### LONDONDERRY, NH PLANNING BOARD

## MINUTES OF THE MEETING OF JUNE 12, 2013 AT THE MOOSE HILL COUNCIL CHAMBERS

1 2

Members Present: Art Rugg; Mary Soares; Laura El-Azem; Chris Davies; Rick Brideau, CNHA, Ex-Officio; John Laferriere, Ex-Officio; Scott Benson; Leitha Reilly, alternate member; Maria Newman, alternate member; Al Sypek, alternate member

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

A. Rugg called the meeting to order at 7 PM. He appointed L. Reilly to vote for Lynn Wiles.

#### **Administrative Board Work**

A. Regional Impact Determination- NeighborWorks Southern New Hampshire

C. May stated that NeighborWorks Southern New Hampshire is proposing a site plan on Map 12, Proposed Lot 12-59-4, a subdivision plan that would subdivide the proposed lot off of existing lot 59-3, and an amended site plan for the existing and ongoing Whittemore Estates development on the remainder of lot 59-3. She said that staff recommends that this is not a development of regional impact under RSA 36:56, as it does not meet any of the regional impact guidelines suggested by Southern NH Planning Commission (SNHPC).

M. Soares made a motion to accept Staff's recommendation that the NeighborWorks development is not one of regional impact. L. El-Azem seconded the motion. No discussion. Vote on the motion: 8-0-0.

B. Plans to Sign – Hickory Woods Subdivision, Map 2 Lots 27 and 27-1, 304 and 314 Nashua Road

J. Trottier said all precedent conditions for approval have been met and that staff recommends signing the plans.

M. Soares made a motion to authorize the Chair and Assistant Secretary to sign the plans. L. El-Azem seconded the motion. No discussion. Vote on the motion: 8-0-0.

The subdivision plans were signed after the conclusion of the meeting.

C. Discussions with Town Staff

C. May stated that on June 3<sup>rd</sup>, Staff submitted an application for a TIGER V grant for the Pettengill Road area. A response from the U.S. Department of Transportation (DOT) could be expected sometime early in the fall of 2013.

Because this construction would fall within what is designated a rural area, the Town was allowed to submit the grant application without having any existing matching funds. Letters of support were garnered from the entire U.S. Congressional delegation, Governor Hassan, the State DOT, the Manchester-Boston Regional Airport Director and several area businesses.

#### **Public Hearings**

 A. Pillsbury Realty Development, LLC, Map 10, Lots 15, 23, 29C-2A, 29C-2B, 41, 41-1, 41-2, 42, 45, 46, 47, 48, 50, 52, 54-1, 57, 58, 59, and 62 – Application Acceptance and Public Hearing for formal review of the Woodmont Commons Planned Unit Development (PUD) Master Plan [Continued on June 5, 2013 to June 12, 2013].

Attorney Ari Pollack of Gallagher, Callahan & Gartrell, representing applicant/developer Mike Kettenbach, stated that because the Fiscal Impact Analysis and Development Agreement the applicant intended to present at this meeting are still undergoing peer review, the applicant is requesting a continuation to June 26, 2013. At that time, the Woodmont Commons Development Team expects to present the aforementioned documents. A final draft of the PUD Master Plan may also be available at that meeting for Board members. On July 10, the Team hopes to present that draft to the public. A. Rugg noted that the most recent extension of the 65-day approval period per RSA 676:4 will expire on July 10, 2013, however the applicant has the ability to request a further continuance if needed.

A. Rugg said he would entertain a motion to continue the Public Hearing to June 26, 2013 following public comment related to a presentation made by resident Jack Falvey.

#### Other Business

#### A. Presentation by resident Jack Falvey

Jack Falvey, 22 Cortland Drive, presented a brief video made in the 1970's as part of an attempt by residents to promote industrial development in the Manchester Airport area (now the Manchester-Boston Regional Airport). This was followed by a PowerPoint presentation associated with a request to preserve a specific portion of the proposed Woodmont Commons development in its present state. The proposed "Apple Way Park" would remain a decorative orchard located on the 19 acres known as subareas WC-4 and WC-5 within the Woodmont Commons PUD Master Plan. Prior to the video and slide show, J. Falvey made introductory comments (see paragraphs 1 through 4 of Attachment #1), as well as additional comments in between and after the visual presentations. See Attachment #1 for the complete text associated with the presentation. See Attachment #2 for the PowerPoint presentation.

A. Rugg announced that resident Bob Lievens had contacted him the week of June 3, speaking with him in person as well as by email and text. B. Lievens said he had asked J. Falvey to remove his family's name from the presentation

to be made before the Board. He expressed to A. Rugg that he did not want his family's name to be associated with J. Falvey or his presentation.

A. Rugg entertained Staff input. There was none.

A. Rugg entertained Board input. Aside from L. Reilly receiving clarification about the location of the proposed Apple Way Park, there were no further comments or questions.

A. Rugg asked for public input.

Questions and comments from the public were as follows:

1. M. Speltz, 18 Sugarplum Lane, stated that the area included in the proposed Apple Way Park contains the prime agricultural soils he has brought to the Board's attention on several occasions to request their preservation. Preserving the apple orchard per J. Falvey's request, he said, would be an additional reason to conserve that land.

2. M. Speltz asked when third party consultant comments and the PUD Master Plan draft would be presented to the public. A. Rugg reiterated A. Pollack's comments that the Fiscal Impact Analysis and Development Agreement are scheduled for discussion on June 26. Beyond that, it is not known exactly when recommendations from the Town's consultant and the draft PUD Master Plan will be brought before the public.

3. M. Speltz noted that a detailed list of the exceptions to be requested by the applicant from the Town's zoning ordinance, site plan regulations and subdivision regulations will most likely be a significant document. Because of this, he requested that an adequate amount of time be given between its submittal and subsequent public discussion (i.e. more than the week that has typically been given between submittals and associated public hearings).

4. Jeffrey Smith, 21 Devonshire Lane, asked that if Apple Way Park is preserved, the two curb cuts previously depicted for that area by the applicant be removed so as to leave the orchard buffer intact. J. Falvey noted that his intent is for the proposed Apple Way Park to remain as it is now, in its entirety.

5. J. Smith noted that the aquifer that feeds the wells in the area lies under a portion of Woodmont Commons and expressed concern that any dredging done for the proposed pond in subarea WC-3 could impact water quality.

6. Joe Maggio, Cortland Drive, conveyed concerns about additional traffic that would be brought to Gilcreast Road by the development. He asked if the Board has the authority to disagree with the applicant's assertions about traffic impacts. A. Rugg stated that the Traffic Impact Analysis (TIA) performed and paid for by the applicant is scientifically based and has been reviewed by the Town's consultant. While the Board does have the

authority to disagree with its results, A. Rugg said the Board would have to present evidence to that effect.

7. Ed Ferreira, 15 Lancaster Drive, also expressed concern over traffic and speeds currently used on Gilcreast Drive.

8. Matt Stoller, 15 Cortland Drive, stated the same concerns about traffic on Gilcreast Road, adding that the Board should consider public input and personal knowledge along with the applicant's TIA. While he acknowledged the applicant's right to develop the land, he expressed concern over the impact to the quality of life of the abutters. J. Falvey's proposed Apple Way Park, he stated, offers mitigation to the concerns voiced about traffic on Gilcreast Road, especially if the two curb cuts previously presented are eliminated in the process. He also inquired about effects to abutters from any blasting to be done. A. Rugg replied that the developer must follow Town regulations concerning blasting, including a pre-blast survey for immediate abutters.

 9. Ray Adams, 22 Devonshire, stated he agreed with the concerns of his neighbors and inquired about the Board's voting process. A. Rugg explained that a majority of Board members must be in agreement for a motion to pass and that the individual votes for and against are part of the public record. He said that at this point, there is no assumption that every Board member is thoroughly familiar with all of the material presented at the numerous public hearings held for Woodmont Commons. When the Board is prepared to vote on the matter, however, that will be confirmed. The Board, he added, will continue to work with the applicant to ensure the PUD Master Plan is reviewed with due diligence, making any adjustments needed regarding the 65-day review clock to provide the time deemed necessary for a complete review.

10. Ann Chiampa, 28 Wedgewood Drive, thanked J. Falvey for his presentation and thanked the Board for hearing it. She requested that both the applicant and the Board keep the abutters to Woodmont Commons in mind during the PUD Master Plan process.

11. A. Chiampa asked if the three rows of Apple Trees previously presented along Gilcreast and Harvey Roads are still part of the plan. A. Rugg said that could not be confirmed since those on the Woodmont Commons Development Team with that knowledge were not present at this meeting.

Emails from the following residents were also read into the record at their request (see Attachment #3):

- 1. Ken McLoon, 19 Kitt Lane
- 2. Ray Adams, 22 Devonshire
- 3. Walter and Marilyn Stocks, 39 Gordon Drive
- 4. Jason Phelps, 66 Hovey Road
- 5. John Ouellette and Constance Nicolosi, 9 Lancaster Drive

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2	There was no further public comment.
3	M 0
4	M. Soares made a motion to continue the Woodmont Commons PUD
5	Public Hearing to the June 26, 2013 Planning Board meeting. R.
6	Brideau seconded the motion. No discussion. Vote on the motion,
7	8-0-0.
8	A Diversi atota di that the any lella ha aviere for the Mandreau Commerce DID
9	A. Rugg stated that the public hearing for the Woodmont Commons PUD
10	Master Plan was continued to June 26, 2013 at 7PM.
11	Other Business
12 13	Other Business
14	There was no other business.
15	There was no other business.
16	Adjournment:
17	Adjournment.
18	M. Soares made a motion to adjourn the meeting. R. Brideau seconded
19	the motion. Vote on the motion: 8-0-0.
20	
21	The meeting adjourned at 8:03 PM.
22	
23	These minutes prepared by Jaye Trottier, Associate Planner
24	
25	Respectfully Submitted,
26	
27	
28	
29	Laura El-Azem, Assistant Secretary

# Jack Falvey PP text June 12, 2012 Planing Board Londonderry New Hampshire

Over the years many smart people served and built Londonderry. They left us a legacy. It is our job to leave a legacy for those who follow in service to our town.

I'd like to share a few minutes of what others did so that we can put in perspective what we are about to do.

When trying to get industry to come to our airport area we needed a promotional industrial video. The airport generates a large percentage of our revenue today so this unconventional approach worked. At the time this was made Woodmont Orchards was our town's largest taxpayer. Today Granite Ridge Power Station in the airport area carries that honor.

With no budget we asked everyone to send in their best slides. We made duplicates and returned the originals. We lined them up by season and I was able to get my administrative assistant at Gillette to play Londonderry Aires and sync the show. I have DVD copies for each member of the Planning Board.

Video show.

I was told when I first came here that I-93 was destined to go through Chester and that Bill Lievens worked to bring it west to us with its two interstate exits.

One acre zoning had just passed in order to receive all those coming up the interstate. The 12 school houses in Londonderry became Central School now Mathew Thornton. We passed building codes so that a septic system could no longer be a 55 gallon drum buried in a yard.

All this is not ancient history. It is the ongoing process we are involved in here tonight.

#### First slide:

One challenge faced was residential growth supported by farm roads. That is also with us here tonight.

We are adding to that challenge a new high density residential model to be supported on the same 100 year old road system.

#### Second slide:

I mentioned Bill Lievens bring in I-93, and being the largest tax payer for many years. He also served as a selectman, school board member, planning board member and founded and chaired the LHRA which he helped fund personally and which built our airport industrial tax base.

We have a great deal to thank him for and the clock tower at the High School is dedicated to him for good reason. It was paid for out of funds he generated.

I have great respect for his legacy.

Slide three:

Market basket is of course a food store, but it is also Londonderry's largest youth training program hiring students from both here and Derry and employing many senior citizens.

We should be very pleased that such a good corporate citizen is our applicant tonight.

Our task is not to transform Londonderry, but rather to blend our legacy with new development.

When John Griffin decided to leave the corporate world and go into business he converted his home back into its original use and opened Plumbers Tavern. It never prospered. It was not torn down and made into a fast food corner lot location even though that was a possibility for that high traffic location. Next came the William Greg House. When it fell on hard times the building was considered for office condos. Fortunately the Homestead arrived. And now we have the Coach Stop.

Even though stage coaches don't stop there any more we have a bit of our heritage somehow preserved. (At least on the surface.)

Slide four:

That is the proposal I would ask you to put on the table tonight.

Consider having 19 of the 600 acres you are considering for redevelopment preserved as Apple Way Park. Londonderry was awarded a \$50.000.00 federal grant to create Apple Way. It proceeded along Gilcreast Road when it was designated in the 1980 ies.

Dedicating 3% of our first PUD to preserving a representation of our legacy is a reasonable request.

Slide five:

!0,000 plus trees are to be cut down for this development. I would ask you to Keep 609 trees standing in Apple way Park.

Final Slide.

Can I answer any questions from the board members?



Planning Board Meeting Minutes - June 12, 2013 - Attachment #2



The apple and the automobile



The apple and the automobile High density and country living



The Lievens' Legacy



The Lievens' Legacy
Market Basket's contribution



The Lievens' Legacy
Market Basket's contribution
The Coach Stop



Preserve the park



Preserve the park 19 acres of 600 plus



Preserve the park 19 acres of 600 plus The 3% solution needs resolution



10,000 apple trees will come down



10,000 apple trees will come down Vote to keep the Apple Way



10,000 apple trees will come down Vote to keep the Apple Way Make this condition #1



## Planning Board Meeting Minutes - June 12, 2013 - Attachment #3

#### **Art Rugg**

From:

kmcloonjr@aol.com

Sent:

Sunday, June 09, 2013 7:51 AM

To: Subject: Art Rugg Woodmont

Arthur,

Getting up before 5 AM requires bed before 9 PM, so attending meetings that drag on late is not possible. I also have the feeling that my views won't change anything anyway. It appears Jack is pushing more for a park along Gilcreast than anything else, and that is fine, but what about the other neighborhoods like mine that will be compromised?

I suggest you and the PB consider Wildlife Corridors to buffer the old from the new. Without them, we will no longer see deer, turkey, fox, or any other wild animal that has lived in the area for thousands of years.

Just my opinion, and if stated via e-mail, or in person at a meeting, it won't change a thing. Ken McLoon
19 Kitt Lane
Londonderry NH
603 434 7085

From:

heyray7@aol.com

Sent:

Sunday, June 09, 2013 5:37 PM

To:

Art Rugg

Subject:

Fwd: The voice of Londonderry.

Hi Art,

I am appealing to you as the Chairman of the Planning Board, regarding the Woodmont Development plans in Londonderry. This email below sums up my feelings towards the new potential development, and looks to a deeper issue...how we citizens look at Londonderry not only currently, but in the future. I absolutely get the fact that the Applicant gets certain rights as the owner of the land, but so should all of our long time taxpayers. If almost 1500 new units go in, with potentially over 5,000 new residents, we might as well just change the name of our Town, because it will no longer feel like Londonderry. I realize there is a lot of pressure on the Planning Board to draw the fine line between the long time taxpayers, and the rights of the Applicant, but there should be a common ground. Whether it's with the traffic study, which seems far off the mark, or other contingencies, such as impact on schools, police, fire, ecology, ect., I feel the applicant wants the green light for everything first, then, "we'll figure it out later", when it could hurt our Town in the long run. I am also hoping Jack Falvey can get on the first part of the program this Wednesday night, June 12th. I have seen Jack's proposal, and there is nothing libelous in it...he deserves this opportunity....especially after the hours and hours of boring powerpoints we have sat through by the Applicant!

Sincerely,

Ray Adams

22 Devonshire Lane

Londonderry

-----Original Message----From: Jack < <u>Jack@Falvey.org</u>>
To: Falvey Jack < <u>Jack@Falvey.org</u>>
Sent: Sat, Jun 8, 2013 8:13 pm
Subject: Fw: The voice of Londonderry.

#### Et al:

Beyond petitions there are deep feelings for Londonderry and our way of life. I sincerely hope that our Planning Board will read this and not merely count heads at meetings or only listen to the team of voices that are hired to speak for hours on end to their side of the question. Because I've put myself out there for neighbors, many others whom I don't know and never met send emails like this and ask not to have their names broadcast to hundreds of others. They don't speak at meetings because television scares them. I can fully understand this and once again I hope those that have volunteered to represent us all on the Planning Board will go the extra mile for those who are not at their meetings.

This is not atypical of what I have been hearing for two years:

I have lived in Londonderry for 20 some years, Longer than I have lived anywhere else. I moved here from the Boston area to escape the rampant development and Liberalism of MA. We

know how that has creeped up, don't we?? :)

Three or four years ago there was a plan in the works to develop the horse farm near me. I believe the land was sold and the developer wanted to construct housing units and light retail. The details escape me right now but one of my neighbors had the tenacity and the financial resources to hire a lawyer who uncovered a hidden caveat in the plan, I think it included some sort of food/restaurant place that would not have been in line with his proposal. Anyway, tor that reason the construction never went forward and I remain eternally grateful to my neighbors for exposing this. I can still sit on my porch on a weekend morning and have coffee while watching the horses graze.

I don't have much, a cape on an acre of land, but it is precious to me. I like that I have nice supermarkets (did we really need a third?) near me, and a friendly hardware store, Benson's obviously. I hated to see the horse farm on Buttrick get demolished to make room for the Elliot clinic. And did we really need that CVS and Walgreen's?? Ah, but I ramble. Time for another cup of coffee and a gaze at the horses:)

Regards,
Jack
MakingTheNumbers.Com 603.432.5715
22 Cortland Drive
World Headquarters
Londonderry, New Hampshire 03053
USA

From:

walterstocks39@comcast.net

Sent:

Monday, June 10, 2013 11:43 AM

To:

Art Ruga

Cc:

mjws2000@comcast.net; lynnbwiles@myfairpoint.net; lelazem@hotmail.com; Chris

davies nh; chemchief@comcast.net; RBrideau@londonderrynh.org;

tfreda@londonderrynh.org; laferrij@myfairpoint.net; Reanew2@comcast.net; sbenson@bensonslumber.com; leithareilly@hotmail.com; jack@Falvey.org

**Subject:** 

**Woodmont Commons** 

#### Londonderry Planning Board Members,

The developer of this project has the right to develop his land but this project will be a city inside a town. We would rather see single family housing with 1 acre minimum lots.

40,000 to 50,000 additional vehicles a day from this project will create a traffic nightmare for the citizens of Londonderry.

In our opinion, the taxpayers of Londonderry will end up paying for all the needed improvements and additional costs associated with this project.

It will create more schools, police, firemen, town personnel, town vehicles, improved town buildings, improved existing roads, repaired existing roads damaged by construction vehicles, more and improved infrastructure. etc.

We will have to put up with construction noise from this project for 20 years. Our quiet neighborhoods will be turned into construction zones.

We think the taxpayers of Londonderry should have a binding vote on whether they want Woodmont Commons or not.

It should not be just left to the planning board to decide this important issue that will effect all the citizens of Londonderry.

Please read this ENTIRE letter into the minutes of your June 12, 2013 meeting during the discussion on Woodmont Commons.

Thank you, Walter & Marilyn Stocks 39 Gordon Dr Londonderry, NH 03053

From:

Jason Phelps <jasonphelps@yahoo.com>

Sent:

Wednesday, June 12, 2013 7:46 AM

То:

Art Rugg

Subject:

**Woodmont Commons** 

Dear Planning Board Members,

I have been paying attention to the process surrounding the submission and approval of the plan for the Woodmont Commons project. In my heart of hearts I would love for this development not to go forward because living so close (I live on the southern end of Hovey just outside the areas that have been shown in many of the Woodmont Commons plans/maps) I know I will be directly and adversely impacted both during and after the project. But, progress and development do have a place here and rather than fighting the project overall I am more interested in how the town and and the Planning Board are going to asses and mitigate the impact to the surrounding areas, abutters and the resultant spend on infrastructure that we will all likely have to bear.

Hovey Road like all of the adjoining streets has no sidewalks and no streetlights. Hovey Road is already a cut through to get between 102 & 28 from several directions and as a result we see a good deal of traffic all the time. This traffic has increased in the 12 years I have lived on Hovey Road. I like to walk in my neighborhood which consists of Hovey, Wedgewood, Gordon, Kitt and Spring roads with my dog, and who wouldn't Londonderry is beautiful after all. Because of the existing volume of traffic and recklessness of drivers who drive well above the speed limit those walks can dangerous. With more cars coming down my road from Woodmont Commons I am genuinely fearful that the danger will only increase to the point that I will be disinclined to walk in my own neighborhood. Furthermore if there is traffic south of where I live that is only going to serve to frustrate drivers who will want nothing but to get moving as quick as possible and may not be respectful of the residential neighborhood that has been here for quite some time. So what should the Town of Londonderry do?

One concern I haven't seen addressed anywhere, but it may have been, is air quality. Does anyone think the air quality of the area in and around the project is going to stay the way it is after 600 acres of trees and greenery are gone? This could be a significant issue for existing residents, something we won't be able to "fix" once the damage is done. How much green space is going to be needed to balance or lessen the impact of this project on the air?

My other high order concern is taxes. What is the tax position of the development as it is currently envisioned? Does it pay for itself and not put stress on residents who otherwise may see no direct benefit from the project or worse yet will bear a degradation of quality of life in their neighborhood that abuts the new development? I can't afford to subsidize the commercial interests of the developer on this project. If infrastructure in needed in the project space or along the adjoining areas the cost MUST be extracted from the project.

Please read this letter in its entirety into the minutes of the June 12th meeting.

Sincerely,

Jason Phelps 66 Hovey Road

## Londonderry, NH 03053

Cancer Sucks, Fight Back!

We are here, we are fighting and we will win. We must have HOPE!

Jason Phelps
Londonderry, NH USA
jasonphelps@yahoo.com
http://www.ancientfirewines.com/-- Check out my food and wine blog!!
WineMaker Magazine Contributor - http://www.winemakermag.com/blogs

From:

Bud Bird <bud.bird@yahoo.com>

Sent:

Wednesday, June 12, 2013 3:07 PM

To:

Art Rugg

Subject:

Fw: WOODMONT COMMONS

---- Forwarded Message -----

From: Bud Bird < bud.bird@yahoo.com>

To: "Arther Rugg@vrtx.com" < Arther Rugg@vrtx.com>

Sent: Wednesday, June 12, 2013 8:32 AM

Subject: WOODMONT COMMONS

#### **DEAR CHAIRMAN:**

WE ARE SENDING THIS LETTER TO YOU TO LET YOU KNOW THE PROJECT YOU ARE PROPOSING WILL AFFECT OUR NEIGHBORHOOD AND WHOLE COMMUNITY IN A NEGATIVE WAY. WE HAVE TO ACCESS GILCREST BY CORTLAND MANY TIMES EVERYDAY, AT CERTAIN TIMES OF THE DAY HEADING NORTH IS QUITE DIFFICULT BECAUSE OF THE HEAVY TRAFFIC. IF THE PROJECT ADDS TWO MORE ROADS TO GILCREST THE PROBLEM WILL BE MAGNIFIED. I KNOW FOR SURE THAT THE PLANNING BOARD MEMBERS HAVE NO REGARD FOR THE RESIDENCE OF OUR NEIGHBORHOOD, IF YOU LIVED HERE YOU WOULD NEVER SUPPORT THIS PROJECT. WE HAVE OWNED THREE PROPERTIES IN LONDONDERRY SINCE 2000. WE HAVE SEEN ALOT OF DEVELOPMENT GO ON, SOME GOOD AND SOME NOT SO GOOD. WOODMONT COMMONS IS BAD FOR LONDONDERRY. WE WOULD LIKE YOU TO SHARE THIS LETTER WITH ALL AT THE MEETING TONITE.

JOHN OUELLETTE CONSTANCE NICOLOSI 9 LANCASTER DRIVE LONDONDERRY, NH 432-4889