

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF NOVEMBER 5, 2008 AT THE MOOSE HILL**
3 **COUNCIL CHAMBERS**
4

5 7:00 PM: Members Present: Art Rugg; Rick Brideau, Ex-Officio; Kathy Wagner,
6 Ex-Officio; Charles Tilgner, P.E., Ex-Officio; Laura El-Azem; Chris Davies, alternate
7 member; Greg Warner, alternate member
8

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

12 A. Rugg called the meeting to order at 7 PM. A. Rugg appointed C. Davies to vote
13 for J. Farrell, G. Warner to vote for R. Nichols.
14

15 A. Rugg appointed R. Brideau as Acting Secretary in M. Soares and R. Nichols
16 absence.
17

18 **Administrative Board Work**
19

20 A. Plans to sign - Elliot Medical Phases 2 & 3 Amended Site Plan
21

22 J. Trottier said all precedent conditions for approval have been met and the
23 staff recommends signing the plans.
24

25 **C. Tilgner made a motion to authorize the Chair and Secretary to sign**
26 **the plans. R. Brideau seconded the motion. No discussion. Vote on the**
27 **motion: 6-0-0.**
28

29 A. Rugg said the plans will be signed at the conclusion of the meeting.
30

31 [K. Wagner arrived at 7:07PM]
32

33 B. Regional Impact Determinations
34

35 T. Thompson stated that the Evans Family Limited Partnership is proposing a
36 2 lot subdivision on Map 16, Lot 9. He said that staff recommends this project
37 is not a development of regional impact, as it does not meet any of the
38 regional impact guidelines suggested by Southern NH Planning Commission
39 (SNHPC).
40

41 **G. Warner made a motion to accept staff recommendations that this**
42 **project is determined not to be of regional impact under RSA 36:56.**
43 **R. Brideau seconded the motion. No discussion. Vote on the motion: 7-**
44 **0-0. Regional impact determinations accepted.**

1
2 C. Approval of Minutes – October 1 & 8
3

4 **C. Tilgner made a motion to approve the minutes from the October 1**
5 **meeting. R. Brideau seconded the motion.** No discussion. **Vote on the**
6 **motion: 7-0-0.**
7

8 **C. Tilgner made a motion to approve the minutes from the October 8**
9 **meeting. R. Brideau seconded the motion.** No discussion. **Vote on the**
10 **motion: 6-0-1** (C. Davies abstained because he was absent at the October 8
11 meeting). Minutes are approved and will be signed at the November 12
12 meeting.
13

14 D. Discussions with Town Staff
15

16 T. Thompson announced that the new site selector webpage on the Town
17 website, which was developed with Camp, Dresser, & McKee. This tool will be
18 used for Planning & Economic Development and will aid in searching for
19 parcels, zoning, permitted uses, site report feature, utility availability,
20 assessing card, nearby businesses and also to return to the GIS main menu.
21

22 T. Thompson said the next small area master plan workshop is scheduled for
23 November 24 at 7:00PM. He asked the Board if they want to schedule a
24 follow-up meeting in December for those that miss the November meeting.
25 Consensus of the Board was not to hold a follow-up workshop, but for staff to
26 be prepared to summarize the workshop at the December 10 Planning Board
27 meeting. T. Thompson said this will be the last specific scheduled workshop.
28 He said the next step after this is for the Regional Planning Commission to
29 start working on a draft of the actual plan and then there will be workshops
30 with the Planning Board on the draft document. After the draft document is
31 compiled there will be a public hearing before the Board can act on the plan,
32 which would then become part of the Master Plan.
33

34 **Public Hearings**
35

36 A. Brian J. Bureau, Map 6, Lot 46-2 - Application Acceptance and Public Hearing
37 for a condominium conversion.
38

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

42 **C. Tilgner made a motion to accept the application as complete. R.**
43 **Brideau seconded the motion.** No discussion. **Vote on the motion: 7-0-**
44 **0.** Application accepted as complete.
45

46 Chris Hickey from Eric Mitchell & Associates presented their plans for a
47 condominium conversion. He said the septic was rebuilt last year after it had
48 failed. They want to convert this condo into two units. Each unit will have its
49 own parking spot. They have received NH subdivision approval.
50

1 J. Trottier summarized the design review items from the DPW/Stantec memo.
2 T. Thompson said staff recommends conditional approval as outlined in the
3 staff recommendation memo.

4
5 R. Brideau asked if permits were drawn for the changes to the garage door.
6 Brian Bureau said the existing garage door was removed and they made it
7 back into a garage.

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

10
11 **C. Tilgner made a motion to conditionally approve the subdivision**
12 **plan with the following conditions:**

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

17
18 **PRECEDENT CONDITIONS**

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

- 24
25 1. The Applicant shall provide the Owner's signature on the plans.
26
27 2. The Applicant shall provide a digital (electronic) copy of the complete final
28 plan sent to the Town at the time of signature by the Board in accordance
29 with Section 2.06.N of the regulations.
30
31 3. The Applicant shall provide a check for \$25 (made payable to the
32 *Rockingham County Registry of Deeds*) to pay for the LCHIP tax that
33 became effective on recording of all plans and documents at the registry
34 on July 1, 2008.
35
36 4. Outside consultant's fees shall be paid within 30 days of approval of plan.
37
38 5. Financial guaranty if necessary.
39
40 6. Final engineering review

41
42 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
43 certified the approval is considered final. If these conditions are not met
44 within 2 years to the day of the meeting at which the Planning Board grants
45 conditional approval the board's approval will be considered to have lapsed
46 and re-submission of the application will be required. See RSA 674:39 on
47 vesting.

1
2 **GENERAL AND SUBSEQUENT CONDITIONS**
3

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

- 5
6 1. All easements and condominium documents must be executed and
7 recorded in accordance with the approval of this project.
8
9 2. The project must be built and executed exactly as specified in the
10 approved application package unless modifications are approved by the
11 Planning Department & Department of Public Works, or if staff deems
12 applicable, the Planning Board.
13
14 3. All of the documentation submitted in the application package by the
15 Applicant and any requirements imposed by other agencies are part of this
16 approval unless otherwise updated, revised, clarified in some manner, or
17 superseded in full or in part. In the case of conflicting information
18 between documents, the most recent documentation and this notice
19 herein shall generally be determining.
20
21 4. It is the responsibility of the Applicant to obtain all other local, state, and
22 federal permits, licenses, and approvals which may be required as part of
23 this project (that were not received prior to certification of the plans).
24 Contact the Building Department at extension 115 regarding building
25 permits.
26

27 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 7-**
28 **O-O.** Plan is conditionally approved.
29

- 30 B. Bernard Filion, Map 3, Lot 131 - Public Hearing for a waiver request (sight
31 distance) and amendment of the conditionally approved site plan for a
32 change in use on the site from warehouse/drywall supply company to various
33 small commercial uses.
34

35 Katie Weiss, Bedford Design, presented their request for a waiver to the sight
36 distance on their site. She said that the existing driveway has functioned for
37 almost 40 years and the required easement would remove all the woods at
38 the corner of the abutting property. The abutter does not want to grant the
39 easement because they are a photography studio and frequently take
40 pictures in that corner of their property. They were not able to obtain a letter
41 from the abutter stating that they do not want to grant an easement,
42 however, they were able to obtain an email.
43

44 A. Rugg asked for public input, but there was none.
45

46 J. Trottier explained the situation with the Board, including his conversations
47 with the abutter. T. Thompson concurred with J. Trottier, that without the
48 waiver, the site improvements would not take place, and we would remain
49 with a site in violation of ordinances and regulations. Both staff members

1 stated their support for the waiver given the circumstances of the site, and
2 the unwillingness of the abutter to grant a sight distance easement.

3
4 **C. Tilgner made a motion to grant the waiver based on the applicant's**
5 **letter and staff recommendation. R. Brideau seconded the motion.** No
6 discussion. **Vote on the motion: 7-0-0.** Waiver granted.

7
8 **C. Tilgner made a motion to conditionally approve the amendment to**
9 **the site plan with the following conditions:**

10
11 "Applicant", herein, refers to the property owner, business owner, or
12 organization submitting this application and to his/its agents, successors, and
13 assigns.

14
15 **PRECEDENT CONDITIONS**

16
17 All of the precedent conditions below must be met by the Applicant, at the
18 expense of the Applicant, prior to certification of the plans by the Planning
19 Board. Certification of the plans is required prior to commencement of any
20 site work, any construction on the site or issuance of a building permit.

- 21
22 1. The Applicant shall note all waivers granted on the plan, including the
23 updated waiver for sight distance.
24
25 2. All other precedent conditions of approval from the July 9, 2008 Notice
26 of Decision for the original approval must be completed.

27
28 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
29 certified the approval is considered final. If these conditions are not met
30 within 120 days to the day of the meeting at which the Planning Board grants
31 conditional approval the board's approval will be considered to have lapsed
32 and re-submission of the application will be required. See RSA 674:39 on
33 vesting.

34
35 **GENERAL AND SUBSEQUENT CONDITIONS**

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

- 38
39 1. All General & Subsequent conditions of the July 9, 2008 Notice of
40 Decision shall apply to this amended plan.

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42 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 7-**
43 **0-0.** Plan is conditionally approved.

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45 **Other Business**

46
47 None.

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Adjournment:

C. Tilgner made a motion to adjourn the meeting. K. Wagner seconded the motion. No discussion. **Vote on the motion: 7-0-0.** Meeting adjourned at 7:40PM.

These minutes prepared by Cathy Dirsra, Planning Division Secretary.

Respectfully Submitted,

Mary Wing Soares, Secretary