

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

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

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

12 A. Rugg called the meeting to order at 7 PM. He appointed L. Reilly to vote for
13 Dana Coons and M. Newman to vote for Chris Davies.
14

15 **Continued Plans**
16

17 A. Pillsbury Realty Development, LLC, Map 10, Lots 15, 23, 29C-2A, 29C-2B, 41,
18 41-1, 41-2, 42, 45, 46, 47, 48, 50, 52, 54-1, 58, 59, and 62 – Application
19 Acceptance and Public Hearing for formal review of the Woodmont Commons
20 Planned Unit Development (PUD) Master Plan **[Continued from the June 6,**
21 **2012 Planning Board Meeting for Application Acceptance.]**
22

23 A Rugg read a request for a 30-day continuance that was received on July 10
24 into the record [see Attachment #1].
25

26 **M. Soares made a motion to continue the Application Acceptance and**
27 **Public Hearing for formal review of the Woodmont Commons Planned**
28 **Unit Development (PUD) Master Plan to September 5, 2012 at 7pm. L.**
29 **Wiles seconded the motion.** A. Rugg noted that the Town Attorney has
30 requested that no discussion or comments be entertained. **Vote on the**
31 **motion: 9-0-0.**
32

33 The hearing will be continued to September 5, 2012 at 7PM. A. Rugg said this
34 will be the only public notice.
35

36 **Administrative Board Work**
37

38 A. Plans for Signature – Coach Stop Restaurant, Bond Building Hospitality, Ltd.
39 (Owner), Map 6 Lot 72-1, 176 Mammoth Road.
40

41 J. Trottier stated that this request to build a second floor dining area and deck
42 addition to the southeast corner of the Coach Stop Restaurant was
43 conditionally approved by the Administrative Review Committee on June 15,
44 2012. He said all precedent conditions for approval have been met and the
45 staff recommends signing the plans.
46

47 **M. Soares made a motion to authorize the Chair and Secretary to sign**
48 **the plans. L. Wiles seconded the motion.** No discussion. **Vote on the**

1 **motion: 9-0-0.** A. Rugg said the plans will be signed at the conclusion of the
2 meeting.

3
4 B. Approval of Minutes – June 6, 2012; June 13, 2012

5
6 **M. Soares made a motion to approve and sign the minutes from the**
7 **June 6, 2012 meeting. L. Wiles seconded the motion.** No discussion.
8 **Vote on the motion: 8-0-1.** (L. Wiles abstained because he was absent from
9 the June 6, 2012 meeting).

10
11 **M. Soares made a motion to approve and sign the minutes from the**
12 **June 13, 2012 meeting. L. Wiles seconded the motion.** No discussion.
13 **Vote on the motion: 8-0-1.** (M. Soares abstained because she was absent
14 from the June 13, 2012 meeting).

15
16 Minutes for June 6, 2012 and June 13, 2012 were approved and will be signed
17 at the conclusion of the meeting.

18
19 C. Regional Impact Determinations – Wire Belt Company of America, Map 28 Lot
20 31-30; Continental Paving, Inc., Map 2 Lots 36 & 36-6; The Nevins Retirement
21 Cooperative Association, Map 7 Lot 122

22
23 C. May stated that Wire Belt Company of America is proposing an expansion of
24 an existing manufacturing facility with associated site improvements on Map
25 28, Lot 31-30 (154 Harvey Road). She said that staff recommends this project
26 is not a development of regional impact, as it does not meet any of the
27 regional impact guidelines suggested by Southern NH Planning Commission
28 (SNHPC).

29
30 **M. Soares made a motion to accept staff recommendations that this**
31 **project is determined not to be of regional impact under RSA 36:56. L.**
32 **Wiles seconded the motion.** No discussion. **Vote on the motion: 9-0-0.**

33
34 C. May stated that Continental Paving is proposing to relocate an existing fuel
35 pump at 1 Continental Drive (Map 2 Lot 36-6) and construct a new fuel island
36 area approximately 670 feet to the north at the same business on 5 West Road
37 (Map 2 Lot 36). She said that while the lot borders Hudson and Litchfield, the
38 potential impact to them is very minor. As it does not meet the remaining
39 regional impact guidelines suggested by Southern NH Planning Commission
40 (SNHPC), staff recommends this project is not a development of regional
41 impact. Both the Towns of Hudson and Litchfield were notified about the
42 request.

43 **M. Soares made a motion to accept staff recommendations that this**
44 **project is determined not to be of regional impact under RSA 36:56. L.**
45 **Wiles seconded the motion.** No discussion. **Vote on the motion: 9-0-0.**

46
47 C. May stated that the Nevins Retirement Cooperative Association is proposing
48 to rezone the portion Tax Map 7-122 that is currently in the Commercial I (C-I)
49 zone to the Multi-Family Residential (R-III) zoning that covers the remainder of

1 the parcel. Staff recommends this project is not a development of regional
2 impact, as it does not meet any of the regional impact guidelines suggested by
3 Southern NH Planning Commission (SNHPC).
4

5 **M. Soares made a motion to accept staff recommendations that this**
6 **project is determined not to be of regional impact under RSA 36:56. L.**
7 **Wiles seconded the motion. No discussion. Vote on the motion: 9-0-0.**
8

9 D. Possible amendment to the sign ordinance
10

11 Kathy Wagner of the Londonderry Commerce and Visitors Center stated that
12 after soliciting input from Londonderry businesses, she has concluded many
13 retail businesses in particular are hindered by the town's temporary sign
14 ordinance. Currently, commercial and industrial businesses are afforded two
15 temporary signs per year with a permit, each for 30 calendar days. Allowing
16 them the ability to have a permanent A-frame style sign would provide better
17 opportunities to make special announcements to potential customers and
18 increase business. She suggested basic standards such as the signs not being
19 handmade, not exceeding a particular square footage (e.g. maximum 36" x
20 48"), and only being displayed during business hours. Senior Building
21 Inspector Richard Canuel stated his support for a change to the ordinance
22 (within specific parameters), particularly since enforcing the two 30-day
23 allowances for every business in town is difficult at best. J. Laferriere
24 suggested that if the ordinance is changed, a permit and associated fee replace
25 the permit currently required to offset the lost revenue and also to ensure
26 business owners are conforming to any specific criteria adopted. R. Canuel will
27 provide the Board with figures regarding the typical revenue stream under the
28 current regulations (i.e. \$31 per temporary sign). He added that the A-frame
29 style of temporary sign could simply be made an exception from the present
30 ordinance, while those others defined (e.g. trailer signs, banners, etc.) could
31 remain restricted as they are today. A. Rugg said the Planning Board has the
32 authority to make a recommendation regarding fees, but that the issue would
33 be the purview of the Town Council. M. Newman recommended the revised
34 ordinance include wording to preclude any offensive language. A. Rugg noted
35 that first amendment rights would need to be carefully considered in that
36 instance. The consensus was to have A. Garron, C. May, and R. Canuel draft
37 an ordinance to present at a workshop session of the Planning Board.
38

39 E. Discussions with Town Staff
40

- 41 • Update on the Master Plan
42

43 Master Plan Steering Committee Chair L. Reilly reported that the
44 Committee met on June 27 and were joined via telephone by Matt
45 Noonkester of consultant Town Planning and Urban Design Collaborative
46 (TPUDC). Some members expressed the desire to have more
47 quantifiable data culled from the responses to the open ended questions
48 of the phone survey performed earlier this year. Upon closer analysis
49 after the June 27 meeting, it was determined that the 137 page report
50 supplied by the UNH Survey Center contained such information and L.

1 Reilly felt confident the information should satisfy the requests of those
2 members. Adoption of the survey results should therefore occur soon.
3 The six-day Planapalooza event, she stated, was very successful in that
4 it accumulated a variety of perspectives and input from residents and
5 other interested parties, providing significant feedback for TPUDC.
6 Including the April kickoff event, close to 400 members of the public
7 participated. A first draft of the Master Plan is scheduled to be available
8 by July 18. L. Reilly encouraged Planning Board members to review the
9 document and forward comments to staff and/or MPSC members. This
10 initial draft and subsequent iterations will be available for public review
11 as well. A final public workshop will take place on October 23 to give
12 residents a chance to comment before a final version is generated. M.
13 Soares asked if the October 23 date could be changed since the School
14 Board will be meeting that night. L. Reilly responded that the
15 Committee would explore the possibility, but noted the need to
16 coordinate many individual schedules to do so. TPUDC expects to
17 present a final product to the Planning Board by November 14. C. May
18 stated that the final document will be somewhat different from previous
19 Master Plan documents, most notably because of the writing style and
20 the use of infographics which will make the document easier to process.
21 L. Reilly added that while the style may demand less effort on the part of
22 the reader, the document will not lack for information. A. Garron said
23 that the goal is to encourage the public to read a document that is
24 traditionally less engaging to the average layperson.

- 25
- 26 • Amendment to Planning Board Rules of Procedure
- 27

28 At their June 13 meeting, the Planning Board approved the following
29 amendment to Section 6.4 its Rules of Procedure:

30 **Previous wording:**

31 *6.4. The Town staff will present any comments or recommendations to*
32 *the Board.*
33

34 **Wording approved June 13, 2012:**

35 *6.4 The Town Staff will present any comments or recommendations to*
36 *the Board and may do so orally or in writing. With the consent of the*
37 *applicant(s), the applicant(s) may waive any or all of the public reading*
38 *by Staff of its comments or recommendations. Notwithstanding any*
39 *waiver of public reading, Staff's written comments or recommendations*
40 *shall be entered into the record of the hearing and the minutes of the*
41 *meeting. Copies of any such comments or recommendations shall be*
42 *furnished to any member of the public so requesting.*
43

44 A. Garron noted that he has since added an "Appendix A" to
45 acknowledge the amendments made to the document (see Attachment
46 #2). A. Rugg stated that the appendix itself would not require a public
47 hearing or a vote on the part of the Board since it is not a change to the
48 rules themselves. A. Rugg and L. Wiles will sign the revised Rules of
49 Procedure at the conclusion of the meeting.

1
2 • Economic Revitalization Zone

3
4 A. Garron stated that per the request of the Town Council, an application
5 was submitted to the Department of Resource and Economic
6 Development for a second Economic Revitalization Zone (ERZ) in
7 Londonderry. He announced that the applicant has been approved for
8 the area west of I-93 near exit 5 and northeast of Route 28 (i.e. the
9 Jack's Bridge Road area). Businesses that either build or expand in the
10 ERZ can deduct a percentage of their enterprise tax (up to \$40,000 in
11 one year and up to \$200,000 over five years) related to the cost of both
12 the new infrastructure and the creation of associated jobs.

13 • Correction regarding June 13, 2012 conceptual discussion of a proposed
14 multi-family 25 housing project under the Town of Londonderry's
15 Inclusionary Housing 26 Ordinance at 62 Perkins Road, Map 16 Lot 3.

16
17 During this conceptual discussion at the June 13 meeting, the applicant's
18 representative indicated that the Planning Board has the ability to waive
19 a portion of the developer's impact fees. A. Garron confirmed for Board
20 members at this meeting that under RSA 674:58 "...where it can be
21 shown to the satisfaction of the Planning Board that the workforce
22 housing would be maintained with the appropriate restrictions for a
23 period of least 40 years, [the applicant] may apply for a waiver of
24 impact fees for said units." T. Freda added for the record that following
25 the conceptual discussion, he discovered his employer is the brother of
26 the applicant, Mr. Monahan. He will therefore recuse himself from any
27 further discussions pertaining to that project. A. Rugg noted that since
28 the discussion on June 13 was done on a conceptual basis, no conflict of
29 interest had taken place.

30 **New Plans**

31
32 A. Wire Belt Company of America, Map 28 Lot 31-30 – Application Acceptance
33 and Public Hearing for formal review of a site plan application for the proposed
34 expansion of an existing manufacturing facility with associated site
35 improvements at 154 Harvey Road, Zoned Ind-II.

36
37 J. Trottier stated that there were no checklist items, and staff recommended
38 the application be accepted as complete.

39
40 **M. Soares made a motion to accept the application as complete. L.**
41 **Wiles seconded the motion. No discussion. Vote on the motion: 9-0-0.**
42 The application was accepted as complete.

43
44 A. Rugg mentioned that this starts the 65 day time frame under RSA 676:4.

45
46 Jeff Merritt of Keach-Nordstrom Associates was joined by architect Dennis
47 Mires, Scott Whitney of Sullivan Construction, and property owner David Greer.
48 He stated that the 6 acre Industrial-II parcel has a single curb cut off of Harvey

1 Road, although the lot also has frontage on Technology Drive to the north. The
2 existing 35,000 sq. ft. building includes approximately 3,200 sq. ft of office
3 space, but is comprised mainly of light manufacturing to produce stainless steel
4 belts for other industries. Parking exists on all sides of the building except on
5 the northern end and deliveries are made on the south side of the building.
6

7 The proposal is to construct a 12,212 sq. ft. addition on the west side of the
8 building, 5,683 sq. ft. of which will be designated for light manufacturing and
9 the remaining to be new office area. What is currently office space will be
10 converted to manufacturing. D. Mires noted that the geometry of the building
11 has been altered to make the front of the building parallel with Harvey Road,
12 which will present the structure more effectively to visitors entering both the
13 building as well as the overall site. He also reviewed the design of the
14 structure and its "green" features. J. Merritt explained that parking will need
15 to be relocated and expanded on the southwest corner of the lot. This will shift
16 the existing driveway to the south approximately 30 feet. An existing
17 detention pond south of the loading area would be expanded to accommodate
18 the addition. A treatment swale would run around the south and east
19 perimeter of the parking lot to treat runoff before entering the proposed
20 stormwater management basin which itself will be upgraded to meet Town
21 standards. Landscaping will occur both within the new parking area as well as
22 around its perimeter. J. Merritt reviewed the lighting plan as well.
23

24 J. Trottier read the two design review items into the record from the Staff
25 Recommendation memo. A. Garron thanked the applicant for remaining and
26 expanding in Londonderry.
27

28 A. Rugg asked for input from the Board. The consensus was that the proposal
29 would be a significant improvement and Board members also thanked the
30 applicant for choosing to continue to do business in town.
31

32 A. Rugg asked for input from the public. There was none.
33

34 J. Trottier stated that staff recommends conditional approval of the application
35 based on the information submitted to date and with the Notice of Decision to
36 read as indicated in the staff recommendation dated July 11, 2012.
37

38 M. Soares made a motion to conditionally approve the site plan with the
39 following conditions:
40

41 "Applicant", herein, refers to the property owner, business owner, or
42 organization submitting this application and to his/its agents, successors, and
43 assigns.
44

45 **PRECEDENT CONDITIONS**

46

47 All of the precedent conditions below must be met by the applicant, at the
48 expense of the applicant, prior to certification of the plans by the Planning

1 Board. Certification of the plans is required prior to commencement of any site
 2 work, any construction on the site or issuance of a building permit.

- 3
- 4 1. The Applicant shall obtain an updated Londonderry Sewer Discharge Permit
 5 and note the updated number in note 24 of the cover sheet and provide a
 6 copy to the Planning Division for their file.
- 7
- 8 2. The proposed riprap apron at the existing 12" RCP pipe outlet into the
 9 revised detention basin shall be extended to the bottom of the basin.
- 10
- 11 3. Trip Generation: Trips were generated using the seventh edition of the ITE
 12 Trip Generation manual rather than the current eighth edition. While it is
 13 not anticipated that the results will change, the Applicant shall update the
 14 trip generation calculations and description using the current eighth edition.
- 15
- 16 4. The Town has recently requested that project traffic analyses include trip
 17 distribution to the NH Route 28 and/or NH Route 102 corridors. The
 18 Applicant shall include the trip distribution to Route 28 (graphically) in the
 19 report as typically requested by the Town.
- 20
- 21 5. The Applicant shall revise the traffic report, incorporating all the comments
 22 into a complete report and submit it to the Planning Department for the
 23 Town's file. The revised, updated, and complete traffic report shall be
 24 stamped by a professional engineer licensed in New Hampshire as required
 25 by the regulations.
- 26
- 27 6. The Applicant shall provide a digital (electronic) copy of the complete final
 28 plan sent to the Town at the time of signature by the Board in accordance
 29 with Section 2.05.n of the regulations.
- 30
- 31 7. Outside consultant's fees shall be paid within 30 days of conditional site
 32 plan approval.
- 33
- 34 8. Financial guaranty if necessary.
- 35
- 36 9. Final engineering review
- 37

38 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
 39 certified the approval is considered final. If these conditions are not met within
 40 **120 days** to the day of the meeting at which the Planning Board grants
 41 conditional approval the board's approval will be considered to have lapsed and
 42 re-submission of the application will be required. See RSA 674:39 on vesting.

43
 44 **GENERAL AND SUBSEQUENT CONDITIONS**

45
 46 All of the conditions below are attached to this approval.

- 47
- 48 1. **No construction or site work for the amended site plan may be**
 49 **undertaken until the pre-construction meeting with Town staff has**
 50 **taken place, filing of an NPDES-EPA Permit and the site restoration**

1 **financial guaranty is in place with the Town.** Contact the Department
2 of Public Works to arrange for this meeting.

3
4 2. The project must be built and executed exactly as specified in the approved
5 application package unless modifications are approved by the Planning
6 Division & Department of Public Works, or if staff deems applicable, the
7 Planning Board.

8
9 3. All of the documentation submitted in the application package by the
10 applicant and any requirements imposed by other agencies are part of this
11 approval unless otherwise updated, revised, clarified in some manner, or
12 superseded in full or in part. In the case of conflicting information between
13 documents, the most recent documentation and this notice herein shall
14 generally be determining.

15
16 4. All site improvements must be completed prior to the issuance of a
17 certificate of occupancy. In accordance with Section 6.01.d of the Site Plan
18 Regulations, in circumstances that prevent landscaping to be completed
19 (due to weather conditions or other unique circumstance), the Building
20 Division may issue a certificate of occupancy prior to the completion of
21 landscaping improvements, if agreed upon by the Planning Division & Public
22 Works Department, when a financial guaranty (see forms available from the
23 Public Works Department) and agreement to complete improvements are
24 placed with the Town. The landscaping shall be completed within 6 months
25 from the issuance of the certificate of occupancy, or the Town shall utilize
26 the financial guaranty to contract out the work to complete the
27 improvements as stipulated in the agreement to complete landscaping
28 improvements. **No other improvements shall be permitted to use a**
29 **financial guaranty for their completion for purposes of receiving a**
30 **certificate of occupancy.**

31
32 5. As built site plans must to be submitted to the Public Works Department
33 prior to the release of the applicant's financial guaranty.

34
35 6. All required Traffic, Police, and Fire impact fees must be paid prior to the
36 issuance of a Certificate of Occupancy.

37
38 7. It is the responsibility of the applicant to obtain all other local, state, and
39 federal permits, licenses, and approvals which may be required as part of
40 this project (that were not received prior to certification of the plans).
41 Contact the Building Division at extension 115 regarding building permits.

42
43 **L. Wiles seconded the motion.** No discussion. **Vote on the motion: 9-0-**
44 **0.** The plan was conditionally approved.

45
46 B. Continental Paving, Inc., Map 2 Lots 36 & 36-6 – Application Acceptance and
47 Public Hearing for formal review of a proposed site plan application to relocate
48 an existing fuel pump at 1 Continental Drive (Map 2 Lot 36-6) and construct a
49 new fuel island area approximately 670 feet to the north at the same business
50 on 5 West Road (Map 2 Lot 36), Zoned Ind-I.

1
2 J. Trottier stated there are four outstanding checklist items, all of which are
3 waiver requests. Assuming the Board grants the waivers, staff recommends
4 the application be accepted as complete.

5
6 1. The Applicant is requesting a waiver to Section 3.09. The Applicant has
7 not provided a landscape design in the plan set as required by the
8 regulations. Staff recommends **granting** the waiver, as the proposed
9 relocated fuel island is a replacement to an existing fuel area and the
10 relocated fuel island will be located in an existing area of the industrial
11 site that is currently being used.

12
13 2. The Applicant is requesting a waiver to Section 3.14 and 4.17. The
14 Applicant has not provided a traffic impact analysis required by the
15 regulations. Staff recommends **granting** the waiver, as there is no
16 change proposed to the existing traffic utilizing the site. This proposal is
17 to relocate the existing fuel island within the existing site.

18
19 3. The Applicant is requesting a waiver to Section 4.12.a. & b. The
20 Applicant has not provided the boundary of the entire lot as required by
21 the regulations. Staff recommends **granting** the waiver, as there is a
22 boundary plan for lot 36 on file with the Town and has been referenced
23 in the notes on the plan.

24
25 4. The Applicant is requesting a waiver to Section 4.12.c. The Applicant
26 has not provided the topography of the entire lot as required by the
27 regulations. Staff recommends **granting** the waiver, as topography has
28 been provided of the area to be impacted by the proposed relocation of
29 the fuel island and this is the only section of the site where construction
30 is being proposed.

31
32 **M. Soares made a motion to grant the four waivers. L. Wiles seconded**
33 **the motion. No discussion. Vote on the motion, 9-0-0.** The four waivers
34 were granted.

35
36 **M. Soares made a motion to accept the application as complete.**
37 **L. Wiles seconded the motion. No discussion. Vote on the motion: 9-**
38 **0-0.** The application was accepted as complete.

39
40 A. Rugg mentioned that this starts the 65 day time frame under RSA 676:4.

41
42 Engineer Robert Davison of Hayner-Swanson explained that the existing
43 underground fuel tank, being at least 20 years old, has met its life expectancy
44 and needs to be removed. In doing so, the applicant is proposing to relocate
45 the entire fueling facility from lot 36-6 to lot 36. This will result in not only the
46 addition of a canopy and four fuel islands, but also greater efficiency for truck
47 movement through the site and improved environmental safety. No changes
48 will occur to the overall operation of the site or to traffic. The small increase in
49 impervious surface poses no significant impact on the exiting stormwater

1 management system. Natural vegetation provides screening of the site from
2 West Road. Approval of the design has been obtained from the NH
3 Department of Environmental Services who will also perform inspections during
4 the project. The Heritage Commission has approved the canopy design.
5

6 John Trottier read the precedent conditions into the record from the Staff
7 Recommendation memo. He stated that staff recommends conditional
8 approval of the application with the Notice of Decision to read as indicated in
9 the staff recommendation dated July 11, 2012.
10

11 C. May read the two waivers into the record from the Staff Recommendation
12 memo:
13

- 14 1. The Applicant is requesting a waiver to Section 4.01.c. The Applicant
15 has not provided overview plans at the required scale. Staff
16 recommends **granting** the waiver, as the scale provided allows for the
17 entire parcel to be shown on one sheet and all other plans are at the
18 required scale.
19
- 20 2. The Applicant is requesting a waiver to Exhibit 3. The Applicant has not
21 provided the application fee based on the area of the entire parcel.
22 Staff recommends **granting** the waiver, as it is consistent with past
23 Board practice of allowing a reduced fee based on the area of
24 disturbance for projects located on large parcels.
25

26 A. Rugg asked for any other input from staff. A. Garron thanked the applicant
27 for expanding their facility in Londonderry.
28

29 A. Rugg asked for input from the Board. R. Brideau confirmed that the area
30 where the existing tank is will be repaved once the tank is removed. M. Soares
31 inquired about groundwater testing. Mark Charbonneau of Continental Paving
32 replied that water is tested because of the adjacent quarry and that reports are
33 filed annually with the Town. Extensive monitoring of the tanks takes place
34 regularly as well. M. Soares also asked if the height of the trees is greater
35 than that of the proposed canopy. M. Charbonneau believed that was the case.
36 L. Wiles asked if the size of the tank would increase. M. Charbonneau
37 explained that the current 20,000 gallon diesel tank and smaller off-road diesel
38 tank would be replaced by a 20,000 diesel fuel tank, a 20,000 off-road diesel
39 fuel tank, and a 10,000 gallon diesel exhaust fluid (DEF) tank. The latter is for
40 environmental purposes to reduce truck exhaust emissions.
41

42 A. Rugg referred to an email he received from resident Vinnie Curro, 103 High
43 Range Road, citing concerning possible enforcement issues in relation to a
44 previously approved site plan for this operation. A. Rugg said that would be an
45 enforcement issue to address with the Senior Building Inspector.
46

47 A. Rugg asked for public input. There was none.
48

49 **M. Soares made a motion to grant the two waivers based on the**
50 **applicant's letter and staff recommendation. L. Wiles seconded the**

1 **motion.** No discussion. **Vote on the motion: 9-0-0.** The two waivers were
2 granted.

3
4 **M. Soares made a motion to conditionally approve the site plan with**
5 **the following conditions:**

6
7 "Applicant", herein, refers to the property owner, business owner, or
8 organization submitting this application and to his/its agents, successors, and
9 assigns.

10
11 **PRECEDENT CONDITIONS**

12
13 All of the precedent conditions below must be met by the applicant, at the
14 expense of the applicant, prior to certification of the plans by the Planning
15 Board. Certification of the plans is required prior to commencement of any site
16 work, any construction on the site or issuance of a building permit.

- 17
18 1. The Applicant shall revise the title block of all appropriate sheets and
19 note 1 on sheet 1 to indicate lot 36-6 vs. 36-2.
20
21 2. The Applicant shall add the New Hampshire Department of Environmental
22 Services underground storage tank approval number to note 10.a on
23 sheet 1.
24
25 3. Note all waivers granted on the plan.
26
27 4. The Applicant shall provide a digital (electronic) copy of the complete
28 final plan sent to the Town at the time of signature by the Board in
29 accordance with Section 2.05.n of the regulations.
30
31 5. Outside consultant's fees shall be paid within 30 days of conditional site
32 plan approval.
33
34 6. Financial guaranty if necessary.
35
36 7. Final engineering review

37
38 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
39 certified the approval is considered final. If these conditions are not met within
40 **120 days** to the day of the meeting at which the Planning Board grants
41 conditional approval the board's approval will be considered to have lapsed
42 and re-submission of the application will be required. See RSA 674:39 on
43 vesting.

44
45 **GENERAL AND SUBSEQUENT CONDITIONS**

46
47 All of the conditions below are attached to this approval.

- 48
49 **1. No construction or site work for the amended site plan may be**
50 **undertaken until the pre-construction meeting with Town staff**

1 **has taken place, filing of an NPDES-EPA Permit and the site**
2 **restoration financial guaranty is in place with the Town.** Contact
3 the Department of Public Works to arrange for this meeting.
4

- 5 2. The project must be built and executed exactly as specified in the
6 approved application package unless modifications are approved by the
7 Planning Division & Department of Public Works, or if staff deems
8 applicable, the Planning Board.
9
- 10 3. All of the documentation submitted in the application package by the
11 applicant and any requirements imposed by other agencies are part of
12 this approval unless otherwise updated, revised, clarified in some
13 manner, or superseded in full or in part. In the case of conflicting
14 information between documents, the most recent documentation and
15 this notice herein shall generally be determining.
16
- 17 4. All site improvements must be completed prior to the issuance of a
18 certificate of occupancy. In accordance with Section 6.01.d of the Site
19 Plan Regulations, in circumstances that prevent landscaping to be
20 completed (due to weather conditions or other unique circumstance), the
21 Building Division may issue a certificate of occupancy prior to the
22 completion of landscaping improvements, if agreed upon by the Planning
23 Division & Public Works Department, when a financial guaranty (see
24 forms available from the Public Works Department) and agreement to
25 complete improvements are placed with the Town. The landscaping
26 shall be completed within 6 months from the issuance of the certificate
27 of occupancy, or the Town shall utilize the financial guaranty to contract
28 out the work to complete the improvements as stipulated in the
29 agreement to complete landscaping improvements. **No other**
30 **improvements shall be permitted to use a financial guaranty for**
31 **their completion for purposes of receiving a certificate of**
32 **occupancy.**
33
- 34 5. As built site plans must to be submitted to the Public Works Department
35 prior to the release of the applicant's financial guaranty.
36
- 37 6. All required Police and Fire impact fees must be paid prior to the issuance
38 of a Certificate of Occupancy.
39
- 40 7. It is the responsibility of the applicant to obtain all other local, state, and
41 federal permits, licenses, and approvals which may be required as part of
42 this project (that were not received prior to certification of the plans).
43 Contact the Building Division at extension 115 regarding building
44 permits.
45

46 **L. Wiles seconded the motion.** No discussion. **Vote on the motion: 9-0-**
47 **O.** The plan was conditionally approved.
48

49 **Public Hearings/Workshops/Conceptual Discussions**
50

1 A. The Nevins Retirement Cooperative Association, Map 7 Lot 122 – Public
2 Hearing to consider the applicant’s request to rezone a portion of the property
3 from Commercial I (C-I) to Multi-Family Residential (R-III), Zoned C-I and R-
4 III.
5

6 John Kalantzakos of Mesiti Development stated that when former lot 7-123 was
7 merged with the larger 7-122, the C-I zoning of 7-123 was not changed. The
8 request is to rezone that portion of 7-122 to R-III to match the rest of the
9 development.
10

11 A. Rugg asked for staff input. C. May explained that a condition of approval for
12 the 2008 site plan (to expand the Nevins development onto map and lot 7-123
13 with three additional homes) was that lot 7-123 be merged with 7-122.
14 Review by staff of the 2004 Master Plan did not reveal any specific
15 recommendations or guidance about zoning in this section of town and the
16 future zoning map has not been changed since that time. Rezoning to R-III
17 would make that portion consistent with the approved land use and would
18 preclude the possibility for a future proposal that might be considered a change
19 of use in that location. She said staff recommends the Board provide the Town
20 Council with a favorable recommendation to rezone the aforementioned portion
21 to R-III.
22

23 A. Rugg asked for input from the Board. L. Reilly asked about surrounding
24 zoning. C. May explained that while C-I zoning abuts 7-122 to the west, the
25 use on those lots on Mercury Drive and McAllister Drive is residential. A.
26 Garron noted that the abutting land to the northeast is designated as open
27 space under a conservation easement. A commercial warehouse and the Home
28 Depot/The 99 Restaurant/Staples lot are to the north and west of 7-122. L.
29 Wiles confirmed that the current C-I zoning would not have prevented the
30 three residences from being built and that there would be no change in tax
31 impact on those houses if the portion is rezoned. M. Soares asked if the plan
32 to build three residences could change. J. Kalantzakos said there are no plans
33 to amend that proposal.
34

35 A. Rugg asked for input from the public.
36

37 Christine Perez, a resident in the Nevins, stated that she initiated this process
38 to create consistency and prevent C-I related uses from becoming part of the
39 Nevins development. She relayed that Nevins owners who directly abut the
40 commercial portion are in favor of having it zoned residential.
41

42 **L. El-Azem made a motion to recommend the request to rezone the**
43 **portion of 7-122 that is Commercial- I to Multi-Family Residential to**
44 **the Town Council, as recommended by staff. L. Wiles seconded the**
45 **motion. No discussion. Vote on the motion: 9-0-0.** The recommendation
46 will be sent to Town Council.
47

48 **Other Business**
49

50 A. Discussion on a proposed commercial kennel ordinance.

1
2 At the May 2, 2012 Planning Board meeting, Senior Building Inspector/Zoning
3 Richard Canuel presented possible amendments to the zoning ordinance that
4 would address commercial dog kennels. Traditionally, dog kennels has been
5 treated as an agricultural/residential use. A recent proposal before the Zoning
6 Board of Adjustment for such a business presented the fact that the zoning
7 ordinance has no specific provisions for *commercial* dog kennels. Since the use
8 is not identified at all in the zoning ordinance Table of Uses, it is considered
9 prohibited. Although it could be deemed a kind of service establishment, R.
10 Canuel suggested it would not fit in the Commercial-I (C-I) or Commercial-II
11 (C-II) zones because the noise and odor associated with a kennel on that scale
12 would not mix well with such uses as, for example, a restaurant. He therefore
13 suggested placing the use in the Industrial-I (I-II) zone since the noise and
14 odors would have less of an impact on surroundings lots while kennel
15 customers would not have to visit an area of heavy manufacturing since I-I is
16 zoned for light manufacturing.

17
18 A. Rugg asked for staff input. C. May stated that through her research, the
19 issue has not been addressed very often in the New Hampshire. What
20 evidence she has found about defining the use and finding appropriate places
21 concurs with R. Canuel's suggestion. Once the appropriate zone is determined,
22 she said the next steps would be to define exactly what the use can entail, and
23 appropriate restrictions related to size, buffers, etc. She further suggested
24 that if a possibility arose in another area that is seen as a desirable
25 convenience (e.g. in the Gateway Business District), a Conditional Use Permit
26 could be put in place to address such an opportunity. A. Garron agreed, saying
27 that his research has shown that most towns treat kennels as a commercial or
28 industrial use and are typically allowed only by conditional use permit or as a
29 special exception to the ordinance.

30
31 A. Rugg asked for Board input. M. Newman advised that the Board be specific
32 in any definition with regard to dog breeding as opposed to a strict kennel use.
33 L. Wiles agreed, adding that strict regulations should be placed separately on
34 breeding businesses. If kennels were allowed in non-residential zones, he
35 stated his preference for there to be adequate buffers to residential areas to
36 mitigate noise and odor issues. When asked about breeding operations within
37 Londonderry, R. Canuel pointed out that they tend to be very small scale
38 compared to commercial kennels with younger dogs that do not make the
39 impacts a group of adult dogs would. M. Soares asked if there are limitations
40 on the number of dogs a resident may have. R. Canuel said there is no such
41 restriction. The overall consensus was that these initial steps were a
42 constructive start. R. Canuel said he would draft some language and present it
43 at a workshop session of the Planning Board.

44
45 B. Review of the draft RFP for 3rd party review of land development applications.
46

47 A. Rugg explained that several years ago, the Board and staff began
48 investigating means of streamlining the site & subdivision plan review process
49 which resulted in numerous regulation amendments. One that has yet to be

1 resolved is requesting bids for third party review. This would be done to keep
2 the process open and keep costs down through a competitive bidding scenario
3 without compromising the quality and standards of the Town. Stantec
4 Consulting Services currently performs third party review for the Town.

5 A. Garron reviewed a draft Request for Qualifications (see Attachment #3).
6 The first page provides the applicant with information about the type of
7 community Londonderry is. The Scope of Services on the following page was
8 based on templates recently used by the Towns of Bedford and Hudson while
9 the overall document is similar to those recently used by Londonderry for both
10 the Master Plan and Woodmont Commons Planned Unit Development. A.
11 Garron noted that the review time is being shortened from 30 calendar days to
12 15 business days. In addition to requiring engineering expertise and
13 knowledge of the Town's regulations and ordinances, further services will now
14 be required pertaining to planning, architecture, urban design/new urbanism,
15 and planned unit developments. Selections will be quality based as opposed to
16 the lowest bid. Once a short list of firms is created based on qualifications,
17 then the separately sealed bids will be opened and negotiations can begin. The
18 draft will be reviewed by the Town's legal counsel and A. Garron asked Board
19 members to submit their input via email to him or C. May. That feedback will
20 be compiled and the issue revisited at a meeting in August. A. Rugg suggested
21 a sub-committee of the Planning Board be formed to review the applications.

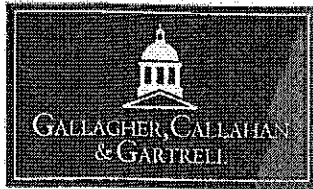
22 **Adjournment:**

23
24 **R. Brideau made a motion to adjourn the meeting. M. Soares seconded**
25 **the motion. Vote on the motion: 9-0-0.** Meeting adjourned at 8:58 PM.

26
27 These minutes prepared by Jaye Trottier and Libby Canuel, Community
28 Development Department Secretaries.

29
30
31
32 Respectfully Submitted,

33
34
35
36 Lynn Wiles, Secretary



ARI B. POLLACK
President
214 N. Main Street
P.O. Box 1415
Concord, NH 03302-1415

Ph: (603) 545-3630
Gen: (603) 228-1181
Fax: (603) 228-8396
pollack@gcglaw.com

July 10, 2012

Arthur Rugg, Chair
Londonderry Planning Board
268B Mammoth Road
Londonderry, NH 03053

Re: Woodmont Commons PUD Application

Dear Chairman Rugg:

On behalf of Pillsbury Realty Development, LLC, and the Woodmont Commons applicants (collectively, "Pillsbury"), I respectfully submit this request that consideration of the PUD Master Plan Application be continued until the Planning Board's regularly scheduled meeting on September 5, 2012. Pillsbury will use the additional time to further refine its submissions and will avoid the scheduling of a public hearing during the summer vacation season.

As Pillsbury is currently extended until the Planning Board's regular meeting on July 11, 2012, I trust the Board will act upon this request that evening.

Please let me know if you have any questions or need additional information.

Very truly yours,

A handwritten signature in black ink that reads "A.B. Pollack" followed by a long horizontal flourish.

Ari B. Pollack

ABP/red

cc: Michael Kettenbach
John Michels, Esq.

Appendix A

- I. Planning Board Rules of Procedure were adopted on March 1, 2006**
- II. Planning Board Rules of Procedures were amended on October 6, 2010**
 - a. **Section 2.3-** Alternate members should attend all meetings to familiarize themselves with the workings of the board to stand ready to serve whenever a regular member of the board is unable to fulfill his/her responsibilities. Alternate members shall participate in all meetings and deliberations of the board, excluding voting (unless appointed to vote in the place of a regular member as appointed at the meeting by the Chair).
 - b. **Section 8.2- ~~144 hours of~~ 5 business days after...**
- III. Planning Board Rules of Procedures were amended on June 13, 2012**
 - a. **Section 6.4-** The Town Staff will present any comments or recommendations to the Board and may do so orally or in writing. With the consent of the applicant(s), the applicant(s) may waive any or all of the public reading by Staff of its comments or recommendations. Notwithstanding any waiver of public reading, Staff's written comments or recommendations shall be entered into the record of the hearing and the minutes of the meeting. Copies of any such comments or recommendations shall be furnished to any member of the public so requesting.

Town of Londonderry, NH
Community Development Department

Request for Qualifications (RFQ)

The Town of Londonderry, New Hampshire, through its Community Development Department, is requesting the submittal of proposals from qualified civil engineering consulting firms to conduct review services for site plans and subdivision plans submitted to the Planning Board for consideration, as well as construction inspection services.

Background

The Town of Londonderry is among the top 10 fastest growing communities in the State of New Hampshire. As the fourth largest town, Londonderry (2010 Census population of 24,129) is a combination of a bedroom community to metro-areas of Boston and Manchester, NH, a co-host of Manchester-Boston Regional Airport, home of a school system recognized many times as superb, and a community replete with stone walls and white church steeples in addition to modern eco-industrial/business parks.

Formerly recognized as an agricultural community hosting a large concentration of family-owned apple orchards and farms, Londonderry has been carefully developing a mix of a traditional New England community with the assets and benefits of a vibrant business/industrial sector in order to achieve a balance, accented by the town's brand, "Business is good. Life is better."

Londonderry averages over 100,000 SF of non-residential development per year and a six year average of 26 residential units per year in Town.

SCOPE OF SERVICES:

The Town is interested in receiving proposals from multi-disciplined firms or joint ventures that can accommodate the wide range of planning and engineering expertise needed for a comprehensive review. The Town has professional Planning and Engineering staff and the Town is looking for firms to assist with the following specific service areas:

1. Review subdivision and site plans and other related projects including preparation of written reports setting forth compliance to municipal ordinances, checklists and to accepted planning and engineering design practice.
2. Participate in regular staff meetings to review comments on active or pending projects
3. The consultant shall provide a written technical review to the Community Development Department of said site plan or subdivision plan not more than fifteen (15) business days after receipt of said plan.
4. Written engineering reviews shall be transmitted in electronic format via e-mail to the Community Development Director, Public Works and Engineering and Engineering Director, Assistant Public Works and Engineering and Engineering Director and Town Planner
5. Provide recommendations of projects for such items as; surface drainage and runoff, storm-water permits, erosion and sediment control, soils, general engineering practice and design, street design and parking standards, sewer infrastructure, traffic and performance guarantee estimates.
6. The consultant shall have experience with planning, architecture, urban design, planned unit developments (PUD) including experience with new urbanism concepts.
7. Attend such Planning Board meetings and Development Review Committee meetings as requested by the Planning Board, Public Works and Engineering Director or Community Development Director.
8. Maintain all documents and other material related to the duties and function of the review consultant. Assist the Public Works and Engineering and Community Development Departments with the inspection of development projects.
9. Perform other related engineering services as directed.

The selected firm will be expected to compile a team of qualified professionals who can review site plans and subdivision plans on a regular basis and perform all other duties as defined under scope of services. The Town will expect the consultant to work with other Town consultants and staff as necessary. All

engineering reviews shall be completed by a registered professional engineer in the state of New Hampshire.

RFQ submittal material should include:

1. The name and address of the firm, name of primary contact person, and the names and addresses of all partners, officers, and directors, and any other person with an ownership interest greater than 5%.
2. Names of any Town officials or employees who are related to any of the partners, officials or directors of the firm, or have any ownership interest in the firm.
3. A brief resume of your firm's experience with respect to providing civil engineering plan reviews for municipalities. Include a list of recent projects reviewed and/or inspected. Key on last 5-years experience.
4. Briefly discuss your firm's capability with respect to addressing the following project review items: roadways, storm water, environmental, traffic signals, traffic impacts and mitigation, structural/geotechnical review, municipal and private utilities, planning, architecture, urban design, planned unit developments (PUD) including experience with new urbanism concepts, and compliance with state and federal regulations.
5. Documentation examples from previous review projects that encompass, at a minimum, the review of the roadway and stormwater management components of the project(s). Sample engineering review letters are acceptable documentation.
6. An overview of your firm's approach to performing design reviews, including review timetable.
7. Briefly discuss how your firm addresses the construction monitoring process, including both the management and field observation aspects (including level of monitoring effort required for various aspects of construction, materials testing, design changes, completion recommendations, etc.)
8. Documentation examples from previous projects. Please provide copies of key sample document(s) generated from the observation of construction of previous projects. These sample documents may include field reports, memos, testing reports, or any other type of document that your firm feels may be beneficial to the Board in the selection process.
9. Your firm's approach for addressing travel time for construction inspectors.

10. Names and descriptions of key personnel who will be responsible for conducting plan reviews as well as the point of contact, including registrations and certifications.
11. List of references from clients for whom you have provided engineering review services.
12. A statement confirming that your firm can accommodate the anticipated work load, which is variable.
13. A listing of all subcontractor firm names to be used for the project, such as traffic consultants or wetland scientists, if not on staff.
14. A statement advising the Town that the consultant will not be under current contract nor enter into contract with any project proponents, partners and associates who seeks to submit a site plan, subdivision plan or development application to the Town of Londonderry for consideration.
15. A fee schedule/ hourly rate for all personnel/positions who may be assigned to this contract. Also include any travel time rates in a separate sealed enveloped

Liability & Indemnification

The consultant will indemnify the Town against all suits, claims, judgments, awards, loss, cost or expense (including without limitation attorney fees) arising in any way out of the Consultant's performance or non-performance of its obligations under this Contract. Consultant will defend all such actions with counsel satisfactory to the Town at its own expense, including attorney's fees, and will satisfy any judgment rendered against the Town in such action.

Insurance Requirements

All Liability policies shall include the Town of Londonderry, NH named as an additional Insured.

The Consultant shall purchase and maintain, for the duration of the contract, insurance of limits and types specified below from an insurance company approved by the Town.

1. The Consultant's insurance shall be primary in the event of a loss.

2. The additional Insured endorsement must include language specifically stating that the entity is to be covered for all activities performed by, or on behalf of, the Consultant.
3. The Town of Londonderry, NH shall be listed as a Certificate Holder. The Town shall be identified as follows:

Town of Londonderry
Community Development Department
268 B Mammoth Road
Londonderry, NH 03053

Evidence of Insurance

As evidence of insurance coverage, the Town may, in lieu of actual policies, accept official written statements from the insurance companies certifying that all the insurance policies specified below are in force for the specific period. The Consultant shall submit evidence of insurance to the Owner at the time of execution of the Agreement. Written notice shall be given to the Town of Londonderry, NH at least thirty (30) days prior to the cancellation or non-renewal of such coverage.

Forms of Insurance

Insurance shall be in such form as will protect the Consultant from all claims and liability for damages for bodily injury, including accidental death, and for damage, which may arise from operations under this Contract whether such operation by himself or by anyone directly or indirectly employed by him.

Amounts of Insurance

- A. Comprehensive General Liability:
Bodily Injury or Property Damage - \$1,000,000
- B. Automobile and Truck Liability:
Bodily Injury or Property Damage - \$1,000,000
- C. Professional Liability:
Errors and Omissions - \$2,000,000

Additionally, the Consultant shall purchase and maintain the following types of insurance:

Full Workers Comprehensive Insurance Coverage for all people employed by the Consultant to perform work on the project. The insurance shall be in strict accordance with requirements of the current laws of the State of New Hampshire.

The Selection Process

Proposals will be reviewed using a Quality-Based Selection process. The Board, with recommendations from Staff, will evaluate each proposal based on the documentation requested herein.

Once the highest quality proposals have been identified, the staff will contact and schedule interviews with the selected firms with the Board. The Board will select the firm that best aligns with the scope of work, experience and evaluation and selection criteria contained in this RFQ.

Ten (10) copies of the proposals (and an electronic PDF version) are to be submitted to

Community Development Department
268 B Mammoth Road
Londonderry, NH 03053

All Proposals must be submitted **on or before** xxxx, 2012 at 12:00 PM. Each envelope must be clearly marked **“Town of Londonderry RFQ – Planning Board Professional Engineering Design Review and Inspection Services”** with the proposing firm’s name, address, and contact information. Each firm assumes the responsibility for ensuring the timely submittal of their proposal. This is not the responsibility of the Town.

The Town of Londonderry, NH reserves the right to reject any proposal for any reason it desires necessary to protect the interests of the Town.