

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF May 9, 2012 AT THE MOOSE HILL COUNCIL**
3 **CHAMBERS**

4
5 Members Present: Art Rugg; Mary Soares; Lynn Wiles; Rick Brideau, CNHA, Ex-
6 Officio; Jim Butler, Alternate Ex-Officio; Dana Coons, Scott Benson, alternate
7 member; Leitha Reilly, alternate member; Maria Newman, alternate member
8

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

12 A. Rugg called the meeting to order at 7 PM. He appointed S. Benson to vote for
13 L. El-Azem and L. Reilly to vote for C. Davies.
14

15 **Administrative Board Work**

16
17 A. Discussions with Town Staff

- 18
19 o Master Plan update
20

21 C. May and L. Reilly provided the following items related to the Master Plan
22 Comprehensive Update:
23

- 24 • The location of the May 31 opening presentation of the facilitated
25 public workshop known as Planapalooza has been changed from the
26 Lion's Hall on Mammoth Road to the Londonderry High School
27 cafeteria. All associated advertising materials will now reflect this
28 change;
- 29 • The cookout on May 31 begins at 6PM and the workshop begins at
30 7PM;
- 31 • Prior to the 6:00 PM cookout on May 31, a hands-on design workshop
32 for both high school and junior high school students will take place at
33 3:30 PM at the High School;
- 34 • Elementary students have been participating in a poster project
35 showing what their favorite place in Londonderry will look like in the
36 future. Those posters have been placed at various venues around
37 town for kids to draw, and will be hung on the walls of the Moose Hill
38 Council Chambers during the week of Planapalooza;
- 39 • Following the opening presentation, a series of meetings will take
40 place in the Moose Hill Council Chambers starting June 1 and will run
41 throughout the week. The workshop studio will be in progress there
42 at the same time (see Attachment #1 for specific schedule);
- 43 • On Saturday evening, residents are encouraged to attend the pin-up
44 presentation to assess whether the Town's consultant, Town Planning
45 and Urban Design Collaborative, has suitably comprehended the
46 information received to that point;
- 47 • The closing presentation will take place on June 5 at Lion's Hall at
48 6:30 PM. Residents can once again ensure that the Town's
49 consultant has accurately interpreted the ideas and comments from

1 residents.

- 2 • Details regarding various Planapalooza events, including their times
3 and places, can be found on the Town website and will be advertised
4 in the Londonderry Times in the weeks leading up to the event.

5
6 ○ SNHPC training

- 7
8 • A. Rugg relayed that the Southern New Hampshire Planning
9 Commission (SNHPC) has asked whether any Planning Board or
10 Zoning Board members would be interested in taking advantage of
11 the technical training that they will be offering in the fall of 2012.
12 Interested members, he said, can email him and he will pass the
13 information along to the Director of SNHPC.
14

15 **Public Hearings**

- 16
17 A. Precision Letter Corp., 49 Wentworth Avenue, Map 14 Lot 44-35 – Conceptual
18 discussion of a proposed new business facility, Zoned I-II.
19

20 Ray Aho of Aho Construction stated that a 43,000 square foot building was
21 previously approved for map 14, lot 44-35. The current conceptual proposal is
22 for a smaller building of 26,000 sf (with possible storage mezzanines) which
23 will have far less impact on the 4.5 acre lot. Meridian Land Services has been
24 hired to prepare the site plan. Some geotechnical exploration has been done;
25 test borings on the corners of the proposed footprint have verified that
26 material there is suitable to support the building loads and parking lots. He
27 asked the Board for any comments or concerns.
28

29 L. Reilly asked for specifics about the business. R. Aho said Precision Letter
30 Corporation manufactures interior signage for businesses. Bob Elrick,
31 President of Precision Letter Corp. said the lot was purchased several years
32 ago, however the economic downturn prevented any project going forward at
33 that time. The family owned business has outgrown its current location in
34 Manchester, making the move to Londonderry necessary. He noted that the
35 new facility would most likely require additional employees.
36

37 J. Trottier said staff met with B. Elrick and R. Aho for a conceptual discussion
38 about the resized footprint as well as the single curb cut into Wentworth Ave.
39 He said they will continue to work with the applicant and the project engineer
40 to develop a suitable site plan.
41

- 42 B. Shops at Londonderry – Londonderry Land Development, LLC (Applicant), Jean
43 M. Gagnon (Owner), Map 15 Lots 51 & 59 – Re-hearing of the application for a
44 two-lot subdivision of Map 15 Lot 51 and subsequent merger of new Lot 51
45 with Lot 59, Route 28 (Rockingham Road), Vista Ridge Drive and Perkins Road,
46 Zoned MUC. [Conditionally approved on April 4, 2012.]
47

48 A. Rugg and C. May explained that the Mixed Use Commercial zoning of this
49 property was established following the development of the Northwest Small
50 Area Master Plan adopted by the Town in 2009. It replaced the Route 28

1 Performance Overlay District previously applied to that property in order to
2 provide more commercial opportunities in the area positioned between Exit 5
3 and the State bus terminal. The MUC district specifically allows for more dense
4 commercial development with an increased density of residential uses on the
5 periphery.

6
7 Although this application was conditionally approved at the April 4, 2012
8 meeting, the abutter notification supplied by the applicant from the Assessor's
9 office database did not identify the current condominium association for the
10 Vista Ridge condominiums. The applicant agreed to re-notify all abutters,
11 including the condo association, and rehear the application as a courtesy to all
12 interested parties. When asked later in the meeting (by Sue Ann Johnson, 4
13 Crestview Drive, unit 101) how notification of the condo association was
14 overlooked, C. May clarified that the applicant correctly used information found
15 in the Assessor's records. A change in the management company that
16 oversees the condo association was not brought to the attention of the
17 Assessing office. Notification to individual owners within the association is the
18 duty of the association under State law. Attorney Daniel Muller of Cronin and
19 Bisson, P.C. stated later on that State RSA specifies that notification must be
20 sent to condominium association officers specifically.

21
22 C. May said there are no changes to the staff recommendation memos for the
23 subdivision (see April 4, 2012 minutes) and staff recommends the application
24 be accepted as complete.

25
26 [Town Council Alternate Ex-Officio Jim Butler arrived at 7:19].

27
28 A. Rugg asked for any new information from the applicant. Developer Michael
29 DiGuiseppe replied that he had nothing to add.

30
31 A. Rugg asked for Board input. There was none.

32
33 C. May stated there are eight outstanding checklist items, all of which are
34 waiver requests. Assuming the Board grants the waivers, staff recommends
35 the application be accepted as complete. The waivers as read into the record
36 at the April 4, 2012 and approved unanimously by the Board at that meeting
37 are as follows:

- 38
39 1. *The applicant has requested a waiver to Section 4.01.C of the*
40 *regulations requiring the topographic plan scale to be 1" = 40', where*
41 *the plan is presented at 1" = 50' scale. Staff recommends **granting***
42 *the waiver because the topographic information shown on the*
43 *associated site plan is at a scale of 1"=40'.*
- 44 2. *The applicant has requested a waiver to Section 3.08 of the*
45 *Subdivision Regulations and item X.3 of the checklist requiring a*
46 *drainage report. Staff recommends **granting** the waiver because the*
47 *drainage report was submitted with the associated site plan.*
- 48 3. *The applicant has requested a waiver to Section 3.09.F.2 of the*
49 *regulations and Item VII.3.a.11 of the checklist requiring that*

1 driveway locations be shown for each lot. Staff recommends
2 **granting** the waiver because the driveway locations were submitted
3 with the associated site plan.

4 4. The applicant has requested a waiver to Section 3.07, 4.16.B.2 and
5 4.18.B of the regulations and Item VII.2.b and X.7 of the checklist
6 requiring utility clearance letters or proposed sewer service
7 information. Staff recommends **granting** the waiver because the
8 utility clearance letters and sewer service information was submitted
9 with the associated site plan.

10 5. The applicant has requested a waiver to Sections 3.06, 4.16.B.4 and
11 4.18.B of the regulations and item VII.2. d and X.7 of the checklist
12 requiring the provision of utility clearance letter or proposed water
13 service information. Staff recommends **granting** the waiver because
14 the utility clearance letters and water service information was
15 submitted with the associated site plan.

16 6. The applicant has requested a waiver to Sections 3.05 and 4.16.B.7
17 and 4.18.B of the regulations and item VII.2.g and X.7 of the
18 checklist requiring a utility clearance letter and indication of the
19 proposed utility service information. Staff recommends **granting** the
20 waiver because the utility clearance letters and utility service
21 information was submitted with the associated site plan.

22 7. The applicant has requested a waiver to Sections 4.17.A.27.ii, iii and
23 iv for the Subdivision Regulations and Item VI.28.b, c, and d of the
24 Subdivision Application Checklist to provide existing pipe type, size
25 and inverts of the existing sewer system, drainage system and
26 existing utilities. Staff recommends **granting** the waiver, because
27 sufficient information is provided in order to determine pipe lengths
28 and slopes.

29 8. The applicant has requested a waiver to Section 4.12.c.9 of the
30 regulations and Items V.9 and VI.9 of the checklist to include cross
31 easements between the new lots for access, drainage, utilities, and
32 maintenance. Staff recommends **granting** the waiver to this
33 requirement **for acceptance only**, because the cross access
34 easements will be provided as a condition of the subdivision plan
35 approval in association with the final site plan.

36
37 **M. Soares made a motion to grant the eight waivers based on the**
38 **applicant's letter and staff recommendation. R. Brideau seconded the**
39 **motion.** L. Wiles asked if there had been any comments or changes made to
40 those waivers at the April 4 meeting as he had not attended. Staff and Board
41 members confirmed that no amendments had been made. **Vote on the**
42 **motion: 8-0-0.** The eight waivers were granted.

43
44 **M. Soares made a motion to accept the application as complete. L.**
45 **Wiles seconded the motion.** No discussion. **Vote on the motion: 8-0-0.**
46 The application was accepted as complete.
47

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

2
3 A. Rugg asked for public input.

4
5 Attorney Daniel Muller of Cronin and Bisson, P.C. representing the Vista Ridge
6 Condominium Association, asserted that based on case law, when a single
7 development occupies more than one lot, those parcels are considered merged.
8 In view of that, since the total size of this proposed retail space is greater than
9 75,000 square feet and is less than 200 ft. from a residential zoning district, the
10 zoning regulations require a 75 foot buffer to that residential zone. The
11 proposal in question has a 50 foot buffer to the abutting condominiums. L.
12 Wiles asked later on what the intent was on the part of the applicant for the
13 subdivision. M DiGuiseppe replied that although the development would be one
14 entity, the two parcels would be owned separately. Hal Linde, unit 12-39 Vista
15 Ridge Drive, asked that the Board consider imposing the 75 foot buffer
16 regardless of whether the lots are separate since the development itself is not.
17 A. Rugg replied that the issue would be dealt with under the presentation of the
18 site plan. C. May explained that since the April 4 hearing, the applicant has
19 withdrawn a waiver seeking a reduction in the landscaping opacity requirement
20 of the site plan. During the site plan hearing later in the meeting, she pointed
21 out that while the applicant is held to the 50 foot requirement because the lots
22 are separate, the site plan shows the majority of the landscape buffer in
23 question is greater than 50 feet. Janet McLaughlin, 15 Apollo Road and 14
24 Crestview Circle, expressed concern over potential drainage issues and how
25 they would affect abutting properties in light of Attorney Muller's comment.

26
27 Bill Sibley, 2 Crestview Circle, reiterated concerns raised at the April 4 meeting
28 about the safety of school children that have to walk from the Vista Ridge
29 condos to the bus stop on Perkins Road. C. May replied that School Board
30 liaison J. Laferriere brought the issue to the School Department and following
31 the April school vacation, the bus route was changed so that children will be
32 picked up on Crestview Circle. B. Sibley also commented that the development
33 as proposed seems to contradict the general purpose of having ordinances
34 because it creates the need for an over abundance of waivers. A. Rugg
35 explained that the very nature of the MUC district is to allow more flexibility for
36 commercial development. B. Sibley proposed that a potential lack of parking
37 could lead customers to park on Vista Ridge Drive. A. Rugg assured him that, if
38 anything, the Town's parking requirements typically call for more parking than
39 is needed. Sue Ann Johnson, 4 Crestview Drive, unit 101, asked for
40 confirmation that the change in topography from Vista Ridge to the proposed
41 development is approximately 26 feet. C. May verified that it is almost 30 feet
42 in some places.

43
44 There was no further public input.

45
46 **M. Soares made a motion that the Board reaffirm its conditional**
47 **approval of the subdivision as set forth at the April 4, 2012 meeting, i.e.**
48 **(from the April 4, 2012 minutes):**

49

1 **D. Coons made a motion to conditionally approve the subdivision plan**
2 **with the following conditions:**

3
4 "Applicant", herein, refers to the property owner, business owner, or
5 organization submitting this application and to his/its agents, successors, and
6 assigns.

7
8 **PRECEDENT CONDITIONS**

9
10 All of the precedent conditions below must be met by the applicant, at the
11 expense of the applicant, prior to certification of the plans by the Planning
12 Board. Certification of the plans is required prior to commencement of any site
13 work, any construction on the site or issuance of a building permit.

- 14
15 1. The easement plan indicates the existing drainage easements across the
16 lots will be abandoned, but it is unknown how the existing flow from the
17 Town's drainage system or the upstream abutting lots will now be
18 addressed per section 4.12.C.9 of the regulations. The Town's drainage
19 system and upstream abutting lots currently have flows to the existing
20 detention basin located upon the subject lots via the existing easements.
21 In addition, portions of the Town's existing drainage system are currently
22 located within portions of the drainage easements to be abandoned. It is
23 our understanding that some of the easements would change under the
24 proposed site plan, but no information is provided on the plans or in the
25 notes on the plans. The Applicant shall provide additional information that
26 addresses the current drainage flows on the plan to explain/clarify the
27 proposed changes to the easements meeting approval of the Town.
28
29 2. The Applicant shall provide the Owner's signatures on the subdivision plans
30 and all applicable sheets.
31
32 3. The project is located along a significant portion of Vista Ridge Drive and
33 the Applicant is proposing improvements to the roadway to serve the new
34 lots as part of the off-site improvements for the separate site plan
35 application.
36
37 4. The Applicant shall confirm the Assessor's DRC comments have been
38 addressed with the Assessor.
39
40 5. Note all waivers granted on the plan.
41
42 6. The Applicant shall provide a digital (electronic) copy of the complete final
43 plan sent to the Town at the time of signature by the Board in accordance
44 with Section 2.06.N of the regulations.
45
46 7. The applicant shall provide a check for \$25 (made payable to the
47 Rockingham County Registry of Deeds) to pay for the LCHIP tax that
48 became effective on recording of all plans and documents at the registry on
49 July 1, 2008.

- 1 8. *The applicant shall note all general and subsequent conditions on the plans*
- 2 *(must be on a sheet to be recorded, or a separate document to be recorded*
- 3 *with the subdivision plans), per the new requirements of RSA 676:3.*
- 4
- 5 9. *Outside consultant's fees shall be paid within 30 days of approval of plan.*
- 6
- 7 10. *Financial guaranty if necessary.*
- 8
- 9 11. *Final engineering review*

10
 11 PLEASE NOTE - *Once these precedent conditions are met and the plans are*
 12 *certified the approval is considered final. If these conditions are not met within*
 13 *2 years to the day of the meeting at which the Planning Board grants*
 14 *conditional approval the board's approval will be considered to have lapsed and*
 15 *re-submission of the application will be required. See RSA 674:39 on vesting.*

16
 17 GENERAL AND SUBSEQUENT CONDITIONS

18
 19 *All of the conditions below are attached to this approval.*

- 20
- 21 1. *No construction or site work for the subdivision may be undertaken until the*
- 22 *pre-construction meeting with Town staff has taken place, filing of an*
- 23 *NPDES-EPA Permit and the site restoration financial guaranty is in place*
- 24 *with the Town (as applicable). Please contact the Department of Public*
- 25 *Works to arrange for this meeting.*
- 26 2. *The project must be built and executed exactly as specified in the approved*
- 27 *application package unless modifications are approved by the Planning*
- 28 *Department & Department of Public Works, or if staff deems applicable, the*
- 29 *Planning Board.*
- 30 3. *All of the documentation submitted in the application package by the*
- 31 *applicant and any requirements imposed by other agencies are part of this*
- 32 *approval unless otherwise updated, revised, clarified in some manner, or*
- 33 *superseded in full or in part. In the case of conflicting information between*
- 34 *documents, the most recent documentation and this notice herein shall*
- 35 *generally be determining.*
- 36 4. *All required Traffic, Police, and Fire impact fees must be paid prior to the*
- 37 *issuance of a Certificate of Occupancy for the newly created lot.*
- 38 5. *It is the responsibility of the applicant to obtain all other local, state, and*
- 39 *federal permits, licenses, and approvals which may be required as part of*
- 40 *this project (that were not received prior to certification of the plans).*
- 41 *Contact the Building Division at extension 115 regarding building permits.*

42 **R. Brideau seconded the motion. No discussion. Vote on the motion: 9-**
 43 **0-0. The plan was conditionally approved.**_(From the April 4, 2012
 44 minutes)

45
 46 **R. Brideau seconded the motion to reaffirm the Board's April 4, 2012**
 47 **conditional approval of the subdivision plan. No discussion. Vote on the**

1 **motion, 8-0-0.** The conditional approval of the subdivision plan was
2 reaffirmed.

3
4 C. Shops at Londonderry – Londonderry Land Development, LLC (Applicant), Jean
5 M. Gagnon (Owner), Map 15 Lots 51 & 59 – Application Acceptance and Public
6 Hearing for a proposed multi-tenant retail development with associated site
7 improvements, Vista Ridge Drive, Zoned MUC. [Continued from the April 4,
8 2012 Planning Board Meeting.]
9

10 C. May stated that although the public hearing for this site plan was continued
11 from the April 4 meeting, all interested parties were re-notified as a courtesy
12 on the part of the applicant. Based on the numerous comments and questions
13 that arose at that meeting, the applicant has since withdrawn two waiver
14 requests and submitted limited revised plans along with a memo responding to
15 the issues raised at that meeting (see below). The Board had granted the two
16 checklist waivers requested at the April 4 meeting (see April 4 minutes, page
17 7, lines 20-32) and had accepted the application as complete. Staff
18 recommends approval of the seven waiver requests as well as the four
19 Conditional Use Permit requests to be addressed later on.

20
21 Before asking for Board input, A. Rugg permitted the developer and his
22 engineer to review the aforementioned memo responding to issues raised on
23 April 4.
24

25 M. DiGuiseppe stated that he and his engineers met with staff after the April 4
26 meeting to confirm the list of issues and then address them individually.
27 Resulting changes [see Attachment #2] include additional landscaping to
28 comply with the Town's requirements, thereby eliminating the two landscape
29 waiver requests that would have impacted residents in the Vista Ridge condos.
30 (The third landscaping waiver still being sought deals with landscaping between
31 the separate commercial lots). Engineer Brad Mezquita from Tighe and Bond
32 continued with the list of responses to comments and concerns:
33

- 34 • The school bus stop on Perkins Road has been relocated to Crestview
35 Circle in response to safety concerns about students walking on Vista
36 Ridge Drive. Continuing the sidewalk from Crestview to Perkins is
37 therefore no longer necessary. This also prevents environmental
38 impacts to wetlands that would have resulted from such a sidewalk;
39
- 40 • It has been verified that the Fire Department Chief is requiring the
41 "secondary" entrance on the southern end of the site for fire trucks to
42 access the rear of the buildings. Use of that entrance will also preclude
43 delivery trucks from interfering with traffic in front of the stores. M.
44 Soares questioned whether this would encourage delivery drivers to exit
45 the lot via Perkins Road. B. Mezquita replied that drivers typically
46 prefer to use signalized intersections like that at Vista Ridge Drive and
47 Route 28. Deliveries to the northern lot (51) will be made via the main
48 entrance, trucks will circle to the back of that building and will leave
49 through the northernmost exit which is a right turn only. Deliveries to

1 the southern lot (51-9) will be made via the southern access and will
2 exit through the main entrance. M. DiGuiseppe added that retailers are
3 educated about the traffic and delivery flow of the site prior to store
4 openings. Additionally, loading bays and dumpsters are angled to
5 encourage trucks go around the rear of the building in one direction;
6

- 7 • Regarding questions about the height of lighting structures, the
8 proposed lighting plan meets Town requirements, i.e. a pole mount
9 height of 22 feet high in the front parking lot and wall lights mounted at
10 a height of 15 feet;
11
- 12 • Peak PM traffic data was used as the basis for future traffic impacts
13 because AM peak traffic on Vista Ridge Drive occurs before most of the
14 retail stores open, therefore the shopping center will have a greater
15 impact on the PM traffic. M. Soares noted the impact of delivery trucks
16 that will occur in the morning hours. Giles Ham of Vanasse and
17 Associates, said the standard of using the weekday afternoon peak
18 hours and the Saturday afternoon peak hours was set by the NH
19 Department of Transportation (NH DOT) and conveyed to the developer
20 by the Town as well. He added that it is a common standard for retail
21 developments that have no office or residential components;
22
- 23 • After determining that an overwhelming majority of traffic will take a
24 left turn into the main access drive, the pedestrian crosswalk has been
25 moved to the south side of that main entrance, connecting the six foot
26 sidewalks on either side. Signage will clearly indicate the location of the
27 crosswalk, and sight lines have been confirmed that will allow drivers to
28 adequately see pedestrians. A pedestrian signal had been suggested by
29 abutters but the anticipated volume of cars and pedestrians using this
30 crosswalk simply does not warrant one. It was also mentioned later on
31 that a crosswalk requested by Vista Ridge residents connecting those
32 condos to the southern end of the development is not feasible because
33 of the significant change in elevation between the two;
34
- 35 • Neither the applicant nor staff believes "No Parking" signs will be
36 needed along Vista Ridge Drive, although the applicant is not opposed
37 to them being a condition of approval if the Board feels they are
38 necessary.
39
- 40 • The overall reduction in parking is 24 spaces (or 4%) of the required
41 number (574 proposed vs. 598 required). This should provide more
42 than enough parking based on comparisons shopping centers of similar
43 scope. L. Wiles asked if the parking for the stand-alone restaurant was
44 in excess or at a deficit. C. May said that particular part of the parking
45 area features more spaces than are required.
46

47 M. Soares thanked M DiGuiseppe for his willingness to consider comments from
48 residents and staff since beginning this project almost a year ago and for
49 making various adjustments based on that input.
50

1 A. Rugg asked for any additional input from staff. J. Trottier and C. May said
2 they had nothing to add to their comments made on April 4.

3
4 A. Rugg asked for input from the Board.

5
6 L. Wiles asked whether the standards of Vista Ridge Drive would have been
7 any different if the retail development had been built prior to the condos. J.
8 Trottier said it was a possibility but that Vista Ridge Drive was created with the
9 assumption that a commercial entity would occupy that land. J. Butler asked
10 what the retaining wall on the back of the building would be made of and
11 whether any fencing will be added to the top for safety reasons. B. Mezquita
12 said it would be a segmental engineered block wall with fencing at the top and a
13 guardrail alongside. It is generally six to eight feet tall and ranges as high as
14 23 feet. J. Butler also reiterated the question posed at the April 4 meeting as
15 to whether pedestrians will be able to cross from proposed lot 51 and abutting
16 lot 60-2 to the north. M. DiGuiseppe said he has made several phone calls to
17 McDonalds who have a lease for the site but has not heard back. Once he
18 knows what is going to be built there, a proposal can be made to connect the
19 two with stairs or by some other means. During the public comment portion of
20 the hearing, Dave Sanderson, 1 Olivia Lane in Kensington, NH and owner of
21 abutting lot 60-2 to the north of the retail site, stated that he and M.
22 DiGuiseppe discussed the Shops proposal in 2010. At that time, he said M.
23 DiGuiseppe offered to provide access to lot 51 in exchange for signage rights
24 on the northwest corner of lot 60-2. A. Rugg stated the Board expects the two
25 developers to work together. A. Rugg then asked what the proposed business
26 and delivery hours are. While the store hours are not yet definite, M.
27 DiGuiseppe expects they would be 9:00 AM to 10:00 PM at night, with later
28 hours for the restaurant. Deliveries, he said, typically occur from 6:00 AM until
29 the stores open. J. Butler also asked if the color differentiation between
30 rooftops and the equipment on them can be minimized. M. DiGuiseppe said
31 the equipment is typically dark grey and with the rooftops being black, he did
32 not feel they would offset each other very much. Painting them black to match
33 the rooftop would create maintenance issues.

34
35 A. Rugg asked for public input.

36
37 Daniel Mendonca, 6 Crestview, Unit 141, asserted that trucks will use Perkins
38 Road as a means of exit to avoid waiting at the light on Vista Ridge Drive to
39 get to Route 28. In addition, potential criminals stealing from the retail stores
40 would most likely escape through that southern entrance (this was repeated
41 later by Don DeFronzo, 14 Crestview Circle). Traffic along that section of Vista
42 Ridge Drive would create safety issues with children living at the condos using
43 the playground and waiting for the bus. A. Rugg suggested the condo
44 association consider fencing in the playground and providing trails to the new
45 bus stop. D. Mendonca asked that the southern entrance be removed and that
46 the site be reconfigured to allow emergency vehicles to access the rear of the
47 buildings. Rick Picard, 12 Vista Ridge Drive, suggested that a median be
48 placed at that entrance so that trucks can only take a right turn out. M. Soares
49 noted that one of the biggest concerns about that entrance has been remedied
50 by moving the bus stop from Perkins Road to Crestview Circle. She also read

1 from the letter submitted by Fire Chief Kevin McCaffrey which says in part:

2
3 "If an obstruction or disabled vehicle were to block
4 that with only one egress, there would be no access to
5 the L building at all especially considering the grade
6 level situation. I would not allow that secondary
7 access to be eliminated based on emergency access."
8

9 D. Mendonca then suggested that the site was overdeveloped and offered a
10 compromise that no delivery trucks use the southern entrance. Tom Bianchi,
11 16 Vista Ridge Drive, added that signs could be posted to prohibit that use. M.
12 Soares explained that the proposal is to allow trucks to gain entry to part of
13 the site from the southern access and that the majority would then leave via
14 the northern driveways. Some will use Perkins Road instead, she agreed, but
15 the widening of Route 28 by the State will impact the overall flow of traffic and
16 that impact is unknown at this point. She added that she would not object to a
17 "no trucks allowed" sign posted at the end of Vista Ridge Drive where it meets
18 Perkins Road. D. DeFronzo stated that in his experience as a truck driver,
19 suggested routes in and out of retail developments do not always work,
20 resulting in damage to curbs and lawns. Signage, however, is effective in
21 routing drivers he said. Traffic engineer Giles Ham of Vanasse and Associates
22 estimated that five to ten truck deliveries would be expected per day for the L-
23 shaped building, the majority of which would not be trailer trucks because of
24 the size of the retail units. Sue Ann Johnson, 4 Crestview Circle, unit 101,
25 asked how that can be estimated when it is unknown exactly what tenants will
26 occupy the buildings. M. DiGuseppe answered that those estimates are based
27 on historical data of similar retail uses.
28

29 J. McLaughlin, 15 Apollo Road and 14 Crestview Circle, noted that the Fire
30 Chief did not address whether an electronic gate could be used at that
31 entrance. She and M. Newman both questioned whether the turning radius
32 from the southern access onto Vista Ridge Drive was adequate, but M.
33 DiGuseppe assured them it would be. J. Butler asked if the southern entrance
34 could be restricted to emergency vehicles with an electronic gate, particularly
35 since there are no loading docks on the back of the L-shaped building. M
36 DiGuseppe said that loading docks may be added to the L-shaped building,
37 depending on whether a future tenant needs one. To avoid safety issues and
38 ensure the functionality of the retail use, he added, the flow of delivery traffic
39 has to remain logical. Safety and efficiency issues have been reviewed by his
40 engineers, the engineers of both Town staff and the Town's consultant, and
41 engineers of NH DOT. J. Butler questioned the ability to add a loading dock to
42 the L-shaped building without impacting the wetland to the east. A. Rugg
43 noted that an amended site plan would need to be submitted to add any docks
44 after the plan is approved, which would entail another review and public
45 hearing. M. Soares suggested revisiting the issue of restricting access at the
46 southern entrance to emergency vehicles if a site plan amendment were
47 submitted to add loading docks.
48

49 B. Sibley, 2 Crestview Circle, reiterated concerns about traffic being added to
50 the area that will travel up Vista Ridge Drive to the Crestview Circle entrances.

1 He added that the future "right only" at the end of Perkins Road onto Route 28
2 will only increase surrounding traffic to use Vista Ridge Drive as a shortcut. T.
3 Bianchi questioned the assumptions of the traffic study and whether it took
4 into account the traffic already using Vista Ridge Drive. G. Ham replied that
5 the traffic study was started in 2010, taking into account other peak hours as
6 well as peak months and adding data about the surrounding area from the
7 Town. In addition, projections over ten years are created. NH DOT has
8 reviewed the study, along with the Town staff and the Town's consultant, and
9 all are confident the study will work. Jeff Talbot, 4 Crestview Circle, unit 103,
10 asked why the traffic study did not include information about the intersection
11 of Vista Ridge Drive and Perkins Road. G. Ham replied that it had not been
12 requested to study that intersection, either by the State or the Town. S.
13 Johnson asked what the expected traffic increase is for Vista Ridge Drive.
14 Traffic in the area of Vista Ridge condos, G. Ham stated, is currently 30 to 40
15 trips per peak hour during weekday evenings and Saturday afternoons. That is
16 projected to increase by 54 and 72 cars during the same hours. Higher
17 volumes given at the last meeting, he noted, were relative to the seven
18 hundred foot section of Vista Ridge Drive starting at Route 28 where 90% of
19 the traffic increase will take place. C. May added that those figures are only
20 related to peak hours and that volume will not be seen throughout the day.
21

22 D. Mendonca questioned whether tenants will be found for the new retail
23 buildings. He said the town will lose significant tax revenue by the
24 development devaluing the condominiums. A. Rugg replied that the
25 development will be tax positive for the town and that the commercial zone
26 along Route 28 was devised based on information garnered through the
27 Northwest Small Area Master Plan. S. Ann Johnson stated that preservation of
28 residential values should outweigh the revenue generated by a commercial
29 site. A. Rugg explained that approval of the plan is based on the applicant's
30 ability to conform to Town regulations. Lee Jeffers, 16 Vista Ridge Drive,
31 stated his property values will suffer from the impact of the buildings on the
32 view from his condo. Hal Linde, 12-39 Vista Ridge Drive, asked that
33 evergreens of sufficient height be planted to buffer the sight and noise impact.
34 T. Bianchi suggested that the flat roofs of the strip mall buildings be replaced
35 with gables and peaks for aesthetic purposes. A. Rugg explained that the plan
36 has been before the Heritage Commission on three occasions, resulting in
37 compromises reflected in the current plans. D. Defronzo noted that
38 construction will disrupt wildlife and force animals towards the condominium
39 area, increasing the chance that they will be run over. Litter and traffic will be
40 increased, he continued, and parking on Vista Ridge Drive is sure to occur.
41

42 J. McLaughlin verified with the applicant that trash compactors will be on the
43 rear of the northern building while trash dumpsters are in place in the rear of
44 the southern building. She also confirmed that the guard rail along the
45 northeast side of Vista Ridge Drive will be in the Town right of way and asked
46 if its location will cause problems with snow removal from the sidewalks.
47 Board members and staff noted that sidewalk snow clearance is conducted
48 after the needs to maintain roadways have been satisfied, and depends upon
49 availability of resources. It was suggested that residents present any
50 comments pertaining to that issue to the Town Council. S. Johnson pointed out

1 that if sidewalks are blocked, increased traffic on Vista Ridge Drive will be a
2 hazard for pedestrians. J. McLaughlin also verified which medians will be
3 concrete (those at the two northernmost entrances) and which will be painted
4 (those along Vista Ridge Drive). She then questioned whether the rain garden
5 between the two buildings complies with NH Department of Environmental
6 Services (DES) regulations since the grade seems to be greater than 15% and
7 the site is greater than five acres. B. Mezquita answered that the plan also
8 includes two stormwater ponds and all proposed drainage has been reviewed
9 by NH DES, NH DOT, the applicant's engineers, Town staff engineers, and the
10 Town's consultant to ensure it meets all requirements. Handicap parking at
11 the south end of the lot she stated, is at a significant distance from the shops
12 at the end of the southern building if one does not have a motorized means of
13 transport. Overall, she stated that the development is too large for the site
14 and suggested the inefficiency of both the parking as well as the access behind
15 the buildings. S. Johnson asked what residents should do if the parking proves
16 to be lacking and vehicles are parked along Vista Ridge Drive. M. Soares said
17 residents would need to contact the police. William Bernard, 18 Crestview,
18 unit 215, asked, in the interest of "going green," if a crosswalk can be added
19 from the condo association to the southern entrance along with a sidewalk so
20 residents do not have to drive to the shops.

21
22 H. Linde asked that waivers related to landscaping requirements be denied by
23 the Board in order to retain as much natural buffer as possible year round,
24 particularly to continue to block noise from Route 28. S. Johnson agreed that
25 the waivers should not be granted and suggested there is not enough room on
26 the slope between the condos and the retail site to grow a sufficient tree
27 buffer. Kari Reinking, 14 Crestview Circle, asked if the increase in landscaping
28 (resulting from the withdrawal of two waivers) will block sight distance for cars
29 coming around the corner of Vista Ridge Drive, heading north. She also asked
30 if the posted speed limit along Vista Ridge Drive (35 MPH) will be reduced. J.
31 Trottier answered that sight distance is part of the site plan review and that the
32 proposed crosswalk is well past the curve in the road and would not be
33 affected.

34
35 Attorney Daniel Muller of Cronin and Bisson, P.C. in Manchester conveyed that
36 the Vista Ridge Condominium Association would like the southern entrance
37 restricted to emergency vehicles to keep commercial traffic away from the
38 residential property. While the landscaping plan has improved, he said, there
39 are not enough evergreen trees proposed to provide year round screening for
40 Vista Ridge residents. There is also concern that proposed snow storage at the
41 southwest part of the site could destroy landscape screening as well as a
42 stonewall in that area. Pertaining to the requested Conditional Use Permits
43 (CUP), Attorney Muller stated that the applicant has not addressed all of the
44 required criteria. For example, no factual evidence has been provided to show
45 that surrounding property values will suffer no diminution, yet his client
46 believes the proposal would more than likely devalue the residential condos.
47 Another example would be that the applicant has not offered how the retaining
48 wall is in the public interest, yet an answer is required by the CUP application.
49 Conditions requested by the Condo Association include a note added to the
50 plan requiring a pre-blast survey and that any third party blasting contractor

1 have sufficient insurance to address any lost resulting from their work. A.
2 Rugg noted that there are blasting requirements in place through the Fire
3 Department for such work, but Attorney Muller said the additional notation on
4 the plan will avoid any confusion in the future. J. Trottier clarified with
5 Attorney Muller that the request entails pre-blasting surveys for all the Vista
6 Ridge Condominium buildings, however the required area for such a survey
7 would most likely not include them all. Similarly, Attorney Muller said a note
8 verifying the property owner's responsibility for maintenance of the drainage
9 design would avoid uncertainty later on. Dust mitigation during construction is
10 also requested, along with power washing of the condos when construction is
11 complete. M DiGuiseppe said he would comply with Town requirements
12 regarding these issues.

13
14 There was no further public input

15
16 J. Trottier and C. May read the seven waivers into the record from the Staff
17 Recommendation memo:

- 18
19 1. *The applicant has requested a waiver to Section 3.11.g.1.ii of the Site*
20 *Plan Regulations requiring the provision of eight percent (8%)*
21 *minimum interior landscaping for parking area located on the side of*
22 *buildings. Staff supports **granting** the waiver because the parking*
23 *fields on the building sides are smaller areas, and the interior*
24 *landscape areas provided in front exceeds the minimum requirement.*
- 25
26 2. *The applicant has requested a waiver to Section 3.11.g.1.iii of the Site*
27 *Plan Regulations requiring the provision of five percent (5%) minimum*
28 *interior landscaping for parking area located at the rear of buildings.*
29 *Staff supports **granting** the waiver because the parking fields behind*
30 *the buildings are linear and not visible from the public Right-of-Way,*
31 *and are screened by a large wooded wetland area on the east side of*
the development.
- 32
33 3. *The applicant has requested a waiver to Section 3.11.g.5 of the Site*
34 *Plan Regulations requiring the provision of a minimum of one (1)*
35 *deciduous tree per every 20 parking spaces and one tree per each 50*
36 *feet of parking lot perimeter where screening is required. The applicant*
37 *has provided 31 trees where 73 are required. Staff supports **granting***
38 *the waiver, because the parking lot is from 10 feet up to 27 feet lower*
39 *than Vista Ridge Drive beyond the main entrance, and trees will not be*
visible from the street.
- 40
41 4. *The applicant has requested a waiver to Section 3.07.H of the Site Plan*
42 *Regulations which requires the provision of manhole and catch basin*
43 *depths not to exceed 18 feet in height. Staff supports **granting** the*
44 *waiver, because of significant grade changes from the top of the*
retaining walls to outlet structures.
- 45
46 5. *The applicant has requested a waiver to Section 3.07.G.3 of the Site*
47 *Plan Regulations requiring a minimum of 3 feet of cover over pipes.*
48 *There are three catch basins, and five locations off site where the*
minimum cover is not provided. The applicant has provided RCP pipe.

1 *In addition, the applicant is proposing a 6" underdrain within the Rain*
2 *Garden. Staff supports **granting** the waiver due to required placement*
3 *and utility crossings and the applicant is proposing to use reinforced*
4 *concrete pipe in these locations.*

5 6. *The applicant has requested a waiver to Section 3.07.G.2 of the*
6 *regulations regarding minimum and maximum permitted pipe*
7 *velocities. The drainage report indicates seven pipes will have velocities*
8 *in excess of 10 fps. In addition, the table indicates the minimum*
9 *velocity of 2 fps is not achieved (1.85 fps) in one location (CB 22 to*
10 *CB21). Staff supports **granting** the waiver, because of insufficient*
11 *flows to achieve the minimum velocity and due to the proposed site*
12 *grades and limiting the depth of the proposed piping that impacts the*
13 *maximum velocity.*

14 7. *The applicant has requested a waiver to the typical roadway section in*
15 *Exhibits D5 and R-101 of the Subdivision Regulations. They are*
16 *proposing to alter the existing Vista Ridge Drive roadway embankment*
17 *within the Town's existing roadway slope easement from a typical cut*
18 *section to an embankment sloping downward similar to a fill type*
19 *section. The proposed grading design provided for a 3H:1V slope with*
20 *guardrail in lieu of the 4H:1V embankment slope required for this type*
21 *of roadway section as indicated in Exhibit D5 of the Subdivision*
22 *Regulations and Town's typical roadway section Exhibit R-101. Staff*
23 *supports **granting** the waiver in order to limit the required side slope*
24 *of the roadway and the Applicant is proposing guardrail to be installed*
25 *along portions of Vista Ridge Drive where required.*

26
27 A. Rugg asked for Board input. M. Soares asked about the pipe size
28 requirement associated with waiver number five. J. Trottier explained that the
29 Town's minimum pipe size is 15 feet, however the pipe directed to the rain
30 garden simply does not need to be that size and a larger pipe would actually be
31 detrimental to the functionality of the rain garden. L. Wiles said he would not
32 be inclined to grant landscaping waiver number three when landscaping could
33 be added to minimize the visual impacts, particularly for third floor Vista Ridge
34 condo residents. J. Butler suggested planting trees from the proposed
35 crosswalk, south along Vista Ridge Drive *on the condominium side of the road.*
36 It was decided to keep the waiver request intact and instead add a condition
37 with language pertaining to an additional tree line being placed along the
38 western side of Vista Ridge Drive. M. DiGuiseppe offered to work with staff on
39 a design in that area that would address proper spacing and tree height,
40 provided that waiver number three was not changed or excluded. He offered
41 to relocate the 42 trees he is asking be waived from the perimeter of the
42 parking lot over to the western side of Vista Ridge Drive, pending approval
43 from the Vista Ridge Condo Association. The consensus was to add a
44 subsequent condition to any conditional approval that the applicant will work
45 with the Vista Ridge Condominium Association regarding the placement of
46 those 42 trees (see General and Subsequent condition number eight below). It
47 was also decided to add a subsequent condition that roof top mechanical

1 equipment be black or dark colored to blend with the roofing materials (see
2 General and Subsequent condition number nine below).

3
4 **M. Soares made a motion to grant all seven waivers based on the**
5 **applicant's letter and staff recommendation. R. Brideau seconded the**
6 **motion.** L. Wiles asked if the waivers could be voted on individually.

7
8 **M. Soares made a motion to grant waivers 1, 2, 4, 5, 6, and 7 based on**
9 **the applicant's letter and staff recommendation. R. Brideau seconded**
10 **the motion.** No discussion. **Vote on the motion: 8-0-0.** Waivers 1, 2, 4, 5,
11 6, and 7 were granted.

12
13 **M. Soares made a motion to grant waiver number 3 based on the**
14 **applicant's letter and staff recommendation. R. Brideau seconded the**
15 **motion.** No discussion. **Vote on the motion: 7-1-0 with L. Wiles in**
16 **opposition.** Waiver 3 was granted.

17
18 C. May read the four Conditional Use Permit requests from the Staff
19 Recommendation memo:

- 20
21 1. *The Applicant indicates several retaining walls are to be constructed*
22 *within the building setbacks of the property adjacent to abutting lot*
23 *60-2, along Vista Ridge Drive and along Rockingham Road with the*
24 *wall heights varying up to twenty (20) feet. In addition, the site*
25 *plan indicates the proposed restaurant will be within the 60 foot*
26 *front setback along Vista Ridge Drive. The Applicant is requesting a*
27 *Conditional Use Permit to section 2.4.5.1 of the Zoning Ordinance to*
28 *construct these structures in the setbacks under this application.*
29 *Staff recommends **granting** the Conditional Use Permit because*
30 *the there is only a small corner of the building that will end up in*
31 *the setback after the first 10 feet of frontage is dedicated for future*
32 *roadway improvements on Vista Ridge Drive. The retaining walls*
33 *within the setbacks only occur along the common boundary of the*
34 *development subdivision.*
- 35 2. *The Applicant's design does not provide landscaping to enclose the*
36 *proposed lot per section 2.4.5.3.1 of the Zoning Ordinance. The*
37 *Applicant is requesting a Conditional Use Permit to section 2.4.5.3.1*
38 *of the Zoning Ordinance for the proposed common driveway. Staff*
39 *recommends **granting** the Conditional Use Permit because the area*
40 *of concern is the location of the common driveway and boundary*
41 *between the newly subdivided lots separating the development, and*
42 *the applicant has provided adequate landscaping along either side of*
43 *the driveway within the available green space.*
- 44 3. *The Applicant's design does not provide the minimum required*
45 *parking in accordance with section 3.10.10 of the Zoning Ordinance*
46 *and identified on sheet C-2A. The applicant is requesting a*
47 *Conditional Use Permit to reduce the number of proposed parking*
48 *spaces under this application. Staff recommends **granting** the*
49 *Conditional Use Permit because the applicant has demonstrated that*

1 *the spaces provided adequately addresses the parking needs for this*
 2 *use based on the number of parking spaces utilized in similarly*
 3 *owned developments. Parking will be shared between both lots as*
 4 *part of the single shopping center development.*

5 4. *The Applicant is proposing improvements within the Conservation*
 6 *Overlay District (COD) that will require a Conditional Use Permit*
 7 *approval by the Planning Board. The Conservation Commission does*
 8 *not recommend approval of the Conditional Use Permit because*
 9 *they found that it didn't meet the intent of the COD. The*
 10 *Commission did, however, note in their notice that the plan*
 11 *proposes to minimize the impact of the development, and the*
 12 *applicant designed a created wetland area adjacent to the existing*
 13 *wetland that would have a similar equivalent functional value to the*
 14 *wetlands and buffers being disturbed. Staff recommends **granting***
 15 *the Conditional Use Permit for the reasons stated, and because the*
 16 *two small impacts are in the outer half of the buffer. The application*
 17 *has received a wetland permit from NHDES.*

18
 19 **M. Soares made a motion to grant Conditional Use Permits as outlined**
 20 **by staff. R. Brideau seconded the motion. No Discussion. Vote on the**
 21 **motion: 8-0-0.** The four Conditional Use Permits was granted.
 22

23 M. Soares asked that a condition be entertained where the southern entrance
 24 would be restricted to emergency vehicles with an electric gate. S. Benson and
 25 D. Coons disagreed, saying it would cause more congestion of truck traffic and
 26 encourage drivers to travel in front of the L-shaped building if they cannot
 27 leave through that southern entrance. Trucks needing to access the L-shaped
 28 building, they added, will be smaller (e.g. UPS trucks) rather than tractor
 29 trailer size trucks. Instead, the southern access could be restricted to one-way
 30 traffic from the rear of the buildings out to Vista Ridge Drive. After further
 31 discussion, the consensus was to add a condition restricting that southern
 32 entrance to one-way traffic and to have staff determine whether the restriction
 33 applies to traffic going in or leaving that entrance. M. DiGuiseppe said he was
 34 amenable to discussing the issue with staff. A precedent condition would
 35 therefore be added to any conditional approval concerning one-way access to
 36 the southern entrance (see Precedent Condition number 16 below).
 37

38 **M. Soares made a motion to conditionally approve the site plan with**
 39 **the following conditions:**
 40

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

45 **PRECEDENT CONDITIONS**
 46

47 All of the precedent conditions below must be met by the applicant, at the
 48 expense of the applicant, prior to certification of the plans by the Planning

1 Board. Certification of the plans is required prior to commencement of any site
2 work, any construction on the site or issuance of a building permit.

- 3
- 4 1. The Applicant has not provided all project permits associated with the
5 proposed development per section 4.13 of the Site Plan Regulations. We
6 understand that dam permits were recently submitted for this project that
7 are noted on the cover sheet. The Applicant shall obtain all project permits,
8 indicate the permit approval numbers in note 10 on the cover sheet and
9 provide copies of all permits for the Planning Division files in accordance
10 with the regulations.
- 11
- 12 2. The proposed project design includes removal of portions of the existing
13 Vista Ridge Drive drainage system and associated drainage swales located
14 in existing easements which flow to the existing detention basin on the site.
15 Under the proposed design, the drainage flow from the Town's drainage
16 system is redirected through special devices labeled as WQI #1 & #2, and
17 piped through the site to outlet near the existing detention basin. However,
18 the Applicant's proposed design does not address the Town's existing
19 flowage rights or easements. In addition, the Applicant will be responsible
20 for the proposed drainage system changes including the additional special
21 drainage structures, piping, associated maintenance for the special devices,
22 and access to the new facilities on the subject lots. The Applicant notes
23 final easements will be provided upon approval of the drainage system in
24 the previous response letter. The Applicant shall arrange a meeting with
25 the Department of Public Works to discuss the proposed design, flowage
26 rights, easements, maintenance, and verify the proposed design is
27 acceptable to the Department of Public Works. The Applicant shall revise,
28 as necessary, meeting approval of the Department of Public Works.
- 29
- 30 3. The Applicant shall address the following relative to the grading, drainage
31 and erosion control plans:
- 32 A. The revised grading design in this submission includes additional
33 grading along the existing dam embankment of the existing detention
34 pond and construction of a new 10 foot emergency spillway as
35 depicted on sheet C-3C. However, it appears there is an existing
36 emergency spillway located on the westerly embankment and west of
37 the existing outlet and near the proposed retaining wall as depicted
38 by the riprap shown on the plan and is consistent with the location
39 shown on the proposed plan prepared by Burd in 2001. What
40 elevation does this existing spillway operate at? Will the proposed
41 embankment grading affect it? Is a new spillway necessary? The
42 Applicant shall explain and clarify.
- 43 B. The revised grading design in this submission includes additional
44 grading along the existing dam embankment toward abutting lot 54,
45 but does not appear to maintain/provide the same embankment
46 width of 10 feet along the abutting lot. The Applicant shall review
47 and revise accordingly.
- 48 C. The revised drainage structure table does not include PDMH16. The
49 Applicant shall update the table to include this structure indicated on
50 the plan for proper construction.

- 1
- 2 4. The landscape plan – sheet 5D does not appear to indicate all the proposed
- 3 grading consistent with the latest grading plan for the area – sheet C-3A.
- 4 Under the latest design, the Applicant has indicated that a dam permit has
- 5 been submitted for this detention basin, but this plan indicates proposed
- 6 plants would be placed in the proposed dam embankment that is generally
- 7 not recommended. The Applicant shall provide verification the proposed
- 8 plantings in the embankment are acceptable with the NHDES Dam Bureau.
- 9
- 10 5. The Applicant shall provide the Owner's signatures on all applicable sheets.
- 11
- 12 6. The Applicant shall address the following relative to the submitted drainage
- 13 report:
- 14 A. The updated analysis does not appear to address the current
- 15 emergency overflow spillway depicted on the westerly side of the
- 16 basin at pond A2 as shown on the plan prepared by Burd in 2001.
- 17 The Applicant shall update accordingly. In addition, The Applicant
- 18 shall clarify the need for a new spillway as indicated in the analysis
- 19 and on the plans.
- 20 B. The Applicant's proposed rain garden detention basin analysis
- 21 indicates storage volume below the outlet invert 344.50 which is
- 22 typically not allowed by the Town. The Applicant shall update to
- 23 eliminate volume below the outlet invert and indicate compliance with
- 24 the regulations is achieved (no increase in runoff) as typically
- 25 required by the Town.
- 26 C. The Applicant's pond summary is now included in the report that
- 27 shows a proposed 50-year peak elevation at 324.79 at pond A2 with
- 28 a top of proposed embankment at 325.5, which does provide the
- 29 minimum 12" of freeboard above the 50-year elevation as required
- 30 by the regulations. The proposed 10-foot wide emergency spillway is
- 31 within the embankment and placed at elevation 324.38 and the
- 32 existing spillway is not addressed. The proposed modification to the
- 33 dam embankment shall include providing the minimum freeboard to
- 34 the 50-year elevation of 12" as required by the regulations.
- 35 D. The Applicant shall update the predevelopment drainage area plan to
- 36 indicate and label the location of subcatchment 2236.
- 37
- 38 7. The Applicant shall update the sight distance plan at proposed site drive 3 –
- 39 sheet 27 of the off-site improvement plans – to include the existing
- 40 guardrail in the easterly direction.
- 41
- 42 8. The project is located along a significant portion of Vista Ridge Drive and
- 43 the Applicant is proposing improvements to the roadway to serve the
- 44 proposed development as part of the off-site improvements for the site plan
- 45 application. The Applicant shall verify the proposed off-site improvements
- 46 are acceptable to the Department of Public Works.
- 47
- 48 9. The Applicant shall confirm the Assessor's DRC comments have been
- 49 addressed with the Assessor.
- 50

- 1
- 2 10. The Applicant shall provide the Owner signature and the professional
- 3 engineer endorsement (stamp and signature) on all applicable plans.
- 4
- 5 11. The Applicant shall note all waivers and the Conditional Use Permits granted
- 6 on the plan.
- 7
- 8 12. The Applicant shall provide a digital (electronic) copy of the complete final
- 9 plan sent to the Town at the time of signature by the Board in accordance
- 10 with Section 2.05.n of the regulations.
- 11
- 12 13. Outside consultant's fees shall be paid within 30 days of conditional site
- 13 plan approval.
- 14
- 15 14. Financial guaranty if necessary.
- 16
- 17 15. Final engineering review
- 18
- 19 16. The applicant shall work with staff to revise the southerly driveway entrance
- 20 to proposed lot 51-9 to make it a one-way access. The final determination
- 21 will be at staff's discretion.
- 22

23 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
24 certified the approval is considered final. If these conditions are not met within
25 **120 days** to the day of the meeting at which the Planning Board grants
26 conditional approval the board's approval will be considered to have lapsed and
27 re-submission of the application will be required. See RSA 674: 39 on vesting.
28

29 **GENERAL AND SUBSEQUENT CONDITIONS**

30 All of the conditions below are attached to this approval.

- 31
- 32
- 33 1. **No construction or site work for the amended site plan may be**
- 34 **undertaken until the pre-construction meeting with Town staff has**
- 35 **taken place, filing of an NPDES-EPA Permit and the site restoration**
- 36 **financial guaranty is in place with the Town.** The Applicant shall
- 37 contact the Department of Public Works to arrange for this meeting.
- 38
- 39 2. The project must be built and executed exactly as specified in the approved
- 40 application package unless modifications are approved by the Planning
- 41 Division & Department of Public Works, or if staff deems applicable, the
- 42 Planning Board.
- 43
- 44 3. All of the documentation submitted in the application package by the
- 45 applicant and any requirements imposed by other agencies are part of this
- 46 approval unless otherwise updated, revised, clarified in some manner, or
- 47 superseded in full or in part. In the case of conflicting information between
- 48 documents, the most recent documentation and this notice herein shall
- 49 generally be determining.
- 50

- 1 4. All site improvements must be completed prior to the issuance of a
 2 certificate of occupancy. In accordance with Section 6.01.d of the Site Plan
 3 Regulations, in circumstances that prevent landscaping to be completed
 4 (due to weather conditions or other unique circumstance), the Building
 5 Division may issue a certificate of occupancy prior to the completion of
 6 landscaping improvements, if agreed upon by the Planning Division & Public
 7 Works Department, when a financial guaranty (see forms available from the
 8 Public Works Department) and agreement to complete improvements are
 9 placed with the Town. The landscaping shall be completed within 6 months
 10 from the issuance of the certificate of occupancy, or the Town shall utilize
 11 the financial guaranty to contract out the work to complete the
 12 improvements as stipulated in the agreement to complete landscaping
 13 improvements. **No other improvements shall be permitted to use a**
 14 **financial guaranty for their completion for purposes of receiving a**
 15 **certificate of occupancy.**
 16
- 17 5. As built site plans must to be submitted to the Public Works Department
 18 prior to the release of the applicant's financial guaranty.
 19
- 20 6. All required Traffic, Police and Fire impact fees must be paid prior to the
 21 issuance of a Certificate of Occupancy.
 22
- 23 7. It is the responsibility of the applicant to obtain all other local, state, and
 24 federal permits, licenses, and approvals which may be required as part of
 25 this project (that were not received prior to certification of the plans).
 26 Contact the Building Division at extension 115 regarding building permits.
 27
- 28 8. The applicant shall work with the Vista Ridge Condominium Association to
 29 come to an agreement regarding the placement of 42 shade trees along the
 30 frontage of Vista Ridge Drive.
 31
- 32 9. The applicant shall provide black or dark colored roof top mechanical
 33 equipment to blend with the roofing materials.
 34

35
 36 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 7-**
 37 **1-0** with D. Coons in opposition. The plan was conditionally approved.
 38

39 D. Appeal of the Decision of the Londonderry Street Naming System Task Force
 40 regarding Re-addressing Map 10 Lot 51, Numbers 1 through 8 Action Blvd,
 41 decided on March 22, 2012. The Planning Board shall hold a public hearing in
 42 accordance with Town Ordinance 2008-08.
 43

44 R. Brideau recused from the discussion and any vote on the matter.
 45

46 Town GIS Manager John Vogl explained that Town Ordinance 2008-08 relates
 47 to the Tax Assessor's assigning and altering of street numbers in Londonderry.
 48 The Street Naming Taskforce was established to address discrepancies and
 49 deficiencies, usually brought to the attention of the Town by the State
 50 Department of Safety (911). In spring of this year, the owner of map 10, lot

1 51 presented a variance request to the Zoning Board of Adjustment. During
2 the processing of that application, it was discovered that the Assessing records
3 identified two separate numbers, 1 and 8, to the lot. The discrepancy also
4 revealed that the street number 8 assigned to one of the buildings was
5 inconsistent with the ordinance since that number should be on the opposite
6 side of the street. Town staff notified the owner, William Deluca, that the
7 numbers of the three buildings on the property would officially be changed to
8 1A, 1B, and 1C Action Boulevard. He has objected to the change, but J. Vogl
9 and Assessor Karen Marchant said staff recommends it stay in place to ensure
10 consistency with the Town's standards. A. Rugg asked if safety was a factor in
11 making the change. Bryan Young of the Londonderry Fire Department replied
12 that no issues have arisen thus far, however the Department of Safety (911)
13 system is also requesting the change.
14

15 W. Deluca, managing member and owner of Windham Realty (the entity that
16 owns the lot), owner of both the Auto Auction of New England and the Bank of
17 New England located on this site, presented his argument. Renumbering these
18 buildings, he said, is a financial burden to the parties involved because of the
19 numerous modifications in business materials associated with an address
20 change and the confusion it will create for customers. Action Boulevard, he
21 continued, is a private road used only by the tenants and their customers.
22 Only commercial buildings are located on the site and 24-hour security is
23 provided seven days a week. When entering the site, he argued that
24 emergency vehicles will clearly be able to assess the situation between the
25 three separate buildings which are all on the same side of Action Boulevard.
26 Being a prompt taxpayer of \$132,000 per year and having worked with the
27 Town previously to provide, at no cost, both the land and associated legal
28 proceedings to create an enlarged easement for the existing pump house, he
29 respectfully requested that the appeal be granted.
30

31 A. Rugg asked for Board input. D. Coons stated he agreed with the owner,
32 despite the request of the Department of Safety (911), because of the
33 significant cost to the business owners. M. Soares noted the previous changes
34 made to nearby businesses that were using a West Broadway, Derry address
35 but are technically on Nashua Road in Londonderry. In that instance, she said
36 there was a clear need to make the changes for safety reasons associated with
37 911. The situation in question, she argued, does not pose the same hazard.
38 A. Rugg agreed and said the specifics of the situation make it a true exception.
39

40 A. Rugg entertained public input.
41

42 Kathy Wagner, 6 Fiddlers Ridge Road, stated her business occupied one of the
43 buildings eight years ago and no problems arose based on the address. She
44 added that the Town has not had any issues getting to the kidney dialysis
45 business on the site now, nor were there problems when the school's LEAP
46 program was held there in previous years.
47

48 There was no further public input.
49

50 L. Reilly asked whether any other appeals have been filed concerning address

1 changes for similar lots in town. J. Vogl said to his knowledge, this was the
2 first commercial property to make an appeal. L. Wiles asked if the Fire
3 Department had identified any issue of inconsistency on this property,
4 considering they typically bring irregularities to the attention of the Town. J.
5 Vogl replied that the matter came up because of the aforementioned ZBA
6 request. L. Wiles said he was in favor of the appeal. M. Newman asked how
7 business owners in the multi-unit building would identify themselves when
8 making a 911 call. B. Deluca said they would most likely give the name of the
9 business, then street address, then their specific unit number. Changing the
10 street number, she surmised, would not preclude any confusion on the part of
11 emergency vehicles trying to identify which business needed assistance. J.
12 Butler asked if all the addresses are clearly marked on the buildings. W.
13 Deluca answered that the bank does not, but that he would make sure it and
14 the rest are appropriately identified. A. Rugg asked W. Deluca if he would be
15 amenable to a renumbering of the site if another building were added in the
16 future. W. Deluca said he would comply with such a request. L. Reilly agreed
17 that the businesses would suffer a financial hardship, but still felt the change
18 made by Town staff was warranted.

19
20 **D. Coons made a motion to grant the applicant's request for an appeal**
21 **of the Decision of the Londonderry Street Naming System Task Force.**
22 **L. Wiles seconded the motion. No discussion. Vote on the motion, 6-1-0**
23 **with L. Reilly in opposition.**

24 25 Other Business

26
27 There was no other business.

28 29 Adjournment:

30
31 **M. Soares made a motion to adjourn the meeting. L. Wiles seconded**
32 **the motion. Vote on the motion: 8-0-0.**

33
34 The meeting adjourned at 11:22 PM.

35
36 These minutes prepared by Jaye Trottier and Libby Canuel, Community
37 Development Department Secretaries.

38
39 Respectfully Submitted,

40
41
42
43 Lynn Wiles, Secretary

Town of Londonderry Comprehensive Plan Planapalooza Event Schedule, May 31 - June 5, 2012

Town of Londonderry Planapalooza Schedule	Time	Thursday, May 31 st DAY ONE	Friday, June 1 st DAY TWO	Saturday, June 2 nd DAY THREE	Sunday, June 3 rd DAY FOUR	Monday, June 4 th DAY FIVE	Tuesday, June 5 th DAY SIX	
Meeting Locations:	8:00 AM	Team Breakfast	Team Breakfast	Team Breakfast	Team Breakfast	Team Breakfast	Team Breakfast	
Students Hands-On Workshop Londonderry High School – Room 221 295 Mammoth Road Londonderry, New Hampshire 03053 Opening Presentation / Hands-On Workshop Londonderry High School – Cafeteria 295 Mammoth Road Londonderry, New Hampshire 03053 Public Pin-Up & Review Town Hall, Moose Hill Conference Room 268-B Mammoth Road Londonderry, New Hampshire 03053 Closing Presentation Lions Club Hall 256 Mammoth Road Londonderry, New Hampshire 03053 Plan Theme Group Meetings Town Hall, Moose Hill Conference Room 268-B Mammoth Road Londonderry, New Hampshire 03053	9:00 AM		MEETING #1 - LAND OWNERS, DEVELOPERS, & BUSINESS OWNERS 8:30 – 10:00 a.m.	MEETING #4 - SENIORS MEETING 9:00 a.m. – 10:00 a.m.	Team Design Session (Open to the Public)	MEETING #9 - ECONOMIC DEVELOPMENT / REGIONAL CONCERNS 9:00 – 10:00 a.m.	Team Production Activities (Open to the Public)	
	10:00 AM		MEETING #2 - PUBLIC UTILITIES 10:30 – 11:30 a.m.	MEETING #5 - LAND USE & COMMUNITY DESIGN 11:00 a.m. – 12:00 p.m.				
	11:00 AM							
	12:00 PM	Team Lunch	Team Lunch	Team Lunch	Team Lunch	Team Lunch	Team Lunch	
	1:00 PM		MEETING #3 - TRANSPORTATION 1:00 – 2:00 p.m.	MEETING #6 - NATURAL RESOURCES & OPEN SPACE 1:00 – 2:00 p.m.	Team Design / Production Session (Open to the Public)	Team Production Activities (Open to the Public)	Team Production Activities	
	2:00 PM		Team Session / Project Overview	MEETING #7 - HOUSING & NEIGHBORHOODS 2:30 – 3:30 p.m.				
	3:00 PM			MEETING #8 - COMMUNITY FACILITIES & EMERGENCY SERVICES 4:00 - 5:00 p.m.				
	4:00 PM	STUDENTS HANDS-ON WORKSHOP 3:30 – 4:15 p.m. LHS Room 221	Set-Up for Opening Presentation	Team Tour of Study Area & Questions for Town Staff	Team Design Session (Open to the Public)	Team Dinner (In)	Team Dinner (In)	Presentation Set Up & Break Down Studio
	5:00 PM							
	6:00 PM	COMMUNITY COOKOUT LHS Cafeteria						
	7:00 PM	OPENING PRESENTATION / HANDS-ON WORKSHOP 7:00 – 9:00 pm. LHS Cafeteria	Team Dinner (Out)		PUBLIC PIN-UP & REVIEW 6:30 – 8:00 p.m. Town Hall, Moose Hill Room			CLOSING PRESENTATION 6:30 – 8:30 p.m. Lions Club Hall
	8:00 PM				Team Dinner (Out)			Team Dinner (Out)
9:00 PM								
10:00 PM								
For Questions During Planapalooza Please Call: 615-948-8702 (Brian Wright) 615-948-8703 (Emily Wright)								
Please also visit us at: facebook.com/londonderrymasterplan	Social Event							
	Public Mtg.							
	Internal							
	Presentation							

C-0856-1
May 8, 2012

Ms. Cynthia May, AICP
Town Planner
268B Mammoth Road
Londonderry, New Hampshire 03053



**Re: Response to General Comments
Shops at Londonderry, Londonderry, New Hampshire**

Dear Cynthia:

We appreciated the opportunity to present the above referenced project at the April 4, 2012 Planning Board meeting. The following outlines the site plan items that were discussed at the April meeting with a description of the site modifications and improvements that have been made.

1. Landscape screening along Vista Ridge Drive.

Significant additional landscaping and plantings have been added along Vista Ridge Drive to provide screening from the roadway. We have prepared a cross-section showing the proposed screening from the Vista Ridge right-of-way. As per the regulations all rooftop mechanical/ventilation equipment will not be visibly apparent at the nearest street right-of-way. A waiver from the opacity requirements is no longer requested.

2. Interior shade tree plantings.

The requirements for interior shade tree plantings have been met for each site. A waiver from this requirement is no longer requested.

3. Proposed sidewalk for student safety along Vista Ridge Drive from Perkins Avenue to the School Bus Stop.

The school bus route pickup areas have been changed to eliminate this safety concern. There would be environmental impacts to nearby wetlands and steep slopes associated with the addition of a sidewalk along this portion of the roadway, it is assumed that this is the reason a sidewalk was not included as part of the Vista Ridge of Londonderry residential development. No new sidewalks are proposed.

4. The necessity of the secondary access drive located to the south of the site.

The secondary access drive has been discussed with Planning staff. The drive is required for deliveries, site circulation and fire truck access to the site. Removal of this access would require delivery trucks, from the strip retail, to access the front parking lot.



5. Delivery Traffic (Direction, timing, restrictions)

Delivery traffic to proposed lot 51 will enter at the proposed main entrance to the site, travel behind the building and exit via the proposed right-out onto Vista Ridge Drive located in the northern portion of the site. Deliveries to proposed lot 51 -9 will enter at the secondary access drive located in the southern portion of the site, travel behind the building and exit via the proposed main entrance. Smaller delivery trucks will service the proposed restaurant by circulating through the perimeter of the parking field. In order to prevent a competitive disadvantage to the tenants, the Project is not in favor of restricting delivery times.ed.

6. Lighting

The proposed lighting plan has been designed to meet the Town of Londonderry requirements. Proposed fixtures are flat glass, full cut-off fixtures. Pole mounting height is 22 ft, and wall mounting height is 15 ft. Details are shown on Sheet C-16 of the plan set.

7. According to Vista Ridge residents the peak AM traffic is higher than PM traffic.

The shopping center has a more significant impact on the PM traffic as the AM peak traffic for Vista Ridge occurs before the majority of the shopping center will be open. For this reason the PM peak traffic was used to determine what additional traffic mitigation measures are appropriate for this project.

8. Pedestrian crosswalk on Vista Ridge Drive located at the main entrance to the site.

It is anticipated that the majority of additional vehicular traffic on Vista Ridge Drive will be making the left turn into the proposed main access drive of the site. To minimize vehicle/pedestrian conflict, the pedestrian crosswalk will be relocated to the south side of the main entrance.

9. No parking signs on Vista Ridge Drive

It is not anticipated that parking on Vista Ridge Drive will be a concern, however, these could be included as a condition of approval if warranted.

10. Overall Parking Reduction.

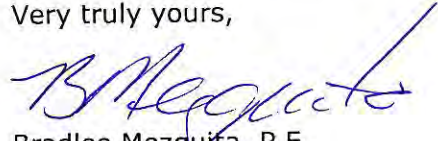
The project is requesting a waiver for a reduction of on-site parking. Below is a table detailing the proposed parking provided. Overall we are asking for a 4% reduction from the regulations.

Parking Table			
	Lot 51	Lot 51-9	Total
Required spaces	291	307	598
Provided spaces	240	334	574
% of required	-18%	+9%	-4% (-24 spaces)

Based on the responses above, we are confident we have addressed the comments and concerns of the Planning Board and members of the public. We look forward to working with the Planning Board at the Wednesday May 9th meeting.

If you have any questions, or require additional information, please feel free to contact me.

Very truly yours,



Bradlee Mezquita, P.E.
Senior Project Manager

BM/pw

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