

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF NOVEMBER 2, 2016 AT THE MOOSE HILL COUNCIL CHAMBERS

I. Call to Order

Members Present: Art Rugg, Chair; Chris Davies, Secretary; Rick Brideau, CNHA, Ex-Officio; Jim Butler, Town Council Ex-Officio; Giovanni Verani, Ex-Officio; Leitha Reilly, member; Al Sypek, member; Ann Chiampa (alternate member)

Also Present:

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

Chairman Rugg called the meeting to order at 7:00 PM, and began with the Pledge of Allegiance. He appointed A. Chiampa to vote for M. Soares.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES

Member L. Reilly made a motion to approve the minutes of October 12, 2016, as presented. A. Sypek seconded the motion. The motion was granted, 5-0-2 (C. Davies and G. Verani abstained). **The Chair voted in the affirmative.**

B. REGIONAL IMPACT DETERMINATIONS: N/A

C. DISCUSSIONS WITH TOWN STAFF:

Members L. Reilly and A. Sypek informed the public of a Veterans Day Breakfast at Matthew Thornton School for veterans and their families on November 12, 2016 from 8:00-9:30 a.m. with a parade at 10:00 a.m.

Town Planner Mailloux informed the Board that Town Hall will be closed to the public on November 8, 2016 (Election Day) to alleviate traffic congestion but Staff will be working and will be available by phone and e-mail on that day. Member J. Butler arrived.

Chairman Rugg requested an update from the Master Implementation Advisory Committee at the next meeting.

III. OLD BUSINESS:

A. Application acceptance and Public Hearing (continued) for a formal review of a subdivision plan to subdivide an existing 7.41 acre lot into 5 residential lots at 8 Alexander Road and Litchfield Road (Map 12 Lot 5, Zoned AR-1) – Holm Family Revocable Trust (Owner) and Edward N. Herbert Associates, Inc. (Applicant)

Chairman Rugg read the case into the record, noted that the application was accepted as complete on October 5, 2016, and stated that this matter was continued last month to provide the applicant some time to address lot size calculation issues.

Attorney John Cronin, Cronin, Bisson & Zalinsky, 722 Chestnut St, Manchester, NH 03104 representing Gerry Bieque, and Shane Gendron from Hebert & Associates (applicant) presented to the Board. Attorney Cronin explained the issue with the lot size calculations. He referred the Board to the revised plan, and the relocation of the drainage pond to lot 5-4 on the plan which will be accessed by an easement. He stated that with this change the lot sizing now complies with the regulations.

Chairman Rugg asked for Staff input. J. Trottier stated that Attorney Cronin summarized the outstanding issue accurately. He then reviewed the design review comments from the Staff Memorandum to the Planning Board dated November 2, 2016 (See Attached).

Chairman Rugg asked for questions from the Board. J. Butler asked for clarification on the improvements on Alexander Road. J. Trottier stated that those improvements include moving a stone wall, constructing a drainage swale along Alexander Road, and installing a catch basin on Alexander Road, and he stated that these improvements should be done in the beginning noting that the site distance improvements necessitate that these other improvements occur at that time. There were no other comments from the Board.

Chairman Rugg asked for public input.

Brandon Holm, Trustee of the Holm Family Trust, 8 Alexander Road, stated that he is on Town water currently and would like to remain on Town water (he is anticipated to be the owner of proposed lot 12-5). He stated that at the last meeting Attorney Cronin was asked by the Board to check with Pennichuck to see if this was possible. He presented the Board with a letter from Pennichuck to Edward Herbert & Associates dated January 6, 2016 (See attached), and contended that Attorney Cronin has not contacted Pennichuck since that time as he said he would. Chairman Rugg stated that he believed this issue was covered at the October 5, 2016 meeting, and there were legalities about connecting all the lots to Pennichuck such as access on Alexander Road, and obtaining easements for crossing over other people's properties. Attorney Cronin stated that the issue with Pennichuck was vetted thoroughly. He stated that Pennichuck would require access through Alexander Road. Attorney Cronin also noted that he has no objection if there is no further disruption to the other lots. Chairman Rugg read

from the January 6, 2016 Pennichuck letter which described the process of obtaining Pennichuck service.

Brandon Holm stated that he has an issue with the installation of a new septic. He contended that a new septic was not necessary, and the septic system is in good working order. Chairman Rugg stated that the Board reviews what was presented. Attorney Cronin stated that the septic is old. He explained that if the Pennichuck water service is eliminated then a new well will be required with a protective radius (and to satisfy the protective radius the existing septic will have to be relocated). He also noted that this approach is more cost effective than extending the line down from its existing terminus.

Blaine Holm, 13 Parson Drive, Goffstown, NH, Trustee of the Holm Family Trust, addressed the Board. He stated that the water line has been addressed extensively with the Courts, and he noted there would be a loss of a lot to do what Brandon Holm is seeking, resulting in a loss of money to the Trust.

There was no other public input.

Rick Brideau made a motion to approve the subdivision at 8 Alexander Road and Litchfield Road from one lot into five, Map 12 Lot 5, Zoned AR-1, Holm Family Revocable Trust (Owner), Gerry Bieque (Applicant), in accordance with plans prepared by Edward N. Hebert Associates, Inc., dated November 2015, last revised October 17, 2016, with the precedent conditions to be fulfilled within two (2) years of the approval and prior to plan signature and subsequent conditions of approval to be fulfilled as noted in the staff memorandum, dated November 2, 2016.

Al Sypek seconded the motion.

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

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

PRECEDENT CONDITIONS

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

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Public Works & Engineering/Stantec review memo dated November 2, 2016.
2. The Applicant shall provide the Owner's signature(s) on the plans.

3. Executed slope and drainage easements shall be provided for recording at the RCRD.
4. 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.
5. The Applicant shall provide a check for \$25 (made payable to the Rockingham County Registry of Deeds) for LCHIP.
6. The Applicant shall note all general and subsequent conditions on the plans.
7. Third-party review fees shall be paid within 30 days of conditional site plan approval.
8. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
9. 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. **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.
2. 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.
3. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
4. 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.

IV. New Plans

- A. Application acceptance and Public Hearing for a formal review of site plan for a proposed Planned Unit Development (PUD), Phase 1 - buildouts of Woodmont Commons, Subarea WC-1, WC-1-GL, and WC-2, 34 Nashua Road (Map 010 Lot 052), 5 Garden Lane (Map 010 Lot 54-1) and 15 Pillsbury Road (Map 010 Lot 41) , Pillsbury Realty Development (Applicant) and Demoulas Supermarkets, Inc. (Owner), Robert D. & Stephen R. Lievens (Owner), and Pillsbury Realty Development, LLC (Owner)

Chairman Rugg read the case into the record. C. Mailloux stated that it was discovered that some abutters did not receive proper notification as required by statute and requested that the matter be continued to November 9, 2016 to meet the statutory notification requirements.

R. Brideau made a motion to continue the matter until November 9, 2016.

L. Reilly seconded the motion.

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

Town Staff requested that the Board consider having a special meeting on November 30, 2016 for the Woodmont Commons - Phase 1 Site Plan. Chairman Rugg asked for an e-mail to be sent to see which members are available on November 30, 2016 and stated that it is anticipated that the November 9, 2016 hearing will be continued to November 30, 2016 (special meeting). C. Mailloux stated that if the public has any questions to please contact her office. ** Please note this this item was taken up by the Board right after discussions with Town Staff but was placed here to keep the same agenda order. **

- B. Application acceptance and Public Hearing for a formal review of a subdivision plan to subdivide one lot into two, 566-574 Mammoth Road, Map 17 Lot 7, Zoned Ind-II – Fortin Realty Trust (Owner & Applicant)

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

Rick Brideau made a Motion that the Planning Board accept the application as complete per Staff's Recommendation Memorandum dated November 2, 2016.

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

Chairman Rugg stated that this starts the 65 day timeframe to render a decision. Attorney Patricia Panciocco, Baroff & Craven Professional Association, 740 Chestnut Street, Manchester, New Hampshire and Michael Hammer, Professional Land Surveyor, Meridian Land Services, Inc., 31 Old Nashua Road #2, Amherst, NH, presented for the applicant. Chairman Rugg stated that the Board requested at its design review meeting on July 13, 2016 two items from the applicant to help determine the historic use of the right of way and location of the parking spots: (1) affidavits, and (2) dated photograph(s). He stated the Board has not received a dated photograph, and is without all the requested evidence. Attorney Panciocco stated that on August 10th, she submitted three affidavits from people living in the area who confirm the existence of the parking. She stated that Jane Fortin visited the Union Leader, made copies of the photographs available, and delivered them to the Town. She added that she could not locate a photograph with an actual date on it, and could only obtain the newspaper clipping. Chairman Rugg stated the Board will have to weigh the evidence, and make a decision as to whether or not the parking is conforming or nonconforming. He stated that whether the parking is conforming or not, the applicant will still need to go to Town Council to seek approval to allow the parking to remain in the right-of-way. He added that if the Board found that the parking was nonconforming, then the applicant would then need to go to the ZBA to obtain a variance, and then proceed to the Town Council.

Mike Hammer stated that Mammoth Road is not Town property, the Town was given a public easement to use the property, and the Town is the custodian of it. He stated that the Fortins own up to the centerline, and the people across the street own up to the centerline. M. Hammer contended that the parking is a viatic use that is permitted by established case law while referencing the book, A Hard Road to Travel, published by the NH Local Government Center. He further contended that parking is a permitted use as long as it does not interfere with the Town's use, and stated the Board would have to determine that.

Chairman Rugg stated that the town attorney will need to be contacted for an opinion. Attorney Panciocco stated that a letter was sent to Attorney Ramsdell in May 2016. She added that Morgan Linen was a tenant in 1960. She explained that her letter recited case law. She noted that there is a sharing of the land. She stated that the parking issue came up in 2014, research was done to the historical underpinnings of the issue, and the parking predates the Town's regulations. She stated that Mammoth Road is very wide, there is no interference, and referenced a letter from the Londonderry Police Department stating that there have been no traffic accidents, and a letter from the Department of Public Works that there were no issues with snow removal. Attorney Panciocco and M. Hammer discussed the timing and receipt of information sent to the Town and the Town's attorney. C. Mailloux stated that the Planning Department became aware of the May letter when it contacted the Town attorney in anticipation of the design review meeting, and a copy of the letter was forwarded to the Planning Department at that time. She noted Attorney Ramsdell did give the Planning

Board an opinion subsequent to the May letter that was part of the Planning Board's July packet. She stated that there appears to be procedural miscommunication since Attorney Panciocco's letter was sent directly to the Town's attorney rather than functioning through the Planning Department. She stated the Planning Board was left out of the loop. She noted that Attorney Ramsdell's opinion was based on zoning, his opinion was that the burden was on the applicant to show that the parking existed prior to 1963, he was not an expert in photo documentation, and he did not opine on the underlying ownership of the road.

Attorney Panciocco stated that she felt that she gave the Board more than enough documentation while providing aerial photographs from Washington, DC and a copy of the recorded lease to show that the parking existed as well as sworn affidavits. She stated that the weight of the evidence is in favor of showing that the parking spots existed. Chairman Rugg stated that Town Counsel will have to provide input.

Mike Hammer stated that the parcel existed since the 1950s, and the current configuration is based on the construction of Rockingham Road which subdivided the property from the land opposite it on the other side of Rockingham Road in 1958. He stated that it is zoned industrial but is mixed use (commercial and industrial) with a single family home. He would like to subdivide the residential use from industrial use. He stated there is no proposed physical change to the lots except adding a line with a potential change of ownership. He noted that this is in the public interest to separate residential from industrial uses. He stated that it is being driven by a will directive and will result in two tax bills.

Chairman Rugg asked for Staff input. J. Trottier reviewed the five waiver requests as outlined in the Staff Recommendation Memo dated November 2, 2016 (See attached) and noted that Staff recommended granting waivers numbers 1-4 but does not support the granting of waiver no.5 regarding Section 4.12.C.4.ii setting monuments. He then reviewed the issues with the sight distance and recommended that the matter be continued until the sight distance issues are addressed.

Chairman Rugg asked for questions from the Board. A. Chiampa asked about the easement to supply water lines, and M. Hammer stated that it is an existing water line and an easement was given to get water from one property to the other. He added that Staff has requested the easement documents. She also asked about the date of the Union Leader photograph.

Jane Fortin (Keefe) addressed the Board. She stated the picture was from the Union Leader State edition and noted the age of the trucks. She stated that there is another very small photocopy of the June 30, 1961 advertisement which was submitted to the Town attorney. She stated that it did not print well as it is microfiche. She stated that the picture was a celebration of Morgan Linen moving from Manchester to Londonderry. She presented the Board with a picture and newspaper article (See attached).

Member C. Davies asked about the width of the right-of-way, and was informed by M. Hammer that it was a 66 foot wide right of way – a three rod way (each rod representing 16 ½ feet). J. Trottier stated that a normal right-of-way is 50 feet and that the plan indicates it is a four rod road.

Member G. Verani noted the intent of the applicant, and stated that he remembers the property being used this way for a long time. He noted the Town's concerns with setting a precedent, and asked Jane Fortin what her concerns were with bringing the parking spaces in compliance. She stated that the parking spaces are part of the tenants' leases. M. Hammer stated that if the precedent that is being set, if any, is that sufficient proof is necessary to demonstrate that the spaces existed for over 50 years resulting in setting a standard of care with the burden on the applicant to provide such evidence. J. Trottier stated that in the old site plans hand drawn by Remi Fortin, the parking was shown as being on the property, and there was no requirement of a licensed land surveyor. M. Hammer stated that the parking is inside the road way but not in the travel way based on what he observed. Attorney Panciocco believes that there may be some plans showing that the parking is in the right of way, and noted that the level of detail is not what it is today. M. Hammer noted that pre-existing nonconforming uses are protected by statute. He also contended that he provided a wealth of documents that demonstrate that there are no auto accidents or issues with snow plowing. He could not understand that how denying it would protect the health, safety or welfare. Attorney Panciocco stated that there are no problems at all with parking at Mammoth Road.

Member L. Reilly stated that she defers to the guidance of the Town's professional staff, and thanked the Planning Department for providing the Board with a level of understanding as what needs to be approved or denied.

Member A. Sypek asked about the width of the right-of-way and if the parking spaces are impinging on the right of way and J. Trottier stated that portions of them are in the right-of-way. C. Mailloux noted the distinction between the right-of-way vs. travel way. She noted on the plan the edge of pavement and gutter lines. M. Hammer noted that the dashed line represents the gutter lines (fog lines). A. Sypek requested that Attorney Ramsdell provide an opinion, and be present at the next meeting.

Chairman Rugg asked for public input. Abutter Bob Merrill, owner of the property to the north and west and northwest of the property, stated he was checking his maps against the Fortin maps since the last meeting. He noted his lines that follow the stone wall are different from the line of the Fortin map which changes the location of the right-of-way resulting in a discrepancy. He was hoping for clarification. M. Hammer stated that in the 1990s, the Merrills obtained Hebert & Associates to do a boundary plan which showed the stone walls along the west side of the right-of-way as being the limits of the right-of-way. He contended that the representation of using the stone wall is in error. He stated there is a curve angle point in the right-of-way that is in the center of the Fortin lot which is a straight shot to Rockingham Road and back to Page Road, and if you follow the existing stone walls there would be lots of jogs and bends which do not match the original layout. M. Hammer stated that there is no net loss or gain as to land but

a disagreement as to the interpretation of the right-of-way. M. Hammer stated he did not contact anyone about the discrepancy, and he believes his representation is the most accurate. B. Merrill stated the variability is 12-18 feet and there is an agreement as to the northwest corner. M. Hammer stated that B. Merrill correctly identifies that to the north of the lot there are two stone walls that run parallel and are approximately 66 feet apart but as he surveyed from the south stone walls there are circumstances where stone walls are only 40 feet apart. He noted that it is difficult to ascertain which stone walls are correct. He stated that the Hebert survey is not an original survey. He noted that it is difficult to locate old roads in New Hampshire, and that Hebert may not have conducted sufficient research.

Bob Merrill disagreed with the work that Meridian Land Surveying performed. He noted that there are places where the stone wall was buried and is still there, and to be off 12-18 feet is considerable for today's modern surveying. He noted the location of the pavement on both properties and the paving of the road in 1920. He noted that there was an encroachment on his property.

Chairman Rugg recognized the disagreement between the two parties but noted it is beyond the purview of the Planning Board at this time.

Member G. Verani asked how these agreements are handled. J. Trottier stated that it is usually resolved with a registered land surveyor. M. Hammer noted that this type of agreement is why he submitted the waiver regarding monuments and described the difference between being accurate vs being precise.

Abutter B. Merrill stated that new monuments were added along the east side of his property approximately 25 years ago. He again noted the difference between the Meridian survey and his survey. He also noted that there exists a survey from the Town done in the late 1970s or early 1980s when the Town installed the water line. He noted that the road zig zags through the right of way.

Member C. Davies asked Jane Fortin about the article in 1961 and the peaked roof. She stated that the peak building is a neighboring shop, and the peaks are different due to a fire. J. Butler requested that the Board receive a legal opinion.

M. Hammer asked that the Board reconsider waiver number 5 because of the location of the line discrepancy – it is not absolute. Chairman Rugg stated he thought the best approach was to continue the hearing until December 7, 2016. M. Hammer noted that most monuments are already in place, and missing monuments are not practicable to precisely locate because of all that was presented tonight. He stated that Department of Transportation encounters this problem frequently, holds the centerline of the road, and then goes the necessary width. He stated that he does not necessarily agree with this approach. M. Hammer stated that he could rewrite the waiver for further consideration. He asked for Staff to identify where he is deficient. Chairman Rug asked for further clarification with the Merrill's land.

J. Trottier stated that there have been three sight distance plans submitted: (1) showing a 250 feet sight distance for the existing driveway of the home; (2)

showing 365 feet sight distance profiles with no plans; (3) showing 250 feet sight distance where 365 feet is required. J. Trottier clarified that the DPW letter related only to snow removal not to whether or not the improvements should be left in the right-of-way.

Member A. Sypek made a motion that the Planning Board APPROVE waiver requests #1 through #4 as outlined in the Staff's Recommendation Memorandum dated November 2, 2016.

J. Butler seconded the motion.

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

Member A. Sypek made a motion to continue the matter to December 7, 2016.

Member c. Davies seconded the motion.

The motion was granted, 8-0-0. The Chair voted in the affirmative and stated the matter was continued to the December 7, 2016 hearing.

R. Brideau made a motion to adjourn the meeting at approximately 8:30 p.m. Seconded by A. Sypek.

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

The meeting adjourned at approximately 8:30 PM.

These minutes were prepared by Associate Planner Laura Gandia.

Respectfully Submitted,



Chris Davies, Secretary

These minutes were accepted and approved on November 9, 2016 by a motion made by R. Brideau and seconded by M. Soares.



PENNICHUCK

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MERRIMACK, NH 03054-1947

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FAX (603) 913-2305

WWW.PENNICHUCK.COM

January 6, 2016

Mr. Peter Zohdi
Edward N. Herbert Assoc., Inc.
1 Frost Road
Windham, NH 03087

Re: Subdivision Plan for 8 Alexander Road, Londonderry, NH

Dear Mr. Zohdi:

It was a pleasure meeting with you and your client, Mr. Gerry Beique, regarding the option to supply public water to the above referenced subdivision. The project consists of subdividing of the parent parcel of land, identified as tax map 12 lot 5, into five residential lots.

The parent parcel, with the address of 8 Alexander Road, contains an existing dwelling. The existing dwelling is a current customer of Pennichuck East Utility (PEU). The existing dwelling is served from the existing 8 inch diameter water in the Alexander Road right of way. The existing water main ends just inside the Alexander Road frontage where the southern boundary of tax map 12 lot 5 intersects Alexander Road. The water service line to the existing dwelling runs from that point directly to the dwelling. After subdivision, the existing dwelling will be on the lot identified as Tax Map 12 Lot 5. The water service would now cross proposed lot Tax Map 12 Lot 5-1 to reach the existing dwelling. It is our understanding there is an agreement between your client and the current owner of 8 Alexander Road the current PEU water service to 8 Alexander Road. Please be aware that any change request to water service must come from the current 8 Alexander Road customer.

PEU understands that your client intends to pursue individual private wells for each subdivided lot. Should your client reconsider the private well option for public water service, the water main will need to be extended in front of all proposed lots. For lots to receive service, the water main would have to be extended by your client and at their cost upon executing a Water Main Extension Agreement with PEU. Each lot will require the water main to be extended within the right of way of Alexander Road and Litchfield Road. The water main shall be extended within the public right of way a minimum of ten (feet) in front of each lot in order for the lot to receive service.

We hope this answers your questions. If we can be of any further assistance please call me at (603) 913-2328.
Very truly yours,

PENNICHUCK EAST UTILITY

John J. Boisvert, P.E.
Chief Engineer

MORGAN LINEN SERVICE, INC.

MANCHESTER DIVISION

Progressing with a Progressive

New Location

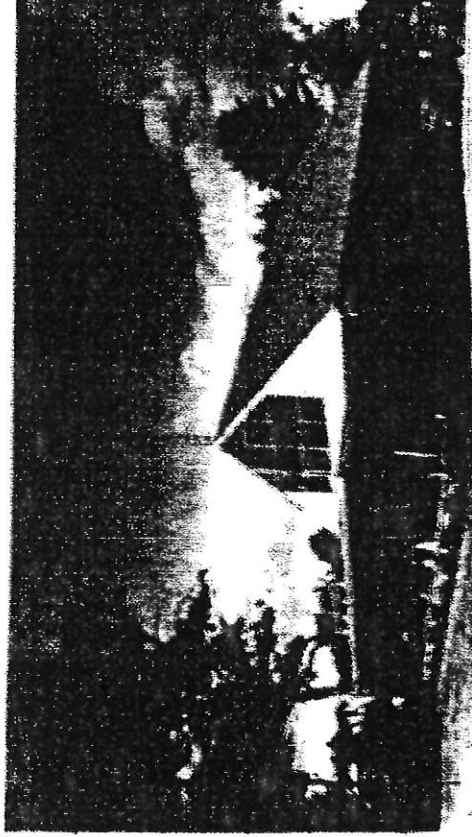
FORT

MAMMOTI

New Han



Mr. Smith, local manager, Morgan Linnen Service, standing from left to right, Fortin, Butler, and developer.



Headquarters for the Fortin Company, then Fortin, and a portion of their com-

A dream come true for with Morgan Linnen Service Mr. Fortin hopes in pleasant surroundings Fortin Industrial Park we put it "more" like a country scenery to be a to relocate would be a one of New Hampshire

Mr. Fortin's success as trusted business associates One of Fortin's longest plus quality materials field

As Fortin Construction often observed Manchester projects in this area

Another long time and can rely on Fortin to supply the materials says to build the Morgan Linnen Mammoti tractors

The Morgan Linnen Service of maintenance free he Mr. Fortin says, "Yes

A long acquaintance in supplies the steel products plus the dependability

Mr. Fortin has used the

MORGAN LINEN SERVICE, INC.

MANCHESTER DIVISION

Pressing with a Progressive New Hampshire

New Location in the

FORTIN INDUSTRIAL

MAMMOTH ROAD

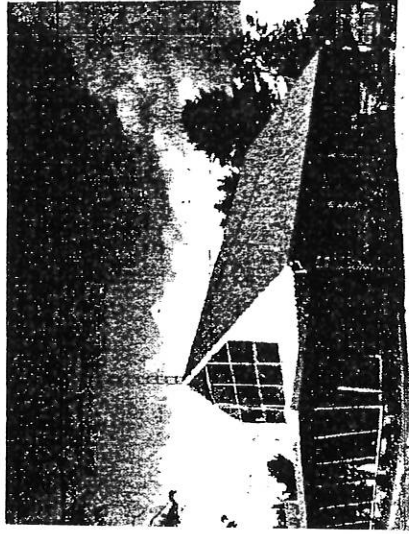
LONDON

New Hampshire's Newest

Industrial Developme



Mr. Fortin (left) with Mr. Rice (middle) and Mr. Williams (right).



Fortin Company building during construction.



Fortin Company building during construction.

A dream come true for Remi Fortin, builder and developer of Fortin Industrial Park with Morgan Linen Service as his first tenant has made his dream a reality. With the start Mr. Fortin hopes to develop further with more firms that need new quarters in pleasant, uncrowded surroundings.

Fortin Industrial Park is located in Londonderry, N. H. and as one executive of Mr. Fortin put it "more like a summer home out here than like a linen service terminal." Country scenery to be sure but with all the conveniences to be found in the city. A to relocate would be wise to investigate the Fortin Industrial Park. Mr. Fortin is one of New Hampshire's leading contractors will build to suit any desirable tenant.

Mr. Fortin's success as a General Contractor can be traced to his insistence on quality trusted business associates.

One of Remi's longest association has been with Manchester Redimix Concrete. D plus quality materials is what Manchester Redimix stands for and is why they are in the field.

As Fortin Construction relies on Redimix so do many of N. H.'s leading builders. N often ordered Manchester Redimix trucks making their deliveries to the outstand projects in this area.

Another long time and pleasant association has been with the Muir Lumber Corp. can rely on Muir to supply quality building materials and lumber plus prompt service her supplied the insulation, roofing, lumber, plywood, paneling and other building materials to build the Morgan Linen Building. No matter where Mr. Fortin is building Lumber. Muir Lumber Corp. fulfills the needs of everyone from "do it yourselfer contractors."

The Morgan Linen Service building is of long lasting cement block construction of maintenance free beauty. And Corriveau-Routhier's delivery of cement blocks Mr. Fortin says, "You can depend on their blocks to be delivered undamaged."

A long acquaintance and business associate of Mr. Fortin is Maurice Laframboise, supplies the steel products so necessary for sound, solid construction. The assurance plus the dependability of Mr. Laframboise's delivery has built the foundation of the building.

Mr. Fortin has used Sherwin Williams' paint exclusively for years. Not only can he Williams for the best in paints and painting equipment but they also offer such a wide variety of long lasting beauty best describe Sherwin Williams.

The decorative and practical aluminum awning windows were manufactured by V. Co. and are distributed in New England, New York and New Jersey by Northeast Fuel Richfield fuel oils, gasoline and motor oil to maintain Fortin Construction equipment are provided by Lafayette Oil Company, the local Richfield distributor. Mr. Fortin than pleased with the performance of the Richfield products and the service of the company. Recently Morgan Linen's fleet started operating with Richfield gasoline and tires with the performance.

Fortin's equipment is only useful if it gets to the job and that's where Rice Tire Co. Rice's services the entire tire needs of the Fortin Construction Company. Not only new U. S. Royal tires but they maintain them and their dependable recapping set every tire, large or small, with thousands of additional miles.

Very important to the peace of mind of Mr. Fortin is his insurance coverage and he Plourde to handle his complete insurance needs. Mr. Plourde, associated with the M Agencies, Inc. has studied the Fortin account carefully and advised the proper coverage and buildings. This coverage is extremely important when you realize the investment has at stake in equipment alone.

FOR FURTHER INFORMATION CONTACT.

MR. REMI FORTIN

MAMMOTH RD. — LONDONDERRY, N. H.
DIAL NATIONAL 2-6566

STATE OF NEW HAMPSHIRE EDITION — June 30, 1961

E, INC.*New Hampshire**ation in the***FORTIN INDUSTRIAL PARK****MAMMOTH ROAD****LONDONDERRY, N. H.****Hampshire's Newest****Industrial Development . . .**

Some true for Remi Fortin, builder and developer of Fortin Industrial Park. Mr. Fortin, an Linen Service as his first tenant has made his dream a reality. With this building as a Fortin hopes to develop further with more firms that need new quarters and want to locate in uncrowded surroundings.

Industrial Park is located in Londonderry, N. H. and as one executive of Morgan Linen Service "more like a summer home out here than like a linen service terminal." Country air and energy to be sure but with all the conveniences to be found in the city. A firm that desires to would be wise to investigate the Fortin Industrial Park. Mr. Fortin long recognized as Hampshire's leading contractors will build to suit any desirable tenant.

It's success as a General Contractor can be traced to his insistence on quality materials and business associates.

Fortin's longest association has been with Manchester Redimix Concrete. Dependable service and quality materials is what Manchester Redimix stands for and is why they are a leader in their

area. Construction relies on Redimix so do many of N. H.'s leading builders. No doubt you have heard of Manchester Redimix trucks making their deliveries to the outstanding building pro-

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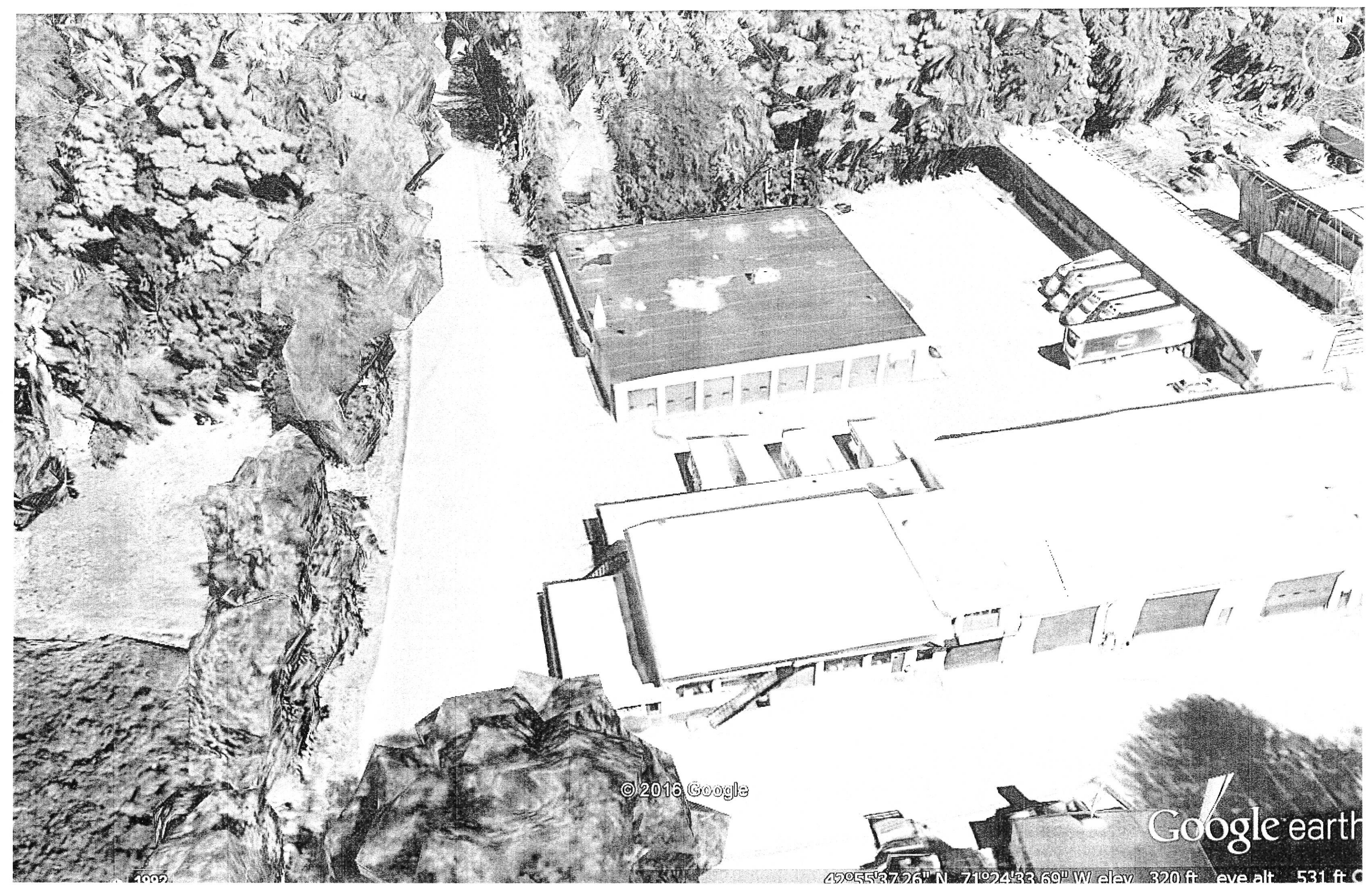
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New Manchester Division of Morgan Linen Service Designed to provide better Service to Morgan's Customers...





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49°55'37.26" N 71°24'33.69" W elev 320 ft eye alt 531 ft C



PENNICHUCK

25 MANCHESTER STREET
PO BOX 1947
MERRIMACK, NH 03054-1947

(603) 882-5191
FAX (603) 913-2305

WWW.PENNICHUCK.COM

January 6, 2016

Mr. Peter Zohdi
Edward N. Herbert Assoc., Inc.
1 Frost Road
Windham, NH 03087

Re: Subdivision Plan for 8 Alexander Road, Londonderry, NH

Dear Mr. Zohdi:

It was a pleasure meeting with you and your client, Mr. Gerry Beique, regarding the option to supply public water to the above referenced subdivision. The project consists of subdividing of the parent parcel of land, identified as tax map 12 lot 5, into five residential lots.

The parent parcel, with the address of 8 Alexander Road, contains an existing dwelling. The existing dwelling is a current customer of Pennichuck East Utility (PEU). The existing dwelling is served from the existing 8 inch diameter water in the Alexander Road right of way. The existing water main ends just inside the Alexander Road frontage where the southern boundary of tax map 12 lot 5 intersects Alexander Road. The water service line to the existing dwelling runs from that point directly to the dwelling. After subdivision, the existing dwelling will be on the lot identified as Tax Map 12 Lot 5. The water service would now cross proposed lot Tax Map 12 Lot 5-1 to reach the existing dwelling. It is our understanding there is an agreement between your client and the current owner of 8 Alexander Road the current PEU water service to 8 Alexander Road. Please be aware that any change request to water service must come from the current 8 Alexander Road customer.

PEU understands that your client intends to pursue individual private wells for each subdivided lot. Should your client reconsider the private well option for public water service, the water main will need to be extended in front of all proposed lots. For lots to receive service, the water main would have to be extended by your client and at their cost upon executing a Water Main Extension Agreement with PEU. Each lot will require the water main to be extended within the right of way of Alexander Road and Litchfield Road. The water main shall be extended within the public right of way a minimum of ten (feet) in front of each lot in order for the lot to receive service.

We hope this answers your questions. If we can be of any further assistance please call me at (603) 913-2328.
Very truly yours,

PENNICHUCK EAST UTILITY

John J. Boisvert, P.E.
Chief Engineer

MORGAN LINEN SERVICE, INC.

MANCHESTER DIVISION

Progressing with a Progressive

New Location

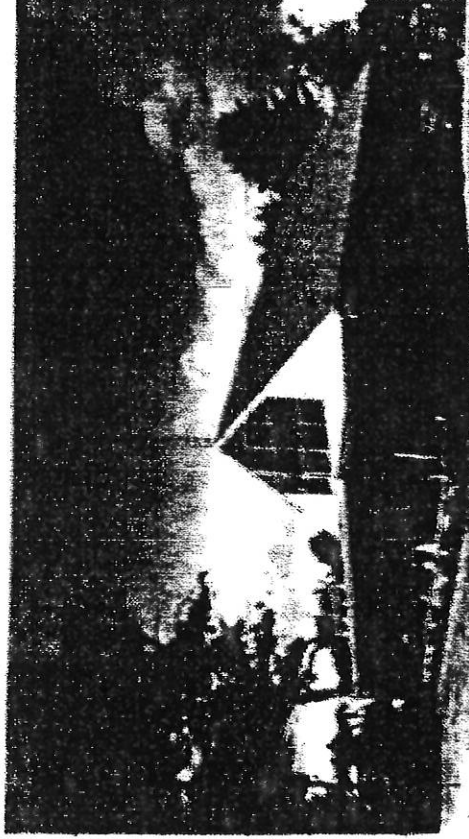
FORT

MAMMOTI

New Han



Mr. Smith, local manager, Morgan Linnen Service, standing from left to right, Fortin, Butler, and developer.



Headquarters for the Fortin Company, then Fortin, and a portion of their com-

A dream come true for with Morgan Linnen Service Mr. Fortin hopes in pleasant surroundings Fortin Industrial Park we put it "more" like a country scenery to be a to relocate would be a one of New Hampshire

Mr. Fortin's success as trusted business associates One of Fortin's longest plus quality materials field

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MORGAN LINEN SERVICE, INC.

MANCHESTER DIVISION

Pressing with a Progressive New Hampshire

New Location in the

FORTIN INDUSTRIAL

MAMMOTH ROAD

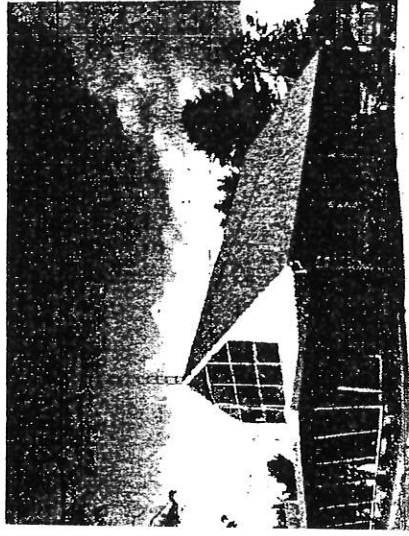
LONDON

New Hampshire's Newest

Industrial Developme



Mr. Fortin (left) with Mr. Rice (middle) and Mr. Williams (right).



Fortin Construction of their company.



Fortin officially building during ceremony.

A dream come true for Remi Fortin, builder and developer of Fortin Industrial Park with Morgan Linen Service as his first tenant has made his dream a reality. With the start Mr. Fortin hopes to develop further with more firms that need new quarters in pleasant, uncrowded surroundings.

Fortin Industrial Park is located in Londonderry, N. H. and as one executive of Mr. Fortin put it "more like a summer home out here than like a linen service terminal." Country scenery to be sure but with all the conveniences to be found in the city. A to relocate would be wise to investigate the Fortin Industrial Park. Mr. Fortin is one of New Hampshire's leading contractors will build to suit any desirable tenant.

Mr. Fortin's success as a General Contractor can be traced to his insistence on quality trusted business associates.

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The Morgan Linen Service building is of long lasting cement block construction of maintenance free beauty. And Corriveau-Routhier's delivery of cement blocks Mr. Fortin says, "You can depend on their blocks to be delivered undamaged."

A long acquaintance and business associate of Mr. Fortin is Maurice Laframboise. supplies the steel products so necessary for sound, solid construction. The assurance plus the dependability of Mr. Laframboise's delivery has built the foundation of the building.

Mr. Fortin has used Sherwin Williams' paint exclusively for years. Not only can he Williams for the best in paints and painting equipment but they also offer such a wide variety of long lasting beauty best describe Sherwin Williams.

The decorative and practical aluminum awning windows were manufactured by V. Co. and are distributed in New England, New York and New Jersey by Northeast Fuel Richfield fuel oils, gasoline and motor oil to maintain Fortin Construction equipment are provided by Lafayette Oil Company, the local Richfield distributor. Mr. Fortin than pleased with the performance of the Richfield products and the service of the company. Recently Morgan Linen's fleet started operating with Richfield gasoline and tires with the performance.

Fortin's equipment is only useful if it gets to the job and that's where Rice Tire Co. Rice's services the entire tire needs of the Fortin Construction Company. Not only new U. S. Royal tires but they maintain them and their dependable recapping set every tire, large or small, with thousands of additional miles.

Very important to the peace of mind of Mr. Fortin is his insurance coverage and his Plourde to handle his complete insurance needs. Mr. Plourde, associated with the M Agencies, Inc. has studied the Fortin account carefully and advised the proper coverage and buildings. This coverage is extremely important when you realize the investment has at stake in equipment alone.

FOR FURTHER INFORMATION CONTACT.

MR. REMI FORTIN

MAMMOTH RD. — LONDONDERRY, N. H.
DIAL NATIONAL 2-6566

STATE OF NEW HAMPSHIRE EDITION — June 30, 1961

E, INC.*New Hampshire**ation in the***FORTIN INDUSTRIAL PARK****MAMMOTH ROAD****LONDONDERRY, N. H.****Hampshire's Newest****Industrial Development . . .**

Some true for Remi Fortin, builder and developer of Fortin Industrial Park. Mr. Fortin, an Linen Service as his first tenant has made his dream a reality. With this building as a Fortin hopes to develop further with more firms that need new quarters and want to locate in uncrowded surroundings.

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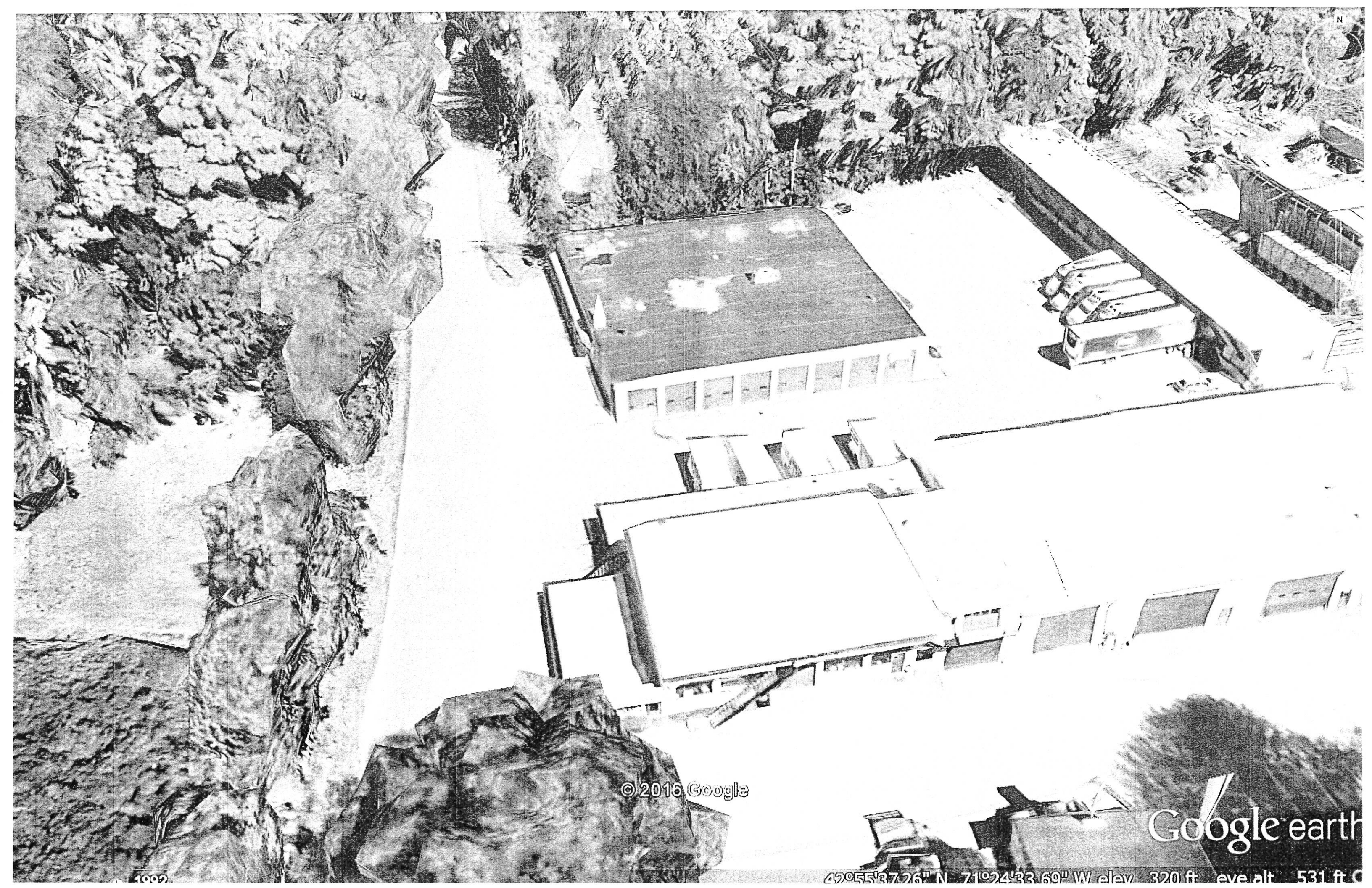
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STAFF RECOMMENDATION

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

Date: November 2, 2016

Application: Application Acceptance and Public Hearing for formal review of a subdivision of one lot into five, Map 12 Lot 5, Alexander Road and Litchfield Road, Zoned AR-1, Holm Family Revocable Trust (Owner), Gerry Beique (Applicant).

- **Completeness: The Board accepted this application as complete on October 5, 2016.**
- **Waivers:** The Applicant has requested the following waiver to the Subdivision Regulations:
 1. The Applicant is requesting a waiver to Item VI.24 of the Subdivision Application Checklist requiring topography be shown over all subject parcels. The plan does not provide topography over the western portion of the proposed Lot 5-4. Staff recommends **granting** the waiver as the Applicant has provided sufficient HISS mapping per Section 3.10 of the regulations to substantiate a single lot.

Board Action Required: The Board approved the requested waiver on October 5, 2016.

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

Board Action Required: Motion to approve the subdivision at 8 Alexander Road and Litchfield Road from one lot into five, Map 12 Lot 5, Zoned AR-1, Holm Family Revocable Trust (Owner), Gerry Bieque (Applicant), in accordance with plans prepared by Edward N. Hebert Associates, Inc., dated November 2015, last revised October 17, 2016, with the precedent conditions to be fulfilled within two (2) years of the approval and prior to plan signature and subsequent conditions of approval to be fulfilled as noted in the staff memorandum, dated November 2, 2016:

“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 November 2, 2016.
2. The Applicant shall provide the Owner's signature(s) on the plans.
3. Executed slope and drainage easements shall be provided for recording at the RCRD.
4. 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.
5. The Applicant shall provide a check for \$25 (made payable to the Rockingham County Registry of Deeds) for LCHIP.
6. The Applicant shall note all general and subsequent conditions on the plans.
7. Third-party review fees shall be paid within 30 days of conditional site plan approval.
8. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
9. 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. **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.
2. 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.
3. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.

4. 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.

MEMORANDUM

To: Planning Board

Date: November 2, 2016

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

Re: Map 12 Lot 5
Subdivision Plan
Alexander & Litchfield Roads

Owners: Holm Family Revocable Trust
Applicant: Gerry Beique

This project is continued from the October 5, 2016 Planning Board meeting at which the subdivision application was accepted as complete. The Board also granted the waiver request for topography on lot 5-4 at the October 5, 2016 meeting. The Applicant submitted revised plans and information and we offer the following comments:

Design Review Items:

1. We recommend the Applicant address the following on the revised **Improvement Plans:**
 - a. The plans do not address when the proposed detention basin on lot 5-4 would be constructed (before a CO on any lot?) and who is responsible for future operation, inspection and maintenance of the basin in perpetuity (home owner's association?). We recommend that additional notes be placed on sheet one to clarify the ownership and maintenance responsibilities of the detention basin. In addition, we recommend additional notes be placed on sheet 4 relative to the basin construction time table. Also, we recommend that an Operations and Maintenance manual be prepared for the basin acceptable to the Town. The project design should be updated accordingly acceptable to the Town. We recommend that the Applicant discuss the proposed design and project information to be included on the plans and deeds with the Town.
 - b. It is unclear from the grading plan – sheet 4- that the top of embankment elevation at 266.4 is maintained along the entirety of the berm with the various labels of 266.2 and 266 indicated. Please clarify acceptable to the Town.
 - c. The Applicant's revised design indicates the existing catch basin along Alexander Road will be replaced with a new one on sheet 4. In addition, a new catch basin will be installed northerly of the existing catch basin with a new 12" pipe to the existing replaced basin. Please update the new pipe size to be 15" minimum in compliance with section 3.08.g.1 of the regulations.
 - d. We recommend that the Applicant clarify when the proposed improvements along Alexander Road will occur (prior to CO?) in the notes shown on sheet 4 acceptable to the Town.
 - e. The revised detention basin on sheet 4 appears to include a low flow outlet structure, but the device is not labeled. Please update the plan and reference the detail on sheet 11 and typical section on sheet 12 for proper construction.
 - f. We recommend that the improvement plans indicate temporary erosion control measures for the proposed swales and catch basins as required by the regulations.
2. We recommend that the Applicant address the following relative to the revised **Drainage Analysis Report:**
 - a. The revised detention basin analysis indicates the low flow outlet structure top of wall elevation of 266.4 that is the same elevation as the top of basin embankment and would not operate as an outlet overflow device as intended by the Town's typical detail. We note that the 50-year storm event has peak pond elevation of 265.3. We recommend that the top of wall for the outlet structure be at elevation 265.4 and this would provide a one foot elevation difference from the top of embankment and

operate as an outlet overflow device consistent with the intent of the Town's typical outlet structure. We recommend that the Applicant update the detail on sheet 11 and the analysis accordingly.

- b. The Applicant's design does not address the impacts to all abutting lots as required per section 3.08.b.3 of the regulations and item X.3.c of the checklist. We note that abutting lots 4, 4-2, 4-3, 4-4, 4-6, 7, 7-1, 7-2 & 7-3 are not addressed in the updated report as previously requested. We recommend a summary table be provided in the report narrative that indicates the pre- and post-development impacts to each abutting lot and indicates no increase in runoff in accordance with the regulations is achieved as typically required by the Town.
 - c. The pre- and post-development plans do not include the area for each subcatchment per section 3.08.b.7 and 8 of the regulations. Please update the plans accordingly.
3. We recommend that the Applicant provide the Owner's signature on the final plans.
 4. We recommend the Applicant verify the DRC comments for the project are adequately addressed as applicable:
 - a. Please verify the comments of Planning Department have been adequately addressed with the Planning Department.