

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

5 Members Present: Art Rugg; Mary Soares; Lynn Wiles; Laura El-Azem; Chris
6 Davies; Tom Freda, Ex-Officio; Rick Brideau, CNHA, Ex-Officio; John Laferriere,
7 Ex-Officio; Dana Coons; Leitha Reilly, alternate member; and Maria Newman,
8 alternate member
9

10 Also Present: Cynthia May, ASLA; John Trottier, P.E.; and Libby Canuel, Building
11 Division Secretary
12

13 A. Rugg called the meeting to order at 7 PM. He appointed L. Reilly to vote for M.
14 Soares. He also announced that Town Attorney Ramsdell would be arriving at
15 approximately 7:30, at which time the Board and Town Council members would
16 adjourn to join him in a brief non-meeting.
17

18 [M. Soares arrived at 7:03].
19

20 **Administrative Board Work**
21

22 A. Plans for Signature – Akira Way Extension Subdivision
23

24 J. Trottier reported that all precedent conditions for approval have been met
25 and the staff recommends signing the plans.
26

27 **D. Coons made a motion to authorize the Chair and Secretary to sign**
28 **the plans. R. Brideau seconded the motion. No discussion. Vote on the**
29 **motion: 9-0-0.** A. Rugg said the plans would be signed at the conclusion of
30 the meeting.
31

32 B. Extension Request – The Shops at Londonderry
33

34 C. May stated that staff received a request from the developer of the Shops at
35 Londonderry project requesting a 6 month extension of the conditional
36 approval granted for their site plan on May 9, 2012. An appeal of the Board's
37 decision by an abutter (which was ultimately withdrawn officially on September
38 19) resulted in a stay of the 120-day time frame during which the applicant
39 must comply with the conditions of approval. That 120-day deadline will
40 therefore expire on January 17, 2013 and the applicant is requesting a 6
41 month extension beyond that date. C. May suggested the Board set the
42 deadline for the second meeting in July, 2013.
43

44 **D. Coons made a motion to grant a six month extension to July 10,**
45 **2013. R. Brideau seconded the motion. No discussion. Vote on the**
46 **motion: 9-0-0.** An extension of the conditional approval to July 10, 2013 was
47 granted.
48

49 C. Approval of Minutes – September 5, 2012; September 12, 2012

1
2 **D. Coons made a motion to approve and sign the minutes from the**
3 **September 5, 2012 meeting. R. Brideau seconded the motion. No**
4 **discussion. Vote on the motion: 9-0-0.**

5
6 **D. Coons made a motion to approve and sign the minutes from the**
7 **September 12, 2012 meeting. R. Brideau seconded the motion. No**
8 **discussion. Vote on the motion: 7-0-2. (C. Davies & L. El-Azem abstained**
9 **as they were absent from the September 12, 2012 meeting).**

10
11 Minutes for September 5, 2012 and September 12, 2012 were approved and
12 will be signed at the conclusion of the meeting.

13
14 D. Regional Impact Determinations –7 Summer Drive Subdivision, Map 13 Lot 71-
15 49 and The Nevins Expansion, Map 7 Lot 122

16
17 C. May stated that both of these projects would not be considered
18 developments of regional impact because they do not meet any of the regional
19 impact guidelines suggested by Southern NH Planning Commission (SNHPC).

20
21 **D. Coons made a motion to accept staff recommendations that these**
22 **projects are determined not to be of regional impact under RSA 36:56.**
23 **R. Brideau seconded the motion. No discussion. Vote on the motion:**
24 **9-0-0.**

25
26 E. Discussions with Town Staff

- 27
28 • Master Plan Update

29
30 Master Plan Steering Committee (MPSC) Chair L. Reilly reported that at their
31 September 26, 2012 meeting, Committee members and residents gave their
32 final comments on the interim draft. She described the majority of comments
33 received to date as positive. An implementation matrix that was introduced in
34 this second draft has enabled the Committee to begin envisioning execution of
35 the plan. She reminded the Board and members of the public that the final
36 public workshop will take place on October 24 at the High School Cafeteria.
37 This will be the last opportunity to provide comments before consultant Town
38 Planning and Urban Design Collaborative (TPUDC) prepares the final draft.
39 Food will be available starting at 5:30 PM, followed by the workshop at 6:00.
40 TPUDC is preparing a third draft for that evening based on the most recent
41 comments. The Steering Committee's regular monthly meeting will take place
42 immediately after the public workshop. A. Rugg asked for any input from the
43 Board. There were no comments. He then asked for staff input. C. May
44 stated that staff continues to manage the process and relay input to TPUDC in
45 the most efficient manner possible.

- 46
47 • Update on RFP for 3rd Party Review of Land Development Applications

48
49 Subcommittee Chair L. Reilly stated that four submissions were received in
50 response to the Request for Proposals (RFP). The Subcommittee (composed of

1 herself, R. Brideau, Scott Benson, and M. Newman) reviewed the proposals and
2 met on September 22 (with the exception of S. Benson) to discuss the next
3 steps of the process. Interviews with three of the four consultants have been
4 scheduled for October 22. The fourth submission was deemed to be deficient
5 with regard to the criteria and qualifications set forth in the RFP.
6

7 The majority of the discussion on September 22, she continued, centered on
8 the directive from the Planning Board chair that two consultants would be
9 hired. This request was made subsequent to the RFP being posted, therefore
10 the submissions did not address the two-consultant scenario. The
11 Subcommittee agreed the three firms should be informed of the change prior
12 to their interviews. Questions resulting from their meeting include: 1) on what
13 should the two-firm selection be based, 2) what procedure will be in place to
14 determine which consultant reviews which plan, 3) who will make the choice
15 between the two (e.g. the developer, town staff, the consulting firm), and 4)
16 will both firms be required to agree on a common rate structure and standards
17 for deliverables?
18

19 A. Rugg entertained input from the Board.
20

21 R. Brideau stated that a two-consultant method was attempted in the Town of
22 Hudson, but that they ultimately reverted back to a single consultant. (The
23 specifics are presently unknown and C. May noted that staff involved in the
24 issue no longer work for the Town). T. Freda suggested hiring two consultants,
25 setting a fee range for both to follow, and then monitoring the process to avoid
26 one firm only being used for a particular type of development. He said the
27 intent is to address concerns expressed by developers that engineering reviews
28 have become too cost prohibitive for them to develop in Londonderry. Using
29 two consultants would break the perceived monopoly and inspire competition.
30 M. Newman noted that since a consultant would already be limiting their
31 potential income by contractually agreeing not to work for anyone developing
32 within Londonderry, the further limitation of only receiving a portion of the
33 projects submitted to the Town would likely deter most firms. A discussion
34 ensued regarding the issued posed by the Subcommittee. Questions from
35 Board members included:
36

- 37 ➤ Whether or not to even continue with the directive of hiring two firms,
38 particularly since the Board reviewed the original RFP twice and
39 approved it without that objective;
- 40 ➤ If the Board should continue with the original RFP, hire one consultant,
41 then post the RFP annually to address cost concerns;
- 42 ➤ If the Board should continue with the original RFP considering the time,
43 effort, and cost expended so far, and then take the time to decide
44 whether a two-firm option should be posted in a new RFP next year;
- 45 ➤ Whether the developer should have the choice between the two firms in
46 the spirit of free enterprise;
- 47 ➤ Whether a firm's proposed cost would only increase if they are only able
48 to review a portion of proposed developments;
- 49 ➤ Whether the entire RFP should be rewritten or whether an amendment
50 would suffice; and

- 1 ➤ Whether the three firms scheduled for interviews should receive a
2 courtesy call beforehand or if the RFP should be reissued to avoid
3 possible legal issues.
4

5 **M. Soares made a motion to continue with the current RFP as written**
6 **and allow the RFP Subcommittee to make a recommendation for one**
7 **consultant. R. Brideau seconded the motion.**
8

9 Further discussion took place and the following points were made:
10

- 11 ➤ The Town has the right to alter the terms of the RFP. Rather than waiting
12 a year as suggested previously, it would be pose no harm to pursue the
13 policy change to a 2-consultant scenario now because the firms who
14 have already submitted can simply withdraw;
15 ➤ Just because the Town has the right to alter the terms does not mean it
16 should be done since the submittals were based on the original
17 language;
18 ➤ Before even deciding on whether to change the RFP to a two-consultant
19 scenario, the Board must first decide how the Subcommittee will choose
20 two firms and what the rules will be to award individual projects to
21 them.
22

23 A. Rugg called for a vote on the motion. **Vote on the motion: 3-6-0** (with C.
24 Davies, L. Wiles, C. Coons T. Freda, J. Laferriere, and A. Rugg in opposition).
25

26 (Note: The topic was revisited following a non-meeting with the Town Attorney
27 on a separate matter).
28

29 The Board adjourned at 7:40 PM to enter into a non-meeting with the Town
30 Attorney and returned to the Moose Hill Chambers at 7:52 PM.
31

32 Once back in session, the discussion continued concerning the RFP for 3rd Party
33 Review of Land Development Applications.
34

35 **C. Davies made motion to withdraw the current RFP and reissue it**
36 **with the view of adding specific language that two suppliers would be**
37 **hired for 3rd party reviews. L. Wiles seconded the motion.**
38

39 Board members continued to pose questions pertaining to whether an
40 amendment would be an adequate degree of change, or if there would even be
41 enough time to make any decision considering the October 22 date for
42 interviews. Questions about cost were raised and T. Freda asked whether
43 firms are likely to charge different rates depending on the complexity of a
44 given project. J. Trottier explained that most firms charge a rate based on the
45 caliber of specific engineer performing their review. T. Freda advocated for
46 developers to be given the ability to make a choice based on the individual fees
47 of the two firms. J. Trottier cautioned that sometimes a lower fee translates to
48 a lower quality work product. C. May added that a senior engineer may cost
49 more, but their higher qualifications may allow them to do the review in half
50 the time. T. Freda also posed having the two consultants bid on each

1 individual project. R. Brideau advised that doing so would be contrary to the
2 Board's attempts to streamline the review process for the benefit of
3 developers. M. Soares consulted with Town Attorney Mike Ramsdell while the
4 Board debated the issue. She reported that the Town is within its rights to
5 amend the RFP and that Attorney Ramsdell has offered to draft the amendment
6 within the next 72 hours. The three firms could then be contacted with that
7 information so that they may choose whether to keep their interview
8 appointment with the Subcommittee. (M. Soares also reaffirmed that there is
9 language in the current RFP that the Town reserves the right to not choose any
10 applicant). C. May offered that based on her review of the submissions, the
11 firms would probably not need to make any changes based on a revision of the
12 RFP as discussed, and that they would most likely choose to address the issue
13 during their interview. M. Soares reiterated that before any change in the RFP
14 is made, the Board needs to decide first how projects will be allotted to
15 consultants because as it stands, there is no guarantee that submissions would
16 even be split amongst them evenly. As she and J. Laferriere conversed over
17 how the workload could be split and how a developer could make their choice,
18 C. Davies and L. El-Azem reminded the Board that the consultant works for the
19 Town, not a developer. Therefore the Town must ultimately assign individual
20 projects.

21
22 Following further discussion, **C. Davies withdrew his motion and L. Wiles**
23 **withdrew his second.**

24
25 C. Davies based his withdrawal on the fact that the Board does not have
26 enough information to discern: 1) a process for selection of two consultants, 2)
27 what guidelines would determine the assignment of projects between the two,
28 3) how those choices would impact the workload of Town staff, and 4) how
29 much time and cost would be added to a developer's project. He suggested
30 the Board continue with the intent of the original RFP to select a single
31 consultant. J. Laferriere proposed amending the RFP to clarify that there is no
32 guarantee of exclusivity. C. Davies advised against, suggesting instead that
33 the Board revisit the issue and decide on whether to pursue the two-consultant
34 option for a new RFP in 2013. L. Wiles remarked that since the Board is under
35 no time constraint to decide the issue, they take the time to properly address
36 any changes in the current RFP. R. Brideau pointed out that since the
37 Subcommittee will be using a scoring system to rate the three candidates being
38 interviewed, the two-consultant approach may be even more complicated if, for
39 example, one firm scores well above the other two and the second best only
40 scores slightly better than the third.

41
42 Following further discussion, **C. Davies made motion to direct the RFP**
43 **Subcommittee to continue as originally proposed and to select one**
44 **candidate. M. Soares seconded the motion.** No further discussion. **Vote**
45 **on the motion, 5-4-0 with T. Freda, D. Coons, L. Wiles, and J. Laferriere**
46 **in opposition.**

47
48 L. Reilly asked for clarification that the issue of whether to make the contract
49 valid for only one year can be decided after the Subcommittee makes its
50 recommendation to the Board. A. Rugg confirmed that determination could be

1 made at that point.

- 2
- 3 • Lorden Commons (Tax map 16, Lot 38) – Request for Special Meeting to
- 4 Sign Plans
- 5

6 Phase I of the Lorden Commons (a/k/a Chinburg) subdivision plan was
7 conditionally approved by the Board in May of 2011. In May of this year, the
8 Board had allowed staff to administratively handle the division of Phase I in
9 two sub-phases of 25 lots each. J. Trottier explained that the applicant is in
10 the process of meeting the final condition regarding the first sub-phase, i.e. the
11 posting of the financial guarantee. The bank, however, is requiring a signed
12 subdivision plan in order to grant the necessary loan, while the Town's
13 regulations stipulate that the financial guarantee is in place before the plans
14 are signed. The applicant is therefore requesting that the Planning and
15 Economic Development Department be authorized to issue a letter to the bank
16 indicating that all other conditions of approval have been met so that once the
17 financial guarantee is in place, the Board will sign the plans. If the Board is
18 amenable to that authorization, the applicant is further requesting that a
19 special meeting be arranged for the signing of the plans. The consensus was
20 to authorize staff to send the aforementioned letter and to schedule a special
21 meeting to sign the plans.

- 22
- 23 • 2014-2019 Capital Improvements Plan (CIP)
- 24

25 Prior to the meeting, C. May provided the Board with a proposed amendment
26 by staff of the FY 2014-2019 CIP related to the Comprehensive Master Plan
27 Update that is currently underway. It is based on the fact that the first task in
28 the execution of the Master Plan will likely be a comprehensive overhaul of the
29 zoning ordinance. A. Rugg said the issue would be discussed at the CIP Public
30 Hearing scheduled for the October 10 Planning Board meeting.

- 31
- 32 • SNHPC Master Plan input
- 33

34 M. Soares reported as a member of the Regional Advisory Committee that the
35 Southern New Hampshire Planning Commission (SNHPC) is in the process of
36 updating their Master Plan. Their public outreach campaign includes the
37 placement of suggestion boxes in such places as Town Halls and doctor's
38 offices to encourage people to provide their input. They will also have booths
39 at various State fairs and will visit senior centers and shelters to locate people
40 who would normally not attend their planning meetings. More information is
41 available at www.granitestatefuture.org.

- 42
- 43 • "Fundamentals for Planning Boards and ZBAs"
- 44

45 A. Rugg announced that this event will take place October 27 at the Local
46 Government Center in Concord. C. May added that Board members can
47 register online at the LGC website and will be reimbursed the \$45 attendance
48 fee by the Town.

- 49
- 50 • SNHPC workshops

1
2 L. Reilly stated that the SNHPC is offering free workshops at their Manchester
3 offices on November 5 regarding "Zoning Boards of Adjustment and Building
4 Code Boards of Adjustment in the post-Simplex and State Building Code era,"
5 and on November 12 for "Planning for the 21st Century."

6
7 **Public Hearings**

8
9 A. Michael McKeown (Applicant), Verne A. Orlosk Revocable Trust (Owner), Map
10 13 Lot 71-49 – Application Acceptance and Public Hearing for formal review of
11 an application for a two-lot residential subdivision at 7 Summer Drive, Zoned
12 AR-1.

13
14 L. El-Azem recused herself from the Board during this hearing. A. Rugg
15 appointed L. Reilly to vote in her place.

16
17 A. Rugg stated that the Board will first need to vote on the acceptance of the
18 application as complete. If they do so, the public hearing will commence along
19 with the 65 day time frame under RSA 676:4.

20
21 J. Trottier stated there were no checklist items, and that staff recommended
22 the application be accepted as complete.

23
24 **D. Coons made a motion to accept the application as complete. R.**
25 **Brideau seconded the motion. No discussion. Vote on the motion:**
26 **9-0-0. The application was accepted as complete.**

27
28 Applicant Michael McKeown presented the plan for the proposed two lot
29 subdivision of the 2.66 acre parcel. The Orlosk family would retain a 1.06 acre
30 lot and the McKeowns would occupy the remaining 1.6 acre lot. All Town
31 subdivision checklist items have been met and soils studies have shown the
32 proposed subdivision to be feasible.

33
34 J. Trottier read the waiver into the record from the Staff Recommendation
35 memo:

36
37 1. The applicant has requested a waiver to Sections 3.03.E of the Subdivision
38 Regulations requiring that lot lines dividing properties be radial or within 10
39 degrees of perpendicular to the Right-of-Way. The applicant proposes
40 retaining an existing stone wall as the new property line. Staff supports
41 **granting** the waiver because this is consistent with Londonderry's
42 agricultural heritage, and preserves the stone wall in place.

43
44 J. Trottier then summarized the Design review items, noting in particular items
45 2 through 8 (see Attachment #1).

46
47 M. McKeown requested that if conditional approval is granted, he be allowed to
48 submit final plans for signature by end of business on Friday, October 5 in
49 order for the Board to sign them at their October 10 meeting. Consensus from

1 the Board was to allow the applicant to do submit final plans by end of
2 business on October 5.

3
4 A. Rugg asked for input from the Board. There was none.

5
6 A. Rugg asked for public input.

7
8 Jill Wurm, 13 Summer Drive, asked if the project included any blasting. M.
9 McKeown replied it would but A. Rugg noted that the Town has specific
10 regulations regarding blasting and that a permit would be required through the
11 Fire Department. He suggested she contact staff during the development
12 process and/or that the applicant inform her when blasting will occur.

13
14 Linda German, 8 Summer Drive, asked about the wetlands on the property and
15 how the proposed drainage might affect the abutting properties. James Smith
16 of JPS and Associates explained that Wetland Scientist Mike Lambert
17 determined there are no wetland soils on the property. The proposed
18 detention pond, he continued, is a result of the Town's requirement to prevent
19 stormwater runoff from the roof and pavement from affecting surrounding lots.

20
21 There was no further public comment.

22
23 **M. Soares made a motion grant the waiver based on the applicant's**
24 **request letter dated September 27, 2012 and Staff's Recommendation**
25 **Memo dated October 3, 2012. R. Brideau seconded the motion. No**
26 **discussion. Vote on the motion: 9-0-0.** The waiver was granted.

27
28 **M. Soares made a motion to motion to conditionally approve the**
29 **applicants request for a two-lot residential subdivision at 7 Summer**
30 **Drive, Map 13 Lot 71-49, Zoned AR-1, with the following conditions:**

31
32 "Applicant", herein, refers to the property owner, business owner, or
33 organization submitting this application and to his/its agents, successors, and
34 assigns.

35
36 **PRECEDENT CONDITIONS**

37
38 All of the precedent conditions below must be met by the applicant, at the
39 expense of the applicant, prior to certification of the plans by the Planning
40 Board. Certification of the plans is required prior to commencement of any site
41 work, any construction on the site or issuance of a building permit.

- 42
43
44 1. The Applicant's outlet structure detail provided on sheet 5 indicates the
45 detention pond embankment above the weir wall does not provide the
46 minimum 3H:1V as required the Town's typical detail – Exhibit D109. The
47 Applicant shall revise the design and grading in compliance with the Town's
48 typical detail. In addition, The Applicant shall update the drainage
49 calculations as applicable.
50

- 1 2. The Applicant shall update the drainage report to include a 10-year pond
2 routing analysis for the detention basin to clarify the outlet structure design
3 used in the analysis. In addition, The Applicant shall provide a USGS map
4 of the location and provide calculations to support the hydrograph
5 information provided in the report. Also, The Applicant shall explain/clarify
6 the language at the bottom of the summary table on page 2 that appears to
7 imply an impact will occur.
8
- 9 3. The Applicant shall label the class (status) of both roads and the right-of-
10 way and pavement width of Autumn Lane on sheets 1 and 2 per section
11 4.12.C.6 of the regulations. In addition, The Applicant shall label the street
12 address for lot 71-49-2.
13
- 14
- 15 4. The Applicant indicates the NHDES subdivision approval has been submitted
16 on the application checklist. The Applicant shall obtain all project permits,
17 indicate the approval number in note 6 on sheet 1 and provide a copy of the
18 permit approval to the Planning Department for their file.
19
- 20 5. The Applicant shall indicate the existing water lines along the roadways
21 associated with the water gates shown and indicate the water line serving
22 lot 71-49. In addition, The Applicant shall complete the drain lines along
23 Autumn Lane and the outlet pipe from the easterly catch basin on Summer
24 Drive.
25
- 26 6. It appears a driveway culvert may be necessary for the proposed driveway
27 to serve new lot 71-49-1. In addition, the project is located along a
28 significant portion of Summer Drive. The Applicant shall arrange a meeting
29 with the Department of Public Works to discuss the proposed driveway
30 design and if any additional offsite improvements that may be necessary
31 under this project.
32
- 33 7. The Applicant shall verify the project DRC comments are adequately
34 addressed with each Department.
35
- 36 8. The Applicant shall provide the Owner's signature on the plans.
37
- 38 9. The Applicant shall note all waivers granted on the plan.
39
- 40 10. The Applicant shall provide a digital (electronic) copy of the complete final
41 plan sent to the Town at the time of signature by the Board in accordance
42 with Section 2.05.n of the regulations.
43
- 44 11. The applicant shall provide a check for \$25 (made payable to the
45 Rockingham County Registry of Deeds) to pay for the LCHIP tax that
46 became effective on recording of all plans and documents at the registry
47 on July 1, 2008.
48
- 49 12. The applicant shall note all general and subsequent conditions on the
50 plans ***(must be on a sheet to be recorded, or a separate document***

1 ***to be recorded with the subdivision plans***), per the new requirements
2 of RSA 676:3.

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

5
6 14. Financial guaranty if necessary.

7
8 15. Final engineering review

9
10 **PLEASE NOTE:** Once these precedent conditions are met and the plans are
11 certified the approval is considered final. If these conditions are not met within
12 2 years to the day of the meeting at which the Planning Board grants
13 conditional approval the board's approval will be considered to have lapsed and
14 re-submission of the application will be required. See RSA 674:39 on vesting.

15
16 **GENERAL AND SUBSEQUENT CONDITIONS**

17
18 All of the conditions below are attached to this approval.

19
20 1. No construction or site work for the subdivision may be undertaken until the
21 pre-construction meeting with Town staff has taken place, filing of an
22 NPDES-EPA Permit and the site restoration financial guaranty is in place
23 with the Town (as applicable). Please contact the Department of Public
24 Works to arrange for this meeting.

25
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
31 3. All of the documentation submitted in the application package by the
32 applicant and any requirements imposed by other agencies are part of this
33 approval unless otherwise updated, revised, clarified in some manner, or
34 superseded in full or in part. In the case of conflicting information between
35 documents, the most recent documentation and this notice herein shall
36 generally be determining.

37
38 4. All required School, Library, Recreation, Traffic, Police, and Fire impact fees
39 must be paid prior to the issuance of a Certificate of Occupancy for the
40 newly created lot.

41
42 5. It is the responsibility of the applicant to obtain all other local, state, and
43 federal permits, licenses, and approvals which may be required as part of
44 this project (that were not received prior to certification of the plans).
45 Contact the Building Division at extension 115 regarding building permits.

46
47 **R. Brideau seconded the motion.** No discussion. **Vote on the motion:**
48 **9-0-0.** The plan was conditionally approved.

49

1 A. Rugg reiterated that L. El-Azem did not participate in the public hearing for
2 7 Summer Drive.

3
4 L. El-Azem returned to the Board for the reminder of the meeting.

5
6 B. The Nevins Retirement Cooperative Association, Map 7 Lot 122 – Application
7 Acceptance and Public Hearing for formal review of an application to amend the
8 previously approved 2008 Nevins expansion site plan at Nevins Drive, Zoned
9 R-III.

10
11 J. Trottier stated there are four outstanding checklist items, all of which are
12 waiver requests. He read the waivers into the record from the Staff
13 Recommendation memo:

- 14
15 1. The applicant has requested a waiver to Section 3.04.a & c and 4.18.b of
16 the Site Plan Regulations and Item XI.5.b & d of the Site Plan Application
17 & Checklist requiring submission of a utility clearance letter for each
18 non-municipal utility stating approval of the proposed improvements for
19 each utility. The applicant has provided utility clearance letters from
20 PSNH and Pennichuck Water Works, but letters from the cable,
21 telephone and gas utilities were provided for the prior site plan approval.
22 Staff supports **granting** the waiver because these utilities have
23 previously acknowledged agreement with service for 3 additional units.
24 2. The applicant has requested a waiver to Section 3.13 of the Site Plan
25 Regulations and Item VIII of the Site Plan application checklist requiring
26 the submission of a lighting plan. There is no additional site lighting
27 proposed as part of the proposal to add three additional residential units.
28 Staff supports **granting** the waiver because the wall lights on each
29 dwelling will meet the Town's requirements.
30 3. The applicant has requested a waiver to Sections 4.12.a, 4.12.b and
31 4.12.c of the Site Plan Regulations and Items II.5 and V.1 of the Site Plan
32 application checklist requiring parcel boundary, a surveyor's certification,
33 and a metes and bounds description because this information is provided
34 for the remainder of the parcel and is on file with the Town. Staff
35 supports **granting** the waiver because the above requirements are met
36 for the area of the parcel associated with the current proposal.
37 4. The applicant has requested a waiver to Section 3.10 of the Site Plan
38 Regulations and Items II.5 and V.12 of the Site Plan application checklist
39 requiring wetland certification because the wetland information was
40 taken from the previous plan from a delineation performed in 2007. Staff
41 supports **granting** the waiver because that wetland information would
42 still be valid.

43
44 **D. Coons made a motion to grant the applicant's request for the four**
45 **waivers as outlined in Staff's Recommendation Memo dated October 3,**
46 **2012. R. Brideau seconded the motion. No discussion. Vote on the**
47 **motion: 9-0-0.**
48

1 J. Trottier stated that with the approval of the four waivers to the checklist
2 items, staff recommends the application be accepted as complete.

3
4 **D. Coons made a motion to accept the application as complete. R.**
5 **Brideau seconded the motion. No discussion. Vote on the motion:**
6 **9-0-0. The application was accepted as complete.**

7
8 A. Rugg mentioned that this starts the 65 day time frame under RSA 676:4.

9
10 Jack Szemplinski of Benchmark Engineering, representing the Nevins
11 Retirement Cooperative Association, explained that the 125-unit development
12 of detached single family homes is nearly complete. In 2007, the developer
13 merged former map and lot 7-123, a 2.3 acre parcel on the northern boundary
14 of the development, with lot 7-122. Approval was then obtained from the
15 Planning Board to construct three units there on the east side of Nevins Drive,
16 along with a parking area to the west of it. The developer is now proposing
17 instead to construct two units east of Nevins Drive and one west of it (without
18 the previously proposed parking area). The lot is serviced by public sewer,
19 water, and gas along with other utilities. Some aspects of the existing
20 drainage ponds have been redesigned to increase their efficiency. Because
21 Nevins Drive is not a deeded right of way, a small detention pond will be also
22 added to the retention area just north of the two easterly units to control
23 drainage.

24
25 J. Trottier summarized the Precedent Conditions of the Staff Recommendation
26 Memo, noting in particular items number 1 through 3 (see Attachment #2).

27
28 A. Rugg asked for input from the Board. M. Soares inquired about the need of
29 the aforementioned parking area in the original design for such large vehicles
30 as boats and RVs. John Kalantzakos of The Nevins explained that the objective
31 was abandoned for practical reasons and to address objections from Nevins
32 residents over aesthetics. (The two residents who were to park RVs there have
33 found off-site accommodations).

34
35 There was no further input from the Board.

36
37 A. Rugg asked for public input. There was none.

38
39 **D. Coons made a motion to conditionally approve the amended site**
40 **plan for tax map 7, lot 122 with the following conditions:**

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

45
46 **PRECEDENT CONDITIONS**

47
48 All of the precedent conditions below must be met by the applicant, at the
49 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 shall update the submitted drainage report to include the post
5 development 50-year pond routing analysis for ponds 5 and 100 to clarify
6 the requirement that a minimum of 12" of freeboard above the 50-year
7 pond elevation is provided for each pond in accordance with section
8 3.07.b.10 the regulations.
9
- 10 2. The Applicant shall obtain a Londonderry Sewer Permit for the proposed
11 improvements and indicate the permit approval number in note 14 on the
12 cover sheet.
13
- 14 3. The Applicant shall address the DRC comments as applicable:
15 A. The Applicant shall verify the DRC comments of the Assessor are
16 adequately addressed with the Assessor.
17 B. The Applicant shall verify the DRC comments of the Londonderry
18 Trailways are adequately addressed with Londonderry Trailways.
19 C. The Applicant shall verify the DRC comments of the Planning and
20 Economic Development are adequately addressed with Planning and
21 Economic Development.
22 D. The Applicant shall verify the DRC comments of the Sewer Division are
23 adequately addressed with the Sewer Division.
24
- 25 4. The Applicant shall provide the Owner's signature on the plans.
26
- 27 5. The Applicant shall note all waivers granted on the plan.
28
- 29 6. The Applicant shall note any Conditional Use Permits granted on the plan.
30
- 31 7. The Applicant shall provide a digital (electronic) copy of the complete final
32 plan sent to the Town at the time of signature by the Board in accordance
33 with Section 2.05.n of the regulations.
34
- 35 8. Outside consultant's fees shall be paid within 30 days of conditional site
36 plan approval.
37
- 38 9. Financial guaranty if necessary.
39
- 40 10. Final engineering review
41

42 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
43 certified the approval is considered final. If these conditions are not met within
44 **120 days** to the day of the meeting at which the Planning Board grants
45 conditional approval the board's approval will be considered to have lapsed and
46 re-submission of the application will be required. See RSA 674:39 on vesting.
47

48 **GENERAL AND SUBSEQUENT CONDITIONS**

49
50 All of the conditions below are attached to this approval.

- 1
2 1. No construction or site work for the amended site plan may be undertaken
3 until the pre-construction meeting with Town staff has taken place, filing of
4 an NPDES-EPA Permit and the site restoration financial guaranty is in place
5 with the Town. Contact the Department of Public Works to arrange for this
6 meeting.
7
- 8 2. The project must be built and executed exactly as specified in the approved
9 application package unless modifications are approved by the Planning
10 Division & Department of Public Works, or if staff deems applicable, the
11 Planning Board.
12
- 13 3. All of the documentation submitted in the application package by the
14 applicant and any requirements imposed by other agencies are part of this
15 approval unless otherwise updated, revised, clarified in some manner, or
16 superseded in full or in part. In the case of conflicting information between
17 documents, the most recent documentation and this notice herein shall
18 generally be determining.
19
- 20 4. All site improvements must be completed prior to the issuance of a
21 certificate of occupancy. In accordance with Section 6.01.d of the Site Plan
22 Regulations, in circumstances that prevent landscaping to be completed
23 (due to weather conditions or other unique circumstance), the Building
24 Division may issue a certificate of occupancy prior to the completion of
25 landscaping improvements, if agreed upon by the Planning Division & Public
26 Works Department, when a financial guaranty (see forms available from the
27 Public Works Department) and agreement to complete improvements are
28 placed with the Town. The landscaping shall be completed within 6 months
29 from the issuance of the certificate of occupancy, or the Town shall utilize
30 the financial guaranty to contract out the work to complete the
31 improvements as stipulated in the agreement to complete landscaping
32 improvements. No other improvements shall be permitted to use a financial
33 guaranty for their completion for purposes of receiving a certificate of
34 occupancy.
35
- 36 5. As built site plans must to be submitted to the Public Works Department
37 prior to the release of the applicant's financial guaranty.
38
- 39 6. All required impact fees must be paid prior to the issuance of a Certificate of
40 Occupancy.
41
- 42 7. It is the responsibility of the applicant to obtain all other local, state,
43 and Federal permits, licenses, and approvals which may be required as part
44 of this project (that were not received prior to certification of the plans).
45 Contact the Building Division at extension 115 regarding building permits.
46

47 **R. Brideau seconded the motion.** No discussion. **Vote on the motion:**
48 **9-0-0.** The plan was conditionally approved.
49

50 **Other Business**

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A. Rugg mentioned that the most recent submission regarding Woodmont Commons is scheduled to be available to the public on the Town website by noon on October 4.

Adjournment:

R. Brideau made a motion to adjourn the meeting. D. Coons seconded the motion. Vote on the motion: 9-0-0.

The meeting adjourned at 8:50 PM.

These minutes prepared by Planning & Economic Development Secretary Jaye Trottier, and Building Division Secretary Libby Canuel.

Respectfully Submitted,

Lynn Wiles, Secretary

MEMORANDUM

To: Planning Board	Date: October 3, 2012
From: Mr. Janusz Czyzowski, P.E. Director of Public Works & Engineering	Re: Tax Map 13 Lot 71-49 Subdivision Plan Summer Drive & Autumn Ln.
From: Gerard J. Fortin, P.E. Stantec Consulting Services, Inc.	Owner: Verne A. Orlosk Rev. Trust Applicant: Michael McKeown

JPS Associates submitted drawings and information for the above-referenced project under a formal application. DRC and the Town's engineering consultant, Stantec Consulting Services Inc. reviewed the submitted plans and information and we offer the following comments:

Design Review Items:

1. The proposed lot line dividing the two lots does not appear to comply with section 3.03.E of the Subdivision Regulations (radial or within 10 degrees). The applicant has submitted a waiver request.
2. The Applicant's outlet structure detail provided on sheet 5 indicates the detention pond embankment above the weir wall does not provide the minimum 3H:1V as required the Town's typical detail – Exhibit D109. Please revise the design and grading in compliance with the Town's typical detail. In addition, please update the drainage calculations as applicable.
3. We recommend the Applicant update the drainage report to include a 10-year pond routing analysis for the detention basin to clarify the outlet structure design used in the analysis. In addition, please provide a USGS map of the location and provide calculations to support the hydrograph information provided in the report. Also, please explain/clarify the language at the bottom of the summary table on page 2 that appears to imply an impact will occur.
4. We recommend the Applicant label the class (status) of both roads and the right-of-way and pavement width of Autumn Lane on sheets 1 and 2 per section 4.12.C.6 of the regulations. In addition, please label the street address for lot 71-49-1 (?).
5. The Applicant indicates the NHDES subdivision approval has been submitted on the application checklist. We recommend the Applicant obtain all project permits, indicate the approval number in note 6 on sheet 1 and provide a copy of the permit approval to the Planning Department for their file.
6. We recommend the Applicant indicate the existing water lines along the roadways associated with the water gates shown and indicate the water line serving lot 71-49. In addition, please complete the drain lines along Autumn Lane and the outlet pipe from the easterly catch basin on Summer Drive.
7. It appears a driveway culvert may be necessary for the proposed driveway to serve new lot 71-49-1. In addition, the project is located along a significant portion of Summer Drive. We recommend the Applicant arrange a meeting with the Department of Public Works to

discuss the proposed driveway design and if any additional offsite improvements that may be necessary under this project.

8. We recommend the Applicant verify the project DRC comments are adequately addressed with each Department.

Board Action Items:

1. The Applicant is requesting one (1) waiver as noted in his letter dated September 27, 2012.

GJF/ml

STAFF RECOMMENDATION

To: Planning Board
From: Cynthia A. May, ASLA, Town Planner
John R. Trottier, PE, Assist. Dir. Of DPW

Date: October 3, 2012

Application: The Nevins Retirement Cooperative Association, Map 7 Lot 122 – Application Acceptance and Public Hearing for formal review of an application to amend the previously approved 2008 Nevins expansion site plan at Nevins Drive, Zoned R-III.

- Application Checklist Item Waivers: The applicant has requested four waivers to the site plan regulations, which are all checklist items:
 1. The applicant has requested a waiver to Section 3.04.a & c and 4.18.b of the Site Plan Regulations and Item XI.5.b & d of the Site Plan Application & Checklist requiring submission of a utility clearance letter for each non-municipal utility stating approval of the proposed improvements for each utility. The applicant has provided utility clearance letters from PSNH and Pennichuck Water Works, but letters from the cable, telephone and gas utilities were provided for the prior site plan approval. Staff supports **granting** the waiver because these utilities have previously acknowledged agreement with service for 3 additional units.
 2. The applicant has requested a waiver to Section 3.13 of the Site Plan Regulations and Item VIII of the Site Plan application checklist requiring the submission of a lighting plan. There is no additional site lighting proposed as part of the proposal to add three additional residential units. Staff supports **granting** the waiver because the wall lights on each dwelling will meet the Town's requirements.
 3. The applicant has requested a waiver to Sections 4.12.a, 4.12.b and 4.12.c of the Site Plan Regulations and Items II.5 and V.1 of the Site Plan application checklist requiring parcel boundary, a surveyor's certification, and a metes and bounds description because this information is provided for the remainder of the parcel and is on file with the Town. Staff supports **granting** the waiver because the above requirements are met for the area of the parcel associated with the current proposal.
 4. The applicant has requested a waiver to Section 3.10 of the Site Plan Regulations and Items II.5 and V.12 of the Site Plan application checklist requiring wetland certification because the wetland information was taken from the previous plan from a delineation performed in 2007. Staff supports **granting** the waiver because that wetland information would still be valid.
- Board Action Required: **Motion to Approve the Waivers to the Checklist Items Numbered 1-4 as outlined in Staff's Recommendation Memorandum Dated October 3, 2012.**
- Completeness: *With Planning Board approval of the waivers to checklist items; staff recommends the application be accepted as complete.*

- Board Action Required: **Motion to Accept Application as Complete.**
- Waivers: There are no additional waivers requested.
- Recommendation: Based upon the information available to date the Staff recommends **CONDITIONAL APPROVAL** of this application with the NOTICE OF DECISION to read substantially as follows:
 - Board Action Required: **Motion to Conditionally Approve Applicant's proposed site plan for The Nevins Retirement Cooperative Association, Map 7 Lot 122 –to amend the previously approved site plan at Nevins Drive, Zoned R-III., subject to all of the Precedent Conditions and General and Subsequent Conditions as outlined in Staff's Recommendations Memorandum dated October 3, 2012.**

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

PRECEDENT CONDITIONS

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

1. The Applicant shall update the submitted drainage report to include the post development 50-year pond routing analysis for ponds 5 and 100 to clarify the requirement that a minimum of 12" of freeboard above the 50-year pond elevation is provided for each pond in accordance with section 3.07.b.10 the regulations.
2. The Applicant shall obtain a Londonderry Sewer Permit for the proposed improvements and indicate the permit approval number in note 14 on the cover sheet.
3. The Applicant shall address the DRC comments as applicable:
 - A. Please verify the DRC comments of the Assessor are adequately addressed with the Assessor.
 - B. Please verify the DRC comments of the Londonderry Trailways are adequately addressed with Londonderry Trailways.
 - C. Please verify the DRC comments of the Planning and Economic Development are adequately addressed with Planning and Economic Development.
 - D. Please verify the DRC comments of the Sewer Division are adequately addressed with the Sewer Division.
4. The Applicant shall provide the Owner's signature on the plans.
5. The Applicant shall note all waivers granted on the plan.

6. The Applicant shall note any Conditional Use Permits granted on the plan.
7. The Applicant shall provide a digital (electronic) copy of the complete final plan sent to the Town at the time of signature by the Board in accordance with Section 2.05.n of the regulations.
8. Outside consultant's fees shall be paid within 30 days of conditional site plan approval.
9. Financial guaranty if necessary.
10. Final engineering review

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

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

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

utilize the financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. **No other improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving a certificate of occupancy.**

5. As built site plans must to be submitted to the Public Works Department prior to the release of the applicant's financial guaranty.
6. All required impact fees must be paid prior to the issuance of a Certificate of Occupancy.
7. It is the responsibility of the applicant to obtain all other local, state, and Federal permits, licenses, and approvals which may be required as part of this project (that were not received prior to certification of the plans). Contact the Building Division at extension 115 regarding building permits.