

TOWN COUNCIL AGENDA
June 6, 2016
7:00 P.M.

The Town Council meeting will be held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry, NH. Regular meetings are cablecast live and videotaped for the convenience of our viewers at home. 7:00 PM

A. CALL TO ORDER

B. PUBLIC COMMENT

- 1.) The Recognition of Lt. Tim Jones
Presented by Chief Bill Hart
- 2.) **Recognition of Londonderry Police Department Promotions**
 - Sgt. Jason Breen to Lt.
 - Sgt. Patrick Cheetham to Lt.
 - Detective Dan Hurley to Sgt.
 - Officer Randy Duguay to Detective
 - Officer Keith Lee (Master Patrolman) to Sgt.
- 3.) Proclamation Recognizing School Crossing Guards
Presented by Chief Bill Hart

C. PUBLIC HEARING

- 1.) **Ordinance #2016-03** – An Amendment to the Municipal Code, Title IV, Chapter XIV, Noise Regulations (**There will be a motion for continuance to 6/20**)

D. OLD BUSINESS

E. NEW BUSINESS

- 1.) **Resolution #2016-15** – A Resolution Relative to the Revision of General Assistance Guidelines
Presented by Doug Smith
- 2.) **Order #2016-20** – An Order Relative to the Withdrawal of Cable Equipment Capital Reserve Funds
Presented by Doug Smith
- 3.) **Order #2016-17** – The Licensing of a Junkyard Pursuant to RSA 236 (S & S Metals)
Presented by Richard Canuel
- 4.) **Order #2016-18** – The Licensing of a Junkyard Pursuant to RSA 236 (Londonderry Salvage Facility)
Presented by Richard Canuel
- 5.) **Order #2016-19** – The Licensing of a Junkyard Pursuant to RSA 236 (Murray's Auto)
Presented by Richard Canuel

- 6.) **Ordinance #2016-04** – An Amendment to the Zoning Ordinance Relating to Rezoning Map 16, Lots 9, 9-5, 9-5, 9-7, 9-8 and 9-9, 13 through 23 Auburn Road (**First Reading**)
- 7.) Request for issuance of a Building Permit on a Class VI Road (RSA 674:41), Map 17 lot 42A, 36 Jack's Bridge Road

F. APPROVAL OF MINUTES

Approval of May 16, 2016 Town Council Minutes

G. OTHER BUSINESS

1. Liaison Reports
2. Town Manager Report
 - Senior Transportation Update
3. Board/Committee Appointments/Reappointment

H. ADJOURNMENT

I. MEETING SCHEDULE

1. Town Council Meeting – **06/20/16** Moose Hill Council Chambers, 7:00 PM
2. Town Council Meeting – **07/11/16** Moose Hill Council Chambers, 7:00 PM
3. Town Council Meeting – **08/15/16** Moose Hill Council Chambers, 7:00 PM
4. Town Council Meeting – **09/05/16** Moose Hill Council Chambers, 7:00 PM

RESOLUTION 2016-15

A Resolution relative to
The Revision of General Assistance Guidelines

First Reading: 06/06/16
Second Reading: Waived
Adopted: 06/06/16

WHEREAS Towns in the State of New Hampshire are required, pursuant to NHRSA 165:1, to provide temporary assistance to persons in need; and

WHEREAS the Town contracts for the management of its general assistance program with Greater Derry Community Health Services, Inc. (CHS); and

WHEREAS CHS manages the Town's general assistance program in accordance with the Town's Welfare Guidelines adopted July 22, 2004; and

WHEREAS CHS has recommended adjustments to Appendix A of the Welfare Guidelines, titled Allowable Levels of Emergency Assistance, as shown on the attached schedule;

NOW THEREFORE BE IT ORDERED by the Londonderry Town Council that Appendix A to the Town's Welfare Guidelines is hereby modified as presented, effective upon passage of this Resolution.

John Farrell - Chairman
Town Council

Sharon Farrell - Town Clerk

(TOWN SEAL)

A TRUE COPY ATTEST:
06/06/16

CURRENT

APPENDIX A

ALLOWABLE LEVELS OF ASSISTANCE PAYMENTS FOR THE TOWN OF LONDONDERRY

MONTHLY SHELTER AND LIVING EXPENSE ALLOWANCES					
Rooms	0 Bedroom	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Rent w/o heat	\$675.00	\$775.00	\$875.00	\$1,000.00	\$1,200.00
Rent w / heat	\$775.00	\$875.00	\$1,000.00	\$1,300.00	\$1,500.00
Electric	Current month	Current month	Current month	Current month	Current month
Heating fuel	100 gals	100 gals	100 gals	100 gals	100 gals

* Amounts are based on current market value.

FOOD AND NON-FOOD LIVING EXPENSE ALLOWANCES				
Household Size	Weekly Food	Weekly Non-Food	Monthly Food	Monthly Non-Food
1	\$25.00	\$6.25	\$100.00	\$25.00
2	\$35.00	\$7.50	\$140.00	\$30.00
3	\$35.00	\$7.50	\$140.00	\$30.00
4	\$45.00	\$10.00	\$180.00	\$40.00
5	\$45.00	\$10.00	\$180.00	\$40.00
6	\$65.00	\$10.00	\$260.00	\$40.00
7	\$65.00	\$12.50	\$260.00	\$50.00
8	\$75.00	\$12.50	\$300.00	\$50.00
Add each	\$5.00	N/a	\$20.00	\$2.00

* Amounts are based on current market value.

Burial Allowance: \$500.00

Telephone Allowance: \$30.00

Reviewed and established by vote of the Londonderry Town Council on July 22, 2004.
Reviewed and approved with no change: November 17, 2008

PROPOSED

APPENDIX A

ALLOWABLE LEVELS OF ASSISTANCE PAYMENTS FOR THE TOWN OF LONDONDERRY

MONTHLY SHELTER AND LIVING EXPENSE ALLOWANCES					
Rooms	0 Bedroom	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Rent w/o heat	\$775.00	\$895.00	\$1,005.00	\$1,200.00	\$1,380.00
Rent w / heat	\$895.00	\$1,095.00	\$1,250.00	\$1,500.00	\$1,625.00
Electric (In some cases utility supplier will disconnect unless a more substantial sum is paid)	Current month	Current month	Current month	Current month	Current month
Heating fuel (Market Rates)	100 gals	100 gals	100 gals	100 gals	100 gals

* Amounts are based on current market value.

FOOD AND NON-FOOD LIVING EXPENSE ALLOWANCES				
Household Size	Weekly Food	Weekly Non-Food	Monthly Food	Monthly Non-Food
1	\$40.00	\$10.00	\$160.00	\$40.00
2	\$80.00	\$12.00	\$320.00	\$45.00
3	\$120.00	\$15.00	\$480.00	\$50.00
4	\$160.00	\$20.00	\$640.00	\$50.00
5	\$200.00	\$25.00	\$800.00	\$55.00
6	\$240.00	\$25.00	\$960.00	\$55.00

For each additional household member, ADD \$10 per wee/\$40 per month. No additions for non food items

* Amounts are based on current market value.

Burial Allowance: \$800.00
Telephone Allowance: \$40.00

Reviewed and established by vote of the Londonderry Town Council on July 22, 2004.
Reviewed and approved with no change: November 17, 2008
Reviewed and approved with changes: June 6, 2016 (Resolution 2016-15)

ORDER 2016-20

An Order Relative to

WITHDRAWAL OF CABLE EQUIPMENT CAPITAL RESERVE FUNDS

First Reading: 06/06/16

Second Reading: Waived

Adopted: 06/06/16

WHEREAS the Town of Londonderry annually receives the sum of \$28,000 for the purposes of supporting PEG access capital funding through its franchise agreement with Comcast; and

WHEREAS the funding received from Comcast is deposited annually into the Cable Equipment Capital Reserve, established by Warrant Article 5 at the 2013 Town Meeting, which appointed the Town Council as agents to expend; and,

WHEREAS the Town of Londonderry and the Londonderry School District have entered into an agreement relative to making a portion of the PEG access capital funding available for the school district's use in providing educational programming; and,

WHEREAS the School District has requested the sum of Five Thousand Dollars (\$5,000) as their annual installment for the fiscal year ended June 30, 2016; and,

WHEREAS sufficient funds are available in the Cable Equipment Capital Reserve,

NOW THEREFORE BE IT ORDERED by the Londonderry Town Council that the Town Treasurer is hereby directed to disburse \$5,000.00 from the Cable Equipment Capital Reserve Fund for the purpose previously stated.

John Farrell - Chairman
Town Council

Sharon Farrell - Town Clerk

(TOWN SEAL)

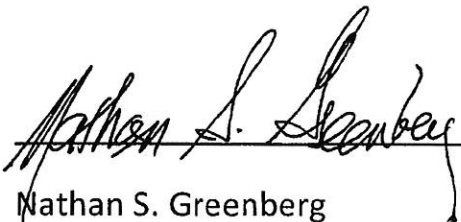
A TRUE COPY ATTEST:
06/06/16

**AGREEMENT FOR THE DISTRIBUTION OF PEG ACCESS PROGRAMMING FUNDS TO THE
LONDONDERRY SCHOOL DISTRICT**

This agreement, dated June 1, 2016, provides for the annual distribution of Public, Educational and Government (PEG) Access programming funds by the Town of Londonderry (Town) to the Londonderry School District (School District).

The Town, in accordance with Section 7.4 of its franchise agreement with Comcast, receives annual payments of \$28,000 to provide funding for PEG Access capital funding. The Town agrees to distribute \$7,500 of this funding to the School District, annually during July of each fiscal year beginning July 1, 2016, contingent upon continued funding of PEG Access capital funding by Comcast at its current level. The Town will also distribute \$5,000 to the School District subsequent to the execution of this agreement and before June 30, 2016 as the initial installment hereunder. Should the Town's franchise agreement with Comcast not provide for such PEG Access capital funding after the current agreement expires on June 30, 2019, or if the amount of such funding is changed in future franchise agreements, the Town and School District agree to open discussions pertaining to this agreement for the purpose of agreeing on the level of future distributions by the Town to the School District, if any. The Town's distribution of PEG Access capital funding to the School District represents the Town's total obligation for providing support to the School District. The Town shall not be obligated to provide additional funding to the School District from the Town's annual operating budget.

As the Town currently places the annual PEG Access capital funding payments received from Comcast in the Town's Cable Division Equipment Capital Reserve fund, the School District acknowledges that all disbursements from this capital reserve require approval by the Londonderry Town Council. The Town shall be responsible for submitting the necessary Town Council request for withdrawal of the annual funding to be provided to the School District in July of each fiscal year.


Nathan S. Greenberg

Superintendent of Schools


Kevin H. Smith

Kevin H. Smith

Town Manager



TOWN OF LONDONDERRY
Building, Health & Zoning Enforcement

268 Mammoth Road
Londonderry, New Hampshire 03053
432-1100 ext. 115 Fax: 432-1128

MEMORANDUM

To: Kevin Smith, Town Manager
From: Richard G. Canuel, Senior Building Inspector
Date: May 9, 2016
Subject: Junkyard License Renewals

S&S Metals 196 Rockingham Rd., Londonderry, NH Map 15 Lot 66
Londonderry Salvage Facility 211 Rockingham Rd., Map 15 Lot 23
Murray's Auto Recycling 55 Hall Rd., Londonderry, NH Map 15 Lot 13

In preparation for annual junkyard license renewals (licenses expire July 1st), I am requesting that review of the applications be placed on the Council's agenda for June 6, 2016.

Knowing that the Council has customarily conducted a public hearing when considering renewal applications, I would like to point out that a public hearing is not required by statute for the renewal of licenses. According to the provisions of RSA 236:121 II, licenses shall be renewed annually upon payment of the fee without a hearing. Although it is the Council's prerogative to allow public comment during any of their proceedings, it is unnecessary to hold a public hearing unless there is consideration for denial of an application.

Unless a junkyard is shown to have operated in violation of the statute or has been declared a public nuisance under common law, denial of a renewal application is unjustified.

Any infraction discovered during the license year is more effectively addressed through enforcement action rather than resorting to such a drastic measure as denial of the license renewal.

During the past year, none of our four junkyards have operated at any level of violation that would justify denial of their license.

A year-end inspection of these facilities will be conducted on May 20, 2016, and any outstanding deficiencies will be noted in a follow up report to the Council for their June 6, 2016 meeting. All renewal applications will then be forwarded to the Council for signature upon their approval.

ORDER #2016-17

An Order Relative to

THE LICENSING OF A JUNKYARD PURSUANT TO RSA 236

First Reading: 06/06/2016

Second Reading: Waived

Adopted: 06/06/2016

WHEREAS Vito J. Solomini, who resides at 39 Tsienneto Road, Derry, NH and is the owner of S & S Metals, 196 Rockingham Road, Londonderry, NH desires a license to continue operations of said business; and

WHEREAS Vito J. Solomini, has complied with the requirements of RSA 236; 111-129; and

WHEREAS the Londonderry Building/Health Inspector has inspected the premises and recommends insurance of the license; and

IT IS THEREFORE ORDERED by the Londonderry Town Council that Vito J. Solomini, doing business as S & S Metals, be granted a license to operate an auto recycling facility in accordance with RSA 236; 111-129.

John Farrell - Chairman
Town Council

Sharon Farrell - Town Clerk

(TOWN SEAL)

A TRUE COPY ATTEST:
06/06/2016

ORDER #2016-18

An Order Relative to

THE LICENSING OF A JUNKYARD PURSUANT TO RSA 236

First Reading: 06/06/2016

Second Reading: Waived

Adopted: 06/06/2016

WHEREAS Anthony Iodice, who resides at 211 Rockingham Rd, Londonderry, NH and is the owner of Londonderry Salvage, 211 Rockingham Road, Londonderry, NH desires a license to continue operations of said business; and

WHEREAS Anthony Iodice, has complied with the requirements of RSA 236; 111-129; and

WHEREAS the Londonderry Building/Health Inspector has inspected the premises and recommends insurance of the license; and

IT IS THEREFORE ORDERED by the Londonderry Town Council that Anthony Iodice, doing business as Londonderry Salvage, be granted a license to operate an auto recycling facility in accordance with RSA 236; 111-129.

John Farrell - Chairman
Town Council

(TOWN SEAL)

Sharon Farrell - Town Clerk

A TRUE COPY ATTEST:
06/06/2016

ORDER #2016-19

An Order Relative to
THE LICENSING OF A JUNKYARD PURSUANT TO RSA 236

First Reading: 06/06/2016

Adopted: 06/06/2016

WHEREAS Edward Dudek, Jr., who resides at 36 Strafford Lane, Bedford, NH and is the owner of Murrays Auto Recycling, 55 Hall Road, Londonderry, NH desires a license to continue operations of said business; and

WHEREAS Edward Dudek, Jr. has complied with the requirements of RSA 236; 111-129; and

IT IS THEREFORE ORDERED by the Londonderry Town Council that Edward Dudek, Jr., doing business as Murrays Auto Recycling, be granted a license to operate an auto recycling facility in accordance with RSA 236; 111-129.

John Farrell - Chairman
Town Council

(TOWN SEAL)

Sharon Farrell - Town Clerk

A TRUE COPY ATTEST:
06/06/2016

Introduced: 06/06/16
Second Read/Pub Hrg: 06/20/16
Adopted: 06/20/16

ORDINANCE #2016-04
AN AMENDMENT TO THE ZONING ORDINANCE
RELATING TO REZONING MAP 16, LOTS 9-5, 9-6, 9-7, 9-8 and 9-9, 13 thru 21 WILSON ROAD

WHEREAS The Planning Board has approved a subdivision creating 9-5, 9-6, 9-7, 9-8 and 9-9 from a section of Map 16 lot 9; and

WHEREAS the subdivision resulted in the creation of multiple split-zoned (AR-1/IND-I) parcels; and

WHEREAS the plan approval required the applicant to submit for a zoning change to rezone the entirety of all the new lots to AR-1; and

WHEREAS the requested rezoning will make this portion of the site consistent with the zoning of the surrounding parcels and intended uses;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Town Zoning Ordinance be amended to reflect the rezoning of Map 16, Lots 9-5, 9-6, 9-7, 9-8 and 9-9 AR-1/IND-I to AR-1, to become effective upon passage by the Town Council

John Farrell
Chairman - Londonderry Town Council

A TRUE COPY ATTEST:

Sherry Farrell, Town Clerk
06/20/16

Town Seal

MEMO

Planning and Economic Development
Department
268B Mammoth Road
Londonderry, NH 03053

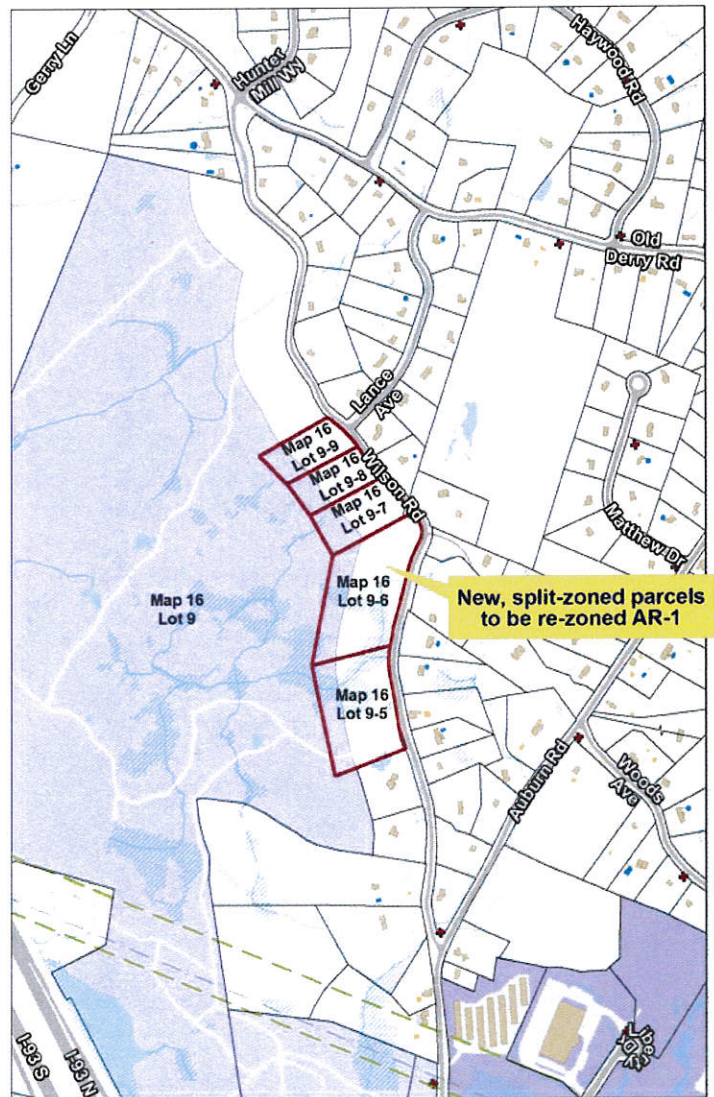
Town of Londonderry, NH

To: Town Council
From: John Vogl, GIS Manager/ Comprehensive Planner
CC:
Date: June 6, 2016
Re: Ordinance 2016-04

In early May, the Planning Board signed subdivision plans for Map 16 lot 9, creating lots 9-5, 9-6, 9-7, 9-8 and 9-9. These are all new house lots with frontage on Wilson Road. The parent lot was split-zoned IND-1/AR-1, with the frontage area along Wilson Road zoned AR-1 to a depth of roughly 250'. Each new lots has a depth ranging from 390' to 440' which has resulted in each of them being similarly split-zoned.

The approved plan states in note #5 that "newly created lots are intended to be entirely in the AR-1 zone". At the public hearing for plan adoption on December 2, 2015, the Planning Board recommended a rezoning action to rezone these lots to AR-1 and also issued a Notice of Decision requiring submission of a rezoning application. Following plan signature and recording, the Town is seeking to carry forward this rezoning attempt to a Council hearing. Both Staff and the Planning Board support this change.

Backup materials including the rezoning application, Planning Board minutes and the recorded plan follow.



Current Zoning Districts

— Agricultural-Residential (AR-I) — Industrial I (IND-I) — Industrial II (IND-II)

Introduced: 06/06/16
Second Read/Pub Hrg: 06/20/16
Adopted: xx/xx/xx

ORDINANCE #2016-04
AN AMENDMENT TO THE ZONING ORDINANCE
RELATING TO REZONING MAP 16, LOTS 9-5, 9-6, 9-7, 9-8 and 9-9, 13 thru 21 WILSON ROAD

WHEREAS The Planning Board has approved a subdivision creating 9-5, 9-6, 9-7, 9-8 and 9-9 from a section of Map 16 lot 9; and

WHEREAS the subdivision resulted in the creation of multiple split-zoned (AR-1/IND-1) parcels; and

WHEREAS the plan approval required the applicant to submit for a zoning change to rezone the entirety of all the new lots to AR-1; and

WHEREAS the requested rezoning will make this portion of the site consistent with the zoning of the surrounding parcels and intended uses;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Town Zoning Ordinance be amended to reflect the rezoning of Map 16, Lots 9-5, 9-6, 9-7, 9-8 and 9-9 AR-1/IND-1 to AR-1, to become effective upon passage by the Town Council

John Farrell
Chairman - Londonderry Town Council

A TRUE COPY ATTEST:

Sherry Farrell, Town Clerk
xx/xx/xx

Town Seal

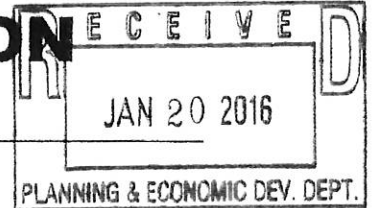


TOWN OF LONDONDERRY
Community Development Department
 Planning & Economic Development Division



268B Mammoth Road
 Londonderry, New Hampshire 03053
 Phone: (603) 432-1100, x134 Fax: (603) 432-1128

REZONING APPLICATION



Name of Applicant: DUVAL SURVEY INC

Name of Lot Owner: EVANS FAMILY LIMITED PARTNERSHIP
 (If different)

Address: 20 AUBURN ROAD LONDONDERRY, NH

Telephone #: 603 930 7911

Date Submitted: 11/12/2015

Tax Map # 16 Lot # 9
 (Please list all if multiple lots are involved)

Current Zoning: AR-1 & I-I

14/9-5 16/9-6 14/9-7 14/9-8 14/9-9

Proposed Zoning: AR-1

Please explain the purpose and justification for your rezoning request (attach additional sheets if necessary):

PROPOSAL IS FOR 5 NEW RESIDENTIAL LOT WHICH ARE PRESENTLY IN A
 SPLIT ZONE
 PROPOSED TO HAVE ALL 5 NEW LOTS ZONED AR-1 (RESIDENTIAL)

Planning Department Comments (to be filled in by Town Staff):

100 C. May asked the Board to amend their motion because the applicant intended
101 that the approval be extended to December 10, 2017, which is two years.

102

103 **L. Wiles made a motion to extend the approval for Fairwinds Properties**
104 **for two years to December 10, 2017. S. Benson seconded the motion.**

105 No discussion. **Vote on the motion: 8-0-0.**

106

107 F. Extension Request – Wallace Farm Site Plan Amendment; Wallace Farm, LLC
108 (Applicant), Wallace Farm LLC and Perkins Farm LLC (Owners), 48 & 62 Perkins
109 Rd, Zoned AR-I [NOD Issued August 12, 2015]

110

111 C. May explained that the applicant intends to go forward with the original
112 approval where the entrance would be located across from Vista Ridge Drive;
113 however, they are seeking to preserve the option for the alternative entrance
114 in the event of a worst case scenario. The Chair recognized Attorney Jay
115 Leonard, who reiterated that they would like the Board to approve the
116 amendment extension, but hope not to need to use it. Construction is currently
117 underway in accordance with the approved site plan.

118

119 **M. Wing Soares made a motion to extend the approval for Wallace**
120 **Farm Site Plan Amendment for an additional year to December 6, 2016.**

121 **L. Wiles seconded the motion. No discussion. Vote on the motion: 8-0-0.**

122

123 G. Discussions with Town Staff

124

125 J. R. Trottier asked the Planning Board to consider administrative approval by
126 Staff of a 1,700 SF addition to the utility Building at the Scobie Pond
127 Substation. A plan of the proposed improvements showed where the work
128 would occur within the fenced compound and that the required parking would
129 be relocated at the end of the addition. The consensus of the Board was that
130 the Eversource Scobie Pond Substation improvements could be handled
131 administratively.

132

133 M. Wing Soares asked about creating a noise ordinance. It was discussed
134 briefly with the Board concluding that it can limit the hours of construction
135 activity as part of an approval. Historically there have been informal
136 agreements about construction hours, but they may need to consider a more
137 formal approach in the future. There was a suggestion to consult with the code
138 enforcement official.

139

140 **Public Hearings/Workshops/Conceptual Discussions**

141 A. Application Acceptance and Public Hearing for formal review of a five-lot
142 subdivision at 13 Wilson Road (Map 16 Lot 9, Zoned AR-I and I-I) – Evans
143 Family Limited Partnership (Owner and Applicant).

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145 J. R. Trottier stated there were no outstanding checklist items and that Staff
146 recommends the application be accepted as complete.

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148 A. Rugg asked for Board input. There was none.

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M. Wing Soares made a motion to accept the application as complete per Staff's Recommendation memo dated December 2, 2015. L. Wiles seconded the motion. No discussion. Vote on the motion: 8-0-0.

A. Rugg noted that the 65 day time frame for the Board to render a decision under RSA 676:4 commenced with acceptance of the application as complete.

Don Duval, of Duval Survey presented. He was accompanied by Bernie Temple representing John Rokeh the project engineer. Mr. Duval noted that the proposal was to create 5 additional lots along Wilson Road, all with access from the two-way portion of the street. The majority of the waiver requests related to the large remainder parcel and plan sheet scale.

A. Rugg asked for Staff input.

J. R. Trottier read into the record the seven (7) waiver requests from the Staff Recommendation memo and Staff supports granting:

1. Sections 3.03.A. and 4.12.C.3. requiring metes and bounds descriptions for the entire subject parcel. Staff supports **granting** the waiver because there is a plan on file which provides the boundary information for the parent parcel and boundary information has been provided for all the relevant lots created by the subdivision plan.
2. Section 3.02.A. and 4.12.C.4. requiring that monuments be placed around the boundary of the entire subject parcel. Staff supports **granting** the waiver because monuments relevant to the 5-lot subdivision will be set, and a number of monuments associated with the parent parcel have been set.
3. Section 3.02.C. and 4.12.C.14. requiring that Conservation Overlay District signs for the entire subject parcel be set. Staff supports **granting** the waiver because the required signs will be placed as shown on this plan on the lots to be developed.
4. Section 4.17.A.23 requiring 2-foot contours be shown on the entire subject parcel. Staff supports **granting** the waiver because the Applicant has provided sufficient topography to demonstrate that the lots meet current zoning requirements.
5. Section 4.17.A.25 requiring benchmarks be provided for the entire subject parcel. Staff supports **granting** the waiver because the Applicant has provided sufficient benchmarks to support the 5 lot subdivision.
6. Section 3.10 requiring HISS mapping be shown over the entirety of the subject lots. Staff supports **granting** the waiver because the Applicant has provided sufficient HISS mapping to demonstrate that the lots meet current zoning requirements.

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7. Section 4.01.C requiring that the plan be prepared at a scale of 1" = 100'. Staff supports **granting** the waiver because the plan shows the majority of the subject parcel with sufficient clarity.

J. R. Trottier also summarized the engineering review letter (attached). Staff supports final approval.

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 address all appropriate items from the Planning & Economic Development/Public Works & Engineering/Stantec review memo dated December 2, 2015.
2. The Applicant shall provide the Owner's signature on the plans.
3. For the Rezoning Application, the Applicant shall submit the requisite abutter's list with 6 sets of mailing labels (3 sets are for the Planning Board and 3 sets for the Town Council public hearing). The Applicant shall also provide notification fees for each public hearing, including abutter notifications and legal notice advertising fees for both hearings.
4. The Applicant shall provide a digital (electronic) copy of the complete final plan to the Town prior to plan signature by the Board in accordance with Section 2.05.n of the regulations.
5. The Applicant shall provide a check for \$25 (made payable to the *Rockingham County Registry of Deeds*) to pay for the LCHIP tax that became effective on recording of all plans and documents at the registry on July 1, 2008 **or** shall record the plan and submit the plan number and date of recording to the Town within one week of that submission date to the Registry of Deeds.
6. The applicant shall note all general and subsequent conditions on the plans **(must be on a sheet to be recorded, or a separate document to be recorded with the subdivision plan)**, per the new requirements of RSA 676:3.
7. Outside consultant's fees shall be paid within 30 days of conditional site plan approval.
8. Financial guarantee if necessary.
9. Final engineering review.

PLEASE NOTE - If these conditions are not met within two (2) years to the day of the meeting at which the Planning Board grants approval, the board's approval

249 will be considered to have lapsed and re-submission of the application will be
 250 required. See RSA 674:39 on vesting.

251

252 **GENERAL AND SUBSEQUENT CONDITIONS**

253

254 All of the conditions below are attached to this approval.

255

256 1. **No construction or site work for the subdivision may be undertaken**
 257 **until the pre-construction meeting with Town staff has taken place,**
 258 **filing of an NPDES-EPA Permit and the site restoration financial**
 259 **guaranty is in place with the Town.** Contact the Department of Public
 260 Works to arrange for this meeting.

261

262 2. The project must be built and executed exactly as specified in the approved
 263 application package unless modifications are approved by the Planning
 264 Department & Department of Public Works, or if staff deems applicable, the
 265 Planning Board.

266

267 3. All of the documentation submitted in the application package by the
 268 applicant and any requirements imposed by other agencies are part of this
 269 approval unless otherwise updated, revised, clarified in some manner, or
 270 superseded in full or in part. In the case of conflicting information between
 271 documents, the most recent documentation and this notice herein shall
 272 generally be determining.

273

274 4. It is the responsibility of the applicant to obtain all other local, state, and
 275 federal permits, licenses, and approvals which may be required as part of
 276 this project (that were not received prior to certification of the plans).
 277 Contact the Building Division at extension 115 regarding building permits.

278

279 C. May explained the need for the new lots to be rezoned so that they would
 280 be entirely within the AR-I District as required by the ordinance.

281

282 A. Rugg asked for comments and questions from the Board.

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284 J. Butler asked if the utility poles would be moved. J.R. Trottier responded
 285 the poles would only be moved if necessary. M. Wing Soares asked about the
 286 flow of school buses. L. Wiles asked if there were substandard sections along
 287 this part of Wilson Road. J.R. Trottier confirmed that the substandard sections
 288 were further north on the road beyond Lance Avenue. Chairman Rugg asked
 289 if there were any plans for the remainder of the lot. D. Duval responded that
 290 there were no plans at this time.

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292 A. Rugg asked for public input.

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294 Steven Socci of 32 Wilson Road expressed concerns about sight distance and
 295 the road width, asking if the road would be widened. D. Duval responded that
 296 there were no changes to the road proposed. J.R. Trottier asked Mr. Socci if
 297 he would be willing to work with the Town to fix the issues in that location,
 298 and Mr. Socci responded that he would.

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James T Mazzuchelli of 2 Lance Avenue expressed concerns about traffic, specifically people from outside the neighborhood speeding. He asked if a speed bump could be installed. J.R. Trottier would review placement of a sign limiting traffic to local use only. Chairman Rugg responded that the problem is with cut-through traffic, which is more of an enforcement issue regarding speeding. The 5 additional houses would only add incremental traffic to the neighborhood.

Douglas Jones of 55 Wilson Road asked how the roadway would be improved and if they would fix the "triangle". J.R. Trottier responded that improvements related to drainage are still under review. He also noted that there are no plans for the Town to upgrade the one-way section at this time.

M. Wing Soares made a motion to approve the Applicant's request for the seven (7) waivers to the Site Plan regulations as outlined in Staff's Recommendation memo dated December 2, 2015. L. Wiles seconded the motion. No discussion. Vote on the motion: 8-0-0.

J. Butler excused himself and departed from the meeting.

M. Wing Soares made a motion to Grant Final Approval to the Wilson Road Subdivision Plan for Evans Family Limited Partnership (Owner and Applicant), Tax Map 16 Lot 9, Zoned AR-I and I-I, in accordance with the plans prepared by Duval Survey, Inc., dated July 8, 2014, last revised October 4, 2015, with the precedent conditions to be fulfilled within two (2) years of the approval and prior to plan signature, and the general and subsequent conditions of approval to be fulfilled as noted in the Staff memo, dated December 2, 2015. L. Wiles seconded. No Discussion. Vote on the motion: 7-0-0.

B. Application Acceptance and Public Hearing for review of a waiver from the Site Plan Regulations Section 6.01.c requiring placement of the final pavement wearing course prior to the issuance of a Certificate of Occupancy to the previously approved site plan (May 6, 2015) for "Mammoth Road Self-Storage" at 6 Smith Lane, 486 Mammoth Road, Tax Map 15 Lots 127, 128 and 129 and 484 Mammoth Road, Zoned C-II - RCA Development (Owner and Applicant).

J. R. Trottier referred to a letter from the applicant dated October 26, 2015 requesting a waiver to the requirement to have final pavement in place prior to the issuance of a certificate of occupancy for the first building at the self-storage facility. He noted that all the infrastructure is in place, anticipating a request for the first CO in January. The applicant is requesting the waiver because the window for paving has closed due to the low temperatures. They will return to landscaping in the spring. The remaining fencing will be constructed next week. Staff supports granting the waiver with the conditions outlined in the memo.

TOWN OF LONDONDERRY, NH

RELEASE FOR BUILDING ON A CLASS VI ROAD

NEWHAMPSHIRE PLANNING AND LAND USE REGULATION
Section 674:41 Erection of Buildings on Streets; Appeals

“Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds.”

CLASS VI ROAD –RELEASE OF MUNICIPAL LIABILITY

NOW COMES _____ of _____ Road, State of New Hampshire and the Town of Londonderry (hereinafter referred to as “TOWN”, a municipal corporation existing under the laws of the State of New Hampshire and as follows:

WHEREAS, _____ is the owner of certain real property on _____ Road as stated in a deed recorded at Book _____, Page _____ at the Rockingham County Registry of Deeds;

WHEREAS, the relevant portion of said _____ Road upon which the _____’s real property fronts is a Class VI Highway as classified by New Hampshire Revised Statutes Annotated 229:5;

WHEREAS, the TOWN has agreed to issue a building permit for the construction of a single family residence on said real property upon filing of the within notice pursuant to New Hampshire Revised Statutes Annotated 674:41;

NOW THEREFORE, the TOWN and _____ on behalf of himself, his heirs, legal representatives, successors and assigns, covenant and agree as follows:

1. The TOWN shall allow _____ to construct a residence pursuant to a building permit issued by the TOWN on the _____ property on _____ Road;

2. The TOWN neither assumes responsibility for maintenance, including snow plowing, nor liability for any damages resulting from the use of _____ Road;

3. _____ shall be responsible for maintaining access to the subject property and does hereby forever release and discharge the TOWN, its officers, agents and employees from the obligation of maintaining _____ Road and from any claim of nature, whether in tort or otherwise, which _____ might have against the TOWN for any loss or damage, including those incurred through failure to provide municipal services, including police, fire and ambulance services, arising out of the condition of the roadway from the point wherein the _____ Road is a Class VI highway;

4. That _____ assumes responsibility for transporting any children to the nearest regular school bus stop;

5. That _____ assumes responsibility for maintenance and repair of _____ Road, and agrees that at his own expense or at the expense of himself and other owners of property similarly located on _____ Road, to clear and maintain the said _____ Road to a width of not less than twenty (20) feet and to repair and maintain the traveled portion of _____ Road in a good and passable condition.

6. That _____ shall be liable to the TOWN for the repair or replacement cost of any damaged or destroyed Town equipment in the event that the Town's equipment is damaged or destroyed while providing or attempting to provide municipal services, including police, fire and ambulance services, and such damage or destruction is caused by or related to a failure clear, repair or maintain _____ Road in good and passable condition.

Witness

Witness



**Town of Londonderry
Planning and Economic Development Department**

268B Mammoth Road
Londonderry, NH 03053
Phone 603.432.1100 x 134
www.londonderrynh.org

To: Town Council
CC: Building Department
From: Colleen P. Mailloux, AICP
Date: June 2, 2016
Subject: **Request for Building Permit on a Class VI Road**

Peter and Susan Carl, owners of a parcel located at 38 Jack's Bridge Road, are requesting that a building permit be issued on the property. The parcel in question, Map 17, Lot 42A, is an existing lot of record located along the historic Jack's Bridge Road right of way, a Class VI Road. The sole access to this lot is via a Class VI section of Page Road.

This item is before the Council because, under RSA 674:41, issuance of a building permit on a Class VI road may only be done upon approval of the local governing body, after review and comment by the Planning Board. Upon authorization of the Council, and prior to issuance of a building permit, the applicant must execute and record at the Registry of Deeds a notice of the limits of municipal responsibility (attached).

The Planning Board reviewed this request at two workshop meetings held on May 4, 2016 and June 1, 2016. The Board, in consultation with Town Staff and emergency services personnel, have identified the following items for consideration by the Town Council in its review of the request:

- The Fire Department recommends that access to the lot be constructed to meet NFPA 1141 standard, including:
 - Minimum clear width of 12 feet for each lane of travel, excluding shoulders.
 - Turnarounds to be constructed at a maximum of 1,200 foot intervals.
 - Road to be constructed of a hard, all-weather surface sufficient to hold the weight of a fire truck.
 - The maximum slope of the road should not exceed 6%.
- A survey should be performed by a licensed land surveyor to field locate the existing road right of way. All improvements must take place within the right of way. Where the existing right of way is not sufficient for the construction of required turnarounds, easements may be required from abutting property owners.
- Wetlands within the area of impact should be delineated by a certified wetland scientist. Appropriate permits (Conditional Use Permit, NHDES Dredge and Fill Permit) must be obtained for any disturbance to wetlands or wetland buffers.
- An additional provision regarding property owner liability for damage to Town vehicles and equipment has been drafted by Town Counsel and has been included in the waiver of municipal liability to be recorded at the Registry of Deeds.
- Appropriate stormwater management and erosion controls should be designed and installed to the satisfaction of the Department of Public Works and Engineering.



**Town of Londonderry
Planning and Economic Development Department**

268B Mammoth Road
Londonderry, NH 03053
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- A residential sprinkler system may be required to be installed in the proposed structure. It was noted that, if the road is improved to NFPA 1141 standards, the Fire Department would not require a residential sprinkler system.
- It was noted that there may be ledge in the area of the proposed road improvements that may require blasting.
- The property should be assigned a Page Road street address.
- It was noted that there are stone walls in the existing right of way which may need to be relocated to accommodate the proposed accessway.
- It was noted that other existing residences on the Class VI portion of Page Road have recorded a similar release of municipal liability and currently maintain a 20 foot gravel accessway.
- Construction and maintenance of access to the lot is the responsibility of the property owner, and it was noted that it would be to the benefit of the property owners along Page Road to come to a private maintenance agreement.

Minutes of the May 4 and June 1 Planning Board meetings are attached.

Should the Council approve the request for a building permit, Staff recommends that the above-referenced comments be incorporated as conditions of approval.

LONDONDERRY, NH PLANNING BOARD **MINUTES OF THE MEETING OF MAY 4, 2016 AT THE MOOSE HILL COUNCIL** **CHAMBERS**

Members Present: Art Rugg, Planning Board Chair; Mary Soares, Vice Chair; Chris Davies, Secretary; Giovanni Verani, Ex-Officio; Rick Brideau, CNHA, Ex-Officio; Leitha Reilly; Al Sypek; Ann Chiampa (alternate member); Ted Combes (alternate member).

Also Present:

Colleen Mailloux, Town Planner; John R. Trottier, P.E., Assistant Director of Public Works and Engineering; Laura Gandia, Associate Planner (TEMP)

Chairman A. Rugg called the meeting to order at 7:00 PM, and began with the Pledge of Allegiance. Chairman Rugg appointed alternate member Ann Chiampa to vote for Scott Benson.

ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES

M. Soares made a motion to approve the minutes of April 6, 2016 as presented. R. Brideau seconded the motion. The motion was granted, 8-0-0. The Chair voted in the affirmative.

M. Soares made a motion to approve the minutes of April 13, 2016 as presented. R. Brideau seconded the motion. The motion was granted, 8-0-1. Al Sypek abstained. The Chair voted in the affirmative.

B. REGIONAL IMPACT DETERMINATION – GREEN MOUNTAIN MESSENGER PARKING LOT EXPANSION - 57 HARVEY ROAD PARKING AND ACCESS DRIVE EXPANSION, MAP 14, LOT 44-8

C. Mailloux recommended that the project is not a development of regional impact, as it does not meet any of the regional impact criteria provided in the guidelines prepared by Southern NH Planning Commission (SNHPC).

M. Soares made a motion to accept Staff's determination that this project is not a development of regional impact.

R. Brideau seconded the motion.

The motion was granted, 8-0-0. The Chair voted in the affirmative.

C. BUILDING PERMIT REQUEST ON A CLASS VI ROAD –SUSAN CARL (OWNER) – MAP 17 LOT 42a, 38 JACK'S BRIDGE ROAD/PAGE ROAD, ZONED AR-1

Member Giovanni Verani recused himself from the discussion. Chairman Rugg recognized Senior Building Inspector Richard Canuel who addressed the Board regarding the process and procedure for issuing building permits on Class VI roads. R. Canuel stated that in the past applicants went before the ZBA to request a variance to build on a Class VI road, and after a release of municipal liability was recorded, construction proceeded; however, New Hampshire statute 674:41, provides for a different method of obtaining building permits on Class VI roads. This process, pursuant to statute, provides that the Town Council authorizes issuance of a building permit after the Planning Board's review and comment. He noted the difference between an existing lot of record and a new lot created by a subdivision. He spoke of some ordinances that have a lot of record clause which exempts existing lots from the dimensional provisions of the zoning ordinance. Londonderry does not have that type of ordinance so that is why applicants were previously sent to the ZBA for a variance. He noted that the Planning Board's role in the process may increase as lots become scarce for development. He also noted that the Planning Board's role in this process focuses on public safety and also on whether the development would be considered scattered and premature based on the lack of infrastructure. The statute contains a two-step process: (1) Planning Board's review and comment, and (2) Town Council authorization for the issuance of a building permit with the recording of a release of municipal liability at the Rockingham County Registry of Deeds. He added that there could be a third step, a ZBA application for a variance, to the process. He explained that this would not be a necessary step if the lot was an existing lot of record. He spoke of the constitutional provisions regarding a taking of land. He reviewed with the Board language from a sample release that the Town currently uses.

Chairman Rugg welcomed questions from the Board. A. Chiampa asked about the condition of the right of way as you move east on the road. J. Trottier stated that there is no road after the barn. C. Mailloux stated that the parcel in question, zoned AR-1, is about 2,000 feet down the Class VI road, and there are other residences on the road. She noted that this lot had an address of Jack's Bridge Road. She informed the Board that Jack's Bridge Road was discontinued in 2004 by the Town Council for the Harvey Windows development, and that the discontinuance eliminated access for the lot from the Jack's Bridge Road portion leaving the only access from Page Road. She explained to the Board that the statute does not provide review standards for Town Council or Planning Board, and the Board should look at planning issues, premature and scattered development, etc. She referenced her memo, and spoke of fire concerns and emergency vehicles' access to the lot and possible difficulties accessing the lot due to wetlands. She directed the Board to outline its concerns for Town Council. Chairman Rugg reminded the Board that this was not a public hearing. He asked about the length of the road, and C. Mailloux stated that the first 1,000 feet of the road is maintained by the existing residences, and the remaining 1,000 feet is not maintained as there is nothing there. C. Davies stated that based on the existing residences already there, it is not scattered development. Chairman Rugg concurred. C. Davies was informed by R.

Canuel that the release is required by statute. R. Canuel read a portion of a sample release. M. Soares asked about placing conditions with the Board's recommendation. R. Canuel stated that the Planning board has authority to review and comment on conditions. There was a discussion about turning the road into a Class V road, and the Town Council's authority to change the status of a road. C. Mailloux pointed out that the release provides for a 20 foot road width, and the Board can make comments regarding width, shoulders, standards, etc. G. Verani There was and the Board discussed the school bus stop located at Lucas and Page Road. A. Chiampa asked if there was a sign indicating that the road was not maintained by the Town. Giovanni Verani stated that there was no sign, and that the mailboxes, trash and bus pick-up are located at Page and Lucas Road. L. Reilly asked about the address, and C. Mailloux stated that the address should be changed to a Page Road address while suggesting that this be added as a comment/condition to Town Council. T. Combes asked about the responsibility of the payment and maintenance of the road. C. Mailloux stated that the cost sharing of the maintenance between property owners on Page Road would be a civil matter, and the Town Council and the Town attorney should consider this. The Town's agreement states that the owners are responsible for maintaining access. T. Combes asked about a taking of the property, and if the Town would have to pay for the lot. R. Canuel stated if there was a taking, the Town may be responsible for compensating the owner. L. Reilly asked about emergency vehicles entering the road, and the responsibility of damages to emergency vehicles that may get stuck during a response. She expressed concerns of purchasers not knowing that the lot is on a Class VI road. R. Canuel informed her that the release is filed at the registry. He also stated by state statute, the Town cannot require the inclusions of residential sprinklers in certain dwellings, but there is recent case law where the Court upheld the inclusion of residential sprinklers. This could be a consideration as part of the approval process on the current lot. A. Sypek spoke of the distance of the road from the barn, and the potential development of several other lots as well as the responsibility of the landowners for maintenance. He concurred with L. Reilly's concern about the lack of provision for who is responsible for damaged emergency vehicles and injured personnel due to the lack of maintenance. He thought it should be part of the release. R. Canuel stated that the property owner takes all of the liability for maintaining the road in the release. A. Sypek and L. Reilly were concerned about not having enough information. Further discussion ensued about making the road a Class V road, and the associated costs.

Giovanni Verani, of 73 Page Road, who lives on the road in question, addressed the Board. He stated that his relatives also live on the road on other lots. He informed the Board that there is no formal agreement in place. He expressed concern over the cost and responsibility of maintaining the road if it is further developed. He stated the improvements end right at the bend of the right of way where the barn is. He asked about the standards the new lot would have, and was informed by the Board that the standards would be the same as his standards. He asked if future development could deviate from the existing right of way, and C. Mailloux

stated that they would be required to stay within the existing right of way unless easements were granted. G. Verani spoke of the road being closed, and J. Trottier reminded him of Charlie Evans' discontinuance of the road to the northeast. G. Verani asked about the standards of creating a cul-de-sac. J. Trottier stated this would be a concern for the fire department. M. Soares asked about paving the road, and the associated costs. G. Verani stated that Page Road is a gravel road, and believes that it may be cheaper to keep it gravel. M. Soares also asked about the discontinuance of Jack's Bridge Road, and where it would have connected. C. Mailloux stated the primary access for this lot was from the discontinued part of Jack's Bridge Road. She also stated that the lot is almost 8 acres, and is an existing lot of record, zoned AR-1.

Chairman Rugg asked for input from the landowner. Susan Carl, 57 Route 103, Newbury, addressed the Board. She stated she is looking for a building permit to build a single family home, has no plans to subdivide or develop the land, and would be using the public right of way from Page Road as access. C. Davies asked about the size of the structure, and S. Carl did not have any specifics – she was just looking for a permit. She stated that last week she measured from the barn to the property, and it was less than 900 feet. C. Davies asked about the condition of the right of way. S. Carl stated after the barn it is hard to see the right of way, but about 20 feet after the barn, the road widens out to a nice path that you could maneuver a four wheel drive vehicle. There are no trees or brush – just tall grass. The Board members discussed the cost sharing aspect of maintaining the right of way. L. Reilly asked R. Canuel about the process with the Town Council. R. Canuel stated that Town Council can authorize the issuance of a building permit after review and comment by the Planning Board – The Planning Board has an advisory position. L. Reilly stated that the Board should point out all the areas of contention or concern. M. Soares thought it would be advisable for police and fire to come in and speak to the Board or Town Council or both. T. Combes asked about the road condition in the spring. G. Verani stated that parts of the road get muddy and there are pot holes. G. Verani also expressed concerns over who will maintain it. He stated that they are in a fortunate situation because they are all family, and did not know what would happen when the property changes hands. G. Verani stated that emergency personnel have been able to access the road for his mother, but there were times when the school bus was not able to get to the bus stop due to the conditions on Page Road.

Chairman Rugg asked for any other public input and there was none. Chairman Rugg asked S. Carl to provide information about wetlands, sizing, etc. L. Reilly asked S. Carl about her thoughts and expectations of an agreement with the other landowners about maintenance. S. Carl stated she has not talked to the other land owners.

The consensus of the Board was to review the matter, and get input from police and fire for the June 1, 2016 meeting. M. Soares exited the room.

- D. EXTENSION REQUEST – DIAMOND EDGE REALTY AND DEVELOPMENT LLC – KESTREL ESTATES SUBDIVISION – MAP 12 LOT 138, 115 HOVEY ROAD, ZONED AR-1 [CONDITIONALLY APPROVED MAY 7, 2014]

C. Mailloux stated that William M. Gregsak, PE, of Gregsak Engineering, Inc. requested a two year extension from the Planning Board in a letter dated April 28, 2016 for Kestrel Estates based on several outstanding items.

R. Brideau stated that the property is on the market. C. Mailloux stated she is not aware of that but the request was submitted because the Planning Department monitored the deadline, and reached out the applicant.

R. Brideau made a motion to grant the applicant's request for a two year extension to May 4, 2018.

Motion was seconded by A. Sypek.

Motion was granted, 7-0-0. The Chair voted in the affirmative. M. Soares was absent for the vote.

- E. MASTER PLAN IMPLEMENTATION ADVISORY COMMITTEE – COMMITTEE APPOINTMENTS

Mary Tetreau asked to be appointed to the committee as a full-time member leaving two alternate positions available.

A. Sypek made a motion to appoint Mary Tetreau as a full time member to the committee for one year.

R. Brideau seconded the motion.

Motion was granted, 7-0-0. The Chair voted in the affirmative. M. Soares was absent for the vote.

T. Combes questioned the time availability section of the application. Chairman Rugg stated that he believed the committee should meet quarterly. It was suggested to ask Kirby Wade to update the time availability section of the form to include a quarterly option. M. Soares returned to the Board.

- F. DISCUSSIONS WITH TOWN STAFF – There was none.

NEW PLANS

- A. Application Acceptance and Public Hearing for formal review of a subdivision plan to convert an existing duplex building to a condominium at 7 Cohas Terrace (Map 18, Lot 19, Zoned AR-I) – Grand Flyt Asset Management, LLC (Owner) and Michelle M. Flynn**

(Applicant).

Chairman Rugg read the case into the record. J. Trottier stated that there are no outstanding checklist items, and recommended that the application be accepted as complete.

M. Soares made a motion to accept the application as complete per Staff's Recommendation memorandum dated May 4, 2016.

R. Brideau seconded the motion.

Motion was granted, 8-0-0. The Chair voted in the affirmative.

The Chair noted that this starts the 65 day time frame to render a decision on the application.

Bryan Bailey, of Bryan L. Bailey Associates, Inc., 217 Cotton Hill Road, Gilford, New Hampshire, presented for the applicant. He stated that the property in question was a single family residence in the early 1980's, and in 1985-1986 the property was converted to a duplex. Now, the owners wish to convert it to a condominium. He stated that the required permit from NHDES for subdivision approval for a condominium conversion was granted, and a complete and conforming application in accordance with the Town's regulations along with a seven page plan set was provided (one page site plan, one page driveway profiles (driveways have existed for many years, and comply with the regulations), three pages showing internal dimensions of the building per the requirements of the condominium act). In a nutshell, he stated the owners are just changing the form of ownership – no change to the building or structure at all. Nothing is unearthed.

Chairman Rugg asked for input from the Staff. J. Trottier read off design review items as contained in the May 4, 2016 Stantec memo (attached), and recommended approval. C. Mailloux added the Town attorney reviewed the condominium documents, and found them acceptable.

Chairman Rugg then asked the Board for questions. R. Brideau stated that the neighborhood is mostly duplexes, and if the request is granted the change will not take place in the Town's records until next year.

Chairman Rugg asked for public input and there was none. He noted that there were no waivers.

M. Soares made a motion to approve the Subdivision Plan for Grand Flyt Asset Management, LLC (Owner and Applicant), Map 18 Lot 19 at 7 Cohas Terrace, Zoned AR-I, subject to all of the precedent conditions and general and subsequent conditions as outlined in Staff's Recommendations Memorandum dated May 4, 2016.

R. Brideau seconded the motion.

Motion was granted with the following conditions, 8-0-0. The Chair voted in the affirmative.

"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 address all appropriate items from the Planning & Economic Development/Public Works & Engineering/Stantec review memo dated May 4, 2016.
2. The Applicant shall provide the Owner's Signature on the plans.
3. The Applicant shall provide an executed copy of the "Declaration of Condominium Covenants" to be recorded at the Rockingham County Registry of Deeds.
4. The Applicant shall provide a digital (electronic) copy of the complete final plan to the Town prior to plan signature by the Board in accordance with Section 2.05.n of the regulations.
5. The Applicant shall provide a check for \$25 (made payable to the *Rockingham County Registry of Deeds*) to pay for the LCHIP fee.
6. The Applicant shall note all general and subsequent conditions on the plans (**must be on a sheet to be recorded, or a separate document to be recorded with the subdivision plans**), per the requirements of RSA 676:3
7. Outside consultant's fees shall be paid within 30 days of approval of the plan.
8. Financial guaranty if necessary.
9. 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 two years 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.

1. 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.

2. It is the responsibility of the Applicant to obtain all other local, state, and 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.

OTHER BUSINESS:

A. SITE PLAN REGULATIONS – REVISION UPDATE

Chairman Rugg stated that the revision update is still under review. C. Mailloux stated that the parking and loading revisions are on the agenda for next week's workshop, and there other site plan regulation amendments that are still being worked on which will be presented next month.

ADJOURNMENT:

**M. Soares made a motion to adjourn the meeting at 8:25 p.m.
Seconded by R. Brideau. Motion was granted, 8-0-0.**

The meeting adjourned at 8:25 PM.

These minutes were prepared by Associate Planner (TEMP) Laura Gandia.

Respectfully Submitted,



Chris Davies, Secretary

MEMORANDUM

To: Planning Board

Date: May 4, 2016

From: Planning and Economic Development
Department of Public Works & Engineering
Stantec Consulting Services, Inc.

Re: Map 18 Lot 19
Condominium Conversion
7 Cohas Terrace

Owners: Grand Flyt Assess Mgmt., LLC

Brain L. Bailey Associates, Inc. submitted plans and supporting information for the above-referenced project. DRC and the Town's engineering consultant, Stantec Consulting Services Inc. reviewed the submitted plans and information, and review comments were forwarded to the Applicant's engineer. The Applicant submitted revised plans and information and we offer the following comments:

Checklist Items:

1. There are no checklist items.

Design Review Items:

1. The Applicant should provide the Owner's signature on the plans line per section 4.12.C.16 of the regulations.
2. We recommend the Applicant update sheet 1 to address the following:
 - a. Please provide the missing distance along the Cohas Brook boundary line on sheet 1 and dimension the pavement width of Cohas Terrace.
 - b. The line types for the 100-year flood line and soil type survey line that are the same and is labeled as the shore line in the legend. The line types should be unique for the different purposes and the legend should be updated accordingly.
 - c. Please clarify the wetland delineation line and update the legend accordingly.
 - d. Please correct the reference to note 11.1 in the 24" pine tree label at the northeasterly lot corner.
 - e. Please indicate the CO District signs on the plan.
 - f. Please verify the existing drainage easement is adequate with the Department of Public Works for the existing 24" drain pipe shown along the southerly lot line and update, if necessary.
3. We recommend the Applicant verify the DRC comments for the project are adequately addressed as applicable:
 - a. Please verify the comments of Assessor have been adequately addressed with the Assessor.
 - b. Please verify the comments of Conservation Commission have been adequately addressed with the Conservation Commission.
 - c. Please verify the comments of Planning Department have been adequately addressed with the Planning Department.

Board Informational Items:

1. The Applicant notes that updated copies of the condominium documents have been provided that are currently under review by the Town.

LONDONDERRY, NH PLANNING BOARD **MINUTES OF THE MEETING OF JUNE 1, 2016 AT THE MOOSE HILL** **COUNCIL CHAMBERS**

Members Present: Mary Soares, Acting Chair; Chris Davies, Secretary; Rick Brideau, CNHA, Ex-Officio; Giovanni Verani, Ex-Officio; Scott Benson; Leitha Reilly; Al Sypek; Ann Chiampa (alternate member); Ted Combes (alternate member)

Also Present:

Colleen Mailloux, Town Planner; John R. Trottier, P.E., Assistant Director of Public Works and Engineering; Laura Gandia, Associate Planner (TEMP)

Acting Chair Soares called the meeting to order at 7:00 PM, and began with the Pledge of Allegiance. Acting Chair Soares appointed alternate member, Ted Combes, to vote for Chairman Rugg.

ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES

Member A. Sypek made a motion to approve the minutes of May 11, 2016 as presented. T. Combes seconded the motion. The motion was granted, 8-0-0. **The Chair voted in the affirmative.**

B. REGIONAL IMPACT DETERMINATIONS

1. Subdivision plan: 8 Alexander Road (Map 12 Lot 5, Zoned AR-1) Holm Family Revocable Trust of 2005 (Owner)
2. Lot line adjustment: 97 High Range Road (Map 5 Lot 30-3, Zoned AR-1) & 99 High Range Road (Map 5 Lot 30, Zoned AR-1) George T. Benson (Owner)
3. Subdivision plan 570 Mammoth Road (Map 17 Lot 7, Zoned IND-II) Remi O. Fortin Trust (Owner)
4. Site plan: 21 Buttrick Road (Map 6 Lot 28-1, Zoned C-I) Barbara G. Mullen Revocable Trust (Owner)

C. Mailloux gave a brief description of the above projects and recommended that the projects are not developments of regional impact, as they do not meet any of the regional impact criteria provided in the guidelines prepared by Southern NH Planning Commission (SNHPC).

A. Sypek made a motion to accept Staff's determination that all four projects are not developments of regional impact.

L. Reilly seconded the motion.

The motion was granted, 8-0-0. The Chair voted in the affirmative.

- C. Building Permit Request on a Class VI Road – Susan Carl (Owner) – Map 17 Lot 42A, 38 Jack’s Bridge Road / Page Road, Zoned AR-1 (continued from May 4, 2016)

Member Giovanni Verani recused himself from the discussion due to a conflict. C. Mailloux stated that at the last meeting, the Board initially reviewed the request for a building permit, and requested additional information from Town Staff in order to make provide comments to Town Council. She reminded the Board members that they are being asked to review and comment on this request for areas of concerns or interest regarding the request for a building permit. She stated that the Town Council ultimately makes the determination as to grant the request, and the Board is not making a recommendation. She informed the Board that Town Staff and various individuals from public works, and emergency personnel met and identified certain items for discussion. Acting Chair read an e-mail from Giovanni Verani whose property is on the same road as the subject property with various questions regarding the road (improvements and maintenance), and the permit process. C. Mailloux reviewed the staff memorandum which identified areas of concerns that she would encourage the Board to raise as consideration to the Town Council, and those areas are as follows:

- The Fire Department recommends that access to the lot be constructed to meet NFPA 1141 standard, including:
 - Minimum clear width of 12 feet for each lane of travel, excluding shoulders (24 foot wide travel way).
 - Turnarounds to be constructed at a maximum of 1,200 foot intervals.
 - Road to be constructed of a hard, all-weather surface sufficient to hold the weight of a fire truck (not necessary to be a paved road).
 - The maximum slope of the road should not exceed 6%.
- A survey should be performed by a licensed land surveyor to locate the existing road right of way. All improvements must take place within the right of way. Where the existing right of way is not sufficient for the construction of required turnarounds, easements may be required from abutting property owners.
- Wetlands within the area of impact should be delineated by a certified wetland scientist. Appropriate permits (Conditional Use Permit, NHDES Dredge and Fill Permit) must be obtained for any disturbance to wetlands or wetland buffers.
- An additional provision regarding property owner liability for damage to Town vehicles and equipment be added to the recorded waiver of municipal liability. Draft language has been provided by Town Counsel and has been included in the attached draft waiver/release.
- Appropriate stormwater management and erosion controls should be designed and installed to the satisfaction of the Department of Public Works and Engineering.
- A residential sprinkler system should be installed in the proposed structure.
- It should be noted that there may be ledge in the area of the proposed road

- improvements that may require blasting.
- The property should be assigned a Page Road street address.

Acting Chair Soares sought questions from the Board. A. Chiampa asked about stone walls in the area and their maintenance during construction. J. Trottier informed her that there are stone walls in that area, and C. Mailloux stated that this is an item to be added to the list of concerns for Town Council. C. Davies questioned the 1200 foot turn arounds near the existing barn. C. Mailloux stated that an easement from abutting property owners may be necessary if there is not sufficient existing right-of-way. L. Reilly asked if the whole road would need to be upgraded according to the memo reviewed by C. Mailloux. C. Mailloux stated according to the fire department's concerns that the whole road from the Lucas intersection, Class VI portion, may need to be upgraded. It was later clarified that improvements would be from the end of the existing privately maintained road – approximate location of the barn. She further commented that it is in the best interests of the property owners to work out an agreement on maintenance which is beyond the purview of the Town. She informed the Board that the requirements suggested by the fire department do not change the status of the road from a Class VI road. C. Mailloux reminded the Board again that its job is to identify issues and concerns for Town Council. L. Reilly stated that she understands the owner's concerns of being able to use their property, and the job that is placed before the Board at this meeting. L. Reilly also expressed concerns of whether the widths suggested are feasible. A. Sypek and the fire chief's slideshow of pictures of the area was shown.

Brian Johnson, Division Chief of Fire Prevention, addressed the Board and explained to the Board that his comments are based on what the fire department would require for access to the site. He informed the Board that the State of New Hampshire has adopted NFPA (National Fire Protection Association) 1 and NFPA 101. He reviewed NFPA 1 (any buildings that are constructed or renovated will be built to NFPA 1 standards) and NFPA 1's references to other codes and standards such as NFPA 1141. He summarized NFPA 1141, fire protection infrastructure for land development and urban areas, and its application on land use changes and land development. He commented on the means of access on publicly or privately owned roads, and also discussed length of cul-de-sacs and turn arounds for 1200 feet. He pointed to language in NFPA 1141 regarding the width of the roadway, construction materials (he stated that construction has to support the tower truck), minimum of 12 feet width for each way of travel, and drainage requirements. He told the Board that the State Fire Marshall is the only one who can make exceptions to this code, and there are not many exceptions to road requirements. T. Combes asked how well fire trucks have handled similar roads. Chief Johnson stated that fire trucks got stuck in the mud on Page Road, and the old roads are not designed to handle the weight of the new fire trucks, and public works would ultimately be responsible for the design of the road. L. Reilly asked who is responsible for building the road, and was informed by C. Mailloux that in order to get a building permit on this lot that Jack's Bridge Road needs to be meet standards that are acceptable to the fire department, and it is up to the property owners to figure out how to deal with certain matters. L. Reilly noted the difference between the road being built and maintained. Chief Johnson pointed to adding language to the release. C. Mailloux stated that the waiver has language

that the road be maintained to reflect current standards, and this waiver is recorded at the registry of deeds. She added that the release could be enforced as to maintenance. C. Davies asked G. Verani about his agreement signed with the Town. G. Verani stated that the agreement was signed 14 years ago, and could not remember the particulars of the agreement but did not believe it was a maintenance agreement. Acting Chair Soares asked for public input.

Peter Carl, owner of the land in question, presented the Board with a packet of pictures labelled as Exhibit 1. He informed the Board that he and wife owned the property for approximately 16 years. He reviewed changes to the area such as the closing of Jack's Bridge Road 10 years ago (he stated he was present for those hearings, spoke, and he expressed his concerns over access). He stated that he was informed at that time that he would still have access via Jack's Bridge Road, and was surprised to learn that is not the case. He was also surprised over the change of the name to Page Road. He was disappointed over the current situation of the land on which he pays taxes. He reviewed changes on Page Road with erection of multiple buildings, and stated he felt trapped over the use of his property. He stated he maintains an office in Town and pays taxes on his land. He was disappointed with all of the discussions taking place because he felt that none of it was focusing on how to help him use his land; rather, it was focused more on regulations, how to improve the road, how to make it right for the Town, and the Veranis' rights with no discussions on his rights. He wanted to know what he can do with his property. He felt that his rights and privileges are being taken away from him beginning with Harvey Industries and the events 10 years ago. He recalled Charlie Evans calling him and advising him not to sell his property. He informed the Board that he measured 996 feet from the end of Page Road at the beginning of Jack's Bridge up to his property. He stated the pictures gave an overall view of Page Road from the beginning up to the old Jack's Bridge Road. He welcomed questions from the Board.

He was asked by A. Chiampa about his measurements. He informed her that he took two measurements. He measured one from the edge of the barn, 889 feet to his property, and measured from the edge of the property pass the barn where Jack's Bridge would connect to Page Road, 100 feet beyond the barn. He stated that the Veranis changed the access to Jack's Bridge Road with the barn which altered the road. He stated that prior to the building of the barn, the road would go straight now the road veers off to the left. M. Soares asked Town staff about the other requirements being placed upon the Carls, and other abutting property owners. J. Trottier stated that he believes the Verani's agreement requires a 20 ft. wide road. M. Soares stated that the purpose of the meeting tonight is to identify issues and concerns for Town Council who will make the final decision. She stated that a discussion with the neighbors would be helpful. P. Carl stated that he offered to sell his property to the Veranis, and that conversations with the Veranis would be useless. He also expressed frustrations that the Veranis can build, and he has stricter regulations than the Veranis. L. Reilly asked P. Carl about his concerns over the standards being different and higher from the existing part of Page Road. He responded that he thought he would have to improve his portion but now he is being told to improve all of Page Road when he only owns a portion of the land off the road. Chief Johnson stated he is not saying who is responsible for it but it needs to be done per standards to allow access to fire and

emergency personnel. L. Reilly asked for clarification in the language presented to Town Council. P. Carl stated that there have been times when people from the Verani family stopped him when he tried to access his property telling him he has no access and questioning him why he was there when it is private property. He felt that he has no rights to the property and the road. M. Soares asked if Jack's Bridge could be reopened, and J. Trottier stated that since the road was discontinued the land reverts back to the abutters to the center line of the road, and the Town no longer owns that property. J. Trottier stated that the current road is maintained nicely. The Board asked questions about where the improvements should start, and P. Carl was confused as to what was being asked of him. M. Soares stated that the Board is prepared to pass information to Town Council, and informed P. Carl that the Town Council hearing would be the next step in the process. G. Verani addressed the Board stating that he never met P. Carl, and that when he went in for a building permit he was asked to improve Page Road to Town specifications. He believes that P. Carl should improve the road from the barn to his property, and maintenance should be everyone's responsibility. C. Mailloux summarized the items for Town Council's consideration in addition to the ones outlined in the memo as the preservation of stone walls, clarification of where the improvements should begin (the Board agreed that those improvements should begin at the barn at the Jack's Bridge Road portion for the new construction), and the installation of the residential sprinkler system if the access to the road is not to NFPA standard. The fire department would not require sprinkler system if the road was 24 feet wide but further discussions are necessary with the building inspector before a final decision is made.

Bob Merrill, 569 Mammoth Road, addressed the Board. He stated that at some point the Town may consider getting together with landowners in that area and landowners of the land along I-93 for long range planning with a focus on extending Bryant Road for access.

D. Committee Appointments – Master Plan Implementation Advisory Committee

C. Mailloux stated that Tammy Siekmann is seeking appointment as at-large member. A. Sypek made a motion to accept Tammy Seikmann as an at-large member for the Master Implementation Advisory Committee. L. Reilly seconded the motion. Motion was granted, 8-0-0. The Chair voted in the affirmative.

E. DISCUSSIONS WITH TOWN STAFF – There were none.

NEW PLANS

- A.** Application and Acceptance of a Site Plan for 57 Harvey Road (Map 14 Lot 44-8, Zoned IND-II) for the construction of 10,820 SF pavement to create 24 new parking spaces, 4 new box truck parking spaces and a new internal access way, 57 Harvey Road, LLC (Owner) and Green Mountain Messenger (Applicant)

Acting Chair Soares read the case into the record. J. Trottier stated that there are no outstanding checklist items, and recommended that the application be accepted as complete.

R. Brideau made a motion to accept the application as complete per Staff's Recommendation memorandum dated June 1, 2016.

L. Reilly seconded the motion.

Motion was granted, 8-0-0. The Chair voted in the affirmative.

The Chair noted that this starts the 65 day time frame to render a decision on the application.

George Fredette, SFC Engineering Partnership, One Industrial Drive, Windham, New Hampshire, addressed the Board. He informed the Board that he was in front of them on December 9, 2015 for a concept plan. He reviewed with the Board his plan, and stated as shown on the existing conditions page of his plan, that the parcel is a 2.2 acres site with a 1,500 SF building constructed in 1981 serviced by Manchester Water. He stated that Green Mountain Messenger is a courier service based out of Vermont servicing banking and pharmaceutical with pick up and drop off at the airport. His proposal is for improvements to the parking operations. He stated that the site is encumbered by the Conservation Overlay District, and there is an existing encroachment that the building inspector determined is exempt from the regulation. He noted that on the site development plan, there is no change to the building exterior and the proposal is to increase the parking facility at the site, and to improve the internal circulation at the site. He stated that the proposal is a 360 degree loop around the facility resulting in the ease of moving vehicles through the property, and that the fire department supports the proposal because it provides better emergency access especially with the fire hydrant in the northwest corner on the property. He explained the request for a conditional use permit for the encroachment into the Conservation Overlay for access. He went to conservation commission and received a recommendation for approval. He added that he is also seeking additional parking spaces, and that Green Mountain Messenger has 25 vehicles that enter and exit the property intermittently (additional parking spaces for anticipated growth). He stated that Green Mountain is meeting all of the ordinance requirements. He pointed to sheet four, grading plan, the additional paved area where the storm water facilities are being accommodated with a detention pond being constructed along with a level spreader, and on sheet 5, landscaping plan, there is compliance with the regulations (elderberry and blueberry plants are noted on the plans). He mentioned that the Heritage Committee requested a purple lilac bush which they will plant. He addressed the two waiver requests involving the surveyor stamp (original plan of land has a surveyor stamp), and lighting. He concluded his presentation.

Acting Chair Soares asked for input from the Town Staff. J. Trottier reviewed the design review items, and noted that Town Staff supports the two waiver requests

(1. Section 4.12(c)(1) requiring a surveyors certification stamped and signed by a licensed land surveyor and 2. Section 4.16(d) requiring an illumination plan), and supports the request for a conditional use permit which was supported by the Conservation Committee. The conditional use permit would allow a permitted use in the Conservation Overlay District. The internal access way will have 5,965 SF of buffer impact (626 SF impervious, 5,339 SF for grading associated with the access drive). A. Chiampa commented that she was pleased with the landscaping especially with the red maples.

Acting Chair Soares asked for public input and there was none.

Chris Davies made a motion to approve Applicant's request for waivers as outlined in Staff's Recommendation Memo dated June 1, 2016.

Rick Brideau seconded the motion.

The motion was granted, 8-0-0. The Chair voted in the affirmative.

Member L. Reilly made a motion to approve Applicant's request for a Conditional Use Permit as outlined in Staff's Recommendation Memorandum dated June 1, 2016.

Giovanni Verani seconded the motion.

The motion was granted, 8-0-0. The Chair voted in the affirmative.

Member C. Davies made a motion to approve a site plan to construct a new internal access way, construct new parking spaces and associated site improvements at 57 Harvey Road, Tax Map 14, Lot 44-8, Zoned IND-II, 57 Harvey Road, LLC (Owner), Green Mountain Messenger (Applicant), in accordance with plans prepared by SFC Engineering dated April 1, 2016 and last revised May 6, 2016 with the precedent conditions to be fulfilled within 120 days of the approval and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memo, dated June 1, 2016.

Rick Brideau seconded the motion.

The motion was granted, 8-0-0. The Chair voted in the affirmative.

"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 address all appropriate items from the Planning & Economic Development/Public Works & Engineering/Tighe and Bond review memos dated May 2, 2016.
2. The Applicant shall provide the Owner's Signature on the plans.
3. The Applicant shall note all waivers granted on the plan.
4. The Applicant shall note the approved Conditional Use Permit on the plan.
5. The Applicant shall provide a digital (electronic) copy of the complete final plan to the Town prior to plan signature by the Board in accordance with Section 2.05.n of the regulations.
6. Outside consultant's fees shall be paid within 30 days of approval of the plan.
7. Financial guaranty if necessary.
8. 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.

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. **No construction or site work for the 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.
2. 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.

3. 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.
4. All site improvements and off-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 six (6) months from the issuance of the certificate of occupancy, or the Town utilize the financial guaranty 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 guaranty for their completion for purposes of receiving a certificate of occupancy without prior Planning Board approval.**
5. As built site plans must to be submitted to the Public Works Department prior to the release of the applicant's financial guaranty.
6. It is the responsibility of the Applicant to obtain all other local, state, and 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.

ADJOURNMENT:

L. Reilly made a motion to adjourn the meeting at 8:20 p.m. Seconded by R. Brideau. Motion was granted, 8-0-0. The Chair voted in the affirmative.

The meeting adjourned at 8:20 PM.

These minutes were prepared by Associate Planner (TEMP) Laura Gandia.

Respectfully Submitted,

Chris Davies, Secretary

These minutes were accepted and approved on June 8, 2016 by a motion made by _____ and seconded by _____.

LONDONDERRY TOWN COUNCIL MEETING MINUTES

1
2 **May 16, 2016**

3
4 The Town Council meeting was held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry,
5 NH.

6
7 Present: Chairman John Farrell; Vice Chairman Tom Freda; Councilors Jim Butler, Joe Green and Tom Dolan; Town
8 Manager Kevin Smith; Executive Assistant Kirby Wade

9
10 **CALL TO ORDER**

11
12 Chairman Farrell opened the meeting with the Pledge of Allegiance. This was followed by a moment of silence for all the
13 men and women who serve us here and abroad and all first responders here in Londonderry.

14
15 **PUBLIC COMMENT**

16
17 Chairman Farrell opened up the floor to the public. There was no comment from the public.

18
19 Chairman Farrell stated that the Town Council has been asked to move to a special election pursuant to RSA 31:5. The
20 purpose of the Special Town Meeting is to raise and appropriate the sum of \$42,905 to approve the cost items in a collective
21 bargaining agreement reached between the Town and the American Federation of State, Country and Municipal Employees,
22 Councilor 93 (LAEA – Unit B – Town Administrative Personnel). The Special Town Meeting will occur the same day as the
23 States September Primary in 2016. Motioned by Councilor Green and second by Councilor Butler. **Chair votes 5-0-0.**

24
25 Chairman Farrell introduced Police Chief Bill Hart to do a recognition of Lt. Tim Jones and his service to the Police
26 Department. Lt. Jones will be retiring at the end of the month. Chief Hart stated that Lt. Jones was unable to make the
27 meeting. Lt. Jones has given twenty years of service to the Town of Londonderry, in every capacity. Chief Hart thanked Lt.
28 Jones for all he has done for the Department.

29
30 Chairman Farrell introduced the National Police Week presentation. Chairman Farrell read in the National Police Week
31 Proclamation. Chairman Farrell and Chief Hart thanked all those who serve us here in Londonderry. Councilor Dolan stated
32 that the Council's thoughts and prayers are with the two officers from the Manchester Police Department who were shot that
33 week.

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35 There was no further public comment.

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38 **PUBLIC HEARING**

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40 **~ NONE ~**

LONDONDERRY TOWN COUNCIL MEETING MINUTES

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OLD BUSINESS

~ NONE ~

NEW BUSINESS

Chairman Farrell introduced the update on the communications infrastructure for emergency services which was presented by Londonderry Fire Department Battalion Chief McQuillen and Lt. Mague. Battalion Chief McQuillen stated that they have gotten together with the Highway Department and the Police Department and they are all in agreement of what they need to do going forward. They have met with vendors and discussed getting the equipment that they need. It will take place over the next month or so. That way they can get a good idea of what sites to use and what will help make the communication better. It will allow for the School District to be involved as well.

Councilor Green asked if they envision the public being tied into this and communicating with the public. Lt. Mague stated that a lot of the questions that are being brought up will be addressed going forward. Most of the talks are based around the resources needed right now to connect with the trucks on the road. Lt. Mague stated that they are looking to replace a lot of the infrastructure that the Town has, not just to the current level of today, but the Departments want to look toward the future as well. Councilor Green asked Lt. Mague if he sees an end date close. Battalion Chief McQuillen stated that he is hoping by August or September he will have an actual plan with specific dollars that will be needed and an outline of where the equipment is going to go and what the needs are going to be at all three facilities, Highway, Police and Fire. Lt. Mague stated that next month he's looking to present an actual plan to the Council and where the project is going. Chairman Farrell stated that if they are ready, next month will work for the Council. If not, update in July.

Chairman Farrell introduced Exit 4A update, the approval of the next phase. Public Works Director Janusz Czyzowski. Czyzowski stated that in January of 2015, the Town signed with NHDOT and stated that DOT will take over the project for final design and construction after that Town brings it through the EIS process. In 1997, Derry and Londonderry approved authorization for five million dollars per Town in bonding for the project. Chris Bean from CLD presented a PowerPoint on Amendment Seven of the project. Amendment Six, the Town has already approved and the process has been completed.

[See attached PowerPoint.]

Councilor Green asked how the Council will get updated throughout the process. Keith Cota with the NHDOT stated that the town staff works closely with the NHDOT to get updates. Councilor Green asked if there was any information from previous studies that they can take forward and use. Cota stated that the previous study did go to a draft EIS Public Hearing stage where five alternatives were identified as reasonable range. Cota stated that they are looking to build on what was done at that stage but unfortunately a lot of things have changed since then, so those past decisions need to be reviewed to make sure it's still the right decision. The whole environment has changed.

Town Manager Smith stated that he needs a consensus from the Council to go forward with Amendment Seven. The Council gave Smith a consensus. Town Manager Smith asked if the Council would like Finance Director Doug Smith to present to the Council how the town will pay for the \$1.16 million. Chairman Farrell stated that they would like to take it up at an upcoming meeting when they have more information and can talk about bond options. Smith stated that Finance Director Smith will put together some schedules of the different options. Chairman Farrell stated that we should take our time with this matter.

LONDONDERRY TOWN COUNCIL MEETING MINUTES

93 Chairman Farrell introduced Ordinance #2016-03, an amendment to the Municipal Code with regards to noise regulations.
94 Chairman Farrell stated that he is looking for a motion to waive the first reading and schedule a Public Hearing on the
95 Ordinance on June 6th. Motion to waive the first reading made by Councilor Green and second by Councilor Butler. Chair
96 votes **5-0-0**. Chief Hart briefly went over the Ordinance.

97

98

APPROVAL OF MINUTES

99

100 Chairman Farrell looked for a motion to approve the Town Council minutes from May 2, 2016. Councilor Green stated that
101 he would like more information included regarding the senior transportation surveys and what direction the Council was
102 going to give Town Manager Smith as to what should be done next about the issue and the research Town Manager Smith did
103 regarding transportation in the surrounding Towns. Councilor Green asked the Council what they would like to do going
104 forward. Motion to approve the amended minutes made by Councilor Green and second by Vice Chairman Freda. **Chair**
105 **votes 5-0-0**.

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LIAISON REPORTS

108

109 Chairman Farrell stated that he was able to talk to some of the seniors at the Senior Center and what he would like to
110 encourage the Town Council to do is to have the Town Council sit down at the Senior Center and listen to the seniors and
111 what their needs are. Councilor Green stated that CART does very well with its services to the people that go to the senior
112 center and the Council would be speaking to the audience that already gets their services.

113

114

ADJOURNMENT

115

116 Motion to adjourn made by Councilor Dolan and second by Councilor Green. Chair votes 5-0-0.

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118 Notes and Tapes by: Kirby Wade Date: 05/16/2016

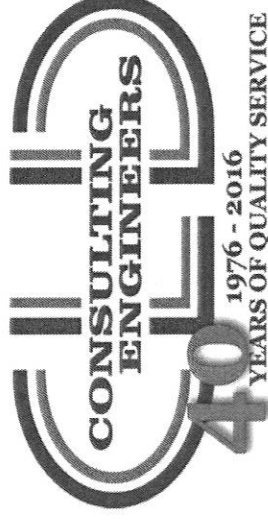
119 Minutes Typed by: Kirby Wade Date: 05/20/2016

120 Approved by: Town Council Date: 06/06/2016

DERRY-LONDONDERRY SUPPLEMENTAL DRAFT EIS AND FINAL EIS/ROD

MAY 2016

Presented by
Christopher Bean, P.E.
Project Manager, President



**DERRY-LONDONDERRY
SUPPLEMENTAL DRAFT EIS
AND FINAL EIS/ROD**

Contract Amendment No. 7

Background

September 2014: Towns responded favorably to an offer from NHDOT to take over “administrative control.”

Background

January 2015: Towns and NHDOT signed Memorandum of Agreement

1. Defined financial responsibilities of all parties,
2. Towns agreed to continue funding EIS and construction up to (\$5M max. per Town),
3. NHDOT agreed to fund construction ,
4. NHDOT will take full charge of project after EIS when it moves to Final Design.

Amendment 6: FHWA determined “re-evaluation of EIS” was needed. Topical meetings held to define scope.

- 12/15/15: Kickoff - Interstate Access Study, Westerly Access, Supplemental DEIS, Purpose and Need
- 1/7/16: Base Map, Cultural Resources, Hazardous Waste, Sensitive Plants and Wildlife
- 1/14/16: Traffic and Socio-Economic Data
- 1/21/16: Water Resources
- 1/28/16: Base Mapping, Wetlands, Vernal Pools and Streams

Amendment 6: FHWA determined “re-evaluation of EIS” was needed. Topical meetings held to define scope.

2/4/16: Air Quality and Noise

2/11/16: Interstate Modification Request, Indirect
and Cumulative Impacts

2/18/16: TMDL, Traffic, Vernal Pool Study, Mapping

3/17/16: Scope and Fee Negotiation Meeting

4/18/16: Submitted Finalized Revised Scope, Fee
Proposal and Project Schedule

Why is a Supplemental Draft EIS Needed to Update the 2007 Draft EIS and 2010 Draft Final EIS?

- Myriad changes have occurred over time with respect to;
- the baseline existing conditions of the area (development and natural resources),
- traffic volumes in the area,
- regulatory requirements over the 10 years from the original work,
- changes in FHWA and resource agency expectations, accepted impact analysis methodologies.

Why is a Supplemental Draft EIS Needed to Update the 2007 Draft EIS and 2010 Draft Final EIS?

- The I-93 Widening Supplemental EIS and specification of permit conditions was completed.

Why is a Supplemental Draft EIS Needed to Update the 2007 Draft EIS and 2010 Draft Final EIS?

- Plans for nearby developments have moved forward. The anticipated combined effects of Exit 4A and these developments must be covered in the document.

Why is a Supplemental Draft EIS Needed to Update the 2007 Draft EIS and 2010 Draft Final EIS?

- FHWA has updated its interstate access modification policy and requirements, prompting the need for an updated Interstate Modification Report to validate the 1989 interstate access approval.

Why is a Supplemental Draft EIS Needed to Update the 2007 Draft EIS and 2010 Draft Final EIS?

- FHWA has updated its interstate access modification policy and requirements, prompting the need for an updated Interstate Modification Report to validate the 1989 interstate access approval.

What Will Amendment 7 Provide?

- Completion of NEPA clearance with a project that will be able to obtain permits because the scope is addressing the environmental challenges head on such as Total Maximum Daily Loading of Chlorides and the impact of ongoing developments in the area.
- A public meeting to explain the project and get input on the Supplemental Draft EIS and the proposed project layout.
- A project that will be ready to efficiently move into the final design process.
- Affirmation that the Project complies with FHWA's current Interstate Access Modification Policy.

Amendment 7 Proposal

	I-93 Exit 4A Amendment 7 Proposal
	Supplemental Draft EIS and Final EIS/Record of Decision
Task 1	Project Management and Coordination
	Project Management
	Project Controls
	Document Control
	Administrative Record
	Quality Assurance/Quality Control (QA/QC)
	Coordination Meetings
	eNEPA Support

Amendment 7 Proposal

Task 2

Preliminary Engineering Updates

Base Mapping

Data Collection

Create Existing Conditions Base Map

Incorporate I-93 Contract Proposed Design

Update Engineering Layouts for NEPA Process

Engineering Design

Stream Crossings

Coordination with Roadway Working Group and EISRT

Estimates

Provide Data and Support for Environmental Resource Assessments

Deliverables

Survey and Right-of-Way Research

Existing Conditions/Topographic Survey

Survey - Existing Right-of-Way and Project Control

Right-of-Way Facilitation Meeting

Records Research

Survey

Existing Right-of-Way Plan Review

Develop Final Existing Right-of-Way Plan

Final Existing Right-of-Way Plan incorporated into Proposed Layout Plan for Public Hearing

Existing Conditions/Topographic Survey for Mitigation Site (if needed)

Amendment 7 Proposal

Task 2	Preliminary Engineering Updates
	Develop Conceptual Plans for Layout Public Hearing
	Refine Alignments and Perform Engineering Calculations
	Develop Typical Sections
	Update Pavement Layout
	Develop Conceptual Engineering Model
	Hydrology/Stormwater
	Hydraulic Study
	Estimate
	Develop Hearing Plan
	Bridge Layout and Clearance Checks
	Coordination with Roadway Working Group
	Deliverables

Amendment 7 Proposal

Task 3

Technical Studies

Chloride TMDL Compliance Report

- Update Watershed Chloride Loading
- Determine Status of Current Chloride Loading
- Quantify the Proposed Project Chloride Loading Requirement
- Determine how the Proposed Project can be accommodated within the Existing Chloride Allocation
- Update Existing Conditions
- Update Impact Assessment
- Update Mitigation
- Coordination with Chloride Working Group and EISRT
- Coordination with Chloride Working Group and Other Agencies
- Deliverables

Land Use Scenarios Technical Report

- Data Collection and Review
- Land Use Interviews
- Case Studies
- Prepare Land Use Forecasts
- Coordination with EISRT
- Deliverables

Traffic and Transportation Technical Report

- Data Collection
- Update Existing Conditions
- Update Impact Assessment
- Update Mitigation
- Coordination with EISRT
- Coordination with Other Agencies
- Deliverables

Amendment 7 Proposal

Task 3	Technical Studies
	Interstate Access Modification Report
	Prepare IMR
	Coordination with EISRT
	Coordination with Other Agencies
	Deliverables
	Simulation Modeling (TransModeler)
	Study Area Definition
	Create an Existing Condition Model in TransModeler
	Develop the future 2040 No Build Condition Model Scenario in TransModeler
	Develop the future 2040 Build Condition Model Scenario in TransModeler
	Deliverables
	Noise Technical Report
	Data Collection
	Update Existing Conditions
	Update Impact Assessment
	Update Mitigation
	Coordination with EISRT
	Coordination with Other Agencies
	Deliverables

Amendment 7 Proposal

Task 3	Technical Studies
	Water Resources
	Data Collection
	Update Existing Conditions
	Update Impact Assessment
	Update Mitigation
	Coordination with EISRT
	Coordination with Other Agencies
	Deliverables
	Groundwater
	Data Collection
	Update Existing Conditions
	Update Impact Assessment
	Update Mitigation
	Coordination with EISRT
	Coordination with Other Agencies
	Deliverables
	Wetlands and Vernal Pools Technical Report
	Data Collection
	Update Existing Conditions
	Update Impact Assessment
	Update Mitigation
	Coordination with EISRT
	Coordination with Other Agencies
	Deliverables

Amendment 7 Proposal

Task 3	Technical Studies Plant Communities and Wildlife
	Data Collection
	Update Existing Conditions
	Update Impact Assessment
	Update Mitigation
	Coordination with EISRT
	Coordination with Other Agencies
	Deliverables
	Threatened and Endangered Species
	Data Collection
	Contingency Bat Study
	Update Existing Conditions
	Update Impact Assessment
	Update Mitigation
	Coordination with EISRT
	Coordination with Other Agencies
	Deliverables

Amendment 7 Proposal

Task 3	Technical Studies
	Air Quality and Greenhouse Gas Emissions
	Data Collection
	Update Existing Conditions
	Update Impact Assessment
	Update Mitigation
	Coordination with EISRT
	Coordination with Other Agencies
	Deliverables
	Cultural Resources
	Historic Architectural Resources
	Data Collection
	Update Existing Conditions
	Update Impact Assessment
	Update Mitigation
	Coordination with EISRT
	Coordination with Other Agencies
	Deliverables
	Archeological Resources
	Data Collection
	Update Existing Conditions
	Update Impact Assessment
	Update Mitigation
	Coordination with EISRT
	Coordination with Other Agencies
	Deliverables
	Tribal Consultation

Amendment 7 Proposal

Task 3	Technical Studies
	Socioeconomics Technical Report
	Data Collection/Update Existing Conditions
	Update Impact Assessment
	Update Mitigation
	Coordination with EISRT
	Coordination with Other Agencies
	Deliverables
	Petroleum, Hazardous Material, and Solid Waste Sites
	Data Collection
	Update Existing Conditions
	Update Impact Assessment
	Update Mitigation
	Coordination with EISRT
	Coordination with Other Agencies
	Deliverables

Amendment 7 Proposal

Task 3	Technical Studies
	Indirect and Cumulative Effects Analysis
	Indirect Effects
	Data Collection
	Update Existing Conditions
	Update Impact Assessment
	Update Mitigation
	Coordination with EISRT
	Coordination with Other Agencies
	Deliverables
	Cumulative Impacts
	Data Collection
	Update Existing Conditions
	Update Impact Assessment
	Update Mitigation
	Coordination with EISRT
	Coordination with Other Agencies
	Deliverables
	Other SDEIS Topics
	Land Use
	Visual Resources
	Soils
	Floodplains
	Parks, Recreation, and Conservation Lands
	Section 4(f) Resources

Amendment 7 Proposal

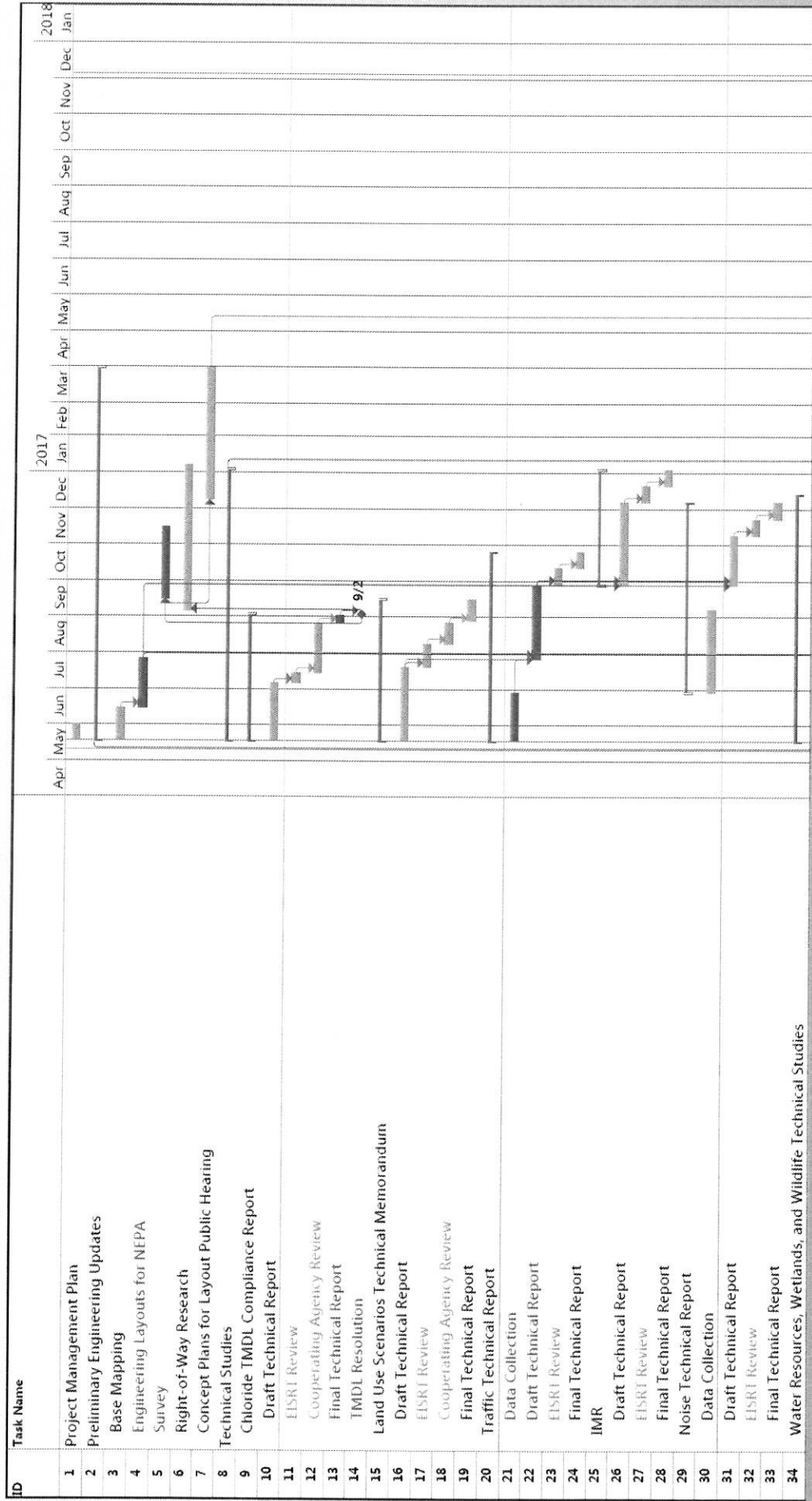
Task 4	Prepare SDEIS
	Notice of Intent
	Preliminary Administrative SDEIS
	EISRT Review 1 and SDEIS Revisions
	Revised Administrative SDEIS and EISRT Review 2
	Cooperating Agency Review and Comment Resolution
	Finalize and Publish SDEIS
	Project Website
Task 5	SDEIS Public Hearing and Response to Comments
	Public Hearing
	Response to Comments
Task 6	Final EIS/ROD

I-93 Exit 4A Amendment 7 Proposal

Task	Description	Work Hours Total
1	Project Management and Coordination	2,000
2	Preliminary Engineering Updates	6,394
3	Technical Studies	8,464
4	Prepare SDEIS	1,274
5	SDEIS Public Hearing and Response to Comments	896
6	Final EIS/ROD	400

Total Task Hours	19,428
Total Labor & Expenses Estimate	\$2,333,197.08
Total Cost Per Town	\$1,166,598.54

Amendment 7 Progress Schedule



Exit 4A Amend 7 Schedule
 Date: Wed 5/11/16

Task

Legend:
 Critical Path (External)
 Critical Path (Consultant Team)
 Summary

Amendment 7 Progress Schedule

