

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF MARCH 4, 2009 AT THE MOOSE HILL**
3 **COUNCIL CHAMBERS**
4

5 7:00 PM: Members Present: Art Rugg; Rick Brideau, Ex-Officio; Kathy Wagner, Ex-
6 Officio; Charles Tilgner, P.E., Ex-Officio; Mary Soares; Lynn Wiles; Chris Davies,
7 alternate member; Cole Melendy, alternate member
8

9 Also Present: Tim Thompson, AICP; John Trottier, P.E.; Cathy Dirsa, Planning
10 Department Secretary
11

12 A. Rugg called the meeting to order at 7 PM. A. Rugg appointed C. Davies to vote
13 for R. Nichols and C. Melendy to vote for J. Farrell.
14

15 **Administrative Board Work**
16

17 A. Plans to sign - Falling Water Site Plan, Map 17, Lot 5-6
18

19 J. Trottier said all precedent conditions for approval have been met and the
20 staff recommends signing the plans.
21

22 **M. Soares made a motion to authorize the Chair and Secretary to sign**
23 **Phase 1 of the plans. L. Wiles seconded the motion.** No discussion. **Vote**
24 **on the motion: 8-0-0.** A. Rugg said the plans will be signed at the conclusion
25 of the meeting.
26

27 B. Extension Requests - Vineyards at Hillside Subdivision and Site Plan, Map 10,
28 Lots 92 & 92-1
29

30 T. Thompson referenced the letter from Elmer Pease, PD Associates LLC,
31 requesting another one year extension of the site and subdivision plans that
32 will expire on March 7, 2009. He stated that there have been no changes to
33 ordinances or regulations that impact the project.
34

35 E. Pease, applicant, stated that the financial and housing markets have made
36 it impossible for financing and sales on residential projects and that his builder
37 is still unable to secure the necessary financing required to post the off-site
38 improvements bonds.
39

40 **M. Soares made a motion to grant a one year extension to March 7,**
41 **2010. L. Wiles seconded the motion.** No discussion. **Vote on the**
42 **motion: 8-0-0.** Extension for one year was granted.
43

44 C. Reaffirmation of Approval/Extension Request - Benson's Millwork Site Plan,
45 Map 7, Lot 40-11
46

47 T. Thompson referenced the letter from Brad Benson, Benson's Hardware &
48 Lumber, requesting a reaffirmation of the approval of their millwork building
49 site plan, which was signed by the board, but never commenced construction.

1 He stated that there have been no changes to ordinances or regulations that
2 impact the project and that the applicant plans to permit and construct the
3 proposed warehouse in late summer/early fall. He said an additional year
4 would be the staff recommendation
5

6 **M. Soares made a motion to grant a one year extension to March 4,**
7 **2010. L. Wiles seconded the motion.** No discussion. **Vote on the**
8 **motion: 8-0-0.** Extension for one year was granted.
9

10 D. Approval of Minutes – February 11
11

12 **M. Soares made a motion to approve the minutes from the February 11**
13 **meeting. L. Wiles seconded the motion.** No discussion. **Vote on the**
14 **motion: 8-0-0.**
15

16 E. Discussions with Town Staff
17

18 1. Pennichuck Generators

19 T. Thompson stated that they want to add two backup generators, one
20 on Ministerial Hill off Meetinghouse Dr (Map 12, Lot 143-22) and one on
21 Harvest Village off Rainbow Dr (Map 5, Lot 39-2). He asked the Board if
22 they would prefer to have staff administratively handle this project. The
23 Board directed staff to handle this project.
24

25 2. Stonyfield Fence

26 T. Thompson said they want to install an 8' high fence, which is defined
27 as a structure. He asked the Board if they would prefer a public hearing
28 or have staff administratively handle this project. The Board directed
29 staff to handle this project.
30

31 T. Thompson stated that the representatives from the Postal service have been
32 invited to the PB meeting next week to discuss the address change for West
33 Broadway/Nashua Road.
34

35 K. Wagner reminded the public about the Town Meeting on March 10 and 14, and
36 also mentioned the upcoming Warm Homes fundraiser on March 28.
37

38 A. Rugg said the Southern NH Planning Commission (SNHPC) will have a public
39 meeting regarding groundwater management on March 26 at 6:30PM at the
40 Commission's office located at 438 Dubuque St, Manchester, NH. They will also
41 have an informational meeting/listening session regarding NH water resources plan
42 on April 1 at 6:30PM in the SNHPC conference room located at 438 Dubuque St,
43 Manchester, NH
44

45 **Public Hearings**

46

47 A. Evans Family Limited Partnership, Map 16, Lot 9 - Application Acceptance and
48 a Public Hearing for a 2 lot subdivision.
49

50 **APPLICATION ACCEPTANCE**

1 T.Thompson stated that there were no checklist items, and staff recommended
2 the application be accepted as complete.

3
4 **M. Soares made a motion to accept the application as complete. L.**
5 **Wiles seconded the motion.** No discussion. **Vote on the motion: 8-0-0.**
6 Application accepted as complete.

7
8 Don Duval, Duval Survey, presented their plans. The applicant wants to
9 subdivide the existing house off of the 200+ acre site into an approximately
10 1.5 acre lot. No further development of the remaining lot is proposed at this
11 time.

12
13 J. Trottier summarized the design review items from the DPW/Stantec memo.
14 He also read all waivers into the record from the Staff Recommendation memo
15 and summarized the staff recommendations for the requested waivers.

- 16
17 1. The applicant is requesting a waiver to Section 4.12.C.3 of the
18 regulations. The applicant has not provided a boundary plan with metes
19 and bounds for the large remaining lot (Lot 9). Staff recommends
20 **granting** the waiver, as the Town has a previous boundary survey of the
21 lot on file.
22
23 2. The applicant is requesting a waiver to Section 4.12.C.4 of the
24 regulations. The applicant has not provided boundary monuments for the
25 large remaining lot (Lot 9). Staff recommends **granting** the waiver,
26 given the plans on file with the Town. Staff recommends however, that
27 the applicant provide a proper monument at the PC of the rear lot line of
28 new lot 9-4 (see proposed precedent condition #2, below).
29
30 3. The applicant is requesting a waiver to Section 4.17 of the regulations.
31 The applicant has not provided topography for the entirety of the larger
32 lot 9. Staff recommends **granting** the waiver, as the applicant has
33 provided sufficient topographic and soils information for the larger lot to
34 ensure compliance with the lot sizing requirements of the Zoning
35 Ordinance and a separate plan prepared by Hayner-Swanson has been
36 provided that indicates topography and wetlands for the entire parcel,
37 which is on file with the Planning Division.
38
39 4. The applicant is requesting a waiver to Section 4.15 of the regulations.
40 The applicant has not provided the required benchmarks (1 per 5 acres)
41 for the entire lot. Staff recommends **granting** the waiver, as sufficient
42 benchmark information has been provided for the portion of the lot being
43 subdivided.
44
45 5. The applicant is requesting a waiver to Sections 3.10 and 4.17 of the
46 regulations. The applicant has not provided HISS information for the
47 entirety of lot 9. Staff recommends **granting** the waiver, as the applicant
48 has provided sufficient topographic and soils information for the larger lot
49 to ensure compliance with the lot sizing requirements of the Zoning
50 Ordinance

- 1
2 6. The applicant is requesting a waiver to Section 3.02.C of the regulations.
3 The applicant has not provided CO District signage for the entirety of lot 9.
4 Staff recommends **granting** the waiver, as no development is proposed
5 on lot 9, wetlands have been delineated on the Hayner-Swanson plan, and
6 such requirement will become applicable should any development be
7 proposed on the lot in the future.
8

9 T. Thompson said staff recommends conditional approval as outlined in the
10 staff recommendation memo. He also said there will be no impact fees for the
11 lot that is being created, as the home already exists.
12

13 A. Rugg asked for public input.
14

15 Vernon Van Grevenhof, 117 Old Derry Rd, asked for definition as to which lot it
16 was. D. Duval and staff clarified this for him.
17

18 There was no further public comment.
19

20 **M. Soares made a motion to grant the 6 waivers based on the**
21 **applicant's letter and staff recommendation. L. Wiles seconded the**
22 **motion.** No discussion. **Vote on the motion: 8-0-0.** Waivers granted.
23

24 **M. Soares made a motion to conditionally approve this plan with the**
25 **following conditions:**
26

27 "Applicant", herein, refers to the property owner, business owner, or
28 organization submitting this application and to his/its agents, successors, and
29 assigns.
30

31 **PRECEDENT CONDITIONS**
32

33 All of the precedent conditions below must be met by the Applicant, at the
34 expense of the Applicant, prior to certification of the plans by the Planning
35 Board. Certification of the plans is required prior to commencement of any site
36 work, any construction on the site or issuance of a building permit.
37

- 38 1. The Applicant shall update the driveway plan views on sheets 4 and 5 to
39 include the topography to verify the elevations presented in the profile
40 views. In addition, the Applicant shall label the location of the proposed
41 grading to obtain the proper sight distance in the plan view consistent
42 with the profile on sheet 4 for proper construction.
43
44 2. The Applicant shall provide a proper monument at the PC of the rear lot
45 line of new lot 9-4
46
47 3. The Applicant shall note all waivers granted on the plan.
48

- 1 4. The Applicant shall provide a digital (electronic) copy of the complete final
2 plan sent to the Town at the time of signature by the Board in accordance
3 with Section 2.06.N of the regulations.
4
- 5 5. The Applicant shall provide a check for \$25 (made payable to the
6 *Rockingham County Registry of Deeds*) to pay for the LCHIP tax that
7 became effective on recording of all plans and documents at the registry
8 on July 1, 2008.
9
- 10 6. Outside consultant's fees shall be paid within 30 days of approval of plan.
11
- 12 7. Financial guaranty if necessary.
13
- 14 8. Final engineering review
15

16 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
17 certified the approval is considered final. If these conditions are not met within
18 2 years to the day of the meeting at which the Planning Board grants
19 conditional approval the board's approval will be considered to have lapsed
20 and re-submission of the application will be required. See RSA 674:39 on
21 vesting.
22

23 **GENERAL AND SUBSEQUENT CONDITIONS**

24 All of the conditions below are attached to this approval.
25

- 26
- 27 1. **No construction or site work for the amended site plan may be**
28 **undertaken until the pre-construction meeting with Town staff**
29 **has taken place, filing of an NPDES-EPA Permit and the site**
30 **restoration financial guaranty is in place with the Town.** Contact
31 the Department of Public Works to arrange for this meeting.
32
- 33 2. The project must be built and executed exactly as specified in the
34 approved application package unless modifications are approved by the
35 Planning Department & Department of Public Works, or if staff deems
36 applicable, the Planning Board.
37
- 38 3. All of the documentation submitted in the application package by the
39 Applicant and any requirements imposed by other agencies are part of
40 this approval unless otherwise updated, revised, clarified in some manner,
41 or superseded in full or in part. In the case of conflicting information
42 between documents, the most recent documentation and this notice
43 herein shall generally be determining.
44
- 45 4. All site improvements must be completed prior to the issuance of a
46 certificate of occupancy. In accordance with Section 6.01.d of the Site
47 Plan Regulations, in circumstances that prevent landscaping to be
48 completed (due to weather conditions or other unique circumstance), the
49 Building Department may issue a certificate of occupancy prior to the
50 completion of landscaping improvements, if agreed upon by the Planning

1 & Public Works Departments, when a financial guaranty (see forms
2 available from the Public Works Department) and agreement to complete
3 improvements are placed with the Town. The landscaping shall be
4 completed within 6 months from the issuance of the certificate of
5 occupancy, or the Town shall utilize the financial guaranty to contract out
6 the work to complete the improvements as stipulated in the agreement to
7 complete landscaping improvements. **No other improvements shall be**
8 **permitted to use a financial guaranty for their completion for**
9 **purposes of receiving a certificate of occupancy.**

- 10
11 5. As built site plans must to be submitted to the Public Works Department
12 prior to the release of the Applicant's financial guaranty.
13
14 6. All required School, Library, Recreation, Traffic, Police, and Fire impact
15 fees must be paid prior to the issuance of a Certificate of Occupancy for
16 development of lot 9 in the future (Lot 9-4 already has an existing
17 dwelling, and is not subject to any additional impact fees).
18
19 7. It is the responsibility of the Applicant to obtain all other local, state, and
20 federal permits, licenses, and approvals which may be required as part of
21 this project (that were not received prior to certification of the plans).
22 Contact the Building Department at extension 115 regarding building
23 permits.
24

25 **L. Wiles seconded the motion.** No discussion. **Vote on the motion:**
26 **8-0-0.** Plan is conditionally approved.

27
28 **Other Business**

29
30 None.

31
32 **Adjournment:**

33
34 **M. Soares made a motion to adjourn the meeting. R. Brideau seconded the**
35 **motion.** No discussion. **Vote on the motion: 8-0-0.** Meeting adjourned at 7:35
36 PM.

37
38
39 These minutes prepared by Cathy Dirsra, Planning Division Secretary.

40
41
42
43 Respectfully Submitted,

44
45
46
47
48 Mary Wing Soares, Secretary