

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

5 7:00 PM: Members Present: Art Rugg; Rick Brideau, Ex-Officio; Kathy Wagner,
6 Ex-Officio; Charles Tilgner, P.E., Ex-Officio; Rob Nichols; Lynn Wiles; Melissa
7 Nemon, alternate member; Chris Davies, 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. A. Rugg appointed C. Davies to vote
13 for M. Soares and M. Nemon to vote for J. Farrell
14

15 **Administrative Board Work**
16

17 A. Plans to Sign - Plans to Sign – Staples Drive Thru Site Plan – Map 7, Lot 119
18

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

21 **R. Nichols made a motion to authorize the Chair and Asst Secretary to**
22 **sign the plans. R. Brideau seconded the motion.** No discussion. **Vote on**
23 **the motion: 8-0-0.** A. Rugg said the plans will be signed at the conclusion
24 of the meeting.
25

26 B. Plans to Re-Sign – Elwood Subdivision (*Rejected at Registry*)
27

28 A. Rugg said the plans will be re-signed at the conclusion of the meeting.
29

30 C. Approval of Minutes – July 2 & 9
31

32 **C. Tilgner made a motion to approve the minutes from the July 2**
33 **meeting. R. Brideau seconded the motion.** No discussion. **Vote on the**
34 **motion: 8-0-1.**

35 (R. Nichols abstained because he was absent at the July 2 meeting).
36 Minutes are approved and will be signed at the August 13 meeting.
37

38 **C. Tilgner made a motion to approve the minutes from the July 9**
39 **meeting. R. Brideau seconded the motion.** No discussion. **Vote on the**
40 **motion: 8-0-1.**

41 (C. Davies abstained because he was absent at the July 9 meeting).
42 Minutes are approved and will be signed at the August 13 meeting.
43

44 D. Discussions with Town Staff
45

46 T. Thompson CIP Committee will meet on August 21 in the Moose Hill Council
47 Chambers at 5:30PM to hear presentations on various projects, evaluate the
48 project requests, and prepare a draft schedule for the CIP. This will lead to
49 the first workshop with the Planning Board on September 10 & then a public

1 hearing in October for the 2010-2015 CIP. He said there are a few new
2 projects this year, mainly smaller projects. The Community Development
3 Department has a couple new projects for GIS and the Page/Grenier
4 Field/Route 28 intersection. The Cemetery trustees have also put in a new
5 project request.

6
7 A. Rugg said that Peter Griffin, NH Railroad Revitalization Association will be
8 here next week to discuss rail commuting options. He also mentioned that
9 the SNHPC will hold their annual meeting and dinner on September 12 and all
10 Board members will be invited.

11
12 **Public Hearings**

13
14 A. Forest N. Kimball Rev. Trust, Map 11, Lot 55-14 - Application Acceptance and
15 Public Hearing for a 3 lot subdivision

16
17 T. Thompson stated that there were no checklist items, and staff
18 recommended the application be accepted as complete.

19
20 **C. Tilgner made a motion to accept the application as complete. R.**
21 **Brideau seconded the motion. No discussion. Vote on the motion: 8-0-**
22 **0. Application accepted as complete.**

23
24 Jack Szemplinski, Benchmark Engineering, presented their plans for a 3 lot
25 subdivision. The Forest Hills elderly housing development is adjacent to this
26 site. Mr. Kimball was the original owner of that property. The ZBA allowed Mr.
27 Kimball to subdivide the lot to allow the 3rd lot not to have frontage on a
28 Class V roadway, but to allow access off the private Sawgrass Circle. They
29 are proposing a small detention pond. The property will be serviced by on-
30 site septic & wells. All the state permits have been obtained.

31
32 J. Trottier summarized the design review items from the DPW/Stantec memo
33 and read the staff recommendations on the 6 waiver requests into the
34 record:

35
36 *He said it should be noted that the applicant's request letter lists 6 waiver*
37 *requests. Items 2 and 6 from the applicant's letter are a request to the*
38 *same section, so staff treats it as one request. Items 3 and 4 from the*
39 *applicant's letter are not relevant to this project. These sections of the*
40 *regulations deal with roadways, which are not being proposed as part of this*
41 *project. These 2 items are outlined as Design Review items in the*
42 *engineering memo, and waivers are not applicable to these items. As such,*
43 *staff recommends the following on the 3 relevant waivers:*

- 44
45 1. *The Applicant is requesting a waiver to Section 3.08.G.1 of the regulations.*
46 *The Applicant has provided 12" drainage pipes, which does not comply with*
47 *the Regulations (15" required). **Staff recommends denial of the***
48 ***waiver**, as the applicant has offered no justification for the request in his*
49 *letter, and without justification, the Planning Board cannot approve a*
50 *waiver (see recent court case Philip Auger & a. v. Town of Strafford & a.).*

- 1 2. *The Applicant is requesting a waiver to Section 3.08.G.3 of the regulations.*
2 *The Applicant has provided less than 3 feet of cover over 2 proposed*
3 *drainage pipes, which does not comply with the Regulations. **Staff***
4 ***recommends denial of the waiver**, as the applicant has offered no*
5 *justification for the request in his letter, and without justification, the*
6 *Planning Board cannot approve a waiver.*
- 7 3. *The Applicant is requesting a waiver to Section 3.08.H of the regulations.*
8 *The grading in the proposed detention basin is less than 3'H:1'V, which*
9 *does not comply with the Regulations. **Staff recommends denial of the***
10 ***waiver**, as the applicant has offered no justification for the request in his*
11 *letter, and without justification, the Planning Board cannot approve a*
12 *waiver.*

13
14 T. Thompson said the traffic study needs to incorporate the minor comments
15 from the Stantec review memo.

16
17 He also stated that should the applicant wish to resubmit a new waiver
18 request letter before the Board acts on the waivers tonight, the Board would
19 have to **CONTINUE** the public hearing on the application to a future meeting
20 date (September 10 would be the usual date for an application continued
21 tonight). Otherwise, if the Board does take action on the waivers this
22 evening, staff's recommendation is as follows.

23
24 T. Thompson mentioned that due to the steep slope along the side of the
25 road, staff needs the Planning Board to provide guidance on the use of
26 guardrails vs. boulders. If this were a roadway, guardrail would be required.

27
28 A. Rugg informed J. Szemplinski that he needs to provide the Board with valid
29 reasons for the waiver requests before they can vote on the waivers.

30
31 A. Rugg asked for public input.

32
33 Brian Egan, President of Board of Directors, Forest Hills Community, said that
34 Sawgrass is a private road & they would like to be included in abutter notices.
35 They are concerned about snow removal etc. T. Thompson mentioned that
36 the abutter on record was notified per NH statues. A. Rugg recommended
37 that B. Egan attend the meeting Sept 10.

38
39 Forest Kimball, owner, said he reserved the rights to access his lot via
40 Sawgrass when he sold it for the elderly housing project. He clarified that
41 they are not going to tear up any of their roadway.

42
43 T. Thompson asked for consensus from the board regarding the use of
44 guardrails vs. boulders. J. Trottier said staff can only recommend the need for
45 guardrails because there is no crash test data available on the use of
46 boulders. The plans do not state the size/shape of the intended boulders. The
47 Board would like to consider the use of something else besides guardrails. F.
48 Kimball asked if they have actually provided too much detail? He said his
49 application is for a 3 lot subdivision and that the details should be decided by
50 the person that develops the lots. A. Rugg asked the applicant to work with
51 staff.

1 J. Trottier said he would like to discuss with the applicant the waiver request
2 for the change in size of the drainage pipe.

3
4 **R. Nichols made a motion to continue this hearing to Sept. 10, 2008**
5 **at 7PM. R. Brideau seconded the motion.** No discussion. **Vote on the**
6 **motion: 8-0-0.** A. Rugg said this will be the only public notice.

7
8 B. Quantem Aviation Services, Map 28, Lot 21-7 - Application Acceptance and
9 Public Hearing for a site plan to construct a 15,548 s.f. office building

10
11 T. Thompson stated that there were no checklist items, and staff
12 recommended the application be accepted as complete.

13
14 **C. Tilgner made a motion to accept the application as complete. R.**
15 **Brideau seconded the motion.** No discussion. **Vote on the motion: 8-0-**
16 **0.** Application accepted as complete.

17
18 Jeff Merritt, Keach Nordstrom, Dennis Meyers, Architect, Jim Perra,
19 construction manager were present for the applicant. J. Merit presented their
20 plans for a 15,548 s.f. office building at the corner of Industrial Dr &
21 Perimeter Rd. Additional site improvements will be a parking lot, site lighting,
22 and landscaping. They are not proposing an on-site detention pond, but plan
23 to tie into the existing FedEx detention basin. D. Meyers gave the Board an
24 overview of the building design.

25
26 J. Trottier summarized the design review items from the DPW/Stantec memo
27 and read the waiver request into the record:

28
29 *The applicant has requested a waiver to Section 3.07.g. The applicant has*
30 *not provided the minimum 3 feet of cover over the proposed drainage pipes,*
31 *which does not comply with the regulations. **Staff recommends granting***
32 ***the waiver,** as the site ties into existing drainage facilities on the adjacent*
33 *lot which already have less than 3' of cover, and the pipes have been*
34 *reinforced by concrete to help ensure the structural integrity of the pipes.*

35
36 T. Thompson stated that based upon the information available to date the
37 Staff recommends conditional approval as outlined in the staff
38 recommendation memo.

39
40 A. Rugg asked for public input, but there was none.

41
42 **R. Nichols made a motion to grant the waiver based on the**
43 **applicant's letter and staff recommendation. R. Brideau seconded the**
44 **motion.** No discussion. **Vote on the motion: 8-0-0.** The waiver is granted.

45
46 **K. Wagner made a motion to conditionally approve this plan with the**
47 **following conditions:**
48

1 "Applicant", herein, refers to the property owner, business owner, or
2 organization submitting this application and to his/its agents, successors, and
3 assigns.
4

5 **PRECEDENT CONDITIONS**
6

7 All of the precedent conditions below must be met by the Applicant, at the
8 expense of the Applicant, prior to certification of the plans by the Planning
9 Board. Certification of the plans is required prior to commencement of any
10 site work, any construction on the site or issuance of a building permit.
11

- 12 1. The Applicant shall indicate the 1.5-foot all season sight line consistent
13 with Exhibit D3 on sheet 11.
- 14 2. The Applicant shall revise the sawcut limits for the proposed gas line on
15 sheet 5 to a diamond shape as typically required by the Town.
- 16 3. The Applicant shall provide the approval signatures from the LHRA on
17 the plan.
- 18 4. The Applicant shall note all waivers granted on the plan.
- 19 5. The Applicant shall provide a digital (electronic) copy of the complete
20 final plan sent to the Town at the time of signature by the Board in
21 accordance with Section 2.05.n of the regulations.
- 22 6. Outside consultant's fees shall be paid within 30 days of approval of
23 plan.
- 24 7. Financial guaranty if necessary.
- 25 8. Final engineering review

26
27 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
28 certified the approval is considered final. If these conditions are not met
29 within 120 days to the day of the meeting at which the Planning Board grants
30 conditional approval the board's approval will be considered to have lapsed
31 and re-submission of the application will be required. See RSA 674:39 on
32 vesting.
33

34 **GENERAL AND SUBSEQUENT CONDITIONS**
35

36 All of the conditions below are attached to this approval.
37

- 38 1. **No construction or site work for the amended site plan may be
39 undertaken until the pre-construction meeting with Town staff
40 has taken place, filing of an NPDES-EPA Permit and the site
41 restoration financial guaranty is in place with the Town.** Contact
42 the Department of Public Works to arrange for this meeting.
43
44
45
46
47
48
49
50

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

42 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 8-**
43 **0-0.** Plan is conditionally approved.
44

45
46 **Other Business**

47
48 None.
49

50 **Adjournment:**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

R. Nichols made a motion to adjourn the meeting. R. Brideau seconded the motion. No discussion. **Vote on the motion: 8-0-0.** Meeting adjourned at 8:05 PM.

These minutes prepared by Cathy Dirsra, Planning Division Secretary.

Respectfully Submitted,

Mary Wing Soares, Secretary