fulfilled within 120 days and prior to plan signature and the general**
145 **and subsequent conditions of approval to be fulfilled as noted in the**
146 **Staff Recommendation Memo, dated October 12, 2016.**

147
148 **R. Brideau seconded the motion.**

149
150 **The motion was granted, 7-0-0. The Chair voted in the affirmative.**

151
152 "Applicant", herein, refers to the property owner, business owner or
153 organization submitting this application and to his/its agents, successors
154 and assigns.

155
156 **PRECEDENT CONDITIONS**

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

- 162
163 1. The Applicant shall provide the Owner's signature on the plans.
164
165 2. The Applicant shall provide a digital (electronic) copy of the complete final
166 plan sent to the Town at the time of signature by the Board in accordance
167 with Section 2.05.n of the regulations.
168
169 3. Financial guaranty where determined necessary by the Department of Public
170 Works.
171
172 4. Any outstanding technical comments be addressed to the satisfaction of the
173 Town Planner and Assistant Director of Public Works.
174

175 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
176 certified the approval is considered final. If these conditions are not met within
177 **120 days** to the day of the meeting at which the Planning Board grants
178 conditional approval the board's approval will be considered to have lapsed and
179 re-submission of the application will be required. See RSA 674:39 on vesting.
180

181 **GENERAL AND SUBSEQUENT CONDITIONS**

182
183 All of the conditions below are attached to this approval.

- 184
185 1. **No construction or site work for the site plan may be undertaken**

186 **until the pre-construction meeting with Town staff has taken place,**
187 **filing of an NPDES-EPA Permit if required, and the site restoration**
188 **financial guaranty is in place with the Town.** Contact the Department
189 of Public Works to arrange for this meeting.
190

- 191 2. The project must be built and executed exactly as specified in the approved
192 application package unless modifications are approved by the Planning
193 Division & Department of Public Works, or if staff deems applicable, the
194 Planning Board.
195
196 3. All of the documentation submitted in the application package by the
197 applicant and any requirements imposed by other agencies are part of this
198 approval unless otherwise updated, revised, clarified in some manner, or
199 superseded in full or in part. In the case of conflicting information between
200 documents, the most recent documentation and this notice herein shall
201 generally be determining.
202
203 4. All site improvements and off-site improvements must be completed prior
204 to the issuance of a certificate of occupancy.
205
206 5. As-built site plans must to be submitted to the Public Works Department
207 prior to the release of the applicant's financial guaranty.
208
209 6. It is the responsibility of the Applicant to obtain all local, state, and federal
210 permits, licenses, and approvals which may be required as part of this
211 project (that were not received prior to certification of the plans). Contact
212 the Building Division at extension 115 regarding building permits.
213

214 B. Pillsbury Realty Development, LLC (Applicant) – Conceptual
215 Discussion of Woodmont Commons Phase 1 Site Plan – 34 Nashua
216 Road, 5 Garden Lane and 15 Pillsbury Road, Map 10, Lots 41, 52 and
217 54-1

218 Chairman Rugg read the case into the record. Ari Pollack, Esq., Gallagher,
219 Callahan & Gartrell, P.C., 214 North Main Street, Concord, NH 03301, and
220 Jeff Kevan of TF Moran, 48 Constitution Drive, Bedford, NH 03110
221 presented for the applicant and the master developer of the project,
222 Pillsbury Development, LLC. A. Pollack reminded the Board that he
223 appeared on August 3, 2016 for a conceptual discussion on Phase 1 -
224 downtown portion of the development. He stated that he is hoping for site
225 plan and conditional use permit approval for encroachment into a wetland
226 buffer along Michel's Way at the November meeting. He stated that since
227 August, he has been working with Staff and Tighe & Bond, and presented
228 the Phase 1 plan to Conservation Commission which recommended
229 approval. J. Kevan reported that he has been before the Heritage
230 Commission which recommended the Board approve the plans as
231 presented. He informed the Board that they submitted an application
232 packet to the state's department of environmental services for a storm
233 water management permit under its alteration of terrain program, and are
234 in discussion with the Department of Transportation for their traffic

235 mitigation proposal. He hoped to reorientate the Board with the Plan in
236 anticipation of its formal submission for the November meeting as well as
237 point out some revisions to the plan.
238

239 J. Kevan stated that the project is approximately 60 acres and the layout of
240 the plan has not changed dramatically except for the removal of the
241 assisted living facility. He noted that the architects are working with the
242 building design and that the blocks 2 and 4 on Michels Way were adjusted
243 to increase the number of units by 20 housing units. He stated that some
244 of the street configurations were adjusted between blocks 9 and 4 – the
245 triangle was removed and intersection was straightened (See attached
246 plans). He noted the park area and the conditional use application
247 requesting a 41,000 SF buffer impact. He noted that he is not cutting any
248 of the existing trees, and no wetland permit is required for this application.
249 He focused on the 4 acre pond and the 5 foot wide stone dust path which is
250 approximately $\frac{3}{4}$ acre around the pond. He added that three rows of apple
251 trees will be preserved with enhanced landscaping in that area. He noted
252 that Duck Pond is not being impacted except for the buffer encroachment.
253 He stated that the ponds with the walkable loop around them are drainage
254 ponds that will be constructed. J. Butler arrived. A. Pollack discussed the
255 Table of Densities that shows different uses with varying amounts of square
256 footage. He stated there is 217,000 SF of existing improvement not
257 225,000 SF as stated in the table due to the Market Basket Redevelopment
258 project which had a net loss in retail space; therefore, this number needs to
259 be corrected to reflect 217,000 with the difference towards additional new
260 commercial development in that subarea. He added that the total amount
261 of developable area within the subarea will remain unchanged and this
262 change will occur by means of a modification as stated in the Planned Unit
263 Development Master Plan. He also noted the allocation for the new office
264 building in WC-1-GL behind the supermarket building which will provide a
265 substantial amount of parking area (Block 7 on the plan). He noted that
266 those two modifications will come before the Planning Board in a similar
267 fashion as waiver requests.
268

269 Chairman Rugg asked for Staff comments, and there were none. He then
270 asked for comments from the Board. T. Combes asked about the reason for
271 the removal of the assisted living facility. A. Pollack stated that it was not a
272 lack of interest. T. Combes asked about the size of the office building
273 behind the supermarket. A. Polack stated it is 66,000 SF. T. Combes asked
274 about the timing and development of the project. A. Pollack stated that the
275 project is on a rolling basis timeline with early users coming online in about
276 12-18 months. L. Reilly arrived. J. Butler asked about a sidewalk along
277 Michels Way. J. Kevan stated that there is a sidewalk past Market Basket
278 on both sides of the road with bike lanes as well. A. Sypek asked about the
279 road north of Michels Way, and associated sight distances. J. Kevan stated
280 they were eliminating anything between that and Appletree Lane. T.
281 Combes inquired about the sidewalk, and A. Pollack said he does not believe
282 that the sidewalk will extend all the way to Route 102 as that land is owned
283 by others but he would be willing to work with the Town and those owners
284 on extending it. A. Chiampa asked about the intersection of Garden Lane

285 and Michaels Way, and renaming the first section of Michel's Way. C.
286 Mailloux said that the Town is working on it. J. Kevan stated that there will
287 be two turn lanes in each direction with a turn pocket but the details are
288 still being worked out.

289

290 Chairman Rugg asked if the presenters had any questions for the Board,
291 and they did not. A. Pollack stated that the process had been very
292 agreeable, and Town Staff is very accommodating. Various board members
293 stated that the community is very eager to see the project move forward.

294

295 **IV. Other Business**

296

297 A. Capital Improvement Plan – Public Hearing for the adoption of the
298 2016 (FY 2018 – 2023) Capital Improvement Plan (CIP)

299

300 Chairman Rugg introduced the topic. J. Vogl presented the current draft of the
301 CIP reflecting changes from the last meeting. He began with the Priority 1 Fire
302 Department Central Renovation Project in the amount of \$4,083,433 with a
303 proposed funding year of 2018 FY for architectural and engineering and 2019 FY
304 for construction and the Priority 1 Fire Department Communication Equipment
305 Infrastructure Upgrade with a changed dollar amount of \$4,200,000 with a
306 proposed funding year of 2018 FY by a bond article. Chairman Rugg stated that
307 the communication infrastructure upgrade project is a town wide project for fire,
308 police and public works and should be noted as such. He asked for project title to
309 be inclusive of all departments.

310

311 Fire Chief Darren O'Brien addressed the Board, and reiterated Chairman Rugg's
312 comments that the communication project is a town wide project to help address
313 the weaknesses in coverage throughout the Town due to new construction and
314 topography. He noted that the current equipment is approximately 15-16 years
315 old, and was funded by a grant after the 9/11 tragedy. He also explained that
316 Londonderry is dispatching for other communities such as Hampstead, and are in
317 negotiation with other towns such as Pelham. He added that if this project is
318 approved, other communities may also seek services and assistance from the
319 Town of Londonderry. He stated that it is an opportunity for Londonderry to
320 move forward with a regional dispatch center.

321

322 Police Chief William Hart addressed the Board. He echoed the sentiments of Fire
323 Chief O'Brien, and added that there is an officer safety element while responding
324 to pocket of areas in Town with no coverage. He applauded the Fire Chief for all
325 of his hard work. A. Sypek asked the Police Chief if the system was a digital
326 system which operated similar to a cell phone - meaning that it works only if you
327 have a signal. The Chief agreed and noted it was not like analog service. Chief
328 Hart noted that if an officer was in an emergency situation where there was no
329 service and needed help, there would be no way for him to communicate using
330 that service.

331

332 The Director of the Department of Public Works, J. Czyzowski addressed the
333 Board, and thanked the Fire Chief for all of his hard work. He stated that his
334 department is in really bad shape with its equipment. He was in strong support

335 of the project. He also noted that communication was sometimes done truck to
336 truck.

337

338 Chairman Rugg asked for Board comments. A. Sypek noted that this is a
339 beautiful project for emergency management purposes and to have the ability to
340 communicate in the event of a disaster. M. Soares asked about the location of
341 the towers, and was informed by the Fire Department that there are several
342 locations being explored such as on Auburn Road, and the airport (crucial for
343 police who now only communicate by cell phone). M. Soares asked about
344 additional personnel and associated funding if the Town became a regional
345 dispatch center. Fire Chief O'Brien stated that the funds would most likely come
346 from those towns seeking services. T. Combes asked about the need for more
347 office space, tower space, and improvements to vehicles. Battalion Chief Michael
348 McQuillen responded to all three noting the effect the new system will have. He
349 noted the issues with the highway system, and the inability of the different
350 departments to communicate in the event of an accident. He stated that the new
351 equipment would require more office space, and is tied into the central station
352 renovation project to assist with spacing needs. A. Chiampa asked about the
353 effectiveness of communication with other Towns. M. McQuillen stated that the
354 Town has difficulty in communicating with Manchester citing the digital vs. analog
355 system. He stated with the new system, the Town will have 90-95% coverage,
356 and the viable option of expanding coverage with neighboring towns such as
357 Hudson, Litchfield and portions of Derry. J. Butler asked about the
358 communication within the vehicles and noted great concern with the officers on
359 the portables particularly in the woods or performing building searches. J. Butler
360 stated that needs to be corrected. J. Butler inquired about the status of the
361 Manchester system and was informed by M. McQuillen that they have a new
362 system which will be a gateway for Londonderry to communicate with them.

363

364 Chairman Rugg asked for public input and there was none. J. Vogl stated and will
365 update the title to reflect the other departments.

366

367 J. Vogl introduced the next project, Priority 2 School District – New SAU Office -
368 \$3,700,000 with architectural engineering in 2019 and construction in 2020.
369 Chairman Rugg noted that there are two other projects associated with the school
370 district, the auditorium and new school facility (both priority 3) as well as middle
371 school renovations (Priority 3). School Business Administrator Peter Curro
372 addressed the Board, described the condition of the SAU building, and informed
373 the Board that the building has issues with heating/HVAC system and space
374 limitations adding that there is a requirement to have meeting room to discuss
375 confidential information (the current building is not adequate for that
376 requirement). He stated that the proposed building will be approximately 12,000
377 SF and the current building is 8,000 SF. He noted that you cannot put a second
378 floor on the current building. He stated that there are several possible locations
379 being discussed for the new building but nothing is set – current options include a
380 location at Moosehill School, upgrading the current building or building at a new
381 undetermined site. He further added that the building was designed for 12
382 employees and they are now at 23 employees with that number expected to
383 increase. He added that he received professional opinions that it is not
384 economically prudent to renovate the building due to its poor condition. A. Sypek

385 asked about the possibility of receiving state aid, and P. Curro informed him that
386 was no longer a viable option for the Town. P. Curro asked if there were any
387 questions about the auditorium. M. Soares stated that she heard from a large
388 amount of members of the community that the auditorium should be a Priority 2
389 not Priority 3. She recognized that that it was not going to change but wanted to
390 note it in the record. She noted that many felt it was a need not a want.

391
392 P. Curro also noted that that for year six, there is a new school project to address
393 the possibility of a new elementary school depending on the growth of the Town.
394 P. Curro wanted this out there to alleviate any surprises. He noted that he would
395 like the location of the new school to be in the northeast side of Town. He also
396 spoke of the middle school core renovations. He explained that the school is
397 outgrowing its core facilities such as the gym, library, office and cafeteria. M.
398 Soares stated that physical education and music classes are being conducted in
399 the cafeteria and the multipurpose room, and noted that the core facilities need
400 to be updated. Chairman Rugg asked for any other comments and there were
401 none.

402
403 The next item discussed was the Outdoor Recreation Enhancement project for
404 the Conservation Commission (Priority 2 with a \$100,000 placeholder) with a
405 proposed funding year of 2018. Marge Badois, Chair of the Conservation
406 Commission, addressed the Board and handed out a packet (See attached). She
407 informed the Board that the Conservation Commission hired Stantec to study four
408 properties: Musquash, Kendall Pond, Scobie and Little Cohas marsh area off of
409 Hall Road, but the study is not yet complete. She stated at the committee's
410 meeting last night, the members reviewed a presentation from Stantec and
411 settled coming forth with a project for the Kendall Pond Conservation Area
412 because it has the most diverse appeal. She stated that it currently has a small
413 parking area and a kiosk with beautiful waterfront access. She stated that she
414 wants to make a presentation to the community demonstrating a completed
415 project and its benefits with the hopes of increased utilization. She pointed to the
416 map in the packet with the expected costs. She noted that improvements to the
417 West Loop were eliminated (it is an island and very expensive to perform certain
418 work). She stated that the two cost totals from the two trails totaled \$414,000.
419 She noted that the \$30,000 on the second page should be crossed out for
420 applying for wetland permit. She stated that if these two trails are done together
421 you would not have the \$30,000 twice. Chairman Rugg noted that currently in
422 the CIP there is \$100,000 placeholder, and noted that \$414,000 is now being
423 requested. J. Butler asked if the trails will be ADA accessible, and M. Badois
424 answered yes. She stated that the plan shows 8 feet wide trails but some of the
425 trail does not need to be that wide. A. Chiampa asked about the West Loop
426 Island cost, and M. Badois stated that there is a bridge and boardwalk as well as
427 a very expensive permitting process. M. Badois discussed the maintenance and
428 construction of the boardwalks. She noted that the work needed to be done is
429 beyond what should be expected of volunteers. M. Badois also noted that there
430 is a liability to the Town with the use of certain equipment as well. A. Chiampa
431 asked about the maintenance of the new trails. M. Badois stated that the new
432 trails are different and require less maintenance. L. Reilly inquired about the cost
433 to maintain the new trails. M. Badois stated that the costs were not included in
434 Stantec's projection. M. Badois stated that the improvements have a 20 year life

435 expectancy. M. Soares hoped that once these trails become more accessible,
436 people will see their benefit. M. Badois stated that they are seeking to work with
437 the Londonderry Trailways. Chairman Rugg asked for public input and there was
438 none. He stated that the Board has the option of increasing the requested
439 amount.

440

441 **Member A. Sypek made a motion to increase the requested amount**
442 **of Outdoor Recreation Enhancement to \$414,000. Seconded by R.**
443 **Brideau.**

444

445 **The motion was granted 8-0-0. The Chair voted in the affirmative.**

446

447 J. Vogl stated he will update the language in the paragraph to reflect the
448 described project.

449

450 J. Vogl discussed the Heritage Commission – Town Common Drainage
451 Improvements - \$225,000 with funding 2018 FY from the general fund with
452 warrant funding from 2017 ballot. He also reviewed the two public works
453 projects: South Londonderry Sewer Phase II – \$3,631,050 proposed funding year
454 FY 2022 (architectural and engineering) and FY 2023 (construction) with funding
455 sources of access fees and in accordance with the town facilities plan and
456 Mammoth Road (North) Sewer Extension - \$410,481 proposed funding year 2022
457 (architectural and engineering) and FY 2023 (construction). T. Combes asked
458 how long the sewer line would be and was informed that it would go all the way
459 to Mammoth Road and it currently stops at McAllister (south end part of Route
460 102) with a second leg going behind the Shaw's. J. Czyzowski noted that the
461 second project is upgrading the 10 inch line in the northern part of Londonderry.
462 A. Sypek asked about the location of drainage in the Town Common. J.
463 Czyzowski stated that the outlet would be at the southwest corner of the property
464 with several catch basins and a few hundred feet of pipe. He added that the field
465 would be raised a couple of feet. He also stated the work with the new bricks is
466 not affected by any subsequent grading.

467

468 J. Vogl stated that there were some minor typographical changes and changes
469 made to language on page ten in addition to the changes tonight. Chairman
470 Rugg noted the change in the year, and M. Soares noted the change in the
471 amounts totaling \$5,000,000 on page 10 (Exit 4A). Finance Director D. Smith
472 noted that the difference in numbers on Page 10 was due to environmental
473 studies. J. Vogl noted that he will confirm the numbers and update the tables to
474 reflect the updated conservation commission's values. Chairman Rugg also
475 requested changes in the titles for Jim Butler and John Farrell indicating that they
476 are Town Council Ex-Officios not liaisons.

477

478 **M. Soares made a motion to approve the Capital Improvements Plan**
479 **as amended this evening.**

480

481 **R. Brideau seconded the motion.**

482

483 **The Motion was granted, 8-0-0. The Chair voted in the affirmative.**

484

485 Chairman Rugg stated that the CIP was adopted by the Planning Board and will
486 go to the Town Council, School Board and Budget Committee for their
487 deliberations. Chairman Rugg thanked Town Staff and the Police Chief, Fire Chief
488 and all others who were involved in the process.

489
490 B. Zoning Re-write Update

491
492 Town Planner C. Mailloux stated that Stuart Arnett and William (Bill) Parker from
493 ADG Development Group were present to assist with the presentation, and she
494 introduced them to the Board. S. Arnett further introduced Bill Parker to the
495 Board. He stated that B. Parker is the former Community Development Director of
496 Milford and described him as very responsive. B. Parker stated that he retired last
497 November. S. Arnett gave praise to the Board for staying on track with the CIP.
498 He also complimented the Planning Board and Town of Londonderry with its
499 conformance with the new statute and spirit regarding accessory dwelling units.
500 B. Parker reviewed the process of reorganizing the zoning ordinance and his plan
501 to work on the conditional use process and language for next month. C. Mailloux
502 stated that last week the Board received an initial outline of the Table of Contents
503 and an explanation of the reorganization. She stated that the plan is that each
504 month Board members will offer and/or receive input on certain topics. She
505 stated that they are not proposing major changes in content but rather focusing
506 on organization. She stated this was in response to an oft-heard comment that
507 the ordinance was challenging to navigate. She reviewed with the Board the Table
508 of Contents (See attached). She discussed the process involving reorganizing the
509 definitions. She briefly touched upon the overlay district and noted that possible
510 elimination of that section in the future. She explained that the biggest change
511 involves the addition of a supplementary regulations and standards section. She
512 noted the challenges with conditional use permits and stated that there are 38
513 sections that use conditional use permits, each with somewhat redundant
514 language. She emphasized the structure and asked for Board input. A. Chiampa
515 asked about solar regulations and C. Mailloux stated there are none currently. L.
516 Reilly asked about Section 9 nonconforming use and use tables, and shared her
517 thoughts about highlighting it in some other fashion. A. Sypek asked if this will be
518 on the web, and J. Vogl stated that it will be uploaded to the website in encode,
519 searchable software. C. Mailloux added that it is currently on the web in PDF
520 format. J. Vogl stated that it gets a lot of hits. C. Mailloux stated that this project
521 is scheduled to be completed in June of 2017. She added that there is always
522 something to change whether it is based on the feedback from the Town or from
523 changes in state law. Chairman Rugg stated that the members can communicate
524 individually with Staff. C. Mailloux further discussed the subject of definitions and
525 noted that there are conflicting definitions throughout the ordinance and site and
526 subdivision regulations. B. Parker stated that he is working on recommended
527 industry standard language for some of the terms, and once the definitions are
528 completed in zoning then the site plan and subdivision plan will be addressed. M.
529 Soares asked about the definition of abutter and asked why it read "located in
530 New Hampshire." B. Parker stated that the abutter definition was taken straight
531 from state law. C. Mailloux stated that we could strike that portion of the
532 definition. The Board appreciated the clarity in the definitions. J. Vogl stated that
533 they are looking at the user community and user friendliness of the documents as
534 well as the benefits to the ZBA and code enforcement officer. T. Combes

535 acknowledged the benefit to those looking to do business in Town. L. Reilly and C.
536 Mailloux discussed completing the definition section and how it relates with going
537 forward with the rest of the project. C. Mailloux stated that one of the goals is to
538 make the District's intent as clear as possible. M. Soares asked for a right-of-way
539 definition. C. Mailloux stated that next month's topic will involve the conditional
540 use process and the use table. She started that she will be seeking input from the
541 Board and recommended that the live work unit be permitted as a matter of right.
542 She noted the possibility of encouraging nonbinding conceptual discussions as part
543 of the conditional use process. She welcomed direction and concerns. L. Reilly
544 asked for an inventory of conditional use applications to better understand what
545 has come before the Board. C. Mailloux stated that next month there will be an
546 updated use table, and conditional use and definition language.

547

548 **R. Brideau made a motion to adjourn the meeting at approximately 9:06**
549 **p.m. Seconded by M. Soares.**

550

551 **Motion was granted, 8-0-0. The Chair voted in the affirmative.**

552

553 The meeting adjourned at 9:06 PM.

554

555 These minutes were prepared by Associate Planner Laura Gandia.

556

557 Respectfully Submitted,

558

559



560

Chris Davies, Secretary

561

562 These minutes were accepted and approved on November 2, 2016 by a motion made by

563

L. Reilly and seconded by A. Supak.

STAFF RECOMMENDATION

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

Date: October 12, 2016

Application: Application Acceptance and Public Hearing for formal review of a Minor Site Plan and Conditional Use Permit to construct a 700 SF exterior deck, Map 15 Lot 55, 80 Perkins Road and Rockingham Road, Zoned MUC, KAK Real Estate Holdings (Owner & Applicant).

- **Completeness: *There are no outstanding checklist items; Staff recommends the application be accepted as complete.***

Board Action Required: Motion that the Planning Board accept the application as complete per Staff's Recommendation Memorandum dated October 12, 2016

- **Waivers:** The Applicant has requested the following four (4) waivers to the Site Plan Regulations:
 1. The Applicant is requesting a waiver from Section 3.11 of the Site Plan Regulations requiring that a Landscape Plan be provided.
 2. The Applicant is requesting a waiver from Section 3.12 of the Site Plan Regulations requiring that an Illumination Plan be provided.
 3. The Applicant is requesting a waiver from Section 3.14 of the Site Plan Regulations requiring that a traffic impact analysis be provided.
 4. The Applicant is requesting a waiver from Section 3.07 of the Site Plan Regulations requiring that a Stormwater Management Plan be provided.

The extent of the proposed improvements is limited to a 700 square foot seasonal second story deck and modification of pavement markings. There are no proposed changes to the existing landscape or illumination on the property, no change in impervious surfaces that would alter drainage patterns and conditions, and no change in the intensity of traffic generated by the site due to the limited seasonal use of the proposed improvements. Additionally, these items were addressed during the 2014 minor site plan change of use approval. Staff supports **granting** the waivers as requested for the reasons outlined above.

Board Action Required: Motion that the Planning Board Approve the four (4) waivers requested as outlined in Staff's Recommendation Memorandum dated October 12, 2016.

- **Conditional Use Permit:** The Applicant has requested one (1) Conditional Use Permit:
 1. The Applicant has requested a Conditional Use Permit under Section 2.4.5.D.2 of the Zoning Ordinance seeking dimensional relief to permit the construction of a seasonal deck within the 60 foot front setback. The existing structure is a pre-existing non-conforming structure located approximately 6 feet from the front

parcel boundary adjacent to Rockingham Road. The existing front setback dimension is the result of prior right of way acquisitions by NHDOT for improvements to Rockingham Road. The proposed seasonal deck will not increase the existing non-conformity and will extend easterly from the existing building maintaining the existing 6 foot setback from the front parcel boundary. Staff supports **granting** the Conditional Use Permit to allow the reduction in the front setback from Rockingham Road as the Applicant has demonstrated that they meet the criteria of Section 2.4.5.D.5 of the Zoning Ordinance.

Board Action Required: Motion that the Planning Board Approve the Conditional Use Permit as outlined in Staff's Recommendation Memorandum dated October 12, 2016.

- **Recommendation:** Based on the information available to date, Staff recommends **APPROVAL** of this application with the NOTICE OF DECISION to read substantially as follows:

Board Action Required: Motion that the Planning Board grant approval for a site plan to construct a 700 square foot exterior deck at 80 Perkins Road, Map 15 Lot 55, KAK Real Estate Holdings, LLC (Owner & Applicant) in accordance with the plans prepared by Keach-Nordstrom Associates, Inc., dated August 10, 2016 and last revised September 22, 2016 with the following precedent conditions to be fulfilled within 120 days and prior to plan signature and the general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memo, dated October 12, 2016.

“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 provide the Owner’s signature on the plans.
2. The Applicant shall provide a digital (electronic) copy of the complete final plan sent to the Town at the time of signature by the Board in accordance with Section 2.05.n of the regulations.
3. Financial guaranty where determined necessary by the Department of Public Works.
4. Any outstanding technical comments be addressed to the satisfaction of the Town Planner and Assistant Director of Public Works.

PLEASE NOTE - Once these precedent conditions are met and the plans are certified the approval is considered final. If these conditions are not met within **120 days** to the day of the

meeting at which the Planning Board grants conditional 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. **No construction or site work for the site plan may be undertaken until the pre-construction meeting with Town staff has taken place, filing of an NPDES-EPA Permit is required, and the site restoration financial guaranty is in place with the Town.** Contact the Department of Public Works to arrange for this meeting.
2. The project must be built and executed exactly as specified in the approved application package unless modifications are approved by the Planning Division & Department of Public Works, or if staff deems applicable, the Planning Board.
3. 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.
4. All site improvements and off-site improvements must be completed prior to the issuance of a certificate of occupancy.
5. As-built site plans must be submitted to the Public Works Department prior to the release of the applicant's financial guaranty.
6. It is the responsibility of the Applicant to obtain all 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.

17886.03
9/13/2016
1" = 100'

WETLAND
BUFFER
IMPACT
EXHIBIT

PILLSBURY
REALTY
DEVELOPMENTS
LLC

WOODMONT COMMONS - PHASE 1 DEVELOPMENT
GARDEN LANE AND PILLSBURY ROAD
LONDONDERRY, NH
OWNED BY
PILLSBURY REALTY DEVELOPMENT, LLC

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