

# **LONDONDERRY, NH PLANNING BOARD**

## **MINUTES OF THE MEETING OF JANUARY 4, 2017 AT THE MOOSE HILL COUNCIL CHAMBERS**

### **I. Call to Order**

Members Present: Art Rugg, Chair; Mary Wing Soares, Vice Chair; Rick Brideau, CNHA, Ex-Officio; Jim Butler, Town Council Ex-Officio; Leitha Reilly, member; Al Sypek, member; Ann Chiampa (alternate member); Ted Combes (alternate member); Kyle D'Urso (alternate member)

Also Present:

Colleen Mailloux, Town Planner; John R. Trottier, P.E., Assistant Director of Public Works and Engineering; Laura Gandia, Associate Planner; Michael Ramsdell, Town Attorney

Chairman Rugg called the meeting to order at 7:00 PM, explained the exit and emergency procedures, and began with the Pledge of Allegiance. He appointed alternate member, T. Combes, to vote for C. Davies and alternate member, A. Chiampa, to vote for S. Benson.

### **II. ADMINISTRATIVE BOARD WORK**

#### **A. APPROVAL OF MINUTES**

**Member M. Soares made a motion to approve the minutes of November 30, 2016, as presented. R. Brideau seconded the motion. The motion was granted, 7-0-1 with A. Sypek abstaining. The Chair voted in the affirmative.**

**Member M. Soares made a motion to approve the minutes of December 7, 2016, as presented. R. Brideau seconded the motion. The motion was granted, 7-0-1 with R. Brideau abstaining. The Chair voted in the affirmative.**

#### **B. REGIONAL IMPACT DETERMINATIONS:**

**Application for design review of a site plan for the design and construction of a wireless telecommunication facility, 76 Chase Road, Map 001 Lot 083, Zoned AR-1, Christopher Trakas (Owner) & American Tower (Applicant)**

Town Planner Mailloux gave a brief description of the project, and stated that the project is not one of regional impact as it does not meet the criteria for regional impact as set out by the Southern New Hampshire Regional Planning Commission

(SNHPC). She further noted that notification of the project is sent to any municipality within a 20 mile radius as required by NH RSA 12-K:7.

**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.**

**Application for design review of a minor site plan for a change of use to allow retail vehicles sales, 7 Rockingham Road, Map 13, Lot 97, Zoned C-II, Henry Nguyen (Owner & Applicant)**

Town Planner Mailloux gave a brief description of the project and stated that the project is not one of regional impact as it does not meet the criteria for regional impact as set out by the Southern New Hampshire Regional 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. DISCUSSIONS WITH TOWN STAFF: N/A

### **III. OLD BUSINESS:**

- A. Application and acceptance and Public Hearing for a formal review of a site plan for a multi-family workforce housing rental project comprised of twelve (12) twenty-four (24) unit buildings containing a total of 288 rental units, 30 Stonehenge Road & 13 Hardy Road, Map 12 Lots 120 & 131, Zoned AR-1, First Londonderry Association, LLC (Owner & Applicant) – continued from the December 7, 2016 hearing

Chairman Rugg read the case into the record, and noted that the application was previously continued from the December 7, 2016 meeting. J. Trottier stated at that meeting the application was accepted as complete, waiver requests nos. 1-5 were approved, waiver requests nos. 6 and 7 were denied, and the Conditional Use permit was approved as outlined in the Staff Recommendation Memo dated December 7, 2016. In addition to the design review items noted on December 7, 2016, J. Trottier explained that there were also outstanding issues regarding off-site improvements relating to traffic at the intersection of Stonehenge and Route 28 and that the applicant is amendable to doing improvements at that intersection. He

added that the improvement at that intersection is a turn lane which needs to be further vetted by NHDOT.

Mark Fougere, Fougere Planning & Development, 253 Jennison Road, Milford, NH, Raja and Samir Khanna, First Londonderry Associates, LLC, Jeffrey Merritt, P.E., Keach-Nordstrom, 110 Commerce Park North, Suite 3B, Bedford, NH 03110, Steve Pernaw, Pernaw & Co., 47 Hall Street #3, Concord, NH and Attorney Bill Tucker, Wadleigh, Starr & Peters, PLLC, 95 Market Street, Manchester, New Hampshire appeared for the applicant.

J. Merritt discussed the recreation plan to address the Board's concern about the addition of a playground area. J. Merritt explained that in the applicant's experience with other developments, the playground does not get much use and is a liability issue but as alternative to a playground, the applicant is offering to add a recreation trail to increase the amenities on the property. He described the 3,000 foot recreation trail which begins near building number five and loops through the back portion of the property. He also described the site's other amenities such as the clubhouse, pool, function room, exterior patios and large lawn areas on both sides of the clubhouse.

He proceeded to discuss the concerns of the visibility of Buildings 7 and 9 (the most southern buildings on the property) from Faye Lane and the balloon test conducted on December 31, 2016 noting the topographic distance between Faye Lane and those buildings. He stated that the balloon height test was conducted at the proposed location of building 9 because that building is slightly higher than the others due to its placement topographically on the site. He explained that the balloon was raised to the height of the ridgeline of the proposed location of building 9. He referenced the pictures from the test and noted the height is measured from the ground to the bottom of the balloon which is 60 feet (the height from the ground to the top of the balloon is 67 feet). He described the results of the test and the compiled photos from that day which demonstrated that the balloon was not visible from anywhere on Faye Lane but was visible from West Parrish Drive, a very high spot in town. He noted that the elevation of West Parrish is near 500 feet and the site is approximately 400 feet so they were viewing the site from above. Chairman Rugg commented that West Parrish Road is the highest spot in town. A. Chiampa asked for the elevation of the land from where the balloon was flown. J. Merritt said he would get her that number when he concluded his presentation. He also explained that the balloon was not visible from other surrounding roadways. He hoped that this information would alleviate the Board's concerns over visibility.

J. Merritt then reviewed the aerial plan. He noted that the plan showed the site relative to the surrounding areas with horizontal distances of approximately 1,400 from the site buildings eliminating the towering effect due to the topographic distance and vertical rise over the distance. He added that the distance to Mammoth Road is 1200 feet and to Hardy Road is 1750 feet (See Attached Plan). M. Fougere noted that the vegetation and significant number of trees as well as the way the site falls away from Stonehenge help to obscure the buildings. J. Merritt noted that the aerial was taken at a time when the leaves were off the trees noting that the vegetation will be fuller in the spring/summer.

He then focused on the lighting plan to address abutters' concerns. He described the dark sky compliant full cut-off light fixtures that emit no light past the horizontal plane noting there is no upward light, and stated only LED lights which reduce horizontal spills will be used. He added that the lights have a spill light eliminator which pushes the light forward or sideways depending on the desired pattern. He also described the perimeter lighting closest to the abutters and the lights adjacent to the building which are equipped with a house side shield (six inch piece of metal on the back side) to prevent the backward spill of light by an additional 5-10%. He noted that the site lighting design is current with modern features that address abutters' concerns.

He then focused on the concerns regarding the lack of recycling. After the last meeting, the applicant in response to the Board and abutters' concerns contacted Waste Management and is willing to add another concrete pad for recycling next to the proposed trash compactor on the south side of the site. He noted that either a recycling compactor or recycling container center could be added.

He addressed an abutter's previous question about the conservation land. He explained that there are 30 acres of open space in total – 12 acres wetland and 18 acres upland. He also answered a previous question regarding the number of hydrants explaining that there are 12 hydrants servicing the site (9 on site, two at the booster station and one on Stonehenge Road near the Mammoth Road intersection) whose locations were approved by the Londonderry Fire Department. He concluded his presentation.

J. Butler noted that he could not see the balloon from Faye Lane but could see it at Parrish Hills. He added that when the property is cleared, the site will be more visible from Parrish Hills. He also questioned why the balloon was not placed on building one again expressing his concern over the removal of trees. J. Merritt explained that the two buildings 7 and 9 were specifically chosen to address the Board's concerns from the 12/7/16 meeting and noted that he is not suggesting that you cannot see the site and added again that the test was conducted to address the Board's concerns over the towering effect on Faye Lane. He explained that the balloon was not floated in the highest place possible but in a location to address the Board's concerns. He also noted the 50 feet buffer between the site and the road adding that he is not trying to hide the development – that they are proud of their work. M. Fougere added that the location of the project needs to be put in proper perspective noting they are multi-family homes, they will be heavily landscaped, the site fades away from Stonehenge softening the effects of the buildings, and the short sides of the buildings face Stonehenge with significant amount of open space.

The Board and J. Merritt had a conversation about some technical difficulties with the balloons resulting in two balloons popping due to the winds. J. Merritt noted that balloon tests are typically done for cell towers resulting in higher balloon heights but the canopy here was lower. He added they had an hour and half of flight time to document the placement and visibility of the balloon.

M. Fougere added that a balloon test would give the best visual to the Board instead of a drawing. M. Fougere then spoke of the traffic issues and the off-site improvements that were discussed with Town Staff. He introduced Steve Pernaw.

S. Pernaw introduced himself to the Board and stated that he met with Town Staff and Stantec on December 16, 2016 after the Planning Board meeting to discuss the Board and abutters' concerns regarding three traffic matters: (1) whether the second driveway should remain gated: the consensus was to leave the second driveway gated as the first driveway is sufficient and will operate well below capacity; (2) whether there should be a four way stop control option at the intersection of Hardy and Stonehenge: the consensus was that there should not be as it is not an appropriate location for a four way stop sign, and the warrants of the Manual of Uniform Traffic Control Devices for four way stop control were reviewed and the numbers do not support it; and (3) the mitigation at Route 28 and Stonehenge intersection: the consensus was adding a right turn lane at the Stonehenge approach to Route 28 constitutes reasonable mitigation for a project of this size and type resulting in the three following concepts:

- (a) Concept A - shows the widening on Stonehenge to provide to two approach lanes to the Route 28 intersection increasing the egress capacity of the Stonehenge Road approach thereby reducing delays of those turning to the right. The widening of Stonehenge occurs on the south side of the road which requires the removal of a utility pole;
- (b) Concept B - shows the widening of Stonehenge on the north side with the idea of keeping the utility pole;
- (c) Concept C- involves keeping the utility pole with a median island with a slip ramp for the right hand departure movement (See attached).

He stated that the improvement will consist in some form of one of these options to be determined with input from the New Hampshire Department of Transportation (NHDOT), discussions with Town Staff, and the ramifications of each option. He noted that this type of mitigation is the first step towards the long range fix of signaling the intersection. He concluded his presentation, and welcomed any questions.

Chairman Rugg asked what effect the proposed improvements have on traffic counts. S. Pernaw stated that it will make the east bound movement to Route 28 south quicker resulting in less delay. S. Butler asked two questions: (1) if there were any discussions with the Londonderry Police Department in conjunction with this traffic study to ascertain the history and number of accidents at that intersection; and (2) even with the proposed improvements will the intersection still be in failure. S. Pernaw stated that in response to question number two, the intersection will still be in failure. J. Butler expressed his concerns over the lack of common sense with an intersection that is in failure and adding to that existing failure commenting that we are just kicking the can down the road at the expense of public safety. Chairman Rugg reiterated the public safety concern.

In response to these concerns, S. Pernaw stated that from 2009-2013 the NHDOT crash frequency was 30 with an average of six crashes per year. He also added that not all crashes have to be reported to the State such as minor fender benders. J. Butler asked for a further breakdown of those numbers. S. Pernaw provided the following breakdown: 5 angle/cross-movement type crash, 9 rear-ends, 3 head-ons, 10 unknown, and 3 others noting that this information was obtained from the State of New Hampshire Consolidation Accident File Report that receives its data from the Town. He further explained at the request of J. Butler that 21 of those crashes were property damage only, and 9 personal injuries noting there were no fatalities. He then explained that as stated at the last hearing, the intersection is in failure meaning operating at a level of service F (level of service F means delays are over 50 seconds for people coming out of Stonehenge). He noted that other movements are not operating at a level of service F – they are better. He explained that the fix at this intersection is signalization which takes time and involves a process, a significant amount of money, and the addition of lanes on the main line with two approach lanes to reduce the green time to Stonehenge. He noted that the proposed mitigation plan does not solve the problem but does improve it – drivers will be happier to see two approach lanes. J. Butler contended that you are still adding failure to failure. S. Pernaw disagreed by stating that under the proposed configuration the left turn lane will still operate at a level of service F and the right turn lane will operate at a better level of service noting the existing volumes left turns (75 left turns in the evening, 224 right turns in the evening). He explained that those 75 turning left have to wait for a gap in both north and south bound traffic before turning creating the long delay holding up the 224 that want to turn right – adding the additional lane will help the 224. J. Butler contended that the intersection will still be in failure and S. Pernaw agreed however, he noted once again the condition will be much better than what it is currently. A. Sypek asked J. Trottier if he agreed with the mitigation improvements as described by S. Pernaw. J. Trottier noted that Staff supports Concept A which has been reviewed by NHDOT. K. D’Urso asked about sight distance with the new lane and people inching out to turn. S. Pernaw agreed that this is a common effect with multiple approach lanes noting that it will not increase the number of crashes. S. Pernaw pointed to the delay function as a source of accidents/crashes explaining that reducing delays will help to lower the number of crashes and accidents. Chairman Rugg asked if the turn lane will reduce accidents and S. Pernaw said he cannot say that. T. Combes asked the number of cars that can line up at the right hand lane. S. Pernaw stated that he believed five cars could fit based on the preliminary design. S. Pernaw noted that if the Board prefers that this improvement not happen, then perhaps a contribution towards signalization is a better option. J. Butler asked if the Londonderry Police Department agreed with the analysis and the number of crashes. Chairman Rugg suggested that it would be good for the Londonderry Police Department to meet and review the numbers and projected numbers to get a good handle on the public safety concerns. M. Fougere added that the traffic report was fully vetted with the Town’s review engineer. J. Butler stated that the Town’s engineer is not a public safety officer and that the Town’s police and fire department know these roads better than any traffic consultant. J. Butler wanted justification to these numbers. A. Chiampa added that that these numbers were dated and would like more recent numbers. Chairman Rugg noted the Board was looking for more commonality. S. Pernaw noted that after the report was

published, the Town's engineer asked for 12 more hours of data which demonstrated that the intersection already meets warrants as it has for many years, and the additional traffic does not change those facts. He added that the consensus was after meetings with Town Staff, the Town's review engineer and NHDOT, to move forward with the proposed mitigation with eye towards future signalization. He added that the mitigation is an improvement to the existing failure. Chairman Rugg asked if NHDOT had any plans for this intersection, and S. Pernaw stated this intersection was not even on its radar screen or on its 10 year highway plan. Chairman Rugg asked about the queuing on the eastern and western ends during rush hour, and about access for emergency vehicles. S. Pernaw stated that impact is minimal noting that trips are split between points east and west. He noted that average que lengths in the morning peak hour in 2016 for Route 128 north bound has increased by 0 and in the evening peak hour has increased by 1. He noted that what he sees in the future he sees today. J. Butler noted that the traffic study was done in July, 22 and 23<sup>rd</sup>, and asked for common sense thinking when viewing the results from a study conducted during vacation time. He stated that the traffic study was done on days when the traffic was the lightest and school was out. He asked why the study was not performed at a different time when school was in and people were home and working. He stated he had no trust in the study, and asked what the numbers would be if performed at a different time. He contended that in his personal opinion, the timing of the traffic study favored the developer. M. Fougere added that J. Butler's statement was unfair. J. Butler stated that he has lived in Town for 28 years and has a right to say what he wants to say. M. Fougere contended that J. Butler was making an accusation that they were being deceitful which is unfair, and he wanted it noted for the record. J. Butler responded to put it on the record. Chairman Rugg intervened stating that they are not here to argue. S. Pernaw explained that he performs traffic studies 12 months out of the year and the data is adjusted for peak month conditions. S. Pernaw did not disagree that some people are on vacation and reminded the Board as he did in the last meeting, that the numbers are adjusted with a seasonal adjustment factor of 11% in the morning and 4% in the afternoon. He also reminded the Board that the 12 hour count at Route 28 and Stonehenge was collected in November in 2015. M. Soares asked if the traffic could be monitored as the development progresses. Chairman Rugg stated and Town Planner Mailloux both agreed to review that issue more to see if there is a mechanism for continued monitoring. A. Sypek asked if speed was a factor in the study. S. Pernaw stated a speed survey was conducted at the site which has a posted speed limit of 35 mph that revealed speeds in the range of 22-45 mph with an average speed of 38 mph. He also added that the 65 percentile speed was 41 mph. He also discussed the November data which showed that Stonehenge Road had a two way volume by Route 28 of 422 cars in November as compared to the 467 cars in July. He made it clear to the Board that the July numbers were actually higher than the November numbers.

Chairman Rugg asked that Dave DeBaie address the Board to help explain what numbers were used and how they affected his opinion. D. DeBaie introduced himself and reviewed his professional experience. He noted that in the first traffic study, the data was sufficiently representative if properly adjusted. He added that the NHDOT has permanent counting stations throughout the state that determines the seasonal adjustment factor. He also explained the importance of looking at

the traffic flow and patterns, the software used to determine que lengths which are specified by the NHDOT, how the results are framed, and the research methods and impacts. He noted the impacts drew attention to the Route 28 intersection which led to the request for additional studies. He noted that NHDOT and the regional planning commission did not include this intersection in its future plans. He stated that several meetings were held with the applicant, NHDOT and Town Staff to determine what can be done resulting in the concepts previously shown. He stated that the results and data are proper and adequate and now it is up to the Board and Developer to determine whether the proposed mitigation is sufficient. He added that the proposed mitigation is reasonable for the development and the impact it has. Chairman Rugg asked if he went out there personally and D. DeBaie stated he has. Chairman Rugg reiterated his concerns about the impact of this development on public safety. D. DeBaie stated that the analysis is adequate and sufficiently represented. He stated that the site parking lot is not going to empty at the same time. A. Sypek requested more recent accident data possibly from Londonderry Police Department and its enforcement of traffic issues. J. Trottier stated that the information comes from NHDOT. D. DeBaie stated that the requirement for the traffic study is to use the most recently available traffic data and added that at this point, the traffic study is about a year old and there may be another year available but not three. A. Sypek stated he was interested in trends. M. Soares commented that G. Dussault stated at the last meeting that accidents have increased in that area. L. Reilly asked about the Town standard for the width of roads and the widths of the roads in that area. J. Trottier stated that the Town standard is 28 feet in width, Stonehenge is 24 feet, and the average width in that area is 24 feet. L. Reilly asked D. DeBaie if the width of the road has any effect noting the slope of the road, school buses, and speeds. D. DeBaie stated that in the case of 24 feet width versus 28 feet width, the use of shoulders is different. He added that there is no big difference on this project with 24 feet and 28 feet. D. DeBaie explained that one trend of thought is that narrower roadways keep speeds down but this does not necessarily hold true if one is familiar with the roadway. He added that the width of the roadway was not a comment that was made in the analysis. J. Trottier added that the Town went to a 28 foot roadway to provide for 24 feet of pavement and two feet of shoulder on each side for drainage purposes – geared towards residential subdivisions. L. Reilly stated she was struggling with the valued expertise and the common sense that she sees as a resident. A. Chiampa expressed concern over the sun glare and fog when travelling west and if this was a factor. D. DeBaie stated that they do not normally look at where the sun is but would look at a particular spot that shows more crashes. M. Soares stated that responsibility needs to be on the driver. D. DeBaie noted that the study is not all statistics. L. Reilly asked if the report showed increase traffic volume on Bartley Hill Road. D. DeBaie stated the report does not include any trips on Bartley Hill and does not expect that that is a pattern that he will see.

Chairman Rugg asked for public input. J. Merritt asked if he could provide A. Chiampa with the balloon elevation which was 464.4 feet. He noted that the vertical change from Mammoth Road to the location of the building consists of a 1200 horizontal feet linear distance between the two affecting the towering effect.



Nearby resident, Deb Paul, 118 Hardy Road addressed the Board. She questioned the reasonableness of the study as compared to what is really happening on the road. She felt that the studies are too simulated. She noted that the rear end accidents with people travelling from Derry trying to make a left hand turn onto Stonehenge were never mentioned. She stated she spoke to someone at NHDOT regarding a signal at the intersection and the developer's responsibility for the signal. She stated that we are all here to do what is right for the community. She added that her belief is that the developer is not doing enough off-site improvements. She stated that they are fixing a road that they are tearing up and that is not enough and they are not doing anything to benefit this community. She was frustrated over the lack of impact fees. She commented her perception of the developer's tone and what she perceived as his arrogance. She also noted that the developer threatened to sue and the Town cowered. She felt that the Town needs to stand united. She asked is there is enough water pressure to contain a fire. She also questioned the location of the trash and recycling compactor noting that people are lazy and not going to walk to empty their garbage in the rain and cold. She also felt that this development was going to turn into a project and noted the development across from the post office and the police logs associated with it. She commented on the effect of the development on fire, roads, and infrastructure. She also questioned the sight lines and the speed with the Perkins Road development. She also requested a letter from NHDOT stating that there is a problem that they are not going to fix. She also stated that the development will dump its trash and snow into the mouth of the Little Cohas Brook and the conservation land. She felt that the developer did nothing for the Town by giving the conservation land. She noted that the development is in the wrong place at the wrong time. She suggested the possibility of widening the road. She stated that in her opinion, the project is an abomination and disservice to this Town. She noted the impact on the schools. She apologized to member L. Reilly, and stated that she felt that a school board member should attend and give the school board's input to the Planning Board.

Nearby resident, Greg Stanley, 112 Hardy Road, addressed the Board in opposition to this project. He noted that at the end of Perkins Road there is Vista Ridge and another new development. He stated that he believes you will see an increase in traffic on Perkins Road and Hardy Road due to these developments. He was unsure if they were taken into account with the existing study. He also commented on the speed limit and felt that people actually go much faster than 40 mph on Stonehenge. He felt that the improvements at Route 28 and Stonehenge are not going to help. He stated he is going to be impacted directly by this development. He felt that the improvements being offered by the developer are inadequate. He noted that the traffic study was done during a time when there was little traffic. M. Soares reminded G. Stanley that when the data from the November study was presented, that data showed less cars than the July data, and it is not fair to the developer for anyone to say that the developer picked a time for the study that would not accurately reflect the numbers. She added that it is a misnomer to say that the developer made a choice to do something to conduct a study so those results can be misrepresented. She explained that she appreciates G. Stanley's concerns and understands them but to say something that is not accurate and untrue is unfair. G. Stanley stated that he needs to state his opinion and what he believes based on what he sees and

experiences as a resident. He expressed his concern over the lack of improvements at Hardy intersection.

Nearby resident, Deb Paul, addressed the Board and stated that the date of the traffic study was November 3<sup>rd</sup>. She also asked how the speed was tracked. S. Pernaw stated that a hand held radar unit was used to track the speed. D. Paul asked about the day and time the radar was used. Discussions ensued between D. Paul and Chairman Rugg about the average speed and radar tracking.

John Farrell, Town Council Chairman, Four Hancock Drive, requested permission from Chairman Rugg to address the audience, and asked the audience to address the Board with their concerns and opinions.

Marge Badois, Chairman of the Conservation Commission, 189 Litchfield Road, addressed the Board. She stated that the Conservation Commission was never given the opportunity to comment on the DRC. She stated that the Commission provided comments on a dredge and fill application and at the last meeting, the project was discussed. She stated that the Conservation Commission recommends having on site a third party to check on all the site preparation from time to time during construction and a permanent periodic basis to ensure that all filtration and pollution as well as erosion measures are properly installed and respected. She noted the property is at the head waters of Little Cohas Brook, an important and very sensitive watershed which the State has spent significant money to protect. She explained that the property serves as a buffer to the watershed. She noted that the snow storage and dumpster are placed in the most sensitive area of the property which will affect the watershed. Her recommendation would be to keep the buffer as wide as it can. J. Butler asked her to explain what the DRC is and she explained that DRC is the Design Review Committee. J. Butler asked if the Conservation Commission reviewed this and she stated no except for a dredge and fill permit. Town Planner Mailloux explained that this issue was raised by the Conservation Commission and she noted that as part of the Planning Department's standard process in November 2015 when the application was received, an e-mail was circulated to the Design Review Committee which includes the fire department, police department, Conservation Commission, and assorted town boards notifying them of the application. She added that the plans were attached to this e-mail. She explained that no comments were received at that time from the Conservation Commission but the standard DRC protocol was followed. She noted that the Conservation Commission did review the plans for the temporary wetland impact associated with the water line. For clarification on process, she added that if there is no conditional use permit involved, then there may not be a Conservation Commission meeting scheduled. She explained that the plans were circulated in the usual process and unfortunately maybe due to a possible miscommunication or changing of staff, no comments were received. J. Trottier also noted that the Conservation Commission was undergoing changes at that time as well. M. Badois responded that typically when there is an application for review, a hard copy is available at the meeting and she has no record of that occurring. J. Butler stated that the Commission's input is important, and Chairman Rugg agreed stating that this should be part of the continuance.

David Nease, 11 Faye Lane, addressed the Board in opposition to the development. He stated he has been fighting this project for eight years. He was concerned over increased drug problems in the area and drugs on the rail trail. He noted concern over lighting and visibility of the project. He added that the project does not belong in this area.

John Curran, Six Faye Lane, addressed the Board in opposition to the development. He explained that he felt out of the loop with the whole process. He noted the direct impact the project has on him. He expressed concern over traffic and asked the Board to look subjectively at what happens on the roads in question. He recalled a fatality at the intersection of Route 28 and Stonehenge before the data was collected for the current study. He commented on how people find alternate routes to travel noting that there are outliers. He asked the Board to perform due diligence when making a decision.

Jillian Vaillancourt, 14 Calla Road, addressed the Board in opposition to the development. She noted concerns over the Route 28 and Stonehenge intersection and public safety. She added that the Town should not add failure to failure referencing J. Butler's comments about lives and safety. She asked how the Town can responsibly add to a problem where loss of life is involved.

Resident Tiffany Richardson addressed the Board in opposition to the development. She noted concerns over the North School capacity and class size commenting that her son's class has 32 students. L. Reilly responded that there are no classrooms with 32 students. L. Reilly added that the superintendent in conjunction with the school board wrote a letter to the Planning Board over this and other developments. T. Richardson noted that the traffic back-up for North School on Route 28 and Sanborn Road is ridiculous during pick-up and drop-off time.

Valerie Cloutier, Eight Twin Isles Road, addressed the Board. She asked for the peak hour used in the traffic report. S. Pernaw stated that the hour was 4:45 - 5:45 p.m. She noted that the Route 28 intersection at any time after 3 p.m. is very dangerous. She contended that the developer should fix the intersection.

Nearby resident, Chris Paul, 118 Hardy Road, addressed the Board in opposition to the development. He stated he followed these types of projects for a while and he felt that anything he said did not make a difference. He expressed frustration with the Town, the Zoning Board of Adjustment and the history of the workforce housing ordinance. Chairman Rugg reminded the public that they are here only to discuss the plan in front of the Board.

Nearby resident Deb Paul, addressed Chairman Rugg's comments and her frustration over the lack of accountability with the ordinance that was sent to the Town's attorney for review. Chairman Rugg requested that comments be limited to the current site plan. D. Paul stated that what she has a right to speak and reiterated her concerns over the ordinance that was proved and then challenged.

Nearby resident and Londonderry Fire Lieutenant, Bo Butler, Nine Grapevine Circle, addressed the Board in opposition to the development. He stated that he

has been a fire lieutenant for the past 12 years and has responded to numerous calls on Stonehenge from Mammoth Road to Route 28 for minor to fatal accidents. He stated it is a terrible stretch of roadway and adding more to the problem is setting the Town up for failure. He described the human factor and believed that narrow roadways do not slow down traffic.

Conservation Commission member, Deb Lievens, 105 Gilcreast Road, addressed the Board in opposition to the development. She noted her concerns with the trash and recycling compactors and their proximity to Little Cohas Brook.

Town Council Chairman John Farrell, addressed the Board in opposition to the development. He expressed concern over traffic and his thought that this was a square peg round hole, wrong place, wrong time situation. He stated that he has responded to multiple house fires, car accidents, etc. and has seen it all adding that driving on Route 28 and Stonehenge Road is like playing Russian roulette. He noted that he was bothered by the body language of the applicant and his team but stated he did not want to address it because it was too personal. He added that they do not live here. He stated that the Town needs to figure out a better way.

Nearby resident, Bill Gardocki, 10 Sheridan Drive, addressed the board in opposition to the development. He referenced J. Butler's comment regarding common sense was relevant and thought that the project was worth fighting.

**M. Soares made a motion to continue the case until the February 1, 2017 meeting to allow for:**

- 1. Further review of possible relocation of the trash and recycling compactors;**
- 2. A meeting with the Conservation Commission;**
- 3. A meeting with traffic engineers, Town Staff, Londonderry Police and Fire personnel to discuss a workable common denominator of safety with focus on protection of the residents; and**
- 4. Input or possible presence at next meeting from a representative of NH DOT regarding the Route 28 intersection and its failure and the effects of the proposed mitigation.**

**Member R. Brideau seconded the motion.**

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

The Chair noted that this was the only official notice of the continuance of the public hearing to February 1, 2017 at 7 PM in the Town Hall. Town Planner Mailloux noted that the Town cannot compel a representative from NHDOT to attend the meeting but she will certainly request that one does or at the least provide a letter addressing the Board's concerns.

#### **IV. New Plans/Conceptual/Non-binding Discussions**

##### **Application acceptance and Public Hearing of a proposed 83 lot conservation subdivision, Lorden Commons Phases 2, 3 and 4 - 17 Old Derry Road, Map 16, Lot 38, Zoned AR-1, Lorden Commons, LLC (Owner) and Chinburg Properties, Inc. (Applicant).**

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

**Member A. Sypek made a motion to accept the application as complete per the Staff's recommendation memorandum dated December 7, 2016.**

**R. Brideau seconded the motion.**

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

The Chair noted that this starts the 65 day timeframe in which the Board has to render a decision.

Jason Lopez, Keach-Nordstrom Associates, 10 Commerce Park N, Bedford, NH, Mike Wynkoop, Chinburg Properties, 55 Main Street, Newmarket, NH, and Steve Pernaw, Pernaw & Co., appeared before the Board. J. Lopez addressed the Board and stated that it is his understanding that Staff is not ready for conditions of approval; therefore, he wanted to make a presentation and focus on the waiver requests, the conditional use permit and any other outstanding items that require attention. He described the location of the property as being northeast of Exit 5 in the AR-1 zone. He stated that Phase 1 was approved for 50 house lots on January 28, 2013 and is substantially complete. He noted that the Phase 1 approval incorporates a master plan for three additional phases comprising 83 additional house lots. He reminded the Board that he appeared before them in August for a concept discussion. He stated that the lot area for phases 2-4 is 174 acres of land (original parcel is 229 acres) and he is proposing 145 acres of open space. He added that the average lot size is 1/2 acre with 70 feet of frontage. He noted that Phase 2 will have access from Old Derry Road. Currently, Calla Lane provides 1200 feet of access roadway with a temporary cul-de-sac. He noted that Phase 2 will consist of 18 lots with the 1200 feet roadway to a temporary cul-de-sac, and Phase 3 will consist of 40 lots with the removal of the temporary cul-de-sac from Phase 2. He explained that the site is required to have two points of access and with Phase 3 the temporary cul-de-sacs will be removed and a connection for emergency vehicles will be constructed (emergency access would then be removed off of Iris). He further explained that Phase 4 will

consist of 25 house lots off of 1,134 feet of road from the internal t-intersection with a permanent cul de sac. He noted that in spring 2005 the wetlands were delineated by Mark West who visited the site again in spring 2016. J. Lopez added that a site specific soil study was conducted in spring 2016 which was utilized in the drainage analysis. He explained that the Division of Historic Resource application required a Phase 1A short report which was completed, and he received permission to move forward with no items of concern. He added that the Natural Heritage Bureau database showed snakes and Blanding Turtles on the property which led to a meeting with the Conservation Commission. He added that he is working with Fish and Game to protect and minimize any impact to the turtles' habitat. He stated that the filings were updated.

He noted one wetland impact for the roadway construction of 6,060 SF of permanent impact to a swamp adding that they met with the Conservation Commission on August 23<sup>rd</sup> which forwarded a letter to the Wetlands Bureau stating there were no further concerns with that impact. He explained that they are currently before the Wetlands Bureau which currently has no issues with the project provided they meet the criteria and concerns of the Fish and Game Department and EPA. He explained that they addressed all the comments which were before them. He noted that the permit should be coming fairly soon. On September 13, he stated that they appeared before the Conservation Commission to address the conditional use permit for drainage, roadside slope and roadway within the 50 feet wetland setback. He described the shape and location of the pond and the Conservation Commission's request to minimize the impact. He noted that they were able to minimize the impact by 35% after considering the Commission's input (a decrease in impact from the original proposal). In July, he stated that they met with the Heritage Commission which expressed concerns over the removal of the stonewalls on the property and requested the stones from the walls be reused throughout the site. He explained that they are going to flank the new entrance and the internal intersection incorporating the stones into the design. He noted that no variances were needed.

He stated that 208 lots were permissible for the project and they are proposing 133 lots, an excess of 38 acres of usable open space. He explained the fire protection will be from two 3500 galloon cisterns - one currently exists in Phase 1 and the other will be located just west of the wetland crossing on the left side of the road which was reviewed and approved by the fire department. He noted that water supply will be by private wells. During Phase 1, the Town's review consultant requested additional information on well studies on water quantity and quality before any additional phases were approved focusing on if there is enough water recharging the existing aquifer to support the additional 83 new wells and the effect of proximity to a superfund site located northeast of the project on the potential to draw from that area as well as impacts to the proposed and existing wells and abutters' wells. He noted that Jack McKenna of Hydroterra Environmental Services was the consultant for Phase 1 and continued his work on the additional phases. He noted that Staff, the

Town's consultant, Jack McKenna, Professional Geologist, Hydroterra Environmental Services, LLC, 272 ½ Dover Point Road, Dover, NH 03820, and he met to discuss these issues and any additional information that was needed. He explained that the current process involves gathering more information and looking at the numbers which appear to show that there is enough water within the watershed but there are concerns over the textbook data and actual data in the field and whether there is a draw over the superfund site to cause an issue. He commented on discussions recommending putting monitoring wells on the site to provide baseline information. He noted that J. McKenna is not able to be at the meeting tonight and that he is putting together a plan that will be reviewed by the Town's consultant for further discussion. He stated that he is looking to find a solution by providing more field data to help guide the design. M. Soares asked if there was any testing done on the current wells, and J. Lopez stated that the only testing available is the testing done at the time the well is drilled which is on file with New Hampshire Department of Environmental Services (NHDES). M. Soares asked how many homes are currently built. J. Lopez stated that there are 50 homes currently built with an additional 83 houses to be built. M. Soares stated that she drove through the site and it is beautiful. J. Trottier noted that the water quality testing is part of the certificate of occupancy. M. Soares asked if there was future monitoring after the home was built and was informed no. She added that if she was purchasing a home near a superfund site, she would have made that part of her contract. In response to A. Sypek's question about an average gallons per minute ("GPM"), J. Lopez stated that there was 3-4 gallons per minute with no minimum required adding that the requirements are volume based and involve the depth of the reservoir. T. Combes questioned the elevation of the project and the effect of the wells. J. Lopez stated that the biggest impact is that the higher areas have ledge which will impact depth casing noting a lot is dependent on cracks in the rocks and what is encountered while drilling.

J. Lopez stated that the sewer system is a private system owned by Lorden Commons Sewer Company, approved as a franchise by the New Hampshire Public Utilities Commission. He noted that the onsite sewer will be gravity fed and the pumping systems will be maintained by the sewer company with the costs absorbed by the homeowner's association. He added that the on-site sewer is owned and maintained by the homeowners and ties into the Town of Londonderry. He explained that drainage is a closed system complying with NHDES Alteration of Terrain requirements and the Town of Londonderry's drainage requirements. He stated that all utilities are underground.

He described the sight distances on the project. He explained that at the new road (Clover and Old Derry Road), to the left there is a steep embankment with a site distance issue requiring regrading of the slope and removal of vegetation. He stated that the traffic report was completed by Steve Pernaw and updated for Phases 2, 3, and 4. He noted that the Town's Police Department and Department of Public Works expressed concern over the intersection of Old Derry Road and Auburn Road which is

external and north of the project site. He commented about the delays as a baseline criteria. He noted that once the project is complete the intersection will operate satisfactorily; however in the year 2027 there will be issues with that intersection. He commented on the options for the intersection, the possibility of a right turn lane off of Auburn Lane onto Old Derry Road, and payment for future improvements. He added that the impact of the project is primarily with the slip lane. He stated another possible option was to perform a detailed survey of the intersection along Old Derry Road and to provide a base map data to be utilized in future design and planning in lieu of other potential improvements. He spoke about potential agreements for additional easements for the realignment of Old Derry Road and for roadway straightening and drainage. At the August conceptual meeting, he noted there were some issues that were raised that he wanted to address: (1) connection to rail trail – he noted that this connection is not feasible as Fish and Game and EPA pointed to Peat Bog area where most of the turtles were spotted and both agencies were not keen on additional wetland impact to gain access to rail trail; therefore, the connection is not being proposed; (2) blasting: there will be additional large quantities of rock removed, they are required to develop a ground water monitoring plan to be approved by NHDES as well as pre and post blast surveys; (3) common play area- not included due to cost of long term maintenance, liability and attracting people from outside the development; (4) bus pick up: not included after discussion with Peter Curro due to the fluctuation and movement of school bus locations; and (5) open space and ownership: there is a current declaration of covenants, conditions and restrictions for Lorden Commons recorded at the Rockingham County Registry of Deeds – the common land, open space, is owned by the Town, the common property that is located on the common land is owned and maintained by the association (i.e. cistern, sewer, landscaping), use of the common land is for residents of the subdivision providing rights of access to the Town of Londonderry's employees agents for official business.

He reviewed the five waiver requests as outlined in his waiver request letters (See attached). In reviewing the waiver request to section 3.09.R.3, Staff noted that the recommendation memo should read should for paragraph 4 "no greater than 8%."

J. Trottier reviewed the Staff's recommendations to the waivers and the Conditional Use Permit as outlined in the Staff Recommendation memorandum dated January 4, 2017 (See Attached). J. Trottier then reviewed the design review items focusing on sufficient water and water quality. He reiterated that Town Staff met with J. McKenna who is preparing a monitoring plan with permanent wells to be used through various phases of the project. He also commented that Old Derry Road and Auburn Road will operate below capacity during all hours of the day until 2027 and longer delays are anticipated at that time with levels of service varying from a B to an E depending on the approach. He noted the major issue is heading north on Auburn Road and taking a right onto Old Derry Road.



Town Planner Mailloux clarified that there is no direct impact to wetlands associated with the Conditional Use Permit for the wetlands located on the northerly portion of the site; however, there is a direct impact to the other wetland without associated buffer impacts – there are two separate areas. She also noted that there is a dredge and fill permit required for this portion.

Chairman Rugg asked for Board input and there was none. Chairman Rugg asked about the feasibility of a right turning lane at the intersection of Auburn Road and Old Derry. J. Trottier responded that he is waiting for the survey for a baseline to determine topography and right of way limits. Chairman Rugg then asked for public input.

Bill Gardocki, 10 Sheridan Drive, addressed the Board. He commented that the development is beautiful but he expressed disappointed of the lack of use of public water given its close proximity. He noted that public water is available at the corner of Auburn Road and Old Derry Road and in front of 13 Sheridan Drive (which he owns) which is less than 50 yards from the Lorden Commons property site. He asked why public water was not considered. He noted that there are eight wells on the cul-de-sac within 20 yards of each other, and that there is a decline in his water. He stated his 305 feet well is sucking sand. He noted that his neighbors' well are between 400-500 feet deep. He also noted the residents on Old Derry Road are also on wells. He added that he would allow the developer to come on his property to access the water lines. He also noted how the houses are clustered and the wells are in close proximity. J. Lopez responded by stating that his firm did not design Phase 1. J. Lopez stated that he set up a meeting with Manchester Water Works ("MWW"), and determined that MWW would not permit cross county access by a right of way. He added that MWW is requiring that they go down Old Derry Road which would require going to a 10-12 inch water main located just off of center line of the roadway, blasting, and full reconstruction of Old Derry road. He added that this option was investigated and noted that he could not make any headway with MWW. B. Gardocki wanted it noted that he has water issues.

Meghan Ivey, Eight Calla Road, owner of a Phase 1 home located at the bottom of the hill, addressed the Board about her significant water issues (one of the first families in the Phase 1 development). She informed the Board that she moved in, her well went dry, and a new well was installed. She added that the current well is 540 feet and produced four gallons per minute. She stated that NHgov recommends five gallons per minute for two hours. She stated that she has had the water tested which showed nitrates forcing her to use a significant amount of water softener. She stated that the installer had to frack to get water which she believed disturbed all the other wells in the area. She noted that she purchased the model home which included an irrigation system, and she questioned the ability to have enough water for that system. She stated that it takes her forever to fill a pot of water. She asked for the Board to consider public water for all and continued monitoring for water quantity and quality. She also noted that she has a nitrate filter. She stated that Chinburg is well

aware of this, and asked for the Board to consider having a new consultant to look at this situation. She had her water tested with and without a filter and water softener. J. Lopez asked for that information to be provided to Staff.

Jason Ayotte, 12 Iris Lane, Phase 1 of the Lorden Commons subdivision, addressed the Board, stating that he provided Town Staff with written testimony. He stated he was thankful to the Board for continuing the application. He hoped that the new purchasers were aware of the current situation, and requested the latest plans be made available. He expressed concerns over blasting and the blasting process. He spoke of a third party monitoring system for the whole subdivision with preblast surveys for the entire neighborhood including those outside the blast radius. He expressed concerns over the proposed sewer system for Phase 2 noting that there are nine lots with individual pumps, ownership costs, manholes, a sufficient contingency fund, and unexpected/unforeseen added costs. He expressed concern over transfer of ownership of land, easements, open space A and B and who owns what land. He hoped that Chinburg would provide this information clearly to all the residents in the form of an informational session meeting. He then discussed the sequencing of Phase 2 as it relates to Phases 3 and 4.

Chris Armstrong, Four Iris Lane, Phase 1 of the Lorden Commons subdivision, addressed the Board. He stated that initially the wells were 220-260 feet deep according to Chinburg staff and now they are 500-600 feet deep. He stated that he complained to Chinburg about his water and well. Upon this complaint, he explained that Chinburg brought the well company back to the site with one of Chinburg's staff members, and they attempted to drain the well (took 1/3 with a garden hose in 20 minutes). He noted the recovery rate was an average at 3.3 gallons per minutes. He explained that this was done last year when there was a lot more water. He stated that some of these wells are right next to each other and fairly close to the property lines. He stated that his well is 50 feet from his neighbor's well, and that the water is brown. He added Chinburg provided a water filtrating system. He explained that he used a one nano size filter and it did not last a month forcing him to upgrade to a five nano filter which he had for 30-60 days until it became caked with brown sediment. He also discussed the 6-8% grade and the accidents on Old Derry Road noting two to three accidents on Old Derry currently. He thought there should be some redesign to that entrance way.

Abutter Mike Boyle, 15 Old Derry Road, addressed the Board. A resident for 35 years at 15 Old Derry Road, he noted that his lot is 16 acres and abuts the Phase 2 site. He expressed concern over traffic and the number of accidents that happen at the end of his driveway. He stated that Chief Ryan provided information regarding traffic and accidents, and contended that this spot is one of the top two for most accidents. He stated the location of Clover Road entrance was dangerous and there is not proper sight distance to the right of the entrance. He asked for input from the Londonderry Police Department. He explained that he added a second

home to his property with a well on the corner closest to the lot line and another well near the second home both in excess of 600 feet deep with 4 gallons per minute. He noted that this development would affect his water quantity and was disappointed of the location of the houses closest to his lot. He requested that the houses near his lot be relocated. J. Lopez noted that the layout of the project was dictated by the conceptual layout during Phase 1 and the 50 feet wetland buffers adding that the central portion of the property contains vernal pools, the habitat for endangered species (turtles) as well as Peat Bog, an extremely sensitive area for the turtles. M. Boyle stated that the property is a big rock and noted the significant amount of blasting that has already occurred. He commented on the effects of the blasting and the intensity of the blasting felt at his home. He thought they should be bonded for protection of the wells for the residents and the neighbors. He stated that he contacted the blasting company about damage to his foundation and home. Chairman Rugg responded to his request for a bond by stating that they are in the process of gathering more information on that issue. J. Lopez stated that they were provided with recent data from the Police Department which was reviewed by S. Pernaw and the Town's review consultant. Town Planner Mailloux stated that there were subsequent discussions the police department regarding its concerns over the character and curves in the road. She added that this led Town Staff to request additional right of ways to straighten out the curve in front of the development. J. Trottier reiterated the sight distance requirement. J. Butler asked if the police department gave Town Staff a report. Town Planner Mailloux stated that Captain Gandia and Dispatcher Bobby Jones provided the requested information on November 15, 2016 - Five Year Traffic Analysis for Old Derry Road. Chairman Rugg asked that that information be put in the read file for the Planning Board.

James Tullus, 20 Calla Road, fourth house sold in Phase 1 of the Lorden Commons subdivision, addressed the Board. He stated that in May 2014, he moved in and since that time there has been a significant amount of rock crushing and blasting resulting in a lot of dirt and dust. He also expressed concerns over traffic and turning onto Calla Road as well as the layout of the roads with the hopes of eliminating the number of trucks in future construction phases. He also stated that the roads used to be swept but that is no longer done. Chairman Rugg asked J. Lopez about accommodating some of these concerns. J. Lopez stated that some of them can probably be accommodated but pointed to the need to connect to sewer and drainage. J. Tullus stated that there are not appropriate sight lines. He also stated his position against having a play area. He also spoke about water concerns. He stated that when he moved in he had a great well that was fracked. He believes his well is at 300 feet and he did not have any filtration or water softener. He stated that with the additional construction, he noticed silt and needed to buy a filtration system mostly at his own expense. He also commented on the ever essence, bubbles, temperature of his water and air in his well. During the first couple of months, he stated the well was fine but then he started experiencing problems. He explained that Chinburg fracked the well and helped to correct the issues adding that

everything was fine for about a year until he had to install the filtration system.

There was no other public input. J. Butler asked of the audience about how many people experienced water problems and a majority of the audience members raised their hands.

Charles Armstrong, Four Iris Lane, of the Lorden Commons subdivision, addressed the Board and stated that if anyone contends that the problems expressed tonight were unknown or came as a surprise he would challenge them because many people in this room has spoken to Chinburg staff or sent e-mails. He stated that prior to him purchasing his home, he spoke with Chinburg about his concerns and Chinburg put it at its own expense a water system and knew there were problems. He also commented on the dust issue and whether there is an EPA regulation regarding the dust. J. Lopez stated that there is and it is a Notice of Intent which requires a storm water pollution plan and dust control procedures. He noted these requirements will be complied with and incorporated into the design.

Meghan Ivey, 8 Calla Road, addressed the Board again and asked about the water source for the cistern. A. Sypek stated that the fire department fills it and it is the homeowner association's responsibility for its maintenance.

M. Boyle addressed the Board again regarding water issues. He asked about a bond for these issues. He mentioned the possibility of a class action lawsuit against Chinburg.

**M. Soares made a motion to approve the applicant's request for waivers 1, 3 and 5 to the Subdivision Regulations as outlined in Staff's recommendation memorandum dated January 4, 2017.**

**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 applicant's request for a Conditional Use Permit as outlined in Staff's recommendation memorandum dated January 4, 2017.**

**R. Brideau seconded the motion.**

**The motion was granted, 7-1-0 with J. Butler voting in opposition. The Chair voted in the affirmative.**

**M. Soares made a motion that that the Planning Board continue further discussion of this application and consideration of waivers 2 and 4 to February 8, 2017 Planning Board meeting.**

**R. Brideau seconded the motion.**

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

Chairman Rugg stated that this is the only official public notice of the continuance to February 8, 2017.

**B. Public hearing on a waiver request to Section 7.04 of the Site Plan Regulations for site plan for the construction of 28 units of age restricted residential housing ("Trail Haven Estates," formerly "Whittemore Estates") on a previously approved 2014 site plan and site plan amendment approved on January 7, 2015 at 73 Trail Haven Drive, Zoned AR-I - Londonderry Lending Trust (Owner) and Advanced Design Construction (Applicant), Map 12 Lot 59-3.**

Chairman Rugg read the waiver request into the record. J. Trottier gave a brief description of the project background noting this project was originally approved by the Planning Board in 2004, with a site plan amendment approved in 2013 and most recently a site plan amendment conditionally approved on January 7, 2015, signed by the Planning Board on February 24, 2015. He stated that construction on the site is nearing completion, but due to winter conditions, asphalt plants have closed for the season and the final wearing course of pavement will not be able to be placed until spring. He added that the Applicant has stated that they would install temporary pavement markings, and will place the wearing course in May of this year, and an escrow account will be established for the final wearing course and pavement markings. He explained that in order to obtain an occupancy permit in the near future, the applicant is requesting that the Board consider the waiver request which, if granted, would allow the applicant to obtain an occupancy permit prior to the wearing course being placed on site. He noted that this situation has come before the Board previously due to timing of the conditions. He reviewed the waiver request and Staff's recommendation with conditions as outlined in the Staff Recommendation Memorandum dated January 4, 2017 (See attached).

J. Trottier introduced Earl Blatchford from Hayner/Swanson, Inc., and Robert Allen from ADC. J. Butler asked the structure of the escrow account. J. Trottier stated there is an established value for the wearing course and pavement markings as a cash bond.

Chairman Rugg requested public input and there was none.

**M. Soares made a motion to grant the waiver request with the conditions outlined in the Staff Recommendation memorandum dated January 4, 2017.**

**R. Brideau seconded the motion.**

**The motion was granted, 8-0-0.**


**M. Soares made a motion to adjourn the meeting at approximately 11:40 p.m. Seconded by R. Brideau.**

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

**The meeting adjourned at approximately 11:40 PM.**

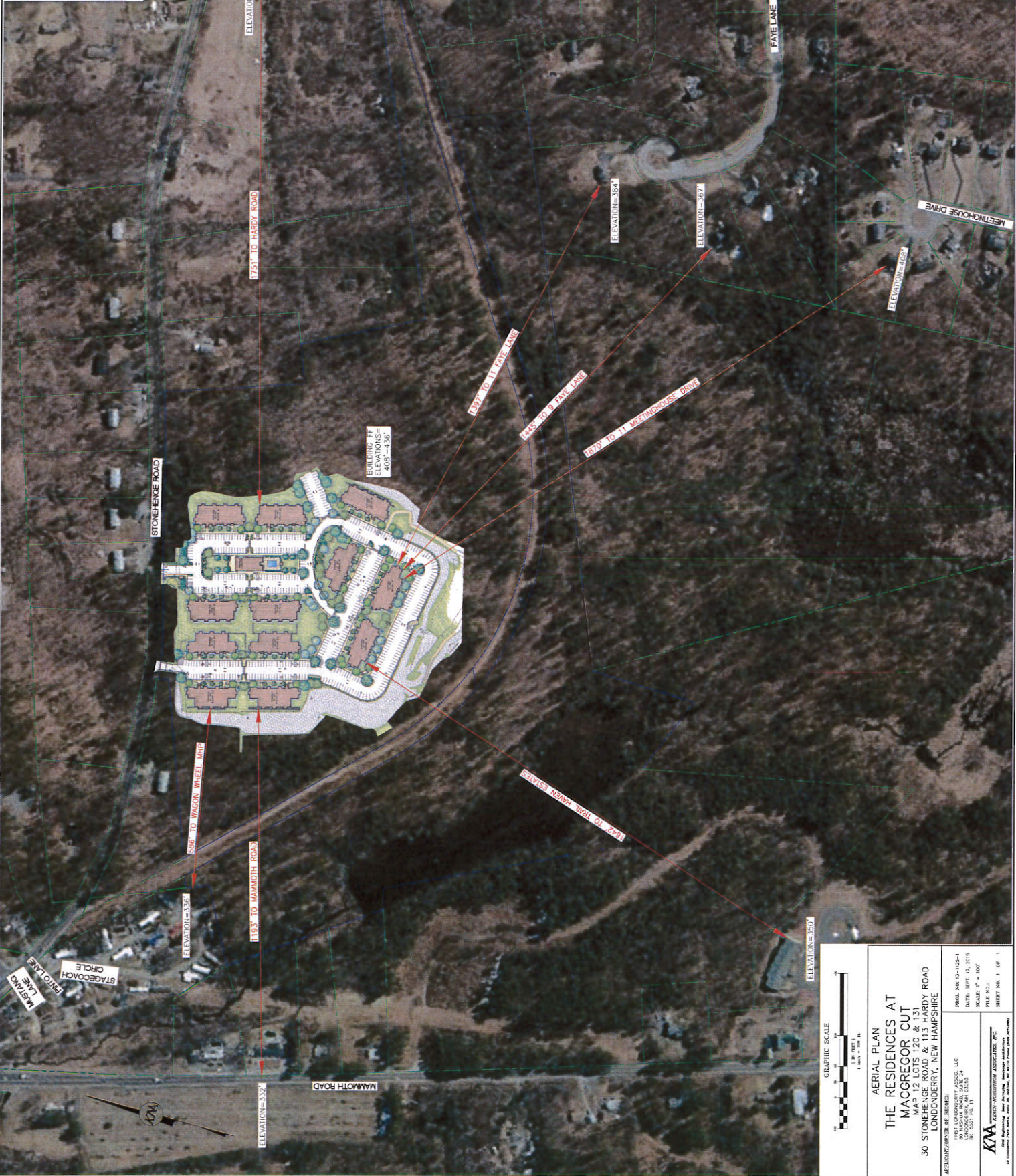
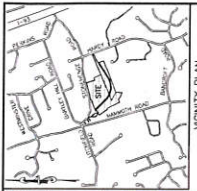
These minutes were prepared by Associate Planner Laura Gandia.

Respectfully Submitted,

  
Chris Davies, Secretary

These minutes were accepted and approved on February 1, 2017 by a motion made by C. Davies and seconded by R. Brideau.





BUILDING FL  
ELEVATIONS  
408'-435'

**GRAPHIC SCALE**  
 0 10 20 30  
 0 10 20 30  
 1" = 100' R.

**AERIAL PLAN**  
**THE RESIDENCES AT**  
**MACGREGOR CUT**  
 30 STONEHENGE ROAD & 113 HARDY ROAD  
 LONDONBERRY, NEW HAMPSHIRE

PROJECT NO. 13-1324-1  
 DATE: 08/12/2015  
 SCALE: 1" = 100'  
 FILE NO.:  
 SHEET NO. 1 OF 1

REGISTERED PROFESSIONAL ARCHITECT  
 FIRST LANDSCAPE ASSOCIATES, LLC  
 100 WASHINGTON AVENUE, SUITE 204  
 BOSTON, MASSACHUSETTS 02115, MA  
 INC. 05217 P.C. 11

**K&M** GROUP INCORPORATED ASSOCIATES, INC.  
 40 Colchester Street, Suite 200, Londonderry, NH 03053  
 603-424-2000





**Balloon Height Test – December 31, 2016**  
**The Residences at MacGregor Cut**  
**Stonehenge Road – Londonderry, NH**

On December 31, 2016 a balloon height test was conducted at The Residences at MacGregor Cut, a proposed workforce housing residential development. The balloon test was conducted by Caron & Associates Design, 301 Concord Street, Haverhill, Massachusetts.

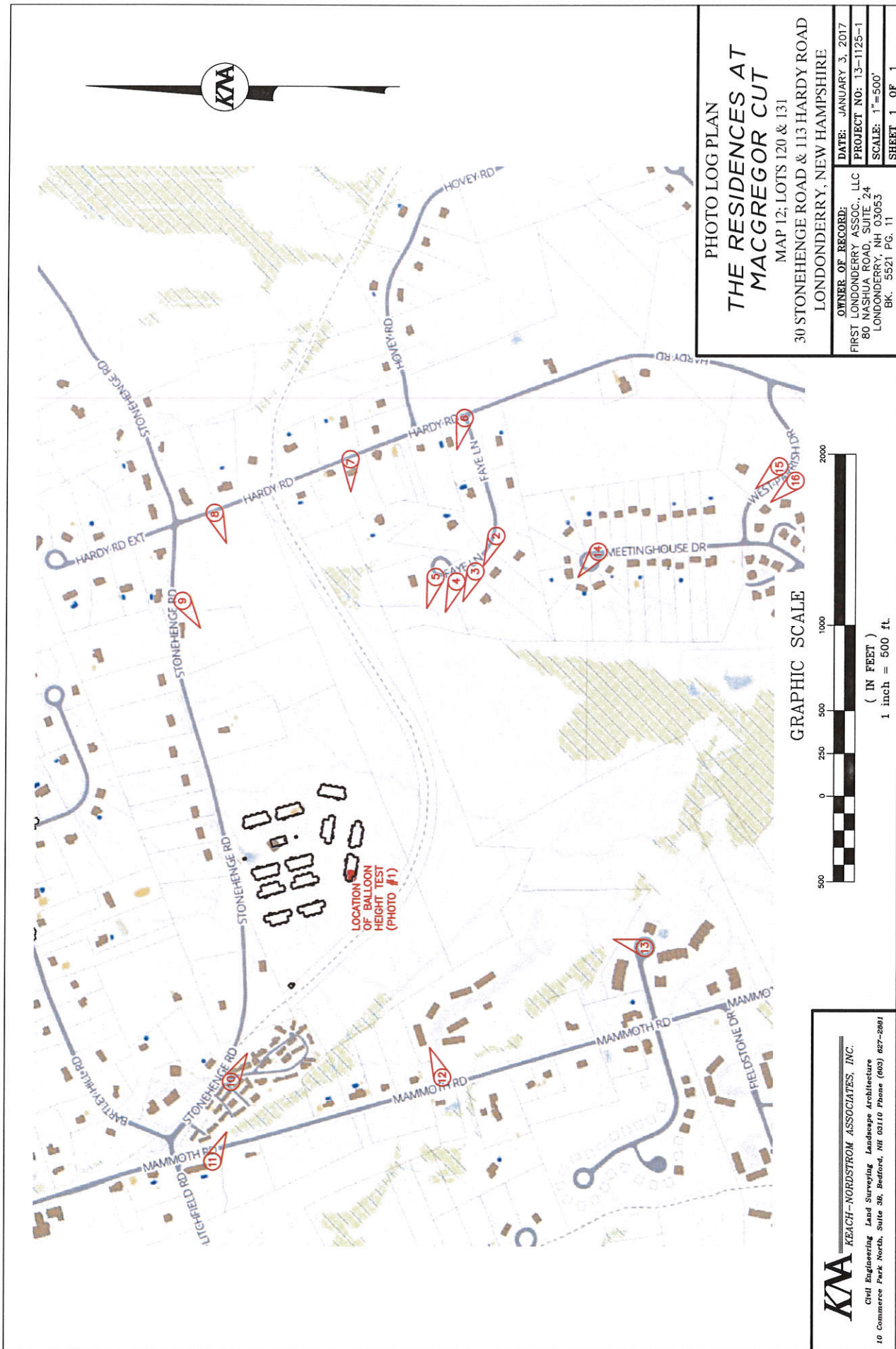
The balloon test was conducted within the footprint of proposed building #9. The balloon test was conducted in order to illustrate the scale of proposed buildings 7 and 9 as viewed from Faye Lane. Building #9 was selected for the balloon location as it is topographically higher than Building #7.

The balloon was flown at a height of 60 feet (as measured to the bottom of the balloon). This height represents the ridge height of proposed building #9, and takes into account the existing ground elevation at the location of the test.

The first test balloon was flown at approximately 7:30 AM and remained flying until 8:47AM. The first balloon popped as a result of a wind gust that blew the balloon into the adjacent trees. A second balloon was flown at 9:09 AM and remained flying until 9:24 AM. The second balloon popped as a result of a wind gust that blew the balloon into the adjacent trees. The test was terminated after the loss of the second balloon.

A series of photographs were taken from the various surrounding roadways, including Faye Lane, while the balloon was flying. The photographs are presented below with a corresponding photo location plan.

The results of the balloon test showed that the balloon was not visible from Faye Lane.



**PHOTO LOG PLAN**  
**THE RESIDENCES AT**  
**MACGREGOR CUT**

MAP 12; LOTS 120 & 131  
 30 STONEHENGE ROAD & 113 HARDY ROAD  
 LONDONDERRY, NEW HAMPSHIRE

<b>OWNER OF RECORD:</b>	<b>DATE:</b> JANUARY 3, 2017
FIRST LONDONDERRY ASSOC., LLC	<b>PROJECT NO.:</b> 13-1125-1
80 NASHUA ROAD, SUITE 24	<b>SCALE:</b> 1"=500'
LONDONDERRY, NH 03053	<b>SHEET 1 OF 1</b>
BK. 5521 PG. 11	

**KMA** KEACH-NORDSTROM ASSOCIATES, INC.  
 Civil Engineering Land Surveying Landscape Architecture  
 10 Commerce Park North, Suite 3B, Bedford, NH 03110 Phone (603) 627-2881

**Photo No. 1:** Looking at Balloon at Specified Location and Height (60' height as measured to the bottom of the balloon)



**Photo No. 2:** Looking Northwest in the direction of the Balloon. Photo taken at #5 Faye Lane  
(No Balloon Visible)



**Photo No. 3:** Looking Northwest In the direction of the Balloon. Photo taken at #7 Faye Lane  
(No Balloon Visible)



**Photo No. 4:** Looking Northwest In the direction of the Balloon. Photo taken at #9 Faye Lane  
(No Balloon Visible)

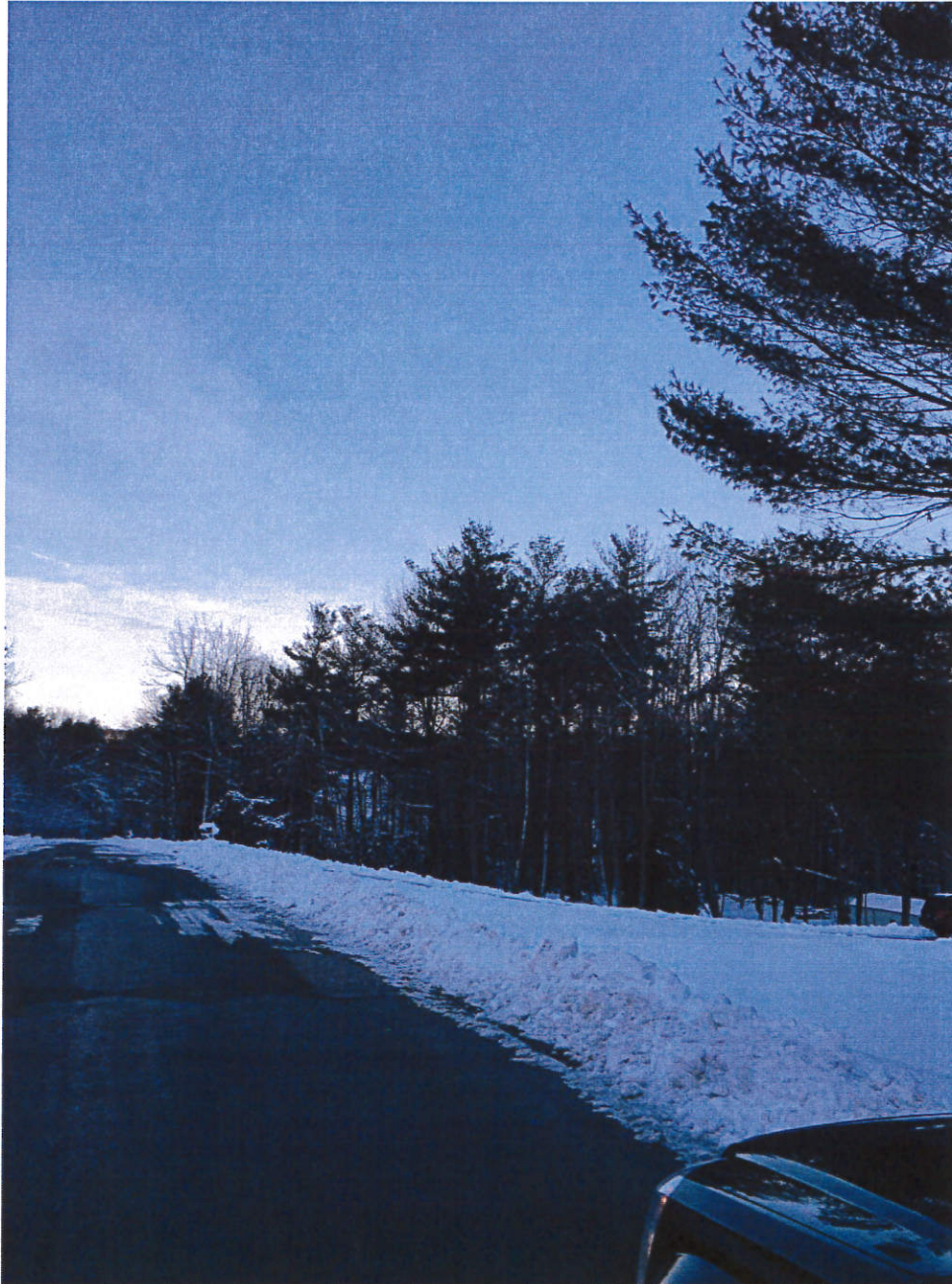


**Photo No. 5:** Looking Northwest In the direction of the Balloon. Photo taken at #11 Faye Lane  
(No Balloon Visible)





**Photo No. 6:** Looking Northwest In the direction of the Balloon. Photo taken at beginning of Faye Lane  
(No Balloon Visible)



**Photo No. 7:** Looking West In the direction of the Balloon. Photo taken at #103 Hardy Road  
(No Balloon Visible)



**Photo No. 8:** Looking West In the direction of the Balloon. Photo taken at Vacant Parcel along Hardy Road  
(No Balloon Visible)



**Photo No. 9:** Looking Southwest In the direction of the Balloon. Photo taken at Vacant Parcel along Stonehenge Road (No Balloon Visible)



**Photo No. 10:** Looking Southeast In the direction of the Balloon. Photo taken at Pinto Lane  
(No Balloon Visible)



**Photo No. 11:** Looking Southeast In the direction of the Balloon. Photo taken at Mammoth Road  
(No Balloon Visible)



**Photo No. 12:** Looking East In the direction of the Balloon. Photo taken at NeighborWorks on Whittemore Road.  
(No Balloon Visible)



**Photo No. 13:** Looking Northeast In the direction of the Balloon. Photo taken at Trail Haven Estates  
(No Balloon Visible)

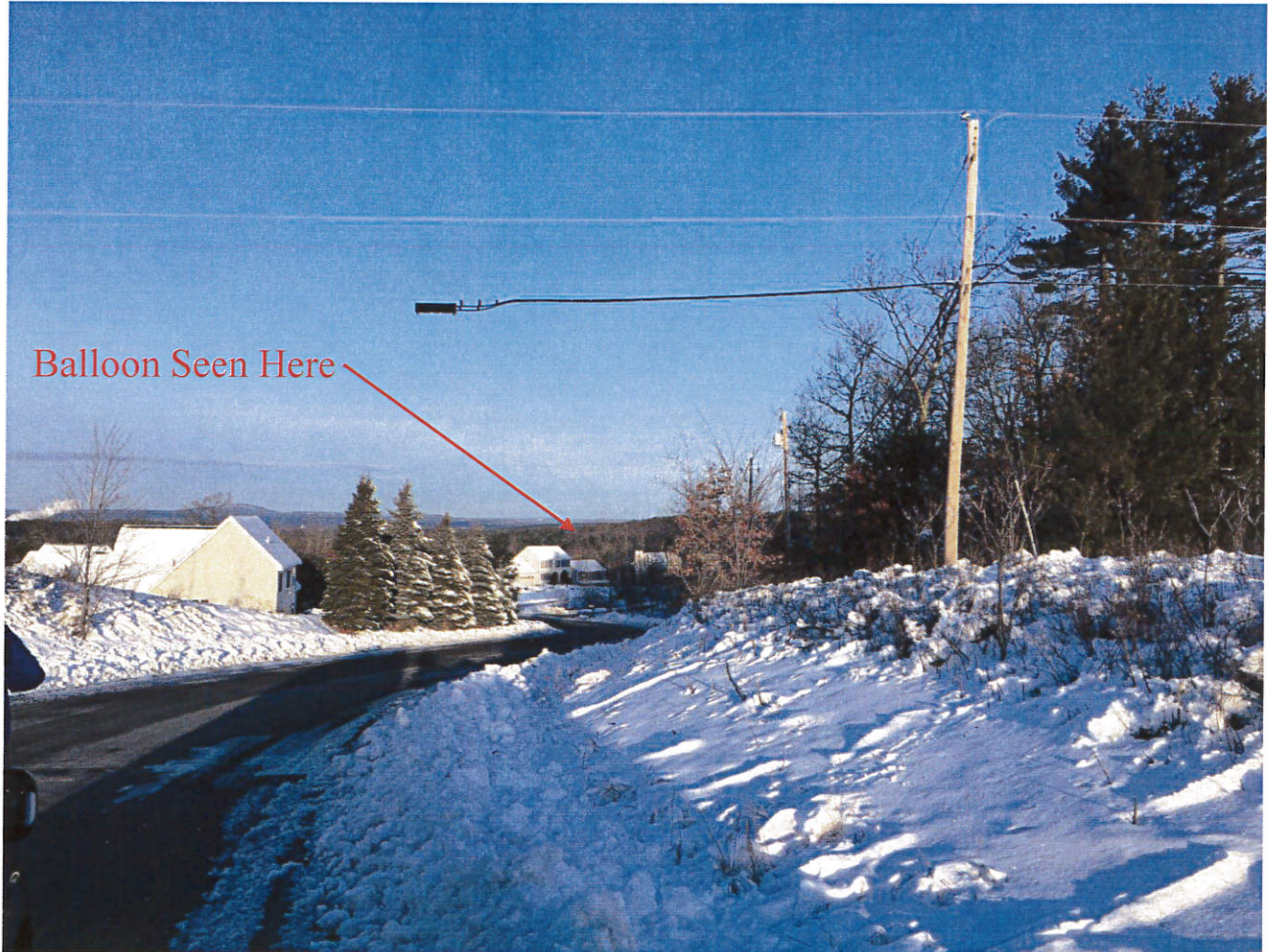




**Photo No. 14:** Looking Northwest In the direction of the Balloon. Photo taken at #16 Meetinghouse Drive  
(No Balloon Visible)



**Photo No. 15:** Looking Northwest In the direction of the Balloon. Photo taken on West Parrish Drive (Balloon Visible)



**Photo No. 16:** Close-up of Photo 15: Looking Northwest In the direction of the Balloon. Photo taken on West Parrish Drive (Balloon Visible)

