

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF APRIL 2, 2014 AT THE MOOSE HILL**
3 **COUNCIL CHAMBERS**
4

5 Members Present: Art Rugg; Mary Soares; Lynn Wiles; Laura El-Azem; Chris
6 Davies; Jim Butler, Ex-Officio; Rick Brideau, CNHA, Ex-Officio; John Laferriere, Ex-
7 Officio; Leitha Reilly, alternate member; and Maria Newman
8

9 Also Present: John R. Trottier, P.E., Assistant Director of Public Works and
10 Engineering; and Jaye Trottier, Associate Planner
11

12 A. Rugg called the meeting to order at 7:00 PM. He appointed L. Reilly to vote for
13 L. El-Azem until she arrived and M. Newman to vote for Scott Benson until he
14 arrived.
15

16 [L. El-Azem arrived at 7:01]
17

18 M. Soares welcomed J. Butler to the Board as the new Town Council Liaison.
19

20 **Administrative Board Work**
21

22 A. Approval of Minutes – March 5 and 12, 2014
23

24 **M. Soares made a motion to approve and sign the minutes from the**
25 **March 5, 2014 meeting. J. Laferriere seconded the motion. No**
26 **discussion. Vote on the motion: 7-0-2.**

27 (L. Wiles abstained as he was absent from the March 5, 2014 meeting and J.
28 Butler abstained as he was not the Town Council Liaison at the time).
29

30 **M. Soares made a motion to approve and sign the minutes from the**
31 **March 12, 2014 meeting. J. Laferriere seconded the motion. No**
32 **discussion. Vote on the motion: 8-0-1.**

33 J. Butler abstained as he was not the Town Council Liaison at the time).
34

35 Minutes for March 5, 2014 and March 12, 2014 were approved and signed at the
36 conclusion of the meeting.
37

38 B. Election of Planning Board Liaisons
39

40 **J. Laferriere made a motion to keep the current Planning Board Liaisons**
41 **on the Planning Board in place (A. Rugg, Heritage Commission; and R.**
42 **Brideau and M. Soares, Capital Improvements Plan Committee). L. El-**
43 **Azem seconded the motion. No discussion. Vote on the motion 9-0-0.**
44

45 C. Extension Request - Stonehenge Subdivision Phase II, Map 12 Lot 127 & Map 13
46 Lot 21-7, 53 and 63 Stonehenge Road, Zoned AR-I [Conditionally Approved July
47 2, 2008].

1
2 J. R. Trottier referenced a letter from Attorney Thomas Quinn requesting on
3 behalf of the applicants a one year extension of the subdivision plan that will
4 expire on April 4, 2014 (see Attachment #1). The owners of 53 Stonehenge are
5 selling their property, however they would like to keep the conditional approval
6 in place with the one year extension to make the property more marketable. J.
7 R. Trottier said that staff is supportive of the request.

8
9 **M. Soares made a motion to grant a one year extension to April 4, 2015.**
10 **L. Wiles seconded the motion.** No discussion. **Vote on the motion: 9-0-0.**
11 The extension for one year was granted.

- 12
13 D. Extension Request - Albird Estates Subdivision, Map 16 Lot 58, 28 Auburn Road,
14 Zoned AR-I [Conditionally Approved May 7, 2008].

15
16 J. R. Trottier referenced a letter from Eric C. Mitchell & Associates, Inc.
17 requesting on behalf of the applicants a one year extension of the subdivision
18 plan that will expire on May 7, 2014 (see Attachment #2). E. Mitchell's office
19 has been retained by the applicants to complete the project. J. R. Trottier said
20 that staff is supportive of the request.

21
22 **M. Soares made a motion to grant a one year extension to May 7, 2015.**
23 **L. Wiles seconded the motion.** No discussion. **Vote on the motion:**
24 **9-0-0.** The extension for one year was granted.

- 25
26 E. Extension Request – Nevins Retirement Cooperative Association Site Plan
27 Amendment, Map 7 Lot 122, 2 Wesley Drive, Zoned R-III [Conditionally
28 Approved June 5, 2013].

29
30 J. Trottier referenced a letter from Attorney Morgan Hollis requesting on behalf
31 of the applicant a 90 day extension of the site plan amendment that will expire
32 on May 1, 2014. Final approval from the Town Council is still pending and there
33 are several legal issues to be resolved.

34
35 **M. Soares made a motion to grant a 90 day extension to July 30, 2014.**
36 **L. Wiles seconded the motion.** No discussion. **Vote on the motion:**
37 **9-0-0.** The 90 day extension was granted.

- 38
39 F. Regional Impact Determination - New England Industrial Properties, Inc.
40 Subdivision, Map 10 Lot 54.

41
42 J. Trottier stated that New England Industrial Properties, Inc. is proposing a two
43 lot subdivision on Map 10, Lot 54. She said that staff recommends this project
44 is not a development of regional impact, as it does not meet any of the regional
45 impact guidelines suggested by Southern NH Planning Commission (SNHPC).
46

1 **M. Soares made a motion to accept Staff's recommendation that this**
2 **project is determined not to be of regional impact under RSA 36:56. L.**
3 **Wiles seconded the motion. No discussion. Vote on the motion: 9-0-0.**

4
5 G. Discussions with Town Staff

6
7 Staff had no topics to bring to the Board.

8
9 M. Soares made Board members and the public aware of a website where
10 individual community profiles are available through New Hampshire Employment
11 Security (NHES) which feature an array of demographic and other factual
12 information. She encouraged those interested to visit www.nhes.ng.gov/elmi to
13 review available data pertaining to Londonderry.

14
15 A. Rugg noted that the Board received an "Invitation to New Hampshire
16 Department of Environmental Services Annual Drinking Water Source Protection
17 Conference" which will take place April 30 in Concord. More information is
18 available, he said, at the website of the American Ground Water Trust.

19
20 **Public Hearings/Workshops/Conceptual Discussions**

21 A. New England Industrial Properties, Inc. (Owner) and Scott Briggs (Applicant),
22 Map 10 Lot 54 – Application Acceptance and Public Hearing for formal review of
23 a two lot subdivision at 3 Garden Lane, Zoned C-II.

24
25 A. Rugg explained that the Board would first determine completeness of the
26 application. Once an application is accepted as complete, the public hearing
27 commences, along with the 65 day time frame under RSA 676:4.

28
29 J. R. Trottier stated that there were no checklist items, and that staff
30 recommended the application be accepted as complete.

31
32 **M. Soares made a motion to accept the application as complete. J.**
33 **Laferriere seconded the motion. No discussion. Vote on the motion:**
34 **9-0-0. The application was accepted as complete.**

35
36 Anthony Basso of Keach-Nordstrom Associates was joined by applicant Scott
37 Briggs to present this subdivision proposal. The existing developed site is
38 home to both a VIP Auto Parts Center and a car wash. The 2.58 acre lot would
39 be split into new Lot 54 with 1.58 acres for VIP and new Lot 54-2 with one acre
40 for the car wash. A variance was recently obtained from the Zoning Board of
41 Adjustment since the new boundary would run through an existing parking lot
42 and the required 15 foot perimeter of green space would not be fully met for
43 either lot. T. Basso explained that there will be no changes to the site and that
44 the reason for the subdivision is to allow the applicant to purchase the car wash
45 portion of the property and thereby meet his financing requirements so he can
46 perform upgrades to the +/-10 year facility. Several easements will be

1 established to allow for shared access, shared utilities, etc. Draft easements
2 were provided to the Town along with the application.

3
4 A. Rugg asked for Staff input.

5
6 J. R. Trottier summarized the Planning Department/Department of Public Works
7 memo. He noted that an additional condition would be added, that being that
8 the applicant address any and all outstanding Design Review Committee (DRC)
9 comments.

10
11 J. Trottier read the waiver request into the record from the Staff
12 Recommendation memo:

13
14 1. The Applicant has requested a waiver to Section 3.11 of the Subdivision
15 Plan Regulations requiring the delineation of wetlands on the site. Staff
16 supports granting the waiver because the plan references a previously
17 approved 2005 plan for which a signed and stamped letter from a certified
18 wetland scientist was submitted verifying there were no jurisdictional
19 wetlands on the site and because the proposal does not include any
20 development plans.

21
22 A. Rugg asked for comments and questions from the Board. There were none.

23
24 A. Rugg asked for public input.

25
26 Ann Chiampa, 28 Wedgewood Drive, asked if plans to modify (i.e. enlarge)
27 Garden Lane that were mentioned as part of the Woodmont Commons Planned
28 Unit Development would pose any issues for this proposal. A. Rugg said he did
29 not think at this time that those plans would impact this situation.

30
31 There was no further public comment.

32
33 **M. Soares made a motion to approve the applicant's request for the**
34 **Waiver as outlined in Staff's Recommendation Memorandum Dated**
35 **April 2, 2014. J. Laferriere seconded the motion. No discussion. Vote on**
36 **the motion: 9-0-0. The waiver was granted.**

37
38 **M. Soares made a motion to conditionally approve the New England**
39 **Industrial Properties, Inc. (Owner) and Scott Briggs (Applicant)**
40 **proposed two lot subdivision on Map 10 Lot 54, 3 A & B Garden Lane,**
41 **Zoned C-II, subject to all of the Precedent Conditions and General and**
42 **Subsequent Conditions as outlined in Staff's Recommendations**
43 **Memorandum dated April 2, 2014, including the additional condition**
44 **noted by Staff earlier. J. Laferriere seconded the motion. No discussion.**
45 **Vote on the motion: 9-0-0.**

46
47 The subdivision plan was conditionally approved.
48

1 **Other Business**

2
3 There was no other business.

4
5 **Adjournment:**

6
7 **M. Soares made a motion to adjourn the meeting. J. Laferriere seconded**
8 **the motion. Vote on the motion: 9-0-0.**

9
10 The meeting adjourned at 7:20 PM.

11
12 These minutes prepared by Associate Planner Jaye Trottier

13
14 Respectfully Submitted,

15
16
17
18 Lynn Wiles, Secretary

LAW OFFICE OF
THOMAS F. QUINN
PROF. CORP.

62 Elm Street
Milford, NH 03055

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March 19, 2014

Via Regular Mail

Cynthia A. May, ASLA
Town Planner & Department Manager
Planning & Economic Development
Town of Londonderry
268B Mammoth Road
Londonderry, NH 03053

Re: Planning Board NOD, Stonehenge Subdivision Phase II
Francis & Jean Milne, Stonehenge Road

Dear Ms. May:

As you will recall, I represent Francis and Jean Milne with respect to the above-referenced matter. You also will recall that this project consists of an initial lot line adjustment with the abutters, Joseph and Linda Ryan, and a subsequent two-lot subdivision of the Milne property.

On February 26, 2013, I wrote to you requesting an extension of the approval for the subdivision. The reasons we needed the extension were clearly set forth in that letter, a copy of which is attached. The Planning Board approved my request on March 6, 2013 granting the extension to April 4, 2014. We concluded the lot line adjustment with the Ryans, amended the Ryans' mortgage, and refinanced the Milnes' mortgage on June 13, 2013.

Unfortunately, the process has taken a significant toll on the Milnes financially and Mr. Milne has developed serious health issues. Consequently, the Milnes had decided not to proceed with the subdivision despite the substantial amount of money and time that has been invested. They were simply at the end of their resources financially and needed to focus their efforts on making suitable arrangements for Mr. Milne.

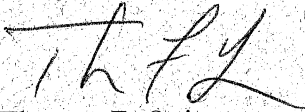
Recently, however, as Mrs. Milne was engaged in the process of listing the property for sale, her real estate agent, Charlotte McCaul, convinced her that too much had been invested at this point to walk away. Ms. McCaul also believes the property with the pending subdivision approval will appeal to local builders who would be able to complete the process.

For these reasons, Mrs. Milne has decided to continue the process and is hereby requesting that all approvals be extended for an additional year. Again, considering that this is a simple two-lot subdivision, we believe that the approvals can be extended for an additional year without any adverse consequences to the Town or to the abutters.

I would be pleased to attend a meeting of the Board to discuss the request and answer any questions you may have.

Thank you for your attention to the matter and your continued cooperation and patience.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'TFQ', written in a cursive style.

Thomas F. Quinn

TFQ/sg

LAW OFFICE OF
THOMAS F. QUINN
PROF. CORP.

62 Elm Street
Milford, NH 03055

PH: 603-554-1662
FAX: 603-554-1495

E-MAIL: tquinn@tfqtitle.com

February 26, 2013

Via E-Mail and Regular Mail

Cynthia A. May, ASLA
Town Planner
Town of Londonderry
268B Mammoth Road
Londonderry, NH 03053

Re: Planning Board NOD, Stonehenge Subdivision Phase II

Dear Ms. May:

This will confirm that I represent Francis and Jean Milne with respect to the above-referenced project, which consists of an initial lot line adjustment with abutters, Joseph and Linda Ryan, and a subsequent subdivision of the resulting Milne property. I understand that the subdivision (Phase II) of the approvals is set to expire in April, 2013, unless extended.

Please consider this as a formal request to extend the approval for an additional year. This project has been difficult to complete for a variety of reasons. Initially, the Milne property had several mortgages of record that had been paid but not discharged of record. These items needed to be cleared of record before the lot line adjustment could be completed. Once that process was complete, we prepared an application with the Ryans' mortgage lender to permit the lot line adjustment. Unfortunately, unbeknownst to us, while the application was pending, the Ryans refinanced their property. So a new application had to be prepared. Additionally, during this time, the Milnes refinanced their mortgage. An application was prepared and filed with the Milnes' lender to permit the lot line adjustment. We were turned down because although the lender agreed to release from its mortgage the property that Milne would convey to Ryans, the lender would not allow the Milnes to receive the property that the Ryans would convey to the Milnes.

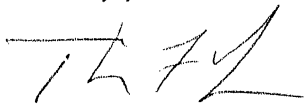
For these reasons, we requested and received an extension of the approval for one year. During that year, we endeavored to get the transaction completed. We have had all the documents revised and reviewed by the Ryan's attorney. We were working with the Ryan's lender to obtain the necessary approval when, in February, the Ryan's refinanced their mortgage again. That necessitated that I revise the application and resubmit it, to the lender, which I have done. Federal National Mortgage Association (Fannie Mae) has approved the lot line adjustment.

Once we received Fannie Mae's approval, we needed to obtain additional financing for the Milne's in order that they could post the bond necessary for the subdivision (Phase II). That step has been completed. The final step is for the Milnes to refinance their property once more in order to enter into the lot line adjustment and to ensure that their mortgage reflect the new lot lines. (Remember that this step is required in light of the refusal of their current lender to accept the lot line adjustment.) We now have a commitment for a new mortgage and are anxious to close. The last hold-up is that Fannie Mae has not yet given us a date for scheduling the signing of the documents. We expect to hear shortly, but I am reluctant to forgo this request for an extension, in light of the delays we have experienced in the past.

For all these reasons, we are requesting a one-year extension of all existing approvals in order that we can complete the financing, post the bond, record the plans and move forward. With the limited size of the project, I believe this can be granted with no adverse consequences to the Town or abutters. I would be happy to attend a meeting o the Board to discuss this if you believe it would be helpful.

Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'TFQ', with a stylized flourish extending to the right.

Thomas F. Quinn

TFQ/sg

ECM

Eric C. Mitchell & Associates, Inc.
Planning, Site Design, Surveying, Environmental

March 25, 2014

Town of Londonderry
Attn: Planning Board
268B Mammoth Road
Londonderry, NH 03053

Re: Extension Request – Albird Estates
Tax Map 16, Lot 58
Londonderry, New Hampshire
ECM Job No. 11-75

Dear Board:

On behalf of my client, Virginia St. Cyr, I respectfully request a one year extension to the previous extension granted on May 1, 2013. Our office is currently preparing plans to cut off the existing house lot from the remainder of the subdivision and they will be submitted in the near future.

Additionally, our office has been contacted by several developers within the past few months that are interested in the subdivision lots.

Thank you for your consideration.

Sincerely,



Eric C. Mitchell
President

GOTTESMAN & HOLLIS

PROFESSIONAL ASSOCIATION

Attorneys at Law

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March 25, 2014

Via Email & U.S. Mail

Arthur Rugg, Chairman
Planning Board
268B Mammoth Road
Londonderry, New Hampshire 03053

Re: Approved Modification of the Site Plan for The Nevins
Active Senior Retirement Cooperative Community
Our File No.: 13-126

Dear Mr. Chairman:

With regard to the above-captioned matter, originally approved by the Planning Board so as to allow the removal of the public walking trail from the approved site plan, subject to final vote by the Town Council, please be advised that the matter is still pending before the Town Council as there remain several legal issues to resolve. It now appears clear that it will not be resolved by the May 1 extension deadline, and accordingly, I am requesting a further extension for an additional ninety days beyond May 1.

Thank you in advance for your consideration.

I will be happy to attend your meeting if you would like a further update as to the details of the matter in the event Town Staff or the Town Manager is unable to answer any questions you may have regarding this matter.

Thank you in advance.

Yours truly,

GOTTESMAN & HOLLIS P.A.



Morgan A. Hollis

MAH:jlh

cc: John Kalantzakos