

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

5 7:00 PM: Members Present: Art Rugg; Rick Brideau, CNHA, Ex-Officio; Paul
6 DiMarco, Ex-Officio; Charles Tilgner, P.E., Ex-Officio; Mary Soares; Lynn Wiles;
7 Laura El-Azem; Chris Davies, 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 7:00 PM. A. Rugg appointed C. Davies to
13 vote for J. Farrell
14

15 A. Rugg said that the public hearing for Barbato subdivision will be continued.
16

17 Jan McLaughlin, 15 Apollo Rd, said that she would like to know how this project
18 asking for a continuance is different from the time that the Nazarene Church
19 wanted to continue, but they were told they must withdraw and resubmit. T.
20 Thompson said that the Nazarene Church application had already been accepted
21 and the Barbato subdivision application has not yet been accepted.
22

23 **Public Hearings**
24

25 A. Marco & Jean Barbato, Map 3, Lot 138A - Continued Application Acceptance
26 and Public Hearing for a 2 lot subdivision. – ***Request Continuance to***
27 ***December 2***
28

29 T. Thompson referenced the letter from Timothy Peloquin, Promised Land
30 Survey, requesting a continuance to the next available meeting date.
31

32 **P. DiMarco made a motion to continue the public hearing to**
33 **December 2 at 7pm. R. Brideau seconded the motion.** No discussion.
34 **Vote on the motion: 8-0-0. Hearing will be continued to December 2**
35 **at 7PM. A. Rugg said this will be the only public notice.**
36

37 **Administrative Board Work**
38

39 A. Plans to sign - Bosch Thermotechnology Minor Site Plan
40

41 J. Trottier said all precedent conditions for approval have been met and the
42 staff recommends signing the plans.
43

44 T. Thompson reminded the Board that they granted a special meeting to sign
45 the plans, which is why the plans are being presented here tonight instead of
46 after the typical 7 day deadline following a conditional approval.
47

48 **M. Soares made a motion to authorize the Chair and Secretary to sign**
49 **the plans. R. Brideau seconded the motion.** No discussion. **Vote on the**

1 **motion: 7-0-1 (P. DiMarco abstained since he is an employee of**
2 **Bosch).** A. Rugg said the plans will be signed at the conclusion of the
3 meeting.
4

- 5 B. Extension Request - Workout Club Site Plan - Request extension of final
6 approval
7

8 T. Thompson referenced the letter from Ronald Tringale, Workout Club &
9 Wellness Center, requesting an extension of final approval of the site plan for
10 a one to four year period. The reasons for the extension are due to the
11 current economic climate, financing and the search for potential tenants.
12 T. Thompson said that staff is comfortable with a one year extension.
13

14 **P. DiMarco made a motion to grant a one year extension to December**
15 **6, 2010. R. Brideau seconded the motion.** No discussion. **Vote on the**
16 **motion: 8-0-0.** Extension for one year was granted.
17

- 18 C. Approval of Minutes – October 7 & 14
19

20 **P. DiMarco made a motion to approve the minutes from the October 7**
21 **meeting. R. Brideau seconded the motion.** No discussion. **Vote on the**
22 **motion: 8-0-0.** Minutes are approved and will be signed at the November 19
23 meeting.
24

25 **P. DiMarco made a motion to approve the minutes from the October**
26 **14 meeting. R. Brideau seconded the motion.** No discussion. **Vote on**
27 **the motion: 8-0-0.** Minutes are approved and will be signed at the
28 November 19 meeting.
29

- 30 D. Discussions with Town Staff
31

- 32 1. Homestead Restaurant Signage
33

34 T. Thompson referenced an email from Steve McDonough, Homestead
35 Restaurant. He said the Homestead Restaurant is working with the
36 Building Division to revise their sign at the restaurant. They are
37 proposing a small structure to house an antique automobile and signs
38 projecting off to the side of the automobile. The design is going to be
39 reviewed by the Heritage Commission on November 19 and they are also
40 going to the Zoning Board of Adjustment (ZBA). The enclosure that will
41 house the automobile is considered a structure and it would be subject
42 to our setback requirements and because it's a non-residential site it is
43 subject to site plan review. T. Thompson asked the Board if they are
44 comfortable with staff handling this or would they prefer to have a site
45 plan review and have this added to the site plan, if the ZBA grants the
46 variance and the Heritage Commission approves the design. He said that
47 the Planning Board would have the final decision prior to a building
48 permit being issued. The Board was comfortable with staff handling this.
49
50

2. Learn with Me Pediatric Therapy/Daycare Play area

T. Thompson referenced the email from Bob Meissner asking if they can increase the play area at the day care on Buttrick Road from 20 x 20 to 30 x 30.

T. Thompson reminded the Board that a couple months ago Learn with Me received a conditional use permit for a daycare addition to the pediatric therapy center. On their plan is a 20 x 20 play area behind the building, which they would like to expand to 30 x 30. He asked the Board if they would like to review it and require an amendment to the plan. The Board was comfortable with staff handling this.

T. Thompson informed the Board that Al Baldasaro and Representative O'Brien from Mont Vernon presented proposed legislation regarding an amendment to the state's workforce housing law to the Town Council at the last meeting on November 4. He said that staff recommends the Board not take a position on this, as the amended language would have no applicability to Londonderry. The Board felt comfortable with staff's recommendation.

T. Thompson said that at the Town Council meeting questions about elderly housing being converted to workforce housing were raised. He said that staff would like additional clarification on the intent of the Planning Board on this issue. He asked if the intent was for the workforce housing to be identical to what was there for elderly housing or is the Board willing to allow for some flexibility within the redesign of the projects that would still meet the standards of the workforce housing ordinance. T. Thompson said this most likely would mean a change (increase) in density.

The Board said they would like to allow some flexibility in regards to number of bedrooms, density, etc.

T. Thompson gave the Board an overview of the discussion on workforce housing from the Town Council meeting November 2. Staff will be meeting with legal counsel on clarifying several interpretations of the state law.

Public Hearings (continued)

B. Patrick & Laura El-Azem, Map 13, Lot 71-75 - Application Acceptance and Public Hearing for a 2 lot subdivision.

L. El-Azem has recused herself because she is the applicant.

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

P. DiMarco made a motion to accept the application as complete. R. Brideau seconded the motion. No discussion. Vote on the motion: 7-0-0. Application accepted as complete.

1 James Smith, JPS Associates, presented their plans for a 2 lot subdivision. He
2 said there is a 100 foot PSNH corridor that runs through the property.

3
4 J. Trottier summarized the design review items from the DPW/Stantec memo.
5 T. Thompson said there are no waiver requests and staff recommends
6 conditional approval as outlined in the staff recommendation memo.

7
8 A. Rugg asked for public input, but there was none.

9
10 **P. DiMarco made a motion to conditionally approve the subdivision**
11 **with the following conditions:**

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

16
17 **PRECEDENT CONDITIONS**

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

- 23
24 1. The project plans indicate improvements will be constructed along and
25 across the existing PSNH easement within the subject lot. The Applicant
26 shall provide documentation for the Planning Department's file indicating
27 PSNH has agreed with the proposed work within the easement. The
28 Applicant noted PSNH is currently finalizing the documents in the
29 response letter.
30
31 2. The Applicant shall provide a copy of note 2 on sheet 2 relative to the
32 detention basin on sheet 1 as well.
33
34 3. The Applicant shall update the post development drainage area plan in
35 the submitted drainage report to indicate the proposed roof drains
36 consistent with sheet 6 of the project plan set. In addition, the
37 Applicant shall dimension the minimum embankment width for the
38 proposed detention basin in the detail on sheet 6.
39
40 4. The Applicant shall label the size and type of the proposed water line to
41 serve the new lot on the High Intensity Soil Survey Plan – Sheet 2 in
42 accordance with the regulations.
43
44 5. The Applicant shall provide a digital (electronic) copy of the complete
45 final plan sent to the Town at the time of signature by the Board in
46 accordance with Section 2.06.N of the regulations.
47
48 6. The Applicant shall provide a check for \$25 (made payable to the
49 *Rockingham County Registry of Deeds*) to pay for the LCHIP tax that

1 became effective on recording of all plans and documents at the registry
2 on July 1, 2008.

- 3
4 7. The Applicant shall note all general and subsequent conditions on the
5 plans (*must be on a sheet to be recorded*), per the new requirements of
6 RSA 676:3.
7
8 8. Outside consultant's fees shall be paid within 30 days of approval of
9 plan.
10
11 9. Financial guaranty if necessary.
12
13 10. Final engineering review

14
15 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
16 certified the approval is considered final. If these conditions are not met
17 within 2 years to the day of the meeting at which the Planning Board grants
18 conditional approval the board's approval will be considered to have lapsed
19 and re-submission of the application will be required. See RSA 674:39 on
20 vesting.

21
22 **GENERAL AND SUBSEQUENT CONDITIONS**

23
24 All of the conditions below are attached to this approval.

- 25
26 1. No construction or site work for the subdivision may be undertaken until
27 the pre-construction meeting with Town staff has taken place, filing of
28 an NPDES-EPA Permit and the site restoration financial guaranty is in
29 place with the Town (as applicable). Contact the Department of Public
30 Works to arrange for this meeting.
31
32 2. The project must be built and executed exactly as specified in the
33 approved application package unless modifications are approved by the
34 Planning Department & Department of Public Works, or if staff deems
35 applicable, the Planning Board.
36
37 3. All of the documentation submitted in the application package by the
38 Applicant and any requirements imposed by other agencies are part of
39 this approval unless otherwise updated, revised, clarified in some
40 manner, or superseded in full or in part. In the case of conflicting
41 information between documents, the most recent documentation and
42 this notice herein shall generally be determining.
43
44 4. All site improvements must be completed prior to the issuance of a
45 certificate of occupancy.
46
47 5. As built plans must to be submitted to the Public Works Department
48 prior to the release of the Applicant's financial guaranty.
49

- 1 6. All required School, Library, Recreation, Traffic, Police, and Fire impact
2 fees must be paid prior to the issuance of a Certificate of Occupancy for
3 the newly created lot.
4
- 5 7. It is the responsibility of the Applicant to obtain all other local, state,
6 and federal permits, licenses, and approvals which may be required as
7 part of this project (that were not received prior to certification of the
8 plans). Contact the Building Division at extension 115 regarding building
9 permits.

10
11 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 7-**
12 **0-0.** Plan is conditionally approved.

13
14 L. El-Azem returned to her position on the Board.

15
16 **Other Business**

17
18 None.

19
20 **Adjournment:**

21
22 **M. Soares made a motion to adjourn the meeting. R. Brideau seconded the**
23 **motion.** No discussion. **Vote on the motion: 8-0-0.** Meeting adjourned at 7:50
24 PM.

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

28
29
30
31 Respectfully Submitted,

32
33
34
35 Mary Wing Soares, Secretary
36