

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF MARCH 12, 2008 AT THE MOOSE HILL**
3 **COUNCIL CHAMBERS**
4

5 7:00 PM: Members Present: Art Rugg; Rick Brideau, Ex-Officio; John Farrell;
6 Kathy Wagner, Ex-Officio; Paul DiMarco; Mary Soares; Lynn Wiles; Laura El-Azem,
7 alternate member; Chris Davies, alternate member
8

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

12 A. Rugg called the meeting to order at 7:01 PM. A. Rugg appointed L. El-Azem to
13 vote for R.Nichols.
14

15 A. Rugg congratulated Paul DiMarco on being elected to the Town Council.
16

17 **Administrative Board Work**
18

19 A. Plans to Sign - Lucciano's Café Minor Site Plan (Map 7, Lot 74)
20

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

23 **P. DiMarco made a motion to authorize the Chair and Secretary to**
24 **sign the plans. M. Soares seconded the motion. No discussion. Vote on**
25 **the motion: 7-0-0.** A. Rugg said the plans will be signed at the conclusion of
26 the meeting.

27 [J. Farrell was absent from the room during the discussion and vote]
28

29 B. Plans to Sign - Unicast Site Plan (Map 28, Lot 21-1), also request additional 1
30 year to begin active and substantial development
31

32 J. Trottier said all precedent conditions for approval have been met and the
33 staff recommends signing the plans. T. Thompson referenced the letter from
34 Nick Golon, TF Moran, requesting an additional 1 year to begin active and
35 substantial development. T. Thompson said staff supports the extension.
36

37 **J. Farrell made a motion to authorize the Chair and Secretary to sign**
38 **the plans. R. Brideau seconded the motion. No discussion. Vote on the**
39 **motion: 8-0-0.** A. Rugg said the plans will be signed at the conclusion of the
40 meeting.
41

42 **J. Farrell made a motion to grant extension to March 12, 2010. R.**
43 **Brideau seconded the motion. No discussion. Vote on the motion: 8-0-**
44 **O.** Extension to March 12, 2010 granted.
45
46
47

1 C. Extension Request – LHRA Site Plan, Map 14, Lot 44-11 (Request additional
2 60 days) June 2008

3
4 T. Thompson referenced the letter from Todd Connors, Sublime Civil
5 Consultants, requesting an additional 60 day extension. He said that the
6 current expiration is April 2008, so this would give them until June 2008 to
7 complete plans. He stated that revised plans were received today by the
8 Planning Department, so staff feels 60 days would be sufficient for this
9 project.

10
11 **J. Farrell made a motion to grant a 60 day extension to June 2008. R.**
12 **Brideau seconded the motion.** No discussion. **Vote on the motion: 8-0-**
13 **0.** Extension to June 2008 granted.

14
15 D. Extension Request - Church of the Nazarene Site Plan, Map 3, Lot 135
16 (Request additional 30 days)

17
18 T. Thompson referenced the letter from Jason Hill, Holden Engineering &
19 Surveying, requesting an additional 30 day extension. He said that the
20 current expiration is April 12, 2008, so this would give them until May 12,
21 2008 and staff feels that is not sufficient time for the extension on this
22 particular case. T. Thompson said the Planning Department has not received
23 revised plans since the plan was conditionally approved. He stated that
24 considering the nature of the changes that they may be contemplating, staff
25 recommends a 6 month extension on this extension request.

26
27 **J. Farrell made a motion to grant an additional 6 month extension to,**
28 **October 8, 2008. R. Brideau seconded the motion.** No discussion. **Vote**
29 **on the motion: 8-0-0.** Extension to October 8, 2008 granted.

Deleted: July 9, 2008

Deleted: July 9, 2008

30
31 E. Signing of Minutes – February 6 & 13

32
33 Minutes for February 6 and 13 have been signed.

34
35 F. Discussions with Town Staff

36
37 A. Garron said there will be a Southern NH Planning Commision (SNHPC)
38 meeting 3/27/08 at 6:30PM-8:30PM at the PSNH Energy Park in Manchester.
39 He said this workshop is timely and he encouraged people to attend.

40 A. Rugg asked if the meeting would be taped, as he has a conflict. Jack
41 Munn, SNHPC, said they typically record these workshops and rebroadcast
42 them on WMUR, Channel 9.

43 T. Thompson stated that the Heritage Commission meeting on 3/27/08 will
44 begin discussions on the implementation of the historic properties task force
45 recommendations. They will then come back to the Planning Board in the
46 next month or so with a workshop.

47 J. Farrell said he recently attended a meeting that included a discussion about
48 "going green". He said that it's something we should think about in the
49 future.

50

1 **Cont'd Plans/Workshops/Public Hearings/Conceptual Discussions**

- 2
3 A. Workshop - Small Area Master Plan
4 Linda Aijello, Jack Munn, SNHPC and Tracy Fowler, UNH Survey Center

5
6 J. Farrell suggested that the questions be simplified so residents can better
7 understand and answer the questions.

8 A. Garron asked T. Fowler what the best mechanism to achieve good survey
9 results is. T. Fowler said you can achieve these results with either phone
10 surveys or mail surveys, but you get higher response rates with phone
11 surveys. A. Garron said the decision will also be based on cost. J. Farrell said
12 we should ask the Town Council for money if it's needed. A. Garron said that
13 with all the goals of the town we need to decide what funds are needed to
14 achieve these goals. J. Farrell said the Board and A. Garron need to go to the
15 Town Council to ask for more money.

16 A. Rugg asked for public input.

17 Al Baldasaro, 41 Hall Rd, asked if we could include this survey with the solid
18 waste commit newsletter.

19 Ken Gadoudry, 26 South Rd, said putting the survey in the Londonderry
20 Times and on our town website would be a good idea.

21 A. Rugg said the Board would like to clarify the content of the survey first and
22 then decide on whether it would be by phone or mail. J. Farrell said the first
23 thing we need to do is ask the Town Council for funding and then discuss the
24 survey methods. The Board agreed. A. Garron will work on the questions,
25 work with UNH on the cost and then if we need funding he will arrange a
26 meeting with the Town Council.

- 27
28 B. Conceptual Discussion - Elliot Health Systems - 31 Buttrick Road

29
30 Ken Rhodes, CLD Consulting Engineers and Adam Wagner, Cube3 Studios,
31 presented their plans. They propose a 3 story, 60,000 sf building. 2 floors
32 would be visible from Buttrick Road and 3 floors from Route 102. This would
33 directly impact some wetlands on the site. They have been working with the
34 Conservation Commission. They will meet with the Heritage Commission on
35 March 27 to discuss architectural design. A. Wagner said the use will be
36 medical offices and the project will be in 2 construction phases. J. Farrell
37 asked if the applicant could incorporate a walking pathway that would go
38 from the Elliot to the Mr. Steer plaza. K. Rhodes said they can incorporate a
39 pathway. A. Garron and T. Thompson said they may need a variance to put a
40 pathway in a green space. J. Farrell asked T. Thompson if staff can work
41 together on this issue. J. Farrell asked if the applicant would be interested in
42 bringing sewer lines to their site if a project nearby were to bring it close to
43 them. K. Rhodes said they would be pleased to consider that possibility. L.
44 Wiles asked if the applicant could somehow provide a pathway from the new
45 site to the current Elliot site.

46 A. Rugg asked for public input.

47
48 Roy Bouchard, Buttrick Rd, asked if the row of trees and the stone wall on
49 Buttrick that is located where the parking area is destined, would be
50 preserved. K. Rhodes said it appears that those trees might be in a good

1 place not to be disturbed. He also said that they may consider placing light
2 signals at the intersection of Buttrick and Mammoth Road. A. Garron said this
3 would depend on the traffic study.
4

5 C. Workshop - Zoning Ordinance Amendments for Portable Storage Structures
6

7 T. Thompson said staff has reviewed this issue with the building department.
8 He gave the Board an overview of the proposed changes to the zoning
9 ordinance (See Attachment #1).

10 Frank Holdsworth, Code Enforcement Officer, said he feels these changes
11 would be good for the town. Jim Smith, Building Inspector/Zoning Officer,
12 said if someone has obtained a valid building permit and needs a portable
13 storage structure, they can keep it on their property until the building permit
14 expires and/or when the work is completed. L. Wiles asked if semi-trailers are
15 allowed to be used for portable storage. J. Smith and F. Holdsworth agreed
16 that they are not currently allowed, but this amendment would allow them to
17 be used, providing they abide by the ordinance. L. El-Azem said she feels this
18 is an intrusion on private residents.

19 A. Rugg asked for public input.

20 Ken Gadoudry, 26 South Rd, said he agrees with L. El-Azem. He thinks that
21 most people don't want to have these structures on their property any longer
22 than necessary. J. Smith stated that if someone needs storage for 6 months
23 or longer they should build a storage shed. Chris Oliverio, 1 Trolley Car Lane,
24 asked if the steel containers that are seen around town are considered
25 portable storage structures, such as the book bin outside the back of the
26 town hall and the steel containers that the schools use. M. Soares said the
27 school is exempt from that ordinance. F. Holdsworth said they get about 3
28 complaints from residents every week.
29

30 A. Rugg stated that the Planning Board would schedule a public hearing for
31 the ordinance on April 12.
32

33 D. Workshop - Stonewall preservation/reconstruction amendments to the
34 Subdivision and Site Plan Regulations
35

36 T. Thompson gave the Board an overview of the proposed changes to the
37 zoning ordinance (See Attachment #2).

38 A. Rugg stated that the Planning Board would schedule a public hearing for
39 the regulation amendments on April 12.
40

41 E. Public Hearing - Rezoning Request - Berkshire Development, LLC - Map 7,
42 Lots 132-1 through 132-20 - Removal of the Rt. 102 Performance Overlay
43 District
44

45 Tony Marcotte, Bedford Design, and John Rufo, Arrowstreet Architects,
46 presented their plans. T. Marcotte said they have met with the abutters. J.
47 Rufo said staff has indicated that a campus design would be preferable. They
48 are proposing a campus design and a very substantial landscaping plan. He
49 said the cul-de-sac is now isolated on the plan and will not be connected to
50 the roads within the site. They have revised their plans to better

1 accommodate motor vehicle and pedestrian traffic. They propose a right turn
2 in and right turn out only.

3 A. Garron asked if the applicant could provide a pathway at the cul-de-sac so
4 residents could access the site if they chose to. J. Rufo said they would
5 consider it.

6
7 T. Thompson read staff recommendations (See Attachment #3)

8
9 T. Thompson read into the record a letter from Mike Brown, 5 Carousel Court:

10
11 *Given that town staff's own letter of recommendation states that " The*
12 *project, as presented conceptually, would meet most of the criteria and*
13 *objectives of the POD, with the exception of the building footprint sizes", I*
14 *would strongly urge the Planning Board to only support the removal of the*
15 *lots in question from the POD if the applicant agrees in writing to building*
16 *the entire project in accordance with all aspects of the POD with the*
17 *exception of the building footprint limitation. In addition, the applicant*
18 *should also commit in writing that here will only one building that exceeds*
19 *the footprint limitation (maximum of 50,000 sq. ft.) per the conceptual*
20 *presented to the Planning Board.*

21
22 *As a former Planning Board member involved in the creation &*
23 *implementation of the POD, an effort that took well over a year of public*
24 *workshops & hearings, it is critical the current Planning Board make every*
25 *possible effort to retain the full spirit & intent of the POD. The*
26 *recommendation above would provide the community with the needed*
27 *guarantee that this project would be entirely developed as if it were still in*
28 *the POD with just the one building footprint exception.*

29
30 *As a reminder to the Board, the intent of the building footprint limitation is*
31 *clearly stated in the POD ordinance (under section 2.6.1.7.2.1) "because the*
32 *intent of the performance overlay district is to preserve rural character by*
33 *providing for development that preserves appropriate open space and builds*
34 *upon the landscaping design, and visual character standards of the Town's*
35 *Site Plan Regulations, large scale commercial development is not consistent*
36 *with the goal of the district".*

37
38 *I would respectfully request that the Board request that the applicant agree*
39 *to the above stipulation in writing in order to gain board support for*
40 *removing the lots in question from the POD.*

41
42 *Sincerely,*

43
44 *Mike Brown*
45 *5 Carousel Court*
46 *Londonderry, NH*

47
48 A. Rugg asked for public input

49
50 Brad Forest, Capital Hill Dr, said he is pleased at the prospect of the applicant
51 bringing municipal sewer lines to the area. He asked if the applicant could use
52 human scale lighting due to the residential abutters. Al Baldasaro, 41 Hall Rd,
53 said he supports this project. He asked if the applicant could run the sewer

1 lines to the back of the site, at the end of Button Drive, for possible future
2 use. J. Trottier said the location would be fine, but if it was connected to in
3 the future, a pump station may need to be installed due to the grading in that
4 area. Mark Cavanaugh, Button Drive, is concerned about increased noise and
5 traffic through his residential area, along with property values. J. Farrell
6 asked the applicant to meet with Mr. Cavanaugh and discuss possible
7 solutions to his concerns. Lionel Labonte, owner of Stratham Tire at 25
8 Meadow Drive, said he has no problem with the project, providing there is
9 adequate access to his business. Ted Karametros, owner of Avandi's
10 Restaurant at 87 Nashua Rd, said he would like to see his business somehow
11 connected to this site. He also stated that he is concerned about people
12 taking a left turn out of his business.

13 J. Farrell gave an overview of the history of the POD and said that he has all
14 the minutes regarding the discussions for anyone who would like to review
15 them. He asked the applicant what things they could bring to the table, aside
16 from what has already been discussed, due to the fact that the Board may lift
17 the restrictions of the POD for their project. T. Marcotte said they feel they
18 have already presented quite good reasons for accepting this project. He said
19 they plan on improving the intersection at Button Drive and Route 102, they
20 have proposed a significant landscaping plan and a campus style site plan.
21 They have proposed a very green area that will fit well into this area.
22

23 **J. Farrell made a motion to recommend the rezoning request to the**
24 **Town Council with the condition that the rezoning not become**
25 **effective until the Planning Board approves the lot consolidation and**
26 **site plan for the project consistent with the plans presented**
27 **conceptually to the Planning Board on February 13 and March 12,**
28 **2008, as recommended by staff. R. Brideau seconded the motion. No**
29 **discussion. Vote on the motion: 8-0-0.** Recommendation will be sent to
30 Town Council.
31

32 **Other Business**

33
34 None.

35
36 **Adjournment:**

37
38 **M. Soares made a motion to adjourn the meeting. P. DiMarco seconded**
39 **the motion. No discussion. Vote on the motion: 8-0-0.** Meeting adjourned at
40 11PM.

41
42 These minutes prepared by Cathy Dirsra, Planning Department Secretary.
43
44

45
46 Respectfully Submitted,
47

48
49
50 Paul DiMarco, Secretary

2.3.1.9 Portable Storage Structures: The use of portable storage structures are allowed in the AR-I District under the following conditions:

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2.3.1.9.1 There must be no more than one portable storage structure per property.

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2.3.1.9.2 The portable storage structure must be no larger than ten feet wide, twenty feet long, and 10 feet high.

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2.3.1.9.3 A portable storage structure shall not remain at any property in excess of 45 consecutive days and shall not be placed on any one property in excess of 90 days in any calendar year. A building permit is required for placement of a portable storage structure on a property.

2.3.1.9.3.1 The Permit for a portable storage structure may be extended from 45 consecutive days to 90 consecutive days upon approval by the Building Department when an applicant demonstrates a reasonable hardship necessitating the extension. Such extension shall be made in writing to the Building Department, and if granted, shall not result in any additional permit fees.

2.3.1.9.4 The portable storage structure shall be set back a minimum of 15 feet from any side or rear lot lines, and 40 feet from any front property line.

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2.3.1.9.5 The portable storage structure shall be set back a minimum of five feet from the nearest wall of a building.

2.3.1.9.6 The portable storage structure shall be required to be placed on a paved, concrete, other appropriate impervious surface, or be placed on blocks.

2.3.1.9.7 Portable storage structures associated with construction at a property where a building permit has been issued are permitted for the duration of construction activities on the property and shall be removed from the property within fourteen days of the issuance of a certificate of occupancy. Portable storage structures associated with construction are exempt from Sections 2.3.1.9.1 through 2.3.1.9.6.

2.4.2.12 Portable Storage Structures: The use of portable storage structures are allowed in the Commercial Districts under the following conditions:

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- 2.4.2.12.1 There must be no more than one portable storage structure per property.
- 2.4.2.12.2 The portable storage structure must be no larger than ten feet wide, twenty feet long, and 10 feet high.
- 2.4.2.12.3 A portable storage structure shall not remain at any property in excess of 45 consecutive days and shall not be placed on any one property in excess of 90 days in any calendar year. A building permit is required for placement of a portable storage structure on a property.
- 2.4.2.12.3.1 The Permit for a portable storage structure may be extended from 45 consecutive days to 90 consecutive days upon approval by the Building Department when an applicant demonstrates a reasonable hardship necessitating the extension. Such extension shall be made in writing to the Building Department, and if granted, shall not result in any additional permit fees.
- 2.4.2.12.4 The portable storage structure shall be set back a minimum of 30 feet from any side or rear lot lines, and 60 feet from any front property line.
- 2.4.2.12.5 The portable storage structure shall be set back a minimum of five feet from the nearest wall of a building.
- 2.4.2.12.6 The portable storage structure shall be required to be placed on a paved, concrete, other appropriate impervious surface, or be placed on blocks, and shall not obstruct any required parking spaces on the site.
- 2.4.2.12.7 Portable storage structures associated with construction at a property where a building permit has been issued are permitted for the duration of construction activities on the property and shall be removed from the property within fourteen days of the issuance of a certificate of occupancy. Portable storage structures associated with construction are exempt from Sections 2.4.2.12.1 through 2.4.2.12.6.

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Industrial Districts:

2.5.1.3.12 Portable Storage Structures: The use of portable storage structures are allowed in the Industrial Districts under the following conditions:

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2.5.1.3.12.1 There must be no more than one portable storage structure per property.

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2.5.1.3.12.2 The portable storage structure must be no larger than ten feet wide, twenty feet long, and 10 feet high.

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2.5.1.3.12.3 A portable storage structure shall not remain at any property in excess of 45 consecutive days and shall not be placed on any one property in excess of 90 days in any calendar year. A building permit is required for placement of a portable storage structure on a property.

2.5.1.3.12.3.1 The Permit for a portable storage structure may be extended from 45 consecutive days to 90 consecutive days upon approval by the Building Department when an applicant demonstrates a reasonable hardship necessitating the extension. Such extension shall be made in writing to the Building Department, and if granted, shall not result in any additional permit fees.

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2.5.1.3.12.4 The portable storage structure shall be set back a minimum of 20 feet from any side or rear lot lines, and 30 feet from any front property line.

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2.5.1.3.12.5 The portable storage structure shall be set back a minimum of five feet from the nearest wall of a building.

2.5.1.3.12.6 The portable storage structure shall be required to be placed on a paved, concrete, other appropriate impervious surface, or be placed on blocks, and shall not obstruct any required parking spaces on the site.

2.5.1.3.12.7 Portable storage structures associated with construction at a property where a building permit has been issued are permitted for the duration of construction activities on the property and shall be removed from the property within fourteen days of the issuance of a certificate of occupancy. Portable storage structures associated with construction are exempt from Sections 2.5.1.3.12.1 through 2.5.1.3.12.6.

Definition:

STORAGE STRUCTURE, PORTABLE: any container, storage unit, shed-like container, other than an accessory building or shed complying with all building codes and land use requirements, that can be used for storage of personal property of any kind and which is located for such purposes outside an enclosed building.

3.09 LANDSCAPING DESIGN STANDARDS

- a. The existing landscape of Londonderry is diverse, containing natural wooded environments, orchards and open fields, as well as wetlands and streams. New development should be respectful and sensitive to the dominant landscape character of Londonderry as a whole.
- b. The purpose of landscaping design standards in Londonderry are to:
 1. Preserve and enhance the character of Londonderry's landscape
 2. Enhance the goals of the Master Plan, the Zoning Ordinance, and the Orchard and Open Space Preservation Plan, and provide attractive settings for new development.
 3. Preserve and enhance local and regional open space resources such as, but not limited to, the apple orchards and the Musquash Conservation Area.
 4. Preserve the integrity of valuable historic resources, particularly stonewalls and dwellings and structures listed in the Heritage Commission's Cultural Resource Survey.
 5. Support and encourage the use of sustainable design principles and operating practices that preserve and enhance wildlife habitats, water quality, and overall health of the natural environment.
 6. Encourage the use of indigenous plant material to provide natural habitat and food sources and to maintain ecological diversity.
 7. Maintain a quality image of the public spaces within Londonderry and high property values for present and future development
- c. General Requirements:
 1. All required landscaping shall be located entirely within the lot, unless agreements have been made with the Town for landscaping in the road right-of-way.
 2. Native plants shall be used in appropriate locations, such that individual plants are selected for their ability to thrive in or adapt to the particular soil and light conditions they are placed in. (For a list of recommended native plants, see Appendix LS1: *Notes on Native Trees and Shrubs and Their Use in Landscaping*)
 3. Under no circumstances shall any plants be used that are recognized by the horticultural or agricultural industries as invasive, whether they are native or exotic (non-native). (For a list of known invasive plants, see Appendix LS2: *Notes on Native Trees and Shrubs and Their Use in Landscaping*)
 4. All plant material shall have a minimum winter hardiness for Zone 5B as determined by the American Standards for Nursery Stock.
 5. Minimum sizes for plant material, unless indicated elsewhere in these regulations or the Zoning Ordinance, shall be as follows:
 - i. Deciduous shade trees: three inch caliper,
 - ii. Deciduous ornamental trees: two inch caliper, and
 - iii. Evergreen trees: six foot height.
 6. Landscaping shall be laid out in informal drifts rather than formal rows and shall undulate with site topography. Individual clusters of trees or islands of shrub beds are acceptable as long as the tree clusters and/or shrub islands overlap. Linear solutions shall be avoided wherever possible, unless existing landscaping is so arranged.
 7. The applicant may request that the Planning Board determine that existing vegetation is suitably located, sufficiently visually impervious, and vigorous enough to be substituted for landscaping material required by these regulations.
 8. Plant material located within 20 feet of any road or other paved area shall consist of species recognized by the nursery, horticultural and botanical industries as being tolerant of roadway deicing salts.
 9. Landscaping requirements for parking lots are located in Section 3.11f.
 10. Landscaping shall be maintained in good condition, and any dead vegetation shall be replaced within one year.
 11. No person shall deface, alter the location, of, or remove any stonewall which was made for the purpose of marking the boundary of, or borders, any road in the Town of Londonderry, except upon written consent of the Planning Board with written comments from the Heritage Commission.

- i. **The Heritage Commission will use the following guidelines for making recommendations to the Planning Board for the reconstruction of stonewalls disturbed by construction activity:**
 - a. **Reconstruction should be done in a fieldstone farm-style wall.**
 - b. **Use of existing boulders and fieldstone already in place is strongly recommended.**
 - c. **Walls should be drystack with a rustic level topline.**
 - d. **The center of the wall should be filled with smaller native stone.**
 - e. **Stone should be used from the property and mixed as needed with native New England fieldstone.**
 - f. **Walls should be no higher than 3 feet in height, and approximately 3-6 feet deep**
 - g. **The Heritage Commission recommends applicants refer to Chapter 8 of “*The Granite Kiss*”, by Kevin Gardner, Susan Allport, and Guillermo Nunez (ISBN# 0881505463, © 2003, Countryman Press)**
- ii. **The Applicant shall take photographs of existing stonewalls that are proposed to be disturbed by development. These photographs will be made part of the project file, and can be utilized by the Heritage Commission as they make recommendations on stonewall disturbances.**

12. Landscaping shall be designed so that it does not interfere with sight distances at driveways.

d. Preservation of Existing Vegetation

- 1. Buildings, parking, loading docks, access roads, and other site elements shall be sited to preserve existing healthy mature vegetation and maintain natural topography to the maximum extent feasible.
- 2. Healthy trees with a minimum 12 inch caliper, and existing wooded areas are recommended for preservation, particularly those trees located within setback areas where buildings cannot be constructed.
- 3. Construction activities and site alterations shall not disturb the root zone of the trees designated for preservation. During construction, the applicant shall install and maintain tree protection fencing, or other protective measures approved by the Planning Board, located 12 inches off the drip-line of the trees to be protected. All no-cut zones shall be appropriately monumented and delineated on the site plan.
- 4. The applicant shall be responsible to replace any trees designated to remain, which have been damaged, killed, or removed as a result of construction activities. The Planning Board requires replacement-in-kind, per caliper inch of deciduous trees and by height for evergreens. Two inch caliper deciduous trees and 4 foot tall evergreens shall be the minimum size used for replacement. For example, if a 24-inch caliper deciduous tree is damaged or killed during construction, the applicant shall replace the tree with six 4 inch caliper trees, or any other combination that adds up to 24 caliper inches. A 36-foot tall evergreen, for example shall be replaced with six 6 foot tall evergreen, or any other combination adding up to 36 feet.

3.09 STREETS:

- A. General:** All subdivisions shall have adequate provision for a safe and suitable access to a Class V or better road or shall make provisions for the construction and dedication of a Class V or better road in order to obtain safe and suitable access to the subdivision. Where an adjacent existing street from which access is gained is deemed to be substandard, the upgrading of said street shall be provided for, as may be required by the Town of Londonderry Department of Public Works. Where traffic from a proposed subdivision will adversely impact a nearby street or intersection, provisions shall be made for the mitigation of said impacts. Proposed streets, whether to be dedicated as public streets or retained as private streets, shall be of suitable location, width, grade, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, emergency equipment, snow removal, sanitation, and road maintenance equipment. The arrangement and character of all streets in a subdivision shall conform to the Master Plan, and shall compose a safe and convenient system in relation to other existing and planned streets, to topographical conditions, and to the proposed uses of land to be served by street. Existing stonewalls shall be retained where possible or relocated and restored as required by the Board.
- i. No person shall deface, alter the location, of, or remove any stonewall which was made for the purpose of marking the boundary of, or borders, any road in the Town of Londonderry, except upon written consent of the Planning Board with written comments from the Heritage Commission.**
- a. The Heritage Commission will use the following guidelines for making recommendations to the Planning Board for the reconstruction of stonewalls disturbed by construction activity:**
- i. Reconstruction should be done in a fieldstone farm-style wall.**
 - ii. Use of existing boulders and fieldstone already in place is strongly recommended.**
 - iii. Walls should be drystack with a rustic level topline.**
 - iv. The center of the wall should be filled with smaller native stone.**
 - v. Stone should be used from the property and mixed as needed with native New England fieldstone.**
 - vi. Walls should be no higher than 3 feet in height, and approximately 3-6 feet deep**
 - vii. The Heritage Commission recommends applicants refer to Chapter 8 of "The Granite Kiss", by Kevin Gardner, Susan Allport, and Guillermo Nunez (ISBN# 0881505463, © 2003, Countryman Press)**
- b. The Applicant shall take photographs of existing stonewalls that are proposed to be disturbed by development. These photographs will be made part of the project file, and can be utilized by the Heritage Commission as they make recommendations on stonewall disturbances.**
- B. Access:** No subdivision shall be approved unless the property to be subdivided shall have frontage on and access from an existing Class V or better road. Each lot shall have a safe, independent and direct access from a Class V or better road. Where warranted, the Board may require that a driveway be shared by two (2) lots. All portions of such a drive which are commonly shared shall be improved to facilitate two (2)-way traffic flow beyond Town right-of-way. Rights of passage

MEMORANDUM

To: Planning Board

Date: March 12, 2008

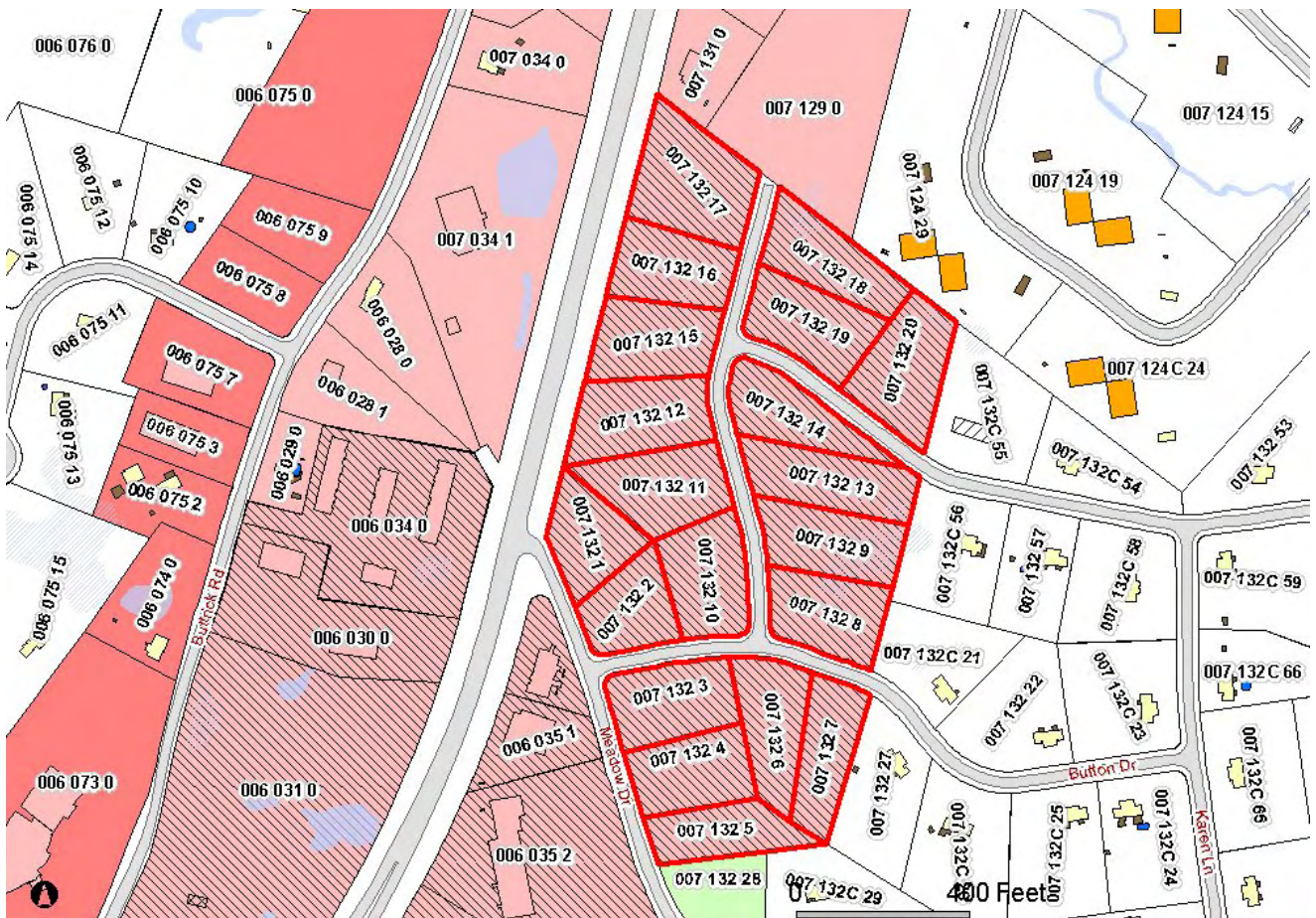
From: Timothy J. Thompson, AICP

Re: Rezoning Application: Map 7,
Lots Lots 132-1 through 132-
20 – removal of the Rt. 102
Performance Overlay District

The Planning & Economic Development Department has reviewed the above referenced rezoning request and we offer the following comments:

Review Comments:

The applicant requests the rezoning of the above referenced lots by removing the Rt. 102 Performance Overlay District (POD), leaving the parcels with only the underlying zoning of C-I. The parcel is located along Rt 102, Meadow Dr., Golon Dr., Button Dr., and Reed St. (See below map and picture).





As presented to the Planning Board conceptually on February 13, 2008, the applicant seeks to develop the property as a retail development consisting of 8 buildings ranging in size from 1200 square feet to 50,000 square feet. The parcel is bounded by the C-I, C-I/POD, and AR-I zoning districts. The Board agreed that in order for the project to move forward, a rezoning would be needed, and encouraged this course of action rather than applying for variances from the Zoning Board of Adjustment. The project, as presented conceptually, would meet most of the criteria and objectives of the POD, with the exception of the building footprint sizes. The applicant has stated that the larger anchor stores are necessary for a project of this scale and amount of off-site improvements to be viable.

The lots in question were not originally part of the Rt. 102 POD. The lots were added in late 2002 by the Planning Board, and officially adopted into the ordinance by the Town Council on February 10, 2003, primarily as a reaction to the expiration of the conditional approval of the “Olde Londonderry” project and a conceptual discussion for the site that would have included a Kohl’s store that was presented to the Planning Board conceptually in August 2002. These same parcels were conditionally rezoned to AR-I with the removal of the POD in 2005 (for the purpose of developing the site for affordable elderly housing), but the associated project never moved forward, and the rezoning never became effective. The lots remain today C-I/POD.

Assuming the Planning Board believes that the project is consistent with the general purpose and intent of the POD, staff believes that the proposal is consistent with the Master Plan, which calls for high-end commercial development of this area, with particular attention paid to architectural design and site design in a “campus-style” layout. The Master Plan, in the “Thoroughfares” section relating to Rt. 102, specifically recommends improving the pedestrian environment in project designs and recommends allowing for and encouraging project design which “utilize more compact site designs” and “include pedestrian amenities,” which staff believes the proposed development achieves.

In addition to the project being consistent with the Master Plan, the project would allow for a needed improvement to the Rt. 102/Meadow Drive intersection. This intersection would be re-aligned, and traffic signals added to the intersection if the project moves forward. This would alleviate safety issues at one of the more dangerous intersections in Londonderry. Additionally, the project would bring sewer to the area, consistent with the Town’s Sewer Facility Master Plan, allowing other parcels in this area to connect to municipal sewer. There are several parcels in this vicinity that have experienced septic system problems and failures which would benefit greatly from sewer service area expansion. Additionally, the extension of sewer would

make it easier for future developers in the area (the Elliot Medical Facility Phase IV comes immediately to mind) to increase their development potential and eliminate the need to design on-site septic systems for other commercial developments.

Staff Recommendation:

In summary, the rezoning is consistent with the Master Plan (assuming the Board deems the project consistent with the general purpose and intent of the POD) and presents an opportunity for needed traffic safety improvements and sewer service area expansion. As such, staff recommends that the Planning Board **RECOMMEND** this rezoning, removing the Rt. 102 Performance Overlay District (POD), leaving the parcels with only the underlying zoning of C-I to the Town Council with the following condition:

That the rezoning not become effective until the lots are consolidated, and a site plan consistent with the presentation made to the Planning Board on both February 13 and March 12, 2008 is approved by the Planning Board.