

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

5 Members Present: Art Rugg; Mary Soares; Lynn Wiles; Laura El-Azem; Chris
6 Davies; Scott Benson; Leitha Reilly, alternate member; and Maria Newman,
7 alternate member
8

9 Also Present: Cynthia May, ASLA, Town Planner and Planning and Economic
10 Development Department Manager; John Trottier, P.E., Assistant Director of Public
11 Works and Engineering; Jaye Trottier, Associate Planner; and Jeffrey Belanger,
12 Planning and Economic Development Department Intern
13

14 A. Rugg called the meeting to order at 7 PM. He appointed L. Reilly to vote for L.
15 El-Azem until she arrived.
16

17 [L. El-Azem arrived at 7:03 PM].
18

19 **Administrative Board Work**
20

21 A. Approval of Minutes – April 3, and April 10, 2013
22

23 **M. Soares made a motion to approve and sign the minutes from the**
24 **April 3, 2013 meeting. L. Wiles seconded the motion. No discussion.**
25 **Vote on the motion: 6-0-0.**
26

27 **M. Soares made a motion to approve and sign the minutes from the**
28 **April 10, 2013 meeting. L. Wiles seconded the motion. No discussion.**
29 **Vote on the motion: 4-0-2.** (C. Davies and S. Benson abstained as they
30 were absent from the April 10, 2013 meeting).
31

32 Minutes for April 3, 2013 and April 10, 2013 were approved and signed at the
33 conclusion of the meeting.
34

35 B. Plans to Sign – 172 Rockingham Road Minor Site Plan Amendment, 172
36 Rockingham Road, Map 15 Lot 61-1
37

38 J. Trottier stated that the site plan was conditionally approved by the
39 Administrative Review Committee (ARC) on April 18, 2013. He reported that
40 all precedent conditions for approval have been met and Staff recommends
41 signing the plans.
42

43 **M. Soares made a motion to authorize the Chair and Secretary to sign**
44 **the plans. L. Wiles seconded the motion. No discussion. Vote on the**
45 **motion: 6-0-0.** A. Rugg said the plans would be signed at the conclusion of
46 the meeting.
47

48 C. Plans to Sign – Hampshire Ventures Subdivision, 151 Mammoth Road, Map 3
49 Lot 185

1
2 J. Trottier stated that all precedent conditions for approval have been met and
3 Staff recommends signing the plans.
4

5 **M. Soares made a motion to authorize the Chair and Secretary to sign**
6 **the plans. L. Wiles seconded the motion.** No discussion. **Vote on the**
7 **motion: 6-0-0.** A. Rugg said the plans would be signed at the conclusion of
8 the meeting.
9

- 10 D. Extension Request – Albird Estates Subdivision, 28 Auburn Road, Map 16
11 Lot 58
12

13 J. Trottier read a letter from owners Richard and Virginia St. Cyr into the
14 record, wherein a one year extension of the subdivision plan that will expire on
15 May 2, 2013 was requested (See Attachment #1). If granted, this would be
16 the fourth extension of the conditional approval. J. Trotter added that no
17 changes have been made in the past year to the ordinances or regulations that
18 would impact the project.
19

20 **M. Soares made a motion to grant a one year extension to May 7, 2014.**
21 **L. Wiles seconded the motion.** No discussion. **Vote on the motion:**
22 **6-0-0.** The extension for one year was granted.
23

- 24 E. Extension Request – Kitty Hawk Landing Site Plan, 1 Kitty Hawk Landing, Map
25 17 Lot 5-3
26

27 J. Trottier read a letter from project engineer William Davidson of Hoyle,
28 Tanner & Associates, Inc. into the record, which outlined a request for a one
29 year extension of the subdivision plan that will expire on May 2, 2013 (See
30 Attachment #2). If granted, this would be the fourth extension of the
31 conditional approval.
32

33 **M. Soares made a motion to grant a one year extension to May 7, 2014.**
34 **L. Wiles seconded the motion.** No discussion. **Vote on the motion:**
35 **6-0-0.** The extension for one year was granted.
36

- 37 F. Request to extend the 65-day approval period per RSA 676:4 - Pillsbury Realty
38 Development, LLC, Map 10, Lots 15, 23, 29C-2A, 29C-2B, 41, 41-1, 41-2, 42,
39 45, 46, 47, 48, 50, 52, 54-1, 58, 59, and 62 - Public Hearing for formal review
40 of the Woodmont Commons Planned Unit Development (PUD) Master Plan.
41

42 A. Rugg stated that Pillsbury Realty Development, LLC has requested an
43 extension of the 65-day review period from May 15, 2013 to June 12, 2013
44 (See Attachment #3).
45

46 A. Rugg asked for Board input on the request. There was none.
47

48 **L. El-Azem made a motion to extend the 65-day review period to June**
49 **12, 2013. L. Wiles seconded the motion.** No discussion. **Vote on the**
50 **motion, 6-0-0.**

1
2 G. Request for Special Meeting on May 22, 2013 - Pillsbury Realty Development,
3 LLC, for the Woodmont Commons Planned Unit Development (PUD) Master
4 Plan.

5
6 A. Rugg stated that Pillsbury Realty Development, LLC has requested to have a
7 meeting with the Board on May 22, 2013 (See Attachment #3).

8
9 **M. Soares made a motion to hold a special Planning Board meeting on**
10 **May 22, 2013. L. Wiles seconded the motion. No discussion. Vote on**
11 **the motion, 6-0-0.**

12
13 H. Request for Continuance from May 8, 2013 to May 22, 2013 - Pillsbury Realty
14 Development, LLC, Map 10, Lots 15, 23, 29C-2A, 29C-2B, 41, 41-1, 41-2, 42,
15 45, 46, 47, 48, 50, 52, 54-1, 58, 59, and 62 - Public Hearing for formal review
16 of the Woodmont Commons Planned Unit Development (PUD) Master Plan.

17
18 A. Rugg stated that Pillsbury Realty Development, LLC has requested a
19 continuance from the May 8, 2013 Planning Board meeting to the May 22,
20 2013 meeting (See Attachment #4).

21
22 **M. Soares made a motion to continue the Public Hearing for Pillsbury**
23 **Realty Development, LLC from May 8 to May 22, 2013. L. Wiles**
24 **seconded the motion.**

25
26 A. Rugg said the cancellation of the May 8 meeting will be advertised and
27 posted on both the front and back entrances of Town Hall. He also asked that
28 Staff have it posted on the front of the Town website. He said the next briefing
29 should be available by May 15.

30
31 No further discussion. **Vote on the motion, 6-0-0.**

32
33 I. Discussions with Town Staff

- 34
35 • Elderly Housing Ordinance Question from April 10, 2013

36
37 C. May stated that Staff investigated the question posed at the April 10,
38 2013 meeting (see Attachment #5) regarding the number of elderly
39 housing units that have been both proposed and built in town as compared
40 to the actual population of residents 55 and over. She referred to a memo
41 created by Staff (see Attachment #6), which shows that of the 24,129
42 residents in Town (based on the 2010 US Census), 22.1% are 55 years old
43 or older. The total number of elderly housing units, both existing and
44 proposed, accounts for 5.4% of the Town's total housing supply. Since the
45 zoning ordinance states the percentage of elderly housing in town cannot
46 exceed the percentage of Londonderry residents 55 and over, the current
47 amount is well within that limit. A discussion ensued regarding changing
48 the regulation to a fixed percentage to avoid accumulating an
49 overabundance of elderly housing in town. It was decided to revisit a
50 potential change at a future meeting, along with the possibility of

1 establishing a review at regular intervals of both the 55 and over population
2 and the town's housing stock.

- 3
4 • Londonderry Historical Society; Donation of Rail and Switch Artifact

5
6 A. Rugg stated that the Heritage Commission has scheduled a public
7 hearing for May 9 at 7 PM in the Moose Hill Council Chambers regarding
8 placement of a section of the St. Lawrence/Manchester rail and a switch
9 that was donated to the Historical Society on their property at 140 Pillsbury
10 Road (Map 6 Lot 18-1), a lot that lies within the Historic District. C. May
11 noted that one benefit to the proposal is that if the approval is granted
12 before a specific date, the rail and switch would be delivered free of charge.
13 The current plan is to place it towards the back of the lot where a dirt
14 mound presently sits.

- 15
16 • Liberty Utilities; Emergency Generator Relocation

17
18 C. May conveyed a request from Liberty Utilities for a proposal of theirs to
19 be handled administratively that would relocate an emergency generator on
20 15 Buttrick Road (Map 7 Lot 34-1) from the southern side of their building
21 to the northern side (see Attachment #7). Consensus from the Board was
22 to allow the matter to be handled administratively, although M. Soares
23 asked that the applicant notify the residential abutters because of potential
24 noise issues.

- 25
26 • Orchard Christian Fellowship; Dumpster Pad/Enclosure & Fence

27
28 C. May conveyed a request from Orchard Christian Fellowship for a proposal
29 of theirs to be handled administratively which would locate a dumpster pad
30 and enclosure at the back end of the parking lot on the rear of the property
31 at 136 Pillsbury Road (Map 6 Lot 18 2; See Attachment #8). Consensus
32 from the Board was to allow the matter to be handled administratively. An
33 additional request from the applicant is for another proposal to be handled
34 administratively which would replace a portion of a 6 foot tall solid wood
35 fence on the north side of the lot with landscape buffering of the same
36 height (See Attachment #9). A buffer of some kind was requested by Staff
37 to provide a barrier between parking for proposed future additions and the
38 abutting lot to the east. Consensus from the Board was to require a minor
39 site plan amendment in order to provide notice to abutters to attend a
40 public hearing on the issue. C. May added that if a public hearing were
41 scheduled with the ARC to address the buffer, then a third issue involving
42 construction of a shed could be dealt with at that same time.

- 43
44 • July 3, 2013 Planning Board Meeting

45
46 **M. Soares made a motion to cancel the July 3, 2013 meeting. S.**
47 **Benson seconded. The motion was approved, 6-0-0.**

- 48
49 • Zoning Board of Adjustment Economic Analysis

1 L. Wiles noted that the Zoning Board recently approved three variances
2 for a proposed workforce housing project on Perkins Road that would
3 next come before the Planning Board. He suggested Board members
4 review the independent economic analysis the Zoning Board had
5 requested that confirmed specific assertions made by the applicant. A.
6 Rugg suggested Board members read the verbatim ZBA minutes as well.

7
8 **Public Hearings**

9
10 A. Massimo F. Hagen, Trustee of the Massimo F. Hagen Revocable Trust
11 Agreement (Owner), Map 7 Lots 4-50 and 4-51 - Application Acceptance and
12 Public Hearing for formal review of a request for Planning Board approval to
13 remove the restriction on lot 4-51 limiting the use of 4-51 to recreation only as
14 shown on the 1972 subdivision plan that created both lots, thereby allowing it
15 to be merged unencumbered with lot 4-50.

16
17 C. May explained that when the subdivision for Baldwin Road was approved by
18 the Planning Board in 1972, that approval required the owner to dedicate lot
19 4-51 on tax map 7 to the Town for recreational purposes. That dedication
20 never took place, nor has the parcel ever been used for public recreational
21 purposes. The current owner of both 7 and 9 Baldwin Road would like to
22 merge the two lots, but to do so, the restriction would need to be removed
23 from the subdivision plan. The Town Attorney suggested that rather than
24 requiring the present owner to develop a new subdivision plan for review, the
25 Chair could be authorized by the Board to sign an affidavit prepared by the
26 Town Attorney, to be recorded along with the Board's Notice of Decision if they
27 in fact agree the 1972 restriction should be nullified. This would limit the
28 expense on the part of the owner to the notification via certified mail to all
29 current owners of the other parcels involved in the 1972 subdivision plan and
30 the placement of a legal notice in the local newspaper advertising the public
31 hearing (see discussion of the applicant's waiver below). A lot merger could
32 then be signed by the Chair, giving the owner full use of his property according
33 to current Town regulations.

34
35 C. May stated that Staff recommends application acceptance as complete.

36
37 **M. Soares made a motion to accept the application as complete. L.**
38 **Wiles seconded the motion. No discussion. Vote on the motion, 6-0-0.**

39
40 A. Rugg mentioned that this starts the 65 day time frame under RSA 676:4.

41
42 Attorney Patricia Panciocco, representing the applicant, noted that the reason
43 her client has requested the affidavit is to ensure the municipal record matches
44 that of the Registry of Deeds since regarding removal of the restriction on the
45 lot.

46
47 C. May stated that because no actual plan review was involved with this
48 application, the applicant is requesting a waiver to Section 2.06.A.5 that
49 requires subdivision fees be submitted with the application. Since the

1 applicant paid for abutter notification and advertising fees, she said Staff
2 supports the request to waive the remainder of the fees.

3
4 A. Rugg asked for public input. There was none.

5
6 A. Rugg asked for Board input. L. Wiles verified with C. May that since
7 acquiring it, the owner has been paying property taxes on lot 4-51 as a
8 buildable lot.

9
10 **M. Soares made a motion to grant the waiver. L. Wiles seconded the**
11 **motion. No discussion. Vote on the motion: 6-0-0.**

12
13 The waiver was granted.

14
15 **M. Soares made motion to conditionally approve the request to remove**
16 **the restriction as shown on the 1972 subdivision plan that created the**
17 **lots at 7 and 9 Baldwin Road, limiting the use of Lot 7-4-51 (9 Baldwin**
18 **Road) to "recreation only", as outlined in Staff's Recommendations**
19 **Memorandum dated May 1, 2013. L. Wiles seconded the motion.**

20
21 C. May stated that final approval was not recommended at this time only
22 because the applicant will be required to pay for the recording of the affidavit
23 and merger at the Registry of Deeds.

24
25 No further discussion. **Vote on the motion, 6-0-0.**

26
27 **M. Soares made a motion to authorize the Planning Board Chair to sign**
28 **the associated Affidavit as an instrument to convey the Planning**
29 **Board's approval of the removal of said restriction on Lot 7-4-51, to be**
30 **notarized and recorded in the Rockingham County Registry of Deeds.**
31 **L. Wiles seconded the motion. No discussion. Vote on the motion,**
32 **6-0-0.**

33
34 **M. Soares made a motion to authorize the Chair to sign the Notice of**
35 **Voluntary Merger under RSA 674:39-a. for Map 7 Lot 4-50 and Map 7**
36 **Lot 4-51. L. Wiles seconded the motion. No discussion. Vote on the**
37 **motion, 6-0-0.**

38
39 It was noted that before the Chair can sign the aforementioned documents,
40 they must be notarized. C. May reiterated that based on the motions approved
41 by the Board, once the recording fees are paid by the applicant, the matter will
42 be finalized and the applicant will not need to return to the Board.

43
44 **Other Business**

45
46 A. Discussion about a potential amendment to the Zoning Ordinance regarding
47 Commercial Kennels.

48
49 Prior to this meeting, Board members had been supplied with a proposal
50 drafted by the Town Planner and Zoning Administrator Richard Canuel

1 suggesting the creation of a provision in the zoning ordinance to allow
2 Commercial Kennels in specific zoning districts (see Attachment #10).

3
4 Currently, commercial kennels are not permitted in any zoning district in
5 Londonderry. An application for a variance before the Zoning Board to allow a
6 commercial kennel was denied in 2012, resulting in this endeavor to find an
7 appropriate zone for the use. R. Canuel suggested that such a use could be
8 considered a service establishment, however it is unlike any other service
9 establishments currently permitted in town because of the impact it would
10 present to its surroundings. Being service related, however, R. Canuel
11 suggested it could be allowed in a commercial zone as well as the Route 102
12 and Route 28 Performance Overlay Districts via a Conditional Use Permit
13 (CUP), which would give the Planning Board more control over its location and
14 possible limitations through specific criteria. Another option would be to allow
15 the kennels by right in the Industrial- I (I-I) zone. L. Wiles expressed concern
16 over being able to regulate the size of a commercial kennel regardless of the
17 zone, particularly to prevent one from becoming a puppy mill. R. Canuel
18 replied that while it would be up to the Board, such a restriction on breeding
19 could be made one of the criteria for obtaining a CUP. L. Wiles stated that he
20 would then prefer a CUP even for a proposal in the I-I zone. S. Benson
21 agreed. L. El-Azem suggested simply removing the term "breeding" from the
22 proposed definition. M. Soares agreed. L. El-Azem, M. Newman and C. Davies
23 stated that commercial kennels should be allowed by right in the I-I zone. C.
24 Davies added that he is not opposed to the definition including "breeding." M.
25 Soares recommended reviewing Derry's ordinance, but R. Canuel stated he had
26 already done so and did not find any provisions or definitions for commercial
27 kennels. M. Newman asked if there are any applicable State licensing
28 regulations but R. Canuel said he was not sure what State entity would do so,
29 adding that enforcement of any Londonderry kennel would be addressed by the
30 Town's Building Department. R. Canuel reminded the Board that any
31 commercial kennel would require site plan approval, giving the Board the
32 opportunity to address specific concerns regardless of whether a CUP is
33 required. C. Davies confirmed with R. Canuel that although the written
34 proposal notes that "...it has been interpreted that the intent of the [current
35 zoning] ordinance is to limit this use to the Residential (AR-I) Zone," enacting
36 a commercial kennel ordinance that restricts it to Commercial and/or Industrial
37 zones would not make it an allowed use in the AR-I zone. L. Reilly asked if
38 potential impacts to residents who abut a property zoned for commercial
39 kennels could be grounds for the Board to deny the use. C. May replied that
40 potential impacts to residential abutters could be included in any CUP criteria.

41
42 A. Rugg asked Staff to develop specific criteria and language for a commercial
43 kennel ordinance and associated CUP for a future Planning Board workshop.

44
45 B. Discussion about a potential amendment to the Zoning Ordinance regarding
46 Temporary Signs.

47
48 Prior to this meeting, Board members had been supplied with a proposal
49 drafted by the Town Planner and the Zoning Administrator regarding
50 amendments to the sign ordinance (Section 3.11), i.e. the addition sub-

1 sections addressing both "A"-frame signs and general temporary signs in multi-
2 tenant commercial developments (see Attachment #11). These changes would
3 make the ordinance less restrictive to those businesses since multi-tenant
4 buildings typically cannot provide direct exposure to the main thoroughfare or
5 the degree of signage that other businesses have.

6
7 1. "A"-frame (sandwich board style) signs:

8
9 Proposed sub-section 3.11.6.1.12 would provide for individual tenants of
10 multi-tenant commercial establishments to have a 24" x 36" maximum
11 size A-frame sign on the sidewalk outside their store, no further than 6
12 feet from the face of the building. Such signs would not require a
13 permit. Currently, these would be considered temporary signs which do
14 require a permit and are restricted to two occasions per year, each
15 occasion lasting only 30 consecutive days. Businesses already use these
16 signs regularly, R. Canuel explained, without necessarily following the
17 restrictions of the current temporary sign ordinance. A. Rugg requested
18 that language be added to limit the signs being on the sidewalk during
19 business hours. M. Soares added that they should not obstruct
20 pedestrian traffic on the sidewalks within the overall establishment. L.
21 Wiles asked if the 24" x 36" dimension should be specified to be 24"
22 wide and 36" tall to prevent that. Resident and local business owner
23 Kathy Wagner noted that the 24" x 36" size refers to the sign face only
24 and does not include any framing around it. Board members discussed
25 expanding the maximum size to include some standard frame size to be
26 determined. L. Reilly questioned whether other restrictions on the
27 appearance of the signs should be considered. R. Canuel replied that
28 there are none currently.

29
30 It was decided that Staff would continue to revise the language based on
31 this discussion and that the issue would be brought to a public hearing
32 at the June 5, 2013 Planning Board meeting.

33
34 2. Temporary signs in multi-tenant commercial developments:

35
36 Proposed sub-section 3.11.6.3.8.1 would limit temporary signs in multi-
37 tenant commercial establishments to no more than one sign at any one
38 time on the property (but not limited to any single business in the
39 establishment), on no more than three occasions per calendar year, and
40 for no more than 30 consecutive days for each occurrence. Each sign
41 would require a permit from the Building Department. Furthermore,
42 Section 3.11.6.3.8 would be amended to allow all other businesses three
43 such occasions per calendar year, each occasion lasting no more than 30
44 consecutive days. Businesses are currently allowed two such occasions
45 per calendar year.

46
47 Following some discussion, it was decided there was some confusion
48 concerning exactly what the proposed language would allow regarding
49 temporary signs and how it differs from the current ordinance. A. Rugg
50 asked Staff to clarify the language and return for a second workshop.

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Other Business

A. Rugg announced that Board members had been provided with copies of a letter from Stantec, the Town's third party review consultant, addressed to the Acting Town Manager. M. Soares asked if other Board members wanted to discuss the letter. A. Rugg said the letter was for the Board's informational use and that questions and/or comments should be directed to the Town Council.

Adjournment:

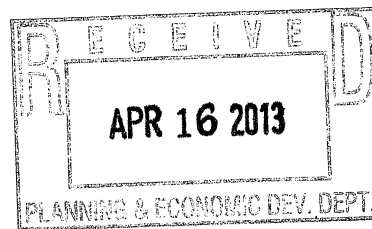
M. Soares made a motion to adjourn the meeting. L. Wiles seconded the motion. Vote on the motion: 6-0-0.

The meeting adjourned at 8:50 PM.

These minutes prepared by Planning & Economic Development Secretary Jaye Trottier

Respectfully Submitted,
Lynn Wiles, Secretary

RICHARD & VIRGINIA ST CYR
28 Auburn Rd
Londonderry, NH 03053



April 20, 2012

Attention: Arthur Rugg, Chairman
Londonderry Planning Board
268 B Mammoth Rd.
Londonderry, N.H.

Re: Extension for subdivision plans; Map 16/lot 58

Dear Chairman,

Please accept this letter as my request for an extension of one year, for the purpose of obtaining the necessary acceptance of our subdivision. Changes have been made to allow ample site distances for both directions..

I hope the board will consider my request and grant us the extension, or consider acceptance of these plans.. Please let us know if it is necessary for us or a representative, to be present at that meeting.

Sincerely submitted,

Virginia St Cyr

A handwritten signature in cursive script, appearing to read "Virginia St Cyr".

cc: J. Trottier

A. Hart, town manager

E. Mitchell

Jaye Trottier

Subject: FW: Extension request

RICHARD & VIRGINIA ST CYR
28 Auburn Rd
Londonderry, NH 03053

April 20, 2012

Attention: Arthur Rugg, Chairman
Londonderry Planning Board
268 B Mammoth Rd.
Londonderry, N.H.

Re: Extension for subdivision plans; Map 16/lot 58

Dear Chairman,

Please accept this letter as my request for an extension of one year, for the purpose of obtaining the necessary acceptance of our subdivision. Changes have been made to allow ample site distances for both directions..

I hope the board will consider my request and grant us the extension, or consider acceptance of these plans.. Please let us know if it is necessary for us or a representative, to be present at that meeting.

Sincerely submitted,

Virginia St Cyr

cc: J. Trottier
A.Hart, town manager
E. Mitchell



Pease International Tradeport
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Portsmouth, New Hampshire 03801
603-431-2520
603-431-8067 fax
www.hoyletanner.com

April 18, 2013

Planning Board
Town of Londonderry
268B Mammoth Road
Londonderry, NH 03053

**Re: Time Extension Request - May 6, 2009 Notice of Decision
Water Wonders Site Plan, Lots 17-5-3 and 17-5-4,**

Dear Mr. Chairman:

On behalf of the applicant, Water Wonders, LLC, we respectfully request an additional one year extension to the May 6, 2009 Notice of Decision. We have met all of the precedent conditions of approval of the Notice of Conditions with two exceptions: Precedent Condition #8 (requiring the lots to be merged prior to final approval) and Precedent Condition #13 (requiring posting of financial guaranty for the construction of the required off-site improvements).

Our client is continuing and currently marketing the site for a tenant and wishes to hold off on the final 2 conditions until a tenant has been secured. Please see the attached "Status of Conditionally Approved Site Plan – Map 17, Lots 5-3 & 5-4" letter from Timothy Thompson dated January 13, 2011.

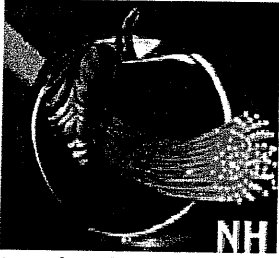
We are requesting the Board look favorably on extending the approval to May 6, 2014.

We appreciate your consideration on this matter.

Sincerely,
Hoyle, Tanner & Associates, Inc.

A handwritten signature in black ink, appearing to read "William R. Davidson", is written over a vertical dotted line.

William R. Davidson, P.E.
Project Manager



Londonderry
Business is good. Life is better.

TOWN OF LONDONDERRY
Community Development
Planning & Economic Development Division

Timothy J. Thompson, AICP, Town Planner
268B Mammoth Road
Londonderry, New Hampshire 03053
Phone: (603) 432-1100, x103 Fax: (603) 432-1128
e-mail: tthompson@londonderrynh.org

January 13, 2011

Cy Gregg
Water Wonders, LLC
226 Wilton Rd
Peterborough, NH 03458

PB
READ
FILE
COPY

RE: Status of Conditionally Approved Site Plan - Map 17, Lots 5-3 & 5-4

Dear Cy:

As requested, please find this letter explaining the status of your conditionally approved site plan, and the process for obtaining final approval.

The site plan was conditionally approved on May 6, 2009, and has received extensions of the conditional approval, which extends the validity of the conditional approval until May 6, 2011 (we understand that if necessary, further extension of the conditional approval beyond May 6, 2011 may be sought).

Since the plan was conditionally approved by the Planning Board, your consultant engineers, HTA, and Town Staff have worked to make revisions to the plans to ensure compliance with the conditions of approval stipulated by the Planning Board (see attached Notice of Decision).

As of today's date, all precedent conditions of approval have been satisfied with 2 exceptions: Precedent Condition #8 (requiring the lots to be merged prior to final approval) and Precedent Condition #13 (requiring posting of financial guaranty for the construction of the required off-site improvements).

As we understand it, you wish to hold off on the final 2 remaining conditions of approval until such time that you have secured a tenant for your facility indicated on the plans, and receive confirmation from the Town that the plans can be readily signed when the final 2 conditions are completed.

Please find that this letter confirms that the Planning Board will be able to sign the plans and issue a final approval upon receipt of the funds for the financial guaranty for the off-site improvements and the signature of the Planning Board chair for the Voluntary Merger form that has already been submitted to the Town. No further revisions are necessary to the submitted plans or supporting documents.

Please also note that final approval itself does not authorize construction to



TOWN OF LONDONDERRY
Community Development
Planning & Economic Development Division



268B Mammoth Road
Londonderry, New Hampshire 03053
Phone: (603) 432-1100, x134 Fax: (603) 432-1128

NOTICE OF DECISION

The Londonderry Planning Board held a meeting on Wednesday, May 6, 2009 to consider the request of Water Wonders, LLC for a site plan to construct a 38,500 sq ft office building on Map 17, Lots 5-3 & 5-4. The Planning Board conditionally approves this plan with the following conditions:

"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's proposed drainage schedule indicates proposed DMH #6 exceeds 18 feet in depth and does not comply with section 3.07.h of the regulations. The Applicant shall revise the design in compliance with the regulations.
2. We understand the wetland impact area under the approved permit was significantly reduced with this latest design and the Applicant would submit for an amended wetland permit consistent with the latest design. In addition, the latest design includes expansion to the existing detention basin that may require a NHDES Dam permit and the site parking was modified that may require an amended Alteration of Terrain permit. The Applicant shall obtain all updated project permits, consistent with the latest design, indicate the approval numbers in the notes on the cover sheet and provide copies of the amended permit approvals for the Planning Department's files.
3. The Applicant shall update the existing conditions plan to indicate spot elevations along the top of existing detention basin embankment for clarity.



TOWN OF LONDONDERRY
Community Development
Planning & Economic Development Division



268B Mammoth Road
Londonderry, New Hampshire 03053
Phone: (603) 432-1100, x134 Fax: (603) 432-1128

- the pre- and post development areas under this project to ensure they are the same. In addition the Applicant shall correct the area listing for subcatchment 15A to 0.01 on the post development plan.
- E. The Applicant shall include a 50-year pond routing analysis for the detention basin and existing 24" culvert (pond 4) to clarify the areas and volumes used in the 50-year analysis as typically requested by the Town.
5. The Applicant shall address the Stantec Consulting Services, Inc. memorandum relative to the previously submitted traffic report dated April 15, 2009.
 6. The project is located along a significant portion of Kitty Hawk Landing and Grenier Field Road. It is our understanding the project may require off-site improvements to Grenier Field Road for a left turn lane. The Applicant shall verify if additional off-site improvements to Kitty Hawk Landing and/or Grenier Field Road will be necessary under this application with the Department of Public Works.
 7. The Applicant shall address the comments of the Sewer Division and note the Londonderry Sewer Discharge Permit number on the plan.
 8. The Applicant shall combine the lots via voluntary merger prior to final approval of the site plan.
 9. The Applicant shall, as applicable following the final revisions to the Traffic Impact Analysis, include all appropriate off-site improvements plans in the plan set, meeting the approval of the Planning Division and Public Works Department.
 10. Note all waivers granted on the plan.
 11. The Applicant shall provide a digital (electronic) copy of the complete final plan sent to the Town at the time of signature by the Board in accordance with Section 2.05.n of the regulations.
 12. Outside consultant's fees shall be paid within 30 days of approval of plan.
 13. Financial guaranty if necessary.



TOWN OF LONDONDERRY
Community Development
Planning & Economic Development Division



268B Mammoth Road
Londonderry, New Hampshire 03053
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the Building Division may issue a certificate of occupancy prior to the completion of landscaping improvements, if agreed upon by the Planning Division & Public Works Department, when a financial guaranty (see forms available from the Public Works Department) and agreement to complete improvements are placed with the Town. The landscaping shall be completed within 6 months from the issuance of the certificate of occupancy, or the Town shall utilize the financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. **No other improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving a certificate of occupancy.**

6. As built site plans must to be submitted to the Public Works Department prior to the release of the Applicant's financial guaranty.
7. All required Traffic, Police and Fire impact fees must be paid prior to the issuance of a Certificate of Occupancy.
8. 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.

When submitting plans for signature, four (4) paper copies and one complete set of mylars are required.

This notice is given pursuant to RSA 676:3.

Londonderry Planning Board



ARI B. POLLACK
President

214 N. Main Street
P.O. Box 1415
Concord, NH 03302-1415

Direct Dial: (603) 545-3630
General: (603) 228-1181
Fax: (603) 228-8396
pollack@gcglaw.com

Via E-mail Only
April 12, 2013

Cynthia A. May, Town Planner
Town of Londonderry
268B Mammoth Road
Londonderry, NH 03053

Re: Woodmont Commons PUD Master Plan

Dear Cynthia:

In keeping with our recent discussions, Pillsbury Realty Development, LLC, on behalf of the Woodmont Commons Applicants, is respectfully requesting that the Planning Board extend expiration of the current application review clock from May 15, 2013 until June 12, 2013. This extension is intended to allow time for further collaborative sessions between Staff and the respective technical teams, while also providing additional time for the Planning Board to review briefing materials on the following evenings: May 8, 2013, May 22, 2013, and June 12, 2013.

It is our anticipation that the Planning Board might consider this extension and scheduling request at its next meeting on May 1, 2013. Kindly call or email with any questions or concerns.

Very truly yours,



Ari B. Pollack

ABP/red

cc: Pillsbury Realty Development, LLC
Team Woodmont
Michael Ramsdell, Esq.

Planning Board Meeting Minutes - May 1, 2013 - Attachment #4

From: [Cynthia May](#)
To: [Jaye Trottier](#)
Subject: FW: Woodmont
Date: Wednesday, May 01, 2013 1:08:55 PM

From: Ari Pollack [mailto:pollack@gcglaw.com]
Sent: Wednesday, May 01, 2013 1:03 PM
To: Cynthia May
Cc: Michael Ramsdell (mramsdell@ramsdelllawfirm.com)
Subject: Woodmont

Cynthia-

Please accept this e-mail on behalf of the Woodmont Commons applicants. Woodmont respectfully requests that the PB continue the public hearing scheduled for May 8, 2013 until May 22, 2013. On May 22, 2013, it will be Woodmont's intention to present information relating to infrastructure, chlorides and fiscal impacts, with Staff and peer review meetings occurring in the interim and crafting the content of our next briefing document.

Considering this request, Woodmont will not be making a briefing submission today.

Thank you for your consideration.

-Ari

Ari B. Pollack, Esq.

603.228.1181

800.528.1181



<http://www.gcglaw.com>

Gallagher, Callahan & Gartrell, PA
A multidisciplinary law firm
214 N. Main Street, PO Box 1415
Concord, New Hampshire 03302-1415

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are hereby notified that any use, dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify Ari B. Pollack by calling 1.800.528.1181, or by email to pollack@gcglaw.com.

- 3.6.5.2.1.4 There exist on the property limitations (steep slopes, wetlands, CO District areas, flood hazard areas, or other natural constraints on the subject parcel) that reduce the buildable area of the parcel such that the parcel is limited to less than 60% of the permitted density allowed by Section 3.6.4.14 utilizing 16 units per building. Such calculation must be demonstrated to the Planning Board by a NH licensed professional engineer (and other related professionals as applicable, such as certified wetland scientists or soil scientists).

3.6.6 Limitation on the Number of Elderly Housing Units

- 3.6.6.1 The Planning Board shall not accept for consideration any proposal which, if approved, would increase the total number of all elderly housing units in Londonderry, existing and proposed, above a number representing the percentage of units greater than the percentage of persons age 55 and older residing in Londonderry as calculated by the most recent US Census. (For example, if the percentage of persons over age 55 in Londonderry is 13%, not more than 13% of the total number of dwelling units in Londonderry may be Elderly Housing).
- 3.6.6.2 The Planning Board, may, by Conditional Use Permit, allow for Affordable Elderly Housing to exceed the percentage cap if the proposal meets all of the criteria from Section 3.6.5.2 and also provides documentation from the NH Office of Energy & Planning that the percentage of elderly residents residing in Rockingham County has increased more than 2% from the information available for the County from the most recent US Census.

3.7 ASSISTED LIVING FACILITIES AND NURSING HOMES

3.7.1 Density

For purposes of this Ordinance “assisted living facilities” and “nursing home facilities” serviced by municipal sewer shall not be subject to density standards of Section 2.3.2.3.2; provided that such a facility shall be subject to the density standards of 2.3.2.3.2.1.1 and 2.3.2.3.2.1.2 and 2.3.2.3.2.1.4 in the event that the facility has been included in an analysis of the “substantial positive tax impact” to obtain an exemption from growth management phasing and permit limitations. For density purposes, two bedrooms shall be equivalent to one dwelling unit, whether or not the facility includes full dwelling units.

3.8 SEXUALLY ORIENTED BUSINESSES

3.8.1 Purpose and Intent

It is the intent of this Section to establish reasonable and uniform regulations to prevent the concentration of Sexually Oriented Businesses within the Town of Londonderry; and to protect the citizens of the Town of Londonderry from the secondary effects of such Sexually Oriented Businesses and, it is the intent to promote the health, safety, and general welfare of the citizens of the Town of Londonderry; and it is the intent of this Section that the regulations be utilized to prevent problems of blight and deterioration which accompany and are brought about by the concentration of Sexually Oriented Businesses; and the provisions of this article have neither the purpose nor the intent of imposing limitation or restrictions on the contact of any communicative materials, including Sexually Oriented Materials, and it is not the intent nor the effect of this article to restrict or deny access by adults to Sexually Oriented Materials protected by the First Amendment, or to deny access by the distributors and exhibitors of Sexually Oriented Entertainment to their intended market; and neither is it the intent nor effect of this article to condone or legitimize the distribution of obscene material.

MEMO

Planning and Economic Development
 Department
 268B Mammoth Road
 Londonderry, NH 03053

Town of Londonderry, NH

To: Art Rugg, Chair, Londonderry Planning Board
 From: John Vogl, GIS Manager/Comprehensive Planner
 CC: Cynthia May, Town Planner/Department Manager
 Date: 5/1/2013
 Re: Status of limitation on the number of elderly housing units

The Town of Londonderry includes 8 Over-55 (Elderly Housing) communities, consisting of 395 total built and 478 proposed. A breakdown of units by community follows:

Community	Existing Units	Proposed Units
Buttrick Place	40	40
Cohas Landing	44	44
Forest Hills	65	65
Harvest Village	45	45
The Nevins	125	128
Parrish Hills	37	37
Sugarplum Lane	33	36
Whittemore Estates	6	83
Total	395	478

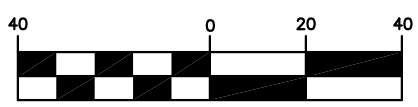
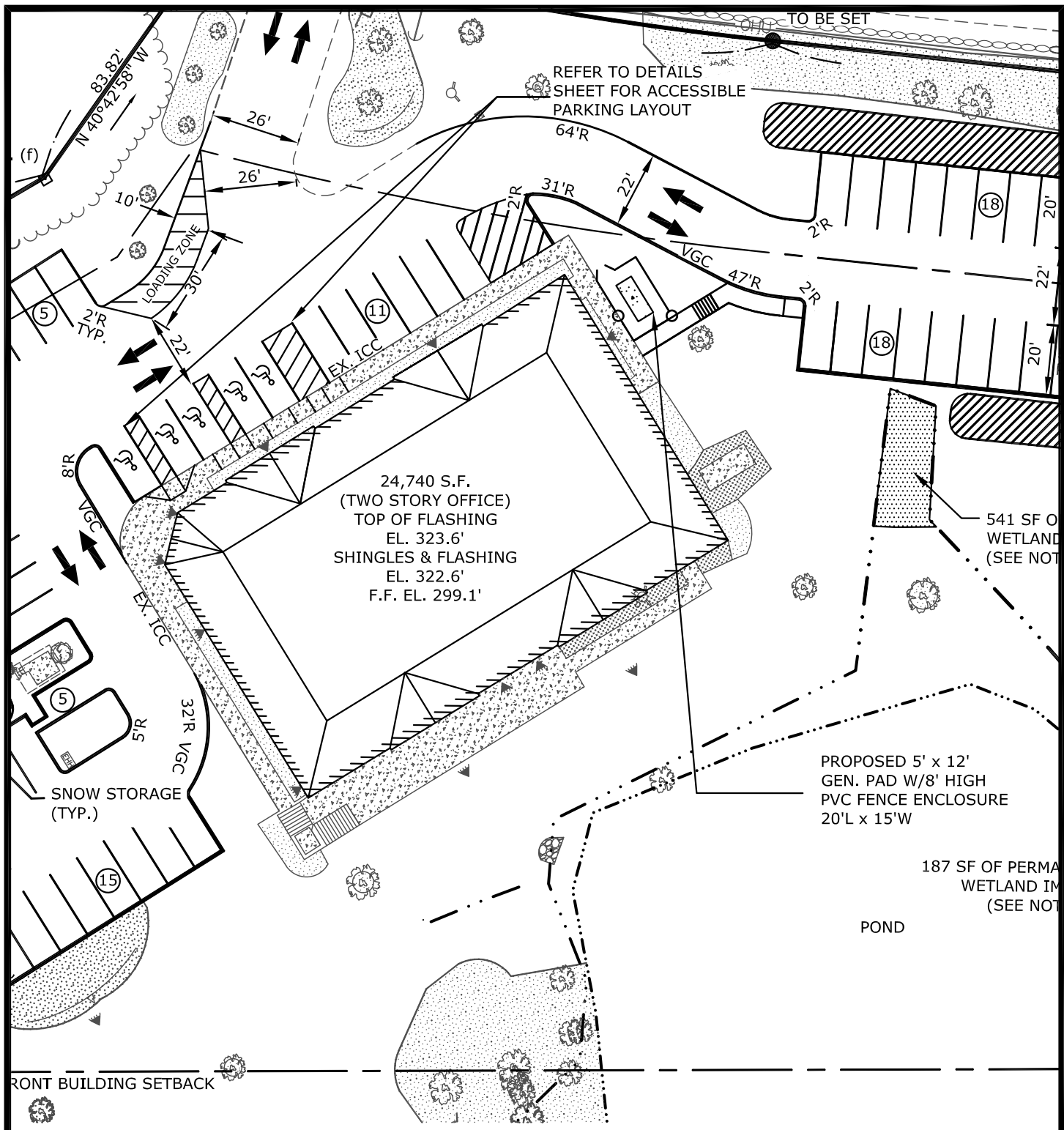
Based on the 2010 US Census count of 8,771 total housing units, the total (existing and proposed) age restricted units account for 5.4% of the current supply.

According to the 2010 US Census, The Town of Londonderry had a total population of 24,129. The population 55 years and older is 5,336 or 22.1% of the total.

Whereas the percent of elderly housing units (5.4%) is less than the percent of persons age 55 (22.1%) or older, the limitation on the number of elderly housing units per section 3.6.6.1 is not in effect at this time.

Planning Board Meeting Minutes - May 1, 2013 - Attachment #7

FILE: G:_projects\12027\12027\dwg\12027 SKC-1.dwg BY: Matt DATE: 30 Apr 2013 - 4:35pm



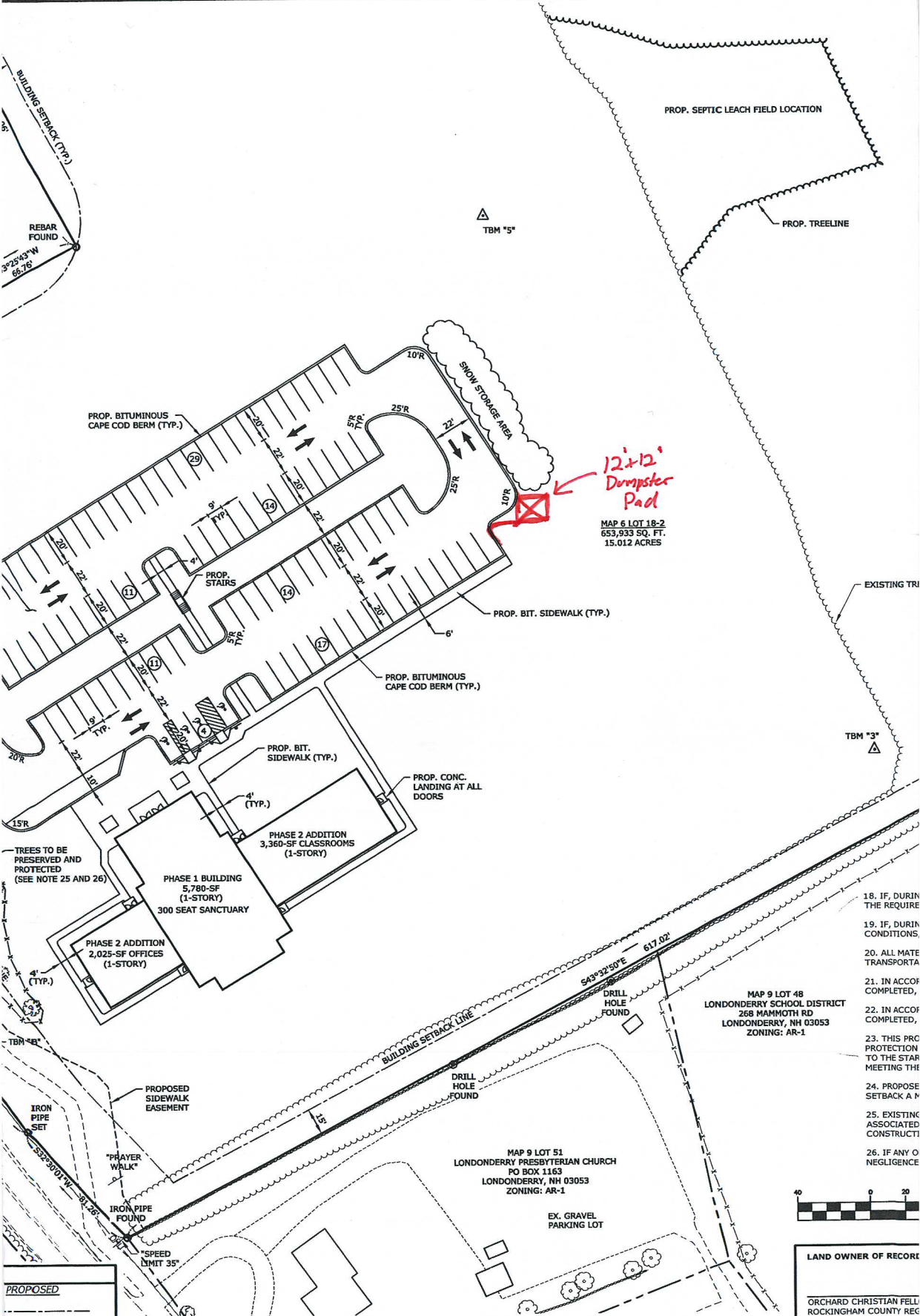
(IN FEET)
1 inch = 40 ft.



GENERATOR RELOCATION	
PREPARED FOR:	
LIBERTY UTILITIES	
MAP 7 LOT 34-1	
LONDONDERRY, NEW HAMPSHIRE	
SCALE: 1"=40'	DATE: APR. 2013
PROJ: 12027	SHEET: SKC-1

NORTHPOINT ENGINEERING, LLC
Civil Engineering / Land Planning / Construction Services

5 Sheep Davis Rd, Ste F
Pembroke, NH 03275
Tel 603-226-1166
Fax 603-226-1160
www.northpointeng.com



- 18. IF, DURIN THE REQUIRE
- 19. IF, DURIN CONDITIONS,
- 20. ALL MATE TRANSPORTA
- 21. IN ACCOF COMPLETED,
- 22. IN ACCOF COMPLETED,
- 23. THIS PRC PROTECTION TO THE STAR MEETING THI
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- 25. EXISTING ASSOCIATED CONSTRUCTI
- 26. IF ANY O NEGLIGENCE



BENCHMARK DATA	
TBM "A" EL. 380.74' MAG(S) IN UPOLE	
TBM "B" EL. 394.25' MAG(S) IN UPOLE	
TBM "3" EL. 402.65' HUB/MAG(S)	
TBM "5" EL. 382.69' HUB/MAG(S)	

REVISIONS:		
NO.	DATE	DESCRIPTION
1	8/16/12	REVISED TO ADDRESS DRC COMMENTS
2	9/19/12	REVISED TO ADDRESS PLANNING BOARD CONDITIONS OF APPROVAL
3	10/10/12	REVISED TO ADDRESS FINAL ENGINEERING REVIEW

LAND OWNER OF RECORD

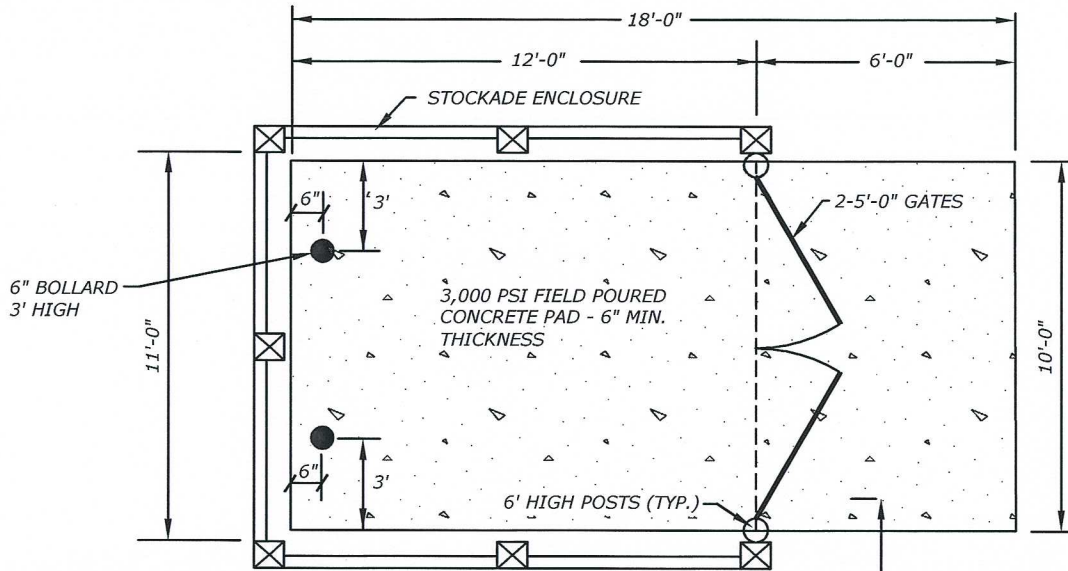
ORCHARD CHRISTIAN FELL
ROCKINGHAM COUNTY REC

APPROVED BY THE LONDO
ON DATE: _____

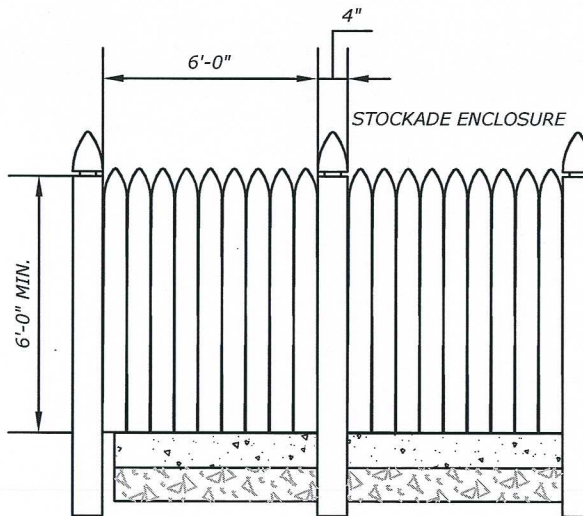
CERTIFIED BY:

CHAIRMAN _____

SECRETARY _____



NOTE: CONCRETE PAD SHALL BE GRADED TO DRAIN. SEE PLANS FOR DESIRED GRADING.

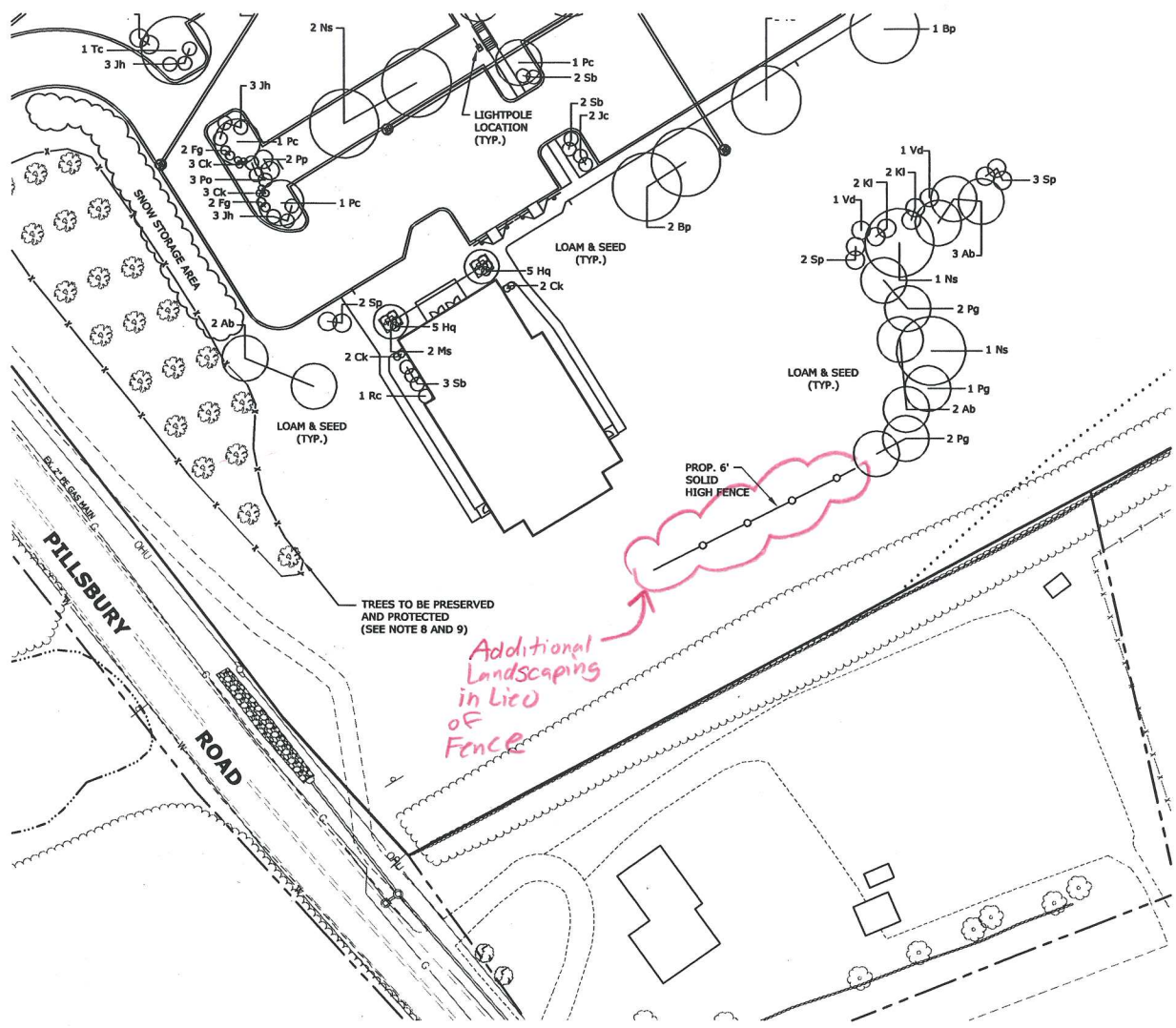


*EXTERIOR CONCRETE PAD IS OPTIONAL. SEE PLANS TO DETERMINE IF APPLICABLE

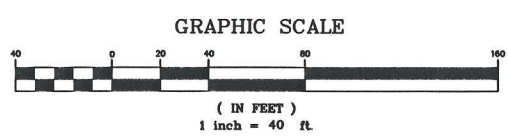
6" CONC. PAD WITH 6"x6" W2.9xW2.9 WELDED WIRE MESH REINFORCEMENT

6" CRUSHED GRAVEL ON SUITABLE SUBGRADE MATERIAL

SCREENED DUMPSTER ENCLOSURE
-NOT TO SCALE-



PHASE 1 - LANDSCAPE DETAIL
SCALE: 1"=40'



PHASE 1 PLAN DETAILS
PREPARED FOR:
ORCHARD CHRISTIAN FELLOWSHIP
MAP 6 LOT 18-2 (136 PILLSBURY ROAD)
LONDONDERRY, NEW HAMPSHIRE

OWNER/APPLICANT: ORCHARD CHRISTIAN FELLOWSHIP
PO BOX 1163
LONDONDERRY, NH 03053

NORTHPOINT ENGINEERING, LLC
Civil Engineering / Land Planning / Construction Services

5 Sheep Davis Rd, Ste F
Pembroke, NH 03275
Tel 603-226-1166
Fax 603-226-1160
www.northpointeng.com

DATE: JULY 2012
PROJ: 11020
SCALE: AS SHOWN
SHEET: 26 of 26

SS PLANNING BOARD CONDITIONS OF APPROVAL
SS FINAL ENGINEERING REVIEW



TOWN OF LONDONDERRY
Building, Health & Zoning Enforcement

268 Mammoth Road
Londonderry, New Hampshire 03053
432-1100 ext. 115 Fax: 432-1128

To: Art Rugg, Planning Board Chairman
Cynthia May, Town Planner

From: Richard G. Canuel, Zoning Administrator

Date: April 19, 2012

Subject: Zoning Ordinance Amendment regarding commercial "Kennels"

There are presently no provisions in our Zoning Ordinance addressing commercial kennels as a permitted use in any of the established zoning districts. The only reference to "kennels" is contained in Section 2.3.1.4 pertaining to the lot size and setback provisions for the keeping of livestock. Also, the existing supporting definition of a kennel is very broad.

Based on the broad definition and limited reference to kennels in the ordinance, it has been interpreted that the intent of the ordinance is to limit this use to the Residential (AR-1) Zone. However, as our ordinance is written, and customarily applied; if a particular use is not listed or does not fit within any of the categories among those uses in the Table of Uses, that use is considered Not Permitted.

Therefore, any commercial kennel use would require a property owner to apply to the ZBA in request for a Variance. Considering the variance criteria, the ZBA would be hard pressed to grant such waiver to the ordinance without having specific provisions in which to reference.

On the other hand, it does not seem appropriate to limit a kennel use to the residential zone where a considerable number of dogs on a property could create a nuisance by the increase in noise and odor, etc. Likewise, it seems unreasonable to restrict kennels from the commercial district as a permissible business use. Not allowing kennels as a commercial business use anywhere in Londonderry is overly restrictive.

Under the current provisions of our ordinance, if I were to classify a "commercial kennel" as a use, it would more closely fit the definition of a Service Establishment. By comparison, the intensity of a kennel use is somewhat out of place with those uses commonly identified as service establishments.

I propose that the Planning Board consider an amendment to the ordinance, which may help to clarify a distinction between kennels and other commercial uses that may be considered Service Establishments. Presently, Service Establishments are permitted in the following zones; **C-I, C-II, MUC, IND-I, IND-II, PUD, AD, POD-102, POD-28**. A kennel as a service establishment may not be compatible with those other uses permitted in these zones. For example, next door to a Restaurant or Assisted Living Facilities.

Understanding that it is preferable to locate those service oriented businesses along well traveled corridors. However, the very nature of a kennel operation may require a more controlling mechanism in the form of a Conditional Use Permit.

I recommend the following zoning ordinance amendments for the Board's consideration:

Amend Section 2.2 Table of Uses in the BUSINESS USES category.

Insert "***Kennel***" (*commercial*) as a use allowed by Conditional Use Permit in **C-II / POD-102 / POD-28**

Amend Section 2.6 Overlay Districts, Sub-Section 2.6.1.6.3 Uses permitted by conditional use permit.

Insert new section: **2.6.1.6.3.4 Commercial Kennels**

Furthermore, considering the likelihood of a large kennel facility, it may not be unreasonable to allow such a use in the Industrial-I zone where the generation of noise and odors may not be objectionable.

Amend Section 2.2 Table of Uses in the BUSINESS USES category.

Insert "***Kennel***" (*commercial*) as a use allowed in IND-I

Amend Section 4.7 DEFINITIONS

Insert new definition:

KENNEL(*commercial*): *An establishment licensed to operate a facility housing dogs, cats or other household pets and or where grooming, breeding, boarding, or training of animals is conducted as a business.*

I thank the board for their time and consideration



TOWN OF LONDONDERRY
Building, Health & Zoning Enforcement

268 Mammoth Road
Londonderry, New Hampshire 03053
432-1100 ext. 115 Fax: 432-1128

To: Cynthia May, Town Planner
From: Richard G. Canuel, Senior Building Inspector
Date: September 28, 2012
Subject: Proposed Sign Regulation Amendments

The Planning Board had requested that amendments to the sign regulations be drafted in response to the concerns brought to them by Kathy Wagner. The proposed language is submitted for the Board's consideration.

PROPOSED ZONING ORDINANCE AMENDMENT

Section 3.11 SIGNS

Sub-Section 3.11.6 General Requirements

3.11.6.1 Signs Not Requiring a Permit

Add new sub-section:

3.11.6.1.12 "A"-Frame Sidewalk Signs – "A"-frame (sandwich board style) sidewalk signs may be used for individual tenants in multi-tenant commercial developments. Such signs shall be limited to a maximum dimensional size of 24" x 36", and placed on the storefront sidewalk of the establishment no further than 6 feet from the face of the building. No permit shall be required for these signs.

Sub-Section 3.11.6.3 Signs Permitted in All Districts

Add new sub-section:

3.11.6.3.8.1 Temporary signs in multi-tenant commercial developments shall be limited to no more than one (1) sign for the development on display at any one time, which may be co-utilized by more than one tenant. Such temporary sign shall be allowed on no more than three (3) occasions per calendar year for a total period not to exceed thirty (30) consecutive days for each occasion as approved by permit from the Building Inspector.

Amend Section 3.11.6.3.8 – After the first sentence *insert* the following:

Unless allowed under paragraph 3.11.6.1.12

Amend Section 3.11.6.3.8 – Change number of occasions per calendar year:

...no more than ~~two~~ three (3) occasions per calendar year...