

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

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

9 Also Present: Tim Thompson, AICP; John Trottier, P.E.; Cathy Dirsa, 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.  
14

15 A. Rugg announced that the Pittore site plan has requested a continuance to  
16 January. The Board addressed this item and then proceeded with administrative  
17 Board work.  
18

19 A. Pittore Brothers Paving, Map 13, Lot 99 - Application Acceptance and Public  
20 Hearing for a Site Plan and Conditional Use Permit for a change in use (from  
21 residential to commercial paving company) and associated site improvements. -  
22 ***Request Continuance to January 7, 2009***  
23

24 T. Thompson referenced the letter from Jiri Hajek, Eric Mitchell & Associates,  
25 requesting a continuance to January 7, 2009, and summarized the ongoing  
26 enforcement action associated with this property.  
27

28 **M. Soares made a motion to continue the public hearing to January 7,**  
29 **2009 at 7pm. C. Tilgner seconded the motion.** No discussion. **Vote on the**  
30 **motion: 8-0-0.** Hearing will be continued to January 7, 2009 at 7PM.  
31 A. Rugg said this will be the only public notice.  
32

33 **Administrative Board Work**  
34

35 A. Plans to sign - Filion Site Plan  
36

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

40 **M. Soares made a motion to authorize the Chair and Secretary to sign**  
41 **the plans. C. Tilgner seconded the motion.** No discussion. **Vote on the**  
42 **motion: 8-0-0.** A. Rugg said the plans will be signed at the conclusion of the  
43 meeting.  
44

45 B. Plans to sign - Bureau Condo Conversion  
46

47 J. Trottier said all precedent conditions for approval have been met and the staff  
48 recommends signing the plans.  
49

1 **M. Soares made a motion to authorize the Chair and Secretary to sign**  
2 **the plans. C. Tilgner seconded the motion.** No discussion. **Vote on the**  
3 **motion: 8-0-0.** A. Rugg said the plans will be signed at the conclusion of the  
4 meeting.

5  
6 C. Plans to sign - Quantem Aviation Site Plan

7  
8 J. Trottier said all precedent conditions for approval have been met and the staff  
9 recommends signing the plans.

10  
11 **M. Soares made a motion to authorize the Chair and Secretary to sign**  
12 **the plans. C. Tilgner seconded the motion.** No discussion. **Vote on the**  
13 **motion: 8-0-0.** A. Rugg said the plans will be signed at the conclusion of the  
14 meeting.

15  
16 D. Plans to sign - Nevins Expansion Site Plan

17  
18 J. Trottier said all precedent conditions for approval have been met and the staff  
19 recommends signing the plans.

20  
21 T. Thompson noted the associated consolidation plan which needs signature, as  
22 one of the conditions of approval from the site plan.

23  
24 **M. Soares made a motion to authorize the Chair and Secretary to sign**  
25 **the plans. C. Tilgner seconded the motion.** No discussion. **Vote on the**  
26 **motion: 8-0-0.** A. Rugg said the plans will be signed at the conclusion of the  
27 meeting.

28  
29 E. Approval of Minutes – November 5 & 12

30  
31 **M. Soares made a motion to approve the minutes from the November 5**  
32 **meeting. R. Brideau seconded the motion.** No discussion. **Vote on the**  
33 **motion: 6-0-2.** (L. Wiles and M. Soares abstained because they were absent at  
34 the November 5 meeting). Minutes are approved and will be signed at the  
35 December 10 meeting.

36  
37 **M. Soares made a motion to approve the minutes from the November 12**  
38 **meeting. R. Brideau seconded the motion.** No discussion. **Vote on the**  
39 **motion: 7-0-1.** (R. Brideau abstained because he was absent at the November  
40 12 meeting). Minutes are approved and will be signed at the December 10  
41 meeting.

42  
43 F. Discussions with Town Staff

44  
45 T. Thompson said that on the January schedule they have tentatively set the  
46 joint workshop with the Heritage Commission on the Historic Overlay District for  
47 January 22 at 7PM, which is the next regularly scheduled Heritage Commission  
48 meeting date. The location will be either Moose Hill Council Chambers or the  
49 High School Cafeteria. All abutters will be notified.

1 T. Thompson said the public workshops (on specific topics) for the small area  
2 master plan are now completed. The next step is for the Southern NH Planning  
3 Commission (SNHPC) to prepare a draft plan, which they will discuss with Andre  
4 Garron and Tim Thompson for their initial comments. Then SNHPC will come  
5 before the Board for a workshop discussion to review the draft plan, with the  
6 opportunity for public feedback on the draft plan at that time. The workshop will  
7 be posted in advance on the small area master plan webpage. This would be  
8 anticipated for January or February. Staff will be meeting with Jack Munn from  
9 the SNHPC to discuss a timeline going forward. T. Thompson said that he  
10 anticipates one or two more workshops at regular Planning Board meetings  
11 before going to a public hearing to adopt the plan as an amendment to the 2004  
12 master plan.

13  
14 T. Thompson gave the Board a reminder that next week's meeting will include a  
15 public hearing on the flexible industrial district. He said that next week's agenda  
16 will also include an initial discussion with the Board on the new workforce  
17 housing law that was passed by the legislature this past year. Essentially the  
18 new law requires all towns and cities in the state allow for workforce housing in  
19 the majority of their residentially zoned land, becomes effective July 1, 2009.  
20 He said there is a lot of good information that was put together by the Housing  
21 Task Force, which has not yet been presented to the Planning Board. T.  
22 Thompson said he will ask John Vogl to help give a summary of that report to  
23 the Planning Board next week as well as to start planning what we need to do  
24 regarding regulations. He said that Joe DeCarolis will also be coming to the  
25 meeting next week to talk about his project on Stonehenge Road.

26  
27 T. Thompson said he was on the Legislature's webpage today and noticed that  
28 Representative Baldasaro filed a Legislative Service Request for the historic  
29 property discretionary easement legislation.

30  
31 A. Rugg mentioned that legislation was also passed regarding the height and  
32 setback requirements for small energy windmills and turbines.

### 33 Public Hearings

- 34  
35  
36 B. William Tate, Map 2, Lot 28-10 - Application Acceptance and Public Hearing for  
37 a 2 lot subdivision and a Conditional Use Permit.

#### 38 APPLICATION ACCEPTANCE

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

41  
42  
43 **M. Soares made a motion to accept the application as complete. C.**  
44 **Tilgner seconded the motion.** No discussion. **Vote on the motion: 8-0-0.**  
45 Application accepted as complete.

46  
47 George Chadwick, Keach Nordstrom, presented their plans for a 2 lot  
48 subdivision. They plan to leave the existing house as is and would like to  
49 subdivide the parcel to construct a home on that parcel. They plan to record the  
50 access easement from the original subdivision of the lot 2 years ago that will

1 benefit both lots. They are also requesting a conditional use permit for  
2 residential use within the Rt. 102 Performance Overlay District.

3  
4 J. Trottier summarized the design review items from the DPW/Stantec memo.

5  
6 T. Thompson stated that staff recommends **granting** the Conditional Use Permit  
7 to allow for the residential use within the Rt. 102 Performance Overlay District.  
8 The permit request is identical to one granted by the Planning Board for the  
9 initial subdivision of the parcel, and is consistent with the surrounding area. He  
10 also stated that staff supports the requested waiver to section 3.05 of the  
11 regulations for overhead utilities, consistent with the previous subdivision. He  
12 said that staff recommends conditional approval as outlined in the staff  
13 recommendation memo.

14  
15 A. Rugg asked for public input, but there was none.

16  
17 **M. Soares made a motion to grant the Conditional Use Permit** per the  
18 recommendation of Town Staff. **C. Tilgner seconded the motion.** No  
19 Discussion. **Vote on the motion: 8-0-0.** Conditional Use Permit granted.

20  
21 **M. Soares made a motion to grant the waiver to section 3.05 based on**  
22 **the applicant's letter and staff recommendation. C. Tilgner seconded**  
23 **the motion.** No discussion. **Vote on the motion: 8-0-0.** Waiver granted.

24  
25 **M. Soares made a motion to conditionally approve this subdivision plan**  
26 **with the following conditions:**

27  
28 "Applicant", herein, refers to the property owner, business owner, or  
29 organization submitting this application and to his/its agents, successors, and  
30 assigns.

31  
32 **PRECEDENT CONDITIONS**

33  
34 All of the precedent conditions below must be met by the applicant, at the  
35 expense of the applicant, prior to certification of the plans by the Planning  
36 Board. Certification of the plans is required prior to commencement of any site  
37 work, any construction on the site or issuance of a building permit.

- 38  
39 1. Overhead utility service is indicated across Lot 28-10, but an easement for  
40 maintenance of the service is not indicated on the updated plans in  
41 accordance with section 4.12.C.9.c of the regulations. The Applicant shall  
42 revise the plans as necessary to provide an appropriate utility easement for  
43 service to the lot.
- 44  
45 2. The Applicant shall provide professional endorsement for the HISS  
46 information (certified soil scientist) on sheet 2 in accordance with the  
47 regulations.
- 48  
49 3. Drainage facilities require regular cleaning to maintain the proposed design  
50 intent. The Applicant shall update the plan set to address routine

1 maintenance and arrange a meeting with the Department of Public Works to  
2 discuss the proposed system maintenance.

- 3
- 4 4. Note all waivers and the conditional use permit granted on the plan.
- 5
- 6 5. The Applicant shall provide a digital (electronic) copy of the complete final  
7 plan sent to the Town at the time of signature by the Board in accordance  
8 with Section 2.06.N of the regulations.
- 9
- 10 6. The applicant shall provide a check for \$25 (made payable to the  
11 *Rockingham County Registry of Deeds*) to pay for the LCHIP tax that became  
12 effective on recording of all plans and documents at the registry on July 1,  
13 2008.
- 14
- 15 7. Outside consultant's fees shall be paid within 30 days of approval of plan.
- 16
- 17 8. Financial guaranty if necessary.
- 18
- 19 9. Final engineering review
- 20

21 **PLEASE NOTE -** Once these precedent conditions are met and the plans are  
22 certified the approval is considered final. If these conditions are not met within  
23 2 years to the day of the meeting at which the Planning Board grants  
24 conditional approval the board's approval will be considered to have lapsed and  
25 re-submission of the application will be required. See RSA 674:39 on vesting.

26

27 **GENERAL AND SUBSEQUENT CONDITIONS**

28

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

30

- 31 1. **No construction or site work for the amended site plan may be**  
32 **undertaken until the pre-construction meeting with Town staff has**  
33 **taken place, filing of an NPDES-EPA Permit and the site restoration**  
34 **financial guaranty is in place with the Town.** Contact the Department of  
35 Public Works to arrange for this meeting.
- 36
- 37 2. The project must be built and executed exactly as specified in the approved  
38 application package unless modifications are approved by the Planning  
39 Department & Department of Public Works, or if staff deems applicable, the  
40 Planning Board.
- 41
- 42 3. All of the documentation submitted in the application package by the  
43 applicant and any requirements imposed by other agencies are part of this  
44 approval unless otherwise updated, revised, clarified in some manner, or  
45 superseded in full or in part. In the case of conflicting information between  
46 documents, the most recent documentation and this notice herein shall  
47 generally be determining.
- 48
- 49 4. All site improvements must be completed prior to the issuance of a  
50 certificate of occupancy. In accordance with Section 6.01.d of the Site Plan

1 Regulations, in circumstances that prevent landscaping to be completed (due  
2 to weather conditions or other unique circumstance), the Building  
3 Department may issue a certificate of occupancy prior to the completion of  
4 landscaping improvements, if agreed upon by the Planning & Public Works  
5 Departments, when a financial guaranty (see forms available from the Public  
6 Works Department) and agreement to complete improvements are placed  
7 with the Town. The landscaping shall be completed within 6 months from  
8 the issuance of the certificate of occupancy, or the Town shall utilize the  
9 financial guaranty to contract out the work to complete the improvements as  
10 stipulated in the agreement to complete landscaping improvements. **No**  
11 **other improvements shall be permitted to use a financial guaranty**  
12 **for their completion for purposes of receiving a certificate of**  
13 **occupancy.**

- 14
- 15 5. As built site plans must to be submitted to the Public Works Department  
16 prior to the release of the applicant's financial guaranty.  
17
- 18 6. All required School, Library, Recreation, Traffic, Police, and Fire impact fees  
19 must be paid prior to the issuance of a Certificate of Occupancy.  
20
- 21 7. 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 **C. Tilgner seconded the motion.** No discussion. **Vote on the motion: 8-0-**  
28 **0.** Plan is conditionally approved.  
29

30 **Other Business**

31  
32 None.

33  
34 **Adjournment:**

35  
36 **M. Soares made a motion to adjourn the meeting. C. Tilgner seconded the**  
37 **motion.** No discussion. **Vote on the motion: 8-0-0.** Meeting adjourned at 7:30PM.  
38  
39

40 These minutes prepared by Cathy Dirsra, Planning Division Secretary.  
41  
42

43 Respectfully Submitted,  
44

45  
46  
47 Mary Wing Soares, Secretary