

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF September 14, 2011 AT THE MOOSE HILL**
3 **COUNCIL CHAMBERS**
4

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

10 Also Present: André Garron, AICP; Janusz Czyzowski, P.E.; John Trottier, P.E.;
11 Libby Canuel, Community Development Secretary
12

13 M. Soares called the meeting to order at 7 PM. M and appointed S. Benson to vote
14 for A. Rugg.
15

16 **Administrative Board Work**
17

18 A. Tammy M. Verani 2004 Revocable Trust, Map 17, Lot 34 – Continued Public
19 Hearing for a 5 lot subdivision and Conditional Use Permit.
20

21 A. Garron stated that the applicant has requested a continuance to October 12,
22 2011.
23

24 **L. Wiles made a motion to continue the public hearing to October 12,**
25 **2011 at 7pm. D. Coons seconded the motion. No discussion. Vote on**
26 **the motion: 8-0-0.** The hearing is continued to October 12, 2011 at 7PM.
27

28 B. 124-126 Rockingham Road Gas Station/Convenience Store Site Plan
29

30 A. Garron referenced a letter from the applicant requesting a special meeting
31 to sign the plans for this project, provided they can meet the conditions
32 outlined in the letter (see Attachment #1).
33

34 The consensus was to arrange a special meeting to sign the plans.
35

36 C. Verani Property at 217 Rockingham Road, 15-22-1 - Adding Pizza/Sub Parlor
37

38 A. Garron referenced a letter from George Chadwick of Hancock Associates
39 asking that a determination be made as to whether a Full Site Plan review is
40 required for a permanent change of use on Map 15, Lot 22-1 (see Attachment
41 #2). The applicant is requesting that a pizza/sub shop share space in the
42 building with the barber shop previously allowed by the Board. The limousine
43 business that has been using the site will be removed and there will be no
44 changes made to the site. J. Trottier said staff has met with the engineer and
45 reviewed the two issues that need to be resolved; 1) amending the
46 Department of Transportation's (DOT) driveway permit because of westerly
47 curb cut impacts associated with the improvements occurring at the abutting
48 Londonderry Freezer Warehouse and 2) the required connection to the sanitary
49 sewer for the restaurant.

1
2 M. Soares asked for comments from the Board. L. Wiles asked whether the
3 current use is recorded on the deed or just Town records. A. Garron said it is
4 only recorded on Town records because site plans are not recorded at the
5 Registry of Deeds. Town records are updated as each use is approved by the
6 Board. If the proposed change in use is approved, the new plan and its
7 purposes will supplant the current one which requires site plan review for any
8 change in use. Moving forward, changes that the Building Inspector deems are
9 similar to the approved retail use would therefore not require site plan
10 approval. D. Coons noted that there are parking spaces currently on the site
11 that are not shown on the proposed plan. A. Garron said that whatever is
12 approved on the plan is what will be on the site. M. Soares asked if approval
13 of the plan would set a precedent and A. Garron said in this situation, it would
14 not.

15
16 **D. Coons made a motion allow the proposed change in use to be**
17 **handled administratively by staff, subject to DOT approval and the**
18 **obtainment of a sewer discharge permit. L. Wiles seconded. No**
19 **discussion. Vote on the motion: 8-0-0.** The change in use will be handled
20 administratively.

21
22 D. Discussions with Town Staff

- 23
24 • Mr. Michael DiGuiseppe- Londonderry Shoppes- Entitlement Concerns

25
26 A. Garron stated that the plan submitted for design review involving Map
27 15, Lots 51 and 59 has generated several issues. He noted that this is not
28 a public hearing for the project, but instead a discussion seeking direction
29 from the Board. The areas of concern are as follows:

- 30
31 ○ Traffic improvements; The applicant is requesting that 25% concept
32 plans be allowed in place of 100%, noting that the majority of NH
33 towns require only 25%. A. Garron said that while the Town has
34 traditionally accepted 50% for improvements involving State roads,
35 they have required 100% plans when involving Town roads. J.
36 Trottier said 100% is needed to determine whether traffic impacts
37 would be mitigated. J. Czyzowski strongly recommended to the
38 Board that past practice be adhered to in order to protect the Town's
39 interests and avoid setting precedence. T. Freda asked if the
40 requirement can be waived by the Board and A. Garron confirmed it
41 could because it is part of the site plan regulations. T. Freda also
42 noted that unless one knows what all of the off-site improvements
43 are, it is unlikely one can determine exactly what 25% is.

44
45 M. DiGuiseppe, developer of the property, stated that DOT has
46 approved his plans and that they actually have jurisdiction over the
47 first 175 feet of Vista Ridge Drive. He explained that 25% is a DOT
48 standard of criteria that must be met to establish that the plan is
49 conceptually satisfactory. All site plan approvals from staff, he said,
50 have been acquired with the exception of the 100% plans for the 200

1 remaining feet of Vista Ridge Drive that the Town oversees. If it
2 were not for this requirement, the project could have started this
3 year. It will now most likely not start until the spring or summer of
4 2012 due to this one issue. He provided a list of 20 other towns in
5 New Hampshire that require only 25% as requested by staff. He
6 asked the Board to alleviate a financial hardship and provide
7 conditional approval of the design concept. The difference between
8 25% and 100% plans, he said, would only address minor
9 improvements regarding the aforementioned 200-foot section, but
10 would cost him an additional \$75,000.

11
12 D. Coons noted that Home Depot was approved subject to various
13 improvements that needed to be made on Gilcreast Road and asked
14 why the same could not be done here. J. Czyzowski clarified that all
15 improvements to Gilcreast were shown ahead of time and the only
16 condition was that a letter from the State be provided indicating their
17 approval of improvements to Route 102. He added that DOT does
18 not, in fact, have jurisdiction over any section of town roads. In
19 addition, Town staff had a list of 12 comments regarding the traffic
20 study that were not answered. DOT, he said, would not approve the
21 concept of a plan if the Town has issues with it and in this case, Town
22 staff has not yet met with DOT. When asked by T. Freda what the
23 impact of only 25% plans would be, J. Czyzowski said that a
24 precedent would be set and necessary improvements such as
25 easements would only be discovered after approval has been given.
26 T. Freda and C. Davies replied that that is a risk the developer takes.
27 A. Garron said that with only 25%, staff cannot advise the Board as
28 to whether a project will work or not. D. Coons stated his preference
29 for adhering to past practice of 100% and noted that regulations
30 have been amended over the years based on negative experiences
31 involving less than that. He then asked how this would affect the 65-
32 day approval process if the plans are conditionally approved based on
33 25% and problems are discovered after the fact. A. Garron replied
34 that once the plans are approved conditionally, the 65-day clock
35 stops.

- 36
37 o NHDOT Requirements; The applicant is stating that many of the DOT
38 requirements cited by the Town from the Manual on Drainage Design
39 for Highways do not apply to a private site such as this. They
40 therefore ask that requirements for interior drainage and construction
41 details within the property be waived by the Town. J. Czyzowski said
42 these standards are applied to all site plans and that the
43 requirements selected from the DOT manual apply specifically to
44 Town roads. He said the requirements are not excessive and
45 recommended the Board not grant such a waiver. M. DiGuiseppe
46 replied that the issue lies with having to meet all of the DOT
47 requirements. He does not object to many of them but instead has
48 issues with a select few and is asking for relief from meeting 100% of
49 the requirements. Based on discussions that took place today, he

1 added, he believes this is something that engineers from both sides
2 can resolve.

- 3
- 4 o Slope Areas 3:1 vs. 4:1; J. Czyzowski said staff was amenable to this
5 change.
- 6
- 7 o Retaining Wall at Edge of Easement; The applicant is requesting that
8 the retaining wall and grading plan be approved because they will not
9 impact the stability of the roadway which is a concern of staff. J.
10 Czyzowski said the retaining wall needs to be outside the Town right
11 of way, however it is unknown at this point where that right of way
12 will be once the road is widened. This would be an example of the
13 kind of issue that would not be covered by only 25% plans.
- 14

15 M. Soares asked for consensus from the Board over the traffic
16 improvements issue. S. Benson stated his understanding of M. DiGuiseppe
17 not wanting to invest 100% into a study and then finding out it cannot be
18 approved. However, he continued, without 100% plans, an investment
19 could be made into a conditionally approved project that might turn out to
20 be cost prohibitive because of issues found after the fact. He said he would
21 want to see 100% plans. M. DiGuiseppe responded that based on his
22 experience, he felt comfortable with the level of detail involved with 25%
23 plans. The issue for him is one of timing and having to spend the amount
24 needed for 100% plans now as opposed to next spring or summer. L. El-
25 Azem, D. Coons, and R. Brideau stated their preference for 100%. L. Wiles
26 said he thought 25% was acceptable because 100% would be due before
27 any plans could be signed. T. Freda also agreed, stating that perhaps
28 Londonderry needs to amend their policy to be more business friendly. C.
29 Davies believed 25% was sufficient because the risk lies with the developer.
30 M. DiGuiseppe stated that if the consensus was for 100% plans, he would
31 abandon the project. He then left the meeting. T. Freda asked staff what
32 the risk would be to the Town by allowing 25%. M. Soares said it would
33 lengthen the process for developers and delay the start of projects. A.
34 Garron added that without 100%, staff cannot be accountable to the Board
35 as to whether a given project will be successful. J. Czyzowski gave an
36 example where the Town could be left to maintain a portion of the off-site
37 improvements that was not sufficiently designed in the first place because it
38 was not included in the plans. A discussion ensued about whether the
39 regulations should be changed to allow less than 100% plans. M. Soares
40 asked A. Garron to schedule that topic for another meeting and to keep the
41 Board apprised of subsequent conversations with M. DiGuiseppe. D. Coons
42 asked staff to review what criteria the State and other towns use to satisfy
43 25% plans to see if it is a standard they think could be acceptable.

44
45 **Other Business**

46
47 A. 2013-2018 Capital Improvement Program (CIP)- Workshop

48
49 A. Garron reviewed the projects that are in consideration for this year (see
50 Attachment #3). He first noted that there are no Priority 1 projects.

1 Priority 2 includes the School Department's SAU Building and the Pettengill
2 Road Upgrade. A. Garron said that additional information regarding the
3 anticipated economic impacts to the Pettengill Road area was supplied to
4 the CIP Committee. An updated application for another round of TIGER
5 fund grants will be submitted for that project in October. Another Priority 2
6 project is the Route 102 Corridor Plan Update (the handout erroneously
7 included Route 28, the western segment of which was done last year). The
8 Public Works and Engineering Department has two projects listed under
9 Priority 2. The first is for Roadway Rehab/Reconstruction which was
10 reduced by the CIP Committee to \$1 million annually for six years. The
11 second is for improvements to the Highway Garage. The CIP Committee
12 questioned the increase from \$110,000 last year to \$260,000 this year. J.
13 Czynowski explained that the total cost has not changed but that the project
14 is being done in phases. The final Priority 2 project is for the Replacement
15 of Emergency Medical Equipment. Priority 3 projects include the School
16 Auditorium, District Wide Renovations, Central Fire Station Renovations, the
17 GIS Update and Maintenance Program, Open Space Protection (which was
18 changed from \$2 million in 2013 to \$500,000/year for 4 years starting in
19 2013), Recovery Way Drop off Center Improvements, South Londonderry
20 Sewer Phase II, and the Mammoth Road Sewer Replacement (portion). L.
21 Wiles asked that the figures for the Open Space Protection program be
22 verified against what the recent Open Space Task Force recommendations
23 were. Two Priority 4 projects were listed; one for the Plaza 28 Sewer Pump
24 Station Replacement (funding for which no longer includes TIF funds) and
25 the Mammoth Road (North) Sewer Extension.

26
27 A public hearing will take place before the Board on October 12, 2011.

28
29 **Adjournment:**

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

33
34 The meeting adjourned at 9:14 PM.

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

38
39
40
41 Respectfully Submitted,

42
43
44
45 Lynn Wiles, Secretary

Planning Board Meeting Minutes 09/14/11 Attachment #1

From: [Jon Levenstein](#)
To: [Andre Garron](#)
Subject: 124-126 Rockingham Road
Date: Tuesday, September 13, 2011 10:59:53 AM

Andre:

I am writing to request that you inquire of the Planning Board about the possibility of scheduling a special meeting to approve the signing of the site plan for the above referenced property. As you are aware, the site plan received conditional approval at the meeting of August 3, 2011. Since then we have been actively working to fulfill the precedent conditions. The status of the conditions is as follows:

1. The DOT permit should be issued today.
2. The only thing left for the sewer permit is for John Trotter to review the final plan to make sure it contains what he has asked for (which it does).
3. Stantec has reviewed the revised plans and wanted a few issues addressed. Our engineer will take care of those in the next day or two.
4. We also need to pay certain required fees before the plan can be signed. I know that the sewer fee is not due until we go for the CO but the road impact fees may be due prior to signing. The Planning Board has agreed that the road impact fee should be reduced from \$33,000 to \$9,900. It is my understanding that you are going before the Town Council this week to get their approval.
5. We are scheduled to close on the property next week. After the closing occurs we will be able to provide the town with the Request to Merge the lots and the Flowage Easement.

At the present time we are running into timing issues with the commencement of construction. We would like to begin as soon as possible so that weather does not become an issue.

Based upon the foregoing we request that the Planning Board schedule a special meeting to grant final approval and to sign the site plan. We can work with staff on a date that will accommodate the board.

Thank you for your consideration

Jon H. Levenstein, Esq.
25 Constitution Dr.
Bedford, NH 03110
(603) 472-9995

Planning Board Meeting Minutes 09/14/2011 Attachment #2

Civil Engineering

Land Surveying

Wetland Science

Landscape Architecture

August 29, 2011

HANCOCK
ASSOCIATES

Town of Londonderry Planning Board
C/o Andre Garron
268 B Mammoth Road
Londonderry, NH 03053

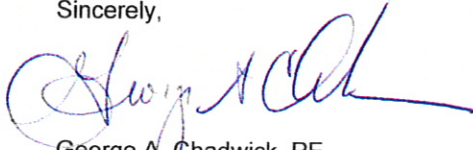
**Re: Tax Map 15 Lot 22-1
217 Rockingham Rd
Londonderry NH**

On behalf of Patricia L. Verani Revocable Trust, please review the attached plan and determine if a Full Site Plan review is required for this permanent change of use for the above referenced parcel. Mr. Vasillios Palaskas would like to open a pizza/sub shop which is an allowed use in the C-II zone. The pizza business will be primarily takeout with 20 seats for dining in purposes. Previously the board allowed a barber shop to occupy the remainder of the building. Based on twenty seats and 4 employees the required parking for the pizza shop is 9 spaces. The barber shop will require 8 parking spaces (4 chairs). The total required parking is 17 where 18 existing spaces are available.

No site improvements are required for the conversion on the structure to a pizza/sub business.

Should you have any further questions or concerns please feel free to contact me at 603-898-4701 or gchadwick@hancockassociates.com

Sincerely,



George A. Chadwick, PE
Branch Manager
Hancock Associates

DANVERS, MA
185 Centre Street
Danvers, MA 01923
Phone: (978) 777-3050
Fax: (978) 774-7816

MARLBOROUGH, MA
28 Lord Road, Suite 280
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LAKEVILLE, MA
4 Freetown Street
Lakeville, MA 02347
Phone: (508) 923-1002
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SALEM, NH
P.O. Box 205
Salem, NH 03079
Phone: (603) 898-4701
Fax: (603) 898-6263

Listing & Discussion of Projects by Priority

Priority 1

No Projects

Priority 2

School Department

□ **New SAU Office - \$100,000 (A&E), \$2,900,000 (Construction)**

Project Description: This project is to build a new SAU District Office. The existing building is severely over capacity. Indoor air quality is measured daily. Readings on a good day are poor. The Current SAU office has under gone many band aid fixes to accommodate new personnel. Storage area located in the old town hall has been eliminated, all storage is now located under the high school. With the increasing population at LEEP, the DW training room may soon be eliminated. Finally, with the construction of the new Police and Town Hall, parking will be very difficult at best.

Funding Source: BD

Proposed Funding Year: FY 2016 for A&E, FY 2017 for Construction

Priority 2

Community Development Department

□ **Pettengill Road Upgrade - \$12,348,000**

Project Description: This project will fund preliminary design plans and construction of the upgrade to Pettengill Road, a Class VI roadway that once upgraded will provide access to the industrial land south of Manchester Airport and connect with the NHDOT Airport Access Road. Improvement of the roadway to a class V limited access highway will open up the land to development which will help increase Londonderry industrial tax base. This approximately 800 acres of land has the potential for being developed into 3.6 million square feet of commercial and industrial development. This area is one of the key focus areas of the Master Plan, and a significant future contributor to the town's tax base. In May 2003, the Town conducted a design charrette that created a vision for the development of this area. With the airport access road schedule to be completed by 2011/12, now is Londonderry's opportunity to connect onto this project an open up a significant economic opportunity for the community.

Funding Source: TIF/GR

Proposed Funding Year: FY 2013

Priority 2**Community Development Department****□ Rt. 28 / Rt. 102 Corridor Plan Update—\$140,000**

Project Description: The project proposes to update the 1997-2004 Rt 28 and Rt 102 traffic corridor plan. The project proposes to provide new traffic analysis for Rt 28 and Rt 102, analyzing the deficiencies based on the traffic volume and peak hour impacts, development of a cost to improve the deficiencies, and development a impact fee methodology for the private sector to pay their fair share towards the improvements of the deficiencies.

Funding Source: General Fund

Proposed Funding Year: FY 2013

Priority 2**Public Works & Engineering - Highway Division****□ Roadway Rehab/Reconstruction Program - \$9,000,000 (\$1,500,000 annually)**

Project Description: Implementation of a roadway rehabilitation and reconstruction program for the Town's roadway infrastructure.

Funding Source: BD/GF/GR

Proposed Funding Year: FY 2013, 2014, 2015, 2016, 2017, 2018

Priority 2**Public Works & Engineering - Highway Division****□ Highway Garage Improvements - \$260,000 Phase III**

Project Description: Improvements to the existing Highway Garage facility -

Phase III - Construct a 24' X 80' addition along the existing building to house a foreman's office, lunch room and bathroom facility. (Estimate \$260,000)

Funding Source: Expendable Maintenance Trust Fund

Recommended Funding Year: FY 2013

Priority 2**Fire Department****□ Replacement of Emergency Medical Equipment- \$140,000**

Project Description: Replace 4 Life-Pak Defibrillators.

There are currently 4-10 year old Lifepak 12 Monitor/Defibrillators that have reached their maximum life span and need replacement. These are medical devices used to monitor and treat cardiac patients and patients with other illnesses. These are used everyday on the ambulances by paramedics as a treatment and diagnostic tool. They are required by the state for transport of patients. They are being repaired at present but will not be supported by manufacturer in the near future. These devices produce revenue for the town at \$125.00 per use or about \$145,000.00 per year. Technology has been improved and the newer models are much superior to these older versions. The Fire Department has put in for grant funding but is not available at this time. These are important to the delivery of advanced life support care to the citizens and visitors of the Town of Londonderry. If one of these devices should fail while being used on a patient there could be an issue of liability.

Funding Source: Ambulance Revenue

Proposed Funding Year: FY 2013

Priority 3**School District****□ Auditorium - \$500,000(A&E), \$1,000,000 (Site Preparation), \$15,000,000 (Construction)**

Project Description: Construction of a new auditorium for the needs of the District's music, performing arts programs. Planned seating capacity is under 1,000. When available, the building will be open to other community programs and organizations.

Funding Source: BD

Proposed Funding Year: FY 2018 (A&E)

Priority 3**School District****□ District Wide Renovations - \$2,600,000**

Project Description: This project is to address the many large maintenance issues facing the School District. Over the past several years, the School District has successfully funded its maintenance needs and plans through its Maintenance Trust Fund. The fund has received annual appropriations around \$500,000. However, it is feared the needs of the district, plus increased costs in materials especially in petroleum based products is out pacing the allocation appropriations This bonding project would address the major concerns and the larger cost items such as paving, roofing, boiler replacement etc.

Funding Source: BD

Proposed Funding Year: FY 2017 (A&E)

Priority 3**Fire Department**

- **Central Station Renovations - \$1,800,000**

Project Description: Renovations to Central Fire Station: Adding 2 bays, enlarged training room and new Communications room, enlarging kitchen and dayroom, renovating offices and living space on second floor. New fitness room, Replacing roof and mechanicals, as well as adding sprinklers and emergency generator.

Funding Source: BD

Proposed Funding Year: FY 2014 (A&E), FY 2015 (Construction)

Priority 3**Community Development Department**

- **GIS Update & Maintenance Program - \$160,000**

Project Description: Establish a capital reserve fund to provide for continued maintenance of the Town's Geographic Information System (GIS) by programming money for the purchase of new aerial photography, photogrammetric mapping and Pictometry products. This will allow for comprehensive updates to geospatial information at 2 and 5-year intervals, with immediate application to the quality of services provided by GIS to town departments and the general public.

Funding Source: CRF

Proposed Funding Year: FY 2013-2018 (\$32,000 annually)

Priority 3**Conservation Commission**

- **Open Space Protection - \$2,000,000**

Project Description: This project implements the Master Plan direction to protect open space. The funds requested will be used to maintain the natural services provided by open spaces identified in the 2005 Open Space Plan. The near term focus will be on the town's remaining agricultural land, since this has the best chance of garnering matching funding.

In order to secure the natural services provided by the town's open spaces, such as clean air and water, flood storage, drinking water supplies, outdoor recreation, pleasing scenery, and the production of local food and fiber, the town must resume its commitment to securing its most valuable and strategically located open spaces. The loss of the town's top two priority parcels for open space protection (Woodmont Orchard and the Lorden land off Old Derry Road) in a year of extremely low economic activity underscores the urgency of protecting the town's most resource rich remaining open spaces. The FY12 request assumes projects eligible for federal Farm and Ranchland Protection Program grant matching funds.

Funding Source: BD/GR

Proposed Funding Year: FY 2013-2015

Priority 3**Public Works & Engineering - Recovery Way Drop off Center Improvements****□ Recycling Drop of Center - \$75,000**

Project Description: Paving of the of existing drop off center Recovery Way.

Funding Source: General Fund

Proposed Funding Year: FY 2013

Priority 3**Public Works & Engineering - Environmental Division****□ South Londonderry Sewer Phase II - \$2,535,750**

Project Description: Construction of the South Londonderry Phase II sewer project, expanding service area to capture a mix of commercial and residential land uses, consistent with the Town's Sewer Facility Plan adopted by the Town in 2005.

Funding Source: BD/Private Developer Contribution

Proposed Funding Year: FY 2015

Priority 3**Public Works & Engineering - Environmental Division****□ Mammoth Road Sewer Replacement (portion) - \$385,875**

Project Description: Replacement of a section of sewer infrastructure in the Mammoth Road near the intersection of Mammoth and Sanborn Road, consistent with the Town's Sewer Facility Plan adopted by the Town in 2005, and the conditionally approved multi-family development plans on Sanborn Road.

Funding Source: BD/AF/Private Developer Contribution

Proposed Funding Year: FY 2015

Priority 4

Public Works & Engineering - Sewer Division

□ **Plaza 28 Sewer Pump Station Replacement - \$3,150,000**

Project Description: Replacement of the existing sewer pump station at Plaza 28, enhancing service area to capture a mix of commercial and industrial land uses in the Jack's Bridge Road TIF District, consistent with the Town's Sewer Facility Plan by the Town in 2005.

Funding Source: TIF/AF/BD

Proposed Funding Year: FY 2018

Priority 4

Public Works & Engineering - Sewer Division

□ **Mammoth Road (North) Sewer Extension - \$749,700**

Project Description: Extension of sewer infrastructure in the Mammoth Road area of the "North Village", consistent with the Town's Sewer Facility Plan adopted by the Town in 2005.

Funding Source: BD/AF

Priority 4

Priority 4