LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF SEPTEMBER 2, 2015, 2015 AT THE MOOSE HILL COUNCIL CHAMBERS

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- 5 Members Present: Art Rugg; Mary Soares; Jim Butler, Ex-Officio; Giovanni
- 6 Verani, Ex-Officio; Rick Brideau, CNHA, Ex-Officio; Leitha Reilly; Al Sypek,
- 7 alternate member; Ann Chiampa, alternate member; and Ted Combes, alternate 8 member

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- 10 Also Present: Cynthia May, ASLA, Town Planner and Planning and Economic
- 11 Development Department Manager; Jaye Trottier, Associate Planner; and Nicole
- 12 Doolan, Planning and Economic Development Department Secretary

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- 14 A. Rugg called the meeting to order at 7:00 PM. He welcomed new alternate 15 member T. Combes, who was recently appointed by the Town Council to complete the alternate term vacated by L. Reilly. L. Reilly was also recently appointed by 16
- 17 the Council as a full member to complete the term vacated by Laura El-Azem, who
- 18 resigned from the Board in July.

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A. Rugg appointed A. Chiampa to vote for Lynn Wiles, A. Sypek to vote from Chris Davies, and T. Combes to vote for Scott Benson.

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Administrative Board Work

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A. Approval of Minutes – August 12, 2015

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R. Brideau made a motion to approve and sign the minutes from the August 12, 2015 meeting. G. Verani seconded the motion. No discussion. Vote on the motion: 5-0-1.

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(T. Combes abstained as he did not attend the August 12, 2015 meeting).

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Minutes for August 12, 2015 were approved and signed at the conclusion of the meeting.

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B. Extension Request – Town Fair Tire Site Plan, Map 7 Lot 73-2

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C. May referenced the letter from Engineering Alliance, Inc. requesting a one year extension of the site plan that will expire on September 3, 2015. She noted the applicant is nearing completion of the conditions of approval.

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R. Brideau made a motion to grant an extension of the site plan's approval to September 2, 2016. A. Sypek seconded the motion. No discussion. Vote on the motion: 6-0-0.

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[J. Butler arrived at 7:05]

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48 C. Regional Impact Determination – Mark's Discount Truck & Auto Sales Site Plan 49 Amendment, Map 15 Lot 21

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- J. Trottier stated that Staff recommends the aforementioned project is not a development of regional impact, as it does not meet any of the regional impact guidelines prepared by Southern NH Planning Commission (SNHPC).
- R. Brideau made a motion to accept Staff's determination that this project is not a development of regional impact. G. Verani seconded the motion. No discussion. Vote on the motion: 7-0-0.
- D. Discussions with Town Staff
 - Milton CAT Site Plan Amendment
 - C. May stated that Milton CAT have proposed to amend their previously approved 2014 site plan by developing a portion of the site designated on the approved plan as a "future equipment storage area". This portion was labeled "not in contract," on that plan, meaning it was not included in the overall site plan approval (see Attachment #1). Development of the site is currently ongoing and an approved amendment would allow Milton CAT to construct this last piece while their construction crew is on site. Although the amount of impervious surface proposed exceeds the 6,500 sf limit needed to qualify it as a Minor Site Plan under the site plan regulations, C. May noted that there would only be a 6% increase in impervious surface to the site itself. Given the scale of the overall development and the relative size of the area to be developed, Staff believes the intent of that regulation criterion has been met. She said Staff therefore requests that the Board consider this a Minor Site Plan with a public hearing to be held before the Administrative Review Committee (ARC).
 - A. Rugg asked for comments from the Board. A. Chiampa verified with C. May that the wetlands associated with the site will be addressed through the ARC review. There were no objections from Board members for the plan to be reviewed by the ARC, which would include a public hearing to be noticed per State statute.

Public Hearings/Workshops/Conceptual Discussions

- A. Application Acceptance and Public Hearing for formal review of a two-lot subdivision ("11 Bancroft Road") at 11 Bancroft Road, Tax Map 12 Lot 47, Zoned AR-I Craig Fowler, Owner and Applicant.
 - J. Trottier stated there were no checklist items and that Staff recommends the application be accepted as complete.
 - R. Brideau made a motion to accept the application as complete per Staff's Recommendation memo dated September 2, 2015. J. Butler seconded the motion. No discussion. Vote on the motion: 7-0-0.
 - A. Rugg noted that the 65 day time frame for the Board to render a decision

under RSA 676:4 commenced with acceptance of the application as complete.

Owner Craig Fowler stated that the 6 acre lot would be subdivided into two Lots and the existing house on the property will be razed. State subdivision approval has been obtained. He noted that the owners of abutting property to the east have submitted a letter stating they have no objections to the work associated with the drainage design that will be done in the Town right-of-way and will impact the land in front of their lot. Minor wetlands to the rear of the property will not be impacted.

A. Rugg asked for Staff input.

J. Trottier noted that the applicant is not requesting any waivers to the Subdivision Plan Regulations and that while there are minor issues to be addressed before the plan can be signed, Staff recommends that the Board grant final approval to the application.

A. Rugg asked for comments and questions from the Board.

A. Chiampa asked if the Demolition Delay Committee was involved because of the age of the house to be razed. C. Fowler said he believed the Historical Society would have to be contacted before a demolition permit can be issued. A. Chiampa said the Historical Society would not initiate a Demolition Delay meeting but would attend one if held. A. Rugg directed C. Fowler to consult with the Building Department on the issue. J. Butler confirmed with Staff that abutters were notified of the proposal and that no communication was received from any of them by the Planning Department (other than the aforementioned letter). A. Rugg stated that he and Town Staff for the Heritage Commission walked the site to determine the status of what was shown on the plan as a stonewall. He reported that the boulders were not constructed in a form that would be considered a stonewall. C. Fowler noted that the plan was revised to reflect this.

A. Rugg asked for public input. There was none.

R. Brideau made a motion to grant final approval to the Subdivision Plan ("11 Bancroft Road") for Craig Fowler (Owner and Applicant), Tax Map 12 Lot 47, Zoned AR-I, in accordance with the plans prepared by TJW Survey, dated June, 2015, and last revised August 13, 2015, with the precedent conditions to be fulfilled within two (2) years of the approval and prior to plan signature, and the general and subsequent conditions of approval to be fulfilled as noted in the Staff memo, dated September 2, 2015. G. Verani seconded the motion. No discussion. Vote on the motion: 7-0-0.

[During the following presentation/public hearing, M. Soares arrived at 7:20 PM and L. Reilly arrived at 7:45 PM. Because much of the presentation had already taken place, L. Reilly did not vote on the next agenda item regarding a redevelopment site plan for Market Basket. She did vote on the final agenda item, i.e. the rezoning request involving Map 17 Lot 17A].

B. Application Acceptance and Public Hearing for formal review of a site plan ("Market Basket Redevelopment") to redevelop the existing Market Basket Shopping Center - DeMoulas Super Markets, Inc. (Applicant and Owner, 34 Nashua Road, Tax Map 10 Lot 52, Zoned Woodmont Commons PUD), Robert D. and Stephen R. Lievens, c/o NAA Associates, Joanne Joyce (Owner, 5 Garden Lane, Tax Map 10 Lot 54-1, Zoned Woodmont Commons PUD), and Pillsbury Realty Development (Owner, 15 Pillsbury Road, Tax Map 10 Lot 41, Zoned Woodmont Commons PUD).

C. May stated there were no checklist items and that Staff recommends the application be accepted as complete.

R. Brideau made a motion to accept the application as complete per Staff's Recommendation memo dated September 2, 2015. J. Butler seconded the motion. No discussion. Vote on the motion: 7-0-0.

A. Rugg noted that the 65 day time frame for the Board to render a decision under RSA 676:4 commenced with acceptance of the application as complete.

Jeff Kevan from the civil engineering office of TFMoran, and Attorney Ari Pollack spoke on behalf of the applicants.

- J. Kevan stated the proposal is to redevelop the Market Basket plaza site off of Garden Lane and Route 102, which is made up of 33.3 acres between Lots 10-52 and 10-54-1. In addition to that, there are a few easements and portions of the Lot 10-41 that will be developed as well. As part of the initial PUD (a/k/a WC-1-GL):
- One of the first steps will be to bring in a boulevard entrance;
- Approximately 73,000 sq. ft. of the old Market Basket building will be demolished;
- Renovation will be completed to the existing retail to the north of the new Market Basket and the existing tenants will be moved to the new space;
- An addition of 42,000 sq. ft. to the north will also be completed along with a parking field with new access to that addition;
- The parking field in front of the new Market Basket is 867 spaces and will be left intact;
- Four out-parcels will be flattened and left between the market and the existing roadway for future development;
- The entire development will include approximately 186,000 sq. ft. of retail space, which is a reduction of approximately 30,000 sq. ft. of the existing retail space as it is today;
- The property is already serviced by all utilities including sewer and service to the new addition will be tied into existing service areas. Additional lighting will be installed exactly like existing 25 foot high poles on 2 foot bases:
- Telephone, electric and cable will be moved underground to the back of the building to service the new addition;
- Aside from the parking lot, three long canoe islands (each approximately 21-22 feet wide) will be installed to break up the lot. The islands will have

- landscaping and walkways so that pedestrians can access the four outparcels and the future boulevard;
 - With the reduction of 30,000 sq. ft. of retail, the traffic report shows a reduction in traffic;
 - Next steps will include meeting with the New Hampshire Department of Transportation and presenting a traffic study, then going before the Planning Board with the plans for the boulevard access (projecting a two-lane access road from this development to Pillsbury Road).

Initially the applicant requested six waivers, but J. Kevan requested to withdraw two that were related to pipe slope and identification on the plan of SCS soils as they are no longer needed. He then went over the applicants four remaining waivers as noted below:

1. Section 4.01.c of the Site Plan Regulations to allow a plan scale greater than 1" = 40' for the Existing Conditions Plan, Stormwater Management Plan, and Lighting Plan. Staff supports *granting* the waiver because it enabled the applicant to keep the redevelopment information on one sheet while it provided sufficient detail for review.

2. Section 4.12.c.2 of the Site Plan Regulations regarding the requirement to provide a complete boundary plan defined by metes and bounds on the existing conditions plan. The applicant is seeking relief from this requirement on the entirety of Map 10 Lot 41 (162 acres). Staff supports *granting* the waiver because the development is limited to an access easement and detention pond on a small portion of Lot 41 directly adjacent to the existing Market Basket site. The Warranty Deed conveying Map 10 Lot 41 to Pillsbury Realty Development, LLC in 2010 is on file with the Registry of Deeds.

- 3. Section 4.12.c.3 of the Site Plan Regulations requiring the provision of topography for all of Map 10 Lot 41. Staff supports *granting* the waiver because the development is limited to an access easement and detention pond on a small portion of Lot 41 directly adjacent to the existing Market Basket site.
- 4. Section 3.07.g.3 of the Site Plan Regulations to allow a limited number of storm drain lines to have less than the required 36 inches depth of cover. Staff supports *granting* the waiver because this is a redevelopment site and a portion of the existing system constrains the ability to have 36 inches of cover in all locations without compromising the design of the proposed detention pond.

Before J. Kevan turned the conversation back over to the Board, he also stated the applicant also has requested a Conditional Use Permit request (see number 1 below). He went on to say:

 The proposed construction and roadway are essential to the productive use of the land to make it consistent with the Master Implementation Plan and the Woodmont Commons Planned Unit Development (PUD);

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- There is no feasible alternative route to the alignment and curves of the future roadway off of Garden Lane;
- Where that roadway aligns, the design and construction materials that will be used are such that the impacts to the wetlands buffer will be minimized;
- A wet pond (detention pond) will be created at the low point of the site and the basin will have three feet of standing water, a standing shelf, plantings, and all will be consistent with State stormwater treatment/detention regulations;
- A trail will be incorporated along the pond so that it can service a future sewer line extension;
- Any disturbed areas will be re-vegetated, stabilized and restored;
- The project is actually eliminating retail square footage and therefor is not driven solely by economic advantage. This relates to one of the criteria of the Conditional Use Permit being requested.

A. Rugg asked for Staff input.

C. May stated:

- The Town's Assistant Director of Public Works was not able to attend as he was at an engineering conference, however, Joe Persechino from the Town's third party engineering firm Tighe & Bond was in attendance if the Board had any questions regarding technical aspects of the plan (i.e., drainage, etc.).
- This is the first application for the Woodmont Commons PUD;
- The applicant was required to submit a Master Developer's Agreement to show their plan was in compliance with the PUD Master Plan. This document was received:
- The applicant was required to submit a tracking form which keeps a tally of what development occurring within the PUD, where it's happening, what developable area remains, etc. This document was also received;
- The Master Plan requires a 1.5 acres of development in the WC-1-GL development be set aside for shared open space, and it is Planning's understanding that will be provided as part of the next remaining development for this segment. The definition of shared open space is land held or restricted for common benefit and it can include pervious as well as impervious surfaces, so it can be plazas and continuous walkways, so long as they are for the public benefit;
- There are four waivers requested:
 - Staff supports the waiver regarding plan scale;
 - The second one (boundaries for Map 10 Lot 41) will set the stage for future roadway development and is also supported by Staff. Typically Staff would recommend there be a boundary plan from a previous plan on file. There is a prior subdivision plan from the 1970s showing a subdivision of a smaller parcel from this larger parcel that has boundary information, but it is not complete. Staff located a recorded warranty deed available at the Rockingham County Registry of Deeds which conveyed this parcel along with the others to Pillsbury Realty for Woodmont Commons;
 - Staff supports the waiver regarding topography for the same reason as above;

- Staff supports the fourth waiver to have less than 36 inches of cover in some areas;
- The applicant went to the Conservation Commission for a recommendation on the CUP and as a result, both Staff and the Commission recommend granting it.
- 1. The Applicant has requested approval to allow a use permitted by Conditional Use Permit in the Conservation Overlay District, as well as permission for 68,700 sq. ft. of impacts to the 100 foot buffer. The proposed driveway and drainage pond will service the westerly portion of the redeveloped Market Basket site, as well as accommodate the future boulevard road to Woodmont Commons. The Conservation Commission is recommending approval of the CUP (please see attached minutes). Staff supports *granting* the Conditional Use Permit because the application meets the criteria as outlined in Section 2.6.3.4 of the Zoning Ordinance.
- Aside from some outstanding items that will also need to be resolved and completed, she said Staff recommends final approval of the site plan.
- A. Rugg asked for comments and questions from the Board.
- G. Verani inquired about the traffic count. J. Kevan reiterated their traffic study showed a decrease in traffic.
- M. Soares asked if the proposed tenants in the renderings would be the actual tenants. J. Kevan said they would be. A. Rugg and J. Kevan noted that the applicant will be going before the Heritage Commission on September 24, 2015 and that approval of this plan is conditioned on their recommendation. C. May stated the plan does meet all of the requirements, not only of the architectural standards of the Woodmont Commons PUD, but the Town's as well.
- A. Rugg inquired about walking/pedestrian access and safety. J. Kevan reiterated there will be three long islands (with sidewalks and crosswalks) that will run from the stores out towards the out parcels and the main entrance road. Ari Pollack stated what's proposed will be better than it is now and that when the applicant moves forward with the road and boulevard, it will be consistent with the PUD Master Plan and will have pedestrian connectivity across the site.
- A. Rugg asked for public input.

Mike Speltz, 18 Sugarplum Lane, came forward to address the CUP as a Conservation Commission member. He stated the Commission did support the CUP, but with the condition that the applicant make every effort to minimize wetland impacts. He went on to say that when the applicant demolishes the old Market Basket building, it creates the opportunity to bring the road out of the wetland buffer. According to the applicant, if the roadway were to be moved, it would eliminate one of their four future out-parcels. M. Speltz also spoke as a resident and stated that the CUP does not meet two of the required criteria. There is a feasible alternative to moving the roadway out of the buffer

and reexamining speed factors, therefore economic gain, he said, does appear to be the main reason for the applicant's purpose for putting in extra stores. He stated the Board has the authority under the Zoning Ordinance to require mitigation for impacts to the wetland buffer, and that this would be an appropriate time to impose that condition on the applicant. He said he does not see moving the alignment of the roadway out of the buffer as violating the spirit of the Master Plan.

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After ongoing discussion, A. Rugg made note to M. Speltz that the applicant can't be pre-judged before they submit their specific site plan, and that the project has only been conceptual up to this point. A. Rugg also explained to J. Butler that both the Board and the Conservation Commission have both reviewed the same conceptual site plan.

G. Verani asked M. Speltz what he was envisioning in terms of mitigation. M. Speltz stated he was not there to propose a solution, but that in his view there are a number of ways it can be done by further working with the Board, Staff and the Commission. He recommended following the methodology that the Department of Environmental Services and the Wetland Board follows when they require mitigation under the State RSA and the State regulations.

 A. Pollack stated that M. Speltz was talking from a minority opinion of the Commission and from his personal opinions. He re-stated the redevelopment proposal is in keeping with the existing PUD Master Plan PUD how Woodmont Commons was conceptualized. He reiterated that taking down the old store actually costs more and takes leasable retail space away from the applicant. He said the applicant will be in front of the Board with an application to extend the development area from Rte. 102 and up towards Pillsbury.

Ray Breslin of 3 Gary Drive next spoke. He concurs with M. Speltz, and has concerns regarding the roadway impacting wetlands and eventually turning it into a four lane road.

There was no further public input.

J. Kevan he stated there will be two-lanes to the left of where the old store is being taken down, and that the other two-lanes of the boulevard in the future will be in towards the store on the opposite from the wetlands. Eventually, the boulevard will be pulled away from the wetlands and the detention pond will provide some mitigation.

M. Soares asked J. Kevan about the islands and the walkways. She inquired as to whether or not the islands will be paved. J. Kevan answered that the walkways will be paved with landscaping on either side of them, and that they will continue down to the boulevard entrance. The public will have access either by bike path or walkways directly up to the doors of the stores. M. Soares also wanted to know if the walkways will be plowed during the winter. A. Pollack was not able to answer, but his thought was that all the walkways would be cleared for public use. J. Kevan and A. Pollack explained to her that

there is limited space for snow storage, and that excessive snow will be moved

into a corner or hauled off site. She stated she has been an advocate for the Woodmont Commons project, but questioned why the first thing being developed within it was a strip mall. She stated she wanted to see something more exciting than just a straight line of shops. A. Pollack asked her to wait for other applications to follow for new and exciting development.

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A. Sypek asked C. May to clarify that the CUP is only for the redevelopment of the existing site. She and A. Pollack let A. Sypek know that another plan will be coming forth with the layout of the boulevard itself. A. Rugg said A. Sypek was correct when he stated the application was for the redevelopment of the existing area and that it is not a formal application for the boulevard. J. Butler stated he understood M. Soares' concerns and that the applicant will still have to come before the Heritage Commission for their recommendation. M. Soares stated to the applicant that they have good engineers and that she hopes they become more innovative with what they are presenting, similar to the proposed images from the PUD Master Plan. A. Pollack stated that taking down the old building will open up the area for the PUD and create an entryway to them, and that at this time, the redevelopment of this area is the most logical first step.

A. Chiampa stated she values M. Speltz opinion and that she hopes the applicant and the Conservation Commission could determine some sort of mitigation.

C. May reiterated to M. Soares that the 1.5 acres of open space will include pervious and impervious space.

M. Soares made a motion to approve the Applicant's request for waivers numbered 1 through 4 as outlined in Staff's Recommendation Memo dated September 2, 2015. R. Brideau seconded the motion. No discussion. Vote on the motion: 8-0-0.

M. Soares made a motion to approve the Applicant's request for the Conditional Use Permit as outlined in Staff's Recommendation Memo dated September 2, 2015. R. Brideau seconded the motion. No discussion. Vote on the motion: 8-0-0.

M. Soares made a motion to grant final approval to the Site Plan ("Market Basket Redevelopment") for DeMoulas Super Markets, Inc. (Applicant and Owner), Tax Map 10 Lots 52, 54-1 and 41, to redevelop the existing Market Basket Shopping Center at 34 Nashua Road, 5 Garden Lane, and 15 Pillsbury Road, Zoned Woodmont Commons PUD, in accordance with the plans prepared by TFMoran, Inc., dated June 17, 2015, and last revised August 12, 2015, with the precedent conditions to be fulfilled within 120 days of the approval and prior to plan signature, and the general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memo, dated September 2, 2015. R. Brideau seconded the motion. No discussion. Vote on the motion: 8-0-0.

- [A. Rugg noted that L. Reilly would vote on the next agenda item].
- C. Public Hearing to Consider a Request to Rezone Tax Map 17 Lot 17A from Multi-Family Residential (R-III) to Industrial-I (IND-I) at 345 Rear Mammoth Road James P. Anagnos, Jr. and Harry A. Anagnos, Owners and Applicants.

Jeff Kevan of TFMoran spoke on behalf the applicants, explaining that the owner of the property on Abby Road in Manchester that directly abuts Lot 17A to the north is interested in using the parcel as a parking lot for their industrial facility. The applicants would like their lot rezoned from Multi-Family Residential (R-III) to Industrial-I (IND-I), which would permit the parking lot use. Doing so would also match the industrial zoning of the majority of the lots surrounding Lot 17A, both in Londonderry and Manchester. The two lots directly abutting to the east are zoned R-III and owned by the applicants (see Attachment #2).

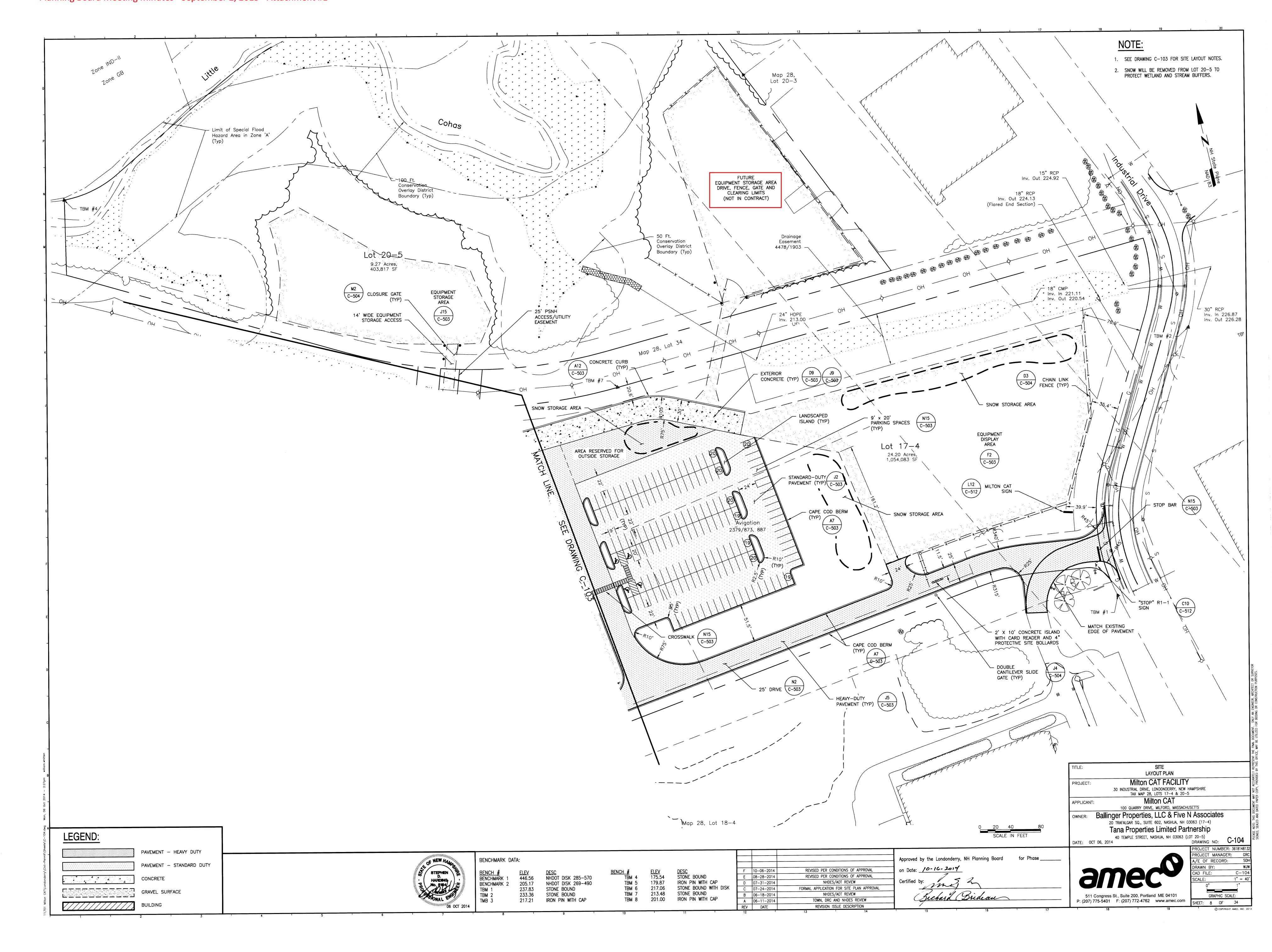
- A. Rugg asked for Staff input.
- C. May stated that Staff supports the rezoning request, which she said would make the lot more consistent with the zoning of the properties around it. She noted that the property is landlocked and has no road frontage.
- A. Rugg asked for input from the Board.
- L. Reilly asked who owned the two remaining R-III directly east of Lot 17A. When told the applicants for this request also own those two lots (i.e. 17 and 17-1), she asked if they had considered rezoning all three to an industrial classification. C. May explained that Staff had suggested rezoning those to C-II since that would conform with lots to the south along Rockingham Road, but she said the applicants were not interested in doing so at this time.
- A. Rugg asked for public input. There was none.
- M. Soares made a motion to recommend to the Town Council that they approve the rezoning of Map 17 Lot 17A, currently zoned Multi-Family Residential (R-III) to the Industrial-I (IND-I) zoning classification, which is consistent with the zoning in the immediate area and adjacent to the parcel. R. Brideau seconded. No discussion. Vote on the motion: 9-0-0.
- A. Rugg noted that the Town Council will have two readings of the proposed amendment to the zoning ordinance, the second one being a public hearing.

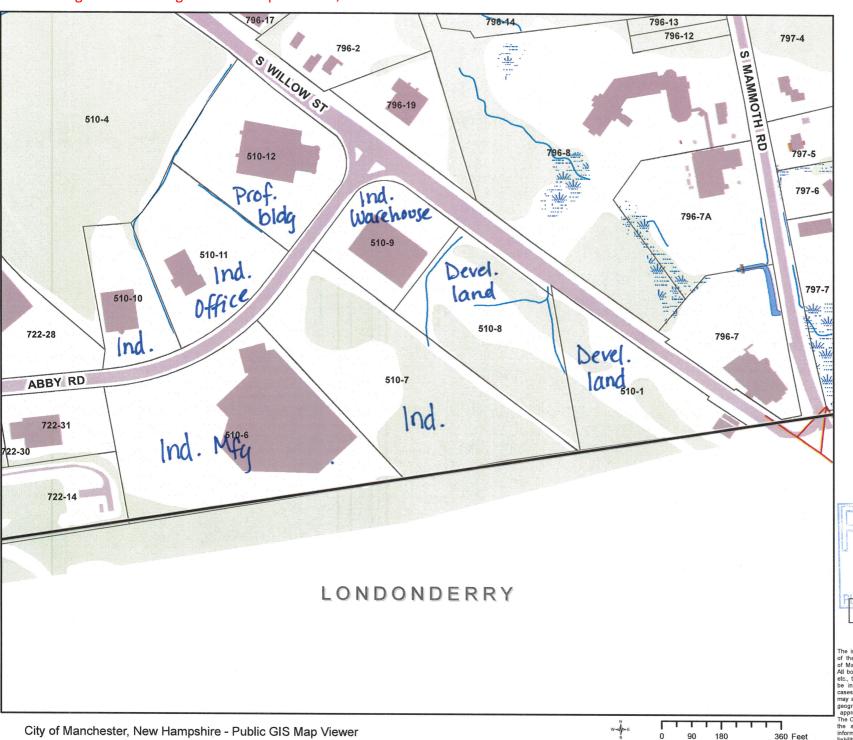
Other Business

There was no other business.

Adjournment:

1	M. Soares made a motion to adjourn the meeting. R. Brideau seconded the
2	motion. Vote on the motion: 9-0-0.
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4	The meeting adjourned at 8:14 PM.
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6	These minutes prepared by Planning and Economic Development Department
7	Secretary Nicole Doolan and Associate Planner Jaye Trottier
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9	Respectfully Submitted,
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14	Mary Soares, Vice Chair







Area Map Showing Extent Of Map At Left



DISCLAIMER

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