

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF FEBRUARY 1, 2017 AT THE MOOSE HILL COUNCIL CHAMBERS

I. Call to Order

Members Present: Mary Wing Soares, Vice Chair; Rick Brideau, CNHA, Ex-Officio; Chris Davies, Secretary; Giovanni Verani, Ex-Officio; Ted Combes (alternate member); Ann Chiampa (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

Vice Chairperson Soares called the meeting to order at 7:00 PM, explained the exit and emergency procedures, and began with the Pledge of Allegiance. She appointed alternate member A. Chiampa to vote for Art Rugg, alternate member K. D'Urso to vote for S. Benson, and for alternate member T. Combes to vote for A. Sypek.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Member C. Davies made a motion to approve the minutes of January 4, 2017, as amended. R. Brideau seconded the motion. The motion was granted, 6-0-1 with C. Davies abstaining. The Vice Chair voted in the affirmative.

Member C. Davies made a motion to approve the minutes of January 11, 2017, as amended. R. Brideau seconded the motion. The motion was granted, 6-0-1 with T. Combes abstaining. The Vice Chair voted in the affirmative.

B. REGIONAL IMPACT DETERMINATIONS: N/A

C. DISCUSSIONS WITH TOWN STAFF: There were no discussions with Town Staff. Vice Chair Soares reminded the public of the School deliberative session on Friday, February 10, 2017, and the Town deliberative session on Saturday, February 11, 2017.

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 1/4/2017 meeting

Vice Chair Soares read the case into the record noting that the case was continued from the January 4, 2017 meeting. Town Planner Mailloux informed the Board that she received a written request from the applicant to continue the hearing until March 8, 2017 which would put the Board beyond the 65 day timeframe in which the Board has to render a decision per State statute. She explained that the applicant agreed to waive the 65 day timeframe.

Member R. Brideau made a motion to continue the hearing until March 8, 2017 as requested by the applicant who waived the 65 day timeframe in which the Planning Board has to render a decision.

Member C. Davies seconded the motion.

The motion was granted, 7-0-0. The Vice Chair voted in the affirmative, and noted this is the only public notice of the continuance to March 8, 2017.

IV. New Plans/Conceptual/Non-binding Discussions

- A. Application acceptance and public hearing for formal review of a subdivision of one residential lot into two, Rear Colonial Drive, Map 5 Lot 20, Zoned AR-1, QCM, LLC (Applicant) and Moreau Living Trust (Owner)

Vice Chair Soares read the case into the record. J. Trottier explained that there is one outstanding checklist item for which a waiver was requested, and if that waiver is granted, then Staff would recommend that the application be accepted as complete. He reviewed the waiver request to Section 4.1.7.A.13 and item VI.13 of the checklist as outlined in the Staff Recommendation memorandum dated February 1, 2017.

Member C. Davies made a motion to approve the waiver request as outlined in Staff's Recommendation Memorandum dated February 1, 2017.

R. Brideau seconded the motion.

The motion was granted, 7-0-0. The Vice Chair voted in the affirmative.

Member C. Davies made a motion to accept the application as complete per Staff's Recommendation Memorandum dated February 1, 2017.

R. Brideau seconded the motion.

The motion was granted, 7-0-0. The Vice Chair voted in the affirmative.

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

Eric Mitchell, Eric Mitchell & Associates, 106 S. River Road, Bedford, NH presented for the applicant. E. Mitchell explained that the proposal is to subdivide the existing 8 ½ acre lot into two residential lots. He noted that there is a right-of way from the property onto Colonial Drive. He explained that the proposal is to two have four bedroom (or less) houses with septic systems, wells and easements for the mutual utilities, drainage, and driveway maintenance. He noted there will be a common driveway to be shared by the two lots. He spoke of the variance which was granted by the ZBA for frontage on the two lots for 50 feet. He referenced the named wetland "Colonial" on the property for which a 100 foot buffer was provided. He stated that lot 20-1 would be 2.2 acres, and the second lot 20 would be 6.7 acres. He described the right-of-way as a common driveway 20 feet wide, 18 feet of pavement with one foot shoulder on each side.

He explained that he is seeking a waiver relating to the pipe size for the culvert pipe under the driveway (private pipe) which is required to be 15 inches with 36 inches of cover, and he is requesting a 12 inch pipe with 24 inches of cover to reduce the amount of impact and fill.

J. Trottier reviewed the waiver request from Section 3.08G.1 (pipe size) and 3.08G.3 (pipe cover) as outlined in the Staff Recommendation memo dated February 1, 2017 noting that Staff does support the reduction in cover but not in pipe size. He then reviewed the design review comments as outlined in Stantec memorandum dated February 1, 2017.

Town Planner Mailloux addressed the Conservation Commission concerns over the Blanding Turtles (State listed endangered species) and the Commission's request for a wildlife biologist to be on site. She noted that as part of the conditions of approval is a condition that a wetland scientist provide periodic monitoring on the site.

Vice Chair Soares asked if the Board members had any questions. A. Chiampa asked for the direction of the culvert flow, and E. Mitchell stated it was north to south. K. D'Urso asked if the applicant had any future plans of further subdividing the lots, and E. Mitchell stated there were none. C. Davies asked about the easement documents. Town Planner Mailloux stated that the easement documents were for the shared driveway for

access and utilities, and for a drainage easement over one lot benefitting the other lot. Vice Chair Soares asked for further clarification of the periodic monitoring. J. Trottier stated that determination would be made by the wetland scientist.

Vice Chair Soares asked for public input.

Abutter Jeff Truesdale, 18 Colonial Drive, addressed the Board. He expressed concern about having a driveway going by and behind his house. He noted that the proximity of driveway to his house. J. Trottier stated that the driveway was approximately 65 feet from the side of his house to the edge of pavement. Vice Chair Soares encouraged the homeowners to speak to each other to see if there was a way to mitigate any effects from the driveway noting that the applicant is meeting the regulations. J. Truesdale also noted the possible existence of a vernal pool, and asked for confirmation of its existence. E. Mitchell stated that its existence has not been confirmed because confirmation of egg masses occurs in the spring. He noted that his wetland scientist viewed the property in the summer and the area in question has the look of vernal pool. He stated that he is not impacting any of the wetlands. He added that he is meeting all of the setbacks for that area. J. Truesdall asked for confirmation of the 100 feet buffer. E. Mitchell stated that there are placards placed every 50 feet for protection to the wetland from grading and construction.

Abutter, Dianne Kape, 20 Colonial Drive, addressed the Board. Her concerns focused on confirmation of the existence of the vernal pool, potential flooding, protection of abutting property values, wetland flooding, ecological concerns, protection of well water, run-off containments, ground water diversions, loss of agricultural feel of Londonderry, proximity of the septic to the right-of-way, use of salt, leaching effect, heavy equipment on and over the right-of-way, maintenance of common driveway, performance of specific ecological studies, HISS, easements, and periodic monitoring. Vice Chair Soares stated that the concerns for the turtles were addressed by the condition of having a wetland scientist periodically monitor the site.

Abutter, Brian Russell, 20 Colonial Drive, addressed the Board and expressed frustration with the Zoning Board of Adjustment and its handling of the variance case. He asked for a schedule of the monitoring so he could be there. He also expressed concern over equipment on the driveway and water diversion into his backyard. Vice Chair Soares stated that the periodic monitoring is a condition for approval. She stated that B. Russell could contact Town Staff for progress updates and the scheduling on the project. J. Trottier stated that a preconstruction meeting is necessary and no schedule is in place for construction. B. Russell also expressed concerns over sticks in the ground and flags hung from branches. J. Trottier stated that the flags were probably for wetland flagging to be used by the surveyors which is normal procedure. J. Trottier stated that the licensed land surveyor stamps the plan, and the plan is available at the Planning Department. E. Mitchell also explained the process of how the flags were used as markers for the backhoes and topography shots for elevation. He

stated that he will stake out the actual right-of-way. G. Verani asked if iron pins and granite bounds will be used. E. Mitchel stated there will be iron pins for changes with direction and granite bounds being used at the street. C. Davies asked when that will be done. E. Mitchell stated it will be done after construction but could be put in at the very beginning before construction starts. He asked what can be done to ensure no damage to the leach field which is close to the proposed right-of-way. J. Trottier stated that if the right-of-way is staked out then the area will be defined so trucks and equipment will stay on it. C. Davies asked if this could be a condition to stake out the right-of-way at the beginning of construction.

Vice Chair Soares asked if there was any other public input, and there was none. She then asked the Board members if they had any other questions. K. D'Urso asked about the status of the NHDES subdivision approval. E. Mitchell said the project received approval. C. Davies asked about the impact of the right-of-way on the area where a vernal pool may be located. E. Mitchell stated that there will be no fill or construction in the wetlands. J. Trottier also noted that there is a jog in the driveway which pulls to the north away from that area. C. Davies also commented about the drainage analysis particularly concerning water flow, and stated that the requirement of the Town's regulation is that there is no increased run-off. He noted the design was reviewed by engineer, and there will be no increased water flow to abutting properties.

Abutter, B. Russel, addressed the Board and again expressed concern over what was presented at the Zoning Board of Adjustment hearing.

Member C. Davies made a motion to approve the Applicant's request for waiver #2 (relating to pipe cover) to the Subdivision Regulations as outlined in Staff's recommendation memorandum dated February 1, 2017.

R. Brideau seconded the motion.

The motion was granted, 7-0-0. The Vice Chair voted in the affirmative.

Member C. Davies made a motion to deny the Applicant's request for waiver #1 (pipe size) to the Subdivision Regulations as outlined in Staff's recommendation memorandum dated February 1, 2017 (See precedent condition #2).

R. Brideau seconded the motion.

The motion was granted, 7-0-0. The Vice Chair voted in the affirmative.

Member C. Davies made a motion to grant conditional approval of the subdivision of Rear Colonial Drive from one lot into two, Map 5 Lot 20, Moreau Living Trust (Owner), QCM, LLC (Applicant) in accordance with plans prepared by Eric C. Mitchell & Associates, Inc. dated November 4, 2016, last revised January 10, 2017 with the following precedent conditions to be fulfilled within two years and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated February 1, 2017 with the additional condition that the right-of-way be properly marked with stakes and identified prior to the commencement of construction.

R. Brideau seconded the motion.

The motion was granted, 7-0-0. The Vice Chair voted in the affirmative.

- B. Application acceptance and public hearing for formal review of a lot line adjustment & consolidation, West & Elwood Road, Map 5 Lot 4, Map 2 Lot 44, and Map 2 Lot 43, Zoned AR-1 – Belize Real Estate Holdings, LLC (Owner & Applicant – Map 2 Lot 44), Continental Paving, Inc. (Owner – Map 2 Lot 43), Wayland H. Elwood Realty Trust of 2008 (Owner, Map 5 Lot 40)

Vice Chair Soares read the case into the record. G. Verani recused himself from the hearing on this matter and stepped down from the Board. J. Trottier reviewed the three outstanding checklist items as outlined in the Staff Recommendation memorandum dated February 1, 2017, and recommended that the Board find this application incomplete and continue the hearing until March 1, 2017.

Member C. Davies made a motion to find the application incomplete and continue the project to March 1, 2017.

R. Brideau seconded the motion.

The motion was granted, 6-0-0. The Vice Chair voted in the affirmative. She noted that this is the only public notice of the continuance to March 1, 2017.

- C. Application acceptance and public hearing for formal review of a subdivision of one lot into 18, 72 Elwood Road, Map 2 Lot 44,**

Zoned AR-1 – Belize Real Estate Holdings, LLC (Owner & Applicant)

Vice Chair Soares read the case into the record. G. Verani recused himself from the hearing on this matter and stepped down from the Board. J. Trottier reviewed the four outstanding checklist items as outlined in the Staff Recommendation memorandum dated February 1, 2017, and recommended that the Board find this application incomplete and continue the hearing until March 1, 2017. He also noted that the applicant is requesting three waivers that the Staff is not prepared to make any recommendations on at this time. He also noted some soil calculations discrepancies as well as concerns over incomplete plans for improvements on West Road, concerns over existing well radii extending into the existing PSNH easement (four effected lots), drainage, and post development analysis.

Member C. Davies made a motion to find the application incomplete and continue the project to March 1, 2017.

R. Brideau seconded the motion.

The motion was granted, 6-0-0. The Vice Chair voted in the affirmative. She noted that this is the only public notice of the continuance to March 1, 2017.


R. Brideau made a motion to adjourn the meeting at approximately 7:50 p.m. Seconded by C. Davies.

Motion was granted, 7-0-0. G. Verani returned to the Board.

The meeting adjourned at approximately 7:50 PM.

These minutes were prepared by Associate Planner Laura Gandia.

Respectfully Submitted,



Chris Davies, Secretary

These minutes were accepted and approved on February 8, 2017 by a motion made by L. Reilly and seconded by R. Brideau.

STAFF RECOMMENDATION

To: Planning Board
From: Colleen P. Mailloux, AICP, Town Planner
John R. Trottier, PE, Assist. Dir. Of DPW

Date: February 1, 2017

Application: Application Acceptance and Public Hearing for formal review of a subdivision of one lot into two, Map 5, Lot 20, Colonial Drive, Zoned AR-I, Moreau Living Trust (Owner), QCM, LLC (Applicant)

- Completeness: There is one outstanding checklist item for which a waiver request was submitted. If the Board grants the waiver, Staff recommends the Application be accepted as complete.

- Checklist Waiver: The Applicant has requested the following waiver to the Subdivision Regulations:
 1. Section 4.17.A.13 of the regulations and Item VI.13 of the checklist – to not provide a locus map on the HISS and topographic plan sheets. A locus map is provided on the cover sheet.

Staff **supports** granting the waiver as the locus map is provided on the cover sheet as part of the plan set and meets the intent of the regulations.

Board Action Required: **Motion to approve the waiver request as outlined in Staff's Recommendation Memorandum dated February 1, 2017.**

Board Action Required: **Motion to Accept the Application as Complete per Staff's Recommendation Memorandum dated February 1, 2017.**

- Waivers: The Applicant has requested the following waivers to the Site Plan Regulations:
 1. The Applicant has requested a waiver from Section 3.08G.1 to allow a 12" culvert where 15" is required. Staff **does not support** this waiver as it appears the design can be amended to accommodate the required culvert size.
 2. The Applicant has requested a waiver from Section 3.08G.3 to allow less than 3' of cover over the proposed driveway culvert. Staff **supports** this waiver in order to accommodate the required 15" culvert size.

Board Action Required: **Motion to approve the Applicant's request for the above waiver #2 to the Subdivision Regulations as outlined in Staff's recommendation memorandum dated February 1, 2017**

Motion to deny the Applicant's request for the above waiver #1 to the Subdivision Regulations as outlined in Staff's recommendation memorandum dated February 1, 2017 (see precedent condition #2).

- Recommendation: Based on the information available to date, Staff recommends that the Planning Board **CONDITIONALLY APPROVE** this application with the Notice of Decision to read substantially as follows:

Board Action Required: Motion to grant conditional approval of the subdivision of Rear Colonial Drive from one lot into two, Map 5 Lot 20, Moreau Living Trust (Owner), QCM, LLC (Applicant) in accordance with plans prepared by Eric C. Mitchell & Associates, Inc. dated November 4, 2016, last revised January 10, 2017 with the following precedent conditions to be fulfilled within two years and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated February 1, 2017.

“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 Department/Department of Public Works & Engineering/Stantec review memo dated February 1, 2017.
2. The plans shall be revised so that a 15” drainage culvert is provided.
3. The plans shall be revised to show a 20’ wide paved driveway as required by the Fire Department.
4. Prior to plan signature, the encroaching shed be removed as noted on the plan.
5. The Applicant shall provide the Owner’s signature(s) on the plans.
6. Required permits and permit approval numbers shall be noted on the plan.
7. Access, utility and drainage easements shall reviewed and approved by the Town.
8. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.

9. The Applicant shall provide a check for \$25 (made payable to the Rockingham County Registry of Deeds) for LCHIP.
10. The Applicant shall note all general and subsequent conditions on the plans.
11. Third-party review fees shall be paid within 30 days of conditional site plan approval.
12. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
13. Final engineering review.

PLEASE NOTE – If these conditions are not met within two (2) years of the meeting at which the Planning Board grants 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.
3. **No construction or site work for the subdivision may be undertaken until a pre-construction meeting with Town staff has taken place, filing of an NPDES – EPA Permit (if required), and posting of the site-restoration financial guaranty with the Town.** Contact the Department of Public Works to arrange the pre-construction meeting.
4. The project must be built and executed as specified in the approved application package unless modifications are approved by the Planning Department & Department of Public Works, or, if Staff deems applicable, the Planning Board.
5. Prior to issuance of a certificate of occupancy, all site improvements and shall be completed.

6. A wetland scientist will make periodic inspections during heavy construction.

MEMORANDUM

To: Planning Board

Date: February 1, 2017

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

Re: Map 5 Lot 20
Subdivision Plan
Off Colonial Drive

Owners: Moreau Living Trust
Applicant: QCM, LLC

Eric C. Mitchell & 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. The Applicant has not provided a locus map on the HISS and NHDES subdivision plans per section 4.17.A.13 of regulations and item VI.13 of the checklist. The Applicant has submitted a written **waiver request** to this requirement for Board consideration.

Design Review Items:

1. The Applicant is proposing a 12 inch culvert under the common driveway that less than the 15" minimum per section 3.08 G.1 of the regulations. In addition, this culvert does not provide the minimum 3 feet of cover per section 3.08.G.3 of the regulations. The Applicant has submitted a written **waiver request** to these requirements for Board consideration.
2. The Applicant indicates the NHDES Subdivision Approval for the proposed project is pending on the application checklist. We recommend the Applicant obtain all project permits, indicate the approval numbers in Note 5 on sheet 1 of the plan set and provide copies of the permit approvals for the Planning Department's files.
3. The Applicant should indicate a property corner monument at the northeast corner of lot 20.
4. The Applicant provides notes relative to the driveway construction on Sheet 7. However, the notes and dimensions are not consistent with the driveway design shown on the plans. Please revise the notes to be consistent with the design acceptable to the Department of Public Works.
5. The Applicant should review and update the post development analysis for pond 6P at the culvert to clarify and begin the analysis at the culvert outlet elevation, and indicate that the proposed primary outflow is consistent with the flow in the summary table.
6. The Applicant should provide appropriate professional endorsements for the wetland scientist and/or soil scientist on all applicable sheets.
7. We recommend the Applicant verify the DRC comments for the project are adequately addressed as applicable:
 - a. Please verify the comments of the Conservation Commission have been adequately addressed with the Conservation Commission.

- b. Please verify the comments of the Fire Department have been adequately addressed with the Fire Department
- c. Please verify the comments of Planning Department have been adequately addressed with the Planning Department.

Board Action Items:

1. The Applicant is requesting two (2) waivers to the Subdivision Regulations as noted in his letter dated January 5, 2017. The Board will need to consider each waiver under this application.

Board Informational Items:

1. The proposed lots do not have the minimum 150 feet frontage on a class V or better road per section 2.3.1.3.B of the Zoning Ordinance. The Applicant has obtained a variance for the frontage requirement under Zoning Case 6/15/2016-1.
2. The Applicant has submitted draft easement documents that are currently under review by the Town.