

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF JANUARY 11, 2012 AT THE MOOSE HILL**
3 **COUNCIL CHAMBERS**
4

5 Members Present: Art Rugg; Lynn Wiles; Laura El-Azem; Chris Davies;
6 Tom Freda, Ex-Officio; Rick Brideau, CNHA, Ex-Officio; Dana Coons, Scott
7 Benson, alternate member; Leitha Reilly, alternate member; Maria
8 Newman, alternate member
9

10 Also Present: André Garron, AICP; Cynthia May, ASLA; John Trottier, P.E.;
11 Libby Canuel, Community Development Secretary
12

13 A. Rugg called the meeting to order at 7 PM and appointed S. Benson to
14 vote for M. Soares.
15

16 **Administrative Board Work**
17

18 A. The Planning Board will discuss the Sub-Committee review of proposals
19 and the selection of consultant teams to interview for 3rd party
20 Planning and Engineering Review Services per RSA 676:4b for the
21 proposed Woodmont Commons Planned Unit Development (PUD)
22 Master Plan as part of a quality based selection process.
23

24 A. Rugg began by thanking the Sub-Committee members (L. Reilly, M.
25 Soares, S. Benson, and R. Brideau) for their efforts.
26

27 A. Garron reported that ten proposals were received in response to the
28 Request for Proposals (RFP) for third party Planning and Engineering
29 Review Services for Woodmont Commons. The RFP Sub-Committee of
30 the Planning Board met on January 10 to review all ten proposals and
31 make a recommendation of firms to interview. Sub-Committee Chair L.
32 Reilly stated that despite the brief period between the advertising of the
33 RFP and the January 4 deadline, the Sub-Committee considered all ten
34 proposals to be representative of the requirements outlined. She
35 explained that members used a weighted scorecard to rate the
36 submissions in six categories: Experience and Personnel (40%); Project
37 Approach (15%); Knowledge or Innovative Land Use Technique (25%);
38 Proposal Format and Quality (10%); and Responsiveness to the RFP
39 (10%). Each proposal was discussed in detail, after which members
40 were allowed to amend any of their scores during a brief recess. Results
41 were then tallied to reflect two outcomes; one with the four Sub-
42 Committee member's scores alone and then a second adding a fifth
43 review comprised of staff's combined scores. Staff's input thus

accounted for only 20% of the second outcome. The rankings revealed after the break were as follows:

PROPOSAL TEAM	Sub-Committee			PB Only Rankings	Town Staff	
	PB Total Score	PB & Staff Combined Ranking	# of Reviewers		Staff Total Score	Staff Only Rankings
Brown Walker Planners, Inc.	6.6	9	5	9	6.46	9
Devine Millimet & Branch, PA	7.9	6	5	5	7.49	7
Fougere Planning & Development, Inc.	7.3	8	5	8	7.01	8
Hawk Planning Resources LLC	8.2	3	5	3	7.74	5
Howard/Stein-Hudson Associates, Inc.	8.9	1	5	1	8.52	1
Nitsch Engineering	7.8	7	5	7	7.89	4
Provan & Lorber Inc.	5.7	10	5	10	5.41	10
Resource Systems Group, Inc.	8.5	2	5	2	8.14	3
Shook Kelley	8.1	4	5	4	7.65	6
Stantec Consulting Services Inc.	8.0	5	5	6	8.43	2
		*				

(* Interview Recommendations are Based on the Total Rankings of the 4 Planning Board Sub-Committee Members Combined with a Staff Ranking Representing 20% of the Score)

Following further discussion of the Sub-Committee, the four highest ranking firms were chosen to be recommended to the Planning Board for interviews on January 17, i.e. Howard/Stein-Hudson Associates, Inc.; Resource Systems Group, Inc.; Hawk Planning Resources LLC; and Shook Kelley. By comparison to the rest, all four were considered to have more relevant experience, professionals and team leaders with better qualifications for a project of this scope, and a stronger sense of the Planning Board's expectations. C. May noted the effort of the Sub-Committee to thoroughly review the pros and cons of all ten proposals. She reported that staff's collective views consistently echoed those of the Sub-Committee. L. Reilly thanked the two members of the public who were also present at the January 10 meeting; J. Michels of 11 Nutfield Drive and representative for the applicant, and Laura Aronson of 38 Boyd Road. Both commented on the proposals and the resulting discussions. (A. Rugg noted that entertaining comments at a public meeting such as the one on January 10 is at the discretion of the Board,

1 Commission, or Committee holding the meeting, whereas it is an
2 inherent part of any public *hearing*).

3
4 A. Rugg asked for input from the Board. D. Coons asked whether the
5 affiliation with a Market Basket related project noted in Resource
6 Systems Group's proposal was a conflict of interest, given the applicant's
7 ties to the company. L. Reilly replied that the issue was raised at the
8 meeting and that her assessment of their relative experience was not
9 influenced by that fact. J. Trottier clarified that in that situation,
10 Resource Systems Group was working for the Town of Seabrook as a
11 consultant, not for Market Basket. This was verified by Dirk Grotenhuis
12 of Resource Systems Group who stated his company has never worked
13 directly for Market Basket. Other Board members commented on the
14 thoroughness of the Sub-Committee's work and the consistency of the
15 results between those of the members and staff.

16
17 **D. Coons made a motion to accept the Woodmont RFP Sub-**
18 **Committee's recommendation to invite Hawk Planning Resources**
19 **LLC; Howard/Stein-Hudson Associates, Inc.; Resource Systems**
20 **Group, Inc.; and Shook Kelley for formal interviews with the Sub-**
21 **Committee regarding third party review of the Woodmont**
22 **Commons project. R. Brideau seconded the motion. No**
23 **discussion. Vote on the motion: 8-0-0.**

24
25 **Other Business**

26
27 A. Impact Fee Discussion

28
29 A. Garron provided the Board with an overview of the Impact Fee
30 Program as the first step in the process of maintaining the program's
31 efficiency. Town Counsel has specifically advised that the Route 102
32 and Route 28 traffic impact fees be revised to address only those parts
33 of State roads that intersect with town roads. Recalculation of those
34 fees based on this would better align them with State statutes. Prior
35 legal counsel had made different interpretations and recommendations,
36 resulting in the current impact fee that addresses entire segments of the
37 State roads beyond the town intersections.

38
39 A. Garron stated that the impact fee program was voted in at Town
40 Meeting in 1994 and included fees associated with the Fire Department,
41 Police Department, Schools, Library, Recreation, and traffic. Those
42 related to Fire, Police, Recreation, and Library are typically reviewed by
43 the Board every four to five years, the last assessment taking place in
44 2006. He explained that a consultant would need to be hired to analyze
45 those fees and make recommendations on their current relevance.

1 Staff, however, will bring their suggestions to the Board in February
2 regarding the Route 28 Impact Fee, followed by the Route 102 Impact
3 Fee in March. At that point, a timeline will be proposed to address the
4 remaining fees.

5
6 In November of last year, the Board was asked by staff whether the
7 Litchfield Road/Route 128 Corridor Impact Fee program should be
8 continued. The program began in 1997 with the Planning Board's review
9 of the impacts on that intersection associated with the proposed Victory
10 Baptist Church and other contributing parcels within the rational nexus.
11 The total cost of the improvements totaled \$2,094,000, \$1.8 million of
12 which was the Town's share. Of that amount, \$1.3 million was paid
13 through a NH Department of Transportation grant. The Town
14 appropriated \$641,059 towards its responsibility for one third of that
15 grant. In doing so, the Town paid for \$236,219 of the private sector's
16 \$293,160 share. If the Town is reimbursed by the private sector, those
17 monies will be used to offset the cost the Town paid for the developer.
18 Now that the improvements have been completed, staff is asking the
19 Board whether the private share should be collected or if the program
20 should be considered complete. A. Rugg asked if staff anticipated any
21 further impacts to that area. A. Garron replied that the aforementioned
22 contributing parcels could generate significant projects, noting a prior
23 proposal for a 200+ unit affordable housing development on Stonehenge
24 Road.

25
26 A. Rugg asked for input from the Board. M. Newman asked and A.
27 Garron confirmed that the Town has fulfilled its duty in encumbering the
28 funds needed within the six year limit requirement of the zoning
29 ordinance. L. Wiles asked if administrative costs associated with the
30 continuation of this program outweigh the amount of money to be
31 collected. A. Garron did not know definitively, but did not expect
32 administrative costs would be significant. D. Coons stated his
33 preference to consider the program complete. He said the Baptist
34 Church did not generate the level of the traffic anticipated, the Airport
35 Access Road has brought more traffic to the Litchfield/High Range Road
36 intersection instead, and the improvements made to Litchfield and Route
37 128 benefit the entire town, not just those in the immediate area. T.
38 Freda agreed. C. Davies argued that the program should remain in
39 place since the cost was divided between the public and private sectors
40 based on their relative benefit. He added that remaining properties in
41 that area could still contribute to the private sector's outstanding share.
42 L. Reilly agreed with C. Davies and asked A. Garron if there are similar
43 situations where private sector funds are still due. A. Garron replied
44 that the Library was built with Town funds, including the portion
45 attributed to growth, thus the private sector share has not been paid

1 and the impact fee is still in place. D. Coons asserted that the town and
2 its demographics have changed since 1997 and reiterated that other
3 areas outside the rational nexus have as much impact on this
4 intersection as those within it. A. Rugg explained that the Town's
5 impact fee ordinance has to follow the enabling legislation of RSA
6 674:21. Prior to that, he said, traffic impact fees were based on case
7 law, most of which includes the rational nexus concept. He then asked
8 for a vote from the Board. L. El-Azem asked to abstain from the vote,
9 citing that she is a member of St. Jude's Parish which hopes to build a
10 new facility in that area. The consensus of the Board was to allow her to
11 abstain.

12
13 **R. Brideau made a motion to continue the Litchfield Road/Route**
14 **128 Traffic Impact Fee program. L. Wiles seconded the motion.**
15

16 T. Freda questioned the inclusion of student enrollment in the calculation
17 of School Impact Fees. Enrollment, he explained, has declined over the
18 last eight to ten years, yet the School budget has continued to increase.
19 Capacity at the schools is such that a certain level of growth would not
20 negatively impact resources. A. Garron replied that when impact fees
21 are reviewed with the aid of a consultant as stated earlier, those kind of
22 methodologies will be examined in the light of these and other
23 conditions.

24
25 A. Rugg called for a vote on the motion. **Vote on the motion: 6-1-1**
26 **with D. Coons in opposition and L. El-Azem abstaining.**
27

28 A. Garron mentioned that he received an email from David Preece,
29 Executive Director of Southern New Hampshire Planning Commission,
30 regarding Senate Bill 291 which would seek to establish requirements
31 for impact fees collected by municipalities for the construction of or
32 improvements to State highways. Under RSA 674:21(V)(j), the
33 following paragraph would be added:
34

35 "Impact fees imposed upon development and collected
36 by municipalities for construction of or improvements
37 to a State highway within the municipality shall be used
38 only for improvement costs that are related to the
39 capital needs created by the development. Such
40 improvements may include items such as, but not
41 limited to, traffic signals and signage, turning lanes,
42 additional travel lanes, and guardrails. No such
43 improvement shall be constructed or installed without
44 approval of the State Department of Transportation
45 and in no event shall impact fees be used for any

1 improvements to roads, bridges, or interchanges that
2 are part of the Interstate highway system.”

3
4 A. Garron asked for the Board’s input. A. Rugg asked A. Garron to email
5 the information to the Board so they could review it in greater detail.
6 The Board can revisit the issue at their January 19 prior to the hearing
7 regarding the bill scheduled for January 26.

8
9 A. Rugg stated that at the next Planning Board meeting on January 19,
10 the Board will entertain recommendations from the Woodmont RFP Sub-
11 Committee regarding the selection of a third party consultant. The Sub-
12 Committee will hold their interviews on January 17.

13
14 L. Wiles asked if the developer of Woodmont Commons had recently
15 made a presentation to the Southern New Hampshire Planning
16 Commission (SNHPC). A. Garron explained that when the Planning
17 Board made a determination that the project would be of regional
18 impact under the guidelines suggested by SNHPC, a copy of the
19 submission was sent to them. They subsequently asked for a meeting
20 with the applicant to present an overview of the project. That meeting
21 was scheduled, but then cancelled by a representative of the applicant,
22 stating that a presentation would be premature until the Planning Board
23 officially accepts the application as complete.

24
25 **Adjournment:**

26
27 **D. Coons made a motion to adjourn the meeting. L. Wiles seconded**
28 **the motion. Vote on the motion: 8-0-0.** Meeting adjourned at 8:06
29 PM.

30
31 These minutes prepared by Jaye Trottier and Libby Canuel, Community
32 Development Secretaries.

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34
35
36 Respectfully Submitted,

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38
39
40 Lynn Wiles, Secretary