

1 **LONDONDERRY, NH PLANNING BOARD**  
 2 **MINUTES OF THE MEETING OF DECEMBER 2, 2015 AT THE MOOSE HILL**  
 3 **COUNCIL CHAMBERS**  
 4

5 Members Present: Art Rugg, Planning Board Chair; Lynn Wiles; Mary Wing  
 6 Soares; Jim Butler, Town Council Ex-Officio; Rick Brideau, CNHA, Ex-Officio; Scott  
 7 Benson; Leitha Reilly; Al Sypek, alternate member; Ann Chiampa, alternate  
 8 member; and Ted Combes, alternate member  
 9

10 Also Present: John R. Trottier, Assistant Director of Public Works and Engineering;  
 11 Cynthia May, ASLA, Town Planner and Planning and Economic Development  
 12 Department Manager; John Vogl, GIS Manager and Comprehensive Planner  
 13

14 A. Rugg called the meeting to order at 7:00PM. Scott Benson arrived at 7:03;  
 15 Mary Wing Soares arrived at 7:06. Al Sypek was appointed to vote for Chris  
 16 Davies. Jim Butler arrived at 7:15.  
 17

18 **Administrative Board Work**  
 19

20 A. Approval of Minutes – November 4, 2015  
 21

22 **L. Wiles made a motion to approve and sign the minutes from the**  
 23 **November 4, 2015 meeting. R. Brideau seconded the motion.** No  
 24 discussion. **Vote on the motion: 7-0-0.**  
 25

26 Minutes for November 4, 2015 were approved. *(The minutes were signed at*  
 27 *the December 9, 2015 meeting.)*  
 28

29 B. Regional Impact Determinations – Residences at MacGregor Cut Site Plan, Map  
 30 12 Lots 120 & 131  
 31

32 C. May stated that Staff recommends the aforementioned project is not a  
 33 development of regional impact, as it does not meet the regional impact  
 34 guidelines prepared by Southern NH Planning Commission (SNHPC).  
 35

36 **L. Wiles made a motion to accept Staff’s determination that this**  
 37 **project is not a development of regional impact. R. Brideau seconded**  
 38 **the motion.** No discussion. **Vote on the motion: 7-0-0.**  
 39

40 C. Extension Request – Elliot Health Systems - Phase 4 Site Plan and Conditional  
 41 Use Permit; Tarrytown Real Estate Holdings (Owner and Applicant), Map 6, Lot  
 42 31, 31 Buttrick Road, Zoned C-I within the Route 102 POD [Plan Signed  
 43 December 12, 2012].  
 44

45 The applicant stated that they intend to proceed with both remaining phases of  
 46 the project, which has been held up by economic conditions. They requested  
 47 an extension for two years for both phases. L. Wiles asked about timing. C.  
 48 May clarified that there were no pertinent changes in the regulations. L. Reilly  
 49 asked if this was a normal request. Chairman Rugg reiterated that the impacts

50 of the recent economic downturn caused the delay. C. May responded that the  
 51 extension request and time frames were typical under the circumstances. C.  
 52 May said the intent was to extend the deadline for both Phases 4 and 5 to  
 53 December 12, 2017.

54  
 55 **L. Wiles made a motion to extend the conditional approval for Elliot**  
 56 **Health Systems Phase 4 for two years to December 12, 2017. R.**  
 57 **Brideau seconded the motion. No discussion. Vote on the motion: 7-0-0.**

58  
 59 D. Extension Request – Elliot Health Systems – Phase 5 Site Plan and Conditional  
 60 Use Permit; Tarrytown Real Estate Holdings (Owner and Applicant), Map 6, Lot  
 61 31, 31 Buttrick Road, Zoned C-I within the Route 102 POD [Conditionally  
 62 Approved April 1, 2009].

63  
 64 **L. Wiles made a motion to extend the final approval for Elliot Health**  
 65 **Systems Phase 5 for two years to December 12, 2017. J. Butler**  
 66 **seconded the motion. No discussion. Vote on the motion: 8-0-0.**

67  
 68 C. May explained to the Board that in order for the project to move forward,  
 69 the applicant was also required to obtain an extension of their Alteration of  
 70 Terrain permit from DES. The first three phases of the Elliot project were  
 71 completed in 2007. Because the AOT rules have changed since the original  
 72 approval, the applicant would be required to update the plans for Phases 4 & 5,  
 73 which would include a new review and approval from the Town. Because the  
 74 Town’s regulations have not changed, and the DES stormwater requirements  
 75 are different from Londonderry’s there would not be a good reason to have the  
 76 applicant go through the process again. With a determination of substantial  
 77 completion by the Planning Board, the applicant would be able to obtain an  
 78 extension from DES. A letter was provided in the read file, and with  
 79 confirmation by the Board, the Chairman could sign the letter. L. Wiles asked  
 80 about the impact to the Town if the determination was not made. C. May  
 81 responded that in addition to having to go through the process again, it would  
 82 send a message to the development community that the Town is difficult to  
 83 work with and doesn’t support high quality business development.

84  
 85 **M. Wing Soares made a motion to authorize the Chair to sign the letter**  
 86 **determining substantial completion for the Elliot Phases 4 & 5. L. Wiles**  
 87 **seconded the motion. No discussion. Vote on the motion: 8-0-0.**

88  
 89 E. Extension Request - Fairwinds Properties, Inc. (Owner and Applicant), Map  
 90 28 Lot 31-1, 10 Technology Drive, Zoned I-II [Plan Signed December 10,  
 91 2014].

92  
 93 C. May explained that the extension request for two years was again based on  
 94 economic conditions.

95  
 96 **L. Wiles made a motion to extend the approval for Fairwinds Properties**  
 97 **for one year to December 10, 2016. S. Benson seconded the motion. No**  
 98 **discussion. Vote on the motion: 8-0-0.**

99

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

102  
 103 **L. Wiles made a motion to extend the approval for Fairwinds Properties**  
 104 **for two years to December 10, 2017. S. Benson seconded the motion.**

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

106  
 107 F. Extension Request – Wallace Farm Site Plan Amendment; Wallace Farm, LLC  
 108 (Applicant), Wallace Farm LLC and Perkins Farm LLC (Owners), 48 & 62 Perkins  
 109 Rd, Zoned AR-I [NOD Issued August 12, 2015]

110  
 111 C. May explained that the applicant intends to go forward with the original  
 112 approval where the entrance would be located across from Vista Ridge Drive;  
 113 however, they are seeking to preserve the option for the alternative entrance  
 114 in the event of a worst case scenario. The Chair recognized Attorney Jay  
 115 Leonard, who reiterated that they would like the Board to approve the  
 116 amendment extension, but hope not to need to use it. Construction is currently  
 117 underway in accordance with the approved site plan.

118  
 119 **M. Wing Soares made a motion to extend the approval for Wallace**  
 120 **Farm Site Plan Amendment for an additional year to December 6, 2016.**

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

122  
 123 G. Discussions with Town Staff

124  
 125 J. R. Trottier asked the Planning Board to consider administrative approval by  
 126 Staff of a 1,700 SF addition to the utility Building at the Scobie Pond  
 127 Substation. A plan of the proposed improvements showed where the work  
 128 would occur within the fenced compound and that the required parking would  
 129 be relocated at the end of the addition. The consensus of the Board was that  
 130 the Eversource Scobie Pond Substation improvements could be handled  
 131 administratively.

132  
 133 M. Wing Soares asked about creating a noise ordinance. It was discussed  
 134 briefly with the Board concluding that it can limit the hours of construction  
 135 activity as part of an approval. Historically there have been informal  
 136 agreements about construction hours, but they may need to consider a more  
 137 formal approach in the future. There was a suggestion to consult with the code  
 138 enforcement official.

139  
 140 **Public Hearings/Workshops/Conceptual Discussions**

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

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

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

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

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

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

A. Rugg asked for Staff input.

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

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

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

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

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

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

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

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

251

252 **GENERAL AND SUBSEQUENT CONDITIONS**

253

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

255

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

261

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

266

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

273

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

278

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

281

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

283

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

291

292 A. Rugg asked for public input.

293

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

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

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

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

J. Butler excused himself and departed from the meeting.

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

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

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

348 Chairman Rugg asked for Board input. There was a question about when the  
349 paving was expected to be completed. J.R. Trottier responded that he  
350 expected the paving to be completed in July, 2016.

351  
352 Chairman Rugg asked for public input. There was none.

353  
354 **M. Wing Soares made a motion to approve the Applicant's request for**  
355 **the waiver to the Site Plan regulations as outlined in Staff's**  
356 **Recommendation memo dated December 2, 2015. L. Wiles seconded**  
357 **the motion. No discussion. Vote on the motion: 7-0-0.**

358  
359 **M. Wing Soares made a motion to grant final approval of the as**  
360 **outlined in Staff's Recommendation memo dated December 2, 2015.**  
361 **L. Wiles seconded the motion. No discussion. Vote on the motion: 7-**  
362 **0-0.**

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364  
365 **Adjournment:**

366  
367 **M. Wing Soares made a motion to adjourn the meeting. R. Brideau**  
368 **seconded the motion. Vote on the motion: 7-0-0.**

369  
370 The meeting adjourned at 8:14 PM.

371  
372 These minutes were prepared by Cynthia A. May, Town Planner.

373  
374 Respectfully Submitted,

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377  
378 Chris Davies, Assistant Secretary

379