

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF March 7, 2012 AT THE MOOSE HILL**
3 **COUNCIL CHAMBERS**
4

5 Members Present: Art Rugg; Mary Soares; Lynn Wiles; Laura El-Azem; Tom
6 Freda, Ex-Officio; Rick Brideau, CNHA, Ex-Officio; Dana Coons, L. Reilly, alternate
7 member; Maria Newman, alternate member
8

9 Also Present: André Garron, AICP; Cynthia May, ASLA; John Trottier, P.E.; Libby
10 Canuel, Community Development Secretary
11

12 A. Rugg called the meeting to order at 7 PM. He appointed M. Newman to vote for
13 Chris Davies.
14

15 **Administrative Board Work**
16

17 A. Extension Request –Hillside Elderly Housing Subdivision Plan and Site Plan, Map
18 10 Lot 92, and Map 10, Lot 92-1 (respectively).
19

20 C. May referenced a letter from Elmer Pease, II of P.D. Associates LLC,
21 requesting a one year extension of the subdivision and site plans that will expire
22 on March 7, 2012. She explained that the plans were originally approved in
23 2007 and have subsequently received three one-year extensions.
24

25 Due to the poor housing & financial markets, the applicant is requesting a one
26 year extension of the subdivision & site plans. D. Coons asked E. Pease if this
27 would be the last extension request and E. Pease replied that it would be.
28

29 **D. Coons made a motion to grant a one year extension to March 7,**
30 **2013. R. Brideau seconded the motion.** No discussion. **Vote on the**
31 **motion: 7-0-0.** The extension for one year was granted.
32

33 B. Approval and Signing of Minutes – February 1, 2012; February 8, 2012; and
34 February 23, 2012
35

36 **D. Coons made a motion to approve and sign the minutes from the**
37 **February 1, 2012 meeting. R. Brideau seconded the motion.** No
38 discussion. **Vote on the motion: 5-0-2.** (T. Freda and D. Coons abstained
39 because they were absent from the February 1, 2012 meeting).
40

41 **D. Coons made a motion to approve and sign the minutes from the**
42 **February 8, 2012 meeting. R. Brideau seconded the motion.** No
43 discussion. **Vote on the motion: 6-0-1.** (L. Wiles abstained because he was
44 absent from the February 8, 2012 meeting).
45

46 *[L. Reilly arrived at 7:05]*
47

48 **D. Coons made a motion to approve and sign the minutes from the**
49 **February 23, 2012 meeting. R. Brideau seconded the motion.** No

1 discussion. **Vote on the motion: 2-0-5.** (R. Brideau, T. Freda, D. Coons, L.
2 Wiles & L. Reilly abstained because they were absent from the February 23,
3 2012 meeting).

4
5 *[M. Soares arrived at 7:06]*

6
7 Minutes for February 1, 2012, February 8, 2012, and February 23, 2012 were
8 approved and will be signed at the conclusion of the meeting.

9
10 C. Discussions with Town Staff

- 11
12 • Update on the Master Plan

13
14 A. Garron stated that the contract with consultant Town Planning & Urban
15 Design Collaborative (TPUDC) has been signed. The Master Plan Steering
16 Committee (MPSC) and its Survey Sub-Committee continue to work with
17 the University of New Hampshire Survey Center on the 400-respondent
18 telephone survey. The Sub-Committee will meet again on March 8 with the
19 goal of delivering a final draft to the MPSC for their approval on March 28.
20 TPUDC will also be present at the March 28 meeting to present an action
21 plan of future tasks and events.

- 22
23 • Woodmont Commons PUD Escrow Agreement

24
25 A. Garron explained that the full amount of escrow as calculated by the
26 Town's consultant Howard/Stein-Hudson (HSH) has been received. An
27 escrow agreement form was signed and returned by the applicant, however
28 it contained an amendment stating that "the Town shall not approve or
29 otherwise authorize HSH to perform services beyond the core services in
30 Attachment A [i.e. the Service Agreement] without the consent of the
31 Woodmont Applicants." Optional services had previously been offered by
32 HSH for additional fees. A. Garron offered that neither staff nor Town legal
33 counsel recommend accepting the amendment, noting that the Board is not
34 required to under RSA 676:4-b. D. Coons agreed, remarking that while the
35 Board would inform the applicant of a request for any additional services
36 they feel are necessary, they do not need the applicant's approval to make
37 the request. The consensus of the Board was not to accept the proposed
38 amendment to the escrow agreement. A. Garron said he would inform the
39 applicant. Assuming the original agreement is signed in a timely fashion,
40 he recommended that the meeting for the consultant's recommendation of
41 application acceptance and the ensuing public hearing be held on March 29.
42 A. Rugg suggested revisiting that recommendation at the March 14 meeting
43 (see "Continued Plans" below).

- 44
45 • Woodmont Commons Meeting; March 1, 2012

46
47 A. Garron stated that a meeting was held on March 1 between Town staff,
48 the Town's third party consultants (HSH, Icon Architecture, RKG
49 Associates), the applicant (Mike Kettenbach), and his representatives, (John
50 Michels, newly hired consultant Steve Cecil, and Rick Chellman). A. Garron

1 noted that the firm of Shook Kelley has also been hired by the applicant as
2 a consultant, although they did not attend. The purpose of the meeting was
3 to introduce the parties to each other and review the process going forward.

4 T. Freda stated that at the March 5 Town Council meeting, resident Jack
5 Falvey expressed his concerns that the March 1 meeting had not been open
6 to the public. It was explained to him at that time by the Town Manager
7 and A. Garron that it was a staff meeting without any public officials or
8 Board members present and therefore did not qualify as a public meeting
9 under RSA 91-A. T. Freda then read an email from J. Falvey to resident Jim
10 Butler indicating that those concerned with the Woodmont Commons
11 project are "looking for adult supervision on this issue" (see Attachment
12 #1) T. Freda also read his reply to J. Falvey into the record (see Attachment
13 #2), asserting his objection to J. Falvey's statements. He defended the
14 work of the Planning Board, pointing to their significant efforts to consider
15 and accommodate both the residents and the applicant. A. Rugg agreed. J.
16 Butler clarified later on in the evening that J. Falvey's opinions do not
17 necessarily reflect his own.
18

19 Later in the meeting, Ann Chiampa, 28 Wedgewood Drive, requested that
20 when future meetings are posted on the Town website, they include a
21 notation of whether the meeting is open or closed to the public. A. Garron
22 explained that the only reason the March 1 meeting was posted on the
23 Town website calendar was to reserve Moose Hill Council Chambers since it
24 is the only conference room large enough to accommodate the the number
25 of attendants. A. Chiampa then asked if any information from that meeting
26 could be made public. A. Garron conveyed that the applicant was told that
27 HSH would be basing their recommendation of application acceptance on
28 the information submitted by the applicant in October. If a positive
29 recommendation is made to the Board, the 65 day time frame under RSA
30 676:4 will commence, after which time the Board is required to either
31 conditionally approve or deny the PUD Master Plan. He added that the
32 Board can request an extension of that timeframe, but it is up to the
33 applicant to grant one.
34

35 A discussion ensued regarding communication to the Board and the
36 dissemination of information to the public via J. Falvey's email chain. It was
37 expressed that the only appropriate arena for clear and accurate
38 communication to and from the Planning Board is at Planning Board
39 meetings. A. Garron added that the public is always welcome to contact
40 staff with questions, so long as the resulting discussion does result in
41 prejudging the applicant's submission. T. Freda suggested posting a
42 summary of upcoming meetings regarding Woodmont Commons on the
43 Town website.
44

45 Resident Ray Adams asked if the list questions that originated last year
46 concerning Woodmont Commons have been answered (see "4/13/11 Email
47 Questions Summary" link under the Woodmont Commons PUD Master Plan
48 page on the Town website). A. Rugg said that those questions addressed to
49 the Planning Board that could be answered have been and those answers

1 can be found in Planning Board minutes. The majority of the questions,
2 however, involve specifics of the plan that are still unknown.

- 3 • Stonyfield Farms, 14-44-13

4
5 J. Trottier explained that Stonyfield Farms is in the process of executing an
6 approved site plan for a 10,000 sq. ft. maintenance addition. They are now
7 proposing to add two silos on the north end of the building as well as a 12 x
8 12 concrete pad with a handrail on the west side. The 50-foot high silos
9 would replace 12 parking spaces, although the remaining parking would be
10 adequate for the site. The concrete pad would be used for periodically
11 servicing forklifts used inside the building. Both additions would take place
12 on existing impervious surface. The applicant is asking for the issue to be
13 handled administratively by staff. The consensus of the Board was to allow
14 staff to handle the requests administratively.

- 15
16 • Executive Health & Sports Center, 28-10 & 10C-1

17
18 While this site plan has been signed by the Board and construction has
19 begun, J. Trottier stated the applicant has four additional issues that they
20 are requesting be handled administratively:

- 21 ○ The addition, for security purposes, of a four foot high open weave
22 black vinyl chain link fence around the leased area for the tennis
23 courts (as part of an agreement between the applicant and the
24 Manchester Boston Regional Airport);
- 25 ○ Installation of a 315 sq. ft. janitor closet and dish washer in the area
26 previously approved as part of the pool decking;
- 27 ○ An additional 425 sq. ft. single story maintenance room to
28 accommodate pool equipment and pumps;
- 29 ○ Relocation of walkway to the tennis courts currently designed to cross
30 a wetland area so as to avoid that crossing and having to discharge
31 from a cross culvert.

32 The consensus of the Board was to allow staff to handle the requests
33 administratively.

- 34
35 • The Commissioner's Journal

36
37 A. Rugg stated that an electronic version of this publication will soon be
38 available and for an annual fee of \$75, Board members can have access to
39 the document online. Paper versions will no longer be available.

- 40
41 • Voting

42
43 M. Soares reminded residents to vote at Town Meeting on March 13.
44

45 **Continued Plans**

46
47 A. Pillsbury Realty Development, LLC, Map 10, Lots 15, 23, 29C-2A, 29C-2B, 41,
48 41-1, 41-2, 42, 45, 46, 47, 48, 50, 52, 54-1, 58, 59, and 62 – Application

1 Acceptance and Public hearing for formal review of the Woodmont Commons
2 Planned Unit Development (PUD) Master Plan [**Continued from the January**
3 **30, 2012 (February 8, 2012) Planning Board Meeting.**]

4
5 **L. El-Azem made a motion to continue the Application Acceptance and**
6 **Public hearing for formal review of the Woodmont Commons Planned**
7 **Unit Development (PUD) Master Plan to March 14, 2012 at 7pm. M.**
8 **Soares seconded the motion. No discussion. Vote on the motion: 8-0-0.**
9 The hearing was continued to March 14, 20112 at 7PM. A. Rugg said this will be
10 the only public notice.
11

12 **New Plans**

13 There were no new plans to review.

14
15 **Other Business**

16
17 There was no other business.
18

19 **Adjournment:**

20
21 **M. Soares made a motion to adjourn the meeting. D. Coons seconded the**
22 **motion. Vote on the motion: 8-0-0.** The meeting adjourned at 8:34 PM.

23
24 These minutes prepared by Jaye Trottier and Libby Canuel, Community
25 Development Department Secretaries.
26

27
28 Respectfully Submitted,
29

30
31
32 Lynn Wiles, Secretary

Jaye Trottier

From: Tom Freda
Sent: Thursday, March 08, 2012 11:08 AM
To: Jaye Trottier
Subject: FW: Woodmont Concerns

Jaye

It's below.

Tom Freda, Councilor

Town of Londonderry

268B Mammoth Road

Londonderry, NH 03054

Cell (781) 710-8974

Email: tfreda@Londonderrynh.org

From: Tom Freda
Sent: Wednesday, March 07, 2012 1:44 PM
To: Jack@Falvey.org
Cc: David Caron; Tom Freda external
Subject: RE: Woodmont Concerns

ATTACHMENT #2

Jack

I'm glad you took the opportunity to speak about your concerns.

However, I have to say that as someone sitting on the Planning Board, your accusations that the Planning Board members "need adult supervision" on this issue is not only wrong its insulting. Unlike members of the public who can pen anonymous posts urging the Board to "Just say no to every whim and demand", Board members are required by law to follow certain rules regarding applicants who appear before them, providing them with a fair hearing, and not accusing them, without any factual basis, of engaging in something illegal or impermissible. The Board members have done just that and I know will continue to do the same.

I think you owe each and every member of the Board, your fellow citizens who volunteer a not insignificant amount of their time in service to the Town, an apology.

Tom Freda, Councilor

Town of Londonderry

268B Mammoth Road

Londonderry, NH 03054

Cell (781) 710-8974

Email: tfreda@Londonderrynh.org

From: Jack@Falvey.org [Jack@Falvey.org]
Sent: Wednesday, March 07, 2012 12:02 PM
To: Tom Freda
Cc: David Caron; Tom Freda external
Subject: Re: Woodmont Concerns

Dear Tom:

I appreciated the chance to speak to the question at Monday's Town Council meeting.

It remains a mystery to me as to why a reportedly inconsequential meeting was declared non public. I hope that this is not a precedent and that those holding office and jobs in our town to do the peoples business will be sensitive to the people they serve who are expressing a reduced confidence level in how the first PUD application is being processed.

It is my hope that pointing this concern out on Monday was worth the time and effort to do so.

Regards,

Jack

MakingTheNumbers.Com 603.432.5715

22 Cortland Drive

World Headquarters

Londonderry, New Hampshire 03053
USA

From: [Tom Freda](#)
Sent: Sunday, March 04, 2012 11:04 AM
To: Jack@Falvey.org
Cc: [David Caron](#) ; [Tom Freda external](#)
Subject: RE: Woodmont Concerns

Jack

I was away last week on vacation and am just catching up on my emails.

As the Council's representative to the Planning Board, I wanted to provide you an opportunity to express publicly your concerns with the Planning Board's handling of the PUD application (some of which are listed below) at the next Town Council meeting on March 5, 2012.

Please confirm that you will be attending and I will have the Town Manager put you on a revised agenda under public comment.

Tom Freda, Councilor

Town of Londonderry

268B Mammoth Road

Londonderry, NH 03054

Cell (781) 710-8974

Email: tfreda@Londonderrynh.org

From: Jack@Falvey.org [Jack@Falvey.org]
Sent: Friday, March 02, 2012 2:06 PM
To: Falvey Jack
Subject: Jim Butlers response.

Jack

Please e-mail the group to let them know about my Meet and Greet on Saturday at Dunkin Donuts. I will be

more than happy to discuss any concerns about the Woodmont Commons Project.

Hope you can make it.

Jim Butler

Sent from my iPad

On Mar 1, 2012, at 9:09 PM, <Jack@Falvey.org> wrote:

ATTACHMENT #1

> Dear Jim:

- >
- > Thanks for getting back.
- > I'll do my best to be there. (I have grandson duty this weekend!)
- > The email chain is very much a one issue group. They are concerned that the Woodmont development as planned will do great damage to our town and the Planning Board so far has just let things roll along with few question comments or requirements.
- > We are looking for adult supervision on this issue.
- > If you could send along an email whenever you can on your feelings I'll send it out to the group. (Now over 100 addresses.)

> Regards,

> Jack

Regards,

Jack

MakingTheNumbers.Com 603.432.5715

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