LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF JUNE 11, 2008 AT THE MOOSE HILL COUNCIL CHAMBERS

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7:00 PM: Members Present: Art Rugg; Rick Brideau, Ex-Officio; John Farrell; Kathy Wagner, Ex-Officio; Charles Tilgner, P.E., Ex-Officio; Lynn Wiles; Laura El-Azem; Chris Davies, alternate member; Greg Warner, alternate member

Also Present: Tim Thompson, AICP; John Trottier, P.E.; Cathy Dirsa, Planning Department Secretary; Nicholas Burnham, Intern

A. Rugg called the meeting to order at 7 PM and appointed C. Davies to vote for R. Nichols. A. Rugg introduced Greg Warner as the newly appointed alternate member. [note: G. Warner had not yet been sworn in, and his participation was not as a voting alternate]

Administrative Board Work

A. Voluntary Merger – Map 15, Lots 61-2 and 62 (Tower Hill Site)

T. Thompson stated that this is one of the conditions for approval on the Tower Hill site plan, which is on the agenda.

J. Farrell made a motion to authorize the Chair to sign the merger. R. Brideau seconded the motion. No discussion. Vote on the motion: 8-0-0.

B. Plans to Sign - Tower Hill Site Plan - Map 15, Lots 61-2 and 62

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

J. Farrell made a motion to authorize the Chair and Vice Chairman to sign the plans (due to absence of Secretary and Assistant Secretary). R. Brideau seconded the motion. No discussion. Vote on the motion: 8-0-0. A. Rugg said the plans will be signed at the conclusion of the meeting.

C. Plans to Sign - Stonyfield LLA - Map 14, Lots 44-13 & 44-30

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

J. Farrell made a motion to authorize the Chair and Vice Chair to sign the plans. R. Brideau seconded the motion. No discussion. Vote on the motion: 8-0-0. K. Wagner said she wants the record to show that she had recused herself because some of the vendors are used by her business. A. Rugg said the plans will be signed at the conclusion of the meeting.

D. Plans to Sign - South School Site Plan - Map 4, Lot 9-A

J. Trottier said all non-binding recommendations have been addressed and the Board can sign the plans if they wish.

J. Farrell made a motion to authorize the Chair and Vice Chair to sign the plans. R. Brideau seconded the motion. T. Thompson stated that under RSA 674:54, the Board is not required to sign the plans and the School District is free to begin construction whether or not the plans are signed. He expressed his appreciation for the School District addressing the non-binding recommendations. Vote on the motion: 8-0-0. A. Rugg said the plans will be signed at the conclusion of the meeting.

E. Governmental Land Use Request – Manchester Airport Parking Lot "C" Expansion

T. Thompson referenced the letter from Rich Fixler, Assistant Airport Director, with a request under RSA 674:54 for construction of parking lot C. He said that staff feels there should not be a public hearing for this project. The consensus of the Board was not to have a public hearing. J. Farrell asked if we could just have a representative from the airport stop by to fill in the public on their projects. K. Wagner said that Town Council has invited an airport representative to one of their meetings. The Board would like to have an airport representative attend a Planning Board meeting in October. T. Thompson said he will make that invitation.

F. Regional Impact Determinations

T. Thompson stated that Comcast is proposing a 1400 square foot addition to an unmanned telecommunications building on Map 2, Lot 35. He said that staff recommends 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).

 J. Farrell made a motion to accept staff recommendations 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: 8-0-0. Regional impact determinations accepted.

G. Signing of Minutes – May 7 & 14

The Secretary and Assistant Secretary are absent, so the secretary will stop by the town hall to sign the minutes for May 7 and May 14.

H. Discussions with Town Staff

- T. Thompson introduced summer intern Nicholas Burnham to the Board.
- T. Thompson said the date for the workshop on the mini master plan is planned for June 25, providing the Board can attend (time and place TBD).
- 50 Consensus of the board was to hold the public workshop on June 25.

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- T. Thompson said N.E. gymnastics has asked for an extension request. The staff has decided that they do not need to come back before the Board, providing the Board agrees. Consensus of the Board was to allow the extension without the applicant coming before the Board.
- R. Brideau said the CIP committee held their first meeting tonight. J. Farrell was elected Chairman and Ron Campo was elected Vice Chairman. The next CIP meetings are scheduled for August 18 and 21.
- J. Farrell said that behind the town hall there is a wooden walkway that was unsafe and in need of repair, so he approached the DPW, Planning Division, School Board and the custodial staff. All departments collaborated and repaired the walkway.

Public Hearings

- Falling Water, LLC, Map 17, Lot 5-6 Application Acceptance and Public Hearing for a Site Plan to construct two professional office buildings, having a total of 120,580 square feet of gross floor area.
 - T. Thompson stated that there were no checklist items, and staff recommended the application be accepted as complete.
 - R. Brideau made a motion to accept the application as complete. L. Wiles seconded the motion. No discussion. Vote on the motion: 7-0-0 (J. Farrell was absent from the room during the vote). Application accepted as complete.

George Chadwick, Engineer from Keach Nordstrom presented their plans for an office park off Kitty Hawk Landing, consisting of 3 buildings. He stated that this is a 15 acre industrial parcel and they propose to do this project in 3 phases. The plan requires a single waiver to section 4.01c of the regulations. They have been working with staff on this project. They would like be able to not be required to riprap the perimeter of the site. J. Trottier explained to the Board that staff closely follows the guidelines set by DES. He said that excluding riprap would be acceptable providing the grading is appropriate and coordinated with staff. T. Thompson said that as long as the geotechnical engineer signs off on it, staff is comfortable without riprap. G. Chadwick said they did a traffic study & the recommendations were to add a double yellow line at Grenier Field Road & Kitty Hawk Landing and the second recommendation was to tie in the lights at Webster & Grenier Field Road. Architect Adam Wagner of Cube 3 gave the Board details of the buildings proposed for the site.

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

T. Thompson read the waiver into the record from the Staff Recommendation memo:

The Applicant is requesting a waiver to Section 4.01.c of the regulations The Applicant has not provided overview plans at the required scale. Staff recommends granting the waiver, as the scale provided allows for the entire parcel to be shown on one sheet and all other plans are at the required scale.

T. Thompson said staff recommends conditional approval as outlined in the staff recommendation memo. He also commended the applicant on doing a good and thorough job on their plans and presentation.

Radek Maly, President of Highland Forwarding (Falling Waters LLC) said they have outgrown their existing space and that is why they are proposing this project.

L. Wiles asked about lighting. G. Chadwick said all the lights for the entrance and driveway will be built in Phase 1. He said he's not sure at this time how many lights will remain on at night, but some lights will be on all night for security reasons. He said this will be a 9am-5pm facility.

A. Rugg asked for public input.

Robert Smith, abutter, asked if a traffic study was done. J. Trottier said that a traffic study was done. T. Thompson read into the record part of the traffic study that directly addresses the intersection of Grenier and Route 28. He said that staff plans on visiting the site to make a decision on the traffic flow. R. Smith asked if the conditions of approval could include the improvements to the intersection. J. Farrell said the Board can include this in the conditions of approval. R. Smith asked if the staff could ensure that the near 50' buffer would not be compromised. J. Trottier said if they placed an orange construction fence it would visibly help to maintain the buffer. T. Thompson said the regulations require that if any trees are destroyed they will be replaced at the cost of the applicant on a caliper match basis.

Ken Merrill, abutter, operates an apple orchard and is very concerned about seeing the same issues that occurred because of FedEx happen with this project. He asked about the height of the retaining wall that would border the Merrill property. G. Chadwick said the retaining wall will be 15' high and they will place an orange construction fence on the buffer. K. Merrill asked how much blasting they will be doing and for how long. Jeff Lutter, president of Fulcrum Associates said they will do a survey of all abutting properties. He said the duration and extent will depend on their timeframe, the weather, and the expertise of the driller. J. Lutter said they will have regular meetings to discuss the blasting and he said that all abutters will be invited to attend the meetings and voice their concerns. K. Merrill is concerned about the dust from the blasting landing on his produce during the peak harvest season. He said that everyone should be concerned about the health concerns involved with this issue. J. Lutter said the construction will operate Mon-Fri and

perhaps Saturday, but he would prefer not to incur overtime pay. K. Merrill read into the record the conservation agreement that the Town of Londonderry purchased in order to keep the Merrill farm as conservation property "forever".

Ken Smith, 38 Grenier Field Rd, expressed concern about the proposed elevation of the highest building in this project and asked if the Manchester Airport Authority has been involved in these discussions. T. Thompson said the FAA has approved the building height. K. Smith asked if the top and/or corners of the building will be lit so they are identifiable by air traffic. J. Trottier said the applicant needs to submit an application to the FAA if it's within their zone.

Bob Merrill, said this project will only occupy part of the parcel. He asked if there are plans to build on the remainder of the parcels in the subdivision. J. Trottier said it would depend on what the owner decides. T. Thompson stated that the owner of this lot is not the same as the owner of the remainder of the lots in the subdivision.

J. Farrell made a motion to grant the waiver. R. Brideau seconded the motion. Vote on the motion 8-0-0. Waiver granted.

J. Farrell made a motion to conditionally approve this plan 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 Applicant shall review the proposed grading shown for the driveway sight distance plan on sheet 20 that does not appear to be properly represented in the profile view and revise accordingly.

2. The proposed grading design indicates a significant portion of the site will have embankment slopes steeper than 3H:1V. The applicant shall coordinate with Town Staff and the site's geotechnical engineer on appropriate surface treatment/slope stabilization measures for the impacted slopes.

3. The Applicant shall revise note 3 on sheet 4 to clarify the footbridge shop drawings will be submitted to the Building Division for review and approval prior to construction. In addition, we recommend a Planning Board signature block be provided on sheet 3.

- 4. The proposed "UGU" utility connection shown on sheet 7 appears to require removal and resetting guardrail during construction and possibly an easement for construction of the connection. The Applicant shall clarify all necessary work for proper construction on the plan and obtain/indicate any easement as may be necessary for construction and provide a copy of the easement for the Town's file.
- 5. The Applicant shall clarify the following relative to drainage and sewer profiles:
 - A. The driveway profile does not include the proposed sewer line crossing near sta. 9+20. The Applicant shall review and revise as necessary.
 - B. The Applicant shall review and update the drain line profiles to indicate all the utility line crossings between DMH1 and CB130, between CB124 and CB125 and electric line crossings for the light poles as applicable.
 - C. It appears the information relative to the outlet structure of S.W.M.B.#1 on sheet 24 is not consistent with the detail information shown on sheet 32. The Applicant shall review and revise accordingly to be consistent.
 - D. The grading plan indicates underdrain connections at CB 121 and 162, but the drain profiles do not indicate the inverts for the underdrains. The Applicant shall review and revise for proper construction.
- 6. The offsite improvement plan provided with this submission does not appear to indicate the existing right turn lane into Kitty Hawk Landing. The Applicant shall review and revise as necessary to properly represent the existing conditions. In addition, the Applicant shall include the details and specifications for the proposed retiming of the traffic lights at Webster Road and Grenier Field Road in the plan set for proper construction.
- 7. The Applicant shall address the Stantec Consulting Services, Inc. memorandum relative to the submitted traffic report dated June 11, 2008.
- 8. The Applicant shall provide copies of the obtained FAA permits as listed in note 19 on the cover sheet for the Planning Division's file.
- 9. The Applicant shall address the following relative to the revised project drainage report:
 - A. The Applicant shall update the summary table comparing existing and post development (to each abutter) to include abutting lot 11 as typically requested by the Town.
 - B. The Applicant shall correct the labels on the post development plan, (that appear to be mislabeled) to properly indicate subcatchments 511 and 517 (vs. 111 and 117) consistent with the post development analysis.

- C. Headwall #3 and HW #2 are noted at elevation 346.40 and below the 25-year elevation of pond#2 at 350.00 indicating that they are completely submerged. In addition, HW# 1 is noted at elevation 374.00 and is below the 25-year peak elevation at pond#1 of 376.61 and would be completely submerged. The Applicant acknowledged the submerged outlets in the response letter, but the design was not updated. We understand the Town typically recommends the pipe outlets be designed for free flowing conditions and recommend the design be revised accordingly (inverts to be at or above the 25-year pond elevation) meeting the approval of the Town.
- 10. The applicant shall indicate orange construction fencing to be placed along the 50' residential buffer on the plans, which shall be placed in the field to prevent disturbance of the vegetation within the buffer during construction.
- 11. The applicant shall add a note to the plan stating construction hours shall be limited to 7AM to 7PM on Monday through Friday, with occasional Saturday construction during those same hours, to be coordinated with the abutters. Interior work (within the buildings) shall be allowed on Saturdays. No construction shall be permitted on Sundays
- 12. Note all waivers granted on the plan.
- 13. 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.
- 14. Financial guaranty if necessary.
- 15. 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 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.

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.

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- 2. Orange construction fencing shall be placed along the 50' residential buffer to prevent encroachment and disturbance to the vegetation of the buffer during construction.
- 3. 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.
- 4. 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.
- 5. All site improvements must be completed prior to the issuance of a certificate of occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstance), the Building Division may issue a certificate of occupancy prior to the completion of landscaping improvements, if agreed upon by the Planning Division & Public Works Department, when a financial guaranty (see forms available from the Public Works Department) and agreement to complete improvements are placed with the Town. The landscaping shall be completed within 6 months from the issuance of the certificate of occupancy, or the Town shall utilize the financial quaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. No other improvements shall be permitted to use a financial quaranty for their completion for purposes of receiving a certificate of occupancy.
- As built site plans must to be submitted to the Public Works Department 6. prior to the release of the applicant's financial guaranty.
- All required Traffic, Police and Fire impact fees must be paid prior to the 7. issuance of a Certificate of Occupancy.
- It is the responsibility of the applicant to obtain all other local, state, and 8. federal permits, licenses, and approvals which may be required as part of this project (that were not received prior to certification of the plans). Contact the Building Division at extension 115 regarding building permits.
- R. Brideau seconded the motion. No discussion. Vote on the motion: 8-**0-0**. Plan is conditionally approved.

B. Conceptual Discussion - Freedom Fuels, Map 10, Lot 136 - Change of Use from Gas Station to Restaurant

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Joseph Maynard, Benchmark Eng, presented their plans. They propose to open a take-out restaurant, with no indoor seating. They will leave the access onto route 102. They will need a variance for the green area setback.

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A. Rugg asked for public input.

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Raymond LaPlante, only abutter, asked how much traffic will be created on Ella Ave. The Board said a traffic study will be done and then once the formal application is submitted to the Planning Division it will go before the Board. R. LaPlante asked what the hours will be. Bill Fortier, owner, said the hours will be less than 6am-10pm.

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> C. Workshop - Historic Properties Preservation Zoning Amendments

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K. Wagner recused herself because she is a historic property owner. Nicholas Burnham gave an overview of the ordinance to the Board. The Board discussed possible criteria for granting Conditional Use Permits. (see attachment #1). The Board gave direction on which parcels to remain in the proposed overlay, and to have a single overlay rather than 2 different overlays.

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Other Business

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Adjournment:

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K. Wagner made a motion to adjourn the meeting. R. Brideau seconded the motion. No discussion. Vote on the motion: 8-0-0. Meeting adjourned at 10:15 PM.

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These minutes prepared by Cathy Dirsa, Planning Division Secretary.

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Respectfully Submitted,

Mary Wing Soares, Secretary

Historic Properties Preservation

Historic Overlay Ordinance Workshop

June 11, 2008

Presented by: Nick Burnham, Planning Division Intern

Agenda

- What I have developed so far...
- What I hope to accomplish tonight:
 - Feedback on selected parcels, potential uses, and possible preservation methods and techniques.
 - Feedback on Conditional Use Permit criteria.
 - Any other comments/ideas/suggestions.

Purpose and Intent

- Develop zoning technique to encourage alternative use of historic structures.
- Help preserve Town's history.
- Encourage responsible development and reuse of historic properties.
- To protect and enhance the attractiveness of the Town.
- Support and promote historic preservation and provide economic benefit to the Town.

District Defined

- Historic overlay district consists of potentially 22 homes/structures/sites.
- Based upon report of Historic Properties Preservation Task Force and Planning Board/Heritage District Commission input.

Historic Overlay- Commercially Oriented

- Potential Parcels to be included:
 - On Tax Map 2: lots 11 and 32.
 - On Tax Map 3: lot 108
 - On Tax Map 6: lots 65, 66, 72-1.

Historic Overlay- Residentially Oriented

- Potential Parcels to be included:
 - On Tax Map 1: lots 6 and 62.
 - On Tax Map 6: lots 19 and 21-2.
 - On Tax Map 9: lots 28, 39, 50.
 - On Tax Map 12: lots 52-1, 59, 67, 78, 79, 81.
 - On Tax Map 15: lots 15-1, 104, 106.

Uses Permitted

- Permitted Uses: Uses permitted in the underlying zoning districts are permitted in HO District.
- Permitted Uses by CUP: See Permitted Use Table, Section 2.2 of the Zoning Ordinance.
 - Conditional uses are subject to the requirements of the remainder of this Section.
 - Properties that continue in their present use and do not get a CUP are not subject to the overlay requirements.

Conditional Uses for Historic Overlays

- · Commercially Oriented Overlay:
 - Adult Day Care, Limited Retail Sales, Professional Office, Restaurant, Service Establishment
- Residentially Oriented Overlay:
 - Multi-family (3 units or less) dwelling, Professional Office

Conditional Use Permits

- Possible criteria for granting CUP:
 - Proposed use is consistent with purpose and intent of the districts.
 - Granting application would meet some public need/convenience and is in the public interest.
 - The property is reasonably suited for requested use, and design of the site looks to preserve natural/cultural resources.
 - Historic Preservation Easement
- What additional criteria would you want to see within the ordinance?

Conditional Use Permits for New Construction/Additions

- Additions made shall be compatible in character with existing building/structure.
- Proposed work must be set back at an appropriate distance.
- Prior approval would be needed from Heritage/Historic District Commission and Planning Board.
- What additional criteria would you want to see within this section?

Streetscape/Off-Street Parking

- Parking, walkways, driveways, patios, and other impervious surfaces must be built appropriate to the district.
 - What type of parking would be appropriate (gravel, grass pavers, asphalt, etc)?
- Off street parking shall be placed to the rear of buildings if possible.
- Properties shall be fenced and screened with appropriate plantings.
- Any other ideas/suggestions for CUP criteria?

Certificates of Approval where CUP has been approved.

 Will be designed to mimic existing language in the Historic District.

Potential Parcels for Inclusion Questions for each parcel: Should this be included in the overlay? If yes, Residential or Commercial Oriented?











































