

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF MARCH 6, 2013 AT THE MOOSE HILL**
3 **COUNCIL CHAMBERS**
4

5 Members Present: Art Rugg; Lynn Wiles; Laura El-Azem; Chris Davies; Tom Freda,
6 Ex-Officio; Rick Brideau, CNHA, Ex-Officio; John Laferriere, Ex-Officio; Scott
7 Benson; Leitha Reilly, alternate member; Maria Newman, alternate member
8

9 Also Present: Cynthia May, ASLA; Jaye Trottier, Planning and Economic
10 Development Department Secretary
11

12 A. Rugg called the meeting to order at 7 PM. He appointed L. Reilly to vote for
13 Mary Soares.
14

15 **Administrative Board Work**
16

17 A. Approval of Minutes – February 6 and February 13, 2013
18

19 **L. Wiles made a motion to approve and sign the minutes from the**
20 **February 6, 2013 meeting. J. Laferriere seconded the motion.** No
21 discussion. **Vote on the motion: 8-0-1** with C. Davies abstaining as he had
22 not attended the meeting.
23

24 **L. Wiles made a motion to approve and sign the minutes from the**
25 **February 13, 2013 meeting. J. Laferriere seconded the motion.** No
26 discussion. **Vote on the motion: 8-0-1** with S. Benson abstaining as he had
27 not attended the meeting.
28

29 Minutes for **February 6, 2013** and **February 13, 2013** were approved and
30 signed at the conclusion of the meeting.
31

32 B. Plans to Sign – Liberty Utilities, Site Plan Amendment, Map 7 Lots 34-1
33

34 C. May said the Site Plan Amendment for Liberty Utilities is ready for signature,
35 however she also made the Board aware of an amendment proposed by Staff to
36 the fourth General and Subsequent Condition of the Notice of Decision which
37 originally required all site improvements be completed prior to the issuance of a
38 certificate of occupancy. Because the applicant can occupy the building once the
39 plans are signed without Planning Board approval, as well as the fact that the
40 improvements are not necessary for the applicant to do so, Staff recommends
41 the condition be changed to read: "All site improvements shall be completed
42 within 18 months of final Planning Board approval." She reported that all
43 Precedent Conditions have been met and Staff recommends signing the plans.
44

45 **L. Wiles made a motion to authorize the Chair and Secretary to sign the**
46 **plans with the Notice of Decision amended as stated by Staff. J.**
47 **Laferriere seconded the motion.** No discussion. **Vote on the motion:**
48 **9-0-0.**

1
2 A. Rugg said the plans will be signed at the conclusion of the meeting.
3

4 C. Extension Request –Stonehenge Subdivision Phase II, Map 12 Lot 127 & Map
5 13 Lot 21-7
6

7 C. May said this subdivision plan was originally approved the Board in April of
8 2009. She referenced two letters, one from Wesley Aspinwall of Edward N.
9 Herbert Associates, Inc. and the other from Thomas F. Quinn, Esquire, both
10 requesting on behalf of the applicant an additional one year extension of the
11 subdivision plan that will expire on April 4, 2013. C. May said that Staff is
12 supportive of the request. L. Wiles confirmed with C. May that the applicant is
13 confident that no more than one additional year will be needed.
14

15 **L. Wiles made a motion to grant a one-year extension to April 4, 2014.**

16 **J. Laferriere seconded the motion.** No discussion. **Vote on the motion:**
17 **9-0-0.** The extension for one year was granted.
18

19 D. Discussions with Town Staff
20

- 21 • Woodmont Commons Request To Continue Public Hearing from March
22 13, 2013 to March 27, 2013
23

24 C. May referenced a letter from Attorney Ari Pollack, representative of
25 Pillsbury Realty Development, LLC, requesting a postponement of “further
26 consideration of the PUD application from the March 13, 2013 agenda
27 until March 27, 2013. This postponement is intended to allow time for
28 further collaborative sessions between Staff and the respective technical
29 teams, while ensuring that the next set of briefing materials are as refined
30 as possible.” Those briefing materials, C. May said, are expected from
31 the applicant on March 20.
32

33 **L. Wiles made a motion to continue the Woodmont Commons PUD**
34 **Public Hearing from March 13, 2013 to March 27, 2013. J.**
35 **Laferriere seconded the motion.**
36

37 L. El-Azem asked that the notification of the cancelled meeting be posted
38 on the two entrances to Town Hall on March 13. C. May said that would
39 be done, adding that a notice will also be posted on the front of Town
40 webpage and a legal notice will be published in the Londonderry Times.
41

42 No further discussion. **Vote on the motion, 9-0-0.**
43

44 The Woodmont Commons PUD Public Hearing was continued from March
45 13, 2013 to March 27, 2013. A. Rugg said this would be the only official
46 public notice of the continuance.
47

48 As there were no other agenda items scheduled for March 13, 2013, that

1 meeting was cancelled.
2

3 **New Plans**
4

5 There were no new plans.
6

7 **Public Hearings/Workshops**
8

9 A. Master Plan Public Hearing – Presentation and Public Hearing for the 2012
10 Comprehensive Master Plan [Continued from the February 6, 2013 Planning
11 Board Meeting]
12

13 Master Plan Steering Committee (MPSC) Chair Leitha Reilly and Steering
14 Committee member Mike Speltz were present to entertain any further comments
15 or questions from the Board regarding the 2012 Comprehensive Master Plan.
16

17 A. Rugg asked for input from the Board.
18

19 C. Davies asked if the opinion of those who want to “keep things the way they
20 are” in Londonderry was a dominant theme throughout the process. L. Reilly
21 replied that it was not a so much a dominant theme as simply one of many
22 viewpoints expressed over the course of the development of the plan. M. Speltz
23 clarified that what was noticed was a distinct division between those residents
24 who did not want to change the look or feel of the town and those who favored a
25 wider variety in housing and transportation choices (including increased
26 walkability) as well as activities found within the town. The compromise
27 between the two was to recommend changes to only the 20% of the Town
28 currently undeveloped. C. Davies also verified that Form Based Code as
29 discussed in the document is but one way of regulating development of the
30 proposed activity centers and that other methods such as adjustments to the
31 current zoning ordinance can be pursued if any changes are deemed necessary.
32

33 C. Davies, J. Laferriere, and L. Wiles all questioned the lack of reference to the
34 Woodmont Commons project, considering the focus on alternate housing choices
35 and higher density residential developments. L. Reilly and M. Speltz explained
36 that the MPSC made a conscious decision to specifically not address Woodmont
37 Commons, primarily because the project has not been approved by the Planning
38 Board and if it had been, there is still no guarantee it would materialize. What
39 the plan does is address that style of development so when either Woodmont
40 Commons or another similar proposal is made, a “playbook” is available for
41 Town officials to refer to for guidance. Rather than risk prejudging the
42 Woodmont Commons plan, M. Speltz said, the intent was to provide the tools
43 and goals needed to accomplish that kind of development. C. May added that
44 the area where Woodmont Commons would exist was identified as a possible
45 growth center for a mixed use development and those potential figures were
46 factored into the buildout analysis included in the plan. It is not the role of the
47 Master Plan, she noted, to make specific determinations but to suggest
48 possibilities to manage future growth.

1
2 J. Laferriere asked what percentage of the Town's 24,000+ residents
3 participated in the Master Plan process. L. Reilly replied that approximately 400
4 individuals attended the various events and workshops, while another 500 were
5 randomly selected to participate in the phone survey. A. Rugg observed the
6 amount was more than had been a part of any previous Master Plan effort, while
7 L. El-Azem stated that neither the Town nor School Deliberative Sessions saw
8 nearly as many participants. The scientific approach to the phone survey, M.
9 Speltz added, brings with it an assurance that the responses are reflective of the
10 overall population in Londonderry. L. Reilly remarked that while the number of
11 participants is not overwhelming, the Committee was satisfied that a wide
12 variety of opinions were garnered and that the resulting plan provides
13 "something for everyone." J. Laferriere questioned that approach, suggesting it
14 resulted in an abstract quality, i.e. that no clear direction was established and
15 the plan lacks quantifiable goals. L. Reilly responded that it is not the duty of
16 the MPSC to determine one specific direction. The main impetus was instead to
17 focus on the preservation of a character and essence residents commonly
18 ascribe to Londonderry (albeit to varying degrees) in the face of impending
19 development. M. Speltz added that the MPSC had insisted Town Consultant
20 Town Planning and Urban Design Collaborative (TPUDC) include an
21 implementation matrix, including estimated costs associated with individual
22 tasks, to aid the town in making informed decisions when opting to pursue
23 various goals. While the Town's Capital Improvements Plan (CIP) presents
24 specific choices, L. Reilly and C. May explained that the Master Plan is meant to
25 provide tools and options to shape the CIP.

26
27 L. Wiles noted that the recent Request for Qualifications for a contracted
28 Economic Development Specialist included the task of bridging the "gaps" in the
29 Master Plan and asked C. May to describe that role. The intent, she answered,
30 is to use the Specialist's expertise to provide a connection for the Town's
31 economy between the Master Plan's identification of growth areas and its
32 recommendations for achieving those goals. M. Speltz offered that the plan
33 provides the conditions that the Specialist would use as they attempt to grow
34 the town's economy. A. Rugg remarked that CEOs often look at the visioning of
35 a town, its quality of life, and its receptiveness to new business opportunities
36 when considering a new location. L. Reilly added that the six "guiding
37 principles" of Londonderry established early on in the plan are woven into the
38 remainder of the document, providing a business interested in Londonderry with
39 a clear view of Londonderry's self-assessment, desires, and goals.

40
41 L. El-Azem and M. Newman both observed that the plan provides possibilities by
42 way of housing choices and the walkability that comes with higher density that
43 would attract those in their 20's to come to/move back to Londonderry. M.
44 Newman praised the plan's focus to preserve existing portions of town while
45 offering ideas for undeveloped or underdeveloped areas, not just to residents
46 but to developers and business owners. While the idea of making little or no
47 change to the town was clearly expressed, L. El-Azem noted that keeping things
48 "the same" can mean many different things to different people. Additionally,

1 those concerned with significant change occurring in town can find solace in the
2 fact that much of the change seems to suggest a character closer to
3 Londonderry's earlier days.
4

5 The issue of an implementation committee was discussed as it had been at the
6 previous February 6 meeting. While L. Reilly still asserted the value of an
7 implementation committee designed to maximize the financial investment put
8 into the Master Plan process and ensure use of the document, A. Rugg
9 suggested the Planning Board could create an advisory committee who could
10 offer recommendations to the Board about executing various tasks. Since the
11 Planning Board is ultimately responsible for implementation of the plan, he
12 proposed clarifying that in the flow chart on page 221 of the document by
13 removing the words "Formation of Implementation Plan/Committees" and
14 replacing them with "Planning Board." Another box emanating from that one
15 could possibly be added denoting an advisory committee. He added that the
16 Planning Board may still, at some point, choose to create an implementation
17 committee.
18

19 Board members thanked L. Reilly and the MPSC for their work and commended
20 them on a job well done.
21

22 A. Rugg asked for public input. There was none at the time, however public
23 comment was allowed during the discussion of a motion to approve the Master
24 Plan (see below).
25

26 A. Rugg stated the Board's authority to choose to adopt the Comprehensive
27 Master Plan Update pursuant to RSA 674:4, either in part or as a whole, and
28 with any amendments or additions agreed upon by the Board.
29

30 **L. Wiles made a motion that the Planning Board adopt the**
31 **Comprehensive Master Plan Update, Version 1.0, dated January 4, 2013,**
32 **in its entirety. L. El-Azem seconded the motion.**
33

34 A. Rugg's suggested amendment to the flow chart on page 221 was discussed.
35 A. Rugg recognized a member of the audience who wished to speak on the
36 issue. Edward Combs, 23 Holton Circle, asked why the Board would not want to
37 form an implementation committee to provide assistance while they also
38 attempt to manage their regular schedule which now includes the sizeable
39 Woodmont Commons project. He commented on a perceived a lack of interest
40 from the Board in executing a plan into which a significant financial investment
41 has been made. A. Rugg reiterated that the proposed amendment is merely
42 intended to clarify the fact that the Planning Board is ultimately responsible for
43 implementation and that they may choose to form a committee or advisory
44 board at some point in the future because in all likelihood, some assistance will
45 be needed.
46

47 **C. Davies made a motion to amend the main motion by changing the**
48 **words "Formation of Implementation Plan/Committees" to "Planning**

1 **Board" on page 221 as discussed. R. Brideau seconded.** No discussion.
2 **The motion to amend the main motion was approved, 9-0-0.**

3
4 **L. Wiles made a motion to adopt the Comprehensive Master Plan Update**
5 **as amended. J. Laferriere seconded the motion.** No discussion. **The**
6 **motion was approved, 9-0-0.**

7
8 The 2012 Master Plan was adopted.

- 9
10 B. Londonderry 2012 School Impact Fee Update and Alternative Assessment
11 Schedules – Presentation and Public Hearing for the Londonderry 2012 School
12 Impact Fee Update [Continued from the February 6, 2013 Planning Board
13 Meeting]

14
15 At the February 6, 2013 presentation regarding the School Impact Fee update,
16 C. May stated a Staff recommendation would be forthcoming once an opinion
17 was received from the Town Attorney. The resulting recommendation from the
18 Town Attorney, she reported, is to immediately suspend the imposition and
19 collection of all impact fees until the audit now underway is completed pursuant
20 to a court order. Staff therefore recommends that the Planning Board table the
21 public hearing for the School Impact Fee update until the audit is complete, at
22 which time the public hearing can be re-noticed and subsequently removed from
23 the table and resumed.

24
25 J. Laferriere asked if it is known when the audit will be finalized. C. May replied
26 it is not known at this time.

27
28 **L. El-Azem made a motion to table the public hearing for the School**
29 **Impact Fee update until it can scheduled after the conclusion of the**
30 **audit. L. Wiles seconded the motion.** No discussion. **Vote on the motion,**
31 **9-0-0.**

32
33 The public hearing for the 2012 Londonderry School Impact Fee update was
34 tabled indefinitely (see next item also).

- 35
36 C. Suspension of Londonderry Impact Fee Programs

37
38 C. May conveyed to the Board the Town Attorney's recommendation that due to
39 the ongoing impact fee audit, the entire impact fee system be suspended. Staff
40 therefore recommends the Planning Board send a request to the Town Council to
41 immediately suspend the imposition and collection of impact fees for schools,
42 fire, police, library, and recreation in addition to the Route 102 and Route 28
43 Corridor Programs fees previously suspended.

44
45 A. Rugg entertained input from the Board.

46
47 When Attorney Ramsdell was asked for more details, he replied that he would
48 not have any until after he and the Acting Town Manager meet with the auditors

1 on March 7. A report can then be made to the Board at their March 27 meeting.
2 Board members discussed the possibility of waiting until March 27 to consider
3 any additional information and make a recommendation to the Town Council at
4 that time. Attorney Ramsdell expressed his opinion that the risk of
5 compounding any of the current legal issues by not suspending impact fees was
6 more significant than any loss in monies during the time of suspension. He
7 added that while the suspension is in place, any impact fees that would have
8 normally been applied to a plan would not be retroactive. A. Rugg noted that
9 the final decision to suspend any impact fees lies with the Town Council. Their
10 next meeting takes place on March 18.

11
12 **L. Wiles made a motion that the Planning Board make a recommend to**
13 **the Town Council to immediately suspend the imposition and collection**
14 **impact fees for schools, fire, police, library, and recreation, in addition**
15 **to the previously suspended Route 102 Corridor and Route 28 Corridor**
16 **Programs, until the audit currently taking place has been completed**
17 **pursuant to a court order. J. Laferriere seconded the motion. No**
18 **discussion. Then motion was approved, 9-0-0.**

19
20 **Other Business**

21
22 A. Update on 3rd Party Review Consultant Selection

23
24 C. May reported that the Town Manager has determined that the Planning Board
25 process that took place to select a Third Party Engineering Review Consultant
26 was conducted in accordance with Town policies. Staff therefore recommends
27 the Planning Board refer their decision of November 7, 2012 to retain Stantec as
28 the Town's Third Party Engineering Review Consultant to the Town Council for
29 contract approval.

30
31 **L. El-Azem made a motion for the Planning Board to refer the decision of**
32 **November 7, 2012 to retain Stantec as the Town's Third Party**
33 **Engineering Review Consultant to the Town Council for contract**
34 **approval. L. Wiles seconded the motion. No discussion. Vote on the**
35 **motion, 8-1-0 with T. Freda in opposition.**

36
37 B. Request for Qualifications (RFQ) for Economic Development Specialist Contract
38 Services

39
40 M. Newman asked C. May to explain the RFQ recently posted by the Town
41 through the Planning and Economic Development (P&ED) Department. As part
42 of the reorganization process of the P&ED Department, C. May stated, an
43 economic development specialist is being sought to work with the Department
44 and the Town Manager to advance the economic development goals of the town.
45 Initially, retention of existing businesses will be the primary focus of the
46 position. The Town will be able to expand or contract their services as demand
47 dictates. The preference will be to contract with an individual or firm that has
48 contacts in other areas of expertise, e.g. other planners and economists,

1 architects, engineers, etc. to provide the potential to the Department to respond
2 expeditiously to any opportunities that arise. This would enable the town to
3 benefit from specialist services without having to fund a full time staff position in
4 the Town budget. The Department reorganization also included the setting
5 aside of the position of the Director of Economic Development, which will be
6 offset not only by the Economic Development Specialist, but by the following
7 changes in job descriptions: The Town Planner (C. May) has become the Town
8 Planner/Department Manager, the GIS Manager/Planner (John Vogl) is now the
9 GIS Manager/Comprehensive Planner, and the Department Secretary (Jaye
10 Trottier) is proposed to become the Associate Planner.

11
12 **Adjournment:**

13
14 **J. Laferriere made a motion to adjourn the meeting. L. El-Azem seconded**
15 **the motion. Vote on the motion: 9-0-0.**

16
17 The meeting adjourned at 8:44 PM.

18
19 These minutes prepared by Planning & Economic Development Secretary Jaye
20 Trottier

21
22
23
24 Respectfully Submitted,

25
26
27
28 Lynn Wiles, Secretary