

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF NOVEMBER 3, 2010 AT THE MOOSE HILL**
3 **COUNCIL CHAMBERS**
4

5 Members Present: Art Rugg; Charles Tilgner, P.E.; Lynn Wiles; Laura El-Azem;
6 Chris Davies; John Farrell, Ex-Officio; Rick Brideau, CNHA, Ex-Officio; George
7 Herrmann, Ex-Officio; Dana Coons, alternate member
8

9 Also Present: Tim Thompson, AICP; John Trottier, P.E.; Cathy Dirsra, Planning
10 Division Secretary
11

12 A. Rugg called the meeting to order at 7 PM. A. Rugg appointed D. Coons to vote
13 for M. Soares.
14

15 **Administrative Board Work**
16

17 A. Plans to sign – McDonald’s Site Plan
18

19 J. Trottier said all precedent conditions for approval have been met and the
20 staff recommends signing the plans.
21

22 **D. Coons made a motion to authorize the Chair and Secretary to sign**
23 **the plans. R. Brideau seconded the motion. No discussion. Vote on the**
24 **motion: 8-0-0.** A. Rugg said the plans will be signed at the conclusion of the
25 meeting.
26

27 B. Plans to sign – Ham/Guinesso Lot Line Adjustment
28

29 J. Trottier said all precedent conditions for approval have been met and the
30 staff recommends signing the plans.
31

32 **D. Coons made a motion to authorize the Chair and Secretary to sign**
33 **the plans. R. Brideau seconded the motion. No discussion. Vote on the**
34 **motion: 8-0-0.** A. Rugg said the plans will be signed at the conclusion of the
35 meeting.
36

37 C. Plans to sign – Bosch Site Plan
38

39 J. Trottier said all precedent conditions for approval have been met and the
40 staff recommends signing the plans.
41

42 **D. Coons made a motion to authorize the Chair and Secretary to sign**
43 **the plans. R. Brideau seconded the motion. No discussion. Vote on the**
44 **motion: 8-0-0.** A. Rugg said the plans will be signed at the conclusion of the
45 meeting.
46

47 [J. Farrell arrived at 7:04 PM]
48
49

1 D. Approval & Signing of Minutes – October 6 & 13

2
3 **D. Coons made a motion to approve and sign the minutes from the**
4 **October 6 meeting. R. Brideau seconded the motion.** No discussion.
5 **Vote on the motion: 7-0-2** (G. Herrmann and J. Farrell abstained because
6 they were absent at the October 6 meeting).

7
8 **C. Tilgner made a motion to approve and sign the minutes from the**
9 **October 13 meeting. D. Coons seconded the motion.** No discussion.
10 **Vote on the motion: 8-0-1** (C. Davies abstained because he was absent at
11 the October 13 meeting).

12
13 Minutes for October 6 and 13 are approved and will be signed at the
14 conclusion of the meeting.

15
16 E. Regional Impact Determinations

17
18 T. Thompson stated there were two projects to be considered for regional
19 impact determination.

20
21 Chinburg Builders is proposing Phase I (51 lots) of a new conservation
22 subdivision on Old Derry Road, Map 16, Lot 38 (total of approximately 138
23 lots at full build out. Future phases will require additional hearings with
24 Planning Board).

25
26 Jeffrey Young is proposing a change of use (residential to professional office)
27 and parking improvements on 116 Rockingham Road, Map 16, Lot 85.

28
29 T. Thompson said that staff recommends this project is not a development of
30 regional impact, as it does not meet any of the regional impact guidelines
31 suggested by Southern NH Planning Commission (SNHPC).

32
33 **J. Farrell made a motion to accept staff recommendations that this**
34 **project is determined not to be of regional impact under RSA 36:56.**
35 **R. Brideau seconded the motion.**

36
37 L. Wiles said that he was surprised that the Chinburg Development isn't of
38 regional impact and he asked about the requirements for regional impact.
39 T. Thompson said it's the proximity to municipal borders and the traffic
40 impact on other communities. He said that he reviewed it against the criteria
41 and this project did not meet any of them. He said that if it's a development
42 of greater than 100 lots within 1,000 feet of a border or boundary it would
43 meet the criteria, but this one is beyond 1,000 feet. No further discussion.

44
45 **Vote on the motion: 9-0-0.**
46
47

1
2 F. Review 2011 Planning Board Schedule & Deadlines

3
4 T. Thompson asked the Board to review the draft schedule and let him know
5 if they have any changes. The Board said they are comfortable with the draft
6 schedule for 2011.

7
8 G. Discussions with Town Staff

9
10 Market Basket – Proposed Illumination Modifications/Emergency Generator

11
12 J. Trottier said that Market Basket is well under construction. They are
13 proposing a 10' x 20' emergency generator pad, to be located on the
14 southeast corner of the building. The generator and pad will be enclosed
15 by a 6' high chain-link fence with black vinyl slats. He asked if the Board
16 would prefer a public hearing or to have staff handle it administratively.
17 The Board said that staff could handle it administratively.

18
19 J. Trottier also said that originally Market Basket did not propose any
20 new lighting, but since they started construction they determined that
21 they would like to make some lighting improvements. J. Trottier said
22 there are existing 25 luminaries. They are proposing 28 in the parking
23 lot and 17 on the building. There are significant energy savings using the
24 proposed LED vs the existing metal halide fixtures. T. Thompson said, as
25 an example of this, the proposed lighting drops down from 17 foot
26 candles to 2.3 at one randomly selected location, which would mean a
27 significant improvement and it meets the general intent of the
28 requirements if this were a new site plan.

29
30 T. Thompson asked if the Board would prefer a public hearing or to have
31 staff handle it administratively. The Board said that staff could handle it
32 administratively.

33
34 KAKE Preserve – Dumpster/Pavement Modification

35
36 J. Trottier said they are requesting to extend some paved parking areas
37 to the rear of the building for a total of 770 s.f., extend the retaining
38 wall and stockade fence, reduce the number of dumpsters from 7 to 3,
39 and to replace the concrete dumpster pad with pavement. He asked if
40 the Board would allow staff to handle it administratively. His only
41 comment is that staff would not recommend them using pavement for
42 the dumpster pad. He feels they should use concrete and said that the
43 applicant agrees with this.

44
45 The Board said that staff could handle it administratively.

46
47 T. Thompson said for the record, that the Superior Court came back with a
48 decision in the Crowell's Corner case. They dismissed the lawsuit by Crowell's
49 Corner against the Town of Londonderry, awarding the Town attorney's fees
50 and ordering that the building be vacated by December 1, 2010. At this point

1 we are awaiting the December 1 deadline and at that point code enforcement
2 will assess the situation and if they are still in violation we will be notifying
3 the court. J. Farrell said that he spoke with the Town Manager about this and
4 he clarified that it is completely out of our hands. All we do is notify the court
5 and the Town is no longer involved. It is within the Judge's jurisdiction to
6 make any decisions moving forward. T. Thompson said he has not heard of
7 any appeals or motions being filed at this point related to this case.

8
9 L. Wiles said that tomorrow night is the first Open Space Task Force
10 Committee meeting.

11
12 A. Rugg reminded everyone that at the next meeting they will hear the
13 Woodmont Orchard conceptual discussion.

14
15 **Public Hearings**

- 16
17 A. KAKE Preserve, LLC, Map 14, Lot 29-10 – Public Hearing for a waiver to
18 Section 6.01.c of the Site Plan Regulations to allow for temporary certificate
19 of occupancy prior to completion of wearing course of pavement.

20
21 J. Trottier read the staff recommendations memo. He noted that the applicant
22 is requesting a waiver to Section 6.01.c. The applicant requests that the
23 project be allowed a certificate of occupancy (CO) prior to prior to the
24 placement of the wearing course of pavement on the site. Because the
25 regulations require all site improvements to be completed prior to the
26 issuance of a CO (with the exception of landscaping which may be bonded
27 for), this waiver is being requested.

28
29 J. Trottier said that as a policy, the DPW does not support waivers of this
30 nature, given the issues that the Town has had in the past with
31 improvements not being completed after CO's are issued and the difficulty in
32 getting the site improvements completed. Planning Staff supports such
33 waiver requests only in limited circumstances, when the consequences and
34 circumstances of the project, economy, and the economic development
35 impact outweigh the risks inherent to the issuance of a CO.

36
37 T. Thompson said that based upon the information available to date the
38 Planning Staff recommends granting of the Waiver with the following
39 conditions:

- 40
41 1. Appropriate financial guarantee is provided to, and meets the approval
42 of, the DPW to ensure installation of the wearing course of pavement.
43 2. All other required improvements shall be completed prior to the issuance
44 of a CO, except for landscaping as permitted by the regulations.
45 3. The applicant and DPW to sign an agreement which stipulates that the
46 wearing course of pavement will be installed, and that if all work is not
47 completed by June 15, 2011, the developer releases to the Town the
48 amount of the financial guarantee established by condition #1, so that
49 the Town can complete the work.
50

1 Eric Skinner gave the Board an update on the status of the project. He said
2 that based on the construction equipment that will be on site, it doesn't make
3 sense to lay down the final coat of pavement at this time.

4
5 L. Wiles asked if there would be any safety issues by not doing the final coat
6 now. E. Skinner said there would not be any safety issues. J. Trottier agreed
7 and said it makes no sense to lay down the final coat at this time.

8
9 A. Rugg asked for public comment, but there was none.

10
11 **J. Farrell made a motion to grant the waiver based on the applicant's**
12 **letter and staff recommendation. D. Coons seconded the motion.** No
13 discussion. **Vote on the motion: 9-0-0.** Waiver granted.

14
15 **Other Business**

16
17 None.

18
19 **Adjournment:**

20
21 **J. Farrell made a motion to adjourn the meeting. R. Brideau seconded the**
22 **motion.** No discussion. **Vote on the motion: 9-0-0.** Meeting adjourned at 7:30
23 PM.

24
25
26
27 These minutes prepared by Cathy Dirsra, Planning Division Secretary.

28
29
30
31 Respectfully Submitted,

32
33
34
35 Charles Tilgner, Secretary
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