

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF JULY 10, 2013 AT THE MOOSE HILL**
3 **COUNCIL CHAMBERS**
4

5 Members Present: Art Rugg; Lynn Wiles; Laura El-Azem; Tom Freda, Ex-Officio;
6 Rick Brideau, CNHA, Ex-Officio; John Laferriere, Ex-Officio; Leitha Reilly, alternate
7 member; Al Sypek, 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; and Jaye Trottier, Associate Planner
12

13 A. Rugg called the meeting to order at 7:01 PM. He announced that the Town
14 Attorney had requested a non-meeting with the Planning Board under RSA 91-A:3
15 which would take place immediately.
16

17 Board members left the Council Chambers at 7:02 PM. They returned at 7:38 PM.
18

19 A. Rugg called the meeting back to order. He appointed L. Reilly to vote for Mary
20 Soares and A. Sypek to vote for C. Davies.
21

22 **Administrative Board Work**
23

24 A. Approval of Minutes – June 5, June 12, and June 26, 2013
25

26 **L. Wiles made a motion to approve and sign the minutes from the June**
27 **5, 2013 meeting. J. Laferriere seconded the motion.** No discussion.
28 **Vote on the motion: 8-0-0.**
29

30 **L. Wiles made a motion to approve and sign the minutes from the June**
31 **12, 2013 meeting. J. Laferriere seconded the motion.** No discussion.
32 **Vote on the motion: 7-0-1.**
33

34 (L. Wiles abstained as he was absent from the June 12, 2013 meeting).
35

36 **L. Wiles made a motion to approve and sign the minutes from the June**
37 **26, 2013 meeting. J. Laferriere seconded the motion.** No discussion.
38 **Vote on the motion: 5-0-3.**
39

40 (L. El-Azem, L. Reilly, and A. Sypek abstained as they were absent from the
41 June 26, 2013 meeting).
42

43 Minutes for June 5, June 12 and June 26, 2013 were approved and signed at
44 the conclusion of the meeting.
45

46 B. Extension Request – Shops at Londonderry Site Plan, 71 Perkins Rd & 171
47 Rockingham Road Map 15 Lots 51 and 59
48

49 C. May referenced a letter from applicant Michael DiGuissepe, as well as a

1 letter on behalf of the owner of the property which supports M. DiGuiseppe
 2 request for a 12-month extension of the site plan that will expire on July 10,
 3 2013.

4
 5 **L. Wiles made a motion to grant a 12-month extension to July 10,**
 6 **2014. J. Laferriere seconded the motion.** No discussion. **Vote on the**
 7 **motion: 8-0-0.** The extension for **12 months** was granted.

8
 9 C. Regional Impact Determination – Wolfinger Subdivision, Map 12 Lot 106

10
 11 C. May stated that Thomas J. and Christina L. Wolfinger are proposing a two-
 12 lot subdivision on Map 12 Lot 106. She said that Staff recommends this
 13 project is not a development of regional impact, as it does not meet any of the
 14 regional impact guidelines suggested by Southern NH Planning Commission
 15 (SNHPC).

16
 17 **L. Wiles made a motion to consider that this project is not of regional**
 18 **impact under RSA 36:56. J. Laferriere seconded the motion.** No
 19 discussion. **Vote on the motion: 8-0-0.**

20
 21 D. Discussions with Town Staff

22
 23 A. Rugg stated that this agenda item would be addressed at the end of the
 24 Meeting under "Other Business."

25
 26 **Public Hearings**

27
 28 A. Pillsbury Realty Development, LLC, Map 10, Lots 15, 23, 29C-2A, 29C-2B, 41,
 29 41-1, 41-2, 42, 45, 46, 47, 48, 50, 52, 54-1, 57, 58, 59, and 62 –Public
 30 hearing for formal review of the Woodmont Commons Planned Unit
 31 Development (PUD) Master Plan [**Continued on June 26, 2013 to July 10,**
 32 **2013**].

33
 34 Attorney Ari Pollack of Gallagher, Callahan & Gartrell re-introduced developer
 35 Mike Kettenbach and introduced Emily Innes of the Cecil Group, one of the
 36 firms that comprise the Woodmont Commons Development Team. He stated
 37 E. Innes would be providing an executive summary presentation of the format
 38 and structure of the forthcoming Master Plan document.

39
 40 Because the most recent extension of the 65-day approval period per RSA
 41 676:4 expires on July 10, 2013, A. Pollack stated that a written request for the
 42 Board to extend the timeframe to August 16, 2013 was submitted to Staff. He
 43 also asked that following this presentation, the Board consider a request to
 44 continue the public hearing to August 14, 2013, as well as a second request to
 45 hold a special meeting on August 28.

46
 47 A. Pollack stated that discussions regarding the Master Plan document continue
 48 between the Woodmont Team, Staff, and the Town's third party review
 49 consultant. The expectation is to present a draft to Board members on or
 50 before the August 7 meeting, however no presentation will be made until the

1 August 14 meeting. At that time, the discussion will also include the
2 Development Agreement, which is also a work in progress. A. Rugg noted
3 that the questions resulting from the Fiscal Impact Analysis presentation on
4 June 26 will be addressed in the Development Agreement.

5
6 E. Innes delivered a brief executive summary of the Woodmont Commons PUD
7 Master Plan.

8
9 **PUD MASTER PLAN EXECUTIVE SUMMARY:**

10
11 (E. Innes) "My role is to give you a brief introduction to the structure of the
12 final document that you will receive in August. So as you can see from this
13 slide (p. 2 of Attachment #1), the final document will have four sections.
14 Sections one and four (p. 3) are general planning context baseline information.
15 It is basically what somebody looking at this plan for the first time, five, ten,
16 twenty years from now, is going to need to see.

17
18 "In the case of section one (p. 4), we are looking at the Planning Context, the
19 Planning Process, and General Information. Section one (p. 5) is broken down
20 into the purpose of this particular plan; it includes the context of the whole
21 planning process, the intent of the plan. Under 'Information Plans,' we include
22 both early conceptual plans that were developed throughout this entire process
23 and the current Information Plan as it stands now, not only as the overview,
24 which you've seen before, but broken down subarea by subarea in detail. The
25 Information Plan, of course, is one option for how something could be
26 developed under the rules and regulations in this Master Plan. Section one
27 also gives basic information on ownership and how the rest of the documents
28 are organized. It is non-regulatory.

29
30 "Section four (p. 6), which provides additional information, is a combination of
31 contextual information such as the updated abutters list that...give somebody
32 historically an idea of what was happening around the property, and the forms
33 that we are going to be using to track some of what is going on in the Master
34 Plan over the years. So that is contextual information, however, it contains
35 three documents which you have already seen before (p. 7); the Master Plan
36 Traffic Impact Assessment, the Infrastructure Memorandum, and the Master
37 Fiscal Impact Analysis. These documents are ones that are referred to within
38 sections two and three, which are the regulatory portions of the document.

39
40 "Sections two and three (p. 8), they are the regulatory ones. There are the
41 ones that the developer will use to prepare a submittal at either the PUD
42 subdivision level or the PUD site plan level. There are the ones that you, the
43 Planning Board and then Town Staff and the public, will use to evaluate any
44 application that comes before you. Section three (p. 9) really has to do with
45 mitigation [and] thresholds. It will refer to the Development Agreement, which
46 is still in the process of being created, and it will refer to Sections 4.2 and 4.3,
47 the Master Plan Traffic Impact Assessment and the Infrastructure
48 Memorandum that you have seen before. And you can see that Section three
49 (p. 10) covers transportation, utilities, and at the moment, chloride
50 management.

1
2 "Section 2.0 (p. 11) is really the heart of the document. This is where the
3 regulations and standards reside. It covers Land Use, it covers the PUD
4 Subdivision, and it covers the PUD Site Plan. The introductory portion (p. 12)
5 contains the basic overall PUD information; the stuff that applies to the PUD as
6 a whole. So it includes the Planning and Design principles that inform the rest
7 of the document. It includes the waivers that the applicant is asking for you to
8 consider. It includes PUD definitions, and those are terms that are either not
9 found in the Londonderry zoning ordinance or that are different from the
10 Londonderry zoning Ordinance.

11
12 "Section 2.2 (p. 13) is the Land Use Regulations. It includes the Land Use
13 Plan, which is required by the Londonderry zoning ordinance, and gives the
14 general idea of the basic location of streets and open space and other
15 elements. It includes the allowable uses by subarea and the allowable
16 maximum densities by subarea and the conserved green space and shared
17 open space minimums by subarea. Land Use Regulations also cover the
18 regulations that apply to each subarea (p. 14), and there are three sheets for
19 that that you will see going forward. The first one has the intent of that
20 particular subarea, the allowable types, which we will talk about in a minute
21 but are the street types, the block types, the open space types, and the
22 building and lot types [that] are allowable in that subarea. It has a Land Use
23 Plan for the particular subarea, again, giving you more detailed information
24 about the general approximate locations of streets and open space and
25 developable areas. And then it gives the principles and standards for
26 composing that subarea; the guidelines the developer would use for each of
27 those subareas.

28
29 "Section 2.3 (p. 15) is the PUD Subdivision Regulations and Standards and that
30 covers those elements that would make up a subdivision submittal. So you
31 have blocks, streets, and open space that would be assembled together to
32 create the subdivision. You also have other regulations for PUD subdivision
33 signage, lighting, utilities; all the elements that would come together to form a
34 subdivision submittal. And again, the idea is that this is what the developer
35 would use. It is what you would use to evaluate the submission and what
36 Town Staff would evaluate and obviously, the public. So everybody is starting
37 from understanding how these are put together.

38
39 "Section 2.4 (p. 16) does the same thing, but this time it is for site plans. So
40 at the site plan level, you are looking at buildings, lots, architectural guidelines,
41 site plan landscaping, signage, stormwater; all of the elements that go into a
42 site plan submittal. And then the final two parts of Section two are
43 administrative parts. Section 2.5 discusses how the Master Plan would be
44 administered and under what circumstances it might be changed. And Section
45 2.6 describes the forms that we would use to track the development and how
46 we would track the maxima for development and the minimum for shared open
47 space and conserved green space, and the reporting requirements for the
48 Town, so we would report on a project by project basis and we would also
49 report in an annual basis.
50

1 "Next steps (p. 17); our team will continue to work with Staff and with your
2 peer review consultants to review comments and continue with this particular
3 document. We will deliver it to you and then review this with you at the
4 August meeting."
5

6 E. Innes asked for any comments or questions.
7

8 A. Rugg entertained Board comments and questions, adding that emails would
9 also be read into the record before entertaining public comments and
10 questions.
11

12 L. Wiles confirmed with A. Pollack that the PUD Master Plan will be a
13 combination of revised versions of the individual submissions reviewed over
14 the past months, including a renumbering of the chapters and topics.
15

16 A. Rugg read into the record two emails from residents, the first from Walter
17 and Marilyn Stocks of 39 Gordon Drive (see Attachment #2). The email
18 expressed that the cost of any upgrades made necessary by Woodmont
19 Commons or any other development to town infrastructure and services (e.g.
20 existing roads, water and sewer service, Fire Department equipment) should
21 be borne by the developer and not existing residents. It also calls for a vote by
22 Londonderry citizens on the favorability of the project before any approval by
23 the Planning Board, as well as a referendum on revocation of the Planned Unit
24 Development section of the zoning ordinance. The second email, from James
25 at Carol Tomaswick of 24 Devonshire Lane, noted potential adverse effects on
26 such things as well water, plumbing, and drainage for abutters, both direct and
27 indirect. Such impacts were experienced by the Tomaswicks during
28 construction of the Market Basket Plaza on Route 102. The email asserts that
29 the developer of Woodmont Commons will most likely not attempt to mitigate
30 impacts unless required to by the Planning Board or other Town entity, and
31 suggested a fund be established to offset any damage to residents. Town
32 officials, claim the Tomaswicks, have so far not performed in the interests of
33 current residents, nor are they convinced they will. They agree with resident
34 Jack Flavey that preservation of "Apple Way Park," a 19-acre portion of the
35 proposed Woodmont Commons subareas WC-4 and 5, be made a condition of
36 approval by the Planning Board.
37

38 T. Freda read into the record an email from himself to the Tomaswicks (see
39 Attachment #3), replying to their aforementioned request for preservation of
40 the Apple Way Park. In it he clarified that imposing a condition of approval on
41 a developer that is not required by Town regulations and would restrict the
42 developer's use of their land was declared unconstitutional and made illegal in
43 NH over 35 years ago. He added that this fact was addressed in a recent press
44 release from the Town Attorney. Regarding the Tomaswick's concerns about a
45 lack of 'protection' by the Planning Board, T. Freda stated that Board members
46 have routinely asked questions throughout the ongoing public hearings for
47 Woodmont Commons, have listened to all public comment, have read into the
48 record comments conveyed via email, and have not voted on any decisions
49 thus far that would result in impacts to any residents. He added that he will
50 continue to express concern over fiscal impacts related to Woodmont Commons

1 throughout its 20 year development and stress that traffic impacts be
2 mitigated by the developer and not subsidized by existing taxpayers.

3
4 A. Rugg asked for public input. Comments and questions were as follows:

5
6 1. **John Wilson**, Tranquil Lane, **asked that drafts of the Development**
7 **Agreement during its design be posted on the Town website to give**
8 **the public enough time to review it before a public hearing.** A. Rugg
9 stated that the final version will be made available to the public and that
10 the Board will look into the possibility of posting drafts.

11
12 2. **J. Wilson** asked that the agreement created sometime in the
13 **1990's that committed to the Town to expend funds toward the**
14 **development of Exit 4A be posted online** as well. A. Rugg replied that
15 the document could be placed on the website.

16
17 3. **J. Wilson** requested that a list of topics to be discussed and their
18 **anticipated order be made available to the public** to make the
19 remaining stages clear to residents. A. Rugg answered that the only items
20 anticipated at this point are those previously stated by A. Pollack regarding
21 the August meetings.

22
23 4. **J. Wilson** asked that the draft PUD Master Plan that is scheduled
24 **to be discussed at the August 14 meeting be posted prior online to**
25 **that date.** A. Rugg said that if the Board receives the draft on August 7 as
26 expected, it can be posted online shortly thereafter, as has been done with
27 prior submissions from the Woodmont Commons Team.

28
29 5. **J. Wilson** stated that the most significant impacts of the development
30 will arguably occur along Gilcreast Road neighborhoods. He **suggested**
31 **shifting the pond proposed within subarea WC-3 west so it can act**
32 **as the buffer to the neighborhoods located on the other side of**
33 **Gilcreast Road.**

34
35 There was no further public input. A. Rugg entertained two motions from the
36 Board relative to extension of the 65-day review clock and a continuance of the
37 Woodmont Commons public hearing to August 14, and asked for consensus
38 regarding a possible special meeting on August 28.

39
40 **L. Wiles made a motion to extend the 65-day review period to August**
41 **16, 2013. J. Laferriere seconded the motion.** No discussion. **Vote on**
42 **the motion, 8-0-0.**

43
44 **L. Wiles made a motion to continue the Woodmont Commons PUD**
45 **Public Hearing to the August 14, 2013 Planning Board meeting. J.**
46 **Laferriere seconded the motion.** No discussion. **Vote on the motion,**
47 **8-0-0.**

48
49 A. Rugg said the public hearing was continued to August 14, 2013 at 7PM.
50

1 Consensus from Board members was to hold a special meeting for the
2 Woodmont Commons PUD Master Plan on August 28, 2013.

3
4 B. Thomas J. and Christina L. Wolfinger (Applicants and Owners), Map 12 Lot 106
5 and 106-1 - Application Acceptance and Public Hearing for formal review of a
6 two-lot subdivision on 35 Bartley Hill Road, Zoned AR-I.

7
8 J. Trottier stated there was one outstanding checklist item that had an
9 associated waiver request. Assuming the Board grants the waiver, Staff
10 recommends the application be accepted as complete.

11
12 J. Trottier read the waiver into the record from the Staff Recommendation
13 memo:

14
15 1. The Applicant requests a waiver to Sections 3.05 and 4.16.B.7, which
16 require, respectively, underground utilities and that utilities be shown on
17 the improvement plan. Staff recommends **granting** the waiver, as nearby
18 utilities are overhead and plan detail regarding overhead utilities is not
19 necessary for a simple subdivision such as this.

20
21 **L. Wiles made a motion to approve the waiver request. J. Laferriere**
22 **seconded the motion.** No discussion. **Vote on the motion: 8-0-0.** The
23 waiver was granted.

24
25 **L. Wiles made a motion to accept the application as complete per**
26 **Staff's Recommendation memorandum dated July 10, 2013. J.**
27 **Laferriere seconded the motion.** No discussion. **Vote on the motion:**
28 **8-0-0.** The application was accepted as complete.

29
30 A. Rugg noted the start of the 65 day time frame under RSA 676:4.

31
32 Tim Ferwerda of Meridian Land Services stated that this project would
33 subdivide an existing 2.7 acre parcel with an existing house, driveway, septic
34 system, and well into two parcels. Proposed lot 106-1 would have over 150
35 feet of road frontage, leaving the existing lot with over 200 feet.

36
37 A. Rugg asked for Staff input.

38
39 J. Trottier read the additional waiver request into the record from the Staff
40 Recommendation memo:

41
42 1. The Applicant requests a waiver to Section 4.01, which requires a
43 1" = 40' maximum plan scale, for the topographic plan. The Applicant
44 requests using a 1" = 50' scale so that the entire plan can fit on one plan
45 sheet. Staff recommends **granting** the waiver, as the plan is legible at
46 1" = 50'.

47
48 J. Trottier summarized comments from the Planning/DPW/Stantec memo.

49
50 A. Rugg asked for Board input.

1
2 R. Brideau verified with J. Trottier that the proposed sight distances for both
3 lots will be adequate once revised per the Planning/DPW/Stantec memo. J.
4 Laferriere inquired about the leachfield designs for both lots. T. Ferwerda
5 explained that leachfields have been designed for each lot since the
6 subdivision would leave the existing leachfield between the two. L. El-Azem
7 asked if new driveways would be constructed. T. Ferwerda said the existing
8 driveway would be used as a common driveway for the two lots.

9
10 A. Rugg asked for public comment. There was none.

11
12 **L. Wiles made a motion to approve the waiver from Section 4.01 as**
13 **requested. J. Laferriere seconded the motion.** No discussion. **Vote on**
14 **the motion: 8-0-0.** The waiver was granted.

15
16 **L. Wiles made a motion to conditionally approval of the subdivision**
17 **plan with the following conditions:**

18
19 "Applicant", herein, refers to the property owner, business owner, or
20 organization submitting this application and to his/its agents, successors, and
21 assigns.

22
23 **PRECEDENT CONDITIONS**

24
25 All of the precedent conditions below must be met by the applicant, at the
26 expense of the applicant, prior to certification of the plans by the Planning
27 Board. Certification of the plans is required prior to commencement of any site
28 work, any construction on the site or issuance of a building permit.

- 29
30 1. The Applicant shall provide the Owner signatures on the final plans.
31
32 2. The Applicant shall update the drainage report to include a summary table
33 noting the impacts to each abutter (pre- and post-development) and
34 showing compliance with the regulations is achieved (i.e. no increase in
35 runoff).
36
37 3. The revised driveway sight distance plan, sheet SP-2, indicates the
38 minimum all season sight distance is not provided. The Applicant shall
39 update the driveway sight distance plan to be consistent with Exhibit D2 of
40 the regulations (object located 10 feet from travel lane) and verify the
41 necessary all season sight distance is provided.
42
43 4. The topographic plan indicates the Town's existing drain pipe outlets
44 adjacent to the proposed common driveway easement and we recommend
45 a drainage easement (minimum 20'x20') be provided at the outlet for
46 maintenance as typically requested by the Town. The Applicant shall
47 arrange a meeting with Department of Public Works to discuss this issue
48 and update the plan as necessary, meeting approval of the Department of
49 Public Works.
50

- 1 5. The project is located along a significant portion of Bartley Hill Road. The
2 Applicant shall verify if additional off-site improvements to Bartley Hill Road
3 will be necessary under this application with the Department of Public
4 Works.
5
- 6 6. The Applicant shall provide the Owner signatures on the final plans.
7
- 8 7. The Applicant shall note all waivers granted on the plan.
9
- 10 8. The Applicant shall provide a digital (electronic) copy of the complete final
11 plan sent to the Town at the time of signature by the Board in accordance
12 with Section 2.06.N of the regulations.
13
- 14 9. The applicant shall provide a check for \$25 (made payable to the
15 *Rockingham County Registry of Deeds*) to pay for the LCHIP tax that
16 became effective on recording of all plans and documents at the registry on
17 July 1, 2008.
18
- 19 10. The applicant shall note all general and subsequent conditions on the
20 plans (*must be on a sheet to be recorded, or a separate document*
21 *to be recorded with the subdivision plans*), per the new requirements
22 of RSA 676:3.
23
- 24 11. Outside consultant's fees shall be paid within 30 days of approval of the
25 plan.
26
- 27 12. Financial guaranty if necessary.
28
- 29 13. The Applicant shall provide the Owner's signature on the plan.
30
- 31 14. Final engineering review
32
- 33 15. If it is determined that stone walls must be disturbed to construct any
34 improvements on either lot, the Applicant shall meet with the
35 Londonderry Heritage Commission and obtain written consent of the
36 Planning Board, pursuant to Section 3.09 of the Subdivision Regulations.
37

38 **PLEASE NOTE** - Once these precedent conditions are met and the plans are
39 certified, the approval is considered final. If these conditions are not met
40 within two years to the day of the meeting at which the Planning Board grants
41 conditional approval the board's approval will be considered to have lapsed
42 and re-submission of the application will be required. See RSA 674:39 on
43 vesting.
44

45 **GENERAL AND SUBSEQUENT CONDITIONS**
46

47 All of the conditions below are attached to this approval.
48

- 49 1. No construction or site work for the subdivision may be undertaken until the
50 pre-construction meeting with Town Staff has taken place, filing of an

1 NPDES-EPA Permit and the site restoration financial guaranty is in place
2 with the Town. Contact the Department of Public Works to arrange for this
3 meeting.
4

5 2. The project must be built and executed exactly as specified in the approved
6 application package unless modifications are approved by the Planning
7 Department & Department of Public Works, or if Staff deems applicable, the
8 Planning Board.
9

10 3. All of the documentation submitted in the application package by the
11 applicant and any requirements imposed by other agencies are part of this
12 approval unless otherwise updated, revised, clarified in some manner, or
13 superseded in full or in part. In the case of conflicting information between
14 documents, the most recent documentation and this notice herein shall
15 generally be determining.
16

17 4. It is the responsibility of the applicant to obtain all other local, state, and
18 federal permits, licenses, and approvals which may be required as part of
19 this project (that were not received prior to certification of the plans).
20 Contact the Building Division at extension 115 regarding building permits.
21

22 **J. Laferriere seconded the motion.**
23

24 T. Ferwerda inquired about the required drainage easement (Precedent
25 Condition #4), asking if the minimum of 20'x20' size was necessary since it
26 would impact the existing driveway. J. Trottier asked what size could be
27 offered by the applicant, to which T. Ferwerda replied a 10'x20' size would be
28 feasible. A. Rugg directed the applicant to work Staff to fulfill that condition.
29 No amendment to the motion would be necessary to do so.
30

31 There was no further discussion. A. Rugg called for a vote on the motion.
32 **Vote on the motion: 8-0-0.** The plan was conditionally approved.
33

34 C. Lorden Commons LLC (Applicant and Owner), Map 16 Lot 38 – Application
35 Acceptance and Public Hearing for formal review of a subdivision plan
36 amendment to replace the required fire protection services (sprinkler systems)
37 with a fire cistern for the previously approved Phase I of a Conservation
38 Subdivision on 17 Old Derry Road, Zoned AR-I.
39

40 J. Trottier stated that there were no checklist items, and that Staff
41 recommended the application be accepted as complete.
42

43 **L. Wiles made a motion to accept the application as complete. J.**
44 **Laferriere seconded the motion.** No discussion. **Vote on the motion:**
45 **8-0-0.** The application was accepted as complete.
46

47 A. Rugg noted the start of the 65 day time frame under RSA 676:4.
48

49 Jonathan Ring of Jones Beach Engineers and Paul Kerrigan of Lorden

1 Commons LLC presented the proposed subdivision plan amendment. A
2 notation placed by the engineer on the approved plan of Phase I
3 acknowledged compliance with what at the time was an impending State law
4 requiring each dwelling to include a sprinkler system. That mandate was
5 never passed by the State. As construction began, it was found installation of
6 sprinkler systems costing approximately \$5,000 to \$6,000 would cause the
7 homes to be less affordable and that an \$80,000 fire cistern would alleviate
8 that concern. The proposed location is on lot 38-27 (map 16) where a
9 residence is still expected to be built. Technical comments have been
10 reviewed with Fire Department and Public Works Staff and such requirements
11 as emergency vehicles turnouts, bollards, and fill and discharge pipes have
12 been satisfied.

13
14 A. Rugg asked for Staff input, including that of Fire Department Staff.

15
16 J. Trottier summarized comments from the Planning/DPW/Stantec memo.

17
18 Fire Marshall Brian Johnson stated that potential issues of Manchester Water
19 Works being unable to supply water to the entire development led to a
20 possible inability to provide fire hydrants. Sprinklers therefore became the
21 chosen alternative. When those were found to be relatively cost prohibitive, a
22 cistern system was presented instead. Residential sprinklers, B. Johnson
23 explained, are always preferred over cisterns because sprinklers react far
24 more quickly to a fire whereas cisterns cannot be used until after Fire
25 apparatus have arrived on scene. Cisterns are, however, an acceptable
26 alternative under current Fire codes. Three currently exist in town, but to a
27 lesser quality than the cistern proposed for Lorden Commons. The question
28 would be what entity would be responsible for maintenance, repair, and
29 replacement of this cistern, even though it would require less maintenance
30 and is designed to last longer than those already in place in Londonderry.
31 When asked, he stated that maintenance and repairs of sprinkler systems in
32 individual dwellings are the responsibility of the homeowners.

33
34 A. Rugg asked for Board input.

35
36 Concerns were expressed by several Board members about the
37 aforementioned maintenance/replacement issues and whether the Town is
38 expected to take on that duty. J. Ring replied that it was anticipated that the
39 Town might take on that obligation. J. Trottier said Staff would not
40 recommend that the Town maintain, repair, or replace the cistern and would
41 recommend instead that the Lorden Commons homeowner's association
42 assume that responsibility. J. Laferriere posed that home buyers could be
43 reimbursed at least some of the cost of a sprinkler system through a reduction
44 of the cost of homeowner's and/or fire insurance. T. Freda noted that
45 homeowner's associations are not always solvent and asked what enforcement
46 mechanism would exist to ensure maintenance and replacement costs are
47 paid. J. Ring replied that typically, language is included in homeowner
48 documents that if the Town must perform necessary maintenance of such
49 things as cisterns and detention ponds that have not been addressed by the
50 homeowner's association, the Town is able to bill the association after the

1 fact. T. Freda questioned the need for the Town to take on the responsibility
2 for a private development. A. Rugg suggested the applicant revisit extending
3 the water line from the Auburn Road/Old Derry Road intersection or gaining
4 the ability to use the fire hydrant located there.
5

6 Safety issues were also discussed and concerns expressed after learning from
7 B. Johnson that; 1) fire trucks would not reach that specific area for
8 approximately six to eight minutes after a call is received, depending on
9 traffic, (whereas a sprinkler can be activated in as little as 30 seconds to a
10 minute), 2) NFPA statistics show that 80% of residential fires can be
11 extinguished with one sprinkler head and 90% extinguished by two before fire
12 trucks arrive, and 3) once a fire is in an open burning phase, it doubles in size
13 every minute.
14

15 A. Rugg asked for public input. There was none.
16

17 After further conversation, consensus of the Planning Board was that the
18 public hearing be continued so that the applicant can present a document
19 found satisfactory by both Staff and the Town Attorney that will absolve the
20 Town of responsibility for the cistern.
21

22 **L. Wiles made a motion to continue the public hearing to the August 7,**
23 **2013 Planning Board meeting. J. Laferriere seconded the motion.** No
24 discussion on the motion. **Vote on the motion: 8-0-0.**
25

26 A. Rugg said the public hearing was continued to August 14, 2013 at 7PM and
27 that this would be the only public notice.
28

29 D. NeighborWorks Southern New Hampshire (Applicant), Londonderry Lending
30 Trust (owner), Map 12 Lot 59-3 - Application Acceptance and Public Hearing
31 for formal review of a two-lot subdivision on 73 Trail Haven Drive, Zoned AR-I.
32

33 C. May explained that the next three presentations were related in that the
34 first portion would subdivide off proposed lot 59-4 on map 12, creating a
35 location for the proposed inclusionary (workforce) housing development,
36 which in turn would create the need to amend an existing site plan for the
37 remainder of lot 59-3 where an existing elderly housing community will
38 continue to be built.
39

40 J. Trottier stated there was one outstanding checklist item which had an
41 associated waiver request. Assuming the Board granted the waivers, Staff
42 recommended the application be accepted as complete.
43

44 J. Trottier read the waiver into the record from the Staff Recommendation
45 memo:
46

47 1. The Applicant requests a waiver to Section 3.08, which requires a
48 stormwater drainage study. There is no construction proposed as part of
49 the subdivision application. The Applicant has provided a stormwater
50 drainage study as part of its site plan application. Staff recommends

1 **granting** the waiver.
2

3 **L. Wiles made a motion to approve the applicant's request for the**
4 **waiver as outlined in Staff's recommendation memorandum dated July**
5 **10, 2013. J. Laferriere seconded the motion.** No discussion. **Vote on**
6 **the motion: 8-0-0.** The waiver was granted.
7

8 **L. Wiles made a motion to accept the application as complete. J.**
9 **Laferriere seconded the motion.** No discussion. **Vote on the motion: 8-**
10 **0-0.** The application was accepted as complete.
11

12 A. Rugg noted the start of the 65 day time frame under RSA 676:4.
13

14 Earle Blatchford of Hayner/Swanson, Inc., was joined by Robert Tourigny,
15 Director of NeighborWorks of Southern New Hampshire to present the three
16 proposals. E. Blatchford stated that the overall project has not changed since
17 being brought before the Board for a conceptual discussion on December 5,
18 2012. Most alterations have been related to engineering specifics on the sites.
19 Subdivision of the existing 49.9 acre lot would create lot 59-4, a 20.1 acre
20 piece that would meet the minimum acreage requirement under the
21 Inclusionary Housing ordinance. The remaining 29.8 acres of lot 59-3 would
22 continue to be developed separately as Whittemore Estates, a 55 and over
23 community where six of the 17 total units have already been constructed.
24 The conservation easement reserved when Whittemore Estates was originally
25 approved will continue to be part of 59-3 in its entirety. A Town sewer
26 interceptor runs north/south through the property while a Tennessee Gas
27 pipeline easement crosses the northern part of 59-3. The design of the site
28 was constrained both by these factors as well as the wetlands found there.
29

30 A. Rugg asked for Staff input.
31

32 J. Trottier summarized the DPW memo.
33

34 A. Rugg asked for Board input.
35

36 J. Laferriere asked how many approved curb cuts currently exist on Mammoth
37 Road to access this site. E. Blatchford replied there are two, explaining that
38 when Whittemore States was approved, the driveway permits issued by the
39 State Department of Transportation (DOT) were made contingent upon tying
40 the two access points into existing residential driveways with consent from
41 those abutters. Those owners have continued to work with both developers to
42 allow the use of those two curb cuts, and revised permits for both sites are
43 expected to be approved by DOT shortly. L. Wiles verified that the new lot will
44 contain 78 workforce housing units while Whittemore Estates will be
45 comprised of a total of 17 elderly housing units.
46

47 A. Rugg asked for public comment.
48

49 Ann Chiampa, 28 Wedgewood, asked if Little Cohas Brook was located at all
50 on the property. E. Blatchford said that part of the brook traverses the

1 conservation easement but is not within the limits of proposed lot 59-4. The
2 edge of the associated jurisdictional wetland, however, does cut across the
3 northeasterly corner of 59-4, along with a 100 foot Conservation Overlay
4 District (COD) buffer.

5
6 There was no further public comment.

7
8 **L. Wiles made a motion to conditionally approval of the subdivision**
9 **plan with the following conditions:**

10
11 "Applicant", herein, refers to the property owner, business owner, or
12 organization submitting this application and to his/its agents, successors, and
13 assigns.

14
15 **PRECEDENT CONDITIONS**

16
17 All of the precedent conditions below must be met by the applicant, at the
18 expense of the applicant, prior to certification of the plans by the Planning
19 Board. Certification of the plans is required prior to commencement of any site
20 work, any construction on the site or issuance of a building permit.

21
22 1. The Applicant shall address the following relative to the subdivision plans:

23
24 A. The Applicant shall update note 5 on sheet 1 to address sewer and water
25 service to new lot 59-4.

26
27 B. The Applicant shall remove the SCS soils data from these sheets (1-8).

28
29 C. The Applicant shall add notes to sheet 1 that state the drainage system
30 for lot 59-3 is associated with the Whittemore Estates project and on file
31 at the Londonderry Planning Department and that future development of
32 Map 12 Lot 59-4 will require on-site detention basin(s) to mitigate
33 stormwater runoff as required by the Town's site plan and /or
34 subdivision regulations.

35
36 D. The Applicant shall update the notes to include the NHDOT driveway
37 permits for each lot. In addition, the Applicant shall include a sight
38 distance plan for the driveway to serve new lot 59-4 or provide a note
39 acceptable to the Town.

40
41 2. The Applicant shall address the following relative to the topographic plans:

42
43 A. The Applicant shall review and update the SCS Soils Data legend to
44 include symbol 446B consistent with the symbols indicated on the plans.

45
46 B. The Applicant shall provide the missing rim and invert information for
47 the existing catch basin located on the northerly side of Trail Haven
48 Drive and opposite SMH J-101.
49

1 C. The Applicant shall indicate the utility services to serve new lot 59-4 or
2 provide appropriate notes relative to the utility services acceptable to
3 the Town.
4

5 3. The Applicant shall address the following relative to the project DRC
6 comments:
7

8 A. The Applicant shall verify the comments of the Assessor are adequately
9 addressed with the Assessor.
10

11 B. The Applicant shall verify the comments of the Sewer Division are
12 adequately addressed with the Sewer Division.
13

14 4. The Applicant shall note all waivers granted on the plan.
15

16 5. The Applicant shall provide a digital (electronic) copy of the complete final
17 plan sent to the Town at the time of signature by the Board in accordance
18 with Section 2.06.N of the regulations.
19

20 6. The applicant shall provide a check for \$25 (made payable to the
21 *Rockingham County Registry of Deeds*) to pay for the LCHIP tax that
22 became effective on recording of all plans and documents at the registry on
23 July 1, 2008.
24

25 7. The applicant shall note all general and subsequent conditions on the plans
26 (*must be on a sheet to be recorded, or a separate document to be recorded*
27 *with the subdivision plans*), per the new requirements of RSA 676:3.
28

29 8. Outside consultant's fees shall be paid within 30 days of approval of the
30 plan.
31

32 9. Financial guaranty if necessary.
33

34 10. The Applicant shall provide the Owner's signature on the plan.
35

36 11. Final engineering review
37

38 ***PLEASE NOTE*** - Once these precedent conditions are met and the plans are
39 certified, the approval is considered final. If these conditions are not met
40 within two years to the day of the meeting at which the Planning Board grants
41 conditional approval the board's approval will be considered to have lapsed
42 and re-submission of the application will be required. See RSA 674:39 on
43 vesting.
44

45 **GENERAL AND SUBSEQUENT CONDITIONS**
46

47 All of the conditions below are attached to this approval.
48

49 1. No construction or site work for the subdivision may be undertaken
50 until the pre-construction meeting with Town Staff has taken place,

1 filing of an NPDES-EPA Permit and the site restoration financial
2 guaranty is in place with the Town. Contact the Department of Public
3 Works to arrange for this meeting.
4

5 2. The project must be built and executed exactly as specified in the
6 approved application package unless modifications are approved by the
7 Planning Department & Department of Public Works, or if Staff deems
8 applicable, the Planning Board.
9

10 3. All of the documentation submitted in the application package by the
11 applicant and any requirements imposed by other agencies are part of this
12 approval unless otherwise updated, revised, clarified in some manner, or
13 superseded in full or in part. In the case of conflicting information between
14 documents, the most recent documentation and this notice herein shall
15 generally be determining.
16

17 4. It is the responsibility of the applicant to obtain all other local, state, and
18 federal permits, licenses, and approvals which may be required as part of
19 this project (that were not received prior to certification of the plans).
20 Contact the Building Division at extension 115 regarding building permits.
21

22 **L. El-Azem seconded the motion.** No discussion. **Vote on the motion,**
23 **8-0-0.** The subdivision plan was conditionally approved.
24

25 E. NeighborWorks Southern New Hampshire (Applicant), Londonderry Lending
26 Trust (owner), Map 12 Proposed Lot 59-4 and Lot 64 - Application Acceptance
27 and Public Hearing for formal review of a site plan and conditional use permits
28 to construct 78 inclusionary (workforce) housing units with associated
29 improvements on 73 Trail Haven Drive, Zoned AR-I.
30

31 J. Trottier stated there were no outstanding checklist items and that Staff
32 recommended the application be accepted as complete.
33

34 **L. Wiles made a motion to accept the application as complete. J.**
35 **Laferriere seconded the motion.** No discussion. **Vote on the motion:**
36 **8-0-0.** The application was accepted as complete.
37

38 A. Rugg noted the start of the 65 day time frame under RSA 676:4.
39

40 E. Blatchford reiterated that the proposed 20.1 acre site meets the minimum
41 acreage requirement under the Town's Inclusionary Housing ordinance and
42 that no significant changes have been made since the conceptual presentation
43 to the Board on December 5, 2012. A total of 78 two-story townhouse rental
44 units in 12 buildings will be constructed (nine buildings of seven units and
45 three of five units). Access to the development will be via a 1,200 foot long
46 private cul de sac for which will utilize the curb cut previously approved for
47 Whittemore Estates. It will also be known by the previously approved name,
48 Whittemore Road. The increase in units beyond the 66 previously approved
49 for that portion of Whittemore Estates was addressed in the traffic impact
50 analysis, which has been approved by both the Town and State. As stated

1 during the subdivision public hearing (see above), the design of the site was
2 dictated in large part by the easements running through the area for both
3 Town sewer and Tennessee Gas, as well as the numerous wetlands and
4 associated COD buffers. No buildings will be constructed over the easements,
5 although pavement will be located there. Two phases are proposed; the first
6 with 38 units in six buildings as well as the community building and a
7 temporary hammerhead turnaround approved by the Fire Department. Earlier
8 in the year, a variance was granted by the Zoning Board to allow relief from
9 the restriction that only three workforce housing structures may be built in a
10 single year. E. Blatchford explained that the ordinance was designed with the
11 assumption that individual buildings would house 16 units each, whereas these
12 buildings will contain far fewer. Thirty one more parking spaces will be
13 provided beyond the minimum required by the zoning ordinance. Sewer
14 connection permits for both sites will be processed through the State if and
15 when the Board grants conditional approval. E. Blatchford reviewed the
16 proposed closed drainage stormwater management system, noting that the
17 Alteration of Terrain Permit has been issued by the State Department of
18 Environmental Services (DES). He also discussed utilities, landscaping, and
19 site lighting for the site. A. Rugg stated that the Heritage Commission had
20 approved of the proposed lighting design. E. Blatchford added that two
21 requests from the Heritage Commission were addressed, namely extension of
22 the sidewalk to the community building as well as out to Mammoth Road for
23 school aged children, and delineation of the handicap accessible parking
24 spaces. Building elevations were also presented to the Board, with E.
25 Blatchford noting they were well received by the Heritage Commission.

26
27 E. Blatchford read into the record a Conditional Use Permit (CUP) request and
28 associated five criteria that would allow workforce housing in the AR-I zone
29 (see Attachment #5). A. Rugg asked for comments from the Board regarding
30 the CUP request. There were none.

31
32 E. Blatchford read into the record a Conditional Use Permit (CUP) request and
33 associated criteria related to COD buffer impacts (see Attachment #6). He
34 noted that the Conservation Commission recommended approval to the Board
35 of this CUP request.

36
37 E. Blatchford reviewed the three waiver requests. J. Trottier read the waiver
38 requests into the record from the Staff Recommendation memo:

- 39
40 1. The Applicant requests a waiver to Section 2.04.b.4, which requires an
41 application fee based on the total lot area. The applicant requests
42 calculating the application fee based on the disturbed area, which is
43 significantly less than the total lot area. Staff recommends **granting** the
44 waiver.
- 45 2. The Applicant requests a waiver to Section 3.07.g.3, which requires a
46 minimum cover of 3 feet over drainage structures. The catch basin in
47 question is located in the lawn area and not subject to vehicular traffic.
48 Staff recommends **granting** the waiver.

1 3. The Applicant requests a waiver to Section 4.01.c, which requires the site
2 plan to be drawn at a scale of 1" = 40'. In order to allow the entire site to
3 be shown on a single sheet, the applicant has drawn the plan at 1" = 80'.
4 Staff recommends **granting** the waiver.
5

6 J. Trottier summarized the DPW memo.
7

8 C. May reviewed the two CUP requests, noting that the Conservation
9 Commission had recommended approval of the second regarding COD buffer
10 impacts. She said Staff recommends **granting** both CUPs.
11

12 A. Rugg asked for comments and questions from the Board.
13

14 L. Wiles confirmed the workforce housing units were all rental.
15

16 A. Rugg asked for public input.
17

18 A. Chiampa, 28 Wedgewood Drive, verified that unlike the photo examples
19 shown during the conceptual discussion in December of 2012, the proposed
20 townhouses will have green space between the front of the building and the
21 sidewalk. E. Blatchford briefly reviewed the landscape plan around the
22 buildings. He added that a community garden is planned for the development
23 as well.
24

25 There was no further public comment.
26

27 J. Laferriere asked if there was a restriction on the number of workforce
28 housing units allowed in Londonderry and if so, what the total would be if this
29 site plan was approved. C. May said she was not aware of any such limitation
30 for workforce housing, but stated that a minimum is required and could
31 present that information to the Board at a future meeting. This project would
32 be the first in Londonderry, she continued, adding that if the conceptual
33 workforce housing project on Perkins Road is approved, there would be a total
34 of 318 units in town.
35

36 **L. Wiles made a motion to grant all three waivers as outlined in Staff's**
37 **Recommendation memo dated July 10, 2013. J. Laferriere seconded**
38 **the motion.** No discussion. **Vote on the motion: 8-0-0.** The three waivers
39 were granted.
40

41 **L. Wiles made a motion that the Planning Board Grant the Conditional**
42 **Use Permit to allow COD buffer encroachments to accommodate**
43 **required storm water management of over approximately 33,740**
44 **square feet, as noted in Staff's Recommendation memorandum dated**
45 **July 10, 2013, and in accordance with the Conservation Commission's**
46 **recommended condition that the applicant place COD signage on the**
47 **site in accordance with the plan approved by the Conservation**
48 **Commission on 6/11/13. J. Laferriere seconded the motion.** No
49 discussion. **Vote on the motion: 8-0-0.** The Conditional Use Permit was
50 granted.

1
2 **L. Wiles made a motion that the Planning Board Grant the Conditional**
3 **Use Permit to allow construction of workforce housing in the AR-1**
4 **Zone as noted in Staff's Recommendation memorandum dated July 10,**
5 **2013. J. Laferriere seconded the motion. No discussion. Vote on the**
6 **motion: 8-0-0. The Conditional Use Permit was granted.**

7
8 **L. Wiles made a motion to conditionally approval of the site plan with**
9 **the following conditions:**

10
11 "Applicant", herein, refers to the property owner, business owner, or
12 organization submitting this application and to his/its agents, successors, and
13 assigns.

14
15 **PRECEDENT CONDITIONS**

16
17 All of the precedent conditions below must be met by the applicant, at the
18 expense of the applicant, prior to certification of the plans by the Planning
19 Board. Certification of the plans is required prior to commencement of any site
20 work, any construction on the site or issuance of a building permit.

21
22 1. The Applicant's revised drainage system design still indicates proposed CB 5
23 to be located within the Town's existing sewer easement. The Applicant shall
24 revise the design as necessary to locate the catch basin outside the Town's
25 easement as previously requested.

26
27 2. The Applicant shall provide spot elevations along the top of the detention
28 basin embankment to clarify the grading intent and for proper construction on
29 the site grading plans. In addition, the 340.0 spot elevation near the parking
30 lot corner (approx. sta. 3+70, 32' RT) on sheet 5 appears to be mis-labeled.
31 The Applicant shall review and update as needed. The Applicant shall provide
32 additional spot elevations at all parking lot corners for proper construction.

33
34 3. The Applicant shall verify the project location and number of proposed
35 accessible parking spaces shown on the revised design layout is acceptable
36 to the Building Department and Zoning Officer.

37
38 4. The Applicant shall update the utility plans to label the size and pipe type of
39 the proposed gas line main and the services to each building in accordance
40 with the regulations.

41
42 5. The Applicant shall address the following relative to the profiles:

43
44 A. The Applicant shall indicate the proposed water service line in the
45 drain profile for CB18 to CB15 on sheet 12.

46
47 B. The Applicant shall update the design information at CB12 to include
48 the inverts for the proposed underdrains. In addition, the Applicant
49 shall update the plan view on sheet 11 to include a beginning invert
50 for each underdrain and a pipe slope for proper construction.

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- C. The Applicant shall indicate the proposed water service line in the sewer service no. 1 profile on sheet 12.
 - D. The Applicant shall indicate the proposed water line in the drain profile between CB5 and DMH4 on sheet 13. In addition, the Applicant shall update the top of bank label for the detention pond (331.0 vs. 327.0) and indicate/complete the top of the pipe portion of the existing sewer line in the profile.
 - E. The Applicant shall indicate the proposed utility crossing in the sewer service no.12 profile and review and update the profile for sewer service no. 13 to be consistent with the plan view for the connection to the existing sewer line.
6. The Applicant shall address the following relative to the project details:
- A. The Applicant shall update the Exhibit R103 on sheet 17 to label the sidewalk as 4" reinforced concrete consistent with the project design.
 - B. The Applicant shall update the sawcut pavement detail on sheet 17 to indicate a minimum 6" crushed gravel base course. In addition, the Applicant shall update the reinforced concrete sidewalk detail to indicate 8" crushed gravel per Section 3.09.T, table 4 of the Subdivision Regulations.
 - C. The Applicant shall update the double grate catch basin detail to indicate bedding, notes and a polyethylene liner shall be provided consistent with the Exhibit D104. In addition, the Applicant shall label the double frame and grate as H-20 loading.
 - D. The Applicant shall provide a detail of the riprap overflow device shown at the detention basin embankment for proper construction.
7. The Applicant shall address the following relative to the submitted drainage report:
- A. The Applicant shall provide a summary table indicating the pre-and post-development impacts to each abutter that clarifies compliance with the regulations (no increase in runoff) is achieved as typically required by the Town.
 - B. Under the revised 25-year analysis, the peak elevation of 24" pipe at CB 5 is higher by more than a foot from the previous design analysis. The Applicant shall note the latest 25-year analysis indicates this pipe is completely submerged with the peak elevation more than two feet above the top of the 24" pipe and approximately one foot below the top grate at the parking lot. The 50-year summary indicating this catch basin would surcharge above the rim, which is typically not allowed by the Town. We note that CB6 and CB7 would also

- 1 surcharge above the rims under this revised design during 50-year
- 2 event. The Applicant shall update the design as necessary acceptable
- 3 to the Town.
- 4
- 5 C. Under the 25-year analysis, the 24" pipe inlet to SWA would be
- 6 completely submerged which is typically not allowed by the Town.
- 7 The Applicant shall update the design as necessary acceptable to the
- 8 Town.
- 9
- 10 D. The updated analysis appears to indicate the primary outflow from
- 11 CB11 and CB12 as zero cfs where flow is expected in the analysis.
- 12 The Applicant shall review the entire analysis and update as
- 13 necessary.
- 14
- 15 E. The 50 year pond routing analysis for SMA and RG1 were not
- 16 included in the report. The Applicant shall update the report to
- 17 include the 50-year pond routing analysis calculations to clarify the
- 18 minimum 12 inches of freeboard above the 50-year elevation is
- 19 provided as required by the regulations.
- 20 F. The Applicant shall update table 4 to be consistent with the latest
- 21 design and state the design storm for the indicated values.
- 22
- 23 8. The Applicant indicates the project permit applications have been
- 24 submitted. The Applicant shall update note 9 on sheet 1 to indicate the
- 25 NHDES Alteration of Terrain Permit Approval number, NHDES Sewer
- 26 Connection Permit number, NHDOT Driveway Permit and Londonderry
- 27 Sewer Permit and provide copies of all the permits to the Town for their
- 28 project file.
- 29
- 30 9. The Applicant shall remove the Planning Board signature block from sheet
- 31 16.
- 32
- 33 10. The Applicant shall address the following relative to the project DRC
- 34 comments:
- 35
- 36 A. The Applicant shall verify the comments of the Assessor are adequately
- 37 addressed with the Assessor.
- 38
- 39 B. The Applicant shall verify the comments of the Sewer Division are
- 40 adequately addressed with the Sewer Division.
- 41
- 42 11. The Applicant shall note all waivers and conditional use permits granted on
- 43 the plan.
- 44
- 45 12. The associated NeighborWorks Subdivision Plan shall receive final approval
- 46 prior to certification of the Londonderry Town Homes Site Plan by the
- 47 Planning Board.
- 48
- 49 13. The Applicant shall provide a digital (electronic) copy of the complete final

1 plan sent to the Town at the time of signature by the Board in accordance
2 with Section 2.06.N of the regulations.

3
4 14. Outside consultant's fees shall be paid within 30 days of approval of the
5 plan.

6
7 15. Financial guaranty if necessary.

8
9 16. The Applicant shall provide the Owner's signature on the plan.

10
11 17. Final engineering review.

12
13 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
14 certified, the approval is considered final. If these conditions are not met within
15 120 days to the day of the meeting at which the Planning Board grants
16 conditional approval the board's approval will be considered to have lapsed and
17 re-submission of the application will be required. See RSA 674:39 on vesting.

18
19 **GENERAL AND SUBSEQUENT CONDITIONS**

20
21 All of the conditions below are attached to this approval.

- 22
23 1. No construction or site work for the site plan may be undertaken until the
24 pre-construction meeting with Town Staff has taken place, filing of an
25 NPDES-EPA Permit and the site restoration financial guaranty is in place
26 with the Town. Contact the Department of Public Works to arrange for this
27 meeting.
- 28
29 2. The project must be built and executed exactly as specified in the approved
30 application package unless modifications are approved by the Planning
31 Department & Department of Public Works, or if Staff deems applicable, the
32 Planning Board.
- 33
34 3. All of the documentation submitted in the application package by the
35 applicant and any requirements imposed by other agencies are part of this
36 approval unless otherwise updated, revised, clarified in some manner, or
37 superseded in full or in part. In the case of conflicting information between
38 documents, the most recent documentation and this notice herein shall
39 generally be determining.
- 40
41 4. All site improvements must be completed prior to the issuance of a
42 certificate of occupancy. In accordance with Section 6.01.d of the Site Plan
43 Regulations, in circumstances that prevent landscaping to be completed
44 (due to weather conditions or other unique circumstance), the Building
45 Division may issue a certificate of occupancy prior to the completion of
46 landscaping improvements, if agreed upon by the Planning Division & Public
47 Works Department, when a financial guaranty (see forms available from the
48 Public Works Department) and agreement to complete improvements are
49 placed with the Town. The landscaping shall be completed within 6 months
50 from the issuance of the certificate of occupancy, or the Town shall utilize

1 the financial guaranty to contract out the work to complete the
2 improvements as stipulated in the agreement to complete landscaping
3 improvements. No other improvements shall be permitted to use a financial
4 guaranty for their completion for purposes of receiving a certificate of
5 occupancy.
6

7 5. As built site plans must to be submitted to the Public Works Department
8 prior to the release of the applicant's financial guaranty.

9
10 6. It is the responsibility of the applicant to obtain all other local, state, and
11 federal permits, licenses, and approvals which may be required as part of
12 this project (that were not received prior to certification of the plans).
13 Contact the Building Division at extension 115 regarding building permits.
14

15 **J. Laferriere seconded the motion.** No discussion. **Vote on the motion,**
16 **8-0-0.** The site plan was conditionally approved.
17

18 F. NeighborWorks Southern New Hampshire (Applicant), Londonderry Lending
19 Trust (owner), Map 12 Lot 59-3 - Application Acceptance and Public Hearing for
20 formal review of a site plan and conditional use permit to amend the previously
21 approved 2004 site plan for Whittemore Estates based on a proposed
22 subdivision of the same lot which would limit the buildable area associated with
23 the 2004 site plan approval on 73 Trail Haven Drive, Zoned AR-I.
24

25 J. Trottier stated there was one outstanding checklist item with an associated
26 waiver request. Assuming the Board granted the waivers, Staff recommended
27 the application be accepted as complete.
28

29 J. Trottier read the waivers into the record from the Staff Recommendation
30 memo:
31

32 1. The Applicant requests a waiver to Section 3.07.b, which requires a
33 drainage study. There has been no change to the previously approved
34 design of the plan. Staff recommends **granting** the waiver request,
35 because this is an existing partially constructed and previously approved
36 site plan with no proposed changes.
37

38 **L. Wiles made a motion to approve the applicant's request for the**
39 **waiver as outlined in Staff's recommendation memorandum dated July**
40 **10, 2013. J. Laferriere second the motion.** No discussion. **Vote on the**
41 **motion: 8-0-0.** The waiver was granted.
42

43 **L. Wiles made a motion to accept the application as complete. J.**
44 **Laferriere seconded the motion.** No discussion. **Vote on the motion: 8-**
45 **0-0.** The application was accepted as complete.
46

47 A. Rugg noted the start of the 65 day time frame under RSA 676:4.
48

1 E. Blatchford stated that the site plan amendment was submitted per Staff's
2 request since the site plan submitted for proposed lot 59-4 on map 12 would
3 result in a truncated version of the approved 2004 Whittemore Estates plan on
4 the remainder of lot 59-3. An as-built survey was performed of the portion of
5 Whittemore Estates already completed. Eleven more units in three additional
6 buildings will be constructed per the original plan and aside from the
7 elimination of a walking path that was to connect the southern and northern
8 portions of Whittemore Estates, no further changes to the remainder of the
9 plan are being sought. As stated earlier, the conservation easement associated
10 with 12-59-3 will remain with this amended site plan in its entirety. Renewal
11 of the State Dredge and Fill permit is being sought for the culvert crossing on
12 the site and the Sewer Discharge permit has been revised. A letter has been
13 submitted per Staff's request that certifies that the storm water management
14 system has been built in substantial compliance with the approved 2004
15 design.

16
17 E. Blatchford reviewed the requested Conditional Use Permit (CUP) application
18 (see Attachment #7), i.e. to construct a culvert crossing to access upland
19 building area and for construction of slopes in the buffer area, both of which
20 were previously approved in the Whittemore Estates site plan. The total
21 wetland impact for the culvert crossing would be 2,670 sf. A majority of the
22 total buffer impact (10,185 sf) occurred when Phases I and II of Whittemore
23 states were under construction. The Conservation Commission has
24 recommended approval of the CUP Permit, with the condition that the applicant
25 place COD signage on the site in accordance with the plan approved by the
26 Conservation Commission on 6/11/13. E. Blatchford noted that the wetland
27 and COD buffer impacts will be less than those approved for Phase I of
28 Whittemore Estates.

29
30 A. Rugg asked for Staff input.

31
32 J. Trottier summarized the DPW memo.

33
34 J. Trottier read the additional waiver request into the record:

- 35
36 1. The Applicant requests a waiver to Section 2.04.b.4, which requires an
37 application fee based on the total lot area. The applicant requests
38 calculating the application fee based on the disturbed area, which is
39 significantly less than the total lot area. Staff recommends **granting**
40 the waiver, because this is an existing partially constructed site with a
41 large area set aside in a conservation easement.

42
43 A. Rugg asked for Board input. L. Wiles questioned the configuration of the
44 parking lot in relation to the one of the buildings. E. Blatchford replied that the
45 wetlands and wetland buffers limited design options of the site, noting that the
46 parking has not changed from the approved 2004 plan and that the walk from
47 that lot to the building in question was not as distant as it appeared to be on
48 the plan.

49
50 A. Rugg asked for public input. There was none.

1
2 **L. Wiles made a motion to approve the applicant's request for the**
3 **waiver as outlined in Staff's recommendation memorandum dated July**
4 **10, 2013. J. Laferriere second the motion. No discussion. Vote on the**
5 **motion: 8-0-0. The waiver was granted.**
6

7 **L. Wiles made a motion that the Planning Board Grant the Conditional**
8 **Use Permit to allow construction of a culvert crossing and construction**
9 **of slopes in the COD Buffer as noted in Staff's Recommendation**
10 **memorandum dated July 10, 2013, and in accordance with the**
11 **Conservation Commission's recommended condition that the applicant**
12 **place COD signage on the site in accordance with the plan approved by**
13 **the Conservation Commission on 6/11/13. J. Laferriere second the**
14 **motion. No discussion. Vote on the motion: 8-0-0. The Conditional Use**
15 **Permit was granted.**
16

17 **L. Wiles made a motion to conditionally approval of the subdivision**
18 **plan with the following conditions:**
19

20 "Applicant", herein, refers to the property owner, business owner, or
21 organization submitting this application and to his/its agents, successors, and
22 assigns.
23

24 **PRECEDENT CONDITIONS**

25

26 All of the precedent conditions below must be met by the Applicant, at the
27 expense of the Applicant, prior to certification of the plans by the Planning
28 Board. Certification of the plans is required prior to commencement of any site
29 work, any construction on the site or issuance of a building permit.
30

31 1. The Applicant shall address the following relative to the existing conditions
32 plans:
33

34 A. The Applicant shall provide the missing rim and invert information for
35 the existing catch basin located on the northerly side of Trail Haven
36 Drive and opposite SMH J-101.
37

38 B. The Applicant shall clarify the soil information provided with this
39 submission. We note the soil symbols in the legend provided on sheet 2
40 do not appear on plans and the plan soil symbols do not appear in the
41 legend. The Applicant shall review and update as necessary to be
42 consistent.
43

44 C. The Applicant shall clarify the SMH information at TBM#9 on sheet 2.
45

46 D. The Applicant shall revise the title block to clarify the date on sheet 2.
47 The Applicant shall update sheets 8, 9, 10, 16 and 19 accordingly.
48

49 2. The Applicant shall address the following relative to the site grading plan:
50

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- A. The Applicant shall provide additional spot elevations at the five unit parking lot corner near the hydrant, at the driveway kickout near the four unit building, and along the west side of the driveway from Trail Haven Drive before the split to the five unit building to clarify the proposed grading intent and for proper construction.
 - B. The Applicant shall review the revised parking lot grading at the clubhouse at elevation 362 and spot elevation 361.2 at the parking lot corner and update as needed to properly drain.
 - C. The Applicant shall review and verify the proposed grading behind the building units is adequate for construction of the proposed decks indicated on the building elevations. It appears additional impacts to the COD would be needed for proper construction of the indicated decks. The Applicant shall clarify and update the plans as necessary.
3. The Applicant shall address the following relative to the site utilities plan:
- A. The Applicant shall clarify the proposed water line size to serve the five unit building labeled as 2-1/2" copper on the plans, but stated as 3" ductile iron in note 3. The Applicant shall revise to be consistent. In addition, the Applicant shall clarify the location of the seven unit building and water line as related to note 2.
 - B. The Applicant shall label the size of the water services to the two unit building. In addition, the Applicant shall indicate the underground services (elec, tel, catv) to the two and four unit buildings on the plan consistent with those shown to the five unit building. Also, the Applicant shall provide a utility clearance letter from the catv provider for the project.
 - C. Note 4 indicates natural gas is to be provided to the project, but the plans do not indicate any gas lines in accordance with Section 3.04 of the regulations and Item VI.2.f of the checklist. The Applicant shall update the plans to indicate the gas services to the buildings and provide appropriate details in the plans set or remove the note if gas service is not to be provided.
4. The Applicant shall address the following relative to the site layout plan:
- A. The Applicant shall label the vertical granite curb along the Clubhouse and provide a detail of the curb and sidewalk consistent with the Town's typical detail – Exhibit R103 in the plan set.
 - B. The Applicant shall provide a Planning Board signature block on this sheet.
5. The Applicant shall address the following relative to the utility profiles:

- 1 A. The Applicant shall label the existing sewer manhole (J-104) in the
2 sewer service no. 9 profile.
- 3
- 4 B. The revised sewer service no.6 profile has less than four (4) feet of
5 cover. Typically insulation is required with less than four feet of cover.
6 The Applicant shall update meeting approval of the Sewer Division and
7 shall also indicate the existing utilities in the profile.
- 8
- 9 C. The proposed water line crossing is missing from the drain profile to CB
10 13. The Applicant shall update and verify there is no conflict with the
11 drain line and correct the stationing for DMH 11.
- 12
- 13 6. The Applicant shall address the following relative to the project details:
- 14
- 15 A. The Applicant shall update the Cape Cod berm detail to indicate 6"
16 behind the curb consistent with Exhibit R104.
- 17
- 18 B. The Applicant shall update construction note 6 on sheet 11 and note 21
19 on sheet 1 (that are inconsistent) to be consistent with the number of
20 minimum days for the latest NOI requirements.
- 21
- 22 C. The Applicant shall update the headwall detail to provided information
23 for an 18" pipe for proper construction (see Exhibit D106).
- 24
- 25 7. The Applicant indicates the project permit updates and applications have
26 been submitted. The Applicant shall update note 9 on sheet 1 to indicate
27 the NHDES Wetland Permit Approval number, indicate updated approvals
28 for the NHDOT Driveway Permit and Londonderry Sewer Permit, and
29 provide copies of all the permits to the Town for their project file.
- 30
- 31 8. The Applicant shall address the following relative to the project DRC
32 comments:
- 33
- 34 A. The Applicant shall verify the comments of the Assessor are adequately
35 addressed with the Assessor.
- 36
- 37 B. The Applicant shall verify the comments of the Sewer Division are
38 adequately addressed with the Sewer Division.
- 39
- 40 9. The Applicant shall provide the Owner signature and the professional
41 engineer endorsement (stamp and signature) on all applicable plans.
- 42 10. The Applicant shall note all waivers and the Conditional Use Permit
43 granted on the plan.
- 44 11. The Applicant shall provide a digital (electronic) copy of the complete
45 final plan sent to the Town at the time of signature by the Board in
46 accordance with Section 2.05.n of the regulations.
- 47 12. Outside consultant's fees shall be paid within 30 days of conditional site
48 plan approval.

1 13. Financial guaranty if necessary.

2 14. Final engineering review is required.

3
4 **PLEASE NOTE** - Once these precedent conditions are met and the plans are
5 certified, the approval is considered final. If these conditions are not met within
6 120 days to the day of the meeting at which the Planning Board grants
7 conditional approval the board's approval will be considered to have lapsed and
8 re-submission of the application will be required. See RSA 674:39 on vesting.

9
10 **GENERAL AND SUBSEQUENT CONDITIONS**

11
12 All of the conditions below are attached to this approval.

- 13
14 1. No construction or site work for the amended site plan may be
15 undertaken until the pre-construction meeting with Town staff
16 has taken place, filing of an NPDES-EPA Permit and the site
17 restoration financial guaranty is in place with the Town. Contact
18 the Department of Public Works to arrange for this meeting.
19
20 2. The project must be built and executed exactly as specified in the
21 approved application package unless modifications are approved by the
22 Planning Department & Department of Public Works, or if staff deems
23 applicable, the Planning Board.
24
25 3. All of the documentation submitted in the application package by the
26 Applicant and any requirements imposed by other agencies are part of
27 this approval unless otherwise updated, revised, clarified in some
28 manner, or superseded in full or in part. In the case of conflicting
29 information between documents, the most recent documentation and
30 this notice herein shall generally be determining.
31
32 4. All site improvements must be completed prior to the issuance of a
33 certificate of occupancy. In accordance with Section 6.01.d of the Site
34 Plan Regulations, in circumstances that prevent landscaping to be
35 completed (due to weather conditions or other unique circumstance), the
36 Building Division may issue a certificate of occupancy prior to the
37 completion of landscaping improvements, if agreed upon by the Planning
38 Division & Public Works Department, when a financial guaranty (see
39 forms available from the Public Works Department) and agreement to
40 complete improvements are placed with the Town. The landscaping
41 shall be completed within 6 months from the issuance of the certificate
42 of occupancy, or the Town shall utilize the financial guaranty to contract
43 out the work to complete the improvements as stipulated in the
44 agreement to complete landscaping improvements. No other
45 improvements shall be permitted to use a financial guaranty for their
46 completion for purposes of receiving a certificate of occupancy.
47
48 5. As built site plans must to be submitted to the Public Works Department
49 prior to the release of the Applicant's financial guaranty.

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

6 7. The Applicant shall complete all site work associated with the first phase
 7 of development prior to receipt of a building permit for any future
 8 construction.

9 **J. Laferriere seconded the motion.** No discussion. **Vote on the motion,**
 10 **8-0-0.** The site plan amendment was conditionally approved.
 11

12 **Conceptual Discussions/Workshops**

13
 14 A. Ballinger Properties Five-N-Association General Partnership (Owner and
 15 Applicant), Map 14 Lots 45-2 and 46 – Conceptual discussion of a proposed
 16 200,000+ square foot distribution facility and associated site improvements on
 17 61 and 63 Pettengill Road, Zoned GB.
 18

19 Jim Petropolis of Hayner/Swanson, Inc. was joined by Ryan Golmeyer of
 20 Scannell Properties to present this conceptual plan. If built, this would be the
 21 first development on the lots in question and would be surrounded by
 22 undeveloped land with the exception of the eastern border. The site was
 23 formerly a gravel pit and a NH DOT conservation easement runs through the
 24 site. A 700-foot public cul de sac would extend south from Industrial
 25 Drive/Pettengill Road intersection and provide access to three proposed lots,
 26 the southernmost of which be the 30 acre site for this distribution facility (see
 27 Attachments #8 and #9). The public road will also carry utilities to the site.
 28 The one story, 200,000 square foot facility would mainly be used for
 29 warehousing and distribution but will also include a small office.
 30 Approximately 450 employee parking spaces would be to the east of the
 31 building to accommodate both sorters within the building as well as van
 32 drivers. The three remaining sides of the building would be surrounded by
 33 outdoor vehicle storage and access into the building. Tractor trailers will use
 34 loading areas on the southern side of the building to deliver parcels between
 35 10 PM and 4 AM. Employees will sort those packages between 4 AM and 8 AM.
 36 Delivery personnel will access their loaded vans from the northern side of the
 37 building and leave for their destination routes between 7 and 8 AM, returning
 38 between 4 and 5 PM. Aside from office workers, there will be very little activity
 39 within the facility during normal business hours. Outgoing packages are sorted
 40 between 7 to 11 PM, after which tractor trailers will depart to their
 41 destinations. The hope is to break ground in 2013 and open the facility in the
 42 fall of 2014.
 43

44 A. Rugg asked for Staff input. J. Trottier said that Staff met with the applicant
 45 approximately two weeks ago to review the plan. He did not state any
 46 outstanding issues or concerns.
 47

1 A. Rugg asked for input from the Board. R. Brideau offered to Board members
2 that a 200,000 sf facility would be roughly twice the size of the American Tire
3 building on Jack's Bridge Road. T. Freda asked about the infrastructure
4 involved with the road to be constructed. J. Petropolis replied that the owner
5 of the property will be designing the road and that the applicant for this
6 project, represented by Scannell Properties, will only be designing the facility in
7 question and associated improvements. It is expected that the road will be
8 designed to supply all necessary utilities and that the overall subdivision plan
9 will more than likely be submitted by the owner at the same time this site plan
10 is. L. Reilly asked who Scannell Properties was representing, however R.
11 Golmeyer said he was not at liberty to divulge that at this time. L. Reilly asked
12 for specifics about the packages leaving the building, and J. Petropolis
13 described them as small packages of less than 50 pounds. A. Rugg confirmed
14 that the driveway from the cul de sac to the site of the facility would be
15 private. R. Golmeyer added that the site will be enclosed by a secure fence
16 with a gate at the driveway entrance. L. Reilly asked about further plans on
17 the site. J. Petropolis said that would be up to the owner of the property. She
18 also confirmed that FAA height restrictions would need to be observed because
19 of the proximity of the site to the airport. J. Petropolis said the facility would
20 be approximately 46 below the limit set by the FAA.
21 There were no further comments or questions. J. Petropolis thanked the Board
22 for their time.
23

24 B. Evans Family Limited Partnership (Owner and Applicant), Map 16 Lot 9 –
25 Conceptual discussion of a proposed subdivision on Wilson Road, Zoned AR-I.
26

27 This conceptual subdivision plan was first discussed at two previous Planning
28 Board meetings, the last of which is held on September 12, 2012. Applicant
29 Charlie Evans recalled that at that meeting, the Board had instructed him to
30 work with Staff in order to develop a strategy for making improvements on
31 Wilson Road north of Lance Avenue where five of the proposed eight houses
32 would be built. He did not gain the impression, however, that he would be
33 required to bring that portion of the road up to Town standards. J. Trottier
34 stated that Staff had reported to the Board at that meeting that consensus
35 from Town, Fire, Police, and School Departments was that the portion of the
36 roadway in question would need to be reconstructed to Town standards,
37 particularly for safety reasons. His understanding of the September 12
38 discussion was that C. Evans was directed to work with Staff and that Staff had
39 clearly stated their recommendation that the road be built to Town standards.
40 C. Evans said it would be unfair for the Town to require he do so when in his
41 opinion, improvements on a smaller scale would improve the road without
42 burdening him with the cost of building the road to Town standards. He noted
43 that all of the proposed driveways would meet Town sight distance standards.
44 T. Freda said he agreed that the option is not fair, but stated that his
45 recollection of the September 12 meeting did not include agreement from
46 Board members that the applicant should be relieved of the requirement to
47 build the road to Town standards. L. El-Azem suggested creating a shared
48 driveway for those five lots north of Lance Ave to limit the access points on the
49 northern portion of Wilson Road. It was also suggested that a citizen's petition
50 could be submitted for Town Meeting to include the road upgrade on the Town

1 warrant. C. Evans asked for consensus from the Board as to whether he would
2 be required to reconstruct the road to Town standards in order to build the
3 proposed subdivision or if some form of compromise would be considered.
4 When asked, J. Trottier said Staff's only recommendation would be that the
5 road be reconstructed to Town standards. C. Evans was asked by Board
6 members what alternatives he would offer in place of full compliance. He
7 asked that the Board present him with suggestions and did not convey any
8 specific changes of his own. He offered to work with Staff to develop options
9 that could be brought back to the Board. While some Board members agreed
10 the situation may not be fair to the developer, the safety and liability issues
11 involved could not be ignored. Following further discussion, consensus from
12 the Board was that to approve the proposed subdivision and at the same time
13 protect the safety of residents, the developer would be required to improve the
14 one way portion of Wilson Road to meet Town standards.

15
16 A. Chiampa, 28 Wedgewood Drive, asked to speak and stated her preference
17 that the Town bring the road up to Town standards or supplement the existing
18 signage there to warn drivers. A. Rugg reiterated the possibility of bringing a
19 citizen's petition to Town Meeting requesting that the cost of the road
20 improvements be placed on the Town warrant.

21
22 **Other Business**

23
24 A. Discussions with Town Staff

25
26 J. Trottier conveyed a request from Hickory Woods, LLC for the Board to
27 schedule a special meeting in order to sign the conditionally approved site plan
28 for map 2 lot 27. Consensus from the Board was to attempt to coordinate a
29 meeting sometime prior to the first August meeting, provided a minimum of
30 five members are able to attend.

31
32 B. List of Board/Committee/Commission Vacancies

33
34 L. Wiles asked Staff to ensure that the list of Board/Committee/Commission
35 vacancies posted on the Town website is up to date since it still identifies an
36 available alternate position on the Planning Board which has been filled.

37
38 **Adjournment:**

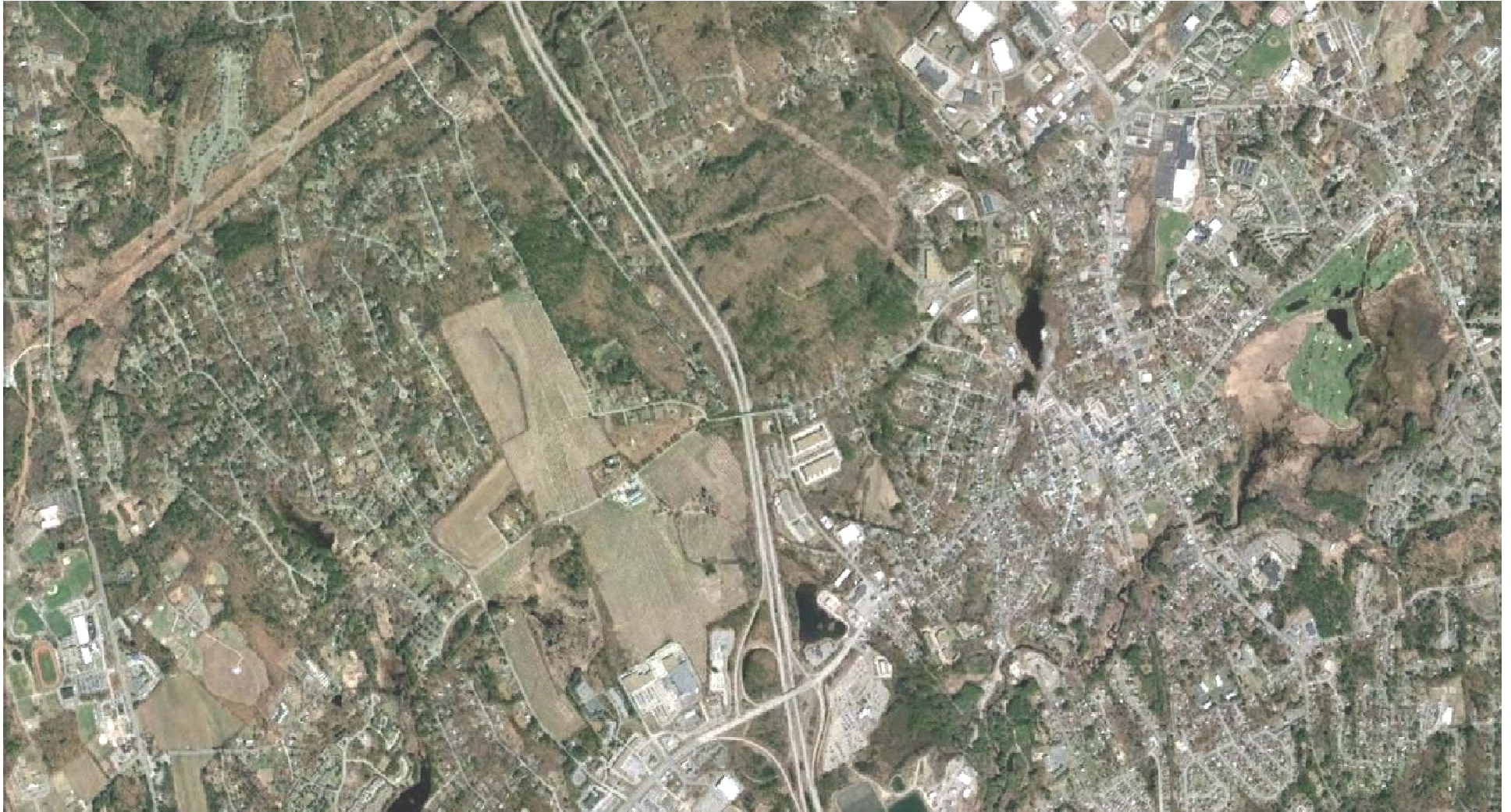
39
40 **L. Wiles made a motion to adjourn the meeting. J. Laferriere seconded**
41 **the motion. Vote on the motion: 8-0-0.**

42
43 The meeting adjourned at 10:55 PM.

44
45 These minutes prepared by Associate Planner Jaye Trottier

46
47
48 Respectfully Submitted,

49
50
51 Lynn Wiles, Secretary



Woodmont Commons PUD Master Plan



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Section 1.0 PUD Master Plan Information is non-regulatory and provides information about the project, Woodmont Commons. The Woodmont Commons Planned Unit Development Master Plan (PUD Master Plan) contains the associated regulations and standards in *Section 2.0 PUD Regulations and Standards*, *Section 3.0 Mitigation and Improvement Requirements* and *Section 4.0 Supplemental Documents*.

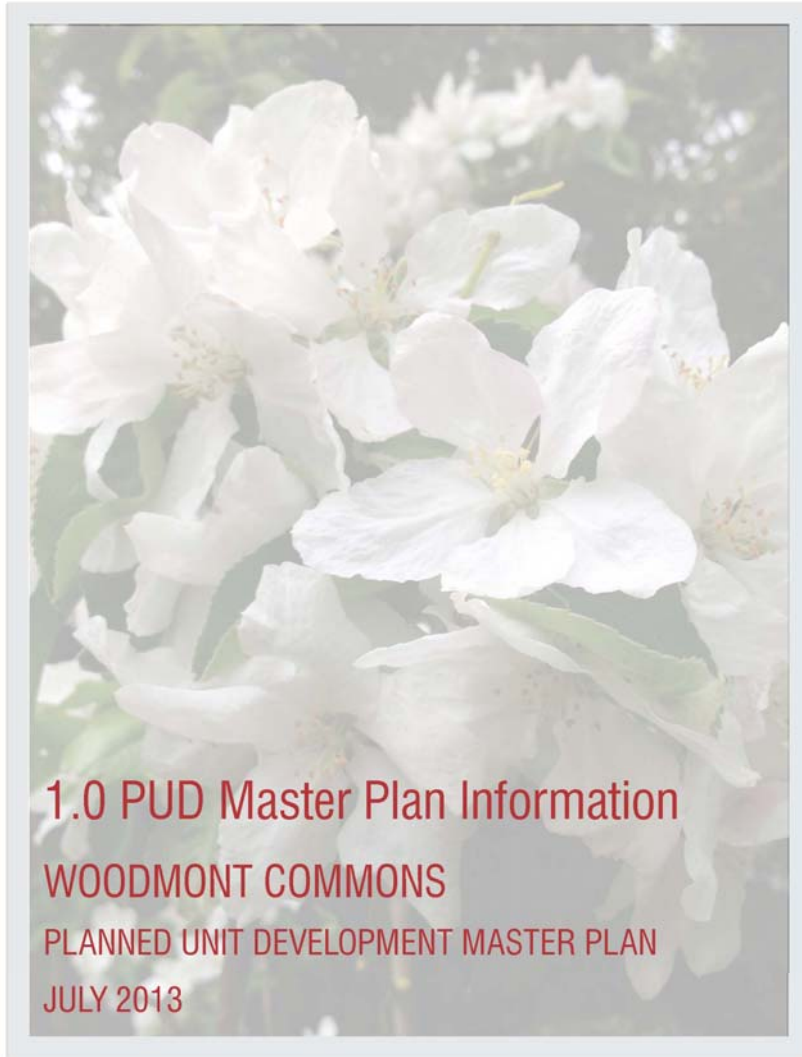
Sections 1.0 and 4.0

Planning Context and Process General Information Supplemental Information Data for Comparison

**What someone needs to know
5, 10, 20 years from now.**

1.0 PUD Master Plan Information
WOODMONT COMMONS
PLANNED UNIT DEVELOPMENT MASTER PLAN
JULY 2013

4.0 Supplemental Documents
WOODMONT COMMONS
PLANNED UNIT DEVELOPMENT MASTER PLAN
JULY 2013

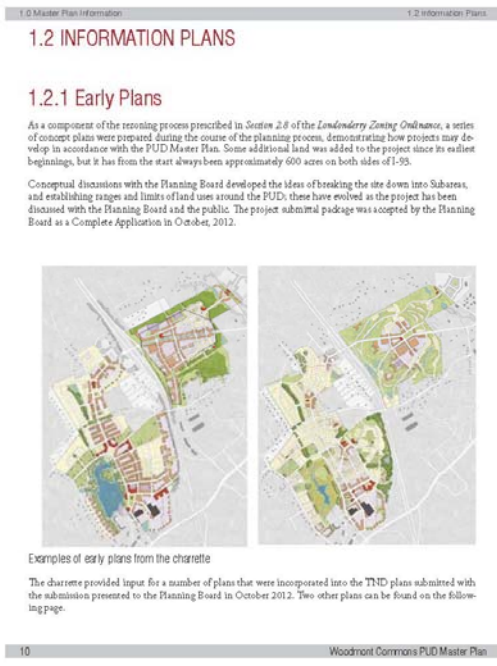


Section 1.0

Planning Context

Planning Process

General Information



1.0 PUD Master Plan Information

5

1.1 Purpose of the Woodmont Commons Planned Unit Development

7

1.2 Information Plans

10

1.3 Ownership Arrangement

32

1.4. Organization of the PUD Master Plan Documents

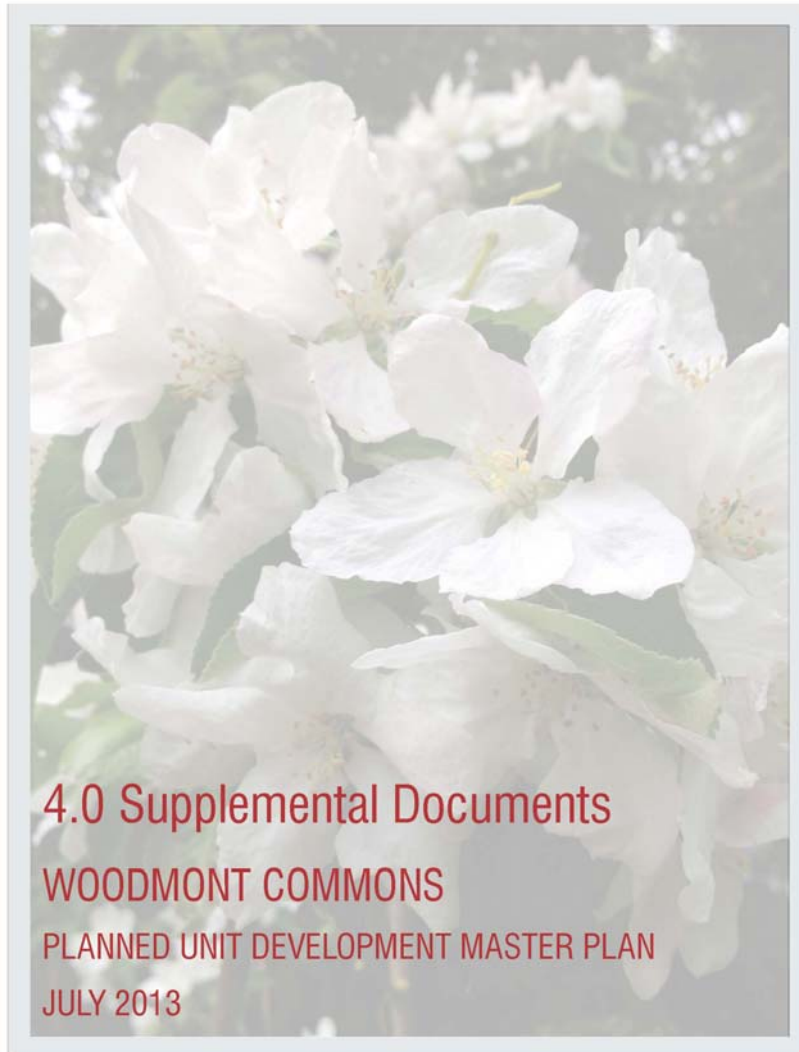
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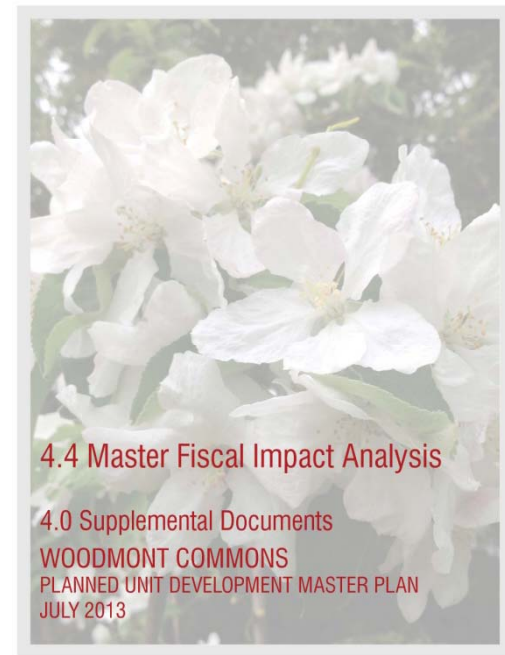
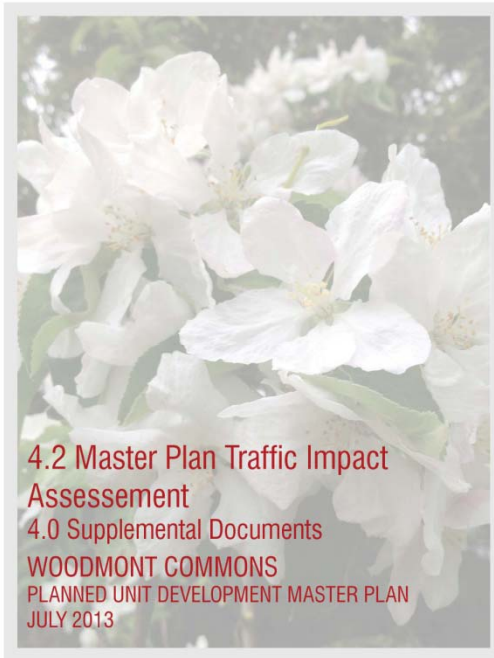
Section 4.0

Additional Information

Sample Forms

Reference Documents





Although bound separately, these documents are an integral part of the PUD Master Plan

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4.4 Master Fiscal Impact Analysis	229
4.5 Development Agreement	230
4.6 Sample Restrictive Covenant	231
4.7 Sample Forms	233

Sections 2.0 and 3.0

Land Use

PUD Subdivision Regulations and Standards

PUD Site Plans Regulations and Standards

Mitigation Thresholds

**What the Planning Board, Town Staff,
Developers and the Public need to know to
evaluate each application.**

2.0 PUD Regulations and Standards

WOODMONT COMMONS

PLANNED UNIT DEVELOPMENT MASTER PLAN

JULY 2013

3.0 Mitigation and Improvement
Requirements

WOODMONT COMMONS

PLANNED UNIT DEVELOPMENT MASTER PLAN

JULY 2013



Section 3.0

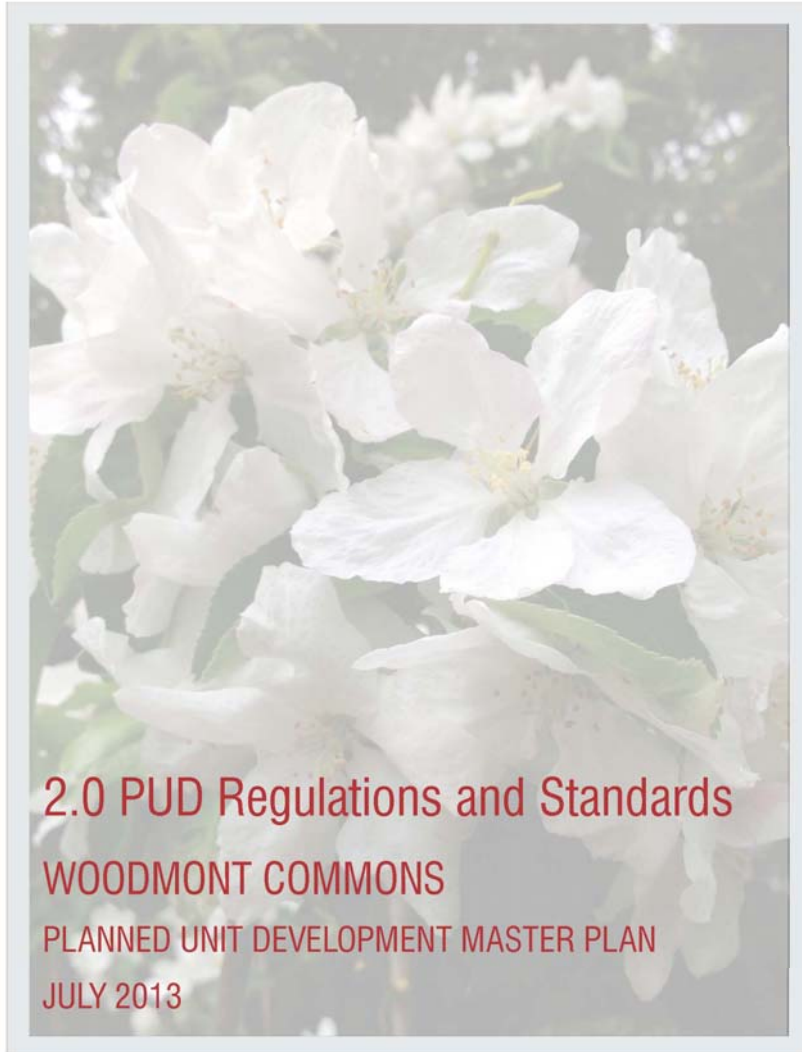
Mitigation

Thresholds

Reference to
Development Agreement

Reference to Sections
4.2 and 4.3

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Section 2.0

PUD Regulations and Standards

Land Use

PUD Subdivision

PUD Site Plan

2.1.3 Planning and Design Principles

The PUD Master Plan has been prepared to fulfill specific community and public interests associated with the *Londonderry Zoning Ordinance* and the relevant plans and policies that contributed to the preparation and adoption of Section 2.8 of the PUD Master Plan. The following Planning and Design Principles are intended to provide guidance and be employed as supplemental criteria for two circumstances:

- **Interpretation of PUD Regulations and Standards** – In some cases, interpretation of specific PUD Regulations and Standards may be required based on the unusual circumstances of a specific project proposal. In such cases, the Planning and Design Principles can be employed by the Planning Board as a guidance document.
- **Review and Approval of Compliance Alternatives** – In some cases, the underlying public purposes may be accomplished as well or better through alternative design and development approaches that have not been envisioned with the range of PUD Regulations and Standards within this document. As a result, applicable portions of the PUD Regulations and Standards may also be implemented through Compliance Alternatives that are agreed to by both the Planning Board and the project proponents. In such cases, the Planning Board shall use the following Planning and Design Principles as the criteria for determining that the Compliance Alternative achieves the underlying public purposes for any specific Regulation or Standard.

The applicable Planning and Design Criteria address the following:

- **Aesthetically attractive features** – The features of the PUD Subdivision and/or PUD Site Plan will enhance the aesthetics of the Woodmont Commons PUD as viewed from publicly accessible roads, streets, paths or open space within or adjacent to the PUD.

2.1.4 Applicability

The PUD Regulations and Standards shall be applied to any proposed change in land use or improvements that would otherwise be subject to compliance or approval by the Town under the *Londonderry Zoning Ordinance, Subdivision Regulations and Site Plan Regulations* effective on October 3, 2012.

Waivers/Modifications/Compliance with Specified Development Standards

Consistent with the purposes of a Planned Unit Development (PUD) as expressed in Section 2.8.2 of the *Londonderry Zoning Ordinance*, including allowing "a landowner to propose his/her own development project largely independent from current land use regulations otherwise applicable to that property," and to otherwise fulfill the objective of creating a "special zoning district ... in terms of uses, dimensions, other development standards," the PUD Master Plan waives and modifies, pursuant to Section 2.8.7.4.1 and 2.8.7.4.2, certain of the existing development standards contained within the *Londonderry Zoning Ordinance, the Londonderry Site Plan Regulations (LSPR)*, and the *Londonderry Subdivision Regulations (LSR)*. To the extent that a development standard is not specifically waived and modified, or the applicable standard is not otherwise determinable, the most appropriate existing and underlying standard shall be applied as determined by the Planning Board. See Section 2.8.10.2. Following approval of the PUD, and with respect to the Planning Board's receipt and review of any PUD Site Plan or PUD Subdivision application concerning the development of lands within the PUD, the Planning Board shall evaluate conformity with the PUD Master Plan, as the same may be amended from time to time.

Application of the following development standards of the *Londonderry Zoning Ordinance* are hereby waived in favor of the alternative design standards contained within the approved PUD Master Plan:

Londonderry Zoning Ordinance Section	Explanation of Waiver or Modification
Section 1.2 – Impact Fees	Impact fees chargeable for site-specific development will be calculated during PUD Site Plan and/or PUD Subdivision reviews in accord with Section 4.5 <i>Development Agreement</i> .
Section 1.3 – Residential Development Phasing	Phasing of residential units shall not be limited by the express calculation of Section 1.3.3.
Section 1.5.2 – Conditional Use Permits	Approval of the PUD Master Plan, and its process for amendments to the PUD, suspends the need for conditional use permits or zoning variances and special exceptions. See <i>Londonderry Zoning Ordinance Section 2.8.3.9</i> ; see also PUD Master Plan amendment procedure in Section 2.5 <i>Administration</i> . The exception to this waiver is any Conditional Use Permit that may be required for the disruption of prime wetlands or prime wetland buffers.

2.1.5 PUD Definitions

Definitions are for the purposes of the PUD Master Plan only. The intent is to define those words and phrases that are either not defined in the *Londonderry Zoning Ordinance* or where the PUD Master Plan requires a variation or clarification of meaning.

The general definitions of the *Londonderry Zoning Ordinance* shall pertain to the PUD Master Plan unless otherwise defined herein. Undefined words and phrases within the PUD Master Plan or the *Londonderry Zoning Ordinance* shall have ordinary dictionary meanings.

APPLICANT/PRIMARY APPLICANT: Pillsbury Realty Development, LLC ("Pillsbury"), on behalf of the Developers, serves as the Primary Applicant and principal liaison to the Town of Londonderry with respect to planning and land use approvals.

BLOCK: The aggregate of public frontage, private lots and access lanes.

BLOCK PERIMETER: The distance around the perimeter of a block, measured at the curb.

BLOCK DEPTH: The short dimension of a block that includes the block and public frontages as measured along the curb from back of curbs to back of curbs.

BLOCK LENGTH: The long dimension of a block that includes the block and public frontages as measured along the curb from back of curbs to back of curbs.

BUSINESS CENTER DEVELOPMENT: A tract of land, buildings or structures for business activities planned as a whole and intended to include those uses allowed in the Woodmont Commons PUD whether built at one time as a unit or in two or more development stages.

BUILD-TO ZONE: The zone on the lot between the minimum and maximum setback as measured from the lot line in which the façade or elevation of the permanent structure must be located.

CONFERENCE/CONVENTION CENTER: A facility designed and used for conventions, conferences, seminars, product displays, recreation activities and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption. The facility may include hotel functions.

CULTURAL USES AND PERFORMING ARTS: Facilities, both indoor and outdoor, for public assembly and group entertainment including civic theaters and facilities for "live" theater and concerts, motion picture theaters, public and semi-public auditoriums and similar public assembly uses.

DEVELOPERS: Pillsbury Realty Development, LLC ("Pillsbury"), Hyrax Derry Partners, LLC, Demoulas Supermarkets, Inc., and Robert D. and Stephen R. Livens (collectively, the "Developers").

DWELLING UNIT, ACCESSORY: A dwelling unit that is incidental to, subordinate to, and customarily found in connection with a single family dwelling and which is situated on the same lot as the single family dwelling. See Section 2.4.2 *Buildings and Lots*.

EDUCATION AND TRAINING FACILITIES: Public or private (for profit or nonprofit) educational institutions offering instruction in the following: art, ballet and other dance, computers and electronics, drama, driver

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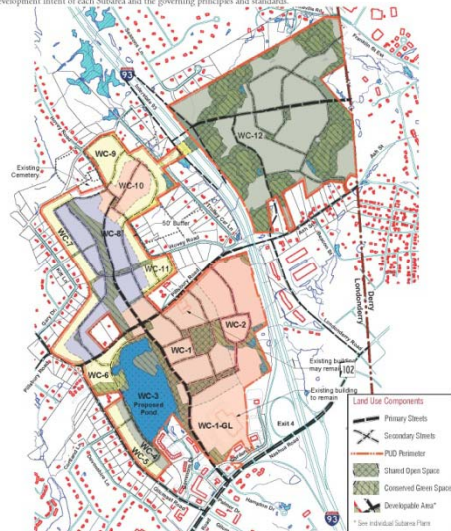
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2.2.2 Land Use Plan

Subareas with the Land Use Components shown. See Section 2.2.4 Subarea Composition Standards and Principles for the development intent of each Subarea and the governing principles and standards.



2.2.3 Land Use Standards

Allowable Uses Table

The Allowable Uses Table presents the allowable uses by Subarea. The subsequent sections including the Subarea Standards, and Street, Block, Open Space and Building/Lot Types are subject to and governed by the Allowable Uses Table. For example, an Institutional Building may not be proposed in a Subarea that does not allow institutional uses.

LAND USE CATEGORIES	LIMIT OF MEASURE	Total PUD MINIMUM DEVELOPMENT	SUBAREA DEVELOPMENT STANDARDS														
			WC-1-OL	WC-1	WC-2	WC-3	WC-4	WC-5	WC-6	WC-7	WC-8	WC-9	WC-10	WC-11	WC-12		
RESIDENTIAL																	
New Primary Detached	Units	1,200															
New Accessory Units	Units	150															
Existing Units	Units	0															
Maximum Total	Units	1,400															
INSTITUTIONAL																	
Hospital	Bed(s)/GSF	300/250,000															
Existing Homes and Ancillary Units	GSF	250,000															
Maximum Total	GSF	500,000															
CIVIC																	
All Types																	
ACCOMMODATIONS																	
Hotel (all types) ¹	No. Rooms	3750															
PUD Hotel and Lodging ²	Rooms	200															
COMMERCIAL USE																	
New Commercial Uses	GSF	600,000															
Office Building Space	GSF	100,000															
Existing Commercial Uses	GSF	272,000															
Maximum Subtotal	GSF	1,874,000															
Flexibility Factors³			1.5	3.0	3.0	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5

¹ - Allowed in all subareas except for the East End Subarea Community Type
² - Allowed in all subareas except for the East End Subarea Community Type

2.2.3 Land Use Standards

Allowable Densities Table

The Allowable Densities Table includes maximum amounts of developments and minimum amounts of Open Space by Subarea. The development maxima for a "No East 4A" scenario are included to the far right and serve as the limit on development until East 4A is constructed.

LAND USE CATEGORIES	LIMIT OF MEASURE	Total PUD MINIMUM DEVELOPMENT	SUBAREA DEVELOPMENT STANDARDS					
			WC-1-OL	WC-1	WC-2	WC-3	WC-4	WC-5
Total Land Area	Acres	830	38	77	51	38	9	8
Agricultural	All Types	N/A						
Residential								
New Primary Detached	Units	1,200						
New Accessory Units	Units	150						
Existing Units	Units	0						
Maximum Total	Units	1,400						
Institutional								
Hospital	Bed(s)/GSF	300/250,000						
Existing Homes and Ancillary Units	GSF	250,000						
Maximum Total	GSF	500,000						
Civic								
All Types ³								
Accommodations								
Hotel (all types) ¹	No. Rooms	3750						
PUD Hotel and Lodging ²	Rooms	200						
Commercial Use								
New Commercial Uses	GSF	600,000						
Office Building Space	GSF	100,000						
Existing Commercial Uses	GSF	272,000						
Maximum Subtotal	GSF	1,874,000						
Flexibility Factors³			1.5	3.0	3.0	1.5	1.5	1.5

OPEN SPACE AND BUFFER CATEGORIES	LIMIT OF MEASURE	Total PUD MINIMUM AREA	SUBAREA OPEN SPACE AND BUFFER STANDARDS					
			WC-1-OL	WC-1	WC-2	WC-3	WC-4	WC-5
Open and Open Space⁴								
Conserved Open Space	Acres	67	1.0	2.0	2.0	1.0	1	
Shared Open Space	Acres	63	1.5	1.5	1.2	1.2	2.5	
Total	Acres	130	1.5	1.5	4.0	2.0	2.5	
Perimeter Buffers	Acres	31		1.8	1.4	1.0	2.8	

¹ Hospital: substitution of the maximum area allocated for Hospital use will require a PUD Master Plan amendment.
² Civic: Civic uses have no area limitation, subject to traffic and utilities mitigation as described in the Development Agreement.
³ Hotel: A maximum of three hotels is permitted in the PUD. The total of all hotel rooms within the PUD may not exceed 550 rooms.
⁴ PUD Bed and Breakfast is allowed without limit within Subareas within which they are an allowed use.
⁵ At least one half acre of Shared Open Space or publicly accessible Conserved Green Space must be provided within one quarter mile of the front door of any approved building on a PUD Subdivision or PUD Site Plan application. At least one half acre of Active Open Space must be provided within one half mile of the front door of any approved building on a PUD Subdivision or PUD Site Plan application. Publicly accessible Shared Open Space and Conserved Green Space must be connected to a street or sidewalk network.

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SUBAREA: WC-5



Regulating Type Allowed

STREET TYPES (SECTION 2.3.3)

1. Boulevard	
2. Avenue	0
3. Two-way Street	0
4. One-way Street	0
5. Access	0

BLOCK TYPES (SECTION 2.3.2)

1. Village Center	
2. Neighborhood	0
3. Flex	
4. Perimeter	
5. Perimeter Neighborhood	0
6. Conserved Green Space/Shared Open Space	0


OPEN SPACE TYPES (SECTION 2.3.8)

1. Conserved Green Space	0
2. Green	0
3. Square	
4. Plaza	
5. Playing Field	0
6. Playground	0
7. Park	0
8. Shared Use Path	0
9. Recreation Trails	0

BUILDINGS AND LOT TYPES (SECTION 2.4.2)

1. Single Family Detached	0
2. Duplex	
3. Townhouses	
4. Multi-family	
5. Small Building	
6. Medium Building	
7. Large Building	
8. Civic Building	
9. Dedicated Office Building	
10. Large Commercial Building	
11. Institutional Building	
12. Parking Structure	
13. Flex Building	

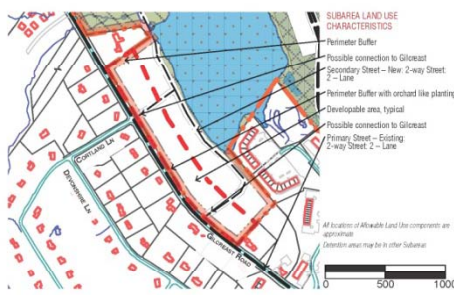
INTENT: This Subarea is intended to create a residential neighborhood that is compatible with the context of existing residential properties.



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Land Use Plan



SUBAREA LAND USE CHARACTERISTICS

- Perimeter Buffer
- Possible connection to Gilcrest
- Proprietary Street - New 2-way Street - L- LINE
- Perimeter Buffer with orchard like planting
- Possible connection to Gilcrest
- Primary Street - Existing 2-way Street 2 - Lane

All locations of Allowable Land Use components an appropriate location may be in other Subarea

SUBAREA WC-5

SUBAREA DEVELOPMENT

Subarea Development Maxima Total	
RESIDENTIAL	NO LIMIT
RESIDENTIAL	11 UNITS
INSTITUTIONAL	NOT ALLOWABLE
CIVIC	NO LIMIT
COMMERCIAL/INDUSTRIAL	NOT ALLOWABLE
COMMERCIAL USE	NOT ALLOWABLE
Subarea Open Space Minima Total	
SHARED OPEN SPACE	0
CONSERVED GREEN SPACE	0

See Section 2.2.3 Land Use Standards: Allowable Uses Table and Allowable Densities table for more details.

LAND USE COMPONENTS

- PUD Perimeter
- Subarea Boundary
- Subdivision Lot Line
- Primary Street
- Secondary Street
- Shared Open Space
- Conserved Green Space
- Existing Buildings
- Developable Area

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SUBAREA: WC-5

2.2.4 Subarea Composition Principles and Standards

COMPOSITION PRINCIPLES

The Subarea is intended to provide a residential neighborhood that provides similarly scaled and disposed uses comparable to the existing residential uses that abut the Woodmont Commons PUD Boundary at this location. The overall composition of streets, blocks and open spaces will include the following principles:

- Compatible Use** - This is an area that is restricted to residential uses of a similar scale and character to neighboring properties including single family and accessory residential units.
- Compatible Height** - The maximum height within this Subarea respects the modest scale of the context with a maximum of 35 feet.
- Compatible Site Configuration** - The minimum frontage (150 feet for single family residential) and minimum setback (50 feet front setback as indicated on the Land Use Plan) provide an overall scale of lots and placement of buildings that is compatible and respectful of the adjacent context.
- Perimeter Buffer** - All buildings on lots with a perimeter buffer must be set back 50' from the PUD boundary. Along Gilcrest Road, the perimeter buffer should include orchard like plantings.

COMPOSITION STANDARDS

PRIMARY STREET NETWORK The Primary Streets are as identified on the Land Use Plan on the preceding page and as may be confirmed or modified by Supplemental TIAs. In this Subarea, the primary street network is an existing street at the boundary of the Woodmont Commons PUD, Gilcrest Road. No more than two egress routes to Gilcrest Road will be provided within this Subarea.

SECONDARY STREET NETWORK The secondary street network should be designed to create access to residential neighborhood blocks and to limit the direct access onto Gilcrest Road. The secondary street network will be designed to accommodate traffic generated by uses in accordance with Supplemental TIAs.

STREET AND PUBLIC FRONTAGE The relationships between streets and the public frontages should be assembled as follows:

- Frontages along the Primary Network** - Buildings must be set back beyond the 50' buffer at Gilcrest Road. The frontage should be landscaped to reinforce the residential neighborhood quality of this Subarea.
- Frontages along the Secondary Network** - The frontage should be landscaped to reinforce the residential neighborhood quality of this Subarea.

PEDESTRIAN NETWORK Sidewalks do not exist along Gilcrest Road, independent shared use paths or sidewalks at egress locations onto Gilcrest Road are required to provide pedestrian access into the Woodmont Commons PUD and to connect to the larger pedestrian network within the PUD. The pedestrian network should connect uses with open space.

BICYCLE NETWORK Bike paths or routes do not exist along Gilcrest Road. Bicyclists will share the streets within this Subarea as traffic volume and speeds will be low enough to permit both. Access at egress locations onto Gilcrest Road will be connected to the larger bicycle network within the Subarea.

PARKING On-street parking shall be provided on the internal street network but not on Gilcrest Road.

OPEN SPACES No other minimum open space requirements are defined within this Subarea as indicated by the Land Use Plan.

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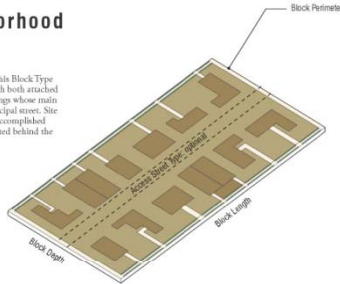
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2.3.2 BLOCK TYPE: Neighborhood

DESCRIPTION This Block Type may contain lots with both attached and detached buildings whose main facade faces the principal street. Site circulation may be accomplished by private lanes located behind the building.

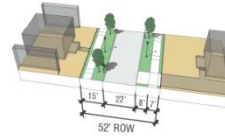


SIZE AND DIMENSION	
Block Perimeter	Typical: 1,500 linear feet Maximum: 3,000 linear feet
Block Depth - Maximum	500 feet
Block Length - Maximum	1,000 feet
ACCESS AND SERVICE	
Primary Entry Orientation	To street
Service Area/Route	Block can be permeated by Access Streets and pedestrian passage
Pedestrian Circulation	At block perimeter and intersections
OPEN SPACE	
Open Space Types Allowed	Green, Square, Playing Fields, Playground, Park
Open Space Required	Refer to PUD Subarea rules and requirements
SUBAREAS	
Allowed in Subarea(s)	WC-1, WC-4, WC-6, WC-7, WC-8, WC-10, WC-11, WC-12

2.3.3 Transportation Network

STREET ASSEMBLY | EXAMPLE: Residential Street

STREET TYPE	FRONTAGE TYPE	PUBLIC	PRIVATE
• 2W-5	PF-4	PV-4/PV-4	



DESCRIPTION This is a secondary street for low density residential uses with front loaded lots and along a PUD Boundary and with two-way travel in a shared yield lane intended for a lower capacity street.

STREET DESIGN STANDARDS	
Travel Lanes	22'
Parking Lanes	Parallel, one sides, posted
ROW Width	52'
Pavement Width	22'
Traffic Flow	Two Way
Curb Type	Vertical
Curb Radius (feet)	5-20'
Vehicular Design Speed	20-25 mph
Pedestrian Crossing Time	6 seconds
Road Edge Treatment	Curb
Bike Way Type	Shared lane
Bike Way Width	-
STREETSCAPE DESIGN ELEMENTS	
Planter Type	Continuous
Planting Pattern	Trees at 44' O.C. average
Planter Strip / Box Width	Continuous
Tree Type	Vary species, drought / salt tolerant
Utilities	Underground
Street Light Type	Pedestrian scale ornamental
Street Light Spacing	44' interval (as per light level)
Sidewalk Placement	Both sides
Sidewalk Width	6'
Sidewalk Encroachment	None
SUBAREAS	
Allowed in Subarea(s)	All Subareas except WC-3

2.3.6 Conserved Green Space and Open Space

OPEN SPACE TYPE: Park

DESCRIPTION Open space available for passive recreation. A park may be independent of surrounding building frontages. Its landscape may consist of meadows, water bodies, wetlands, and woodlands, all naturally disposed.



Character Examples



LOCATION	
Characteristics	Located where regulated natural features create an opportunity
REQUIREMENTS	
Minimum Size	2 acres
Suggested Frontage on at Least	May be independent of street network
Publicly Accessible	Yes
Accessway required	No
Accessway(s) allowed	Perimeter sidewalks, trail, independent shared use path
ELIGIBLE FEATURES	
Include:	Conserved Green Space, water bodies, wetlands, active recreation and buffers that may be linear following natural corridors, boat launch, civic uses, open shelters, retail and food kiosks, fenced dog parks, playgrounds and playing fields, community gardens, access and crossing streets, easements, parking and stormwater features
SUBAREAS	
Allowed in Subarea(s)	All Subareas

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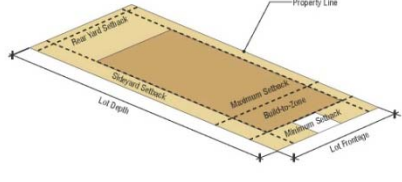
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2.4.2 BUILDING TYPE:			
Single-Family Detached			
<p>DESCRIPTION Dwelling units that are consistent with traditional residential development patterns. Façade orientation to the street, walkways to entrances and landscaping to define street edges and open spaces contribute to the neighborhood scale. Site may have a detached or attached accessory garage structure.</p>			
		 <p>Character Examples</p>	
ARCHITECTURAL STANDARDS			
PLACEMENT OF SPECIFIC USES		TRANSPARENCY AND ARTICULATION	
Ground Floor Limitations	Residential	Ground Floor Transparency (% of façade)	Not applicable
Building Height		Upper Floor Transparency (% of façade)	Not applicable
Primary Building Height (maximum)	3 stories / 35'	Street Frontage Wall Length Without Offset (feet)	Not applicable
Ground Floor Height (feet)	Not applicable	Street Frontage Wall Offset – length/depth (feet)	Not applicable
Upper Floor Height (feet)	Not applicable	BUILDING ENTRANCES	
Finished Floor Elevation (above grade at front façade)	18' minimum	Street Facing Entry Required	Yes
Main Roof Pitch	4:12 min / 12:12 max	Entrance Spacing (maximum feet)	Not applicable
Flat Roofs Permitted	No		
ARCHITECTURAL GUIDELINES			
BUILDING DISPOSITION AND CONFIGURATION		PLACEMENT OF WINDOWS AND DOORS	
Building shall be oriented to the street with pedestrian access and entry. Vehicular access may be provided at the frontyard, sideyard or rear yard.		Windows shall be placed in a regular pattern of punched openings. Windows and doors shall be scaled to reinforce a residential and pedestrian character.	
RELATIONSHIP TO STREET		ROOF FORM	
Primary building façade shall be oriented to address the street including the building entry. Semi-private outdoor space shall be oriented to the street if provided at the frontyard.		Main roof shall be pitched. Roof style and pitch may vary.	
TREATMENT OF GROUND FLOOR		ALLOWABLE SIGNAGE TYPES	
None		Address signs	
SCALE AND PROPORTION		ALLOWABLE LIGHTING TYPES	
Massing of building shall be consistent with neighboring homes and existing development. Buildings shall have a pedestrian scale in building height and bulk.		Building lighting, site lighting and pedestrian lighting	
VERTICAL AND HORIZONTAL EMPHASIS		ENCROACHMENTS INTO FRONT SETBACK AND SIDEYARDS FACING THE STREET (SECTION 2.4.3)	
None		Porches, stoops, stairs	
LOCATION AND ARTICULATION OF ENTRY		ENCROACHMENTS IN PUBLIC RIGHT OF WAY	
Building entry shall be oriented to the principal street. The building massing shall reinforce the prominence of the entry as a building feature.		None	

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2.4.2 LOT TYPE:			
Single-Family Detached			
			
LOT STANDARDS			
Lot Frontage (feet)	40 minimum unless Subarea standards differ		
Lot Depth (feet)	80 minimum unless Subarea standards differ		
Lot Area (square feet)	3,200 minimum unless Subarea standards differ		
BUILDING PLACEMENT ON LOT			
Front Yard Setback (feet)	10 minimum/25 maximum unless Subarea standard differs		
Side Yard Setback (feet)	10 minimum unless Subarea standard differs		
Rear Yard Setback (feet)	5 minimum unless Subarea standard differs		
Side-Street Yard (feet on corner lots)	20 minimum		
Build-to-zone (feet)	10 minimum / 25 maximum		
Build-to-zone Occupancy (%)	30% minimum		
PARKING PLACEMENT ON LOT			
Front Parking Setback from primary façade (feet)	20 minimum		
Side and Rear Parking Setback (feet)	5 minimum		
PARKING PLACEMENT ON SIDE STREETS			
Front Lot Setback (feet)	Not applicable		
SUBAREAS			
Allowed in Subarea(s)	All Subareas except WC-1, GL, and WC-3		
July 2013		July 2013	

2.0 PUD Regulations and Standards		2.4 PUD Site Plan Regulations and Standards	
2.4.6 PUD SITE PLAN LANDSCAPE			
Description			
PUD Site Plan Standards for landscaping are designed to create an attractive setting for the Woodmont Commons PUD.			
Purpose			
Landscape Standards enhance the quality of the environment, provide shade for pedestrians, reduce heat island effects, screen parking and utilities, and soften building and structure edges.			
Applicability			
These landscape standards apply to landscaping for PUD Site Plans within private lots in the Woodmont Commons PUD.			
Standards			
PUD Site Plan landscaping shall be in accordance with the following:			
<ul style="list-style-type: none"> The Woodmont Commons PUD is designed as an integrated mixed-use walkable community. Screening shall not be required between uses, to soften the visual impact of building, or in any front setback within the boundary of the Woodmont Commons PUD. Preservation of existing vegetation may include but not be limited to areas where access or utilities are not required. Conserved Green Space and along major storm drainage features where access or utilities are not required. Vegetation may be removed to permit public access trails and structures. Screening along public rights-of-way within the Woodmont Commons PUD shall only be required to be three (3) feet in height at parking areas to permit increased visibility and security within the parking areas in front of or beside buildings. Screening may be accomplished with Landscaping, walls or a combination thereof. No landscaped screening is required for parking lots within the interior of blocks and parking decks located behind buildings. Other parking lots may be landscaped in compliance with the following guidelines: <ul style="list-style-type: none"> Each parking lot shall provide landscaping within and/or around the parking lot at a minimum ratio of 5 percent of the gross area of the parking lot. Landscaping shall be evenly dispersed throughout each parking lot. Orchard-style planting (placement of trees in uniformly-spaced rows) is encouraged for larger parking areas. Internal parking lot landscaping as required above, shall contain one deciduous shade tree for every 15 parking spaces. Trees shall be distributed throughout the parking lot as evenly as possible. Trees shall be set back at least 5 feet minimum from the face of the curb. Tree placement and parking lot lighting shall not conflict. Perimeter shade trees shall not be required where buildings or street trees are present. Where perimeter shade trees are required, they shall be provided around the perimeter of parking areas at a minimum ratio of one tree per fifty (50) feet of parking lot perimeter, unless existing trees disrupt this ratio. Parking lot screening is not required except as indicated above or where the parking lot abuts the Woodmont Commons PUD boundary. 			
Screening shall be required along the PUD Perimeter Buffer where non-residential uses or residential uses of higher density in the Woodmont Commons PUD back up to residential uses outside the Woodmont Commons PUD boundary. Existing landscaping, topography and other natural or cultural features			
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Next Steps

Continue to work with Staff to review comments

Deliver document to Planning Board

Review PUD Master Plan with Planning Board at August meeting

Questions and Answers



Planning Board Meeting Minutes - July 10, 2013 - Attachment #2

Jaye Trottier

Subject: FW: Woodmont Commons

From: walterstocks39@comcast.net [<mailto:walterstocks39@comcast.net>]

Sent: Saturday, July 06, 2013 11:12 PM

To: Art Rugg; jfarrell@londonderrynh.org

Cc: mjws2000@comcast.net; lynnbwiles@myfairpoint.net; lelizem@hotmail.com; Chris davies nh; chemchief@comcast.net; RBrideau@londonderrynh.org; lafferij@myfairpoint.net; Reanew2@comcast.net; sbenson@bensonslumber.com; leithareilly@hotmail.com; tfreda@londonderrynh.org; tdolan@londonderrynh.org; jgreen@londonderrynh.org; jjbutler@londonderrynh.org; jack@Falvey.org

Subject: Woodmont Commons

Londonderry Planning Board Members and Londonderry Town Council Members,

The Londonderry taxpayers should not be put in the position of financially supporting Woodmont Commons or any other project in town. If, the existing roads need to be upgraded or the fire department needs a new fire truck, etc, because of Woodmont Commons, or any other development, the developer of these projects; should be responsible for the cost of these items, not the Londonderry taxpayer.

It is good that the Woodmont Commons project should be tax positive in 20 years. But, the problem is getting to this 20 year built out. It is not the responsibility of the Londonderry taxpayer to subsidize this project or any other project. It is up to the developer of these projects.

The Londonderry taxpayer should be given a binding vote to decide if they want this project or not, as proposed by the Woodmont Commons developer, BEFORE the Londonderry Planning Board votes on this project.

Also, the cost increase because of Woodmont Commons, from Pennichuck Water, Public Service of New Hampshire, Comcast, Verizon and the Londonderry Sanitary Sewer should not be passed on to the existing customers. It should be payed by the developer of Woodmont Commons and the new customers of these services.

Finally, the PUD should be repealed before another developer tries to develop another tract of land in Londonderry with a mega development.

Londonderry Planning Board please read this ENTIRE e-mail into the minutes of your July 10, 2013 meeting during the discussion on Woodmont Commons.

Thank you,
Walter & Marilyn Stocks
39 Gordon Dr
Londonderry, NH
03053

Planning Board Meeting Minutes - July 10, 2013 - Attachment #3

Jaye Trottier

Subject: FW: Woodmont Commons

From: James Tomaswick [<mailto:jtomaswick@aol.com>]

Sent: Sunday, July 07, 2013 8:25 PM

To: Art Rugg; jfarrell@londonderrynh.org

Cc: mjws2000@comcast.net; lynnbwiles@myfairpoint.net; lelizem@hotmail.com; Chris.davies.nh@gmail.com; chemchief@comcast.net; RBrideau@londonderrynh.org; lafferij@myfairpoint.net; Reanew2@comcast.net; sbenson@bensonslumber.com; leithareilly@hotmail.com; tfreda@londonderrynh.org; tdolan@londonderrynh.org; jgreen@londonderrynh.org; jjbutler@londonderrynh.org; jack@Falvey.org

Subject: Woodmont Commons

Londonderry Planning Board Members and Londonderry Town Council Members,

Our family moved to Londonderry over 43 years ago. At the time there were no stop lights on Route 102 between Hudson and Derry. The area was open and green and it was, to us, an ideal place to raise a family. That's why we moved here.

Things change. Some call it progress.

We live on Devonshire Lane - a block away from the proposed Woodmont Commons. We guess we are not "technically" abutters, but we will be adversely and directly affected.

When Home Depot decided to build its big box store off of Rt.102, we and our neighbors petitioned the town to close off Devonshire Lane to thru traffic because it had become a cut-through for speeders trying to skip the lights at Gilcreast Road and Rt 102. Home Depot stepped up and purchased the land at the end of Devonshire so that the Town could block the street from the potential barrage of traffic. We believe Home Depot did this because they wanted to be good neighbors and the Town supported its citizens.

As far as we have seen, Woodmont Commons has not offered a single thing in an attempt to be good future neighbors. Why should they spend money or give up land if they don't have to? Why should they care if they are good neighbors or not? Our take is that they will do nothing that costs them money unless they are made to do so. Neighbors be damned! AND, to our knowledge, the Town has yet to do anything to support its long-time taxpayers who have voiced concern after concern about the negative impact of this project.

Because of our proximity to the Market Basket Plaza, we endured the blasting that caused our well water to go black and our house to settle below our drainage pipe. We incurred significant plumbing and drainage costs because of their development and neither the Town nor the developer came forward with assistance. Is this going to happen again – FOR THE NEXT 20 YEARS?

It is our hope that the Town will do something other than smile and bob their heads when the Woodmont Commons representatives come before the Planning Board. We are hopeful (but not convinced) that YOU will protect your long term citizens and taxpayers against the potential damage and disruption this project will cause.

We concur with Jack Falvey that a 19 acre Apple Way Park on Gilcreast Road be preserved as a condition of the town's acceptance of the Woodmont master plan. We also ask that the Town require a fund be made available to offset the damage that will occur to those taxpayers like us (not just immediate abutters) who are negatively affected by this development.

Londonderry Planning Board please read this ENTIRE e-mail into the minutes of your July 10, 2013 meeting during the discussion on Woodmont Commons.

Sincerely,

James and Carol Tomaswick
24 Devonshire Lane
Londonderry, NH 03053

This email message and any attachments are confidential and intended for use by the addressee(s) only. If you are not the intended recipient, please notify me immediately by replying to this message, and destroy all copies of this message and any attachments. Thank you.

Planning Board Meeting Minutes - July 10, 2013 - Attachment #4

Jaye Trottier

Subject: FW: Woodmont Commons

From: Tom Freda
Sent: Tuesday, July 09, 2013 10:46 AM
To: James Tomaswick
Cc: Arthur Rugg
Subject: RE: Woodmont Commons

Dear Mr. Tomaswick

Thank you for your email.

Before responding to your concerns about the duration of the construction and its effects on you and your family, let me first address your request concerning the Apple Way Park.

Mr. Falvey has suggested Woodmont's PUD approval by the Planning Board must be condition on Woodmont establishing a 19 Acre Park, which you have echoed in your email. The Town's attorney has looked into this and has specifically advised that conditioning Planning Board approval on Woodmont's providing this park is illegal. Below is an excerpt from a press release on this issue.

"More than thirty-five years ago, the New Hampshire Supreme Court declared it unconstitutional for municipalities to condition approval of a land use plan on the taking of part of a developer's land or requiring an improvement that is not necessitated by the land use plan. *Robbins Auto Parts, Inc. v. City of Laconia*, 117 N.H. 235, 237 (1977). The Court explained its decision as follows:

The right of a citizen not to have his property taken from him for public use without just compensation is a fundamental right the roots of which reach back to Magna Carta. City officials have no legitimate interest in attempting to extort from a citizen surrender of this right as a price for site plan approval. Nor can such a condition be supported under the so-called police power. The right to just compensation is a constitutional restriction on the police power and is therefore superior to it.

The next year, the New Hampshire Supreme Court held that the rule it announced in *Robbins Auto Parts, Inc.* applies equally when the Planning Board "asks not that the developer improve a parcel of land but that he leave it unimproved." *Patenaude v. Town of Meredith*, 118 N.H. 616, 623 (1978)".

I believe this information was conveyed to Mr. Falvey a few weeks ago as well as distributed to the newspapers and put on line on the Town's website.. I am having it placed back on the Town's website as it was recently taken down.

Now to your other concerns. First, I disagree with you that the Planning Board members, (of which I am one) are simply sitting there smiling and bobbing our heads at the Woodmont representatives. The Woodmont representatives are submitting their application. Planning Board

members including me, are asking questions to follow-up on the presentations. Not one decision has as of yet been made or voted on. Additionally, Board members have listened to any citizens who show-up and have questions as well as had emails from citizens read into the record.

Second, the fact remains that as members of the Planning Board, all applicants are entitled to a fair hearing to present their plans to the Board, including the Woodmont applicants. My concerns have been and will continue to be that this project is fiscally tax positive from the beginning and not just 20 years from now and that any increased traffic be mitigated at the developers and not the taxpayers expense.

Third, as for more specific control over the development, in my experience, the time for that kind of control over development is best attained when the developer presents specific building plans for specific lots and not at this level, which according to the PUD ordinance, may be amended at any time.

I am not sure that I have addressed all of your concerns, but please feel free to contact me with any other questions I have missed.

Tom Freda, Councilor

Town of Londonderry

268B Mammoth Road

Londonderry, NH 03054

Cell (781) 710-8974

Email: tfreda@Londonderrynh.org

From: James Tomaswick [jtomaswick@aol.com]

Sent: Sunday, July 07, 2013 8:25 PM

To: Arthur Rugg; John W. Farrell

Cc: Mary Soares; lynnbwiles@myfairpoint.net; lelazem@hotmail.com; Chris Davies; Alan Sypek; Rick Brideau; John Laferriere; Maria Newman external; Scott Benson; Leitha Reilly; Tom Freda; Tom Dolan; Joseph V. Green; Jim J. Butler; jack@Falvey.org

Subject: Woodmont Commons

Londonderry Planning Board Members and Londonderry Town Council Members,

Our family moved to Londonderry over 43 years ago. At the time there were no stop lights on Route 102 between Hudson and Derry. The area was open and green and it was, to us, an ideal place to raise a family. That's why we moved here.

Things change. Some call it progress.

We live on Devonshire Lane - a block away from the proposed Woodmont Commons. We guess we are not “technically” abutters, but we will be adversely and directly affected.

When Home Depot decided to build its big box store off of Rt.102, we and our neighbors petitioned the town to close off Devonshire Lane to thru traffic because it had become a cut-through for speeders trying to skip the lights at Gilcreast Road and Rt 102. Home Depot stepped up and purchased the land at the end of Devonshire so that the Town could block the street from the potential barrage of traffic. We believe Home Depot did this because they wanted to be good neighbors and the Town supported its citizens.

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Londonderry Planning Board please read this ENTIRE e-mail into the minutes of your July 10, 2013 meeting during the discussion on Woodmont Commons.

Sincerely,

James and Carol Tomaswick
24 Devonshire Lane
Londonderry, NH 03053



Hayner/Swanson, Inc.

Civil Engineers/Land Surveyors

July 3, 2013
Job No. 4669-SP

Mr. Art Rugg, Chairman
Planning Board
Town of Londonderry
268B Mammoth Road
Londonderry, NH 03053

RE: Proposed Londonderry Townhomes Workforce Housing Site Plan
Mammoth Road
Tax Map 12, Lot 59-4

Dear Mr. Chairman:

On behalf of our client, NeighborWorks of Southern New Hampshire, we are requesting a Conditional Use Permit to allow a 78-unit rental workforce housing project in accordance with Section 2.3.3 (Inclusionary Housing) of the Londonderry Zoning Ordinance. The proposal meets the requirements of Section 1.5.2 (Conditional Use Permits) of the Londonderry Zoning Ordinance as follows:

- 1.5.2.2.1 Granting of the application would meet some public need or convenience.**
The proposed project addresses a public need for more diverse and affordable rental housing in the Town of Londonderry.
- 1.5.2.2.2 Granting of the application is in the public interest.**
The proposed project is in the public interest, as it helps the Town of Londonderry meet the State mandate to provide affordable workforce housing.
- 1.5.2.2.3 The property in question is reasonably suited for the use requested.**
The proposed project site meets all zoning requirements for area, density, and services required for a workforce housing project.
- 1.5.2.2.4 The use requested would not have a substantial adverse effect on the rights of the owners of surrounding properties.**
The requested use is a comparable multi-family residential use to the previously approved Whittemore Estates project, and should have similar impacts on surrounding properties.

4669-SP CUP Letter.doc

1.5.2.2.5 The traffic generated by the proposed use is consistent with the identified function, capacity, and level of service of transportation facilities serving the community.


The level of traffic generated by the proposed project is very similar to traffic generated by the previously approved Whittemore Estates project. A traffic report for the proposed project has been submitted and approved by the Town's traffic consultant. An amended driveway permit for the proposed project driveway at Mammoth Road has been applied for with NHDOT.

1.5.2.2.6 There must be appropriate provision for access facilities adequate for the estimated traffic from public streets and sidewalks, so as to assure public safety and to avoid traffic congestion.

The proposed site driveway, sidewalks, and other accommodations have been appropriately designed to address public safety and traffic concerns. The proposed design has been reviewed and signed-off by the Londonderry Fire and Police Departments, as well as the Town's traffic consultant.

Thank you for your consideration of this request.

Sincerely,



Earle D. Blatchford
Senior Project Manager
Hayner/Swanson, Inc.

cc: Jennifer Vadney, NeighborWorks Southern New Hampshire

Planning Board Meeting Minutes - July 10, 2013 - Attachment #6

Application for a Conservation Overlay District Conditional Use Permit Form A - For a Use permitted by Conditional Use Permit

Conditional Use permit is as part of a: Site Plan Subdivision

I. General Information:

A. Name of Project: Londonderry Townhomes

B. Location of Project: Mammoth Road 12 59-4
(Street) (Map #) (Lot #)

C. Applicant:

Name: NeighborWorks Southern New Hampshire

Address: 801 Elm Street, P.O. Box 3968
Manchester, NH 03105

Phone: (603) 626-4663

Fax: (603) 623-8011

Signature: _____

II. Required Information:

- Plans showing existing and proposed conditions.
- Wetland delineation certified by a Certified Wetlands Scientist and mapped by a licensed land surveyor.
- Areas on plans highlighted to show areas where conditional use permit is sought
- Narrative description of project and conditional use permit request.
- Criteria for conditional use permit described (see below).

III. Optional Information:

- Aerial Photographs
- Site Photographs

IV. Conditional Use Permit Criteria

Address, in the provided boxes, the following criteria in accordance with Section 2.6.3 of the Zoning Ordinance:

1. The proposed construction is essential to the productive use of land not within the CO District.

The CO Buffer encroachments are necessary to construct the main stormwater management area (required by the Town and NHDES regulations), construct smaller drainage swales adjacent to the proposed site access drive, and stabilize slopes adjacent to buildings and parking areas. The aforementioned buildings and parking areas are not located in the CO Buffer.

2. Design and construction materials will be such as to minimize impact upon the wetlands and will include restoration of the site consistent with the permitted use.

The site has been designed using best management practices, in accordance with NHDES guidelines, in an effort to protect nearby wetlands from the proposed development. Sideslope areas within the CO Buffer area will be stabilized within 72 hours of final grading, as called for on the Erosion Control Plan.

3. There is no feasible alternative route on land controlled by the applicant that does not cross the CO District nor has less detrimental impact upon the wetlands. Nothing in this section shall limit the applicant from exploring alternatives with abutting property owners:

The layout of the site entrance drive, parking, and buildings is primarily dictated by the location of the existing Town sewer interceptor that runs through the middle of the property; as well as the extensive wetlands located on-site. The layout has been designed to be as compact as practical, while meeting Town of Londonderry site development requirements.

4. Economic advantage is not the sole reason for the proposed location of the construction:

The site has been designed with the goal of minimizing CO Buffer impacts to the extent reasonable, while meeting the needs of the project proponent.

5. Square Footage of Wetland Impacts: _____

6. Square footage of Buffer Impacts: 33,740 sf

Conditional Use Permit Application Narrative
Londonderry Townhomes Site Plan
Mammoth Road, Londonderry, NH

The proposed project is for a 78-unit workforce housing project which is to be constructed on the northerly 20.1 acres of the previously approved 49.9 acre Whittemore Estates senior housing project. The Whittemore Estates site is proposed to be subdivided into two lots of 20.1 acres (Londonderry Townhomes in the north) and 29.8 acres (remainder of the Whittemore Estates site). The Londonderry Townhomes site is proposed to have a single access point off Mammoth Road at the same location as the previously approved Whittemore Road private access drive. The site driveway will be a 1,400 foot long cul-de-sac meeting Town of Londonderry standards. The buildings proposed are 5-unit and 7-unit, 2-story townhouse style buildings, to be constructed in two phases of 38 units and 40 units. 175 parking spaces are proposed. The site will be serviced by municipal sewer, Pennichuck Water Works water supply, and natural gas; and underground electric, telephone, and cable TV.

The site has approximately 4.7 acres of jurisdictional wetlands onsite, and is bounded along the easterly property line by wetlands associated with Little Cohas Brook, with the 100-foot buffer and a small portion of the wetland boundary extending onto the project site. The main buffer impact area is for the stormwater management area which is mandated by the Town of Londonderry and NHDES regulations to mitigate impacts of stormwater runoff by a proposed development. The stormwater management area is being proposed in approximately the same area as that of the previously approved Whittemore Estates project. Every effort has been made in the design of the stormwater management area to confine the buffer encroachment to the outer 50 feet of the 100-foot buffer. The remainder of the buffer encroachments are for smaller drainage and sideslope construction. No buildings or pavement areas encroach into the CO Buffer District. There are no proposed disturbances to jurisdictional wetland by this proposal. The total area of buffer impacts proposed is 33,740 s.f.

Planning Board Meeting Minutes - July 10, 2013 - Attachment #7

Application for a Conservation Overlay District Conditional Use Permit Form A - For a Use permitted by Conditional Use Permit

Conditional Use permit is as part of a: Site Plan Subdivision

I. General Information:

A. Name of Project: Amended Site Plan - Whittemore Estates

B. Location of Project: Mammoth Road 12 59-3
(Street) (Map #) (Lot #)

C. Applicant:

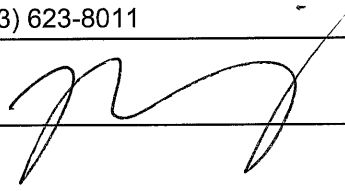
Name: NeighborWorks Southern New Hampshire

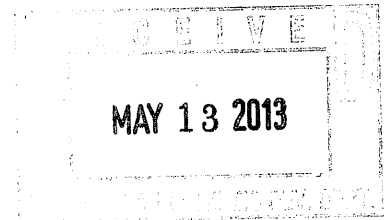
Address: 801 Elm street, P.O. Box 3968

Manchester, NH 03105

Phone: (603) 626-4663

Fax: (603) 623-8011

Signature: 



II. Required Information:

- Plans showing existing and proposed conditions.
- Wetland delineation certified by a Certified Wetlands Scientist and mapped by a licensed land surveyor.
- Areas on plans highlighted to show areas where conditional use permit is sought
- Narrative description of project and conditional use permit request.
- Criteria for conditional use permit described (see below).

III. Optional Information:

- Aerial Photographs
- Site Photographs

IV. Conditional Use Permit Criteria

Address, in the provided boxes, the following criteria in accordance with Section 2.6.3 of the Zoning Ordinance:

1. The proposed construction is essential to the productive use of land not within the CO District.

The proposed culverted driveway crossing provides access to an upland building area that otherwise would not be accessible due to the State's restrictions on the number of curb cuts allowed from Mammoth Road.

2. Design and construction materials will be such as to minimize impact upon the wetlands and will include restoration of the site consistent with the permitted use.

The driveway width and fill height have been minimized to the extent possible while meeting Town requirements. Slope stabilization areas adjacent buildings and parking areas have been minimized as much as possible.

3. There is no feasible alternative route on land controlled by the applicant that does not cross the CO District nor has less detrimental impact upon the wetlands. Nothing in this section shall limit the applicant from exploring alternatives with abutting property owners:

Due to the State's restrictions on driveway permits for the property, there is no way to access the upland building area without crossing the wetland.

4. Economic advantage is not the sole reason for the proposed location of the construction:

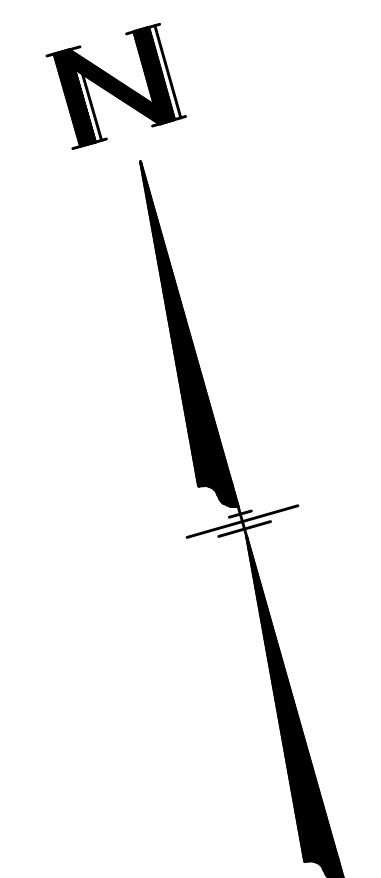
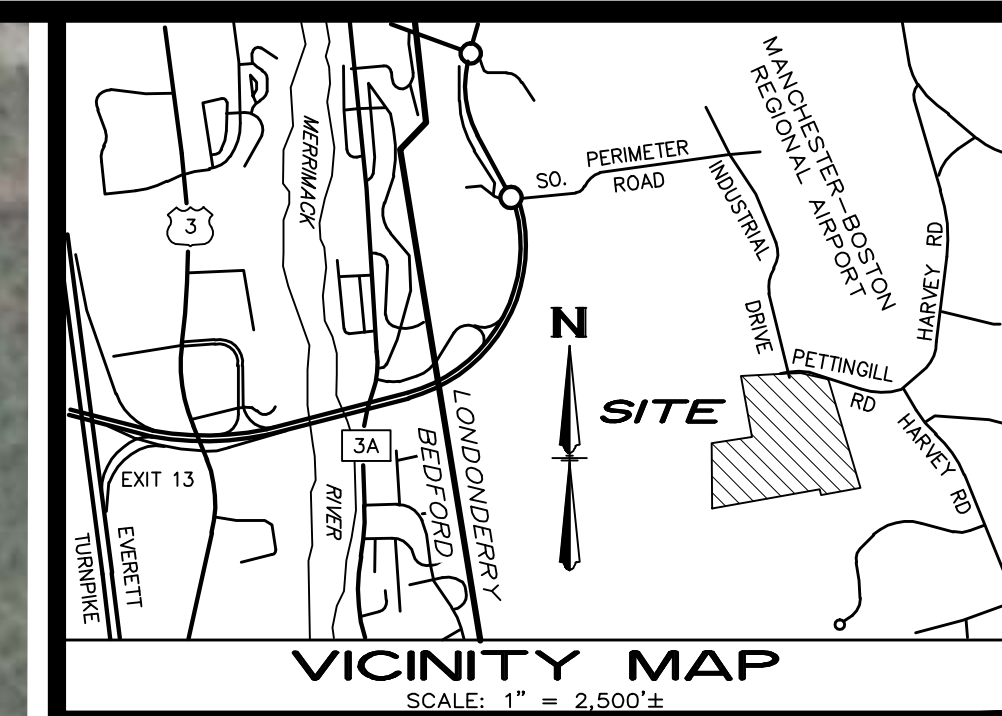
This project was previously approved and has been partially constructed (Phase I completed to-date). This request is to complete the southerly portion of the previously approved Whittemore Estates project (Phase II).

5. Square Footage of Wetland Impacts: 2,670 sf
6. Square footage of Buffer Impacts: 10,185 sf

Conditional Use Permit Application Narrative
Amended Whittemore Estates Site Plan
Mammoth Road, Londonderry, NH

The proposed project is an amendment to the previously approved Whittemore Estates senior housing project. The Whittemore Estates site is proposed to be subdivided into two lots of 20.1 acres (Londonderry Townhomes in the north) and 29.8 acres (remainder of the Whittemore Estates site). The remainder of the Whittemore Estates project is proposed by the Amended Site Plan, which consists of Phases I and II of the total six phases previously approved for the Whittemore Estates project. Phase I, which consists of Trailhaven Drive, a 6-unit townhouse building, and the stormwater management area, have already been constructed. Phase II, which consists of an additional 11 townhouse units, site drives, parking, and utilities has yet to be constructed. 43 total parking spaces are proposed. The site is serviced by municipal sewer, Pennichuck Water Works water supply, and natural gas; and underground electric, telephone, and cable TV.

The site has approximately 8.8 acres of jurisdictional wetlands onsite, including a portion of Little Cohas Brook / Marsh. The southeasterly portion of the site is comprised of a conservation easement area, which was conveyed to the Town as part of the original Whittemore Estates approval. The request is for renewal of a previously approved culvert crossing to access upland building area, and previously approved buffer encroachments for construction of slopes. Total wetland impact for the culverted crossing is 2,670 s.f. The total buffer impacts to unnamed wetlands is 10,185 s.f. The majority of the buffer impacts have already occurred, with the Phase II construction area being cleared at the same time as the Phase I construction occurred.



AERIAL MAP
 (MAP 14, LOTS 45-2 & 46)
DISTRIBUTION FACILITY
 INDUSTRIAL DRIVE
 LONDONDERRY, NEW HAMPSHIRE

PREPARED FOR:
SCANNELL PROPERTIES
 800 E. 96TH STREET, SUITE 175 INDIANAPOLIS, IN 46240

300 0 300 600 900 1,200 FEET
 150 0 150 300 METERS
 SCALE: 1"=300 Feet
 1"=91.440 Meters

27 JUNE 2013

HSI Hayner/Swanson, Inc.
 Three Congress Street Nashua, New Hampshire 03062-3301
 Tel (603) 883-2057 www.haynerswanson.com Fax (603) 883-5057

No.	DATE	REVISION	BY

FIELD BOOK: ----- DRAWING NAME: 5250CNPT-1 PHOTO 5250 1 OF 1
 DRAWING LOCATION: G:\5250\DWG\CONCEPT File Number Sheet

