

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF June 1, 2011 AT THE MOOSE HILL COUNCIL**
3 **CHAMBERS**
4

5 Members Present: Art Rugg; Mary Soares; Charles Tilgner, P.E.; Laura El-Azem;
6 Chris Davies; Rick Brideau, CNHA, Ex-Officio; John Laferriere, Ex-Officio; Dana
7 Coons, alternate member; Scott Benson, alternate member; Leitha Reilly,
8 alternate member
9

10 Also Present: Tim Thompson, AICP; John Trottier, P.E.; Jeff Belanger, Community
11 Development Intern; Libby Canuel, Community Development Secretary
12

13 A. Rugg called the meeting to order at 7 PM and appointed D. Coons to vote for L.
14 Wiles.
15

16 **Administrative Board Work**
17

18 A. Extension Request - Cullen Subdivision - Request additional 1 year on
19 Conditional Approval (to 6/3/12)
20

21 T. Thompson referenced the letter from Joseph Maynard, Benchmark Engineering
22 Inc., requesting a one year extension of the subdivision plan that will expire on
23 June 3, 2011.
24

25 The applicant is asking for the extension in order to provide the time needed to
26 ensure completion of the remaining conditions of the original approval. T.
27 Thompson said that staff is supportive of the request, as there have been no
28 changes to ordinances or regulations impacting the project.
29

30 **D. Coons made a motion to grant a one year extension to June 3, 2012. R.**
31 **Brideau seconded the motion.** No discussion. **Vote on the motion: 8-0-0.**
32 Extension for **one year** was granted.
33

34 B. Extension Request - DiFava Site Plan - Request 6 month extension of
35 Conditional Approval (to 12/1/11)
36

37 T. Thompson referenced the letter from Todd Connors from Long Beach
38 Development Associates LLC, requesting a 6 month extension of the site plan that
39 will expire on June 1, 2011.
40

41 This is the third extension request, resulting mainly because of current economic
42 conditions. T. Thompson said that staff is supportive of the request, as there have
43 been no changes to ordinances or regulations impacting the project.
44

45 D. Coons asked if six months will be enough of an extension. He suggested
46 providing an additional six months to avoid the time and cost for the applicant to
47 have to make another request six months from now. T. Thompson said the six
48 month time limit has been a standard but no exact limit is set under the site plan
49 regulations.

1
2 **D. Coons made a motion to grant a one year extension to June 6, 2012**
3 **(the first scheduled Planning Board meeting in June, 2012). R. Brideau**
4 **seconded the motion.** No discussion. **Vote on the motion: 8-0-0.** Extension
5 for **one year** (to 6/6/2012) was granted.

6
7 C. Approval and signing of Minutes- May 4, 11, & 25, 2011

8
9 **D. Coons made a motion to approve and sign the minutes from the May 4,**
10 **2011 meeting. R. Brideau seconded the motion.** No discussion. **Vote on**
11 **the motion: 7-0-1.** (C. Tilgner abstained as he had not attended the May 4, 2011
12 meeting)

13
14 **D. Coons made a motion to approve and sign the minutes from the May**
15 **11, 2011 meeting. R. Brideau seconded the motion.** No discussion. **Vote**
16 **on the motion: 7-0-1.** (C. Tilgner abstained as he had not attended the May 11,
17 2011 meeting)

18
19 **D. Coons made a motion to approve and sign the minutes from the May**
20 **25, 2011 meeting. R. Brideau seconded the motion.** No discussion. **Vote**
21 **on the motion: 4-0-4.** (R. Brideau, M. Soares, and L. El-Azem, abstained as they
22 had not attended the May 25, 2011 meeting)

23
24 Minutes for May 4, 11 and 25, 2011 are approved and will be signed at the
25 conclusion of the meeting.

26
27 D. Discussions with Town Staff

28
29 T. Thompson introduced Jeff Belanger, a graduate student at Harvard University,
30 who is interning with the Community Development Department during the
31 summer. Although this position had been previously cut from the Department's
32 budget, the Londonderry Housing and Redevelopment Authority provided the
33 necessary funding. J. Belanger will work with A. Garron and GIS Manager J. Vogl
34 to develop a business retention and expansion update for the airport area.

35
36 T. Thompson read a Governmental Land Use Request from Steve Cotton,
37 Administrative Support Coordinator for the Town. The request is to use the
38 former North Fire Station at 535B Mammoth Road (Map 15, Lot 205) per
39 Resolution 2011-2, which was adopted by the Town Council on March 7, 2011 and
40 allows the Town Manager to secure necessary permits and execute agreements to
41 demolish the North Fire Station. This work was completed in April and requisite
42 soil remediation activities were completed in May. The Town is seeking approval
43 from the Planning Board to allow paving of the 32' x 86' former footprint in order
44 to provide adequate overflow parking for the Senior Center. Remaining pervious
45 areas are to be loamed and seeded. In addition, bollards are being requested to
46 protect the existing Senior Center propane tank. T. Thompson asked if the Board
47 would like to hold a public hearing or not, as stipulated under RSA 674:54. The
48 consensus was to not hold a hearing and allow the matter to be handled
49 administratively.
50

1 T. Thompson referenced a letter from Giovanni Verani, on behalf of his mother,
2 Patricia Verani, regarding 217 Rockingham Road. Last March, the Board allowed
3 Brown Limousine a one year waiver extension to park their vehicles at this
4 location and use a small portion of the building without site plan approval
5 regarding the change of use. That waiver has since expired. Ten limos are
6 currently parked there on a month-to-month lease, but the income from that lease
7 is too little to afford the fully engineered site plan and Planning Board review. In
8 April, Town staff met with the applicant and Hancock Engineering who designed an
9 existing conditions plan of the property. There was consensus that although only
10 the office use is technically consistent with the site plan, a compliant use based on
11 the original site plan approval would be limited to an office and/or retail use (the
12 limousine service is not compliant with the terms of the original site plan).
13 Current market conditions have not allowed the applicant to rent the building as
14 such. They are therefore requesting an additional extension to allow Brown
15 Limousine to remain as the tenant until such time as one consistent with the site
16 plan is found. L. El-Azem asked if the building itself is currently being used. John
17 Weigler, 74 Page Road, representing the Veranis, replied that a small part of the
18 garage area is being used as an office. D. Coons asked if any businesses had
19 shown interest in the lot. J. Weigler said that such things as day care centers
20 have been proposed, but have not followed through because of the cost of site
21 plan review. D. Coons asked if interest has picked up over the past year but J.
22 Weigler said it had not. D. Coons suggested allowing the extension until a suitable
23 tenant is found. M. Soares noted the danger of setting such a precedent since the
24 existing site plan for that lot includes a condition stating that any change of use
25 will require a new site plan. The consensus was to keep a limit on the extension.

26
27 **M. Soares made a motion to grant the waiver extension for one year to**
28 **June 6, 2012 (the first scheduled Planning Board meeting in June, 2012).**
29 **D. Coons seconded the motion.** No discussion. **Vote on the motion 8-0-0.**
30 Extension for one year (to 6/6/2012) was granted.

31
32 M. Soares informed the Board that T. Thompson was awarded the New Hampshire
33 Planners Association's Professional Planner of the year award. The Board
34 congratulated him and A. Rugg said it was very well deserved.

35
36 E. Interviews of "At-Large" Candidates for Master Plan Steering Committee

37
38 T. Thompson reviewed the list of members from the various Boards and
39 Committees to date (see attached). Three At-Large members need to be chosen,
40 along with a member of the business community. Since two of the four At-Large
41 candidates own businesses in town, T. Thompson said one could be chosen to fill
42 the business community representative if the Board so chose.

43
44 1. Barbara Mee, 62 Shasta Drive

45
46 C. Davies asked what role the At-Large position plays on the Master Plan
47 Steering Committee. B. Mee said she participated in Leadership Londonderry
48 last year, teaches civics at Londonderry High School, and thought the
49 committee would provide more insight. She was unsure what role the position
50 should play, but noted she has lived in town for 25+ years, she has seen much

1 development in the central part of Londonderry where she lives on Shasta
2 Drive. S. Benson asked if she has served on any committees previously. B.
3 Mee said she was the Teacher representative to the School Board for six years.
4 D. Coons asked if bi-monthly meetings would be an issue for her if that was to
5 happen. B. Mee said there would not be a problem. The Board members
6 thanked her for volunteering. T. Thompson noted he has worked with B. Mee
7 as he has made annual presentations to her civics classes and said he believed
8 she would be a great addition to the committee.
9

10 2. Mary Tetreault, 15 Isabella Drive
11

12 C. Davies posed the same question as to the role the At-Large position plays
13 on the committee. M. Tetreault stated she has lived in Londonderry for 24
14 years, first renting on Noyes Road and then owning a home on Lancaster
15 Drive. Because of this, she is sensitive to issues in both areas, particularly to
16 the idea of creating a safe crossing on Route 102 (e.g. a pedestrian bridge).
17 Since living on Isabella Drive, she has witnessed divisive issues in town such as
18 the AES power plant in the late 1990's and believes the proposed Woodmont
19 Commons will pose similar conflicts for residents. She believes she can play an
20 intermediary role since she can disagree with others without being
21 disagreeable. This will be important with issues such as Woodmont Commons,
22 the widening of I-93, and preserving open space. J. Laferriere asked her what
23 she thought the most pressing issue for the Town is. Because of the conflict
24 already seen because of the proposal for Woodmont Commons, she replied
25 that the project will be a challenging one as the Town tries to juggle the needs
26 of the developer with the needs of the residents. Board members thanked her
27 for volunteering.
28

29 3. Russ Lagueux, 2 Fiddlers Ridge Road
30

31 R. Lagueux is a former member and Chairman of the Planning Board and is
32 currently a member of the Londonderry Housing and Redevelopment Authority.
33 C. Davies asked him to speak to the fact that he could act as an At-Large
34 member as well as the business community representative. He replied that
35 either position would be agreeable. S. Benson asked why he wanted to
36 volunteer for another committee. R. Lagueux replied that he has served on
37 several committees and task forces over the years and is just continuing that
38 connection to the town. T. Thompson added that R. Lagueux was involved with
39 the 1997 Master Plan. L. Reilly asked him what he thought the greatest impact
40 to the town currently is as a business owner. Abutting the land that is a part
41 of the Woodmont Commons proposal with his own business, he felt that project
42 will have a lot of impact, although not necessarily a negative one. Looking at
43 the Town as a whole, however, he said he believes the area around the airport
44 and the potential there for development will have the greatest impact on the
45 town. J. Laferriere asked, based on his past experiences with the Planning
46 Board and various committees, what he thought should have been done
47 differently. M. Soares mentioned the auditorium that was proposed several
48 years ago and R. Lagueux said although he was not in favor of that particular
49 proposal, an auditorium and the ability to keep up with town facilities is
50 important to him. Although the AES power plant was as divisive as M.

1 Tetreault mentioned, he did not think he would have done anything differently.
2 Board members thanked him for volunteering.

3
4 4. Deb Paul, 118 Hardy Road

5
6 C. Davies asked if she had a preference for either the At-Large or business
7 representative positions or both. D. Paul said it would not make a difference to
8 her either way. She said the goal is to perform a service to the Town by
9 listening to all possibilities, especially with regard to businesses. C. Davies
10 noted that she could represent the northern part of town. D. Paul added that it
11 is important to get the perspectives of representatives from the different areas
12 in Londonderry. D. Coons asked if the amount of commitment needed will
13 pose any issues for her. She explained that her recent inability to attend all of
14 the Southern New Hampshire Planning Commission meetings, of which she is
15 an alternate, is due to the downturn in the economy. This led to a reduction in
16 her staff and therefore left her unable to leave her business during working
17 hours. Since the Master Plan meetings will be at night, there should be no
18 conflicts in her schedule. J. Laferriere asked what she thought will be the most
19 challenging things for the town to face in the coming years. She replied that
20 being able to clearly define what Londonderry should be is the most important
21 issue, regardless of what that definition is. Without that, she said, there is no
22 core to focus on and the town can easily lose track of its desired image. Board
23 members thanked her for all the work she has done for the town and for
24 volunteering.

25
26 The consensus of the Board was to appoint D. Paul as the business community
27 representative and to appoint B. Mee, M. Tetreault, and R. Lagueux to be the
28 central, northern, and southern At-Large representatives respectively.

29
30 **NEW PLANS**

31
32 A. Jeffrey Young, Map 16, Lot 85 – Application Acceptance and Public Hearing for
33 a Site Plan for a change of use (residential to professional office) and related site
34 improvements.

35
36 T. Thompson stated there are four outstanding checklist items, all of which are
37 waiver requests. Assuming the Board grants the waivers, staff recommends the
38 application be accepted as complete.

39
40 T. Thompson read all waivers into the record from the Staff Recommendation
41 memo:

- 42
43 1. *The applicant is requesting a waiver to Sections 3.09 and 4.14.e.*
44 *The applicant has not provided a separate landscape plan as required*
45 *by the regulations. Staff recommends **granting** the waiver, as the*
46 *limited area of disturbance associated with the plan, along with the*
47 *preservation of much of the existing vegetation meets the intent of*
48 *the regulations.*

49

- 1 2. *The applicant is requesting a waiver to Sections 3.13 and 4.16. The*
 2 *applicant has not provided an illumination plan as required by the*
 3 *regulations. Staff recommends **granting** the waiver, the only site*
 4 *lighting shown on the plans exists at the site today. The plan does*
 5 *propose signage lighting, but staff is comfortable with this being*
 6 *handled with proposed precedent condition #6.*

- 8 3. *The applicant is requesting a waiver to Section 4.12.b. The applicant*
 9 *has not provided a surveyors certification for the boundary as*
 10 *required by the regulations. Staff recommends **granting** the waiver,*
 11 *as the boundary has been determined utilizing plans on record with*
 12 *the Town, and given the limited nature of the improvements*
 13 *associated with the change of use, the expense of a full boundary*
 14 *survey is not reasonably justified.*

- 16 4. *The applicant is requesting a waiver to Sections 3.02 and 4.12.c.4.*
 17 *The applicant has not provided all required boundary monuments as*
 18 *required by the regulations. Staff recommends **granting** the waiver,*
 19 *as the missing monuments are located within wetlands and the area*
 20 *taken by NHDOT for improvements to Rt. 28 (without a full boundary*
 21 *survey these are not able to be set).*

23 A. Rugg asked for Board input. There was none.

24
 25 **M. Soares made a motion to grant all four waivers based on the**
 26 **applicant's letter dated April 15, 2011 and staff recommendation. D.**
 27 **Coons seconded the motion.** No discussion. **Vote on the motion: 8-0-0.** All
 28 **four** waivers are granted.

29
 30 **D. Coons made a motion to accept the application as complete. M. Soares**
 31 **seconded the motion.** No discussion. **Vote on the motion: 8-0-0.**
 32 Application accepted as complete.

33
 34 A. Rugg mentioned that this starts the 65 day time frame under RSA 676:4.

35
 36 Jack Szemplinski of Benchmark Engineering was present to represent Jeff Young.
 37 The C-II site is just over three acres, has approximately 200 feet of road frontage
 38 on Route 28, and features a residential duplex with associated driveway,
 39 leachfield, and well. Phase I of the project will entail converting the northerly half
 40 of the duplex to an office use for J. Young's insurance company while the
 41 southerly half will be used as his residence. Phase II would occur at a later date
 42 when the entire building is converted to the office use alone. A portion of the
 43 front of the property will be taken by eminent domain when the State widens
 44 Route 28. The well and septic system will be used as they exist today.

45
 46 J. Trottier summarized the comments from the DPW Review Memo.

47
 48 T. Thompson said staff recommends conditional approval as outlined in the staff
 49 recommendation memo, with the non-standard condition included in the memo
 50 under Precedent Conditions regarding lighting of the existing sign (see #6 below).

1 He also noted that the owner was granted a variance by the Zoning Board of
2 Adjustment to allow the mixed residential and commercial uses.

3
4 A. Rugg asked for Board input. R. Brideau noted the trend in that immediate area
5 where many lots once used residentially are now being used commercially.

6
7 A. Rugg asked for public comment. There was none.

8
9 **D. Coons made a motion that the Planning Board conditionally approve**
10 **the site plan with the following conditions:**

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

14
15 **PRECEDENT CONDITIONS**

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

- 21
22 1. The Applicant shall dimension the indicated loading area, handicap parking
23 space and adjacent striped space on the site plan for proper construction.
24 In addition, the Applicant shall remove the last bullet item noted on the
25 plan, which does not appear to apply to this project.
26
27 2. A proposed 350 contour appears to be missing on the topographic plan in
28 the vicinity of the proposed 349x0 spot elevation shown west of the
29 handicap parking space. The Applicant shall review and update as
30 necessary for proper construction.
31
32 3. The project details on sheet 6 include several details that are similar to the
33 Town's standard details (i.e. silt fence, typical low flow outlet structure at
34 detention basins, etc.). The Applicant shall remove the similar details from
35 the plan set, provide a note on the cover sheet that states all construction
36 shall be in accordance with the "Typical Details For Site And Roadway
37 Infrastructure, Town of Londonderry, dated May 2009" as typically
38 requested by the Town. In addition, the Applicant shall update the plan
39 sheet to include the appropriate table for the detention basin outlet
40 structure. In addition, the Applicant shall specify the type of erosion
41 control blanket to be placed along the swale in the detail on sheet 6 for
42 proper construction.
43
44 4. The Applicant shall update the detention pond analysis of the drainage
45 report to properly indicate the proposed outlet weir configuration at
46 elevation 330.83 and above consistent with the proposed device used.
47
48 5. The NHDOT permit appears to indicate a new permit would be needed for
49 phase 2 of the project (change in use). The Applicant shall provide a note

1 on the plans accordingly or provide additional documentation from NHDOT
 2 to the Town clarifying that an updated permit is not necessary for phase 2.
 3

- 4 6. The Applicant shall revise the sign detail to indicate downcast ("gooseneck")
 5 exterior illumination of the proposed sign as recommended by the Heritage
 6 Commission.
- 7
- 8 7. Note all waivers granted on the plan.
- 9
- 10 8. The Applicant shall provide a digital (electronic) copy of the complete final
 11 plan sent to the Town at the time of signature by the Board in accordance
 12 with Section 2.05.n of the regulations.
- 13
- 14 9. Outside consultant's fees shall be paid within 30 days of approval of plan.
- 15
- 16 10. Financial guaranty if necessary.
- 17
- 18 11. Final engineering review
- 19

20 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
 21 certified the approval is considered final. If these conditions are not met within
 22 **120 days** to the day of the meeting at which the Planning Board grants
 23 conditional approval the board's approval will be considered to have lapsed and
 24 re-submission of the application will be required. See RSA 674:39 on vesting.
 25

26 **GENERAL AND SUBSEQUENT CONDITIONS**

27
 28 All of the conditions below are attached to this approval.
 29

- 30 1. **No construction or site work for the amended site plan may be**
 31 **undertaken until the pre-construction meeting with Town staff has**
 32 **taken place, filing of an NPDES-EPA Permit and the site restoration**
 33 **financial guaranty is in place with the Town.** Contact the Department
 34 of Public Works to arrange for this meeting.
 35
- 36 2. The project must be built and executed exactly as specified in the approved
 37 application package unless modifications are approved by the Planning
 38 Division & Department of Public Works, or if staff deems applicable, the
 39 Planning Board.
 40
- 41 3. All of the documentation submitted in the application package by the
 42 applicant and any requirements imposed by other agencies are part of this
 43 approval unless otherwise updated, revised, clarified in some manner, or
 44 superseded in full or in part. In the case of conflicting information between
 45 documents, the most recent documentation and this notice herein shall
 46 generally be determining.
 47
- 48 4. All site improvements must be completed prior to the issuance of a
 49 certificate of occupancy. In accordance with Section 6.01.d of the Site Plan
 50 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 Traffic, Police, and Fire 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.

M. Soares seconded the motion. No discussion. **Vote on the motion: 8-0-0.** The site plan was conditionally approved.

Other Business

M. Soares suggested placing the Woodmont Commons topic on the first meeting of the month for the time being, until such time as it is found that a third meeting of the month is necessary to accommodate the topic. T. Thompson advised asking the applicant at next week’s meeting if they have an idea of when they will submit a formal application. Following further discussion, the consensus was to revisit the topic at next week’s meeting.

Adjournment:

M. Soares made a motion to adjourn the meeting. R. Brideau seconded the motion. Vote on the motion: 8-0-0. Meeting adjourned at 8:23 PM.

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

Respectfully Submitted,

1 Charles Tilgner, Secretary