

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

5 Members Present: Art Rugg; Mary Soares; Lynn Wiles; Chris Davies; Tom Freda,
6 Ex-Officio; Rick Brideau, CNHA, Ex-Officio; John Laferriere, Ex-Officio; Scott
7 Benson; Leitha Reilly, alternate member; Maria Newman, alternate member; and
8 Al Sypek, alternate member
9

10 Also Present: Cynthia May, ASLA, Town Planner and Planning and Economic
11 Development Department Manager; John R. Trottier, P.E., Assistant Director of
12 Public Works and Engineering; Kevin Smith, Town Manager; and Jaye Trottier,
13 Associate Planner
14

15 A. Rugg called the meeting to order at 7:00 PM. He appointed A. Sypek to vote
16 for Laura El-Azem.
17

18 **Administrative Board Work**
19

20 A. Approval of Minutes – November 6 and November 13, 2013
21

22 **L. Wiles made a motion to approve and sign the minutes from the**
23 **November 6, 2013 meeting. R. Brideau seconded the motion.** No
24 discussion. **Vote on the motion: 6-0-1.**

25 (R. Brideau abstained because he was absent from the November 6, 2013
26 meeting).
27

28 **L. Wiles made a motion to approve and sign the minutes from the**
29 **November 13, 2013 meeting. R. Brideau seconded the motion.** No
30 discussion. **Vote on the motion: 5-0-2.**

31 (L. Wiles and S. Benson abstained because they were absent from the
32 November 13, 2013 meeting).
33

34 Minutes for November 6, 2013 and November 13, 2013 were approved and
35 signed at the conclusion of the meeting.
36

37 B. Plans to Sign – Puglisi Subdivision Amendment, William J. and June L. Puglisi
38 (Owners and Applicants), Map 17 Lots 30-1 and 30-2, 33 and 41 Page Road,
39 Zoned AR-I [Conditionally Approved November 6, 2013]
40

41 J. R. Trottier said all precedent conditions for approval have been met and the
42 staff recommends signing the plans.
43

44 **L. Wiles made a motion to authorize the Chair and Secretary to sign**
45 **the plans. R. Brideau seconded the motion.** No discussion. **Vote on the**
46 **motion: 7-0-0.** A. Rugg said the plans would be signed at the conclusion of
47 the meeting.
48

49 C. Plans to Sign – Lorden Commons LLC Subdivision Plan Amendment, Lorden

1 Commons LLC (Owner and Applicant), Map 16 Lot 38, 17 Old Derry Road,
2 Zoned AR-I [Conditionally Approved August 7, 2013]

3
4 J. R. Trottier said all precedent conditions for approval have been met and the
5 staff recommends signing the plans.

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

11
12 D. Discussions with Town Staff

- 13
14 • Energy North Propane, 37 Rear Coteville Road, Map 13 Lot 96-1

15
16 C. May stated that Staff was contacted by Energy North Propane
17 about the need to replace a small (approximately 6 x 8) shed on the
18 rear or western portion of their property which is the only part that
19 lies within Londonderry. (The majority of the lot is in Derry). The
20 current shed is adjacent to propane tanks in the northwest corner of
21 the lot and Eastern Propane would prefer the new shed be located
22 away from the tanks on the southwest corner. Staff requested
23 permission from the Board to handle the issue administratively. The
24 consensus of the Board was to allow Staff to do so.

25
26 [M. Newman arrived at 7:06 PM]

- 27
28 • Londonderry Baptist Church site plan

29
30 J. R. Trottier stated that the Londonderry Baptist Church (Map 12 Lot
31 52) is proposing to construct a parsonage for their Pastor and
32 connect the residence and church to municipal sewer. Staff has
33 determined that the requirements for such a site plan fall within the
34 criteria for a minor site plan. They therefore requested that the
35 Board allow staff to handle the site plan administratively through the
36 Administrative Review Committee (ARC). A public hearing would be
37 held at the Town Offices and abutters notified via certified mail. The
38 consensus of the Board was to allow Staff to handle the site plan via
39 the ARC.

- 40
41 • 2014 Planning Board meeting schedule

42
43 A. Rugg noted that the 2014 schedule of Planning Board meetings
44 and submission deadlines was now available on the Town website.

45
46 **Public Hearings/Workshops/Conceptual Discussions**

- 47
48 A. Verne Orlosk (Owner, 7 Summer Drive, Map 13 Lot 71-49, Zoned AR-I), Kara
49 McKeown (Owner, 9 Summer Drive, Map 13 Lot 71-79, Zoned AR-I) and
50 Michael McKeown (Applicant) - Application Acceptance and Public Hearing for

1 formal review of a subdivision plan amendment to remove the requirement of
2 the previously approved 2012 subdivision plan to construct an approved
3 stormwater drainage system on map 13 lot 71-79.

4
5 J. R. Trottier stated that there were no checklist items, and that staff
6 recommended the application be accepted as complete.

7
8 **L. Wiles made a motion to accept the application as complete. R.**
9 **Brideau seconded the motion.** No discussion. **Vote on the motion:**
10 **7-0-0. The application was accepted as complete.**

11
12 A. Rugg stated that the public hearing would begin and appointed M. Newman
13 to vote for M. Soares until she arrived.

14
15 J. R. Trottier explained that the Town's subdivision regulations do not allow an
16 increase in the rate of runoff resulting from any improvements to a site,
17 including a subdivision, unless "appropriate drainage rights [are] secured and
18 indicated on the plan." The original subdivision of map 13 lot 71-49 approved
19 in 2012 included a detention pond. Since that time, the applicant has secured
20 an agreement with the direct abutter to the north, i.e. 13-75-1, to accept an
21 additional .70 cubic feet per second of flow onto their 24-acre property. The
22 residence on lot 75-1 is a significant distance from its shared border with
23 71-79 in the direction of Coteville Road, and M. McKeown confirmed that the
24 drainage from 71-79 can be wholly contained on 75-1. The proposed
25 amendment is therefore the elimination of the detention pond from the
26 approved plan and the inclusion instead of a note indicating a document
27 regarding the secured flowage rights has been recorded at the Rockingham
28 County Registry of Deeds. M. McKeown reiterated J. R. Trottier's explanation,
29 noting that the owner of 75-1 is in complete agreement with the proposal since
30 a wetland already exists on that lower lying property and the owner has no
31 plans to develop that portion of land.

32
33 [J. Laferriere and M. Soares arrived at 7:10 PM].

34
35 A. Rugg asked for Board input.

36
37 L. Wiles confirmed that a legal document will be required regarding the flowage
38 rights for final approval of the plan.

39
40 A. Rugg asked for public input. There was none.

41
42 **L. Wiles made a motion to conditionally approve the amended**
43 **subdivision plan with the following conditions:**

44
45 "Applicant", herein, refers to the property owner, business owner, or
46 organization submitting this application and to his/its agents, successors, and
47 assigns.

48
49 **PRECEDENT CONDITIONS**

50

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

5
6 1. The applicant shall secure flowage rights from the Owners of abutting lot
7 (Map 13 Lot 75-1). A fully executed document shall be recorded with the
8 Rockingham County Registry of Deeds and said document noted on the plan.

9
10 2. The Applicant shall include soil and wetland scientist stamps as appropriate.

11
12 3. The Applicant shall include the owner's signature on the plan.

13
14 4. The Applicant shall provide a digital (electronic) copy of the complete final
15 plan sent to the Town at the time of signature by the Board in accordance
16 with Section 2.05.n of the regulations.

17
18 5. The applicant shall provide a check for \$25 (made payable to the
19 *Rockingham County Registry of Deeds*) to pay for the LCHIP tax that
20 became effective on recording of all plans and documents at the registry on
21 July 1, 2008.

22
23 6. The applicant shall submit a check (made payable to the *Town of*
24 *Londonderry*) in the amount of \$26.00 in order to record the sheet to be
25 signed at the Rockingham County Registry of Deeds.

26
27 7. The applicant shall note all general and subsequent conditions on the plans
28 **(must be on a sheet to be recorded, or a separate document to be**
29 **recorded with the subdivision plans)**, per the new requirements of RSA
30 676:3.

31
32 8. Financial guaranty if necessary.

33
34 9. Final engineering review

35
36 **PLEASE NOTE:** Once these precedent conditions are met and the plans are
37 certified the approval is considered final. If these conditions are not met within
38 2 years to the day of the meeting at which the Planning Board grants
39 conditional approval the board's approval will be considered to have lapsed and
40 re-submission of the application will be required. See RSA 674:39 on vesting.

41
42
43 **GENERAL AND SUBSEQUENT CONDITIONS**

44
45 All of the conditions below are attached to this approval.

46
47 1. **No construction or site work for the amended site plan may be**
48 **undertaken until the pre-construction meeting with Town staff has**
49 **taken place, filing of an NPDES-EPA Permit and the site restoration**
50 **financial guaranty is in place with the Town.** Contact the Department

1 of Public Works to arrange for this meeting.

- 2
- 3 2. The project must be built and executed exactly as specified in the approved
4 application package unless modifications are approved by the Planning
5 Division & Department of Public Works, or if staff deems applicable, the
6 Planning Board.
- 7
- 8 3. All of the documentation submitted in the application package by the
9 Applicant and any requirements imposed by other agencies are part of this
10 approval unless otherwise updated, revised, clarified in some manner, or
11 superseded in full or in part. In the case of conflicting information between
12 documents, the most recent documentation and this notice herein shall
13 generally be determining.
- 14
- 15 4. It is the responsibility of the Applicant to obtain all other local,
16 state, and Federal permits, licenses, and approvals which may be required
17 as part of this project (that were not received prior to certification of the
18 plans). Contact the Building Division at extension 115 regarding building
19 permits.

20

21 **R. Brideau seconded the motion.** No discussion. **Vote on the motion:**
22 **8-0-1**, with J. Laferriere abstaining as he had not been present for the
23 majority of the discussion.

24

25 The plan was conditionally approved.

- 26
- 27 B. Team Business Development Corporation (Owner), Restaurant Depot
28 (Applicant), Map 7 Lots 132-1, 2, and 8-20 – Conceptual discussion of a
29 proposed 58,000+ square foot wholesale cash and carry food service supplier
30 and associated lot line adjustment plan on 42 and 40 Meadow Drive; 5 Button
31 Drive; 1, 3, 4, 5, 6, 7, 8, 9, 11, and 12 Golen Drive; and 1 and 3 Reed Street,
32 Zoned C-I within the Route 102 Performance Overlay District.

33

34 Gordon Leedy of VHB, Inc. was joined by Restaurant Depot Chief Operating
35 Officer Larry Cohen to present an amended conceptual design for a
36 +/-58,000 square foot Restaurant Depot at the intersection of Meadow Drive
37 and Route 102. Since the October 9, 2013 presentation, the applicant has
38 adjusted the proposal to address the Planning Board's concerns; 1) an increase
39 in traffic which is compounded by the angled intersection of Meadow Drive and
40 Rte. 102, the size of the building within the Rte. 102 Performance Overlay
41 District, and to a lesser degree, the proposed quasi-warehouse use in an area
42 zoned Commercial-I. Previously, the Board voiced concerns that trucks would
43 most likely use the left turn onto Meadow Drive off of Rte. 102 which is already
44 commonly considered dangerous. G. Leedy described how delivery trucks,
45 which could be as large as an 18 wheeler and as small as a minivan, could use
46 the left turn onto Mohawk Drive to the south and then drive north as trucks do
47 for the existing trucking facility and self-storage businesses on map 6 lots 35-2
48 and 35-10 respectively. This could further be made a requirement of the site
49 plan and reinforced with signage and notes on delivery paperwork. Smaller
50 vehicles could still use the Meadow Drive entrance. G. Leedy stated that a

1 cursory review of traffic in the area, combined with the notion that this use
2 would create less traffic than a typical C-I use, has made the applicant believe
3 that significant improvements to the Meadow Drive/Rte. 102 intersection such
4 as a traffic signal should not be necessary. The revised site location (see
5 Attachment #1) indicated that the building itself has been moved further back
6 from Rte. 102 as well as the natural buffer that is adjacent to the roadway.
7 While the applicant has determined that a smaller building (e.g. 50,000 sf)
8 would not be viable, the building itself was redesigned (see Attachment #2) to
9 mimic a traditional New England style mill building and to make it blend in
10 more with the existing landscape. In addition, Golen Drive would be
11 discontinued and replaced with an entrance to this development alone, while
12 Reed Street to the east would be dead ended into a hammerhead. The revised
13 building rendering also featured a transparent overlay to depict the trees that
14 exist today which would shield the building from Rte. 102. This buffer would
15 be enhanced with additional landscaping associated with the project.

16
17 A. Rugg asked for Staff input.

18
19 J. R. Trottier noted that a traffic study would need to be done to determine
20 what, if any, improvements would be needed for the Meadow Drive/Rte. 102
21 intersection. G. Leedy suggested that a portion of the site that fronts on
22 Meadow Drive could be used to realign that intersection more towards a 90
23 degree angle. J. R. Trottier noted that the proposed hammerhead would not
24 meet Town regulations and would instead require a cul de sac for road
25 maintenance purposes. G. Leedy stated that the amount of land that would be
26 used to meet the Town's cul de sac requirements (roughly $\frac{3}{4}$ of an acre) would
27 greatly inhibit the ability to develop the remainder of those commercial lots.
28 C. May stated that the Planning Department recommends the proposed use of
29 the site, noting that the apprehension that this building would open the door to
30 "big box" stores in the POD should be tempered by the fact that their existence
31 overall has been waning. She added that traditional C-I retail would not
32 necessarily be the right choice for this land and noted that the POD allows the
33 Planning Board to increase or decrease the size of buildings in that overlay
34 district. She also pointed out that the Elliot Hospital building approved for the
35 lot across the street which is also in the POD would be approximately 60,000
36 square feet once built out. A. Rugg agreed that the use would have
37 significantly less impact to the land and less traffic impact compared to a
38 traditional retail development.

39
40 A. Rugg asked for Board input.

41
42 Overall, Board members were pleased with the attempts to decrease the visual
43 impact from Route 102 through the redesigns of both the site and the building.
44 A. Rugg noted that the Heritage Commission would be more appreciative of the
45 new rendering as compared to the original. L. Wiles stated that not only is the
46 use not allowed in the POD, but does not reflect the goals of the 2012 Master
47 Plan. L. Reilly did not have the same recollection and suggested the specifics
48 of the Master Plan be reviewed. Board members still had concerns about the
49 traffic in the area and the safety issues related to the skewed intersection of
50 Rte. 102 and Meadow Drive. L. Cohen said that based on the Board's input, a

1 traffic analysis would be the first goal in order to determine the feasibility of
2 the project from that standpoint. A. Rugg encouraged the applicant to speak
3 with the residential abutters to the east to gain their input and apprise them of
4 the proposal.

5
6 **Other Business**

- 7
8 A. Review of a draft Request for Proposals (RFP) for 3rd party review of land
9 development applications (Continued from November 6, 2013).

10
11 The Board resumed its discussion of this topic that began on November 6 (see
12 November 6, 2013 minutes). Town Manager Kevin Smith was invited at that
13 time to attend this meeting and provide his input regarding the Town Council's
14 request for the Planning Board to approve an RFP that would include the hiring
15 of two separate engineering firms. K. Smith explained that the Town Council
16 would like to allow a developer the ability to have a choice between two firms
17 to review their plans. He noted that the Town of Derry employs two firms,
18 although they automatically alternate project assignments between the two.
19 He suggested that some combination of rotation and choice could be used in
20 Londonderry with a reliance on Staff to make determinations when necessary.
21 He stated that he has heard feedback that Londonderry's review process is
22 considered more costly than other towns and does not offer any options. T.
23 Freda stated that the intent of the Council is to avoid a monopoly that is
24 created when only one firm is employed by the Town, as is currently the case.
25 Monopolies, he said, are not cost effective and using two firms would not put
26 the Town's standards at risk as other Board members would contend later on in
27 the discussion. Similarly, he said there would be no additional burden on Staff
28 to employ two firms.

29
30 Remaining Board members expressed an apprehension about the use of two
31 firms and several said that if a choice is provided, it is not in the best interests
32 of the Town to allow the developer to make it. If the issue is one of cost and
33 two firms are employed, one may offer a lower hourly cost yet may not be as
34 consistently capable as the other, meaning a developer could end up paying as
35 much if not more if additional reviews are needed and not receiving approval
36 for their project as quickly as they would have wanted. If a simple alternating
37 schedule were used, some Board members questioned how doing so would
38 drive review costs down. Staff did express that the use of two firms would
39 create additional burdens on their departments. L. Reilly, M. Newman, and R.
40 Brideau spoke as members of the subcommittee who chose the firm Stantec
41 during last year's third party RFP process. They stated that through their
42 experience, the number of firms that may submit applications for an RFP that
43 identifies a two firm scenario would probably be even fewer than the four
44 received last year (one of which was found not to meet the requirements of the
45 RFP and was not interviewed). They found that some firms will rely more on
46 junior engineers and subcontractors, while some may not even have the
47 contacts needed to find suitable subcontractors and therefore may not possess
48 the ability to ensure the Town's regulations are followed. When asked, Staff
49 stated that the cost schedules of the three top firms interviewed last year were
50 comparable, while the fourth that had lower hourly rates did not meet the

1 subcommittee's standards. Both Board members and Staff noted that
2 engineering firms who carefully review town regulations and develop their
3 plans accordingly do not see their projects spend a significant amount of time
4 in the review process. For several Board members, the 2012 RFP process was
5 a sound one that vetted the applicants and made an informed choice, one that
6 simply was not acceptable to the Town Council. It was also noted that other
7 than Derry, it is unknown what other towns in the area use more than one
8 review firm, meaning Londonderry is not in the minority in using one.

9
10 The other main issue discussed on November 13 involved the potential for a
11 conflict of interest if a firm hired by the Town works for an applicant of a
12 development in Londonderry. The question was to consider whether or not to
13 include a requirement in the RFP of a statement that the applicant will not be
14 involved in or contract with "any project proponents, partners and associates
15 who seek to submit" an application to the Planning Board. T. Freda questioned
16 whether any evidence exists that would demonstrate a conflict of interest while
17 others felt strongly that the requirement should be included.

18
19 Following further discussion, T. Freda suggested trying a two firm method and
20 revisiting the issue if the adverse issues brought up by other Board members
21 become clear. L. Reilly asked that the Town Council make clear the specific
22 reasons why they want the Planning Board to choose two firms. It was
23 suggested that the Town Council could place the issue on an upcoming agenda
24 and Board members could attend to ask any questions they may have and
25 provide input to the Council.

26
27 B. Planning Board discussion regarding recommendations to the Town Council for
28 reappointment of Southern NH Planning Commission (SNHPC) representatives:

- 29 • Leitha Reilly
- 30 • Martin Srugis

31
32 **M. Soares made a motion to recommend L. Reilly and Martin Srugis to**
33 **the Town Council for reappointment as representatives to the SNHPC.**
34 **L. Wiles seconded.** No discussion on the motion. **The motion was**
35 **approved, 8-0-0.**

36
37 **Adjournment:**

38
39 **M. Soares made a motion to adjourn the meeting. J. Laferriere seconded**
40 **the motion. Vote on the motion: 8-0-0.**

41
42 The meeting adjourned at 9:35 PM.

43
44 These minutes prepared by Associate Planner Jaye Trottier

45
46 Respectfully Submitted,

47
48
49

1 Lynn Wiles, Secretary



Vanasse Hangen Brustlin, Inc.

Transportation
Land Development
Environmental Services

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Bedford, New Hampshire 03110
603.644.0888 • FAX 603.644.2385

Notes:

- ZONING:**
COMMERCIAL 1 (C-1)
PERFORMANCE OVERLAY DISTRICT (POD)
- DIMENSIONAL REQUIREMENTS (POD)**
MAX. STRUCTURE HEIGHT: 45 FT.
MIN. LOT SIZE: 3 ACRES
MIN. FRONTAGE: 300 FT.

FRONT YARD: 4.5 x BLD HEIGHT
(MAY BE REDUCED TO 2.0 x BUILDING HEIGHT
IF PARKING TO SIDE AND REAR OF BUILDING)

REAR AND SIDE YARD: EQUAL TO BLD.
HEIGHT AND NOT LESS THAN 20 FT.

MAX. IMPERVIOUS COVER:
55% ARTERIAL ROADS
66% NON-ARTERIAL ROADS

BUILDING SIZE (COMMERCIAL): 12,500 SF MAX
(MAY BE INCREASED TO 25,000 SF WITH INCENTIVE
BONUS.)
- PERMITTED USES:**
RETAIL SALES ARE ALLOWED
WHOLESALE BUSINESSES ARE NOT ALLOWED
- PARKING REQUIREMENTS**
RETAIL: 1 SPACE/200 SF
WHOLESALE: 1 SPACE/800 SF
SPACE SIZES: 9'x20' STANDARD
8'x15' COMPACT
DRIVE AISLE: 22 FT. FOR 90° PARKING
- RESIDENTIAL BUFFER:**
75 FT LANDSCAPE BUFFER REQUIRED IF
PROPERTY ABUTS AR-1 ZONE.

No.	Revision	Date	Appvd.

Designed by	Drawn by	Checked by

CAD checked by	Approved by

Scale 1"=50' Date November 25, 2013

Project Title

Restaurant Depot

NH Route 102
Londonderry, New Hampshire

Issued for

Not Approved for Construction

Drawing Title

Conceptual
Site Plan

Drawing Number

Sheet of

Project Number



NH Route 102



