LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF SEPTEMBER 7, 2011 AT THE MOOSE HILL COUNCIL CHAMBERS

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

Also Present: André Garron, AICP; John Trottier, P.E.; Libby Canuel, Community Development Secretary

A. Rugg called the meeting to order at 7 PM. He appointed L. Reilly to vote for Chris Davies and welcomed new alternate member Maria Newman. He also announced that D. Coons was appointed as a full member by the Town Council in August.

Administrative Board Work

A. Regional Impact Determination

A. Garron stated that Insight Technology is proposing a two lot subdivision on Map 28, Lot 31. He said that staff recommends that this project is not a development of regional impact, as it does not meet any of the regional impact guidelines suggested by Southern NH Planning Commission (SNHPC). D. Coons made a motion to accept staff recommendation that this project is determined not to be of regional impact under RSA 36:56. R. Brideau seconded the motion. No discussion. Vote on the motion: 9-0-0.

B. Dog Park Committee - Planning Board Appointment

T. Freda explained that this will be a 9-person committee charged with creating a report concerning the establishment of a dog park on Town owned land. He believed it would be a two year commitment.

M. Soares made a motion to appoint Scott Benson to Dog Park Committee. R. Brideau seconded the motion. No discussion. Vote on the motion: 9-0-0. Scott Benson is the Planning Board representative to the Dog Park Committee.

C. Notice of Lot Merger - Patricia Panciocco - Tax Map 7, Lots 7&8, 9&10

R. Brideau explained that lots 7 and 8 would be combined into one lot while lots 9 and 10 would be combined into a second lot. The purpose is to build a duplex on each. A variance was granted by the Zoning Board of Adjustment in July for a lack of road frontage.

D. Coons made a motion to grant the merger. R. Brideau seconded the motion. No discussion. Vote on the motion: 9-0-0. Merger granted.

D. Elliott at Londonderry- Phases IV & V-Approval Extension

A. Garron referenced the letter from Ken Rhodes, CLD Consulting Engineers, requesting a one year extension on behalf of Elliot Health Systems for the site plan approval that will expire on December 31, 2011.

Due to an issue of timing and a lack of "commitment of medical tenants," they are requesting a one year extension of the site plans. A. Garron said that staff is supportive of the request, as there have been no changes to ordinances or regulations impacting the project.

M. Soares made a motion to grant a one year extension to December 31, 2012. D. Coons seconded the motion. No discussion. Vote on the motion: 9-0-0. Extension for one year was granted.

E. Approval and Signing of Minutes - August 3 & 10, 2011

M. Soares made a motion to approve and sign the minutes from the August 3, 2011 meeting. L. Wiles seconded the motion. No discussion. Vote on the motion: 9-0-0.

L. Wiles made a motion to approve and sign the minutes from the August 10, 2011 meeting. R. Brideau seconded the motion. No discussion. Vote on the motion: 6-0-3 with M. Soares, L. Wiles, and L. Reilly abstaining as they did not attend the meeting.

Minutes for August 3, 2011 and August 10, 2011 meetings are approved and will be signed at the conclusion of the meeting.

F. Discussions with Town Staff

SNHPC Sustainable Communities Initiative Grant

 A. Garron introduced David Preece and Jack Munn of the SNHPC who were present to brief the Board on a potential Sustainable Communities Initiative Grant that is a collaboration of several communities in southern New Hampshire.

D. Preece explained that the Federal Housing and Urban Development Department (HUD) is offering a "Community Challenge Grant." J. Munn stated that \$70 million will be available nationwide for regional planning grants and \$30 million will be available for the Community Challenge Grants. One application will be submitted to HUD by the regional planning commissions for the regional grant on behalf of the 250 municipalities in NH to develop their own local sustainability plans as well as a statewide sustainability plan. If the timing is correct, this could aid in the updating of the Londonderry Master Plan. SNHPC is looking for participants for the Community Challenge Grant and Planning Boards in five communities

(Manchester, Goffstown, Litchfield, Merrimack, and Bedford) have already approved participation. Cooperating partners involved in three year project include the New Hampshire Department of Transportation (NH DOT), the Manchester-Boston Regional Airport, the Transit Authority, the Chamber of Commerce, the Goffstown Industrial Corporation, Anagnost Development Companies, and Neighborworks. The first year would focus on development of a sustainability plan for the "Metro Center Growth Corridor" in order to improve economic competitiveness, transportation access and connectivity, and overall quality of life in that area. In order to make participating municipalities proactive about the kind of development they want in the corridor, one of the main goals is to establish a shared vision. Another goal will be to raise public awareness via a social marketing consultant about the concept of sustainable development. The hope is to generate more mixed development, compact growth, affordable housing, redevelopment of structures and properties not currently being used. J. Munn reviewed the study area, centered on Manchester and including seven key transportation facilities in areas of both Rockingham and Hillsborough counties. He said that the corridor planning process will be a benefit to Londonderry as it will generate quidelines for the transportation corridors as well as improvements in infrastructure, safety, and energy efficiency. It could even provide funding for the Pettengill Road project. D. Preece said the second and third years would be spent developing innovative zoning initiatives (that communities would have the option to adopt) aimed at attracting developers. J. Munn stated that the grants will not be awarded until sometime next year. He added that the due date for applications, originally set for September 8, has been pushed back to September 16.

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A. Rugg asked what would be required of Londonderry. D. Preece said \$6,000 of in-kind services would be needed from the Planning and Economic Development Division over the three year period. L. El-Azem asked if staff would be able to commit the appropriate amount of time. A. Garron said that given the three year time period and that the soft match will primarily involve attendance of meetings, it should not be an issue. L. Reilly asked how funds would be distributed amongst the towns in terms of the projects they support if the grant was obtained. J. Munn said there will be an advisory committee made up of voting representatives from each town. L. Reilly asked A. Garron if the lack of infrastructure in the Pettengill Road area will affect the ability to expand that area. A. Garron replied that the overall improvement of transportation in the region would benefit Londonderry. L. Reilly also asked A. Garron about his level of enthusiasm for the project. A. Garron said he is always enthusiastic about alternate ways to extend the life of costly infrastructure projects such as the Pettengill Road area. J. Laferriere asked how the boundaries of the corridor were established. J. Munn said it was based on the key transportation areas and the communities surrounding them. Merrimack and Litchfield were included because of their participation in a SNHPC traffic study dealing with the Airport Access Road and Pettengill Road extension several years ago. J. Laferriere asked if those communities that are not conducive to mass transit, such as Bedford, have already been actively seeking the kind of improvement the grant is geared towards. D. Preece said that even though some communities may not support mass transit now, the population and development in this region are going to continue to increase. This study will afford those communities with the alternate transportation systems that will be needed for both people and material goods. J. Laferriere asked if the project would include commuter and freight rail service. D. Preece said it would. M. Soares asked for clarification that at the end of the three years, the plan itself will be implemented, not the projects themselves. J. Munn replied that by the end of the process, the partnerships, concepts, and zoning changes will be in place to promote the desired goals.

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A. Rugg entertained a motion to recommend Londonderry participate in the Sustainable Communities Initiative Grant. D. Coons so moved. R. Brideau seconded the motion. No discussion. Vote on the motion: 9-0-0.

Proposed Retail Motor Fuel Outlet, Brown Ave/Pettengill Manchester

A. Garron stated that at the July 13 Planning Board meeting, the Manchester Planning Department had requested input relative to a gas station/convenience store located on the corner of Brown Ave and the new Pettengill Road extension. Concerns expressed by the Board at the time (and shared by DOT) included a dual access driveway off the Pettengill Road extension that would allow drivers to make a left hand turn across a multilane highway. They recommended that the City of Manchester consult with NH DOT about the curb cut onto the new access road. Engineers Greenman-Pedersen, Inc. met with the City of Manchester and DOT and the outcome was to move the driveway on Pettengill Road 50 feet east (towards Londonderry) to enable an improved queue lane access and prevent a backup of traffic. In addition, a ten foot breakdown lane will be included in the area so that those making left hand turns onto the site can continue towards the intersection of the Airport Access and Pettengill Roads.

124-126 Rockingham Road-Traffic Impact Fees

At the August 3 Planning Board meeting, the Board conditionally approved a gas station/convenience store on the corner of Liberty Drive and Route 28. One of those conditions was payment of the impact fees associated with the project. The initial calculation of the impact fee, based on the per trip basis of the Route 28 eastern segment corridor plan, came to \$33,408. That calculation has since been found to be flawed (see Attachment #1). Some of the improvements originally identified in the Town's traffic plan are being performed by DOT, thus collection of an impact fee for those improvements is a moot point. Staff recommends that the impact fee be recalculated to \$9,919 for the project. Additionally, staff recommends that the Northeast Londonderry Sub-Area Study be amended to reflect the improvements being undertaken by DOT and that the cost allocation be amended on an interim basis until such time as a comprehensive update can be completed by the Board. A. Garron further stated that staff recommends there not be an impact fee system specifically for State roadway segments (i.e. a fee

system should still be in place for intersections with town roads). In order to approach the Town Council, he asked the Board for their support of the recommendations.

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A. Rugg asked for questions from the Board. L. Wiles asked if the impact fees can only be applied to Route 28 on the eastern side of I-93 since he felt Noyes Road was an intersection with Route 28 that would benefit from improvements. A. Garron confirmed that this particular study area only included the east side of Route 28 but that the western segment had also been recently updated and he believed it included that intersection. L. Reilly asked T. Freda and A. Garron if they saw any reason why the Town Council might not approve the recommendations. T. Freda said his opinion was that money should not be collected for work already being done by DOT.

A. Rugg entertained a motion stating that the Board agrees with staff's letter to the Board dated September 7, 2011. L. Wiles so moved. D. Coons seconded the motion. No discussion. Vote on the motion: 9-0-0.

Master Plan Subcommittee

A. Garron stated that the Master Plan Subcommittee met on August 18 and reviewed the Request for Proposals. Some modifications were made and the revised version will go before the full committee on September 28, along with a draft of the survey.

CIP Committee

R. Brideau said that the Capital Improvements Plan Committee had their first meeting and will meet again for a workshop next week.

NEW PLANS

A. Brook Hollow Corporation, Map 18, Lots 13-97 & 13-99 - Application Acceptance and Public Hearing for a 17 Lot Conservation Subdivision located on Hunter Mill Road and Manter Mill Road within the previously approved Mill Pond Subdivision

A. Garron stated that there were no checklist items, and staff recommended the application be accepted as complete.

D. Coons made a motion to accept the application as complete.
R. Brideau seconded the motion. No discussion. Vote on the motion: 9-0-0. Application accepted as complete.

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

 Brian Pratt of CLD Consulting Engineers presented the plan for a 17 lot subdivision, 16 of which will be building lots while the 17th will be an open space lot. When the overall Mill Pond subdivision was approved in 1998, the area in question was reserved for a future "Planned Residential Development" which is now known as a Conservation Subdivision under the zoning ordinance. The subdivision meets the current zoning requirements for density calculations, minimum open space, frontage, and lot size. Sewer and water have been constructed for the area and one of the two roadways has been paved. A majority of the storm water infrastructure is also in place. All wetland impacts associated with a previously acquired wetlands permit have been completed. An active Alteration of Terrain permit was renewed in 2009 and all utility clearance letters have been obtained.

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J. Trottier summarized the design review items from the DPW/Stantec memo and read the waiver request into the record:

1. The applicant is requesting a waiver to Section 4.01.c. The applicant has not provided plans at a 1"=40' scale as required by the regulations. The applicant's subdivision plans are at a scale of 1"=200' and 1"=50', where 1"=100 and 1"=40' are required per section 4.01.C. Staff recommends *granting* the waiver, as to be consistent with the previously approved phases of Mill Pond.

2. The applicant is requesting a waiver to Section 3.02.C. This section requires that the Conservation Overlay (CO) District be monumented with marker signs. The applicant states that full compliance with the section would require to monument the entire 100+ acre open space parcel. Staff recommends *granting* the waiver. The CO district boundary impacted by single family lots will be properly monumented.

A. Garron noted that under a previous condition of approval for the overall Mill Pond subdivision, traffic impact fees will be \$1,000 per house for the first 103 houses. That will apply to these 16 lots. The fire, police, library, and school impact fee will apply as they are currently.

A. Rugg asked for Board input. M. Soares asked if the 17th lot would be used just as open space. B. Pratt confirmed it would be.

A. Rugg asked for public input. Vernon Van Grevenhof, 117 Old Derry Road, asked to be shown the proximity of the proposal to his residence and confirmed that it will be beyond the Little Cohas Brook. He also asked if the trucks associated with the Brook Hollow gravel removal operation in that area would be impact the development. J. Trottier said those trucks will enter and exit the site from Auburn Road. V. Van Grevenhof also noted the dam at the historic Manter Mill and asked for assurance that the proposal would not impact it. B. Pratt showed V. Van Grevenhof just how the area would be avoided. Builder Bob LaMontagne verified that nothing will happen to the dam and a sign will be included identifying the historical site.

There was no further public comment.

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- T. Freda asked who will own the open space. B. Pratt said it would belong to the homeowners association. T. Freda then asked if it would be ensured that the lot will remain in its current natural state. J. Trottier said that language would be in the covenants of the association. B. Pratt said the covenants restrict the open space to recreational uses and would therefore preclude construction.
- D. Coons made a motion to grant the two waivers based on the applicant's letters and staff recommendation. R. Brideau seconded the motion. No discussion. Vote on the motion: 9-0-0. Waivers granted.
- D. Coons made a motion to conditionally approve the 17-lot subdivision for map 18-13-97 & 13-99 with the following conditions:

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

PRECEDENT CONDITIONS

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

- 1. The updated NHDES Alteration of Terrain permit recently obtained for the project requires that additional drainage features be provided and constructed with the proposed drainage improvement plans provided separately with the latest submission. However, it is unclear when the proposed additional drainage features will be constructed, since they were not part of the original project. The Applicant shall incorporate the drainage improvement plans into the plan set and provide notes to address the proposed improvements acceptable to the Department of Public Works.
- 2. The Applicant shall provide the Owner's signature on all applicable plans. The Applicant noted the final plans will be signed in the response letter. In addition, the Applicant shall update the Planning Board signature blocks to address the project phase consistent with section 4.03 of the regulations.
- 3. The Applicant shall incorporate the separately submitted post development calculations, diagrams and plans with the previously submitted drainage report information into a complete bound drainage report (consistent with the previous drainage report submission) in compliance with Section 3.08 of the regulations for the Planning Division's file.
- 4. All approved waivers shall be noted on the plan.
- 5. The Applicant shall provide a digital (electronic) copy of the complete final plan sent to the Town at the time of signature by the Board in accordance with Section 2.06.N of the regulations.

- 6. The Applicant shall provide a check for \$25 (made payable to the Rockingham County Registry of Deeds) to pay for the LCHIP tax that became effective on recording of all plans and documents at the registry on July 1, 2008.
- 7. The Applicant shall note all general and subsequent conditions on the plans (must be on a sheet to be recorded, or a separate document to be recorded with the subdivision plans), per the new requirements of RSA 676:3.
- 8. Outside consultant's fees shall be paid within 30 days of approval of plan.
- 13 9. Financial guaranty if necessary.14
 - 10. Final engineering review

<u>PLEASE NOTE</u> - Once these precedent conditions are met and the plans are certified the approval is considered final. If these conditions are not met within **2 years** to the day of the meeting at which the Planning Board grants conditional approval, the board's approval will be considered to have lapsed and resubmission of the application will be required. See RSA 674:39 on vesting.

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

- No construction or site work for the amended site plan may be undertaken until the pre-construction meeting with Town staff has taken place, filing of an NPDES-EPA Permit and the site restoration financial guaranty is in place with the Town. Contact the Department of Public Works to arrange for this meeting.
- 2. The project must be built and executed exactly as specified in the approved application package unless modifications are approved by the Planning Division & Department of Public Works, or if staff deems applicable, the Planning Board.
- 3. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
- 4. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals which may be required as part of this project (that was not received prior to certification of the plans). Contact the Building Division at extension 115 regarding building permits.

1 2 3	As built site plans must to be submitted to the Public Works Department prior to the release of the applicant's financial guaranty.
4 5	All required Traffic, Police, Library and Fire impact fees must be paid prior to the issuance of a Certificate of Occupancy.
6 7	R. Brideau seconded the motion. No discussion. Vote on the motion:
8 9	9-0-0. Plan is conditionally approved.
10	Other Business
11 12	M. Coarse noted a subscription reminder in the Dianning Doord read file for
13	M. Soares noted a subscription reminder in the Planning Board read file for the Planning Commissioners Journal and asked if Board members make use
14	of the publication. The consensus was to renew the subscription and A. Rugg
15	asked if it could be determined whether an electronic version was available.
16	asked in it could be determined whether an electronic version was available.
17	A. Rugg announced that he will not be attending the September 14 meeting.
18	and the second s
19	Adjournment:
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21	M. Soares made a motion to adjourn the meeting. D. Coons seconded
22	the motion. Vote on the motion: 9-0-0.
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24	Meeting adjourned at 8:26 PM.
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27	These minutes prepared by Jaye Trottier and Libby Canuel, Community
28	Development Department Secretaries.
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32	Respectfully Submitted,
33	Respectfully Submitted,
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36	Lynn Wiles, Secretary



Town of Londonderry

Community Development Department

268B Mammoth Road Londonderry, New Hampshire 03053 Phone: (603) 432-1100 ext.101 www.thriveinlondonderry.com www.londonderrynh.org



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To: Planning Board

From: Andre Garron, AICP, Community Development Director CC:

Date: September 7, 2011

Subject: Rt. 28 East Corridor Plan/Impact Fee

Recently, the Planning Board conditionally approved a gas station convenience store project at 124-126 Rockingham Road located at the corner of Liberty Drive Ext. and Rt. 28. The initial determination of the applicant's impacts fee was \$33,408 based on the project's pm peak hour impact on the eastern section of Rt.28. Upon further examination of the impact fee, staff recognized that the Rt. 28 eastern segment corridor plan is flawed.

Londonderry's traffic impact fee for the area in question is predicated on a 1997 Northeast Londonderry Sub-Area Study prepared by Southern New Hampshire Planning Commission (SNHPC). The study examined the segment of Rt. 28 between I-93 and the Derry Town line. SNHPC studied the existing volume of traffic, the future traffic volumes; potential development areas, the improvements needed based on the future traffic volumes, established development areas, and apportioned the costs of the improvements between the Town and private sector.

SNHPC methodology broke the improvements needed into two categories; roadway segments (Links) improvements; and intersection improvements that are warranted within an 18 year time horizon:

The proposed roadway segment improvements are to expand Rt. 28 from two lanes to four lanes.

- 1. Rt. 28 from Auburn to Liberty Drive Ext.
- 2. Rt. 28 From Liberty Drive Ext. to Stonehenge Road
- 3. Rt. 28 from Stonehenge Road to Season Lane
- 4. Rt. 28 from Season Lane to Derry Town line

The proposed intersection improvements are located at:

- 1. Rt. 28 and Auburn Road
- 2. Rt. 28 and Liberty Drive Extension
- 3. Rt. 28 and Stonehenge Road
- 4. Rt. 28 and Season Land
- 5. Auburn Road and Wilson Drive
- 6. Auburn Road and Old Derry Road



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SNHPC formula was based on two methods. The first was identifying the development areas. SNHPC created 28 development areas and apportioned a share of the costs for improvements based on their zoning and their pm peak hour impact on the corridor. The other method was establishing a *per trip* (\$522) cost for trips outside the study corridor having an impact on the corridor during the pm peak hour.

The proposed gas station convenience store proposal submitted a traffic impact study, prepared by Steven G. Pernaw & Company with a traffic supplement provided by Greenman-Pedersen, Inc., in accordance with section 3.14 of Londonderry's Site plan Regulations. The results of the traffic study showed that the proposal would increase the pm peak hour traffic by 64 new trips. Initially, staff had applied the per trip cost for a project outside the studied corridor of \$522, resulting in an impact fee of \$33,408. In reexamining the traffic impact fee, staff found that the owners' lots were identified as part of a development area, specifically development area 5. Several significant changes have occurred since 1997. One, the Liberty Drive Extension was built; and two, the NHDOT I-93 Widening project includes rebuilding a portion of Rockingham Road consists with Londonderry's Northeast Sub-Area Study which includes adding a signal at Rt.28 and Liberty Drive Extension.

Based on the applicant's traffic study, the proposed project will have an impact on the following intersections:

- 1. Rt. 28 and Stonehenge Road
- 2. Rt. 28 and Season Land
- 3. Auburn Road and Wilson Drive
- Auburn Road and Old Derry Road

Deducting for the Rt. 28 corridor improvement work that NHDOT is scheduled to complete within the study area, staff has revised the traffic impact fee from \$33,408 to \$9,919.

Staff recommends a reduction of the traffic impact fee for the 124-126 Rockingham Road proposal to the Londonderry Planning Board of \$9,919. Staff also recommends that the Northeast Londonderry Sub-Area Study be amended to reflect the significant changes currently being made to this section of the Rt. 28 corridor by NHDOT and amend the cost allocation accordingly on an interim basis until such time the Planning Board can complete a comprehensive update.