

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF AUGUST 5, 2009 AT THE MOOSE HILL**
3 **COUNCIL CHAMBERS**
4

5 7:00 PM: Members Present: Art Rugg; John Farrell; Rick Brideau, CNHA, Ex-
6 Officio; Paul DiMarco, Ex-Officio; Charles Tilgner, P.E., Ex-Officio; Mary Soares;
7 Lynn Wiles; Laura El-Azem; Cole Melendy, P.E., alternate member
8

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

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

15 A. Rugg stated that the following applications will not be heard tonight.
16

17 **New Plans**
18

19 A. DiFava Realty, LLC, Map 15, Lot 62-3 – Application Acceptance and Public
20 Hearing for a site plan and conditional use permit to construct a 13,480
21 square foot office, warehouse, light manufacturing and assembly building. -
22 ***Request continuance to September 2***
23

24 T. Thompson referenced the letter from Todd Connors from Sublime Civil
25 Consultants requesting a continuance to September 2, 2009. Additional time
26 is needed to obtain utility clearance letters and allow for review of the Traffic
27 Study by the NHDOT.
28

29 **J. Farrell made a motion to continue the public hearing to September**
30 **2, 2009 at 7pm. R. Brideau seconded the motion.** No discussion. **Vote**
31 **on the motion: 9-0-0.** Hearing will be continued to September 2, 2009 at
32 7PM. A. Rugg said this will be the only public notice.
33

34 B. Beal Revocable Trust/Omnipoint Communications, Map 12, Lot 34 -
35 Application Acceptance and Public Hearing for a site plan and conditional use
36 permit to construct a 146' wireless communication facility and associated
37 accessory equipment and structures. – ***NOTE: Due to applicant not***
38 ***providing appropriate abutter list in accordance with RSA 12-K:7, this***
39 ***application will not be heard tonight. Project will be rescheduled to***
40 ***September 2, 2009.***
41

42 T. Thompson explained the situation related to the notification of abutting
43 communities within a 20 mile radius. He stated that the project would likely
44 be back on September 2 but it could be at a later date. He stated that
45 abutters will be notified by certified mail when the application is scheduled for
46 a hearing.
47

1
2 **Administrative Board Work**
3

- 4 A. Plans to Re-Sign – Londonderry Commons Condo Conversion - Map 10, Lot 1-
5 2 (*Rejected at Registry*)

6
7 Plans will be re-signed at the conclusion of the meeting.
8

- 9 B. Approval of Minutes – July 1 & 8

10
11 **J. Farrell made a motion to approve the minutes from the July 1**
12 **meeting. R. Brideau seconded the motion.** No discussion. **Vote on the**
13 **motion: 7-0-2** (C. Tilgner and C. Melendy abstained because they were
14 absent at the July 1 meeting). Minutes are approved and will be signed at the
15 August 12 meeting.
16

17 **J. Farrell made a motion to approve the minutes from the July 8**
18 **meeting. R. Brideau seconded the motion.** No discussion. **Vote on the**
19 **motion: 7-0-2** (C. Tilgner and L. El-Azem abstained because they were
20 absent at the July 8 meeting). Minutes are approved and will be signed at the
21 August 12 meeting.
22

- 23 C. Discussions with Town Staff

- 24
25 1. JBY Realty Group - Change of use at Delahunty Nursery Site
26

27 T. Thompson referenced the letter from Robert Yennaco from JBY Realty
28 Group, LLC. He stated that they are requesting a change of usage to a
29 portion of the property located at 150 Nashua Road (for a Karate
30 Studio). The area is presently designated as Retail and they proposed to
31 use it as Commercial Recreation. Both designations use the same
32 formula for parking requirements. He asked if the Board would agree to
33 let staff handle the change administratively, without site plan review.
34 The Board agreed.
35

36 Jay Yennaco, property owner, said they will clean up the lot and they will
37 maintain it in the future
38

39 T. Thompson mentioned that the Planners Journal needs to be renewed.
40 Consensus of the Board was to renew the subscription for one year.
41

42 T. Thompson said the next CIP meeting will be August 26.
43

44 J. Farrell suggested that the Board consider putting the Stantec work out to
45 bid for RFP. He also said that he attended the PSNH meeting last week. He
46 said that PSNH didn't sway from their plans to clear the trees within the
47 easement and install power lines. He said that the community being directly
48 affected by this has been there for about 25 years and that this will change
49 that community.
50

1 P. DiMarco clarified that all the Londonderry state representatives voted
2 against the workforce housing.

3
4 A. Rugg mentioned the SNHPC annual dinner September 11.

5
6 T. Thompson mentioned the OEP conference in October.

7
8 T. Thompson said that August 17 is the public hearing for the small wind
9 energy systems zoning amendments at the Town Council meeting.

10
11 **New Plans**

12
13 C. Bob Meissner/Buttrick Road Office Park, LLC & Learn with Me Inc - Map 6, Lot
14 34 - Public Hearing for a Conditional Use Permit (Rt. 102 Performance
15 Overlay District) for the addition of a day care use to existing pediatric
16 therapy center at Buttrick Professional Offices.

17
18 T. Thompson stated that based upon the information provided by the
19 applicant and the feedback of the Planning Board in July, staff recommends
20 approval of the conditional use permit. The Applicant will need to coordinate
21 with the Building Division for any further permitting that is required for the
22 addition of the day care use on the site.

23
24 Bridget Roy, 25 Buttrick, said they have been operating a pediatric unit and
25 would like to expand into day care for special needs children. Their full license
26 will be for 24 children, but they will not all be there at one time due to
27 scheduling.

28
29 A. Rugg asked for public input, but there was none.

30
31 **J. Farrell made a motion to grant the Conditional Use Permit *per the***
32 ***recommendation of staff as follows:***

33
34 "Applicant", herein, refers to the property owner, business owner, or
35 organization submitting this application and to his/its agents, successors, and
36 assigns.

37
38 **GENERAL AND SUBSEQUENT CONDITIONS**

39
40 The condition below is attached to this approval.

41
42 1. It is the responsibility of the applicant to obtain all other local, state, and
43 federal permits, licenses, and approvals which may be required as part
44 of this project. Contact the Building Division at extension 115 regarding
45 building/occupancy permit requirements.

46
47 **R. Brideau seconded the motion. No Discussion. Vote on the motion: 9-**
48 **0-0. Conditional Use Permit granted.**

49
50

1 D. Public Service Company of NH, Map 13, Lot 111 & 111-1 - Application
2 Acceptance and Public Hearing for a site plan to construct a 4th
3 Autotransformer at the Scobie Pond substation.

4
5 *L. El-Azem recused herself because her property is affected by the PSNH*
6 *power line construction in the Springwood Hills development.*

7
8 T. Thompson said there are 4 outstanding checklist items; all of which are
9 waiver requests. Assuming the Board grants these 4 waivers, staff
10 recommends the application be accepted as complete.

11
12 He summarized the waivers relative to the checklist items:

- 13
14 1. The applicant is requesting a waiver to sections 3.14 and 4.17. The
15 applicant has not provided a traffic impact analysis as required by the
16 regulations. Staff recommends **granting** the waiver, as the facility is
17 unmanned, and is consistent with previous waivers granted by the Board
18 for this site.
- 19
20 2. The applicant is requesting a waiver to section 3.13 and 4.16. The
21 applicant has not provided an illumination. Staff recommends **granting**
22 the waiver, as the relocated lights under this application are for
23 emergency use only, and are not used on a regular basis.
- 24
25 3. The applicant is requesting a waiver to sections 3.09 and 4.15.f. The
26 applicant has not provided a landscape plan as required by the
27 regulations. Staff recommends **granting** the waiver, as the proposed
28 expansion is within the existing yard area, the site is well buffered by
29 existing vegetation, and is consistent with previous waivers granted by
30 the Board for this site.
- 31
32 4. The applicant is requesting a waiver to section 4.14.a. The applicant has
33 not provided topography for the entire site as required by the
34 regulations. Staff recommends **granting** the waiver, as sufficient
35 topography is indicated for the area of construction, the remainder of
36 the large parcel is not being developed, and is consistent with previous
37 waivers granted by the Board for this site.

38
39 **J. Farrell made a motion to grant the 4 waivers based on the**
40 **applicant's letters from May 18 and staff recommendation. R. Brideau**
41 **seconded the motion. No discussion. Vote on the motion: 8-0-0.**
42 Waivers granted.

43
44 T. Thompson stated that because the Board granted these waivers, staff
45 recommends the application be accepted as complete.

46
47 **J. Farrell made a motion to accept the application as complete. R.**
48 **Brideau seconded the motion. No discussion. Vote on the motion: 8-0-**
49 **0. Application accepted as complete.**
50

1 Alison McLain of PSNH and Nick Golan of TF Moran presented their plans.
2 A. McLain said that Scobie Pond is a major hub that services many areas. The
3 existing service needs to be updated. N. Golan said there will be an 8' high
4 security fence which will be topped by barbed wire. Security lights will be
5 rearranged. There will be a 14' high retaining wall. There is wetland at the
6 back of the property. The drainage for the most part goes over the ground
7 and into swales and detention areas.

8
9 J. Trottier summarized the remaining waivers:

- 10
11 5. The applicant is requesting a waiver to section 4.01.C. The applicant has
12 provided several sheets of the plan set that are not of the required scale.
13 Staff recommends **granting** the waiver, as the plans for the area of
14 construction are at the proper scale, and the larger scale of the sheets
15 allows for fewer sheets in the plan set, and is consistent with previous
16 waivers granted by the Board for this site.
17
18 6. The applicant is requesting a waiver to sections 3.10 and 4.12.C.14 &
19 15. The applicant has not indicated all wetlands on the entirety of the
20 site. Staff recommends **granting** the waiver, as there are plans on file
21 with the Town with the wetland information, and is consistent with
22 previous waivers granted by the Board for this site.
23
24 7. The applicant is requesting a waiver to section 3.07.g. The applicant is
25 proposing a 6" drain pipe from an imbiber bead system that is smaller
26 than the minimum 15" required by the regulations. Staff recommends
27 **granting** the waiver, as the pipe is part of the special containment
28 system, and is consistent with previous waivers granted by the Board for
29 this site.
30
31 8. The applicant is requesting a waiver to section 4.12.c.18. The applicant
32 has not indicated existing trees greater than 15" on the existing
33 conditions plan as required by the regulations. Staff recommends
34 **granting** the waiver, given the size of the entire parcel, and is
35 consistent with previous waivers granted by the Board for this site.
36
37 9. The applicant is requesting a waiver to section 5.06. The applicant has
38 not provided signage along the Conservation Overlay District (COD) as
39 required by the regulations. Staff recommends **granting** the waiver,
40 given the size of the entire parcel, the remoteness of the site, and is
41 consistent with previous waivers granted by the Board for this site.
42
43 10. The applicant is requesting a waiver to section 4.05. The applicant has
44 not provided the required number of benchmarks as required by the
45 regulations. Staff recommends **granting** the waiver, given the size of
46 the entire parcel, and is consistent with previous waivers granted by the
47 Board for this site. However, the waiver should be granted with the
48 stipulation that additional benchmarks be provided in the vicinity of the
49 proposed work area on sheet 8 (see proposed precedent conditions).
50

1 11. The applicant is requesting a waiver to section 2.04.b.4. The applicant
2 has not provided the full application fee as required by the regulations.
3 Staff recommends **granting** the waiver, given the size of the entire
4 parcel, the fee being provided based on the area of disturbance, and is
5 consistent with previous waivers granted by the Board for this site.
6

7 J. Trottier summarized the design review items from the DPW/Stantec memo.
8

9 T. Thompson mentioned additional precedent conditions of approval relating
10 to approval from the Town of Derry and provision of additional benchmarks.
11

12 T. Thompson said staff recommends conditional approval as outlined in the
13 staff recommendation memo.
14

15 M. Soares asked if PSNH would donate equipment as recommended by the
16 Police Department to ensure that the PSNH facility is secure. A. McLain said
17 that if their security and the police department agree that additional items
18 are needed to ensure security, then PSNH will work with the Town to address
19 the concerns.
20

21 A. Rugg asked for public input, but there was none.
22

23 **J. Farrell made a motion to grant waivers 5, 7, 8, 9, 10, 11, based on**
24 **the applicant's letters (dated May 18, 2009) and staff**
25 **recommendation. R. Brideau seconded the motion. No discussion. Vote**
26 **on the motion: 8-0-0. Waivers granted.**
27

28 **J. Farrell made a motion to grant waiver 6 based on the applicant's**
29 **letter (dated August 5, 2009) and staff recommendation. R. Brideau**
30 **seconded the motion. No discussion. Vote on the motion: 8-0-0.**
31 **Waivers granted.**
32

33 **J. Farrell made a motion to conditionally approve the site plan with**
34 **the following conditions:**
35

36 "Applicant", herein, refers to the property owner, business owner, or
37 organization submitting this application and to his/its agents, successors, and
38 assigns.
39

40 **PRECEDENT CONDITIONS**
41

42 All of the precedent conditions below must be met by the applicant, at the
43 expense of the applicant, prior to certification of the plans by the Planning
44 Board. Certification of the plans is required prior to commencement of any
45 site work, any construction on the site or issuance of a building permit.
46

- 47 1. The Applicant shall update the revised project drainage report to include
48 a summary table indicating the impact to each abutter (both pre and
49 post development) to clarify compliance with the regulations (no
50 increase in runoff) as typically requested by the Town.

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2. We understand the Applicant has submitted an NHDES Alteration of Terrain permit for the project as noted in the response letter. The Applicant shall obtain all project permits per section 4.13 of the Site Plan Regulations, indicate the approval numbers on the cover sheet of the plan set and provide copies of the permit approvals for the Planning Department's files.
 3. The Applicant shall label the inverts for the proposed 4" drain pipe is to be placed behind the retaining wall into drain manhole for clarity and proper construction on the grading & drainage plan.
 4. The Applicant shall provide additional notes on the stormwater management plan - sheet 9 - to clarify the location of the project construction entrance for proper construction.
 5. The Applicant shall provide a typical drain pipe detail in the plan set or properly reference the Town's latest construction standards for proper construction.
 6. A portion of the site is located in the Town of Derry. The Applicant shall provide verification from the Derry Planning Department that no site plan approval is needed from the Derry Planning Board, or the applicant shall seek appropriate approvals from the Town of Derry.
 7. The Applicant shall provide additional benchmarks in the vicinity of the proposed work area on sheet 8.
 8. The applicant shall provide a copy of the noise study conducted for the proposed expansion to the Planning Division for the project file.
 9. Note all waivers granted on the plan.
 10. 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 2.05.n of the regulations.
 11. Outside consultant's fees shall be paid within 30 days of approval of plan.
 12. Financial guaranty if necessary.
 13. Final engineering review

PLEASE NOTE - Once these precedent conditions are met and the plans are certified the approval is considered final. If these conditions are not met within **120 days** 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 re-submission of the application will be required. See RSA 674:39 on vesting.

1
2 **GENERAL AND SUBSEQUENT CONDITIONS**
3

4 All of the conditions below are attached to this approval.
5

- 6 1. **No construction or site work for the site plan may be undertaken**
7 **until the pre-construction meeting with Town staff has taken**
8 **place, filing of an NPDES-EPA Permit and the site restoration**
9 **financial guaranty is in place with the Town.** Contact the
10 Department of Public Works to arrange for this meeting.
11
- 12 2. The project must be built and executed exactly as specified in the
13 approved application package unless modifications are approved by the
14 Planning Division & Department of Public Works, or if staff deems
15 applicable, the Planning Board.
16
- 17 3. All of the documentation submitted in the application package by the
18 applicant and any requirements imposed by other agencies are part of
19 this approval unless otherwise updated, revised, clarified in some
20 manner, or superseded in full or in part. In the case of conflicting
21 information between documents, the most recent documentation and
22 this notice herein shall generally be determining.
23
- 24 4. All site improvements must be completed prior to the issuance of a
25 certificate of occupancy. In accordance with Section 6.01.d of the Site
26 Plan Regulations, in circumstances that prevent landscaping to be
27 completed (due to weather conditions or other unique circumstance),
28 the Building Division may issue a certificate of occupancy prior to the
29 completion of landscaping improvements, if agreed upon by the
30 Planning Division & Public Works Department, when a financial guaranty
31 (see forms available from the Public Works Department) and agreement
32 to complete improvements are placed with the Town. The landscaping
33 shall be completed within 6 months from the issuance of the certificate
34 of occupancy, or the Town shall utilize the financial guaranty to contract
35 out the work to complete the improvements as stipulated in the
36 agreement to complete landscaping improvements. **No other**
37 **improvements shall be permitted to use a financial guaranty for**
38 **their completion for purposes of receiving a certificate of**
39 **occupancy.**
40
- 41 5. As built site plans must to be submitted to the Public Works Department
42 prior to the release of the applicant's financial guaranty.
43
- 44 6. It is the responsibility of the applicant to obtain all other local, state,
45 and federal permits, licenses, and approvals which may be required as
46 part of this project (that were not received prior to certification of the
47 plans). Contact the Building Division at extension 115 regarding building
48 permits.
49

1 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 8-**
2 **0-0.** Plan is conditionally approved.

3
4 **Other Business**

5
6 None.

7
8 **Adjournment:**

9
10 **M. Soares made a motion to adjourn the meeting. R. Brideau seconded the**
11 **motion.** No discussion. **Vote on the motion: 8-0-0.** Meeting adjourned at
12 8:07PM.

13
14
15
16 These minutes prepared by Cathy Dirsra, Planning Division Secretary.

17
18
19
20 Respectfully Submitted,

21
22
23
24 Mary Wing Soares, Secretary