

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF December 7, 2011 AT THE MOOSE HILL**
3 **COUNCIL CHAMBERS**
4

5 Members Present: Art Rugg; Mary Soares; 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; Cynthia May, ASLA; John Trottier, P.E.; Libby
11 Canuel, Community Development Secretary
12

13 A. Rugg called the meeting to order at 7 PM. A. Rugg appointed S. Benson to vote
14 for Lynn Wiles.
15

16 **Administrative Board Work**
17

18 A. Regional Impact Determinations - Thomas M. & Joanne Ginnard, Map 15,
19 Lot 110-5, 2 Leelynn Circle
20

21 C. May stated that this determination had already been made at the July
22 13, 2011 meeting and therefore no action was necessary at this time.
23

24 B. Approval & Signing of Minutes - November 2, November 9, and November
25 28, 2011.
26

27 **M. Soares made a motion to approve and sign the minutes from the**
28 **November 2, 2011 meeting. D. Coons seconded the motion.** No
29 discussion. **Vote on the motion: 7-0-1.** (Tom Freda abstained because
30 he was absent from the November 2, 2011 meeting).
31

32 **M. Soares made a motion to approve and sign the minutes from the**
33 **November 9, 2011 meeting. D. Coons seconded the motion.** No
34 discussion. **Vote on the motion: 7-0-1.** (Laura El-Azem abstained
35 because she was absent from the November 9, 2011 meeting).
36

37 **M. Soares made a motion to approve and sign the minutes from the**
38 **November 28, 2011 meeting. D. Coons seconded the motion.** No
39 discussion. **Vote on the motion: 4-0-4.** (A. Rugg, M. Soares, C. Davies,
40 and T. Freda abstained because they were absent from the November 28,
41 2011 meeting).
42

43 Minutes for November 2, November 9, and November 28, 2011 were
44 approved and will be signed at the conclusion of the meeting.
45

46 C. Discussions with Town Staff
47

48 o A. Garron provided the Board with a draft of the Request for Proposals
49 for third party engineering services regarding the Woodmont Commons

1 Project. He asked that Board members forward any input to him so that
2 the RFP can be reviewed for final approval at the December 14, 2011
3 meeting. A copy will also be given to the applicant and any other
4 interested parties. D. Coons asked whether the information the
5 applicant has submitted to date can be included when the RFP is
6 distributed. A. Garron explained that would be up to the Board, but that
7 the RFP can direct potential applicants to the Town website where all
8 that documentation exists.

9
10 M. Soares asked if the plan can be accepted as complete at the
11 December 14 meeting if the process to develop the RFP is not yet
12 complete. A. Garron said his understanding of the Board's direction at
13 the November 2 meeting was to have the consultant selected prior to
14 any action being taken on application acceptance so that they may take
15 part in that process. He added that this would not, however, prevent
16 the applicant from presenting to the Board on December 14. D. Coons
17 noted that the applicant had agreed at the November 2 meeting with the
18 preference of the Board to perform due diligence, even if it resulted in a
19 delay of a public hearing. T. Freda suggested that the mutual
20 understanding of that possible delay be put in writing.

21
22 M. Soares asked what the timeline would be to advertise the RFP, hire a
23 third party consultant, and then provide that firm enough time to review
24 the Woodmont Commons submission. A. Garron replied that it is up to
25 the Board, but that it could take as long as three months; it is
26 dependent on how long the notice will run, when the deadline for
27 applications is set, how much time is given to the interview process, and
28 how long the Board gives the consultant to review the documentation.
29 He also explained later in the meeting that the process will also include
30 the lead time needed to advertise in the appropriate newspapers, and
31 the amount of time given for the applicants to generate their proposals.
32 M. Soares asked if it would still be worthwhile to have the applicant
33 present at the December 14 meeting since application acceptance will
34 not occur until after the consultant has been hired. A. Garron affirmed
35 that it would still be a good opportunity for the applicant to make a
36 presentation.

37
38 John Michels, representative for the applicant, conveyed his
39 understanding that acquisition of the third party consultant would take
40 time and that an extension of the 65-day time frame under 676:4 would
41 most likely be necessary. He said his impression of when application
42 acceptance could take place, however, was not the same as staff's. He
43 explained that unlike a subdivision or site plan which must meet an
44 abundance of specific and technical criteria in order to be accepted as
45 complete, the amount of information needed at this juncture for this
46 project is far less in comparison. Scrutiny of the details would come
47 after application acceptance, not before. Having to wait until February
48 or later for a consultant to be hired and review the application, he said,
49 would translate into significant cost for the developer. A. Garron
50 maintained that the Board's intent was for the consultant to be involved

1 with the application acceptance. The Planned Unit Development Master
2 Plan ordinance, he continued, contains submission requirements that
3 must be met and the consultant will ensure that all elements are
4 included in the submission so that it meets the full intent of the
5 ordinance. This will then allow the Board to begin reviewing the
6 specifics and confirm the applicant is adhering to the PUD regulations.
7 T. Freda and L. El-Azem both suggested that in order to reduce the
8 chance of delaying the acceptance process, the hiring process of the
9 consultant should somehow be condensed.

10
11 Following further discussion, it was decided that the applicant and other
12 interested parties should review the RFP draft prior to the next meeting
13 and submit comments to A. Garron, just as Planning Board members will
14 be doing. Once the comments are assimilated into the document, the
15 revision can be forwarded to the Board for their review at least a day
16 before the December 14 meeting so that final approval of the RFP can
17 occur at that time. A. Garron noted that legal counsel also needs to
18 review the update before the Board votes their approval.

- 19
20 ○ A. Rugg asked that A. Garron provide an update on the Pettengill Road
21 project at an upcoming meeting.

22
23 **New Plans**

24
25 A. Thomas M. and Joanne Ginnard, Map 15, Lot 110-5 – Application
26 Acceptance and Public Hearing for a two-lot residential subdivision,
27 2 Leelynn Circle, Zoned AR-1.

28
29 C. May stated that there were no checklist items, and staff recommended
30 the application be accepted as complete.

31
32 **D. Coons made a motion to accept the application as complete. R.**
33 **Brideau seconded the motion. No discussion. Vote on the motion: 8-**
34 **0-0.** The application was accepted as complete.

35
36 A. Rugg mentioned that this starts the 65 day time frame under RSA 676:4.

37
38 Jack Szemplinski of Benchmark Engineering began by explaining that the
39 original subdivision of the area was done in the mid-1980's. An additional
40 lot would now be possible because of the water and sewer connections
41 brought to the area by the development of Cohas Landing to the north. The
42 2.4 acre lot would be split in two, with the existing residence with private
43 septic and well remaining as it is. The new lot would be 1.9 acres in size
44 with public water and sewer. Discussions with the Public Works Department
45 resulted in a waiver request because the current owners would like to retain
46 the existing circular driveway that is wider than allowed by regulations.
47 Considering the low degree of traffic on the road, the applicant feels the
48 request is reasonable. The Department of Environmental Services has
49 given their approval of the subdivision and no other permits are needed.
50

1 J. Trottier summarized the design review items from the DPW/Stantec
 2 memo. He elaborated on item #2 of the memo by reading the one waiver
 3 request. He said staff does not support waiver request because the waiver
 4 does not apply; the existence of a second curb cut on a lot with less than
 5 300 feet of frontage is what does not meet Town regulations:

6
 7 1. The applicant is requesting a waiver to **Section 3.09-F.3** of the
 8 regulations regarding maximum driveway width. The existing house lot
 9 has a circular driveway approximately 12 feet in width with two curb
 10 cuts. Staff **does not support** the waiver, because the waiver doesn't
 11 apply. The actual width of the driveway will remain 12 feet, but the
 12 applicant would retain a second curb cut less than 50 feet from the first
 13 across 248 feet of frontage. Standard practice has been to limit
 14 residential curb cuts to one per each 150 feet of frontage, to improve
 15 safety by minimizing potential points of traffic conflict. The item is
 16 addressed in the attached Public Works & Engineering review memo
 17 dated December 7, 2011 under Applicant Review Item #2.

18
 19 A. Rugg asked for input from the Board. T. Freda asked if a site distance
 20 issue would remain if one of the driveways was eliminated. J. Trottier said
 21 it would not and that staff is only requesting the applicant address the sight
 22 distance as though there was only one curb cut. D. Coons asked if a permit
 23 was obtained for the circular driveway. Property owner Tom Ginnard stated
 24 that the second cut was added after the original driveway was installed and
 25 was not aware of any permit being obtained to do so. L. El-Azem confirmed
 26 with J. Trottier that a portion of the second driveway would be allowed, as
 27 long as it did not extend to an actual curb cut. J. Szemplinski said a permit
 28 was not needed fifteen years ago when the second driveway was added and
 29 therefore would be a grandfathered use that would not impact the proposed
 30 lot.

31
 32 A. Rugg asked for public input. There was no public comment.

33
 34 **D. Coons made a motion to grant the waiver to Section 3.09-F.3 of**
 35 **the regulations, despite staff's recommendation not to grant the**
 36 **waiver, based on the fact that the second driveway has been in**
 37 **existence for 15 years and is on a road ending in a cul de sac with**
 38 **very limited traffic. R. Brideau seconded the motion. No discussion.**
 39 **Vote on the motion: 6-2-0 with R. Brideau and M. Soares in**
 40 **opposition.** The one waiver was granted.

41
 42 **D. Coons made a motion to conditionally approve the two lot**
 43 **subdivision with the following conditions:**

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

48
 49 **PRECEDENT CONDITIONS**
 50

1 All of the precedent conditions below must be met by the applicant, at the
2 expense of the applicant, prior to certification of the plans by the Planning
3 Board. Certification of the plans is required prior to commencement of any
4 site work, any construction on the site or issuance of a building permit.
5

6 1. The Applicant's submitted lot size calculations for new lot 110-5 only
7 sums to 0.99 (vs. 1.00) and does not appear to meet the minimum lot
8 requirements. The Applicant shall review and revise the lot configuration
9 and/or calculations to clarify that the minimum lot size is provided in
10 accordance with the regulations. The Applicant shall include the drainage
11 easement area in the calculation table to clarify it has been excluded from
12 the minimum lot size calculations in accordance with the regulations.

13 2. The Applicant's Sight Distance plans for the two existing driveways
14 serving lot 110-5 do not provide the minimum sight distance of 250 feet in
15 the westerly direction in accordance with Exhibit D-2. The Applicant has
16 noted the start of the cul-de-sac with this submission on the plans. The
17 Applicant shall revise the driveway sight distance plans and profiles in the
18 westerly direction to verify the minimum of 250 feet is achieved in
19 accordance with the regulations.

20 3. The Applicant shall address the following on sheet 1:

21 A. The Applicant shall provide the Owner's signatures on this sheet and
22 all other applicable sheets.

23 B. The Applicant shall provide a signature for the soil scientist stamp on
24 this plan and all applicable sheets.

25 4. The Applicant shall provide a cleanout at the angle point of the proposed
26 sewer service line and indicate the cleanout in the sewer profile. In
27 addition, The Applicant shall provide appropriate sewer construction and
28 testing notes as typically required by the Town. The Applicant shall verify
29 the DRC comments of the Sewer Division are adequately addressed with the
30 Sewer Division and obtain a Londonderry Sewer Discharge Permit. The
31 Applicant shall note the permit number on sheet 1 in note 11 and provide a
32 copy of the approval to the Planning Division.

33 5. Note all waivers granted on the plan.

34 6. The Applicant shall provide a digital (electronic) copy of the complete
35 final plan sent to the Town at the time of signature by the Board in
36 accordance with Section 2.06.N of the regulations.
37

38 7. The applicant shall provide a check for \$25 (made payable to the
39 *Rockingham County Registry of Deeds*) to pay for the LCHIP tax that
40 became effective on recording of all plans and documents at the registry on
41 July 1, 2008.
42

43 8. The applicant shall note all general and subsequent conditions on the
44 plans (***must be on a sheet to be recorded, or a separate document to***
45 ***be recorded with the subdivision plans***), per the new requirements of
46 RSA 676:3.
47

1 9. Outside consultant's fees shall be paid within 30 days of approval of
2 plan.

3
4 10. Financial guaranty if necessary.

5
6 11. Final engineering review

7
8 **PLEASE NOTE -** Once these precedent conditions are met and the plans
9 are certified the approval is considered final. If these conditions are not
10 met within 2 years to the day of the meeting at which the Planning Board
11 grants conditional approval the board's approval will be considered to have
12 lapsed and re-submission of the application will be required. See RSA
13 674:39 on vesting.

14
15 **GENERAL AND SUBSEQUENT CONDITIONS**

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

17
18 **1. No construction or site work for the subdivision may be**
19 **undertaken until the pre-construction meeting with Town staff has**
20 **taken place, filing of an NPDES-EPA Permit and the site restoration**
21 **financial guaranty is in place with the Town (as applicable).** Please
22 contact the Department of Public Works to arrange for this meeting.
23

24 2. The project must be built and executed exactly as specified in the
25 approved application package unless modifications are approved by the
26 Planning Department & Department of Public Works, or if staff deems
27 applicable, the Planning Board.

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

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

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

41 **T. Freda seconded the motion.** No discussion. **Vote on the motion: 8-**
42 **0-0.** The plan was conditionally approved.

43
44 **Other Business**

45
46 A. Non-Public Session per RSA 91-A:2(b) Consultation with Legal Counsel
47

1 **L. El-Azem made a motion to go into Non-Public Session per RSA 91-**
2 **A:2(b) for the purpose of meeting with legal counsel. R. Brideau**
3 **seconded.**

4
5 **Roll call vote: Aye, Arthur Rugg; Aye, Mary Soares; Aye, Laura El-**
6 **Azem; Aye, Leitha Reilly; Aye, Scott Benson; Aye, Maria Newman;**
7 **Aye, Dana Coons; Aye, Tom Freda; Aye, Rick Brideau; Aye, Chris**
8 **Davies.**

9
10 **M. Soares made a motion to go out of Non-Public Session. D. Coons**
11 **seconded. The motion was approved, 7-0-0.**

12
13 [C. Davies left the meeting during the Non-Public Session].

14
15 **Adjournment:**

16
17 **M. Soares made a motion to adjourn the meeting. D. Coons seconded the**
18 **motion. Vote on the motion: 7-0-0. The meeting adjourned at 9:50 PM.**

19
20 These minutes prepared by Jaye Trottier and Libby Canuel, Community
21 Development Department Secretaries.

22
23
24
25 Respectfully Submitted,

26
27
28
29 Lynn Wiles, Secretary