

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF FEBRUARY 6, 2008 AT THE MOOSE HILL COUNCIL**
3 **CHAMBERS**
4

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

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

12 A. Rugg called the meeting to order at 7:02 PM. A. Rugg appointed L. El-Azem to vote for M.
13 Soares until she arrives and C. Davies to vote for R. Nichols until he arrives.
14

15 **Administrative Board Work**
16

17 A. Plans to Sign - Holten Realty Trust (Murray's Auto Recycling) Site Plan, Map 15, Lot 13
18

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

22 **J. Farrell made a motion to authorize the Chair and Secretary to sign the plans. R.**
23 **Brideau seconded the motion. No discussion. Vote on the motion: 9-0-0.**
24

25 A. Rugg said the plans will be signed at the conclusion of the meeting.
26

27 B. Extension Request - Dan's Floor Store Site Plan - Request 1 year extension on final approval
28 (to Nov. 9, 2008)
29

30 [M. Soares arrived at 7:06PM. L. El-Azem will now vote for R. Nichols until he arrives. C.
31 Davies returns to alternate member position.]
32

33 T. Thompson referenced the memo from Dan Barden requesting a 1 year extension and stated
34 that staff supports the extension to November 9, 2008.
35

36 J. Farrell suggested the applicant approach the Board and state their reason for the extension.
37 T. Thompson said he will contact the applicant.
38

39 **J. Farrell made a motion to grant an extension to March 5, 2008. R. Brideau seconded**
40 **the motion. No discussion. Vote on the motion: 9-0-0. Extension to March 5, 2008 granted.**
41

42 C. Regional Impact Determinations
43

44 T. Thompson stated that Falling Water LLC, Map 17, Lot 5-6 is proposing 106,080 square feet
45 of professional office space and 14,580 square feet of warehouse space. He said that staff
46 recommends this project is not a development of regional impact, as it does not meet any of
47 the regional impact guidelines suggested by Southern NH Planning Commission (SNHPC).
48

49 T. Thompson stated that Falling Water LLC, Map 17, Lot 5-6 is proposing 106,080 square feet
50 of professional office space and 14,580 square feed of warehouse space. He said that staff
51 recommends this project is not a development of regional impact, as it does not meet any of
52 the regional impact guidelines suggested by Southern NH Planning Commission (SNHPC).
53

1 **J. Farrell made a motion to accept staff recommendations that both projects are**
2 **determined not to be of regional impact under RSA 36:56. R. Brideau seconded the**
3 **motion. No discussion. Vote on the motion: 9-0-0. Regional impact determinations accepted.**
4

5 D. Approval of Minutes – January 2 & 9
6

7 **J. Farrell made a motion to approve the January 2 meeting minutes.**
8 **R. Brideau seconded the motion. No discussion. Vote on the motion: 8-0-1** (M. Soares
9 abstained because she was absent at the January 2 meeting).
10 Minutes are approved and will be signed at the February 13 meeting.
11

12 **J. Farrell made a motion to approve the January 9 meeting minutes.**
13 **R. Brideau seconded the motion. No discussion. Vote on the motion: 8-0-1** (M. Soares
14 abstained because she was absent at the January 9 meeting).
15 Minutes are approved and will be signed at the February 13 meeting.
16

17 [R. Nichols arrived at 7:15, L. El-Azem returned to alternate member position.]
18

19 E. Discussions with Town Staff
20

21 Portable Storage Structures at 66 Gilcrest Road

22 T. Thompson referenced the memo from Christie DeRosa, Gilcrest Road Realty Trustee,
23 requesting an exception to allow the PODS portable storage containers to remain at the
24 Gilcrest Road location until their renovations to the interior of the building are completed. He
25 outlined the District Court agreement, and made the recommendation that the Planning Board
26 should require a site plan for the outdoor storage.
27

28 Josh Norton, Manager of Gilcrest Road Realty Trustee said they want to use the PODS
29 temporarily until the end of May, when they are scheduled to finish office renovations.
30

31 M. Soares said she feels if the board grants this exception then they are setting a precedent.
32 A. Rugg agreed that we need to treat everyone the same, therefore, we should not allow this
33 exception. A. Rugg said the Board is not approving this so they need to remove the PODS by
34 the court ordered date of March 1 and/or provide a site plan for the March 5 Planning Board
35 meeting.
36

37 T. Thompson said last week the Heritage Commission met to discuss amendments to the
38 subdivision and site plan regulations in regards to stone walls, which will now need to be acted
39 upon by the Board. The Board asked for a workshop on March 12.
40

41 L. Wiles asked for an update on Exit 4A. K. Wagner explained the situation with the legal
42 agreement the Town is subject to.
43

44 J. Farrell said that last week he had a discussion with Andre Garron and Tim Thompson about
45 the site next to Avandi's Restaurant (site was called Olde Londonderry at one point). They
46 discussed the possibility of sewer lines being brought to that area of town, including Route 102.
47 J. Farrell suggested that people go to the website for more information. A conceptual
48 discussion presented by Berkshire Development involving this site is on the agenda for the
49 February 13 Planning Board meeting.
50

51 **Public Hearings**
52

53 A. Crowells Corner Properties, LLC (Nutfield Publishing), Map 12, Lot 68 - Continued Application

1 Acceptance and Public Hearing for a Site Plan for a change in use from residential to
2 commercial office. - **Request Continuance to February 13**

3
4 T. Thompson referenced the letter from William Gregsak from Gregsak Engineering requesting
5 a continuance to February 13, 2008.

6
7 **J. Farrell made a motion to continue the public hearing to February 13 at 7pm (and place**
8 **it before our workshops on the agenda as item D). R. Brideau seconded the motion. No**
9 **discussion. Vote on the motion: 9-0-0. Hearing will be continued to February 13 at 7pm.**
10 **A. Rugg said this will be the only public notice.**

- 11
12 B. Ravenna Investment Associates, LLC, Map 7, Lot 40-5 - Public Hearing for an amendment to
13 an approved site plan to indicate project phasing of the approved commercial/retail
14 development.

15
16 Nicole Duquette, TF Moran, presenting the applicant with Rick D'Amante, presented their
17 plans. She said the Verizon Wireless building has requested a larger sign and the ATM sign
18 would be separated from the Verizon building to stand on its own. They have shifted the
19 parking to further separate the ATM kiosk from the Verizon Wireless building. They also want
20 to create a phasing plan in case one business is ready to open before the others.

21
22 J. Trottier referenced the memo with staff recommendations.

23
24 T. Thompson said staff is recommending conditional approval.

25
26 P. DiMarco asked about construction vehicles interfering with traffic flow for businesses that
27 are open. A. Rugg suggested the applicant to include a note that would restrict construction
28 vehicles to construction areas only as a condition of approval. P. DiMarco suggested
29 addressing the lighting for the ATM when signage is discussed for the ATM kiosk. The board
30 would like to set a date of September 1 for the exterior work to be finished.

31
32 A. Rugg asked for public input but there was none.

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

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

39
40 **PRECEDENT CONDITIONS**

41
42 All of the precedent conditions below must be met by the Applicant, at the expense of the
43 Applicant, prior to certification of the plans by the Planning Board. Certification of the plans is
44 required prior to commencement of any site work, any construction on the site or issuance of a
45 building permit.

- 46
47 1. The Applicant shall remove the Planning Board signature block from sheets 7 & 11, and
48 add a Planning Board signature block to the Phasing Plan (sheet 40).
49
50 2. The Applicant shall update the building renderings for the KFC/Taco Bell building to
51 reflect the most recently approved (by the Building Department) signage design.
52

- 1 3. The Applicant shall add a note to the plans indicating how traffic will be separated from
2 phase 2 of the development during construction.
- 3
- 4 4. The Applicant shall provide a digital (electronic) copy of the complete final plan sent to
5 the Town at the time of signature by the Board in accordance with Section 2.05.n of the
6 regulations.
- 7
- 8 5. Financial guaranty if necessary.
- 9
- 10 6. Final engineering review

11
12 **PLEASE NOTE-** Once these precedent conditions are met and the plans are certified the
13 approval is considered final. If these conditions are not met within 120 days to the day of the
14 meeting at which the Planning Board grants conditional approval the board's approval will be
15 considered to have lapsed and re-submission of the application will be required. See RSA
16 674:39 on vesting.

17
18 **GENERAL AND SUBSEQUENT CONDITIONS**

19
20 All of the conditions below are attached to this approval.

- 21
- 22 1. **No construction or site work for the amended site plan may be undertaken until**
23 **the pre-construction meeting with Town staff has taken place, filing of an**
24 **NPDES-EPA Permit and the site restoration financial guaranty is in place with the**
25 **Town.** Contact the Department of Public Works to arrange for this meeting.
- 26
- 27 2. The project must be built and executed exactly as specified in the approved application
28 package unless modifications are approved by the Planning Department & Department
29 of Public Works, or if staff deems applicable, the Planning Board.
- 30
- 31 3. All of the documentation submitted in the application package by the Applicant and any
32 requirements imposed by other agencies are part of this approval unless otherwise
33 updated, revised, clarified in some manner, or superseded in full or in part. In the case
34 of conflicting information between documents, the most recent documentation and this
35 notice herein shall generally be determining.
- 36
- 37 4. All site improvements must be completed prior to the issuance of a certificate of
38 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
39 circumstances that prevent landscaping to be completed (due to weather conditions or
40 other unique circumstance), the Building Department may issue a certificate of
41 occupancy prior to the completion of landscaping improvements, if agreed upon by the
42 Planning & Public Works Departments, when a financial guaranty (see forms available
43 from the Public Works Department) and agreement to complete improvements are
44 placed with the Town. The landscaping shall be completed within 6 months from the
45 issuance of the certificate of occupancy, or the Town shall utilize the financial guaranty
46 to contract out the work to complete the improvements as stipulated in the agreement
47 to complete landscaping improvements. **No other improvements shall be permitted**
48 **to use a financial guaranty for their completion for purposes of receiving a**
49 **certificate of occupancy.**
- 50
- 51 5. As built site plans must to be submitted to the Public Works Department prior to the
52 release of the Applicant's financial guaranty.
- 53

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

3
4 7. It is the responsibility of the Applicant to obtain all other local, state, and federal
5 permits, licenses, and approvals which may be required as part of this project (that
6 were not received prior to certification of the plans). Contact the Building Department at
7 extension 115 regarding building permits.

8
9 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 9-0-0.** Plan is
10 conditionally approved.

11
12 C. Chester Hall & Ironwood Real Estate Holdings, LLC, Map 10, Lots 40 and 40-1 - Continued
13 Application Acceptance and Public Hearing for a Lot Line Adjustment. - **WITHDRAWN TO**
14 **DESIGN REVIEW**

15
16 T. Thompson referenced the letter from Charlie Zilch as a formal request to withdraw the
17 formal application for his lot line adjustment plan. He said the applicant has withdrawn
18 completely in order to receive back his escrow funds.

19
20 **Other Business**

21
22 A. Rugg welcomed our new alternate Planning Board member, Chris Davies.

23
24 K. Wagner said the new airport Director will be introduced at the Town Council meeting February 11
25 at 7PM.

26
27 A. Rugg said the Heritage Commission will be holding the Historic Properties Preservation Task
28 Force public workshop on February 20 at 7PM in the high school cafeteria.

29
30 J. Farrell said Leadership Londonderry will meet on February 21 at 7PM in the Moose Hill Council
31 Chambers.

32
33 M. Soares encouraged the public to attend the deliberative session February 8 at 7PM in the high
34 school cafeteria.

35
36 **Adjournment:**

37
38 **J. Farrell made a motion to adjourn the meeting. M. Soares seconded the motion.** No
39 discussion. **Vote on the motion: 9-0-0.** Meeting adjourned at 8:25 PM.

40
41 These minutes prepared by Cathy Dirsa, Planning Department Secretary.

42
43
44
45 Respectfully Submitted,

46
47
48
49 Paul DiMarco, Secretary