

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF JUNE 3, 2009 AT THE MOOSE HILL**
3 **COUNCIL CHAMBERS**
4

5 7:00 PM: Members Present: Art Rugg; John Farrell; Rick Brideau, CNHA, Ex-
6 Officio; Paul DiMarco, Ex-Officio; Charles Tilgner, P.E., Ex-Officio; Mary Soares;
7 Lynn Wiles; Laura El-Azem; Chris Davies, alternate member; Cole Melendy, P.E.,
8 alternate member
9

10 Also Present: Tim Thompson, AICP; John Trottier, P.E.; Cathy Dirsra, Planning
11 Department Secretary; Sara Nelson, Summer Intern
12

13 A. Rugg called the meeting to order at 7 PM. A. Rugg appointed C. Davies to vote
14 for M. Soares until she arrives and C. Melendy to vote for R. Nichols.
15

16 A. Rugg announced that the following public hearing has requested a continuance.
17

18 **Public Hearings**
19

20 C. William & June Puglisi, Map 17, Lots 30 & 30-1 - Application Acceptance and
21 Public Hearing for a 4 lot subdivision and a Conditional Use Permit. -
22 ***Request Continuance to July 1, 2009***
23

24 T. Thompson referenced the letter from Joseph Wichert, surveyor for the
25 project, requesting a continuance to July 1, 2009 to allow time for them to
26 obtain the required recommendation from the Conservation Commission for
27 the Conditional Use Permit.
28

29 **J. Farrell made a motion to continue the public hearing to July 1,**
30 **2009 at 7pm. R. Brideau seconded the motion.** No discussion. **Vote on**
31 **the motion: 9-0-0.** Hearing continued to July 1, 2009 at 7PM. A. Rugg said
32 this will be the only public notice.
33

34 **Administrative Board Work**
35

36 A. Plans to Sign – Reed Subdivision - Map 9, Lot 63
37

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

41 **J. Farrell made a motion to authorize the Chair and Secretary to sign**
42 **the plans. R. Brideau seconded the motion.** No discussion. **Vote on the**
43 **motion: 9-0-0.** A. Rugg said the plans will be signed at the conclusion of the
44 meeting by the Chair and Secretary. If the Assistant Secretary and Secretary
45 are not present by the end of the meeting the Vice Chair will sign.
46
47

1 B. Plans to Sign – Elizabeth Meadows Subdivision - Map 15, Lot 3

2
3 J. Trottier said all precedent conditions for approval have been met and the
4 staff recommends signing the plans.
5

6 **J. Farrell made a motion to authorize the Chair and Secretary to sign**
7 **the plans. R. Brideau seconded the motion.** No discussion. **Vote on the**
8 **motion: 9-0-0.** A. Rugg said the plans will be signed at the conclusion of the
9 meeting by the Chair and Secretary. If the Assistant Secretary and Secretary
10 are not present by the end of the meeting the Vice Chair will sign.
11

12 C. Plans to Sign – Ravenna Amended Site Plan - Map 7, Lot 40-5

13
14 T. Thompson mentioned that Starbucks has opted not to move into the space
15 at the plaza on route 102 and Orchard View Drive. They have found a bank
16 tenant for the space. The Planning Board did allow this plan to be brought
17 back with an amendment changing the plans to indicate a bank vs a
18 restaurant approval. Due to the change in use a revised traffic study was
19 done, which showed a reduction of 118 less weekday a.m. peak hour trips
20 and 22 less p.m. peak hour trips. Thompson recommended to the Board that
21 the Applicant shall return to the Planning Board for a further amendment to
22 the site plan, indicating signage design for the bank user prior to the issuance
23 of any permits for signage being issued by the Building Inspector, in
24 accordance with the requirements of the Zoning Ordinance.
25

26 **J. Farrell made a motion to authorize the Chair and Secretary to sign**
27 **the plans and noted that the Applicant shall return to the Planning**
28 **Board for a further amendment to the site plan, indicating signage**
29 **design for the bank user prior to the issuance of any permits for**
30 **signage being issued by the Building Inspector, in accordance with**
31 **the requirements of the Zoning Ordinance. R. Brideau seconded the**
32 **motion.** No discussion. **Vote on the motion: 9-0-0.** A. Rugg said the plans
33 will be signed at the conclusion of the meeting by the Chair and Secretary. If
34 the Assistant Secretary and Secretary are not present by the end of the
35 meeting the Vice Chair will sign.
36

37 D. Approval of Minutes – May 6 & 13

38
39 **J. Farrell made a motion to approve the minutes from the May 6**
40 **meeting. R. Brideau seconded the motion.** No discussion. **Vote on the**
41 **motion: 8-0-1** (C. Tilgner abstained because he was absent at the May 6
42 meeting). Minutes are approved and will be signed at the June 10 meeting.
43

44 **J. Farrell made a motion to approve the minutes from the May 13**
45 **meeting. R. Brideau seconded the motion.** No discussion. **Vote on the**
46 **motion: 5-0-4** (C. Tilgner, L. Wiles, C. Davies, C. Melendy abstained
47 because they were absent at the May 13 meeting). Minutes are approved and
48 will be signed at the June 10 meeting.
49
50

1 E. Introduction of summer intern Sara Nelson

2
3 T. Thompson introduced Sara to the Board. Sara comes to us from Clark
4 University in Worcester MA. She is very close to finishing up her graduate
5 degree. She will be working on a variety of projects this summer.

6
7 F. Discussions with Town Staff

8
9 T. Thompson said there will be an Administrative Review Committee (ARC)
10 meeting June 23 at 2:00PM in the Elwood conference room (2nd floor of Town
11 Hall). The ARC consists of Tim Thompson, John Trottier and Richard Canuel.
12 They will be reviewing 2 minor site plans. One is for McDonald's for a 273 s.f.
13 storage addition and the other is for PSNH for a modification to their public
14 utility communication facility (minor accessory shelter building and an
15 emergency generator). The Board will be brought the plans once they've met
16 the conditions of approval, if any, that the ARC has determined.

17
18 Reminder that next week's meeting will include a public hearing for the site
19 plan and subdivision amendments for the process improvements. Small area
20 master plan is also on the agenda. Jack Munn will be there to give an update
21 after the workshop that was held in April. There will also be a workshop (a
22 new state law taking effect in July) relating to small wind energy systems,
23 which requires some ordinance language. There is a model ordinance
24 developed by the State of NH, office of energy of planning that's been
25 adopted in several communities. Most of the approval for the language would
26 be determined by the Building Department since these are usually associated
27 with single-family developments for those that want to have some alternative
28 energy producing activities on their lots.

29
30 T. Thompson said July 8 will tentatively be the next workshop discussion for
31 workforce housing. Staff will schedule a meeting with legal council to review
32 comments and proposed ordinance changes that are being prepared following
33 the public hearing in May. Bill Scott, from the Town of Salem, will also be on
34 the agenda for discussion on the Salem-Derry transit service program.

35
36 He stated that CIP met last week and elected John Farrell as Chairman, Ron
37 Campo as Vice Chair. Memos have been sent out to all the Board and
38 Committees requesting project submissions. The deadline for submissions is
39 July 24, 2009. The CIP will meet again in August to review, score the projects
40 and bear the draft of the CIP, which will be coming to the Planning Board for
41 a workshop in September and a public hearing in October.

42
43 J. Farrell mentioned that in going through the plans from last year there is
44 \$420,000 in the CIP for improvements to the drop-off center. He said the CIP
45 committee has asked DPW to review the drop-off center and take under
46 consideration whether a transfer station may be necessary sometime in the
47 future and what the costs would be. The CIP committee has requested DPW
48 to make this part of their July submission.

49

1
2 **Public Hearings**
3

4 A. New Harbor Properties, Inc., Map 10, Lot 1-1 - Application Acceptance and
5 Public Hearing for a condominium conversion of existing office space.
6

7 T. Thompson stated that there were no checklist items, and staff
8 recommended the application be accepted as complete.
9

10 **J. Farrell made a motion to accept the application as complete. R.**
11 **Brideau seconded the motion. No discussion. Vote on the motion: 9-0-**
12 **0. Application accepted as complete.**
13

14 Joseph Maynard, Benchmark Engineering, presented their plans to convert
15 office space individual ownership to condominium ownership. He said there is
16 a CO district to which they have requested a waiver. They have also
17 requested a waiver to show the plans on one sheet vs multiple sheets.
18

19 J. Trottier summarized the design review items from the DPW/Stantec memo
20 and read the waiver requests into the record:
21

- 22 1. The applicant is requesting a waiver to section 3.02 of the regulations.
23 The Applicant has not set 2 monuments at the northerly property
24 corners. Staff recommends **granting** the waiver, as these lot corners
25 are in wetland areas, and monuments are not realistically possible in
26 these locations.
- 27 2. The applicant is requesting a waiver to section 3.02.C of the regulations.
28 The applicant has not provided CO District Signage. Staff recommends
29 **granting** the waiver, as there are no changes proposed to the site, and
30 there are already improvements within the buffer areas.
- 31 3. The applicant is requesting a waiver to section 4.01.C of the regulations.
32 The applicant has not provided plans at the required 1"=40' scale. Staff
33 recommends **granting** the waiver, as the plans can be shown on a
34 single sheet at the provided 50' scale plans, and no improvements
35 requiring the added detail of 40' scale plans are proposed.
36

37 T. Thompson said staff recommends conditional approval as outlined in the
38 staff recommendation memo.
39

40 A. Rugg asked for public input, but there was none.
41

42 **J. Farrell made a motion to grant the waivers to sections 3.02, 3.02.C**
43 **and 4.01.C based on the applicant's letter and staff recommendation.**
44 **R. Brideau seconded the motion. No discussion. Vote on the motion: 9-**
45 **0-0. Waivers granted.**
46

47 **J. Farrell made a motion to conditionally approve the plan with the**
48 **following conditions:**
49

1 "Applicant", herein, refers to the property owner, business owner, or
2 organization submitting this application and to his/its agents, successors, and
3 assigns.
4

5 **PRECEDENT CONDITIONS**
6

7 All of the precedent conditions below must be met by the Applicant, at the
8 expense of the Applicant, prior to certification of the plans by the Planning
9 Board. Certification of the plans is required prior to commencement of any
10 site work, any construction on the site or issuance of a building permit.
11

- 12 1. The Applicant shall address the following on the site plan:
 - 13 A. The Applicant shall label the street addresses for the proposed
14 buildings as typically requested by the Assessor and verify the
15 comments of the Assessing Department have been adequately
16 addressed with the Department.
17
 - 18 B. The Applicant shall update note 2 consistent with the title block
19 (i.e. lot 1-2).
 - 20 C. The Applicant shall note/reference where the wetland limits
21 information shown was obtained from in accordance with the
22 regulations.
 - 23 D. Final approval of this condominium conversion is dependant on
24 approval of the associated subdivision creating the lot 1-2. The
25 associated subdivision shall be signed by the Planning Board prior
26 to final approval of this plan.
- 27
- 28 2. Note all waivers granted on the plan.
- 29
- 30 3. The Applicant shall provide a digital (electronic) copy of the complete
31 final plan sent to the Town at the time of signature by the Board in
32 accordance with Section 2.06.N of the regulations.
33
- 34 4. The Applicant shall provide a check for \$25 (made payable to the
35 *Rockingham County Registry of Deeds*) to pay for the LCHIP tax that
36 became effective on recording of all plans and documents at the registry
37 on July 1, 2008.
38
- 39 5. Outside consultant's fees shall be paid within 30 days of approval of
40 plan.
41
- 42 6. Financial guaranty if necessary.
- 43
- 44 7. Final engineering review
45

46 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
47 certified the approval is considered final. If these conditions are not met
48 within 2 years to the day of the meeting at which the Planning Board grants
49 conditional approval the board's approval will be considered to have lapsed

1 and re-submission of the application will be required. See RSA 674:39 on
2 vesting.

3
4 **GENERAL AND SUBSEQUENT CONDITIONS**

5
6 All of the conditions below are attached to this approval.

- 7
8 1. **No construction or site work for the amended site plan may be**
9 **undertaken until the pre-construction meeting with Town staff**
10 **has taken place, filing of an NPDES-EPA Permit and the site**
11 **restoration financial guaranty is in place with the Town.** Contact
12 the Department of Public Works to arrange for this meeting (If
13 applicable).
14
15 2. The project must be built and executed exactly as specified in the
16 approved application package unless modifications are approved by the
17 Planning Department & Department of Public Works, or if staff deems
18 applicable, the Planning Board.
19
20 3. All of the documentation submitted in the application package by the
21 Applicant and any requirements imposed by other agencies are part of
22 this approval unless otherwise updated, revised, clarified in some
23 manner, or superseded in full or in part. In the case of conflicting
24 information between documents, the most recent documentation and
25 this notice herein shall generally be determining.
26
27 4. It is the responsibility of the Applicant to obtain all other local, state, and
28 federal permits, licenses, and approvals which may be required as part
29 of this project (that were not received prior to certification of the plans).
30 Contact the Building Department at extension 115 regarding building
31 permits.
32

33 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 9-**
34 **0-0.** Plan is conditionally approved.

35
36 [M. Soars arrived at 7:25PM] C. Davies will now vote for R. Nichols, C.
37 Melendy will return to alternate member status.
38

- 39 B. William T. & Muriel E. Cullen, Map 8, Lot 2A - Application Acceptance and
40 Public Hearing for a 3 lot subdivision.

41
42 T. Thompson stated that there were no checklist items, and staff
43 recommended the application be accepted as complete.
44

45 **J. Farrell made a motion to accept the application as complete. R.**
46 **Brideau seconded the motion.** No discussion. **Vote on the motion: 9-0-**
47 **0.** Application accepted as complete.
48

1 Joseph Maynard, Benchmark Engineering, and Paul Zarnowski presented their
2 plans. This is a 5 acre lot that they want to subdivide for 4 single family
3 dwellings and 1 duplex.
4

5 J. Trottier summarized the design review items from the DPW/Stantec memo
6 and read the waivers to section 3.05 and 3.09.F.2 of the regulations into the
7 record:
8

- 9 1. The applicant is requesting a waiver to section 3.05. The applicant is
10 proposing overhead utilities where underground utilities are required.
11 Staff recommends **granting** the waiver, as all existing homes in the area
12 are already utilizing overhead utilities and such waiver is consistent with
13 past Board action on similar requests when overhead utilities already
14 exist.
- 15 2. The applicant is requesting a waiver to section 3.09.F.2. The existing
16 driveway for the existing home to remain does not meet the
17 requirements of Exhibit D2 (Profile A) for sight distance. Planning Staff
18 recommends **granting** the waiver, as the obstruction is within the
19 pavement of High Range Road, and the costs for eliminating the
20 obstruction for an **existing driveway** are substantial, and lacks a
21 rational nexus in proportion to the improvements being made for the
22 subdivision. Public Works staff recommends **denial** of the waiver, and
23 for the improvements to be made to High Range Road.
24

25 T. Thompson said staff recommends conditional approval as outlined in the
26 staff recommendation memo.
27

28 A.Rugg asked for public input.
29

30 Stephanie Miville, 15 Raintree Drive, asked about drainage for the site. J.
31 Maynard reviewed the drainage plans, including the current retention pond.
32 He said the drainage will flow toward High Range.
33

34 Matt Duffy, 11 Imperial Drive, asked for clarification on the wetlands buffer.
35 T. Thompson provided clarification.
36

37 Dan Maher, 7 Imperial Drive, said he is also concerned about the wetlands
38 buffer and asked if family members will occupy the parcels. J. Maynard
39 confirmed that family members will occupy the parcels.
40

41 There was no further public comment.
42

43 **J. Farrell made a motion to grant the waivers to section 3.05 and**
44 **3.09.F.2 based on the applicant's letter and staff recommendation. R.**
45 **Brideau seconded the motion. No discussion. Vote on the motion: 9-0-**
46 **0. Waivers granted.**
47

48 **J. Farrell made a motion to conditionally approve the subdivision plan**
49 **with the following conditions:**
50

1 "Applicant", herein, refers to the property owner, business owner, or
2 organization submitting this application and to his/its agents, successors, and
3 assigns.
4

5 **PRECEDENT CONDITIONS**
6

7 All of the precedent conditions below must be met by the Applicant, at the
8 expense of the Applicant, prior to certification of the plans by the Planning
9 Board. Certification of the plans is required prior to commencement of any
10 site work, any construction on the site or issuance of a building permit.
11

- 12 1. The Applicant shall provide a professional endorsement (signature) for
13 certified soil Scientist (CSS) stamp on sheet 3.
- 14 2. Note all waivers granted on the plan.
- 15 3. The Applicant shall provide a digital (electronic) copy of the complete
16 final plan sent to the Town at the time of signature by the Board in
17 accordance with Section 2.06.N of the regulations.
- 18 4. The Applicant shall provide a check for \$25 (made payable to the
19 *Rockingham County Registry of Deeds*) to pay for the LCHIP tax that
20 became effective on recording of all plans and documents at the registry
21 on July 1, 2008.
- 22 5. Outside consultant's fees shall be paid within 30 days of approval of
23 plan.
- 24 6. Financial guaranty if necessary.
- 25 7. Final engineering review

26 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
27 certified the approval is considered final. If these conditions are not met
28 within 2 years to the day of the meeting at which the Planning Board grants
29 conditional approval the board's approval will be considered to have lapsed
30 and re-submission of the application will be required. See RSA 674:39 on
31 vesting.
32

33 **GENERAL AND SUBSEQUENT CONDITIONS**
34

35 All of the conditions below are attached to this approval.
36

- 37 1. **No construction or site work for the subdivision may be
38 undertaken until the pre-construction meeting with Town staff
39 has taken place, filing of an NPDES-EPA Permit and the site
40 restoration financial guaranty is in place with the Town (as
41 applicable).** Contact the Department of Public Works to arrange for this
42 meeting.
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2. The project must be built and executed exactly as specified in the approved application package unless modifications are approved by the Planning Department & 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.
5. As built plans must to be submitted to the Public Works Department prior to the release of the Applicant's financial guaranty.
6. All required School, Library, Recreation, Traffic, Police, and Fire impact fees must be paid prior to the issuance of a Certificate of Occupancy for the newly created lots.
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.

R. Brideau seconded the motion. No discussion. **Vote on the motion: 9-0-0.** Plan is conditionally approved.

Other Business

None.

Adjournment:

J. Farrell made a motion to adjourn the meeting. R. Brideau seconded the motion. No discussion. **Vote on the motion: 9-0-0.** Meeting adjourned at 7:45 PM.

These minutes prepared by Cathy Dirsra, Planning Division Secretary.

Respectfully Submitted,

Mary Wing Soares, Secretary