LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF MAY 7, 2014 AT THE MOOSE HILL COUNCIL CHAMBERS

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Members Present: Art Rugg; Mary Soares; Lynn Wiles; Jim Butler, Ex-Officio; Rick Brideau, CNHA, Ex-Officio; John Laferriere, Ex-Officio; Scott Benson; Leitha Reilly, alternate member; and Al Sypek, alternate member

9 Also Present: Cynthia May, ASLA, Town Planner and Planning and Economic 10 Development Department Manager; John R. Trottier, P.E., Assistant Director of 11 Public Works and Engineering; and Jaye Trottier, Associate Planner

A. Rugg called the meeting to order at 7:01 PM. He appointed A. Sypek to vote for Laura El-Azem and L. Reilly to vote for Chris Davies.

Administrative Board Work

A. Approval of Minutes – April 2 and 9, 2014

L. Wiles made a motion to approve and sign the minutes from the April 2, 2014 meeting. J. Laferriere seconded the motion. No discussion. Vote on the motion: 5-0-2.

(S. Benson and A. Sypek abstained as they were absent from the April 2, 2014 meeting).

L. Wiles made a motion to approve and sign the minutes from the April 9, 2014 meeting. J. Laferriere seconded the motion. No discussion. Vote on the motion: 6-0-1.

(S. Benson abstained as he was absent from the April 9, 2014 meeting).

Minutes for April 2 and April 9, 2014 were approved and signed at the conclusion of the meeting.

B. Plans to Sign – Ballinger Properties, LLC and Five-N-Associates General Partnership (Owner) and Scannell Properties (Applicant), Map 14 Proposed Lot 45-2, 44 Industrial Drive, Zoned GB [Conditionally Approved March 5, 2014].

C. May advised the Board to defer consideration of this item until after the item under "Old Business" was addressed.

C. SNHPC Representative Recommendations to Town Council

A. Rugg stated that he and residents Sharon Carson and Deb Lievens are members of the Southern New Hampshire Planning Commission and are all interested in reappointment to another four year term on the Commission (see Attachment #1). If reappointed, those terms would expire June 30, 2018. L. Reilly and resident Martin Srugis are alternate members whose terms will expire at the end of 2014.

 L. Wiles made a motion to recommend that the Town Council reappointment the existing incumbent Londonderry members to the Southern New Hampshire Planning Commission as well as the existing alternate members to the Southern New Hampshire Planning Commission. J. Laferriere seconded the motion. No discussion. Vote on the motion: 6-0-1 with A. Rugg abstaining.

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D. Discussions with Town Staff

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Staff had no items to address.

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L. Wiles asked Staff for results of the recent Request for Proposals for Planning and Engineering Professional Review Services. C. May announced that Stantec Consulting Services, Inc. and Tighe and Bond are the two firms who will provide third party review services for the Town. Plan submissions will be assigned alternately to each firm unless a modification is needed to ensure the workload is distributed evenly. A. Rugg explained that per the Town Charter, the Town Manager was charged with making the final selection of two firms.

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A. Rugg provided a reminder that the Master Plan Implementation Committee will meet next on May 28 in the Sunnycrest Conference Room and invited all interested parties to attend.

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Public Hearings/Workshops/Conceptual Discussions

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A. Public Hearing to amend the Conditions of Approval in the Notice of Decision for the Ballinger Properties, LLC and Five-N-Associates General Partnership (Owner) and Scannell Properties (Applicant) Site Plan, Map 14 Proposed Lot 45-2; 44 Industrial Drive, Zoned GB [Conditionally Approved March 5, 2014].

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C. May explained that when the Planning Board granted conditional approval of this site plan for a FedEx Ground facility on March 5, 2014, they also approved an associated subdivision and lot line relocation plan with a proposed extension of Industrial Drive to the proposed FedEx site. While all conditions of the site plan have been met and the application is ready for signature, the subdivision plan and the roadway design are not yet ready for final approval. Applicant Scannell Properties has submitted a written waiver request that the Planning Board consider permitting them to begin construction prior to final approval of the subdivision plan, with the provision that before a certificate of occupancy can be issued to FedEx, the subdivision plan, road design, road construction and all off-site improvements, including those for the Industrial Drive extension, must all be completed first. Completion of the plan and road design is anticipated to occur within the next month. In addition to the waiver request, Staff recommended that the Board also amend the condition in the March 5, 2014 Notice of Decision requiring final approval of the subdivision plan before allowing final approval of the site plan. Since these actions by the Board would be discretionary in nature, formal notice was posted of this public hearing. The Chair would first need to re-open the public hearing to grant the waiver and take input regarding the aforementioned changes in the conditions.

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- $\mbox{C.}\ \mbox{May}\ \mbox{read}\ \mbox{the}\ \mbox{waiver}\ \mbox{into}\ \mbox{the}\ \mbox{recommendation}\ \mbox{memo}:$
 - 1. The applicant has requested a waiver to Section 6.01.c of the Site Plan Regulations requiring that all conditions of approval be met before site work can commence or building permits issued. The applicant requests the waiver because the current land owner has not yet completed the final design for the road associated with the Industrial Drive Extension Subdivision Plan, and the critical delivery date for the FedEx building shell would be compromised. Staff supports *granting* the waiver because this will enable the project to move forward and begin construction on an active gravel pit site, and because the anticipated completion of the road design and approval and construction will occur prior to the issuance of a Certificate of Occupancy.

C. May read the two proposed amendments to the Conditions of Approval from the Staff Recommendation memo:

- 1. Associated with the waiver is the Staff recommendation to amend condition number 1 of the "General and Subsequent Conditions" of approval, as listed in the Notice of Decision dated March 5, 2014, to state "The associated Industrial Drive Extension and Consolidation and Subdivision Plan shall be recorded at the Rockingham County Registry of Deeds prior to the issuance of a Certificate of Occupancy." The Notice of Decision for Final Approval will be recorded with the Development Agreement. All off-site improvements are required to be completed prior to the issuance of a Certificate of Occupancy, including Industrial Drive Extension.
- 2. Staff also notes a correction to be made in number 29 of the "Precedent Conditions" stating that "the Development Agreement shall be approved by the Town Council prior to plan signature", which is not applicable to a site plan approval. Staff recommends that the condition be amended as follows: "The Applicant shall work with the Town to finalize a development agreement addressing off-site traffic mitigation for areas identified by the Traffic Study and the tandem truck routing test. The Development Agreement shall be reviewed by the Town Attorney. All General and Subsequent Conditions of approval shall be incorporated into or appended to the Development Agreement as applicable."

If the Board were to approve the waiver and amendments, final approval of the site plan would need to be voted on, which would include the Development Agreement. C. May added that the Development Agreement includes the applicant's commitment to design and install a traffic light at the intersection of Pettengill and Harvey Roads, and design and construct a right turn lane for traffic heading east on Pettengill Road and taking a right to proceed south on Harvey Road.

L. Wiles made a motion to re-open the public hearing for the purpose of amending the conditions of approval prior to final approval and plan

signature. J. Laferriere seconded the motion. No discussion. Vote on the motion: 7-0-0.

A. Rugg asked for input from the Board. S. Benson and J. Laferriere asked if the Town would incur any risk in approving the site plan before the associated subdivision plan is approved. Staff replied that the Town would be protected since the Certificate of Occupancy for the FedEx facility would not be issued until the road design and improvements are complete. FedEx Ground is not anticipating occupancy until February of 2015.

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

L Wiles made a motion to Approve Applicant's Request for the Waiver as outlined in Staff's Recommendation Memo Dated May 7, 2014. J. Laferriere seconded the motion. No discussion. Vote on the motion: 7-0-0.

The waiver was granted.

L. Wiles made a motion to approve the amendments to the conditions of approval as described in Staff's Recommendation Memo Dated May 7, 2014. J. Laferriere seconded the motion. No discussion. Vote on the motion: 7-0-0.

L. Wiles made a motion to Grant Final Approval to the site plan application for Scannell Properties to construct a 1-story warehouse/distribution facility for FedEx with associated improvements at 44 Industrial Drive, Zoned GB, subject to all of the General and Subsequent Conditions as amended and outlined in Staff's Recommendations Memo date May 7, 2014. The Planning Board also authorizes execution of the Development Agreement to be signed by the Town Manager and recorded with the Notice of Decision for this approval at the Rockingham County Registry of Deeds. J. Laferriere seconded the motion. No discussion. Vote on the motion: 7-0-0.

The site plan was granted final approval.

J. R. Trottier reported that all conditions of approval related to the amended conditions of approval have been met and that Staff recommends signing the site plan.

L. Wiles made a motion that the Planning Board approve the plan as described by Staff. J. Laferriere seconded the motion. No discussion. Vote on the motion: 7-0-0.

A. Rugg said the plans would be signed at the conclusion of the meeting.

 B. Diamond Edge Realty & Development, LLC (Owner and Applicant), Tax Map 12 Lot 138 – Application Acceptance and Public Hearing for formal review of a six lot subdivision with related improvements to be accessed by a new road at 115

Hovey Road, Zoned AR-I.

A. Rugg explained if the Board found the application to be complete, the public hearing would commence, as would the 65 day time frame for the Board to render a decision under RSA 676:4.

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

L. Wiles made a motion to accept the application as complete. J. Laferriere seconded the motion. No discussion. Vote on the motion: 7-0-0. The application was accepted as complete.

Engineer Bill Gregsak presented the subdivision plan along with applicant John LaCombe. The six lot subdivision would be carved out of the 8.87 acre parcel and would include individual on-site wells and septic systems. The existing home on the lot would be razed and a 1,141 foot road will provide access from Hovey Road as well as frontage for the proposed lots. An Alteration of Terrain permit from the NH Department of Environmental Services (DES) has been applied for because of the need to disturb approximately 123,650 square feet of land. The application has been accepted by DES but not yet approved. State subdivision approval has been obtained. The land slopes upward from Hovey Road, first at a 3% grade, then reaching as high as an 8% grade before reaching a 3% grade again at the cul de sac. The steep grade caused the applicant to request a waiver from the 6% maximum grade allowed under the Subdivision Regulations for the proposed road. This was presented conceptually to the Board in October of 2013 and will serve to minimize the amount of cuts needed, lessen the steep access to the lots, and prevent difficulties related to drainage. The applicant has met with the Heritage Commission regarding the stone walls on the property and has agreed to use the stones removed from interior walls to enhance other existing stone walls along abutting lot lines.

[M. Soares arrived at 7:25 PM].

A. Rugg asked for Staff input.

J. R. Trottier read the waiver request into the record from the Staff Recommendation memo:

1. The Applicant requests a waiver to Section 3.09.R Table 1 to allow construction of the proposed roadway at an 8% grade in lieu of the required 6% grade per subparagraph 3.09.R.3.ii. Staff recommends granting the waiver, because it minimizes cuts along the roadway and driveway slopes to each lot.

He added that the 8% grade would begin at about 300 feet into the new road, then would occur for a length of approximately 300 feet.

J. R. Trottier summarized the Planning Department/Department of Public

Works memo (see Attachment #2).

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

L. Reilly asked for and received clarification regarding the proposed detention pond from J. R. Trottier. L. Wiles verified with the applicant that the house on the opposite side of Hovey Road is not lined up directly with the proposed road and will therefore not be impacted by car lights leaving the site in the evening hours. He asked, however, that if any issues related to light pollution are discovered at some point, they be mitigated by the applicant. Since the proposed road will face the north, L. Wiles asked J. R. Trottier what kind of extra maintenance will be required for icy conditions during the winter months. J. R. Trottier answered that the openness of the site will prevent the need for additional winter maintenance.

A. Rugg asked for public input.

[J. Butler arrived at 7:39 PM].

John Morrison, 94 Harvey Road, asked if he would be required to fence in the pond on his property that abuts the proposed development to prevent potential accidents involving individuals living in the development. A. Rugg said since it is private property, the owner cannot be required to do so. L. Reilly suggested that the applicant disclose the proximity of the pond to potential buyers. It was also suggested that he post his property against trespassers, however, Mike Speltz, 18 Sugarplum Drive, explained that under State law, once property is posted, the property owner is no longer protected under the law if someone is injured while on their land. The State encourages land not be posted and therefore provides legal protection for those who do not post against trespassers.

Ann Chiampa, 28 Wedgewood Drive, expressed concern for the amount of water that would presumably come down from the development and onto Hovey Road. It was explained to her that the drainage system will direct water to the detention pond included in the design to keep runoff from impacting other properties.

There was no further public input.

L. Wiles made a motion to approve the applicant's request for the Waiver as outlined in Staff's Recommendation Memorandum Dated May 7, 2014. M. Soares seconded the motion. No discussion. Vote on the motion: 9-0-0. The waiver was granted.

J. R. Trottier stated that Staff recommends conditional approval of the subdivision plan.

L. Wiles made a motion to conditionally approve the Subdivision Plan for Diamond Edge Realty & Development, LLC (Owner and Applicant), Tax Map 12 Lot 138, 115 Hovey Road, Zoned AR-I, subject to all of the

Precedent Conditions and General and Subsequent Conditions as outlined in Staff's Recommendations Memorandum dated May 7, 2014. M. Soares seconded the motion.

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M. Soares asked if L. Reilly's suggestion about disclosure of the pond on J. Morrison's land should be made a condition of approval. A. Rugg said it would not be appropriate to do so.

There was no further discussion. Vote on the motion: 9-0-0.

The subdivision plan was conditionally approved.

[L. Reilly left the room at 7:50 PM].

C. Wallace Farm, LLC (Owner and Applicant), Tax Map 16 Lots 1 and 3 - Application Acceptance and Public Hearing for formal review of a lot line adjustment/consolidation at 48 and 62 Perkins Road, Zoned AR-I.

J. R. Trottier stated that there is one outstanding checklist item which has an associated waiver request *for acceptance purposes only*. Assuming the Board grants the waiver, Staff recommends application acceptance as complete.

1. The Applicant is requesting a waiver to Section 3.09.F and Exhibit D2/D3 of the Subdivision Regulations requiring sight distance plans for the existing residential driveways at Perkins Road. Staff recommends granting the waiver for acceptance purposes only. The site distance plan will still be required for existing driveways.

M. Soares made a motion to approve the Applicant's request for the Waiver for acceptance purposes only as outlined in Staff's Recommendation memorandum dated May 7, 2014. R. Brideau seconded the motion. No discussion. Vote on the motion: 8-0-0. The waiver was granted for acceptance purposes only.

M. Soares made a motion to accept the application as complete. R. Brideau seconded the motion. No discussion. Vote on the motion:8-0-0. The application was accepted as complete.

A. Rugg stated that this starts the 65 day time frame under RSA 676:4.

Attorney Thomas Jay Leonard was joined by applicant Tom Monahan of Wallace Farm, LLC to present this subdivision plan. The lot lines of the combined 43 acres will be reconfigured to accommodate both a 240-unit workforce rental housing development as well as a potential future elderly housing development south of the workforce housing. A third lot in between these two lots, namely Lot 2 on Map 16, would be included in the future elderly housing development but is not a part of this subdivision plan or the site plan for the workforce housing. When the applicant presented a conceptual plan for workforce housing to the Board in June of 2013, the Board had expressed a preference for the buildings to be set towards the back of the property (i.e. on the eastern

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- side), away from Perkins Road. This lot line adjustment would permit the site plan to be designed in such a way. A waiver has been requested from the maximum scale allowed of 1" = 40' to permit a scale of 1" = 100' with the intention of being able to show the entire project on a single sheet.
- M. Soares asked if the existing houses on Lot 3 would be removed when the elderly housing project is pursued. Attorney Leonard said they would be.
- A. Rugg asked for Staff input.
- J. R. Trottier read the waiver request into the record from the Staff Recommendation memo:
 - 1. The Applicant is requesting a waiver to Section 4.01.c of the Subdivision Regulations and item III.2.g of the Subdivision Application Checklist to allow plan scales of 1"=100' where a maximum of 1"=40' is required. Staff recommends *granting* the waiver because it permits viewing the parcel in its entirety on a single sheet.
- J. R. Trottier summarized the Planning Department/Department of Public Works memo, including the recommendation to speak with Town Staff about meeting the Town's typical requirement of providing a minimum of 25 feet from the centerline of the road, (Perkins Road in this case), for possible future widening.
- A. Rugg asked for comments and questions from the Board.
- R. Brideau confirmed with Attorney Leonard that there was no intention to rename Perkins Road or give the proposed internal road the name Wallace. J. Butler explained that the Heritage Commission had met with the applicant who offered the Town the Wallace farmhouse, however the condition of the house and the cost to move it made the Commission decline the offer. They requested instead that a historic plaque be placed at the proposed clubhouse in the same general area. T. Monahan confirmed a plaque could be placed on the site and A. Rugg added that the clubhouse design would echo that of the farmhouse. M. Soares asked that if any part of the farmhouse is salvageable (e.g. beams) and could be used in one of the amenity structures like the clubhouse that the applicant consider doing so. T. Monahan agreed to consider doing so. L. Wiles stated his preference to see a conceptual of the workforce housing project before voting on the conditional approval of the lot line adjustment to determine whether setting the buildings to the rear of the development will cause the future elderly housing buildings to have to be moved to the front of Lot 1. Attorney Leonard said the concern is noted, adding that the elderly housing project is not envisioned as having the scale and density of the workforce housing development. T. Monahan explained that understands the importance expressed by the community to set the buildings back from Perkins Road and that it will be a critical part of the design, as will having only a single curb cut onto Perkins as opposed to individual driveways. L. Reilly asked Staff why the applicant is unable to provide 25 feet from the centerline of Perkins Road. J. R. Trottier said it is due to the stone wall along

the front property line. C. May noted that the intent of the requirement is to allow room for future necessary improvements to Perkins Road. L. Reilly described her concern about the issue as being related to school aged children living in the development. J. Laferriere stated that a bus shelter had been requested during the 2013 conceptual hearing and added that by the looks of the proposed internal road, the local school bus route could include it. J. R. Trottier noted that the internal road is intended to be private and will include sidewalks. T. Monahan agreed about the need to provide safety for the school aged children. A. Sypek verified with J. R. Trottier that having the 25 feet from the centerline of Perkins Road would enable the Town to bring that Road up to Town standards.

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A. Rugg asked for public input.

M. Speltz, 18 Sugarplum Drive, stated a concern for residents within the development since pushing the buildings back from the road would place them on a ridge inherent in the land, leaving the renters with a view of Interstate 93. A. Rugg stated that in terms of good planning, it is preferable to have multifamily developments near major highways. J. Butler noted that as a developer, T. Monahan must be comfortable with the ability to rent the units if he is pursuing the project with the knowledge of the land's topography. M. Speltz also erroneously referred to the project as "low income," a term C. May said does not apply to workforce housing projects under the Town's ordinance. The intent is to provide alternative housing for those whose income is at 60% of the median income for a three-family household in the area. In addition, 50% of the units will be rented at market rate, yet will be in no way distinguishable from those reserved for workforce housing.

There was no further public input.

J. R. Trottier stated that Staff recommends conditional approval of the lot line adjustment plan.

M. Soares made a motion to approve the applicant's request for the Waiver as outlined in Staff's Recommendation Memorandum Dated May 7, 2014. R. Brideau seconded the motion. No discussion. Vote on the motion: 9-0-0.

M. Soares made a motion to conditionally approve the Lot Line Adjustment Plan for Wallace Farm, LLC (Owner and Applicant), Tax Map 16 Lots 1 and 3 at 48 and 62 Perkins Road subject to all of the Precedent Conditions and General and Subsequent Conditions as outlined in Staff's Recommendations Memorandum dated May 7, 2014. R. Brideau seconded the motion. No discussion. Vote on the motion: 9-0-0.

The lot line adjustment plan was conditionally approved.

D. Wallace Farm, LLC (Owner and Applicant), Tax Map 16 Lots 1 and 3 - Application Acceptance and Public Hearing for formal review of a site plan to

construct 240 rental apartment inclusionary/workforce housing units in accordance with RSA 674:58-61 and the Londonderry Zoning Ordinance Section 2.2.5 at 48 and 62 Perkins Road, Zoned AR-I.

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J. R. Trottier stated that there are three outstanding checklist items and read them into the record:

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1. The Applicant has not provided utility clearance letters for the project in accordance with sections 3.04, 3.05 and 3.06 of the Site Plan Regulations and item XI.5 of the checklist.

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2. The Applicant has not provided the off-site improvement plans for the project per section 3.08, 4.14 and 4.18 of the Site Plan Regulations and item XI.4 of the checklist.

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3. The Applicant has not provided an updated traffic report with this submission per section 3.14 and 4.17 of the Site Plan Regulations and item XI.1 of the checklist.

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J. R. Trottier said that because of these outstanding items, for which the applicant has not submitted written waiver requests, Staff does not recommend the application be accepted as complete. When asked for direction by the Chair, C. May advised that the Board entertain the applicant's reasoning as to why the application should still be accepted as complete.

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Attorney Thomas Jay Leonard was again joined by applicant Tom Monahan to present their request for application acceptance. Regarding the utility clearance letters, Attorney Leonard explained that those for electricity and gas have been obtained. Manchester Water Works will be meeting on May 22 to make a final determination about providing public water, but has given the applicant a verbal assurance. The applicant continues to work with the Town to obtain a municipal sewer permit. Attorney Leonard stated that the design is not so much the issue in this case, but rather that the confirmation of existing sewer capacity being required by the Town is taking longer to determine because of a lack of readily available as-built sewer plans. He stated that the applicant has no concern about being able to obtain access to public water and sewer. Similarly, checklist items 2 and 3 continue to be addressed by the design team with regard to design review comments, including those involving mitigation. A conceptual redesign of the intersection of Perkins Road and Route 28 has resulted in a proposed "pork chop" island that would prevent left turns from Perkins onto Rte. 28 (see Attachment #4, page 2). This was requested by the NH Department of Transportation in view of the fact that numerous accidents have already resulted from attempted left hand turns at that location. This design has to factor in not only current conditions but future plans as well, and must be agreed to by not only the Town but by NH DOT. Attorney Leonard stated that the applicant has agreed to comply with what the State and Town say is necessary for that intersection, provided the improvements are within the State right of way. Once the design is agreed upon by all parties, the traffic report will require modification, therefore it is not complete at this time. Since the applicant is confident all the

aforementioned issues will be resolved, he is requesting the outstanding checklist items be waived for acceptance purposes in order to begin the public hearing of the site plan. The applicant is fully aware, he said, that conditional approval is unlikely to happen at this meeting.

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Attorney Leonard noted that two Conditional Use Permits (CUPs) will be requested by the applicant, one to allow the workforce housing use per the zoning ordinance, and the other for impacts to the Conservation Overlay District (COD) buffer. The applicant obtained a positive recommendation from the Conservation Commission for the latter, however it was conditioned upon a specific amount of square footage. Because the final number being requested by the applicant is higher than what was involved in the positive recommendation, the applicant has made arrangements to return to the Commission on May 27 to verify that the project has not changed, even though the square footage of impact has increased.

A. Rugg explained to the Board that that they would first need to decide upon whether to waive the three checklist items for acceptance purposes in order to vote on acceptance of the application as complete. J. Laferriere asked the applicant how long it would be before he expected those issues to be resolved. Attorney Leonard said they do not expect it to take more than a month. L. Reilly asked for Staff's opinion about the perceived willingness on the part of the applicant to follow through with those items. Staff confirmed a positive perception of the applicant's willingness to complete the checklist items.

M. Soares made a motion that based on the applicant's verbal justification as to why the three items are outstanding and the confidence of Staff, the Planning Board waive the outstanding checklist items for application acceptance only.

L. Wiles confirmed that if the Board did not waive those items, the process before the Board for the site plan would stop. Following some discussion, **J. Butler seconded the motion.** No further discussion. **Vote on the motion: 9-0-0.** The three outstanding checklist items were waived for acceptance purposes only.

 M. Soares made a motion to accept the application as complete as outlined in the previous motion. R. Brideau seconded the motion. No discussion. Vote on the motion: 9-0-0. The application was accepted as complete.

A. Rugg stated that this starts the 65 day time frame under RSA 676:4.

Attorney Leonard stated that the workforce housing multi-family rental project being proposed is something the Town has sought and for which the Town created an inclusionary housing ordinance. The applicant was granted three variances by the Zoning Board of Adjustment for this project based on the economic constraints involved; the applicant obtained the ability to phase in the project over the course of three years versus five, to have 24-unit buildings instead of the maximum of 16 units allowed, and to allow 50% of the units to

be considered affordable under the State and local definitions versus the 75% requirement of the zoning ordinance. Under State law, the rental units will stay as such for a minimum of 40 years. Attorney Leonard reviewed the basic design of the site, including the numerous wetland crossings created by the internal roadway that will allow access the rear of the property. He noted that the road was designed to create the least amount of disturbance, adding that NH DES has approved a Dredge and Fill permit for the project. Restoration and mitigation are offered as part of the site plan. He then described the adherence of the two CUP applications to their respective criteria in the ordinance.

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[M. Soares left the meeting at 8:58 PM].

Of the 12 waivers the applicant has requested, the majority are related to the applicant's attempt to create an internal roadway that ties into the natural terrain while efficiently serving the buildings and parking areas. The roadway will be private, with a speed limit of 25 MPH, and will not be maintained by the Town. The Fire Department has given their support of the 24 foot width and standards for the 911 emergency system will be met. The existing stonewall along Perkins Road will be retained, as will the berm of vegetation near the proposed entrance, which will form a four way intersection with Vista Ridge Drive.

Attorney Leonard reviewed the 12 waivers being requested. C. May explained that the Staff Recommendation memo only lists 11 waivers because the applicant's first waiver request was to the Impact Fee ordinance. Since the Town's impact fee system has been suspended indefinitely and impact fees are assessed at the time of plan approval, Staff does not anticipate that this project would be affected by the impact fee ordinance. Attorney Leonard said that with that explanation, the applicant would agree to withdraw that waiver request. Attorney Leonard then reviewed the eleven waivers listed as follows in the Staff Recommendation memo:

 1. The Applicant is requesting a waiver to Section 3.09.R of the Roadway Design Standards and table 1 of the Subdivision Regulations regarding roadway width. The Applicant's proposed private roadway design does not comply with a local roadway section per Exhibit D5 (28 feet of pavement with curb), or Exhibit D7 for minor roadways (24 feet of pavement and 2 foot gravel shoulders with no curb). Staff recommends granting the waiver because the proposed 24 foot roadway width (with curbing) is adequate to serve this multifamily community, minimizes impacts to wetlands and buffers, and reduces impervious surface and increased stormwater runoff and mitigation.

2. The Applicant is requesting a waiver to Section 3.09.I of the Subdivision Regulations requiring vertical granite curbing. The Applicant's curbed roadway indicates slope granite curb to be provided along the opposite side of the roadway from the sidewalk. Staff recommends granting the waiver because the Applicant has provided vertical granite curbs in all locations where sidewalks are adjacent to

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 the roadway.

- 3. The Applicant is requesting a waiver to Section 3.09.R Table 1 of the Subdivision Regulations. The Applicant indicates that the proposed roadway design speed is 25 MPH. Staff recommends granting the waiver because the lower design speed of the private street is more appropriate to a residential setting.
- 4. The Applicant is requesting a waiver to Section 3.09.Q of the Subdivision Regulations. The proposed intersection design at Perkins Road and Vista Ridge Drive does not provide the minimum 50 foot perpendicular tangent length. Staff recommends granting the waiver because this allows the intersection to be aligned with Vista Ridge Drive, and to minimize wetland and buffer impacts.
- 5. The Applicant is requesting a waiver to Section 3.09.R Roadway Standards regarding minimum centerline radii. The Applicant's roadway design near the intersection with Vista Ridge Drive indicates a centerline radius of 175 feet which is less than the minimum of 198 feet required in the 2011 version of AASHTO's "A Policy on Geometric Design of Highways and Streets" under table 3-13b for a 25 MPH design for a standard crowned roadway. Staff recommends granting the waiver because this allows the intersection to be aligned with Vista Ridge Drive, and to minimize wetland and buffer impacts.
- 6. The Applicant is requesting a waiver to Section 3.08.b.5 of the Site Plan Regulations regarding driveway sight distance. The Applicant's driveway sight distance plans indicate sight distance of 280 feet, which is significantly less than the minimum 365 feet required for 35 MPH. Staff recommends granting the waiver because the roadway is designed for 25 MPH, and the minimum sight distance for a 25MPH design speed is provided.
- 7. The Applicant is requesting a waiver to Section 3.09.R of the Roadway Design Standards and table 1 of the Subdivision Regulations. The Applicant's roadway profile design exceeds the maximum road grade for minor streets at two locations under section from 4 percent to 5.5 percent in one location and 8 percent at the other location. Staff recommends granting the waiver because the modifications to the grade minimize excessive cuts.
- 8. The Applicant is requesting a waiver to the Town's Typical Detail Exhibit D-8 or D-6 of the Subdivision Regulations for roadway design. The Applicant indicates the proposed project will be built in phases, but does not provide a temporary cul-de-sac at the end of the roadway portion for each phase consistent with Town's Typical Detail Exhibit D-8 or D-6. Staff recommends granting the waiver because the alternate turn around provided is incorporated into the final design, and the Fire Department has indicated that they are satisfied that this condition will function as intended.

Attorney Leonard introduced traffic engineer Rob Woodland to explain the off-site improvements and traffic related issues. R. Woodland explained that the detailed traffic study considered numerous scenarios and took into account potential traffic impacts from the future elderly housing project as well as impacts from the proposed "Shops at Londonderry" retail project on Vista Ridge Drive. The main comment from NH DOT involved the intersection of Perkins Road and Rte. 28, which resulted in the aforementioned conceptual redesign with a raised island to prevent left hand turns from Perkins onto Rte.

- 9. The Applicant is requesting a waiver to Section 3.09.R, Table 1 of the Subdivision Regulations. The Applicant has provided a loop road design with this project, but the phasing plan indicates the proposed loop road connection south of buildings 9 and 10 would not be constructed as part of the project. The single access with the temporary cul-de-sac would be greater than 1,200 feet long to serve buildings 6-8 and would be greater than 1,700 feet long to serve buildings 9 and 10 and does not comply with the maximum length of 1,200 feet. Staff recommends granting the waiver to allow roadway construction for access to buildings 1-8 plus the clubhouse. Staff recommends denying the waiver for the construction of a roadway in excess of 1,700 feet to serve buildings 9 and 10. The Applicant should be required to finish the loop road to the binder course before Certificates of Occupancy can be issued for any unit in buildings 9 and 10.
- 10. The Applicant is requesting a waiver to Section 3.09.K and Exhibits D5 and D7 of the Subdivision Regulations. The proposed roadway design near sta.4+00 LT, sta. 18+00 to 19+00 LT, and sta. 21+50 to 22+50 RT and LT does not provide the minimum 4H:1V fill slope embankment for the proposed roadway in accordance with section 3.09.K and Exhibits D5 and D7 of the Subdivision Regulations. Staff recommends granting the waiver in order to minimize wetland impacts.
- 11. The Applicant is requesting a waiver to Section 4.01.c of the Site Plan Regulations. The Applicant's project overview, phasing plan, open space summary, soils map, wetland buffer, wetland impact, stonewall inventory, stream buffer, and watershed plans, sheets 4, 5, 6, 13, 26, 27, 30, 31, 82-85, are at a scales of 1"=80' or 1"=100' and do not comply with section 4.01.c of the regulations requiring a maximum scale of 1"=40'. Staff recommends granting the waiver in order for the entire project to be shown on a single sheet.
- A. Rugg asked for Staff input.
- C. May stated that Staff supports all of the waivers with the exception of a portion of waiver 9 (see description in number 9 above). Attorney Leonard indicated his client agreement to finish the loop road to the binder course as described.

28.

The traffic study indicated an anticipated 120 trips in the weekday morning peak hour from the 240 apartments (24 entering, 97 exiting). During the peak evening hour, 150 trips are expected (98 entering, 52 exiting). The majority of the traffic will travel to and from Exit 5. R. Woodland stated that the report demonstrates that the single point of significant impact created by this project would be the Perkins Road/Rte. 28 intersection. If the raised island is approved and installed in Perkins Road, those seeking access to the west side of Rte. 28 can take Vista Ridge Drive to the traffic light on Rte. 28.

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J. R. Trottier said that while specifics need to be worked out, Staff and the Town's third party traffic consultant conceptually support the proposed improvements to the Perkins Road/Rte. 28 intersection.

A. Rugg asked for Board input.

J. Laferriere and J. Butler both asked that the pork chop island be designed to allow pedestrian traffic to cross through the island and not in front because it seems safer. It was noted that pedestrian traffic has increased in that area and will continue to do so. R. Woodland offered to look into the possibility. J. Butler confirmed with Staff that the intersection improvements will need to be completed before any certificates of occupancy are issued for the development. L. Wiles asked about impacts to other area intersections and R. Woodland verified that impacts are not expected to create the immediate need for off-site improvements at those intersections. L. Reilly stated that she still had concerns about the amount of traffic that the project could generate and the resulting impacts to existing residents. J. Butler asked for the opinion of the Town's third party traffic consultant. Andre Betit of Stantec Consulting Services, Inc. stated his overall approval of the design, noting that some specifics still need to be resolved.

A. Rugg asked for public input.

A. Chiampa, 28 Wedgewood Drive, expressed concern over the speed that cars currently travel past the intersection of Perkins and Rte. 28 as they head east on 28 to access the southbound onramp to I-93. She asked if that lane could be slowed. R. Woodland said he would examine the situation. She also asked that restricting left turns completely with the pork chop island be reconsidered since she currently makes use of that left hand turn.

There was no further public comment.

L. Wiles made a motion to approve the Applicant's request for waivers numbered 1-8 and 10-11 as outlined in Staff's Recommendation memorandum dated May 7, 2014. J. Laferriere seconded the motion. No discussion. Vote on the motion: 8-0-0.

J. R. Trottier suggested that the Board postpone consideration of the partial approval to waiver number 9 so Staff can work with the applicant to address the issue completely. The Board agreed to postpone voting on the final waiver. C. May added that a development agreement will be created to address all of

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Respectfully Submitted,

Lynn Wiles, Secretary

the issues raised at this meeting and Staff intends to have a draft ready for the 1 2 June 11, 2014 meeting. 3 4 J. R. Trottier stated that Staff also recommends that the Planning Board 5 continue further discussion of this application to the June 11, 2014 Planning 6 Board meeting. In addition to the checklist items previously noted, there are 7 outstanding issues associated with the first Conditional Use permit requiring 8 input from the Conservation Commission related to a discrepancy in the buffer 9 impacts identified, outstanding sewer issues, off-site improvement 10 requirements, fire/safety issues, and the need to review other design items 11 submitted within the last couple of days. 12 13 L. Wiles made a motion to continue further discussion of the 14 application to the June 11, 2014 Planning Board meeting. J. Laferriere 15 seconded the motion. No discussion. Vote on the motion: 8-0-0. 16 17 A. Rugg stated that the public hearing of the Wallace Farm LLC site plan has 18 been continued to June 11, 2014 at 7 PM in the Moose Hill Council Chambers 19 and that this would be the only legal notice. 20 21 **Other Business** 22 23 There was no other business. 24 25 Adjournment: 26 27 L. Wiles made a motion to adjourn the meeting. J. Laferriere seconded the 28 motion. Vote on the motion: 8-0-0. 29 30 The meeting adjourned at 10:20 PM.

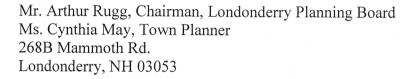
These minutes prepared by Associate Planner Jaye Trottier



Southern New Hampshire Planning Commission

438 Dubuque Street, Manchester, NH 03102-3546, Telephone (603) 669-4664 Fax (603) 669-4350 www.snhpc.org

April 2, 2014



Re: SNHPC Representative from Londonderry

Dear Mr. Rugg and Ms. May:

Please be advised that the term of service for the following as representatives of Londonderry to the Southern New Hampshire Planning Commission is due to expire.

- Sharon Carson, term expires 6/30/14
- Arthur Rugg, term expires 6/30/14
- Deborah Lievens, term expires 6/30/14
- Leitha Reilly, Alt., term expired 12/31/13 (Term renewed April 2014)
- Martin Srugis, Alt., term expired 12/31/13 (Term renewed April 2014)

I encourage you to ask these individuals if they would like to continue their service. If not, please nominate new individual(s) to the Londonderry Selectman's office for approval.

Thank you for your attention to this matter. If you have any questions, or if I can be of assistance, please feel free to contact me.

Sincerely,

SOUTHERN NEW HAMPSHIRE PLANNING COMMISSION

David J. Preece, AICP Executive Director

DJP/lm

<u>MEMORANDUM</u>

To: Planning Board Date: May 7, 2014

From: Planning and Economic Development Re: Tax Map 12 Lot 138

Department of Public Works & Engineering "Kestrel Estates" Subdivision Plan

Stantec Consulting Services, Inc. 115 Hovey Road

Owners: Diamond Edge Realty &

Development, LLC

Gregsak Engineering, Inc. submitted plans and information for the above-referenced project. DRC and the Town's engineering consultant, Stantec Consulting Services Inc. reviewed the submitted plans and information, and review comments were forwarded to the Applicant's engineer. The Applicant submitted revised plans and information and we offer the following comments:

Checklist Items:

There are no outstanding checklist items for this application.

Design Review Items:

- 1. A portion of the Applicant's proposed roadway design includes a grade of eight (8) percent and does not comply with section 3.09.R and table 1 of the Subdivision Regulations. The Applicant has submitted a <u>waiver</u> for this requirement.
- 2. The Applicant's drainage design (CB31, CB32, CB40 and CB4) indicates pipes with approximately 1.9 to 2.7 feet of cover and does not provide the minimum three (3) feet of cover per section 3.08.g of the regulations. The Applicant shall revise the design in compliance with the regulations.
- 3. The Applicant indicates the NHDES Alteration of Terrain (AoT) permit application has been submitted. We recommend the Applicant obtain all project permits, indicate the permit approval numbers on sheet 2 and provide copies of all permits for the Planning Division files per section 4.14 of the Subdivision Regulations and Item XI of the Subdivision Application & Checklist.
- 4. The Applicant's sight distance plan sheet 8 does not properly indicate the proposed grading depicted along the profile and does not appear to provide proper sight distance based upon the proposed grading indicted in the plan view. It appears that additional grading is necessary to provide the necessary intersection sight distance in accordance with Exhibit D3 of the regulations. We recommend the Applicant review and revise the design as necessary to provide proper sight distance in accordance with the regulations, provide an endorsement for the sight distance certification, and indicate the 1.5 feet of all-season sight distance can be provided on the plan in accordance with Exhibit D3.
- 5. The Applicant's driveway sight distance plans for lots 138-1, 138-2 and 138-4 shown on sheets 10 and 11 do not indicate the 1.5 feet of all-season sight distance in accordance with Exhibit D2 of the regulations. Please review and update to provide appropriate

Memorandum - Tax Map 12 Lot 138 "Kestrel Estates" Subdivision Plan 115 Hovey Road Owners: Diamond Edge Realty & Development, LLC May 7, 2014

Page 2

driveway sight distance in accordance with the regulations and provide an endorsement for the sight distance certifications.

- 6. We recommend the Applicant revise the roadway profile design at the intersection of Hovey Road to provide a minimum ten (10) foot vertical curve in accordance with the regulations. Please update the design meeting approval of the Department of Public Works.
- 7. We recommend the Applicant proper monuments (i.e. bound) at one lot corner for each lot in accordance with section 3.02.B.2 of the regulations on the subdivision plan sheet 2. In addition, please provide utility easements for the indicated utilities shown outside the right of way in accordance with sections 4.12.C.9iii and 4.17.A.9.iii of the Subdivision Regulations.
- 8. Please address the following on the grading, drainage and erosion control plan sheet 6:
 - A. Please indicate CB 40 as described in the profile on sheet 7 that is located opposite CB34. Please update the plan consistent with the profile.
 - B. Please label the headwall inlet at sta. 0+20 RT, the outlet headwall from CB41, the outlet end section into the detention basin, the outlet section from the detention basin, and provide locations (station and offset) for each for proper construction. In addition, the location of the outlet structure, treatment swale and level spreader shall be provided for proper construction.
 - C. Please indicate the utility service connection line from the main line to the pedestals shown for lot 138 on this sheet.
 - D. Please revise the pavement radius at the intersection to provide 36 feet in accordance with section 3.09.S table 3 of the Subdivision Regulations.
 - E. We recommend the riprap swale be extended along the roadway to the downstream driveway culvert outlet at lot 138-3 or provide supporting design information for other erosion control measures in this location.
 - F. We recommend the riprap swales be extended downstream on both sides of the roadway to the headwall above CB43 and to CB41 near the intersection, or provide supporting design information for other erosion control measures in these locations. Please update the drainage report to include the riprap calculations or other erosion control measures at these locations.
 - G. We recommend an erosion control blanket be provided along the new roadway swale adjacent to Hovey Road beyond the riprap apron outlet (R21) shown.
- 9. Please review and update roadway cross sections 0+10, 3+00, 5+00 and 7+75 to properly label the proposed catch basins and update cross sections 1+50 and 3+00 right to indicate the missing catch basins based upon the latest design submitted.
- 10. Please provide a treatment swale detail in the project plan set for proper construction.
- 11. We recommend the Applicant address the following relative to the project drainage report:
 - A. Please update the riprap calculations to include the design information for the aprons at the pipe outlet from the detention basin outlet structure, the overflow apron shown at the detention basin, and the pipe outlet from CB41.
 - B. Please review and update the swale calculations to include R50 calculations for the project that are missing.

Memorandum - Tax Map 12 Lot 138

"Kestrel Estates" Subdivision Plan
115 Hovey Road
Owners: Diamond Edge Realty & Development, LLC
May 7, 2014
Page 3

- C. The 10 year pond analysis indicates the detention pond peak elevation of pond 30 is at elevation 418.93 which completely submerges the pipe inlet at elevation 415.50 from CB 31. We recommend the pipe inlet into the pond be revised to be at or above the peak elevation of the pond to maintain positive drainage flow into pond and as typically requested by the Town.
- D. Please review and update the pipe summary table to indicate the proper pipe sizes at CB33 -CB34 and CB40-CB34 consistent with the design.
- E. Please update the report to include a table of contents as required by the regulations.

Board Action Items:

1. The Applicant is requesting one (1) waiver to the Subdivision Regulations as noted in his letter dated April 17, 2014. The Board will need to consider the waiver under this application.

<u>MEMORANDUM</u>

To: Planning Board Date: May 7, 2014

From: Planning and Economic Development Re:

Department of Public Works & Engineering Stantec Consulting Services, Inc.

Applicant: Wallace Farm LLC

48 and 62 Perkins Road

Tax Map 16 Lots 1 & 3

Lot Line Adjustment Plan

The Dubay Group, Inc. submitted plans and supporting information for the above-referenced project. DRC and the Town's engineering consultant, Stantec Consulting Services Inc. reviewed the submitted plans and information, and review comments were forwarded to the Applicant's engineer. The Applicant submitted revised plans and information and we offer the following comments:

Checklist Items:

1. The Applicant has not provided driveway site distance plans in accordance with Section 3.09.F and Exhibit D2 or D3 of the regulations and item III.34 of the checklist. The Applicant has submitted a <u>waiver</u> for this requirement.

Design Review Items:

- 1. The existing conditions plan and site specific soils and HISS plan are at a scale of 1"=100' and do not comply with Section 4.01.c of the regulations requiring a maximum scale of 1"=40'. The Applicant has submitted a **waiver** for this requirement.
- 2. The Applicant shall update the cover sheet note m to indicate the number of bedrooms of the existing dwelling on each lot. In addition, please provide a signature for the indicated wetland certification on sheets 2 and 4.
- 3. We recommend the Applicant update the lot line adjustment plan sheet 3 to address the following:
 - A. Please provide the Owner signatures on the plan as applicable per Section 4.12.C.16 of the Regulations and update sheet 2 accordingly.
 - B. Please provide a wetland scientist professional endorsement and wetland delineation criteria on the plan in accordance with Section 4.12.C.15 of the Regulations.
- 4. We recommend the Applicant update the Site Specific Soils & HISS plan sheet 4 to address the following:
 - A. Please indicate the lot areas and setbacks in accordance with Section 4.17.A.3, 11 and 17 of the Regulations.
 - B. Please indicate the location of overhead utilities in accordance with Section 4.17.A.21 of the Regulations.
 - C. Please indicate the Benchmarks (1 per 5 acres min.) on the plans per Section 4.17.A.25 of the Regulations. Please update sheet 2 accordingly.

Memorandum - Tax Map 16 Lots 1 & 3 Lot Line Adjustment plan 48 and 62 Perkins Road Londonderry, NH Applicant: Wallace Farm, LLC. May 7, 2014 Page 2

- D. Please indicate the location, type, size and inverts (for gravity systems) of the existing water systems, existing sewer systems, existing drainage systems and existing utilities in accordance with Section 4.17.A.27 of the Regulations.
- 5. The indicated right of way along Perkins Road is less than 25 feet from the centerline of the existing pavement. We understand the Town typically requests a minimum 25 feet be provided along existing roads for future widening. We recommend the Applicant discuss this issue with the Town.
- 6. We recommend the Applicant obtain and address the DRC comments as applicable:
 - A. Please verify the comments of the Building Department are adequately addressed with the Department.
 - B. Please verify the comments of the Planning Department are adequately addressed with the Department.

Board Action Items:

The Applicant is requesting two (2) waivers to the Subdivision Regulations as noted in a letter dated May 6, 2014. The Board will need to consider each waiver under this application.

Board Informational Items:

1. The project is associated with a separate site plan application upon new lot 3.

