

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF JANUARY 3, 2007 AT THE MOOSE HILL COUNCIL**
3 **CHAMBERS**
4

5 7:00 PM: Members Present: Art Rugg; Rick Brideau, Ex-Officio; Joe Paradis, Ex-Officio;
6 Charles Tilgner, Ex-Officio; Paul DiMarco; Rob Nichols; Lynn Wiles, alternate member; John
7 Farrell (arrived at 7:23)

8
9 Also Present: Tim Thompson, AICP; John Trottier, P.E.; Cathy Dirsra, Planning Department
10 Secretary

11
12 A. Rugg called the meeting to order at 7:01 PM. A. Rugg appointed L. Wiles to vote for
13 M. Soares.

14
15 **Administrative Board Work**
16

17 A. Regional Impact Determinations
18

19 T. Thompson summarized the staff memo recommending that all 3 projects (Chester Hall
20 subdivision, Buttrick Rd Medical condominium conversion, and Ravenna Plaza are not of
21 regional impact.

22 **P. DiMarco made a motion to find the 3 projects are not of regional impact. C.**
23 **Tilgner seconded the motion. No discussion. Vote on the motion: 7-0-0**
24

25 B. Approval of Minutes – December 6 & 13
26

27 **P. DiMarco made a motion to approve the minutes from the December 6 meeting.**

28 **J. Paradis seconded the motion. No discussion. Vote on the motion: 7-0-0.**

29 **P. DiMarco made a motion to approve the minutes from the December 13 meeting.**

30 **R. Brideau seconded the motion. No discussion. Vote on the motion: 6-0-1 (L. Wiles**
31 **was absent at the 12/13 meeting and abstained).**

32 Minutes are approved and will be signed at the January 10 meeting.
33

34 C. Discussions with Town Staff – Reid Development LLC – Roof/Architectural Change
35

36 T. Thompson said there were no concerns on the original application by the Heritage
37 Commission.

38 Roof pitch is changing and will not be a flat roof. Consensus from the board was that this
39 would not require a public hearing.
40

41 T. Thompson said the agenda for January 10 will include a conservation subdivision
42 ordinance workshop, which may need be moved out 1 month due to the amount of items
43 currently on the agenda, if the Board feels the agenda is too full. A. Rugg said we should
44 move it to the February 14 meeting. He also said he plans on moving the public hearing
45 on elderly housing ordinance on January 10 to beginning of meeting due to the abutters
46 that might be attending that meeting.
47

1
2 **Public Hearings**
3

- 4 A. Terra Firma Real Estate, Map 15, Lot 3 - Application Acceptance and Public Hearing for
5 a 2 lot subdivision and a Conditional Use Permit. - **Request Continuance to February**
6 **7, 2007.** [Elizabeth Meadows subdivision]
7

8 T. Thompson said George Chadwick, engineer from ECM, has requested a continuance.
9

10 **P. DiMarco made a motion to continue the application acceptance and public**
11 **hearing to February 7 at 7PM. R. Nichols seconded the motion.** No discussion. **Vote**
12 **on the motion: 8-0-0.** A.Rugg said this has been continued to February 7 and this will
13 be the only public notice.
14

- 15 B. Tarkka Homes, Map 15, Lot 215-1 - Application Acceptance and Public Hearing for a
16 Site Plan and Conditional Use Permit to construct a 44 unit Elderly Housing
17 development. - **Request Continuance to February 7, 2007.** [Cider Mill, site plan]
18

19 T. Thompson said Todd Connors, engineer from Sublime Civil Consultants, has
20 requested a continuance.
21

22 **P. DiMarco made a motion to continue the application acceptance and public**
23 **hearing to February 7 at 7PM. R. Nichols seconded the motion.** No discussion. **Vote**
24 **on the motion: 8-0-0.**

25 A. Rugg said this has been continued to February 7 and this will be the only public
26 notice.
27

- 28 C. Elmer A. Pease, II, Map 10, Lot 92 - Continued Application Acceptance and Public
29 Hearing for a 2 lot Subdivision. [Hillside elderly housing, subdivision]
30

31 T. Thompson said the sewer discharge permit has not been obtained, and is a checklist
32 item. Based upon the information available to date the and since **all checklist items are**
33 **not complete, Staff recommends 3 alternatives:**
34

- 35 1. The application be found to be incomplete; or
36 2. The Applicant can withdraw to Pre-Application Design Review; or
37 3. The Board can continue the application acceptance and public hearing to a future
38 meeting date.
39

40 Elmer Pease, applicant, feels that given the amount of comments and the short length of
41 time to satisfy the comments he said he is frustrated and feels that the process is not fair.

42 J. Trottier said there are two sides to this situation. He said the applicant also needs to
43 work with the staff within a reasonable time.

44 [J.Farrell arrived at 7:23 PM] Vote will now include 8 people.

45 T. Thompson said outside of the sewer discharge permit the project is close to being
46 ready.

47 L. Wiles asked about the sewer discharge permit and said he would like to see the
48 permit.
49

Consensus of the Board was that option 3 is best.

50 J. Trottier said most people will work through the design review process and when it gets
51 down to the last few comments the applicant converts to a formal application. With all

1 due respect he suggested the applicant work through the design review process before
2 continuing it to another meeting.

3 J. Farrell suggested letting the abutters speak on the application. T. Thompson said it
4 would be preferable for the planning board to hear from the abutters after the application
5 is accepted as complete.

6 E. Pease said he will meet with the abutters outside of this meeting.

7 T. Thompson suggested a continuance to February 7 for the subdivision, as there are
8 only a few comments left other than the sewer discharge permit.

9 **J. Farrell made a motion to continue the application acceptance and public hearing**
10 **to the February 7 meeting at 7PM. R. Brideau seconded the motion. No discussion.**
11 **Vote on the motion: 8-0-0.**

12 A. Rugg said this project is continued to the February 7 meeting and that this will be the
13 only public notice.

- 14
15 D. Elmer A. Pease, II, Map 10, Lot 92 - Continued Application Acceptance and Public
16 Hearing for a Site Plan and Conditional Use Permit for the construction of a 50 unit
17 Elderly Housing development. [Hillside elderly housing, site plan]

18
19 T. Thompson said 2 permits have not been obtained and there are 2 other checklist
20 items still outstanding. Based upon the information available to date and since **all**
21 **checklist items are not complete, Staff recommends 3 alternatives:**

- 22
23 1. The application be found to be incomplete; or
24 2. The Applicant can withdraw to Pre-Application Design Review; or
25 3. The Board can continue the application acceptance and public hearing to a future
26 meeting date.

27
28 T. Thompson strongly recommended that the Applicant go back to design review and
29 work with the staff to address the comments, and outlined the major outstanding design
30 review issues:

- 31
32 1. 16 items from last month's memo were responded to by the applicant's
33 engineer as issues that are "pending." This includes several items related to
34 the off-site improvements, including verification from impacted property owners
35 that they agree to the proposed improvements proposed on their lots.
36
37 2. The applicant has not addressed the required phasing of this project under
38 Section 1.3 of the Zoning Ordinance. The applicant has indicated that he will
39 not restrict occupancy to 100% elderly (all occupants over age 55). Without
40 100% elderly restriction on the project, the Zoning Ordinance calls for the
41 project to be phased (15 units per year). The applicant needs to provide
42 phasing plans and information in accordance with the Ordinance, or obtain a
43 variance from the ZBA.
44
45 3. There are a number of issues related to the drainage report and the off-site
46 improvements that remain unresolved.

47
48 E. Pease agreed he will go back through the design review process providing he gets
49 comments back from the engineer sooner than 90 days. He would like to see the
50 engineer's comments being communicated in a more timely manner.

51 T. Thompson said providing there is sufficient escrow to cover the engineer's review he
52 feels confident the design review can occur within 90 days.

1 Matt Peterson, Woodland Design, said the 16 comments are related to the offsite
2 improvements.

3 J. Paradis, J. Farrell & A. Rugg said they would like to see the timeline on the whole
4 process for projects. ***[Planning Dept provided this info to the Planning Board on 1/4/07.]***

5 T. Thompson said if they go back to pre-application review , abutters would need to be
6 renotified by certified mail once the application is submitted for a formal application
7 again.

8 E. Pease requested to withdraw his application and resubmit.

9 A. Rugg said the applicant is withdrawing the application and there will not be a February
10 7 meeting to discuss this. The Applicant will resubmit his application for design review.

11 When the project is ready to go before the Planning Board for a public hearing the
12 abutters will be notified.

13
14 **Other Business**

15
16
17 **Adjournment:**

18
19 **J. Farrell made a motion to adjourn the meeting. R. Brideau seconded the motion. No**
20 **discussion. Vote on the motion: 8-0-0. Meeting adjourned at 7:50 PM.**

21
22
23 These minutes prepared by Cathy Dirsra, Planning Department Secretary.

24
25
26
27 Respectfully Submitted,

28
29
30 *Mary Wing Soares*

31 Assistant Secretary

32

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF JANUARY 10, 2007 AT THE MOOSE HILL COUNCIL**
3 **CHAMBERS**
4

5 7:00 PM: Members Present: Art Rugg; Paul DiMarco; Rick Brideau, Ex-Officio (arrived at 7:58
6 PM); Charles Tilgner, P.E., Ex-Officio; Tom Freda (arrived at 8:00 PM); Lynn Wiles, alternate
7 member, Joe Paradis, Ex-Officio; Rob Nichols

8
9 Also Present: André Garron, AICP; Tim Thompson, AICP; John Trottier, P.E.; Cathy Dirsra,
10 Planning Department Secretary

11
12 A. Rugg called the meeting to order at 7:04 PM. A. Rugg appointed L. Wiles to vote for
13 J.Farrell.

14
15 Vote 6-0-0

16
17 **Administrative Board Work**
18

19 A. Signing of Minutes – December 6 & 13

20
21 Minutes for December 6 and 13 have been signed.

22
23 B. Discussions with Town Staff - Project Review Timelines

24
25 A. Garron met with the Manchester Regional Chamber of Commerce regarding the “Metro
26 Center” for economic development. He said they are looking for the town to support it so
27 they can move forward. They hope to achieve coordination & regionalism.

28 T. Thompson addressed the issue re. project timelines. He gave a brief overview of the
29 current process & gave suggestions for the future (See Attachment 1)

30 A. Rugg asked if state permits would be included in the process. T. Thompson stated it
31 would be difficult to track a timeline on those, since we do not know when applicants apply
32 for the state permits.

33 A. Garron said the regulations were organized in 2001 and the developers in the area
34 were asked for their input for the revised regulations before they were adopted. He also
35 said that frequently the comments that transpire between the engineer and the developer
36 happen without our involvement. The process has worked well.

37 T. Thompson reviewed the past process (pre-2001 regulations) compared to the current
38 one and said that the difference is significant. The new process has increased the
39 efficiency of the design reviews prior to going before the Planning Board.

40 C. Tilgner asked if the Planning Board could be advised when comments have been
41 repeated for multiple times in staff/Vollmer review memos. T. Thompson said that Vollmer
42 used to put an asterisk next to the comments that are addressed more than once. He said
43 that Vollmer could certainly go back to that process (* = once, ** = twice, etc.). A. Rugg
44 said they would like to resume that process.

45 A. Garron said it's within the applicant's rights to request a meeting with the Planning
46 Board prior to going forward with a Formal Application.

47 A. Garron said the current project tracking has been in place for over a year and can be
48 accessed through the map tools system on our website.
49
50

1
2 **Public Hearings**

3
4 A. Elderly Housing Ordinance Amendments - Public Hearing

5
6 A. Garron said they want to add an affordable elderly component to the ordinance.
7 He said staff has been working with the developers and the NH Housing Finance Authority
8 and HUD.

9 T. Thompson summarized the amendments to the ordinance, highlighting the changes
10 (Attachment 2).

11 Referencing the proposed cap on the number of Elderly Housing units, he said the
12 percentage is a moving target which would be re-evaluated each time the US Census is
13 taken.

14 P. DiMarco asked about 3.6.4.7.2 & 3.6.5.2.

15 R. Nichols asked about 3.6.4.5, parking. T.Thompson said when the calculation has a
16 fraction, we round up to the next whole number.

17 R. Nichols also asked about 3.6.4.7.2. T.Thompson said density requirements will drive it.

18 R. Nichols also asked about 3.6.5.2. T.Thompson said it's easier to track a rental situation
19 rather than buying. A.Garron said the HUD representative said they will ensure the long
20 term affordability is there.

21 R. Nichols 3.6.6.1 asked about the percent. T.Thompson said it's 13% of our total
22 population is over the age of 55, then 13% of the housing stock is what we would permit
23 for elderly housing.

24 L. Wiles referenced section 3.6.6.1 and asked what percent we're at today regarding
25 elderly housing. A. Garron said there are currently 475 built, 500 under construction or
26 proposed, equal to about 10-11% of the current housing stock. He said that includes the
27 current proposed project from J. DeCarolis.

28 A. Garron said demographics can change that number.

29 L. Wiles asked about the definition for 3.6.3. T.Thompson said a definition of elderly
30 housing is in the definition section of the ordinance, section 4.7.

31 A. Rugg asked for public input.

32 John Michels said he is pleased with what the staff has presented.

33 Mike Brown, resident, Carousel Court, said he is also pleased with what has been
34 presented. He feels the percentage is higher than surrounding communities and he is glad
35 about that. He asked if this is separate that GMO. T.Thompson said elderly housing is
36 exempt from phasing providing it's restricted to 100% occupancy by persons 55 or older.

37 Elderly housing is still counted in the permit caps in years of "Unsustainable Growth" and
38 receives priority in the scoring system of the GMO. M. Brown asked if this cap is what
39 we're looking for so we don't get out of balance. T.Thompson said yes, this is the intent.

40
41 **P. DiMarco made a motion that we recommend to the town council that they adopt**
42 **the elderly housing changes to the zoning ordinance. L. Wiles seconded the motion.**
43 **No discussion. Vote on the motion: 6-0-0. Amendments are recommended to the**
44 **Town Council.**

45
46 B. DHB Homes, Inc. - Tax Map 6, Lot 34 - Continued Public Hearing for a site plan to
47 construct 23,940 sq.ft of professional office space.

48
49 {R. Brideau arrived at 7:58pm. Vote will now include 7 people.}

50 {T. Freda arrived at 8pm. Vote will now include 8 people.}

1
2 T. Thompson reminded the board that this plan was already accepted as complete.
3 Lynn Zebrowski, engineer from Keach-Nordstrom, presented their plans.
4 She said electricity to the development will not come from lines on Buttrick Road, but be
5 routed underground from lines on the south side of Rte 102. The septic systems will be
6 raised up more than the original plans showed. Building 1 has been raised. She said they
7 have agreements from abutters to increase the sight distance for the entrance to this site.
8 J. Trottier read the DPW memo with staff recommendations.
9 T. Thompson said staff recommends conditional approval. He also recommended that the
10 board especially check the lighting for this plan. He said the applicant has responded to all
11 traffic comments, but the report needs to be revised to reflect all of the changes through
12 the review of the project. A. Garron said we do have a lot of people that come into the
13 Planning Dept. to review the plans and he said the form that the latest traffic report came
14 in could be confusing for people to review. One document with all the changes included
15 within the general text is what we prefer to have on file. He said that the Southern NH
16 Planning Commission reviewed the proposed connection between Rt. 102 and Buttrick
17 Road through the applicant property, as identified in the Rt. 102 Central Corridor plan.
18 They noted in their report that the connection would be beneficial to Londonderry.
19 Unfortunately, no action by the Town was taken when this project was identified in the
20 Corridor plan in the mid-90, therefore, would be unfair to the applicant to impose it now.
21 L. Wiles said he feels the lighting needs to be addressed and the stockade fence should
22 be extended. L. Zebrowski said they could not extend the stockade fence do to the
23 proposed rip rap slopes in that area.
24 Bob Meisner, DHB Homes, said they met with the abutter on site and said that she
25 realizes the stockade fence can't be used. She also now understands the site plan better
26 after visiting the site.
27 R. Nichols expressed concern regarding the lack of handicapped parking on the south side
28 of the center building. L.Zebrowski said the main entrances to the buildings will have
29 handicap parking, and the south side will be for loading.
30 P. DiMarco asked about truck access to the buildings. L. Zebrowski said they would need
31 to add curb cuts to allow sufficient access for loading zones for the buildings.
32 J. Paradis asked about design review #4. T.Thompson said if the DOT standards require
33 it, they would need to install guardrails.
34 A. Rugg asked about pedestrian traffic. L. Zebrowski said there are currently no plans for
35 crosswalks between the buildings. She said they can plan crosswalks between the
36 handicap spaces.
37 A. Rugg asked for public input.
38 Peter Aucoin, abutter, asked if they needs building permits for the items that the applicant
39 plans to install on his property. J. Trottier said a permit is not needed providing the fence
40 doesn't exceed 6 feet. J. Trottier said once everything is worked out between P. Aucoin
41 and the applicant, the final plans will go back to the Planning Dept. for review.
42 P. Aucoin asked about the lighting. P. DiMarco said they're asking the applicant to adjust
43 the lighting so it won't affect P. Aucoin.
44 Chet Ham, Peabody Row, asked if there will be any trees and/or stone walls removed.
45 He is concerned that we are compromising the aesthetic look in the area.
46 L. Zebrowski said they plan to maintain the stone walls (reconstructing a small section if
47 necessary) and that there really aren't any trees to be removed. J. Trottier said the stone
48 wall will be a defined wall, not stones pushed back.
49 A. Garron mentioned impact fees (police impact fee. & traffic)
50

1 **P.DiMarco made a motion to conditionally approve the site plan with the following**
2 **conditions:**

3
4 "Applicant", herein, refers to the property owner, business owner, or organization
5 submitting this application and to his/its agents, successors, and assigns.
6

7 **PRECEDENT CONDITIONS**
8

9 All of the precedent conditions below must be met by the Applicant, at the expense of the
10 Applicant, prior to certification of the plans by the Planning Board. Certification of the plans
11 is required prior to commencement of any site work, any construction on the site or
12 issuance of a building permit.
13

- 14 1. The Applicant's revised lighting plan, sheet 10, appears to indicate lighting levels will
15 exceed 0.2 foot-candles along the driveway entrance in a few locations along the
16 property lines at abutting lots 29 and 30, which does not comply with section 3.13 of
17 the regulations. The Applicant shall revise the design as necessary to comply with
18 the regulations.
19
- 20 2. The revised pre and post development comparison table provided in the revised
21 project drainage report indicates flow to lot 34-1 only to the north. However, the table
22 does not address the impact to abutting lot 28-1, which is also an abutter to the north.
23 The Applicant shall update the pre-and post development comparison table as
24 necessary to clarify the impacts to each abutting lot as typically requested by the
25 Town. The Applicant shall verify compliance with the regulations (no increase in
26 runoff).
27
- 28 3. The Applicant notes the site is designed for small box truck delivery vehicles (SU-30)
29 in note 6 on sheet 2 and has indicated loading area with this submission. It appears
30 this vehicle would have difficulty negotiating the site through the site driveways and
31 parking areas to the designated loading areas. The Applicant shall submit Auto-Turn
32 schematics for the delivery routes to the site and all proposed loading areas to clarify
33 the site is adequately design for a SU-30 vehicle as typically requested by the Town.
34
- 35 4. The revised grading design includes additional 2H:1V slopes adjacent to parking lots
36 and travel lanes that would appear to require guardrail. The Applicant shall review
37 and provide guardrail, if necessary, with appropriate details for proper construction.
38
- 39 5. The Applicant shall indicate the size, type, valves, and service locations of the
40 proposed gas lines that serve the proposed propane tanks on the utility plan. The
41 Applicant noted in her response that the size will be determined later but the utility
42 letter provided indicates a 1" line is necessary. The Applicant shall revise
43 accordingly.
44
- 45 6. The Applicant shall provide a professional endorsement (stamp and signature) for the
46 sight distance certification on sheet 12. In addition, The Applicant shall provide a
47 professional endorsement (stamp and signature) on sheets 11 and 13-17 in the plan
48 set.
49

- 1 7. The Applicant's revised traffic report submitted has not been revised to incorporate
2 the comments into the updated report as previously requested by the Town. The
3 comments and responses have only been attached as sections. This creates a report
4 that is difficult to follow and to know what has changed. The Applicant indicated that a
5 submission of this type provides a "chain of events that led to the approval of the
6 traffic study." However, the "chain of events" is already documented in the Town's
7 files. The updated and complete traffic study, as requested by the Town, allows non-
8 technical individuals to understand the impacts the development will have on the
9 roadway network. The Applicant shall revise the traffic report to incorporate the
10 revisions and comments from the review into a complete, revised and updated traffic
11 report to the Planning Department for the Town's file. The revised, updated and
12 complete traffic report shall be stamped by a professional engineer licensed in New
13 Hampshire as required by the regulations.

- 14 8. The applicant shall provide pedestrian crosswalks on the plan as directed by the
15 Planning Board, and provide any appropriate pavement marking details in the plan
16 set as necessary.

- 17 9. Outside consultant's fees shall be paid within 30 days of approval of plan.

- 18 10. Note all waivers and the conditional use permit granted on the plan.

- 19 11. The Applicant shall provide a digital (electronic) copy of the complete final plan sent
20 to the Town at the time of signature by the Board in accordance with Section 2.05.n
21 of the regulations.

- 22 12. Financial guaranty if necessary.

- 23 13. Final engineering review

24
25
26
27
28
29 **PLEASE NOTE** - Once these precedent conditions are met and the plans are certified
30 the approval is considered final. If these conditions are not met within 120 days to the day
31 of the meeting at which the Planning Board grants conditional approval the board's
32 approval will be considered to have lapsed and re-submission of the application will be
33 required. See RSA 674:39 on vesting.

34
35 **GENERAL AND SUBSEQUENT CONDITIONS**

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

- 38
39
40 1. **No construction or site work for the amended site plan may be undertaken**
41 **until the pre-construction meeting with Town staff has taken place, filing of an**
42 **NPDES-EPA Permit and the site restoration financial guaranty is in place with**
43 **the Town.** Contact the Department of Public Works to arrange for this meeting.

 - 44 2. The project must be built and executed exactly as specified in the approved
45 application package unless modifications are approved by the Planning Department
46 & Department of Public Works, or if staff deems applicable, the Planning Board.
- 47
48

- 1 3. All of the documentation submitted in the application package by the Applicant and
2 any requirements imposed by other agencies are part of this approval unless
3 otherwise updated, revised, clarified in some manner, or superseded in full or in part.
4 In the case of conflicting information between documents, the most recent
5 documentation and this notice herein shall generally be determining.
6
- 7 4. All site improvements must be completed prior to the issuance of a certificate of
8 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
9 circumstances that prevent landscaping to be completed (due to weather conditions
10 or other unique circumstance), the Building Department may issue a certificate of
11 occupancy prior to the completion of landscaping improvements, if agreed upon by
12 the Planning & Public Works Departments, when a financial guaranty (see forms
13 available from the Public Works Department) and agreement to complete
14 improvements are placed with the Town. The landscaping shall be completed within
15 6 months from the issuance of the certificate of occupancy, or the Town shall utilize
16 the financial guaranty to contract out the work to complete the improvements as
17 stipulated in the agreement to complete landscaping improvements. **No other**
18 **improvements shall be permitted to use a financial guaranty for their**
19 **completion for purposes of receiving a certificate of occupancy.**
20
- 21 5. As built site plans must to be submitted to the Public Works Department prior to the
22 release of the Applicant's financial guaranty.
23
- 24 6. All required Police Facility and Traffic impact fees must be paid prior to the issuance
25 of a Certificate of Occupancy.
26

27 It is the responsibility of the Applicant to obtain all other local, state, and federal permits,
28 licenses, and approvals which may be required as part of this project (that were not
29 received prior to certification of the plans). Contact the Building Department at extension
30 115 regarding building permits.

31
32 **R.Brideau seconded the motion. No discussion. Vote on the motion: 8-0-0. Plan is**
33 **conditionally approved.**

- 34
35 C. Sanborn Road Realty, LCC, Map 15, Lot 87-1 - Continued Public Hearing for a waiver to
36 Site Plan Regulations for the conditionally approved 96 unit apartment project.

37
38 John Cronin & Deb Brewster presented their plans.

39 J. Cronin said they want to waive the site plan fees and move forward with the project.

40 A. Garron said the legal counsel (Attorney Mayer) said the planning board can grant the
41 waivers to allow the plan to be signed without financial guaranty in place, but suggested
42 doing so with appropriate notes placed on the plan. Even if the applicant were to submit a
43 financial guaranty to cover the on and offsite improvements, RSA 674:39 states that Active
44 and Substantial improvement must take place as well to gain the four year exemption from
45 any changes to the regulations.

46
47 L. Wiles asked for the difference between the two choices.

48 A. Garron said Surety is an insurance mechanism to cover the on and offsite
49 improvements.

1 Letter of credit is cash set aside by a bank to the benefit of the Town ensure that the on
2 and offsite improvements are completed. The Town would not have to go through an
3 insurance company. A. Garron said whatever the board decides, the applicant will get one
4 year at best.

5 T. Freda asked what is the bank is looking for. J. Cronin said the bank wants to see signed
6 plans before they will give the applicant financing. He said they realize that the applicant
7 would lose if he doesn't build within one year.

8 J. Paradis asked if the waivers would be only for that applicant and would not be used by
9 someone else, if the applicant sells the property before developing it.

10 J. Cronin said they would agree if the board wanted to personalize the waiver to only this
11 applicant.

12 C. Tilgner said he wouldn't support it because he doesn't feel the town would be getting
13 anything in return.

14 P. DiMarco is uncomfortable with setting a precedence in granting this waiver. He is
15 concerned that others would try to do the same in the future. L.Wiles can't support it.

16 A. Garron said he feels that this project has been planned for quite a while and he feels
17 the project itself would be beneficial to the Town given its economic development goals.

18 A. Garron suggested granting the applicant a waiver for one and a half to two years,
19 provided that financial guaranty is provided in accordance with the Town regulations. The
20 waiver is granted to the present applicant only, non-transferable. . Nichols asked if the
21 board should vote on the waiver now or collect the whole plan and get legal counsel
22 before voting.

23 A. Rugg asked for public input. None given.

24 J. Cronin agreed to continue and discuss the options with staff prior to going before the
25 board again.

26
27 **P. DiMarco made a motion to continue to February 14, 2007 at 7PM. R. Nichols**
28 **seconded the motion. No discussion. Vote on the motion: 8-0-0.**

29 **A. Rugg said the hearing for this project is continued to February 14, 2007 at 7PM**
30 **and that this will be the only public notice.**

- 31
32 D. Whittemore Estates, Map 12, Lot 59-3 - Public Hearing for a modification to a previously
33 granted waiver to Site Plan Regulations for the approved elderly housing project.

34
35 Jeff Rider, engineer Cuoco & Cormier presented their plans.

36 They are asking for a modification to a waiver to the previously approved site plan. They
37 have an offer on one of the units in Phase I of the project. The owner would like to delay
38 the installation of the final paving until the major improvements in Phase II are completed
39 in order to minimize damage to the final pavement.

40 J. Trottier is asking what the applicant defines as major improvements. He said the
41 request is too generic.

42 J. Rider said major improvements would mean getting the foundations in the ground. He
43 would be happy to hear other things the board and staff might consider as major
44 improvements. J. Trottier cautioned the board that there will be people living there and
45 they would want to know why the final coat of pavement has not been applied.

46 Phil Budrose, Budrose Holdings, said he would post a letter of credit to the town for the
47 final coat of pavement. He said Sept. 15, 2007 is when Phase I is to be completed and
48 they could put down the final coat of pavement at that time.

49

1 **P.DiMarco made a motion to approve the modification to the waiver to a previously**
2 **approved site plan with the following conditions:**
3

- 4 1. The applicant shall revise the phasing plan in the plan set to add the following notes:
5 a. The top coat of pavement for phase 1 shall be bonded for in accordance with
6 the requirements of the DPW, and that the top coat of pavement shall be
7 placed on site no later that September 15, 2007.
8 b. All other conditions of the waivers granted with the original approval of the
9 construction phasing plan shall apply.

10
11 **J. Paradis seconded the motion. No discussion. Vote on the motion: 8-0-0. Motion**
12 **approved and modified waiver is conditionally approved.**
13

- 14 E. Elliot Health Systems, Map 6, Lot 73 - Public Hearing for an amendment to a previously
15 approved Site Plan addressing various changes proposed to the approved plan.
16

17 Ken Rhodes, CLD Consulting and Adam Wagner, Cube3 Studios, presented their plans
18 They're adding curbing, handrails; changing sidewalks to allow for better traffic flow.
19 They want to change the location of the sign for better visibility.

20 J. Trottier is in support of the waiver. A. Garron said he was concerned about the up-
21 lighting until he saw it was directed at the sign. T. Thompson respectfully disagreed
22 because he said the regulations are for down-lighting, and he considers the proposed
23 lighting to be up lighting. He recommended the Heritage Commission review the proposed
24 changes.

25 A. Garron said there were concerns about the number of ambulance calls, but Dick
26 Anagnost, the Elliot's development consultant, is working with the town and provided a
27 letter to David Caron, Town Manager addressing the concern.
28

29 T. Thompson read the memo with staff recommendations, recommending conditional
30 approval.

31 P. DiMarco asked if they plan to keep a sign on the Buttrick Rd entrance. K. Rhodes said
32 they will have a small directory sign indicating the entrance on Buttrick Rd, as permitted by
33 the Zoning Ordinance.

34 R. Nichols asked about the changes regarding the sidewalks & minor engineering
35 changes.

36 T. Thompson said staff reviewed the changes internally and they were fine with them.

37 A. Rugg asked for public comment.

38 R. Saulnier has concerns about the drainage because he directly abuts the property.

39 K. Rhodes said the area for the propane tanks was cut into ledge and will not move. He
40 said the original plans were to have the propane tanks in the service area.

41 J. Paradis asked if the Fire Dept. could provide insight as to why they approved the
42 placement of the propane tanks. K. Rhodes said it would be helpful if the Fire Dept could
43 provide more information on this.

44 R. Saulnier said he would prefer that they move the propane tanks further away from his
45 property line. He said the tanks are very close to his house.

46 The board agreed that the applicant should provide R. Saulnier with the same info the Fire
47 Dept gave to them regarding the propane tanks.

48 Dick Anagnost, developer for the project was also present.

49 R. Saulnier said he is also concerned about the lighting which illuminates his home and
50 the lack of fencing between his home and the Elliot.

1 R. Saulnier also said he is concerned about the increase in traffic on Buttrick Rd do to this
2 project and others on Buttrick Rd.
3 A. Garron said traffic was not looked at with the amendment to this plan because it had
4 been addressed previously. He suggested that we may look at that again for future
5 projects.
6 Scott Colby, resident on William Drive, agreed with R. Saulnier and his concerns about the
7 placement of the propane tanks. He also suggested they consider moving the tanks to the
8 land they own across the street. He also asked about the use of the basement area in
9 regards to the original plan. K.Rhodes said he is working with Jim Smith, building
10 inspector, to ensure that the use is clarified on the plans.
11 Barry Mazzaglia, abutter on Mammoth Rd, said he was never properly notified about this
12 project or the meetings.
13 He is concerned about the guardrails along his property line, the trees that were clear cut
14 even though a town representative said they were not supposed to clear cut the trees. He
15 is concerned about the noise from generators, etc. He has cracks in his foundation do to
16 the blasting for this project.
17 Sharron Cassidy, said she came to the town hall and checked with the town clerk for
18 verification of their mailing address. She was told that they had the correct mailing
19 address. The Assessor's office also said they had the correct mailing address.
20 A. Garron explained the abutter notice process and said we will check our records.
21 K. Rhodes said the sign lighting will be reviewed. He said that they met with the
22 Mazzaglia's regarding the guardrails and moved ahead with the DOT approved plan
23 including the guardrails when an agreement with Mr. Mazzaglia could not be reached.
24 Anagnost said they had not over blasted and stated a pre & post blast survey was done.
25 He said were not notified of any damage due to blasting.
26 B. Mazzaglia said for clarification, that they clear cut the trees in the buffer area, even
27 though they weren't supposed to.
28 R. Saulnier said he also didn't receive notification for the Oct. 2005 meeting.
29 He also requested again that they move the propane tanks to a safer area, further away
30 from his home.
31 A. Garron clarified that abutter notices are sent out for the public hearing of projects. If
32 projects are continued no additional abutter notices are sent. The Chairman announces
33 that the meeting will be continued and that this will be the only public notice.
34 L. Wiles would like to see what the Fire Dept gave to the applicant regarding the propane
35 tanks.
36 R. Nichols asked about the regulations regarding blasting.
37 B. Mazzaglia said the blasting company only came to their house after they had blasted
38 A. Garron produced for the board the certified mail receipt with Barry Mazzaglia's
39 signature that he received the abutter notice which was sent in September 2005 for the
40 Planning Board meeting.
41 K. Rhodes said the landscaping, grading, etc. is consistent with the plans.
42
43 **P.DiMarco made a motion to grant the waiver request per the letter submitted by**
44 **the applicant and the recommendation from Staff, conditioned that a financial**
45 **guarantee be in place for the finish coat of pavement, and also that the finish coat of**
46 **pavement be placed on site no later than 5/1/08. J. Paradis seconded the motion.**
47 **No discussion. Vote on the motion: 7-1-0. Waiver granted.**
48
49 **P. DiMarco made a motion to amend the previously conditionally approved site plan**
50 **with the following conditions:**

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

5 **PRECEDENT CONDITIONS**
6

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

- 12 1. There appears to be a discrepancy between the amount of office space in the
13 basement of Phase 1 on the site plan and the architectural drawings submitted to
14 the building department. The applicant shall update the plans as necessary to
15 address this discrepancy, and verify that the site has sufficient parking to meet the
16 requirements of the zoning ordinance.
17
- 18 2. The applicant shall provide a landscape plan, updated with the proposed
19 amendments, as required by the regulations.
20
- 21 3. The applicant shall revise the "future" parking areas on the site plan, consistent with
22 what has actually been constructed on site at this time.
23
- 24 4. The applicant shall provide all appropriate signage details for the revised signage in
25 the plan set as required by the regulations, and obtain approval of the sign design
26 from the Heritage Commission.
27
- 28 5. The applicant shall provide documentation from the Fire Department and the
29 propane company relative to the approval of the proposed location of the relocated
30 underground propane tanks for the Planning Department's file.
31
- 32 6. Note all waivers granted on the plan (with conditions).
33
- 34 7. The Applicant shall provide a digital (electronic) copy of the complete final plan sent
35 to the Town at the time of signature by the Board in accordance with Section 2.05.n
36 of the regulations.
37
- 38 8. Financial guaranty if necessary.
39
- 40 9. Final engineering review
41

42 **PLEASE NOTE -** Once these precedent conditions are met and the plans are certified
43 the approval is considered final. If these conditions are not met within 120 days to the day
44 of the meeting at which the Planning Board grants conditional approval the board's
45 approval will be considered to have lapsed and re-submission of the application will be
46 required. See RSA 674:39 on vesting.
47

48 **GENERAL AND SUBSEQUENT CONDITIONS**
49

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

- 1
2 1. **No construction or site work may be undertaken until the pre-construction**
3 **meeting with Town staff has taken place, filing of an NPDES-EPA Permit (if**
4 **applicable) and the site restoration financial guaranty is in place with the**
5 **Town.** Contact the Department of Public Works to arrange for this meeting.
6
- 7 2. The project must be built and executed exactly as specified in the approved
8 application package unless modifications are approved by the Planning Department
9 & Department of Public Works, or if staff deems applicable, the Planning Board.
10
- 11 3. All of the documentation submitted in the application package by the applicant and
12 any requirements imposed by other agencies are part of this approval unless
13 otherwise updated, revised, clarified in some manner, or superseded in full or in part.
14 In the case of conflicting information between documents, the most recent
15 documentation and this notice herein shall generally be determining.
16
- 17 4. All site improvements must be completed prior to the issuance of a certificate of
18 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
19 circumstances that prevent landscaping to be completed (due to weather conditions
20 or other unique circumstance), the Building Department may issue a certificate of
21 occupancy prior to the completion of landscaping improvements, if agreed upon by
22 the Planning & Public Works Departments, when a financial guaranty (see forms
23 available from the Public Works Department) and agreement to complete
24 improvements are placed with the Town. The landscaping shall be completed within
25 6 months from the issuance of the certificate of occupancy, or the Town shall utilize
26 the financial guaranty to contract out the work to complete the improvements as
27 stipulated in the agreement to complete landscaping improvements. **No other**
28 **improvements shall be permitted to use a financial guaranty for their**
29 **completion for purposes of receiving a certificate of occupancy (Per the**
30 **waiver granted by the Board, finished paving shall be permitted to use a**
31 **financial guaranty with the condition the finished pavement be in place on site**
32 **by May 1, 2008).**
33
- 34 5. As built site plans must to be submitted to the Public Works Department prior to the
35 release of the applicant's financial guaranty.
36
- 37 6. It is the responsibility of the applicant to obtain all other local, state, and federal
38 permits, licenses, and approvals which may be required as part of this project (that
39 were not received prior to certification of the plans). Contact the Building Department
40 at extension 115 regarding building permits.
41

42 **J. Paradis seconded the motion. No discussion. Vote on the motion: 7-1-0. Plan**
43 **conditionally approved.**
44

- 45 F. Elliot Health Systems, Map 6, Lot 73 - Application Acceptance and Public Hearing for a
46 condominium conversion (medical offices).
47

48 T. Thompson stated that there are no checklist items, and staff recommends the
49 application be accepted as complete.
50

1 **P. DiMarco made a motion to accept the application as complete. R. Nichols**
2 **seconded the motion. No discussion. Vote on the motion: 8-0-0.**
3

4 K. Rhodes presented their plans.

5 J. Trottier read the DPW/Vollmer memo with staff recommendations.

6 T. Thompson said staff recommends approval.

7 A. Rugg asked for public input.

8 B. Mazzaglia, abutter, asked how many phases there are.

9 T. Thompson said there are three phases planned.

10
11 **P.DiMarco made a motion to conditionally approve the condominium conversion**
12 **with the following conditions:**
13

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

16
17 **PRECEDENT CONDITIONS**
18

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

- 24 1. The Applicant's certification on sheets C1, CSP1 and CSP2 indicates this application
25 for condominium is not a subdivision, which is inconsistent with the definition per
26 section 1.04 of the Town's Subdivision Regulations and per RSA 672:14. The
27 Applicant shall review and revise the certification accordingly.
28
- 29 2. The Applicant shall address the following on sheet CSP1:
30 A. The Applicant shall verify if a NHDES subdivision approval is required for this
31 application with NHDES and obtain the permit, if applicable. The Applicant
32 shall provide a copy of the permit approval to the Planning Department for their
33 files and note the approval number on the plan.
34 B. The Applicant shall note the tax map and lot number of the subject parcel and
35 clarify in note 7 which plans (sheets) are to be recorded and which are on file at
36 the Town in accordance with the regulations.
37 C. The Applicant shall indicate the green area setback on the plan in accordance
38 with the regulations.
39 D. The Applicant shall provide the location and dimensions (ties) to the existing
40 building locations and other existing site improvements on this sheet in
41 accordance with RSA 356-B:20 I, as applicable. In addition, the Applicant shall
42 label all common areas (parking areas, etc) on the plan.
43 E. The Applicant shall indicate the location of the septic systems on the plan in
44 accordance with the regulations.
45
- 46 3. The Applicant shall verify the proposed text on all the condominium unit plans
47 (sheets A1 through A-11) meets the approval of the Registry of Deeds. It appears
48 some the text is difficult to read especially on sheet A11. In addition, the Applicant
49 shall correct "common" area for phase II F-2 as noted in the lower left hand corner
50 on sheet A11 and update all other sheets accordingly.

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4. The Applicant shall address the DRC comments of the Assessing Department as applicable.
 5. Note all waivers granted on the plan (if applicable).
 6. Outside consultant's fees shall be paid within 30 days of approval of plan.
 7. The Applicant shall provide a digital (electronic) copy of the complete final plan sent to the Town at the time of signature by the Board in accordance with Section 2.06.N of the regulations.
 8. Financial guaranty if necessary.
 9. Final engineering review.

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

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. 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.
2. 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.
3. 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 Department at extension 115 regarding building permits.

R. Nichols seconded the motion. No discussion. Vote on the motion: 8-0-0. Plan Conditionally Approved.

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Other Business

None.

Adjournment:

C. Tilgner made a motion to adjourn the meeting. R. Brideau seconded the motion. No discussion. Vote on the motion: 8-0-0. Meeting adjourned at 11:16 PM.

These minutes prepared by Cathy Dirsra, Planning Department Secretary.

Respectfully Submitted,

Mary Wing Soares
Assistant Secretary

Design Review Timelines Discussion

Planning Board – Administrative
Board Work
Workshop Meeting
January 10, 2007

Discussion Points:

- ▶ Examination of current Design Review Policies
- ▶ Sample from Hillside Elderly Project
- ▶ Reporting/Tracking Options for Planning Board

Current Design Review Policy

- ▶ Application Submitted for Design Review to Planning Dept.
- ▶ Planning Dept. prepares Escrow Estimate for outside review (engineering & legal)
- ▶ Applicant submits escrow
- ▶ Clock starts for review – 30 working days from payment of escrow
- ▶ Comments (DRC & Engineering) sent to applicant
- ▶ Applicant revises plans/info, resubmits for Design Review, or converts to formal application
- ▶ Additional Comments sent to applicant within 30 working days for Design Review, or comments prepared for Planning Board public hearing.
- ▶ Important to note that under current policy, review comments are NOT sent to the applicant once the application becomes FORMAL. Comments are given to the applicant at the public hearing during Formal Application

Sample Timeline (Hillside Elderly Housing Project)

- ▶ Conceptual Discussion w/ Planning Board – Feb. 21, 2006
- ▶ Design Review Application Rec'd – July 7, 2006
- ▶ Escrow Paid – July 12, 2006
- ▶ Review Comments Sent to Applicant's engineer – Aug. 24, 2006 (30 Working Days, 43 total days)
- ▶ Applicant submits for second Design Review – Sept. 21, 2006
- ▶ Review Comments sent to Applicant's engineer – Nov. 14, 2006 (37 Working Days, 54 total days)

Sample Timeline (Cont'd)

- ▶ Formal Application submitted – Nov. 20, 2006
- ▶ Plan Continued by Planning Board – Dec. 6, 2006 (10 working days)
- ▶ Revised Formal Application submitted – Dec. 15, 2006
- ▶ Plan Withdrawn back to Design Review by applicant – Jan. 3, 2007 (11 working days)

Sample Timeline Summary

- ▶ Applicant Driven Timeframes:
 - Time elapsed between Conceptual and 1st Design Review application – 17 weeks
 - Time elapsed between receipt of 1st DR comments and resubmission – 4 weeks
 - Time elapsed between receipt of 2nd DR comments and resubmission – 5 days
 - Time elapsed between receipt of 1st PB comments and resubmission – 9 days
- ▶ Town Driven Timeframes:
 - Time elapsed between Escrow submission and 1st DR comments – 30 working days (43 total days)
 - Time elapsed between resubmission and 2nd DR comments – 37 working days (54 total days)
 - Time elapsed between resubmission and 1st PB comments – 10 working days (16 total days)
 - Time elapsed between 1st continuance and 2nd PB comments – 11 working days (18 total days)

Reporting/Tracking Options for Planning Board

- ▶ Staff can add additional fields into Project Tracking Database
 - Fields to track would include:
 - ▶ Dates applications received
 - ▶ Date Escrow established
 - ▶ Date review comments sent to applicant's engineer
 - Reporting would include:
 - ▶ All of the above dates
 - ▶ Number of days (working & total) for each segment of the review process, both items under Applicant's control and under the Town's control
- ▶ Staff can include a report of the timeline of each project as part of the initial formal application packet for the PB members.

3.6 ELDERLY HOUSING (AMENDED 3/6/06)

3.6.1 Objectives And Characteristics

The Elderly Housing and Elderly Affordable Housing standards are designed to permit an increased residential density above that allowed in the AR-I and R-III districts and to set criteria that assures that a project for the elderly will address the needs of elderly as opposed to any other residential use.

Any elderly housing development under this Section must be established and maintained in compliance with the Fair Housing Act, as amended, 42 USC Sec. 3601 et seq. The Board may require assurance of compliance with the Act by deed restriction or other instrument as condition of approval. "Such assurance may consist of a written plan submitted by the Developer, which sets forth (1) the regulations under the Fair Housing Act whereby a project may lawfully discriminate in favor of elderly residents, and (2) how the Developer does or proposes to comply with such requirements, including covenants and other deed restrictions and other to-be-recorded agreements."

3.6.2 Uses

3.6.2.1 Permitted Uses

3.6.2.1.1 Elderly Housing

3.6.2.1.2 Elderly Housing Support Facilities

Elderly Housing shall be allowed in any residential or commercial district in the Town of Londonderry, as long as all of the requirements of the "Regulations and Design Criteria" (Section 3.6.4), Elderly Housing, can be met.

3.6.2.2 Conditional Uses

3.6.2.2.1 Elderly Affordable Housing – subject to the requirements of Section 3.6.5.

3.6.3 Definitions

3.6.3.1 Open Space

Open Space is that portion of a lot open and unobstructed from its lowest level to the sky. It shall not include land occupied by buildings and structures as well as all roads and drives. Where no separate right-of-way is delineated for private streets, only the pavement areas of the street, curbs and sidewalks are excluded. Walkways integral to the open space areas that are not curbside sidewalks do not count. A minimum of 30% of the required open space shall be useable lands. Minimum areas between dwellings (3.6.4.2) and the minimum setback between the building and the edge of right-of-way for the internal road system (3.6.4.3) shall not be counted towards the required 30% useable uplands. Up to 50% of the required open space can be wetlands or water bodies.

3.6.3.2 Useable Uplands: Land which is not a water body, wetland, or steep slopes above 25%.

3.6.3.3 Elderly Affordable Rental Housing – Housing units that are intended for elderly leasehold residential occupancy, solely by those age 62 and over (as provided for in RSA 354-A:15), and that are subsidized and administered by a federal or state governmental entity.

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3.6.4 Regulations And Design Criteria

- 3.6.4.1 Minimum size of tract area for an elderly housing development shall be fifteen (15) acres. This tract shall have a minimum of fifty (50) foot frontage on a Class V road or better and, at the discretion of the Planning Board, a second fifty (50) foot frontage on a Class V road or better may be required for traffic circulation or safety.
- 3.6.4.2 Each dwelling shall have a minimum separation from any other building of sixty (60) feet. Each single family dwelling shall have a minimum separation from any other building of thirty (30) feet.
- 3.6.4.3 Each building shall have a minimum setback of forty (40) feet from the edge of right-of-way of the internal road system.
- 3.6.4.4 Buffers - The Planning Board shall establish the criteria for a Buffer zone around the entire perimeter of the site based on the following:
 - 3.6.4.4.1 Topographic features of the site and adjacent studies;
 - 3.6.4.4.2 Use or zoning classification of abutting land;
 - 3.6.4.4.3 Degree of visual barrier provided by proposed buffer.In no event shall the buffer zone be less than the following:
Adjacent zone or use:
AR-I, R-III, = 30 feet
C-I, C-II, C-III = 50 feet
I-I, I-II = 50 feet

The criteria for establishing the buffer zone is found in the "Non-Residential Site Plan Review Regulations" and "Subdivision Regulations" of the Town of Londonderry, as amended.

- 3.6.4.5 Parking - ~~There shall be 1.2 parking spaces per bedroom in each unit.~~ The Planning Board shall carefully consider the location of parking, the parking area and the parking area's access to the unit it serves in keeping with its attendant use by the elderly.

Deleted: There shall be two (2) parking spaces per dwelling unit.

- 3.6.4.6 Building Height - The building height shall not exceed thirty-five (35) feet.

Deleted: Elderly – There shall be two (2) parking spaces per dwelling unit.
Elderly Affordable – There shall be 1.2 parking spaces per dwelling unit.

- 3.6.4.7 Dwelling Units - ~~The base population shall not exceed an average of two persons per unit for the site. A site specific floor plan shall be part of the approval process and all designs shall reflect full time occupancy of no greater than two residents per unit.~~

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- 3.6.4.7.1 ~~Elderly – The standard unit will be two (2) bedrooms.~~

- 3.6.4.7.2 ~~Elderly Affordable – The majority of standard units shall be one bedroom units. There may also be two bedroom units.~~

Deleted: The standard dwelling unit will be two (2) bedrooms.

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- 3.6.4.8 Open Space

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- 3.6.4.8.1 ~~Elderly - Open space as defined elsewhere in this section of the zoning ordinance shall constitute no less than seventy (70) percent of the gross tract area of the site.~~

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- 3.6.4.8.2 ~~Affordable Elderly - Open space as defined elsewhere in this section of the zoning ordinance shall constitute no less than fifty (50) percent of the gross tract of the site.~~

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- 3.6.4.9 ~~Required Support Facility/Service Uses - The applicant shall be required to demonstrate the provision of support facilities and/ or services specifically designed to meet the physical and social needs of older persons, OR if provision of such facilities and services is not practicable, that the proposed elderly housing is necessary to provide important housing opportunities for older persons. Consideration of support facilities and services shall include, but not be limited to:~~

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Deleted: Support facilities for housing for the elderly may include, but shall not be limited to the following

- 3.6.4.9.1 ~~Religious Facility~~

Deleted: Non-denominational chapel;

- 3.6.4.9.2 ~~"Neighborhood" market;~~

- 3.6.4.9.3 ~~Recreational facilities (i.e., card rooms, swimming pool, meeting room, video room, music room, etc.);~~

Deleted:

- 3.6.4.9.4 Postal sub-station;
- 3.6.4.9.5 Medical sub-station (i.e., first aid, pharmacy, circuit health-care, etc.)/Emergency and preventative health care services
- 3.6.4.9.6 Library;
- 3.6.4.9.7 Circuit Veterinary Care.
- 3.6.4.9.8 Programs designed to provide a social life for residents
- 3.6.4.9.9 Continuing education programs of interest to residents
- 3.6.4.9.10 Information and counseling services
- 3.6.4.9.11 Homemaker services
- 3.6.4.9.12 Services designed to assist residents with the maintenance and upkeep of buildings and grounds
- 3.6.4.9.13 An accessible physical environment
- 3.6.4.9.14 Congregate dining facilities
- 3.6.4.9.15 Transportation to facilitate access to social services
- 3.6.4.9.16 Referral services

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In demonstrating that Support Facilities and/or Services are provided, it is not required that all of the services listed above are being provided.

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It is intended under this Section that the applicant comply with NH and Federal law which imposes similar requirements. To the extent that a NH or Federal regulatory agency concluded that the applicant has not fully complied with this Section, the applicant must comply with such NH and Federal requirements as provided in Section 3.6.1 and RSA 354-A:15.

In the Planning Board's deliberations the Board shall give strong consideration to the needs of elderly, not the applicant.

Deleted: to allow any nonresidential use as support facilities,

Deleted: Planning

- 3.6.4.10 Site Ownership - At the time of application, the entire site shall either be under one owner, or documents shall be submitted with application that show that all owners of record have applied to the Planning Board for consolidation, pending approval of the site plan.
- 3.6.4.11 Agreements, Restrictions and Provisions - All agreements, deed restrictions and organizational provisions for methods of management and maintenance of the common land, roads, utilities and support facilities shall be approved by the Planning Board, and shall indicate that occupancy is restricted to persons age 55 or over, in accordance with State and Federal Fair Housing law.
- 3.6.4.12 Road Construction - All roads and drives in a site shall be privately owned and maintained. Street design and construction is subject to the approval of the Planning Board. Easements for emergency access and relief from liability shall be given to the Town in a form acceptable to Town counsel.
- 3.6.4.13 Review - Any proposed elderly housing development shall be subject to the "Non-Residential Site Plan Review Regulations" of the Town of Londonderry, as amended.
- 3.6.4.14 Density - Maximum density shall be determined as follows:

- 3.6.4.14.1 From Gross Tract Area subtract:
 - Areas of slopes greater than fifteen (15) percent;
 - Wetlands;

Deleted: For Elderly

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Deleted: - Soils classified as poorly and very poorly drained;

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- 3.6.4.14.2 The resulting calculation shall be called "net tract area" and shall be the basis for density determinations as follows:

Deleted: - Bodies of standing water.

- 3.6.4.14.2.1 Elderly Housing - Sites with P.U.C. regulated municipal water and sewer disposal system: No greater than six (6) dwelling units per acre.

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3.6.4.14.2.1.1 Elderly Affordable Housing – Sites with P.U.C. regulated municipal water and sewer Disposal system: No greater than twelve (12) bedrooms per acre, which can be incorporated as a mix of one and two bedroom units.

3.6.4.14.2.2 For sites without municipal sewer: An area or areas shall be set aside in perpetuity and designated for sewerage disposal, its capacity shall be determined for acceptance on leachate on a site specific basis. The density shall be determined by using the State of New Hampshire criteria for flowage for housing for the elderly on a per bedroom basis and dividing that number into the capacity of the site and then multiplied by a safety factor of eighty (80) percent.

3.6.5 Conditional Use Permits

3.6.5.1 Prior to Planning Board action on any site plan for Affordable Elderly Housing, which requires a Conditional Use Permit, the Board must have already granted the Conditional Use Permit. The Conditional Use Permit may be sought either separately or concurrently with Site Plan approval.

3.6.5.2 The following criteria must be satisfied in order to the Planning Board to grant a Conditional Use Permit for Elderly Affordable Housing. The applicant shall demonstrate that:

3.6.5.2.1 All criteria outlined in Section 3.6, as applicable to the application have been met;

3.6.5.2.2 The proposed Affordable Elderly Housing use is consistent with the Objectives and Characteristics of the District, Section 3.6.1;

3.6.5.2.3 Granting of the application would meet some public need or convenience;

3.6.5.2.4 Granting of the application is in the public interest;

3.6.5.2.5 The application demonstrated that the proposed Affordable Elderly Housing for which the Conditional Use Permit is sought does not impact the general health, safety, and general welfare of the Town, and provides for a housing need for an elderly population whose income level meets the standards and requirements of either the US Department of Housing & Urban Development (HUD) or the NH Housing Finance Authority (NHHFA) for appropriate subsidies and/or rental assistance.

3.6.5.2.6 Documentation has been provided to insure the long term affordability of the project.

3.6.5.2.7 The property in question is reasonably suited for the use requested, and the design of the site represents to the extent practicable the preservation of natural resources, open space, and does not create a hazard to surface or underground water resources.

3.6.6 Limitation on the Number of Elderly Housing Units

3.6.6.1 The Planning Board shall not accept for consideration any proposal which, if approved, would increase the total number of all elderly housing units in Londonderry, existing and proposed, above a number representing the percentage of units greater than the percentage of persons age 55 and older residing in Londonderry as calculated by the most recent US Census. (For example, if the percentage of persons over age 55 in Londonderry is 13%, not more than 13% of the total number of dwelling units in Londonderry may be Elderly Housing).

3.6.6.2 The Planning Board, may, by Conditional Use Permit, allow for Affordable Elderly Housing to exceed the percentage cap if the proposal meets all of the criteria from Section 3.6.5.2 and also provides documentation from the NH Office of Energy & Planning that the percentage of elderly residents residing in Rockingham County has

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All uses permitted by Conditional Use Permit in the Elderly Housing District are subject to site plan review by the Planning Board. Prior to Planning Board Approval of a Conditional Use Permit, the applicant must demonstrate, Through the Impact Assessment requirements of Section ____, that the proposal will meet all of the appropriate performance standards of Section ____, the Site Plan Regulations, the Subdivision Regulations, and shall be consistent with the purpose and intent of the Elderly Affordable Housing District in Section ____.

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Deleted: or subdivision

Deleted: a use

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Deleted: <#>Uses Permitted by Conditional Use Permit¶
<#>Elderly Affordable Housing¶
<#>Administration of Conditional Use Permits – As provided for in RSA 674:21, Innovative Land Use Control, this Section of the zoning ordinance shall provide for the granting of conditional use permits, by the Planning Board, as follows:¶
<#>The Planning Board shall then vote either to approve a Conditional Use Permit as presented, approve it with conditions, or deny it.¶
<#>Prior to construction commencing on any use that is granted a ... [1]

Deleted: <#>The applicant may also be assessed reasonable fees t... [2]

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Deleted: purpose and intent

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Deleted: is not greater than 60% of the median income for Rocking... [3]

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increased more than 2% from the information available for the County from the most recent US Census.

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF FEBRUARY 7, 2007 AT THE MOOSE HILL COUNCIL**
3 **CHAMBERS**
4

5 7:00 PM: Members Present: Art Rugg; Paul DiMarco; Mary Soares; Rob Nichols; Charles
6 Tilgner, P.E., Ex-Officio; Rick Brideau, Ex-Officio; Lynn Wiles, alternate member
7

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

11 A. Rugg called the meeting to order at 7:00 PM. A. Rugg appointed L. Wiles to vote for
12 J.Farrell.
13

14 **Administrative Board Work**
15

16 A. Regional Impact Determinations
17

18 T. Thompson summarized the staff memo, recommending that the three items are not of
19 regional impact: (Map/Lot numbers: 15-58, 64-1, 16-62 & 62-1, 14-44-11)

20 **P. DiMarco made a motion to accept the staff recommendations for the regional**
21 **impact determinations. M. Soares seconded the motion.** No discussion. **Vote on the**
22 **motion: 7-0-0.** The three items were determined to be not of regional impact.
23

24 B. Extension Request - Conditionally Approved Benson's Hardware Site Plan - Requesting
25 60 additional days
26

27 T. Thompson referenced the memo from Lynn Zebrowski from Keach-Nordstrom
28 requesting an extension of 60 days, but staff recommends 120 days so the applicant can
29 meet all conditions of approval, if the board approves.

30 **P. DiMarco made a motion to extend conditional approval for 120 days, to June 6,**
31 **2007. M. Soares seconded the motion.** No discussion. **Vote on the motion: 7-0-0.**
32 Extension to June 6, 2007 granted.
33

34 C. Extension Request - Conditionally Approved Insight Technology Parking Expansion Site
35 Plan - Requesting 60 additional days
36

37 T. Thompson referenced the memo from Todd Connors from Sublime Civil Consultants
38 requesting an extension of conditional approval for 60 days, but staff recommends 120
39 days so the applicant can meet all conditions of approval, if the board approves.

40 **P. DiMarco made a motion to extend conditional approval for 120 days to June 6,**
41 **2007. M. Soares seconded the motion.** No discussion. **Vote on the motion: 7-0-0.**
42 Extension to June 6, 2007 granted.
43

44 D. Plans to Sign - ASGITISDI LLC Site Plan, Map 6, Lot 37 & 38
45

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

48 **M. Soares made a motion to authorize the Chair and Secretary to sign the plans. R.**
49 **Nichols seconded the motion.** No discussion. **Vote on the motion: 7-0-0.** A.Rugg said
50 the plans will be signed at the conclusion of the meeting.
51

- 1
2 E. Plans to Sign - Tate Subdivision, Map 2, Lot 28-10
3
4 J. Trottier said all conditions for approval have been met and the staff recommends
5 signing the plans.
6 **M. Soares made a motion to authorize the Chair and Secretary to sign the plans. R.**
7 **Nichols seconded the motion.** No discussion. **Vote on the motion: 7-0-0.** A.Rugg said
8 the plans will be signed at the conclusion of the meeting.
9
10 F. Plans to Sign - 7-Eleven Inc. & Firetree Realty Trust Lot Line Adjustment, Map 7, Lot 119-
11 1 & 119-2
12
13 J. Trottier said all conditions for approval have been met and the staff recommends
14 signing the plans.
15 **M. Soares made a motion to authorize the Chair and Secretary to sign the plans. R.**
16 **Nichols seconded the motion.** No discussion. **Vote on the motion: 7-0-0.** A.Rugg said
17 the plans will be signed at the conclusion of the meeting.
18
19 G. Approval of Minutes – January 3 & 10
20
21 **P. DiMarco made a motion to approve the minutes from the January 3 meeting. R.**
22 **Brideau seconded the motion.** No discussion. **Vote on the motion: 6-0-1** (M.Soares
23 abstained because she was absent from that meeting).
24
25 **P. DiMarco made a motion to approve the minutes from the January 10 meeting. R.**
26 **Brideau seconded the motion.** No discussion. **Vote on the motion: 6-0-1** (M.Soares
27 abstained because she was absent from that meeting).
28
29 Minutes are approved and will be signed at the February 14 meeting.
30
31 H. Discussions with Town Staff - Vista Ridge Dumpster Relocation
32
33 T. Thompson asked the board for direction on this issue and offered a few choices:
34 1) The board can say it's ok.
35 2) The board can ask staff to administratively approve and work with the applicant to
36 address any issues the board may have.
37 3) The board can request that the application come back for an additional public
38 hearing for the change.
39
40 The board was displeased with the applicant doing the work prior to getting approval from
41 the board. The board decided to ask staff to administratively approve and work with the
42 applicant to address any issues the board may have.
43
44 A. Rugg said the elderly housing ordinance public hearing has been tabled & postponed
45 by the Town Council. Brian Farmer, Town Council Chair, and Marty Bove, Town
46 Councilor, said there will be a public hearing Feb. 19, and invited the Board to attend.
47
48 A. Rugg said the DOT will be having a meeting Tues. 2/13 at 7PM to discuss the Route
49 102 to Buttrick Rd improvements planned by NHDOT.
50

1
2 **Public Hearings**

- 3
4 A. Elmer A. Pease, II, Map 10, Lot 92 - Continued Application Acceptance and Public
5 Hearing for a 2 lot Subdivision. - ***Request Continuance to March 7, 2007***

6
7 T. Thompson referenced the letter from the applicant's engineer requesting the
8 continuance. The applicant has still not obtained the required sewer discharge permit.
9 **P. DiMarco made a motion to continue the application acceptance and public**
10 **hearing to March 7, 2007 at 7pm. M. Soares seconded the motion.** No discussion.
11 **Vote on the motion: 7-0-0.** A. Rugg said this is the only public notice.

- 12
13
14 B. Terra Firma Real Estate, Map 15, Lot 3 - Application Acceptance and Public Hearing for a
15 2 lot subdivision and a Conditional Use Permit.

16
17 T. Thompson stated that there are no outstanding checklist items, and staff recommends
18 the application be accepted as complete.

19 **P. DiMarco made a motion to accept the application as complete. M. Soares**
20 **seconded the motion.** No discussion. **Vote on the motion: 7-0-0.**
21 Application is accepted as complete.

22
23 George Chadwick from Eric Mitchell gave an overview of their plans.

24 J. Trottier read the memo with staff recommendations. He also stated that staff supports
25 the waiver request for plan scale. T. Thompson stated staff recommends approval of the
26 Conditional Use Permit, as recommended by the Conservation Commission, and that staff
27 recommends conditional approval of the project. A. Rugg asked for public input, but there
28 was none.

29
30 **P. DiMarco made a motion to grant the waiver for the plan scale based on the**
31 **applicant's letter & staff recommendations. M. Soares seconded the motion.** No
32 discussion. **Vote on the motion: 7-0-0.**

33
34 **P. DiMarco made a motion to grant a conditional use permit based on staff**
35 **recommendation. M. Soares seconded the motion.** No discussion. **Vote on the**
36 **motion: 7-0-0.**

37
38 **P. DiMarco made a motion to conditionally approve this plan with the following**
39 **conditions:**

40
41 "Applicant", herein, refers to the property owner, business owner, or organization
42 submitting this application and to his/its agents, successors, and assigns.

43
44 **PRECEDENT CONDITIONS**

45
46 All of the precedent conditions below must be met by the Applicant, at the expense of the
47 Applicant, prior to certification of the plans by the Planning Board. Certification of the
48 plans is required prior to commencement of any site work, any construction on the site or
49 issuance of a building permit.

- 50
51
52 1. The Applicant shall address the following relative to the revised Drainage
53 Summary Report:
54 A. The 10-year predevelopment analysis at pond 1P (upstream culvert inlet at
55 Hall Road) indicates 9.03 cfs contribute to the inlet with the peak elevation

- 1 of 280.01 that would appear to overtop the existing roadway. Under the
2 post development analysis, only 1.95 cfs contribute to the inlet. It appears
3 the predevelopment analysis is not consistent with the post development
4 analysis. The Applicant shall review, explain and revise as necessary.
- 5 B. The revised post development plan indicates elevations 273.20 and 273.80
6 relative to pond 10 with this submission. Under the 10-year post
7 development condition, pond 10 routing analysis indicates the peak
8 elevation of 273.56 and the 50-year elevation for this pond is noted at
9 elevation 273.80. The post development plan indicates a 273.80 line that
10 appears to encroach on abutting lot 179 near the culvert. The Applicant
11 shall provide additional information and provide an enlarged detail of this
12 area to clarify the 50-year limits as related to the property line. The
13 predevelopment analysis does not address the existing elevation in this
14 location. The Applicant shall verify compliance with the regulations (no
15 increase in runoff).
- 16
- 17 2. The Applicant shall address the following relative to the submitted sewer system
18 information:
- 19 A. The Applicant shall update note 2 of the sewer system notes to reference
20 the latest testing requirements per Env-Wq 704.07. In addition, the
21 Applicant shall update the notes to include appropriate notes per Env-Wq
22 704.06.
- 23 B. The Applicant shall update the typical sewer/force main trench to indicate
24 the proper pavement thickness. In addition, the Applicant shall revise the
25 cross country notes to eliminate the use of topsoil, peat or loam, which are
26 unacceptable.
- 27 C. The revised details include thrust blocks for the force main. The Applicant
28 shall provide details for construction and placement of the thrust blocks.
- 29
- 30 3. The Applicant shall indicate the Town of Londonderry sewer discharge permit
31 approval number in note 9 on sheet 1 and address the comments of the Sewer
32 Division.
- 33
- 34 4. Note all waivers granted on the plan...
- 35
- 36 5. Outside consultant's fees shall be paid within 30 days of approval of plan.
- 37
- 38 6. The Applicant shall provide a digital (electronic) copy of the complete final plan
39 sent to the Town at the time of signature by the Board in accordance with Section
40 2.06.N of the regulations.
- 41
- 42 7. Financial guaranty if necessary.
- 43
- 44 8. Final engineering review.
- 45
- 46 **PLEASE NOTE -** Once these precedent conditions are met and the plans are certified
47 the approval is considered final. If these conditions are not met within 2 years to the day of
48 the meeting at which the Planning Board grants conditional approval the board's approval
49 will be considered to have lapsed and re-submission of the application will be required.
50 See RSA 674:39 on vesting.
- 51

1
2 **GENERAL AND SUBSEQUENT CONDITIONS**
3

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

- 5
6
7 1. **No construction or site work may be undertaken until the pre-construction meeting with Town staff has taken place, filing of an NPDES-EPA Permit (if applicable) and the site restoration financial guaranty is in place with the Town.** Contact the Department of Public Works to arrange for this meeting.
8
9
10
11
12 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.
13
14
15
16
17 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.
18
19
20
21
22
23 4. All site improvements must be completed prior to the issuance of a certificate of occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstance), the Building Department may issue a certificate of occupancy prior to the completion of landscaping improvements, if agreed upon by the Planning & Public Works Departments, when a financial guaranty (see forms available from the Public Works Department) and agreement to complete improvements are placed with the Town. The landscaping shall be completed within 6 months from the issuance of the certificate of occupancy, or the Town shall utilize the financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. **No other improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving a certificate of occupancy.**
24
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38 5. As built plans must to be submitted to the Public Works Department prior to the release of the Applicant's financial guaranty.
39
40
41 6. All required School, Library, Recreation, Police Facility, West Side Fire District and Traffic impact fees must be paid prior to the issuance of a Certificate of Occupancy.
42
43
44
45 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 Department at extension 115 regarding building permits.
46
47
48
49

50 **M. Soares seconded the motion. No discussion. Vote on the motion: 7-0-0.**
51 Plan is Conditionally Approved.
52

- 1
2 C. Tarkka Homes, Map 15, Lot 215-1 - Application Acceptance and Public Hearing for a Site
3 Plan and Conditional Use Permit to construct a 44 unit Elderly Housing development. -
4 **Request Continuance to March 7, 2007**

5
6 T. Thompson referenced the letter from the applicant's engineer requesting the
7 continuance. The applicant has still not obtained the required state permits.

8 **P. DiMarco made a motion to continue the application acceptance and public**
9 **hearing to March 7, 2007 at 7pm. M. Soares seconded the motion.** No discussion.

10 **Vote on the motion: 7-0-0.** A. Rugg said this is the only public notice.

11 T. Thompson said the applicant will however be back before the Planning Board next
12 week for a conceptual regarding roadways, pedestrian access, and other amenities.

- 13
14 D. Sugar Plum Hill Elderly Housing, Map 10, Lot 13 - Public Hearing for an amendment to
15 the approved site plan to indicate project phasing in accordance with the Zoning
16 Ordinance & a request for waiver to the School Impact Fees.

17
18 Philip Hastings, Cleveland, Water and Bass with Rick Welch from Sugar Plum LLC
19 presented their requests. P. Hastings said they would like to allow one of the occupants of
20 each unit to be under 55 & are asking for a waiver to the school impact fees. The applicant
21 & developer also understand this project will require phasing, therefore they are asking for
22 an amendment to the approved site plan. He also said that no one 18 years or younger
23 would be allowed to occupy a unit for over 30 days.

24
25 J. Trottier read the memo with staff recommendations.

26 T. Thompson recalled other cases where the board has granted waivers to the school
27 impact fees. He said in those cases the applicants had restricted occupancy to 100%
28 elderly or had restrictive covenants that limited occupancy from those of school age.
29 He said we should add to the plan notes regarding any language restricting occupancy
30 from school age occupants if the Board decided to grant the waiver.

31 P. Hastings said the owners of units must be 55+.

32 L.Wiles asked what would happen if the owner died and the other occupant was under 55.

33 P.Hastings said they would still remain within the law if that happened.

34 **L. Wiles asked if this application would be treated any more leniently than other projects in**
35 **terms of phasing and impact fees. T. Thompson stated that the phasing was in**
36 **accordance with the requirements of the zoning ordinance, and that similar school impact**
37 **fee waivers similar to this had been approved by the Board in the past.**

38 R. Nichols was concerned that by allowing (hypothetically) up to 50% of the collective
39 occupants to be under 55 years of age, this unfortunately was not targeting housing stock
40 for the population of which the ordinance was designed to support. He empathized with
41 the argument of a spouse being slightly younger than 55, and potentially limiting those
42 individuals from this type of housing, so he respectfully suggested a second occupant be
43 45 years old for consideration.

44 T. Thompson strongly recommended not swaying from the voluntary 100% occupancy and
45 that requiring any different percentage breakdowns could run into conflict with Federal and
46 State law. School impact fees for these types of units are approximately: Single detached
47 2-bdrm \$4,031, attached town house \$6,250 per unit. 8 units of the 36 are attached town
48 houses.

49 L. Wiles, M. Soares & P. DiMarco felt the age of a surviving occupant should be no lower
50 than 21 if the elderly owner dies.

51 A. Rugg asked for public input.

52 Joe Maggio of 17 Courtland St. said he felt the age should stay at 55+.

1 The applicant said they already have a tentative agreement with one potential owner
2 under 55, which will only go through if the board approves.

3 Joe Maggio said he's concerned that we set a precedent with the Nevins and as a
4 taxpayer he is concerned about the number of units the impact fees would be waived on.
5 George Herrmann, School Board, respectfully requested that the board decline this
6 request. He said the town has a responsibility to educate special needs children until the
7 age of 21. He said the age of 21 would be acceptable.

8 Joe Maggio said just because we waived the impact fees for Nevins & partially for Parrish
9 Hills we don't have to keep letting this happen.

10 A. Rugg suggested we consult legal counsel and then continue this discussion.

11
12 **P. DiMarco made a motion to grant conditional approval of the waiver for school**
13 **impact fees with the following condition: That the condo documents be amended**
14 **to include the following language, and also be noted on the plan: "Each unit shall**
15 **be used as the primary residence for and by older persons, at least one (1) of whom**
16 **shall be 55 years of age or older and in no event shall any unit be occupied by any**
17 **person twenty-one (21) years of age or younger for more than thirty (30) days in any**
18 **twelve (12) month period." R. Brideau seconded the motion. No discussion. Vote on**
19 **the motion: 4-3-0. (P. DiMarco, M. Soares, R. Nichols voted no)**

20
21 **P. DiMarco made a motion to conditionally approve the amendment to the approved**
22 **site plan with the following conditions.**

23
24 "Applicant", herein, refers to the property owner, business owner, or organization
25 submitting this application and to his/its agents, successors, and assigns.

26
27 **PRECEDENT CONDITIONS**

28
29 All of the precedent conditions below must be met by the Applicant, at the expense of the
30 Applicant, prior to certification of the plans by the Planning Board. Certification of the
31 plans is required prior to commencement of any site work, any construction on the site or
32 issuance of a building permit.

33
34 1. The Applicant shall update the condo documents as necessary following review by
35 the Town's Counsel.

36
37 2. Note all waivers granted on the plan, with the following condition:

38
39 Add the following note to the plan "Each unit shall be used as the primary
40 residence for and by older persons, at least one (1) of whom shall be 55 years of
41 age or older and in no event shall any unit be occupied by any person twenty-one
42 (21) years of age or younger for more than thirty (30) days in any twelve (12)
43 month period."

44
45 3. Town Counsel's review fees shall be paid within 30 days of approval of plan.

46
47 4. The Applicant shall provide a digital (electronic) copy of the complete final plan
48 sent to the Town at the time of signature by the Board in accordance with Section
49 2.06.N of the regulations.

50
51 5. Financial guaranty if necessary.

52
53 6. Final engineering review.

1
2 **PLEASE NOTE** - Once these precedent conditions are met and the plans are certified
3 the approval is considered final. If these conditions are not met within 120 days to the day
4 of the meeting at which the Planning Board grants conditional approval the board's
5 approval will be considered to have lapsed and re-submission of the application will be
6 required. See RSA 674:39 on vesting.
7

8 **GENERAL AND SUBSEQUENT CONDITIONS**
9

10 All of the conditions below are attached to this approval.
11

- 12 1. **No construction or site work may be undertaken until the pre-construction**
13 **meeting with Town staff has taken place, filing of an NPDES-EPA Permit (if**
14 **applicable) and the site restoration financial guaranty is in place with the**
15 **Town.** Contact the Department of Public Works to arrange for this meeting.
16
- 17 2. The project must be built and executed exactly as specified in the approved
18 application package unless modifications are approved by the Planning
19 Department & Department of Public Works, or if staff deems applicable, the
20 Planning Board.
21
- 22 3. All of the documentation submitted in the application package by the Applicant and
23 any requirements imposed by other agencies are part of this approval unless
24 otherwise updated, revised, clarified in some manner, or superseded in full or in
25 part. In the case of conflicting information between documents, the most recent
26 documentation and this notice herein shall generally be determining.
27
- 28 4. All site improvements must be completed prior to the issuance of a certificate of
29 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
30 circumstances that prevent landscaping to be completed (due to weather
31 conditions or other unique circumstance), the Building Department may issue a
32 certificate of occupancy prior to the completion of landscaping improvements, if
33 agreed upon by the Planning & Public Works Departments, when a financial
34 guaranty (see forms available from the Public Works Department) and agreement
35 to complete improvements are placed with the Town. The landscaping shall be
36 completed within 6 months from the issuance of the certificate of occupancy, or the
37 Town shall utilize the financial guaranty to contract out the work to complete the
38 improvements as stipulated in the agreement to complete landscaping
39 improvements. **No other improvements shall be permitted to use a financial**
40 **guaranty for their completion for purposes of receiving a certificate of**
41 **occupancy.**
42
- 43 5. As built plans must to be submitted to the Public Works Department prior to the
44 release of the Applicant's financial guaranty.
45
- 46 6. All required impact fees must be paid prior to the issuance of a Certificate of
47 Occupancy.
48
- 49 7. It is the responsibility of the Applicant to obtain all other local, state, and federal
50 permits, licenses, and approvals which may be required as part of this project (that
51 were not received prior to certification of the plans). Contact the Building
52 Department at extension 115 regarding building permits.
53

1 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 5-2-0** (R.
2 Nichols, M. Soares voted no). The amendment is Conditionally Approved.
3

4 E. Richard P. Innie Jr., Map 11, Lots 102 & 102-6 - Application Acceptance and Public
5 Hearing for a Lot Line Adjustment.
6

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

10 **M. Soares made a motion to accept application as complete. R. Nichols seconded**
11 **the motion.** No discussion. **Vote on the motion: 7-0-0.** Application accepted as
12 complete.
13

14 Joe Wichert, Engineer gave an overview of their plans.
15

16 J. Trottier read the memo with staff recommendations, and recommended the 3 waivers
17 for Topography & HISS for the entire lot, and benchmarks. T. Thompson stated staff
18 recommends conditional approval. A. Rugg asked for public input, but there was none.
19

20 **P. DiMarco made a motion to grant the 3 waivers for topography & HISS for the**
21 **entire lot, and the number of benchmarks, based on the applicant's letter & staff**
22 **recommendations. M. Soares seconded the motion.** No discussion. **Vote on the**
23 **motion: 7-0-0.**
24

25 **P. DiMarco made a motion to conditionally approve the lot line adjustment with the**
26 **following conditions:**
27

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

31 **PRECEDENT CONDITIONS**

32

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

- 38 1. The Applicant shall address the following on the Lot Line Adjustment Plan:
 - 39 A. The Applicant shall indicate and label the existing septic system (leach bed)
40 serving the existing house on the new lot 102. The Applicant shall update the
41 topographic plan accordingly.
 - 42 B. The Applicant shall provide the Owner's signatures on the plans in accordance
43 with the regulations.
 - 44 C. The well protective radius within the ROW does not comply with section 3.06.B
45 of the regulations. The Applicant shall remove the well protective radius from
46 the ROW. In addition, the Applicant shall provide documentation the abutter at
47 lot 102-4 has agreed to the well radius shown for the Planning Department's
48 file.
- 49 2. The Applicant shall provide a signature for certification for driveway sight distance
50 on sheet 4.
51
52

- 1 3. Note all waivers granted on the plan.
- 2
- 3 4. Outside consultant's fees shall be paid within 30 days of approval of plan.
- 4
- 5 5. The Applicant shall provide a digital (electronic) copy of the complete final plan
- 6 sent to the Town at the time of signature by the Board in accordance with Section
- 7 2.06.N of the regulations.
- 8
- 9 6. Financial guaranty if necessary.
- 10
- 11 7. Final engineering review.
- 12

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

18

19 **GENERAL AND SUBSEQUENT CONDITIONS**

20

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

22

- 23 1. The project must be built and executed exactly as specified in the approved
- 24 application package unless modifications are approved by the Planning
- 25 Department & Department of Public Works, or if staff deems applicable, the
- 26 Planning Board.
- 27
- 28 2. All of the documentation submitted in the application package by the Applicant and
- 29 any requirements imposed by other agencies are part of this approval unless
- 30 otherwise updated, revised, clarified in some manner, or superseded in full or in
- 31 part. In the case of conflicting information between documents, the most recent
- 32 documentation and this notice herein shall generally be determining.
- 33
- 34 3. It is the responsibility of the Applicant to obtain all other local, state, and federal
- 35 permits, licenses, and approvals which may be required as part of this project (that
- 36 were not received prior to certification of the plans). Contact the Building
- 37 Department at extension 115 regarding building permits.
- 38

39 **M. Soares seconded the motion.** No discussion. **Vote on the motion: 7-0-0.** Plan is
40 Conditionally Approved.

- 41
- 42 F. Coca-Cola Bottling Co. of NE, Map 15, Lot 98 - Application Acceptance and Public
- 43 Hearing for a Site Plan and Conditional Use Permit to construct a 32,000 square foot
- 44 addition.

45

46 T. Thompson stated that there are no outstanding checklist items, and staff recommends

47 the application be accepted as complete.

48

49 **M. Soares made a motion to accept the application as complete. R. Nichols**

50 **seconded the motion.** No discussion. **Vote on the motion: 7-0-0.** Application is

51 accepted as complete.

52

53 Chris Rice, TF Moran & Paul Hill from Coca-Cola gave an overview of their plans.

54

1
2 J. Trottier read the memo with staff recommendations and recommended approval of the 6
3 waivers (plan scale, interior parking lot landscaping, benchmarks, cover over drainage
4 pipes, topography for the entire lot, and site plan fees). T. Thompson said staff
5 recommends granting the conditional use permit based on the recommendation of the
6 Conservation Commission, and recommends conditional approval of the project. He also
7 recommended that the \$35,000 contribution to the traffic signal at Symmes/Rockingham
8 Road intersection, agreed to by Coca-Cola in 2000, be a precedent condition of the
9 approval, and that the applicant obtain clarification from the ZBA on the number of parking
10 spaces that are now required under the granted variance. He stated that Coca-Cola has
11 provided sufficient backup information relative to the traffic to satisfy the previous concerns
12 of the Board and staff. A. Rugg asked for public input, but there was none.

13
14 **P. DiMarco made a motion to grant the 6 waivers (plan scale, interior parking lot**
15 **landscaping, benchmarks, cover over drainage pipes, topography for the entire lot,**
16 **and site plan fees) based on the applicant's letter & staff recommendations. R.**
17 **Nichols seconded the motion. No discussion. Vote on the motion: 7-0-0.**

18
19 **P. DiMarco made a motion to grant a conditional use permit with the**
20 **recommendations from the Conservation Commission, and based on staff**
21 **recommendation. M. Soares seconded the motion. No discussion. Vote on the**
22 **motion: 7-0-0.**

23
24 **P. DiMarco made a motion to conditionally approve this plan with the following**
25 **conditions:**

26
27 "Applicant", herein, refers to the property owner, business owner, or organization
28 submitting this application and to his/its agents, successors, and assigns.

29
30 **PRECEDENT CONDITIONS**

31
32 All of the precedent conditions below must be met by the Applicant, at the expense of the
33 Applicant, prior to certification of the plans by the Planning Board. Certification of the
34 plans is required prior to commencement of any site work, any construction on the site or
35 issuance of a building permit.

- 36
37 1. The Applicant shall review and revise the grading plan to indicate the proposed
38 308 contour along the driveway and proposed treatment swale on sheet 12, which
39 appears to match at the existing 310 contour.
40
41 2. The Applicant shall address the following relative to the revised drainage report:
42 A. The post development analysis for reach 73 indicates a proposed swale width
43 of 35 feet at elevations 306.60 to 306.00 and a length of 187 feet. However,
44 only a portion of the swale length (approximately 50 feet) would likely be at the
45 noted width. The Applicant shall note that a portion of the swale length also
46 appears to be less than 25 feet wide. It appears the majority of the swale
47 averages approximately 25 feet wide as can be scaled between proposed
48 contours 308 indicated on the grading plan and thus the swale should be
49 significantly less than used in the analysis. The Applicant shall revise the
50 analysis to indicate a swale width consistent with the majority (i.e. 25 feet) or
51 revise the grading to provide a swale consistent with the design. The
52 Applicant shall update the design information on the plans accordingly.

1 B. The large scale information provided relative to reach 72 located at the
2 southwesterly corner of the site appears to indicate upland area exists
3 between the abutting property corner with lot 80-2. However, the provided
4 spot elevations appear to indicate the grading in this area as sloping greater
5 toward abutting lot 80-2 vs. toward pond 100. It is unclear that there is an
6 upland area between the noted wetlands, since the spot elevations are not
7 consistent. The Applicant shall clarify how the drainage flow (runoff) direction
8 were determined in this area. The Applicant shall verify compliance with the
9 regulations (no increase in runoff).

10
11 3. The Applicant shall verify the existing profile information on the revised site
12 distance plan for the proposed new driveway access at Jack's Bridge Road that
13 does not appear to be consistent with the elevations noted in the profile. The
14 Applicant shall verify proper sight distance is provided in accordance with the
15 regulations.

16
17 4. The Applicant shall update the cover sheet to properly indicate the NHDES
18 Wetland Permit (vs. Town Site Plan). In addition, the Applicant shall list and note
19 the Town of Londonderry Sewer Discharge Permit number on this sheet.

20
21 5. The Applicant shall verify the proposed hydrant locations meet the approval of the
22 Fire Department as shown on the utility plan.

23
24 6. The Applicant shall pay the \$35,000 contribution towards the upgrade to the
25 intersection of Symmes Drive and Rockingham Road, as was agreed to in the
26 letter from Coca-Cola to the Town of Londonderry on February 25, 2000, prior to
27 the Planning Board granting final approval (signing) of the site plan.

28
29 7. The Applicant shall provide clarification from the Zoning Officer or the ZBA
30 regarding the parking variance received, to clarify what the minimum number of
31 spaces required is under the granted variance. The decision notice and minutes
32 from the Zoning Board meeting of December 20, 2006 do not clearly indicate what
33 number of spaces are required under the variance.

34
35 8. Note all waivers granted on the plan.

36
37 9. Outside consultant's fees shall be paid within 30 days of approval of plan.

38
39 10. The Applicant shall provide a digital (electronic) copy of the complete final plan
40 sent to the Town at the time of signature by the Board in accordance with Section
41 2.06.N of the regulations.

42
43 11. Financial guaranty if necessary.

44
45 12. Final engineering review.

46
47 **PLEASE NOTE -** Once these precedent conditions are met and the plans are certified
48 the approval is considered final. If these conditions are not met within 120 days to the day
49 of the meeting at which the Planning Board grants conditional approval the board's
50 approval will be considered to have lapsed and re-submission of the application will be
51 required. See RSA 674:39 on vesting.
52

1
2 **GENERAL AND SUBSEQUENT CONDITIONS**
3

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

- 6 1. **No construction or site work may be undertaken until the pre-construction**
7 **meeting with Town staff has taken place, filing of an NPDES-EPA Permit (if**
8 **applicable) and the site restoration financial guaranty is in place with the**
9 **Town.** Contact the Department of Public Works to arrange for this meeting.
10
11 2. The project must be built and executed exactly as specified in the approved
12 application package unless modifications are approved by the Planning
13 Department & Department of Public Works, or if staff deems applicable, the
14 Planning Board.
15
16 3. All of the documentation submitted in the application package by the Applicant and
17 any requirements imposed by other agencies are part of this approval unless
18 otherwise updated, revised, clarified in some manner, or superseded in full or in
19 part. In the case of conflicting information between documents, the most recent
20 documentation and this notice herein shall generally be determining.
21
22 4. All site improvements must be completed prior to the issuance of a certificate of
23 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
24 circumstances that prevent landscaping to be completed (due to weather
25 conditions or other unique circumstance), the Building Department may issue a
26 certificate of occupancy prior to the completion of landscaping improvements, if
27 agreed upon by the Planning & Public Works Departments, when a financial
28 guaranty (see forms available from the Public Works Department) and agreement
29 to complete improvements are placed with the Town. The landscaping shall be
30 completed within 6 months from the issuance of the certificate of occupancy, or the
31 Town shall utilize the financial guaranty to contract out the work to complete the
32 improvements as stipulated in the agreement to complete landscaping
33 improvements. **No other improvements shall be permitted to use a financial**
34 **guaranty for their completion for purposes of receiving a certificate of**
35 **occupancy.**
36
37 5. As built plans must to be submitted to the Public Works Department prior to the
38 release of the Applicant's financial guaranty.
39
40 6. All required Police Facility and Traffic impact fees must be paid prior to the
41 issuance of a Certificate of Occupancy.
42
43 7. It is the responsibility of the applicant to obtain all other local, state, and federal
44 permits, licenses, and approvals which may be required as part of this project (that
45 were not received prior to certification of the plans). Contact the Building
46 Department at extension 115 regarding building permits.
47

48 **M. Soares seconded the motion. No discussion. Vote on the motion: 7-0-0.**
49 **Plan is Conditionally Approved.**
50

1
2 C. Rice asked if the Planning Board would be willing to have a meeting to sign the plans
3 prior to the scheduled March meetings. The Board was generally OK with a special
4 meeting. A. Rugg said to check with staff and they will inform the Board of the need for a
5 meeting.
6

7 **Other Business**
8

9 T. Thompson asked if next week's conservation workshop could be postponed until March, to
10 allow for the Planning & Public Works staff to further work on the road design standards before
11 bringing the proposal back to the Board. The planning board agreed.
12

13 T. Thompson said some of the items to be discussed at the next planning board meeting on
14 February 14 will be:
15 Growth Management Ordinance Determination of Growth Sustainability – Public Hearing,
16 Flexible Industrial District – Public Hearing, Sanborn Road multi family project continued public
17 hearing on their waiver request for financial guarantees for off-site improvements, and Tarkka
18 Homes will have conceptual discussion regarding their requested waivers for roadways, and to
19 discuss pedestrian access and amenities.
20

21 **Adjournment:**
22

23 **M. Soares made a motion to adjourn the meeting. C. Tilgner seconded the motion. No**
24 **discussion. Vote on the motion: 7-0-0. Meeting adjourned at 9:32 PM.**
25

26
27 These minutes prepared by Cathy Dirsa, Planning Department Secretary.
28
29
30

31 Respectfully Submitted,
32

33 *Paul DiMarco*

34 Paul DiMarco, Secretary
35

2007 Determination of Growth Sustainability

Public Hearing

February 22, 2007

Regulatory Requirement for Public Hearing

- ▶ The Planning Board, in accordance with Section 1.4 (Growth Management and Innovative Land Use Control) of the Zoning Ordinance must make a determination of growth sustainability prior to March 1, 2007.
- ▶ The Board must also make a GMO determination using Section 1304 of the 1998 Growth Management Regulations as well.

Note on Evaluating the 2002 and 1998 GMO

- ▶ Both versions of the GMO will be combined this year because the end result will be the same.
- ▶ The current GMO requires that 2 of 3 criteria from Section 1.4 must be met to make a determination of "unsustainable growth."
- ▶ The 1998 GMO, from Section 1304, requires that 3 of 3 criteria must be met to make a determination of "unsustainable growth."

Evaluation Criterion 1: Local Growth

- ▶ The present year number of building permits authorized by the Building Department exceeds the average rate of dwelling unit authorizations in Londonderry over the six preceding calendar years.
 - The average number of permits authorized over the preceding six years is **118**. In 2006, Londonderry authorized **97** permits (**97 < 118**). **Condition not met.**
 - ▶ Section 1304 of the 1998 GMO requires that 3 of 3 conditions be met. Given that the first condition was not met, Section 1304 of the 1998 GMO will not meet the conditions of unsustainable growth. The remainder of the analysis will focus solely on the 2002 GMO.

Evaluation Criterion 2: Regional Growth

- ▶ A percentage increase in housing units over the preceding calendar year equal to [or greater than] the rate of increase in housing units for that preceding year summed across the six municipalities which abut Londonderry (Auburn, Derry, Hudson, Litchfield, Manchester, and Windham).
 - The information to evaluate this criterion is not yet available from the US Census Bureau. Staff has not evaluated this criterion.

Evaluation Criterion 3 (Part 1): Adequate School Facilities

- ▶ The rate of residential development at which the number of pupils projected by the Londonderry School Board to be enrolled in the Londonderry School System would not in any given year exceed the stated capacity of the Londonderry School System in that year, based upon facilities development as contained in the Capital Improvement Program most recently approved by the Planning Board
 - The most recent stated enrollment capacity of the School System is **6,347**. The present enrollment as of October 2005 (as reported in the 2005 School District Information Sheet) is **5,452**. (**5,452 Enrollment < 6,347 Capacity**). Also, the 2008 to 2013 CIP has scheduled additions to South School which will provide increase capacity to the schools and total system. **Condition Not Met.**

Evaluation Criterion 3 (Part 2): Adequate Municipal Facilities

- ▶ The rate of residential development determined by the Planning Board, based upon careful studies and consultation with the agencies involved, to be the highest which would not exceed the Town's capacity to service growth with public facilities other than schools, as planned in the six year Capital Improvements Program most recently approved by the Planning Board.
 - Over the past several years, Londonderry has taken steps to address the growing demand on public facilities by funding and /or completing projects such as:
 - ▶ New Police Station; New Town Hall; New South Fire Stations; New addition to North School; Funds to construct a new North/West Fire Station; and Funds for intersection improvement at Litchfield/Stonehenge and Rt. 128
 - These projects have been approved in past capital improvements programs or are current projects in the approved 2007-2013 CIP. Based on what has been completed by Londonderry's capital improvements program and what is proposed to be expended on public facilities in the 2007-2013 program, there does not appear to be a strain on public facilities due to the rate of residential growth. **Condition Not Met.**

Evaluation Criterion 3 (Part 3): Disproportionate Capital Expenditures

- ▶ The combined municipal and school appropriations for capital expenditures, including debt service and capital outlay, will on average exceed 15% of the total municipal and school department appropriations combined over the period covered in the current Capital Improvements Program.
 - The combined current average total of town and school capital expenditure for 2007-2012 is **\$7,227,701.83**. The total combined town and school appropriation for 2006-2007, as reported by the Finance Department, is **\$48,982,099.00**. The total current capital expenditure compared to the total appropriation represents **14.75580%**, which is less than the 15% cap of the total combined appropriations; therefore this **condition is not met.**

Conclusion

- ▶ Given that 2 of 3 criteria of the 2002 GMO were not met and 3 of the 3 criteria of the 1998 GMO were not been met, staff recommends that the Planning Board make a determination that for 2007, the Town of Londonderry will be in a period of **SUSTAINABLE GROWTH**, and there will be **NO CAP** on the number of building permits issued.
- ▶ This decision will end on December 31, 2007.

Flexible Industrial District Public Hearing

February 22, 2007

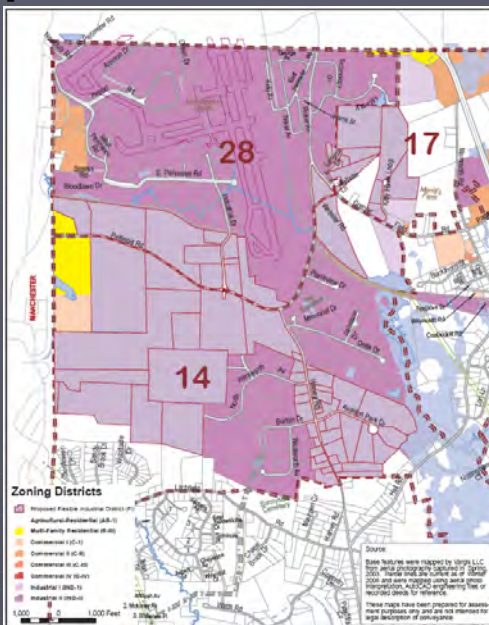
Summary of Proposed Changes

- Amend the Permitted Use Table to add uses associated with the new Flexible Industrial District and add new Section 2.2.2, FI District Services Use Table.
- Amend Section 2.5, Industrial District to add new Section 2.5.1.2.3 – Flexible Industrial District.
- Amend Section 2.5, Industrial District to add new Section 2.5.3 – Flexible Industrial District (including the objectives & characteristics and standards of development within the new district).
- Amend the Zoning Map to rezone lots in the Airport/Pettingill Road Area to the new FI District.

Map of Proposed FI District

Zoning Districts

-  Proposed Flexible Industrial District (FI)
-  Agricultural-Residential (AR-1)
-  Multi-Family Residential (R-III)
-  Commercial I (C-1)
-  Commercial II (C-II)
-  Commercial III (C-III)
-  Commercial IV (C-IV)
-  Industrial I (IND-1)
-  Industrial II (IND-II)



Map From 2003 Design Charrette



Section 2.2

- ▶ Amend Permitted Use Table to add uses and FI District to list of Zoning Districts.

Londonderry Zoning Ordinance Use Table

	AR-I	R-III	C-I	C-II	C-III	C-IV	IND-I	IND-II	FI	AD	Overlay Districts													
											POD - 102'	POD - 28'	CO	AH	AZ	FP								
RESIDENTIAL AND AGRICULTURAL																								
Agriculture	P	P																						
Assisted Living Facilities			P	P	P									P	P									
Back Lot Development	C																						See specific district reqs.	
Dwelling, multi-family		P																						
Dwelling, single family	P	P			S																			
Dwelling, two-family	P	P			S																			
Elderly Housing	P	P	P	P	P	P								P	P									
Manufactured housing	P																							
Mixed use residential						P																		
Mobile homes	P																							
Nursing Home and accessory uses		P	P	P	P									P	P									
Planned residential development	P																							
Preexisting manufactured housing parks	P																							
Presite Built Housing	P																							
CIVIC USES																								
Community center			P	P		C																		
Cemetery	P																							
Public Facilities	P		P	P		C	P	P	P	P														
Public Utilities	P	P	P	P			S	S	S	S														
Recreational Facilities, Public	P			P										P	P									
Religious Facilities	P		P	P	P	P								P	P									
Cultural Uses and Performing Arts up to 50,000 sq. ft.										P														
Cultural Uses and Performing Arts 50,001 sq. ft. or larger										C														
BUSINESS USES																								
Aeronautical Facilities																							P	
Assembly, testing, repair and packing operations up to 100,000 sq. ft.																							P	
Assembly, testing, repair and packing operations 100,001 sq. ft. or larger																							C	
Bed and Breakfast Homestay	P																							

P = Permitted Use C = Requires Conditional Use Permit S = Requires Special Exception

Londonderry Zoning Ordinance Use Table

	AR-1	R-III	C-I	C-II	C-III	C-IV	IND-I	IND-II	FI	AD	POD - 102*	POD - 28*	CO	AH	AZ	FP
Business center development			P	P					P		P	P				
Conference/Convention Center up to 50,000 sq. ft.									C							
Conference/Convention Center 50,001 sq. ft. or larger									C							
Day Care Center, Adult						C										
Drive-thru window as an accessory use			P	P												
Drive-in establishments			P	P												
Drive-in theatres				P												
FI District Services										(See FI District Services Use Table, Section 2.2.2)						
Financial institution			P	P												
Funeral homes			P	P	P											
Education and Training Facilities up to 50,000 sq. ft.									P							
Education and Training Facilities 50,001 sq. ft. or larger									C							
Excavation, including Temporary and Permanent Manufacturing Plants as an accessory use.	P		P	P	P		P	P		P			C	C		
Group Child Care Center		S				P	C	S	S							
Home Occupation																
Hotels up to 50,000 sq. ft.				P					P							
Hotels 50,001 sq. ft. or larger				P					C							
Manufacturing, Heavy								P	C	P						
Manufacturing, Light up to 100,000 sq. ft.				P				P	P	P						
Manufacturing, Light 100,001 sq. ft. or larger				P				P	P	C	P					
Membership club			P	P												
Motels				P												
Motor Vehicle Maintenance, Major Repair and Painting								P		P						
Motor vehicle rental										P						
Motor Vehicle Station, Limited Service				P		C**				P						
Recreation, commercial			P	P							P	P				
Retail sales establishment			P	P		P					P	P				

P = Permitted Use

C = Requires Conditional Use Permit

S = Requires Special Exception

Londonderry Zoning Ordinance Use Table

	AR-1	R-III	C-I	C-II	C-III	C-IV	IND-I	IND-II	FI	AD	POD - 102*	POD - 28*	CO	AH	AZ	FP
Office Campus up to 50,000 sq. ft.									P							
Office Campus 50,001 sq. ft. or larger									C							
Outdoor Storage of goods or materials (not to exceed 5-10% of the gross floor area) as an Accessory Use									C							
Professional office up to 50,000 sq. ft.			P	P	P	P	P	P	P	P	P	P				
Professional office 50,001 sq. ft. or larger			P	P	P	P	P	P	C	P	P	P				
Rental Car Terminal up to 50,000 sq. ft.									P							
Rental Car Terminal 50,001 sq. ft. or larger									C							
Repair services			P	P		P	P	P		P	P	P				
Research or Testing Laboratories up to 100,000 sq. ft.				P			P	P	P	P						
Research or Testing Laboratories 100,001 sq. ft. or larger				P			P	P	C	P						
Restaurant			P	P		C				P	P	P				
Restaurant, fast food			P	P												
Sales of Heavy Equipment or Heavy Trucks as an accessory use							C	C	C							
School, Private					P						P	P				
Service establishment			P	P			P	P		P	P	P				
Sexually oriented businesses			P	P									C	C		
Storage, self serve				P			P	P			C	C				
Terminal, Airplane									P	P	P					
Terminal, Trucking up to 100,000 sq. ft.									P	P	P					
Terminal, Trucking 100,001 sq. ft. or larger									P	C	P					
Vehicle Sales Establishment				P												
Warehouses and Storage up to 100,000 sq. ft.				P			P	P	P	P	C	C				
Warehouses and Storage 100,001 sq. ft. or larger				P			P	P	C	P	C	C				
Wholesale Businesses up to 100,000 sq. ft.				P			P	P	P	P						
Wholesale Businesses 100,001 sq. ft. or larger				P			P	P	C	P						

P = Permitted Use

C = Requires Conditional Use Permit

S = Requires Special Exception

Section 2.2.2

- Add new FI District Services Use Table.

Londonderry Zoning Ordinance Use Table

*Any use permitted in the underlying zoning district, which is not a permitted use in the Performance Overlay District is considered a Conditional Use
 **See section 2.4.1.2.4 for additional dimensional requirements related to fuel dispensers

FI District Services Use Table	FI
Accessory Uses up to 3,000 sq. ft. - Including but not limited to, retailing, cafeteria, personal services, restaurant or auditorium accessory with and incidental to a principal use	P
Accessory Uses from 3,001 - 10,000 sq. ft. - Including but not limited to, retailing, cafeteria, personal services, restaurant or auditorium accessory with and incidental to a principal use	C
Automotive Repair up to 3,000 sq. ft.	P
Automotive Repair from 3,001 to 10,000 sq. ft.	C
Computer Services up to 3,000 sq. ft.	P
Computer Services from 3,001 to 10,000 sq. ft.	C
Service/Commercial Businesses up to 3,000 sq. ft. (Including restaurants and gas stations)	P
Service/Commercial Businesses from 3,001 to 10,000 sq. ft. (Including restaurants and gas stations)	C
Daycare up to 3,000 sq. ft.	P
Daycare from 3,001 to 10,000 sq. ft.	C
Health Clubs up to 3,000 sq. ft.	P
Health Clubs from 3,001 to 10,000 sq. ft.	C
Personal Service Businesses up to 3,000 sq. ft.	P
Personal Service Businesses from 3,001 to 10,000 sq. ft.	C

P = Permitted Use C = Requires Conditional Use Permit S = Requires Special Exception

Section 2.5.1.2.3

- ▶ Add new Section 2.5.1.2.3 – Establishing FI District as a sub district of the Industrial Zone
- ▶ Add new Section 2.5.2.3.1 – Points to the use table in Section 2.2 for FI District Permitted Uses.
- ▶ Add new Section 2.5.3.2.2 – Points to the specific standards of the FI District in Section 2.5.3.

Section 2.5.3

- ▶ Establishes section of the ordinance for the FI District

Section 2.5.3.1

- ▶ Establishes the objectives & characteristics of the FI District:
 - The Flexible Industrial District (FI) is intended to allow for the development of gateways to the Town of Londonderry, centers of commerce, and employment centers for the Southern NH region.
 - A wide variety of industrial, supporting commercial development, and open space & recreational amenities are desired, in accordance with the various planning efforts undertaken by the Town in recent years (the 2004 Master Plan, the Londonderry Business Park Design Charrette, etc.).

Section 2.5.3.2

- ▶ Establishes the General Standards of the District including:
 - Setbacks, Minimum Lot Size, Maximum Lot Coverage, Building Height, Minimum Open Space, Ownership of Open Space, Storage Areas, Parking, Landscape Standards, Sign Standards, Lighting Standards, Pedestrian & Bike Facility Standards, and Conditional Use Permit Standards.

Section 2.5.3.2.1

- ▶ Setbacks:
 - Front - 30 feet
 - Side - 20 feet
 - Back - 20 feet
- ▶ Setbacks may be reduced by the Planning Board as set forth in Section 2.5.3.3.4.

Section 2.5.3.2.2

- ▶ Minimum Lot Size:
 - Town Attorney has suggested revising the language to read as follows (new text in **green**):
 - ▶ Minimum Lot Size - Minimum lot size in the FI District is subject to Planning Board approval based **on such requirements as parking, lighting, building size**, sewage disposal requirements, soil types, topography, vehicular access, intended use and compatibility with adjacent areas, but shall be not less than one acre (43,560 sq. ft.) with at least one hundred fifty (150) feet of frontage on a Class V or better road.

Sections 2.5.3.2.3 & 2.5.3.2.4

- ▶ Maximum Lot Coverage of 67%, and includes buildings, parking, and all other impervious surfaces.
- ▶ Building Height - Except for structures not intended for human occupancy (chimney, water tower, etc.) : 50 feet
 - Unless otherwise specified by the Federal Aviation Administration as part of their permitting process or by the limitations outlined in the Airport Approach Height Overlay.

Section 2.5.3.2.5

- ▶ Sets forth the Open Space Requirements of the District.
- ▶ 33% Open Space Required, not more that 25% of Open Space can be "Non-Buildable Land."
- ▶ Recreation facilities are allowed (not required) within Open Space with Conservation Commission recommendation.

Section 2.5.3.2.6

- ▶ Ownership of Open Space requirements are spelled out in this section.
 - ***Town's Attorney recommends significant revisions to this section of the proposed ordinance, which will require an additional public hearing.***
 - ▶ Staff has not yet developed the changes to this section.

Sections 2.5.3.2.7 & 2.5.3.2.8

- ▶ Standards for outdoor storage of materials (not allowed without Planning Board approval, location, screening, restrictions on flammable materials).
- ▶ Reference to Section 3.10 for parking, vehicle access and loading requirements.

Section 2.5.3.2.9

- ▶ Establishes the Landscape Design Standards of the FI District.
 - Supplements the Landscape standards of the Site Plan Regulations by encouraging contiguous open space areas, open drainage systems, and appropriate plantings to soils and natural conditions.

Sections 2.5.3.2.10, 2.5.3.2.11, & 2.5.3.2.12

- ▶ Refers to Section 3.11 for signage requirements.
- ▶ Refers to the Site Plan Regulations for Lighting and Illumination requirements.
- ▶ Encourages the provision of facilities for pedestrians and bicyclists.

Section 2.5.3.3 (Continued)

- ▶ The Planning Board may as part of a Conditional Use Permit adjust standards of setback, density, frontage, or parking for projects that are truly supportive of the goals of the FI District, and where such adjustments would allow the developer to more fully meet the goals and objectives of the District.

Section 2.5.3.3

- ▶ Establishes the application requirements, standards and requirements for Conditional Use Permits in the FI District.
 - The conditional use permit is meant to provide flexibility, minimize adverse impacts, and allow the Board to participate jointly with the applicant in preparing development proposals that are consistent with the FI District, local regulations, the Londonderry Business Park Design Charrette Report, and the 2004 Master Plan.

Town of Londonderry, New Hampshire

LEGAL NOTICE OF PUBLIC HEARING ON ZONING ORDINANCE AMENDMENTS

A public hearing will be held at the Moose Hill Council Chambers, 268B Mammoth Road on the 14th day of February, 2007, at 7:00 PM on proposed amendments to the Londonderry Zoning Ordinance and Zoning Map.

The proposed amendments were prepared by the Planning Department and Planning Board to amend the Permitted Use Table (Section 2.2) and Industrial District (Section 2.5) of the Ordinance. The proposed changes are a result of implementing the recommendations of both the 2004 Master Plan and the 2003 Airport Area Design Charrette.

The proposed changes are summarized as follows:

- Amend the Permitted Use Table to add uses associated with the new Flexible Industrial District and add new Section 2.2.2, FI District Services Use Table.
- Amend Section 2.5, Industrial District to add new Section 2.5.1.2.3 – Flexible Industrial District.
- Amend Section 2.5, Industrial District to add new Section 2.5.3 – Flexible Industrial District (including the objectives & characteristics and standards of development within the new district).
- Amend the Zoning Map to rezone the following lots to the new FI District:
 - On Map 14: Lots 11, 25A, 25C, 26, 27, 28, 29, 29-1, 29-10, 29-11, 29-12, 29-13, 29-14, 29-15, 29-16, 19-17, 29-2, 29-3, 30, 31, 31-1, 32, 35 (I-II portion only), 36, 38, 39 (I-II portion only), 41, 42, 42-1, 42A, 43, 44-11, 44-2, 44-4, 44-5, 44-6, 44-7, 44-8, 45, 45-1, 45-2, 45A, 46, 47, 49 (I-II portion only).
 - On Map 17: Lots 2, 4 (I-II portion only), 5-3, 5-4, 5-5, 5-6.
 - On Map 28: Lots 15, 17, 17-2, 17-3, 17-4, 18, 18-3, 18-4, 18-5, 18-6, 18-7, 25, 29-2, 29-3, 29-5, 29-6

Copies of the full text of the proposed amendments are available at the Planning Department, Second Floor of the Town Hall & on the Town Website www.londonderrynh.org (Click on Boards & Commissions, then Planning Board)



Timothy J. Thompson, AICP
Town Planner

2.5 INDUSTRIAL DISTRICTS

2.5.1 INDUSTRIAL DISTRICT

2.5.1.1. Objectives and Characteristics

The two industrial subdistricts (IND-I and IND-II) are designed to provide areas for industrial development to include, but not limited to, manufacturing, transportation services, warehouse facilities, and wholesale businesses. The Industrial District will consist of land areas zoned for industrial use as recorded in the office of the Town Clerk.

2.5.1.2. Subdistrict Uses

2.5.1.2.1. Industrial I (IND-I): This district is primarily intended to provide for industrial uses suitable for location in areas of close proximity to non-industrial development.

2.5.1.2.1.1. Permitted Uses: See use table section 2.2 of this zoning ordinance.

2.5.1.2.2. Industrial II (IND-II): This district is primarily a district which allows a more intensive industrial use than IND-I

2.5.1.2.2.1. Permitted Uses: See use table section 2.2 of this zoning ordinance.

2.5.1.2.3. Flexible Industrial (FI): This district is primarily intended to promote appropriate industrial development in targeted areas identified by various planning studies, charrettes, and the Master Plan.

2.5.1.2.3.1. Permitted Uses: See use tables section 2.2 and 2.2.2 of this zoning ordinance.

2.5.1.2.3.2. Specific Standards for the FI Zone are found in Section 2.5.3.

<SNIPPED>

2.5.3 Flexible Industrial (FI) District

2.5.3.1. Objectives and Characteristics

The Flexible Industrial District (FI) is intended to allow for the development of gateways to the Town of Londonderry, centers of commerce, and employment centers for the Southern NH region.

It is the desire of the Town of Londonderry that all of these activities be developed in a manner that both serves the business interests contained in the district, and in a manner that that conveys a campus atmosphere to those arriving here. Traffic circulation and alternate modes of transportation need to be provided for, as does parking for employees and visitors alike. A wide variety of industrial, supporting commercial development, and open space & recreational amenities are desired, in accordance with the various planning efforts undertaken by the Town in recent years (the 2004 Master Plan, the Londonderry Business Park Design Charrette, etc.). All of these activities are envisioned as being developed in a manner that involves significant amounts of landscaping, retention of significant amounts of

undeveloped open space, the retention of native plant materials, a high level of quality in individual building and site design, and flexibility on the part of the Town so as to achieve the design suggested in those documents.

2.5.3.2. General Standards

Within the FI District the following regulations and controls are required for the development and continued use of the area.

The provisions of this section are intended to be a minimum consideration of allowable impacts. Each tract of land possesses different, unique development characteristics and limitations, and the use allowed on any particular tract will be a function of the design interacting with the special characteristics and limitations of the site while remaining consistent with the purpose and objectives of this section.

- 2.5.3.2.1. Setbacks - No building shall be located on a lot nearer to the front, side or rear lot line than the minimum setback set forth below.**

Minimum Setback Distances for Structures from Property Line:

- Front - 30 feet
- Side - 20 feet
- Back - 20 feet

- 2.5.3.2.1.1. Setbacks may be reduced by the Planning Board as set forth in Section 2.5.3.3.4.**

- 2.5.3.2.1.2. If a property abuts more than one existing and/or proposed right-of-way, the building setback will be 30 feet from each right-of-way. The Planning Board, during site plan review, may allow certain signs, utility systems (including power and communication), or related facilities within the setback areas.**

- 2.5.3.2.2. Minimum Lot Size - Minimum lot size in the FI District is subject to Planning Board approval based on sewage disposal requirements, soil types, topography, vehicular access, intended use and compatibility with adjacent areas, but shall be not less than one acre (43,560 sq. ft.) with at least one hundred fifty (150) feet of frontage on a Class V or better road.**

- 2.5.3.2.3. Maximum Lot Coverage – Maximum lot coverage in the FI District is 67%, and includes buildings, parking, and all other impervious surfaces.**

2.5.3.2.4. Building Height - Except for structures not intended for human occupancy (chimney, water tower, etc.) height of buildings shall not exceed 50 feet, or as specified by the Federal Aviation Administration as part of their permitting process or by the limitations outlined in the Airport Approach Height Overlay (Section 2.6.6 of this Ordinance).

2.5.3.2.5. Minimum Open Space

2.5.3.2.5.1. The parcel must contain a minimum of 33% of the total land in the parcel dedicated as open space.

2.5.3.2.5.1.1. The required open space shall not contain more than 25% Non-Buildable Land (defined as the regulatory 100-year flood plain, Conservation Overlay (CO) District areas, and Slopes above 25 percent of at least 5,000 square feet contiguous area;).

2.5.3.2.5.1.2. No portion of public utility easements, of any kind, may be considered part of the minimum required open space.

2.5.3.2.5.1.3. Whenever possible, open space land should be designated as undivided parcels to facilitate easement monitoring, enforcement, maintenance, and to promote appropriate management by a single entity according to approved land management standards.

2.5.3.2.5.1.4. Safe and convenient pedestrian access shall be provided to the open space.

2.5.3.2.5.2. Such land shall be preserved in perpetuity through deed restriction or conservation easement, and designated on the approved and recorded plat. Such restriction shall be approved by the Planning Board and Town Council.

2.5.3.2.5.2.1. As part of the application an open space plan shall be submitted showing clear delineation of parcels of open space land that is not to be developed. The open space plan shall be recorded at the Registry of Deeds and shall indicate that development is restricted from the open space in perpetuity.

2.5.3.2.5.3. The open space and/or common areas within the development site shall be identified on the plan and shall be bound by the provisions of Section 2.5.3.2.6. This entity will accept responsibility for the maintenance, monitoring, and

upkeep of the identified open space and/or common area.

- 2.5.3.2.5.4. Recreation facilities can be incorporated into the protected open space of the development site upon approval by the Planning Board, and with the recommendation of the Conservation Commission and Recreation Commission.

2.5.3.2.6. Ownership of Open Space.

- 2.5.3.2.6.1. Open Space Areas within the FI District shall be permanently protected as open space and shall be conveyed in one of the following ways subject to the approval of the Planning Board:
- 2.5.3.2.6.1.1. To the Town of Londonderry and accepted by the Town Council for park, open space or other specified conservation uses;
 - 2.5.3.2.6.1.2. To the State of New Hampshire for permanent open space uses;
 - 2.5.3.2.6.1.3. To a private non-profit organization whose principal purposes is the conservation of open space with the financial and organizational means for perpetual stewardship, such as the Audubon Society of New Hampshire, the Society for the Protection of New Hampshire Forests, or Rockingham Land Trust;
 - 2.5.3.2.6.1.4. To a corporation or trust, such as an association owned or to be owned by the owners of lots within the development;
 - 2.5.3.2.6.1.5. A private landowner such as a farmer or forest manager that will manage it for conservation purposes.
- 2.5.3.2.6.2. The applicant must identify the owner of the Open Space whom is responsible for maintaining the Open Space and facilities located thereon.
- 2.5.3.2.6.3. In the event the party responsible for maintenance of the Open Space fails to maintain all or any portion in reasonable order and condition, the Town of Londonderry may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the property owner, and may include administrative costs and penalties. Such costs shall become a lien on any impacted properties.

2.5.3.2.7. Storage Areas

2.5.3.2.7.1. No outdoor storage is allowed in the FI District unless specifically approved as part of a site plan approved by the Planning Board.

2.5.3.2.7.2. All outdoor storage shall be visually screened from access streets, arterials and adjacent property. Outdoor storage shall be meant to include parking of all company owned and operated motor vehicles, with the exception of passenger vehicles. No storage shall be permitted between a frontage street and the building line.

2.5.3.2.7.3. Bulk storage of gasoline, chemicals, petroleum products, and flammable materials shall not be permitted except as accessory to a principal use, accessory to a service station, laboratory, production operation, airport service or the servicing of company owned or leased vehicles.

2.5.3.2.8. Parking, Loading, & Vehicle Access Standards - See Section 3.10 of this Ordinance.

2.5.3.2.9. Landscaping Standards - the following standards shall be used within the FI District, and shall be supplemented by the Londonderry Site Plan Review Regulations:

2.5.3.2.9.1. Planting Practices

2.5.3.2.9.1.1. Identify the specific location and configuration of the open space network shown in the conceptual design, maximizing the size of undisturbed areas, and the connections of such areas with neighboring parcels.

2.5.3.2.9.1.2. Permanently protect those designated open space areas and corridors with easements or covenants. Incorporate naturalized areas into and around the developed areas.

2.5.3.2.9.1.3. Design open drainage systems, surrounded as much as possible by natural areas.

2.5.3.2.9.2. Construction Practices

2.5.3.2.9.2.1. Minimize soil compaction by erecting fences around undisturbed areas and limit heavy equipment to alignments for future roads and driveways.

2.5.3.2.9.2.2. Work compacted areas after construction to loosen soil.

2.5.3.2.9.3. Landscaping Practices

- 2.5.3.2.9.3.1. Minimize or eliminate lawn areas. Provide a mix of natural, open sandy areas, areas of multi-story vegetation, and park-like woodlands of mixed scrub oak, pitch pine, and white oak**
- 2.5.3.2.9.3.2. Intersperse flowering herbaceous species which are hardy and highly drought tolerant to reduce maintenance expense.**
- 2.5.3.2.9.3.3. Create local garden areas with mixes of the grasses, shrubs, and herbaceous materials.**

2.5.3.2.10. Sign Standards - All signs, their quantity and location, shall comply with the permitted Industrial District signs as outlined in Section 3.11 of this Ordinance.

2.5.3.2.11. Lighting Standards - All lighting shall comply with the Town of Londonderry Site Plan Regulations.

2.5.3.2.12. Pedestrian & Bicycle Facility Standards - Sidewalks and bicycle lanes shall be provided on-site, as necessary, to protect pedestrians and bicyclists and promote the safe and efficient movement of pedestrian and vehicular movement. Sidewalks shall have a minimum unobstructed width of four feet. Sidewalks which are constructed to a six-foot width and directly abut the front of a parking or loading space may include two feet of the sidewalk width when determining the length of the parking or loading space.

2.5.3.3. Conditional Use Permits

2.5.3.3.1. Most developments (see Use Table, Section 2.2) in the FI District will require a conditional use permit from the Planning Board, in addition to any other necessary subdivision or site plan approvals. The conditional use permit is meant to provide flexibility, minimize adverse impacts, and allow the Board to participate jointly with the applicant in preparing development proposal that is consistent with this ordinance, local regulations, the Londonderry Business Park Design Charrette Report, and the 2004 Master Plan.

2.5.3.3.2. The conditional use permit shall clearly set forth all conditions of approval and shall clearly list all plans, drawings and other submittals that are part of the approval. Everything shown or otherwise indicated on a plan or submittal that is listed on the conditional use permit shall be considered to be a condition of

approval. Construction shall not deviate from the stated conditions without approval of the modification by the Planning Board.

- 2.5.3.3.3. Application Procedure - Applications for conditional use permits (CUP) within this district shall be made in accordance with the following procedures:**
- 2.5.3.3.3.1.** It is recommended that all projects requiring a CUP conduct a preliminary meeting with staff prior to review by the Design Review Committee and the Town's Review Consultant. The purpose of the preliminary meetings shall be to provide guidance on the design of the proposed plan.
 - 2.5.3.3.3.2.** The applicant will then develop the proposed plan to a point at which the plan is eligible for design review.
 - 2.5.3.3.3.3.** The application will then begin Pre-Application Design review, followed by the Conditional Use Permit Review outlined in this section, and in accordance with the other applicable procedures adopted by the Planning Board.
 - 2.5.3.3.3.4.** In all particulars not otherwise addressed in this ordinance, all applications shall meet those requirements set forth in the relevant sections of the Subdivision & Site Plan Regulations of the Town of Londonderry.
- 2.5.3.3.4. Approval of Applications Requiring a Conditional Use Permit - Prior to issuance of a building permit, the applicant shall acquire a conditional use permit as well as any other necessary Planning Board approval. A conditional use permit shall be issued only if the development complies with all of the requirements of Section 2.5.3.3.5. The Planning Board may also condition its approval on additional, reasonable conditions necessary to accomplish the objectives of this section or of the 2004 Master Plan, Londonderry Business Park Design Charrette Report, Zoning Ordinance, or any other federal, state, town resolution, regulation, or law. The Planning Board may as part of a Conditional Use Permit adjust standards of setback, density, frontage, or parking for projects that are truly supportive of the goals of the FI District as noted above, and where such adjustments would allow the developer to more fully meet these goals and objectives.**
- 2.5.3.3.5.** The following criteria must be satisfied in order for the Planning Board to grant a conditional use permit in the Flexible Industrial District. The applicant shall demonstrate that:

Planning Board Public Hearing - February 14, 2007

- 2.5.3.3.5.1.** The proposed use is consistent with the Objectives and Characteristics of the Flexible Industrial District, Section 2.5.3.1;
- 2.5.3.3.5.2.** Granting of the application is in the public interest;
- 2.5.3.3.5.3.** The property in question is reasonably suited for the use requested, and the design of the site represents to the extent practicable preservation of natural resources, open space, and does not create a hazard to surface or underground water resources.
- 2.5.3.3.5.4.** Compliance with the standards required by the FI zone would result in a design that is not in the best interest of the Town of Londonderry as expressed in the Objectives and Characteristics (Section 2.5.3.1), and the applicant has demonstrated that the alternative design for which the Conditional Use Permit is sought better achieves the Objectives and Characteristics of the district, while not diminishing surrounding property values or the ability of nearby parcels to develop in accordance with the Objectives and Characteristics of the district.
- 2.5.3.3.5.5.** The application demonstrates that the alternative design for which the Conditional Use Permit is sought does not impact the general health, safety, and general welfare of the Town, and is otherwise in compliance with all requirements of the Zoning Ordinance, Site Plan Regulations, and Subdivision Regulations, as applicable to the proposed project.

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Lots to be re-zoned FI - Will need to be added to appendix of Zoning Ordinance (see also attached map):

On Map 14: Lots 11, 25A, 25C, 26, 27, 28, 29, 29-1, 29-10, 29-11, 29-12, 29-13, 29-14, 29-15, 29-16, 19-17, 29-2, 29-3, 30, 31, 31-1, 32, 35 (I-II portion only), 36, 38, 39 (I-II portion only), 41, 42, 42-1, 42A, 43, 44-11, 44-2, 44-4, 44-5, 44-6, 44-7, 44-8, 45, 45-1, 45-2, 45A, 46, 47, 49 (I-II portion only).

On Map 17: Lots 2, 4 (I-II portion only), 5-3, 5-4, 5-5, 5-6.

On Map 28: Lots 15, 17, 17-2, 17-3, 17-4, 18, 18-3, 18-4, 18-5, 18-6, 18-7, 25, 29-2, 29-3, 29-5, 29-6

Londonderry Zoning Ordinance Use Table

												Overlay Districts					
	AR-1	R-III	C-I	C-II	C-III	C-IV	IND-I	IND-II	FI	AD	POD - 102*	POD - 28*	CO	AH	AZ	FP	
RESIDENTIAL AND AGRICULTURAL																	
Agriculture	P	P															
Assisted Living Facilities		P	P	P	P						P	P					
Back Lot Development	C												See specific district regs.				
Dwelling, multi-family		P															
Dwelling, single family	P	P			S												
Dwelling, two-family	P	P			S												
Elderly Housing	P	P	P	P	P	P					P	P					
Manufactured housing	P																
Mixed use residential						P											
Mobile homes	P																
Nursing Home and accessory uses		P	P	P	P						P	P					
Planned residential development	P																
Preexisting manufactured housing parks	P																
Presite Built Housing	P																
CIVIC USES																	
Community center			P	P		C											
Cemetery	P																
Public Facilities	P		P	P		C	P	P	P	P							
Public Utilities	P	P	P	P			S	S	S	S							
Recreational Facilities, Public	P			P							P	P					
Religious Facilities	P		P	P	P	P					P	P					
Cultural Uses and Performing Arts up to 50,000 sq. ft									P								
Cultural Uses and Performing Arts 50,001 sq. ft. or larger									C								
BUSINESS USES																	
Aeronautical Facilities										P							
Assembly, testing, repair and packing operations up to 100,000 sq. ft.									P								
Assembly, testing, repair and packing operations 100,001 sq. ft. or larger									C								
Bed and Breakfast Homestay	P																

P = Permitted Use

C = Requires Conditional Use Permit

S = Requires Special Exception

Londonderry Zoning Ordinance Use Table

	AR-1	R-III	C-I	C-II	C-III	C-IV	IND-I	IND-II	FI	AD	POD - 102*	POD - 28*	CO	AH	AZ	FP
Business center development			P	P							P	P				
Conference/Convention Center up to 50,000 sq. ft									P							
Conference/Convention Center 50,001 sq. ft. or larger									C							
Day Care Center, Adult						C										
Drive-thru window as an accessory use			P	P												
Drive-in establishments			P	P												
Drive-in theatres				P												
FI District Services									(See FI District Services Use Table, Section 2.2.2)							
Financial institution			P	P												
Funeral homes			P	P	P											
Education and Training Facilities up to 50,000 sq. ft									P							
Education and Training Facilities 50,001 sq. ft. or larger									C							
Excavation, including Temporary and Permanent Manufacturing Plants as an accessory use.	P		P	P	P		P	P		P						
Group Child Care Center					P	C	S	S			C	C				
Home Occupation	S															
Hotels up to 50,000 sq. ft				P					P							
Hotels 50,001 sq. ft. or larger				P					C							
Manufacturing, Heavy								P		P						
Manufacturing, Light up to 100,000 sq. ft.				P			P	P	P	P						
Manufacturing, Light 100,001 sq ft or larger				P			P	P	C	P						
Membership club			P	P												
Motels				P												
Motor Vehicle Maintenance, Major Repair and Painting								P		P						
Motor vehicle rental										P						
Motor Vehicle Station, Limited Service				P		C**				P						
Recreation, commercial			P	P							P	P				
Retail sales establishment			P	P		P					P	P				

P = Permitted Use

C = Requires Conditional Use Permit

S = Requires Special Exception

Londonderry Zoning Ordinance Use Table

	AR-1	R-III	C-I	C-II	C-III	C-IV	IND-I	IND-II	FI	AD	POD - 102*	POD - 28*	CO	AH	AZ	FP
Office Campus up to 50,000 sq. ft									P							
Office Campus 50,001 sq. ft. or larger									C							
Outdoor Storage of goods or materials (not to exceed 5-10% of the gross floor area) as an Accessory Use									C							
Professional office up to 50,000 sq. ft.			P	P	P	P	P	P	P	P	P	P				
Professional office 50,001 sq. ft. or larger			P	P	P	P	P	P	C	P	P	P				
Rental Car Terminal up to 50,000 sq. ft									P							
Rental Car Terminal 50,001 sq. ft. or larger									C							
Repair services			P	P		P	P	P		P	P	P				
Research or Testing Laboratories up to 100,000 sq. ft.				P			P	P	P	P						
Research or Testing Laboratories 100,001 sq. ft. or larger				P			P	P	C	P						
Restaurant			P	P		C				P	P	P				
Restaurant, fast food			P	P												
Sales of Heavy Equipment or Heavy Trucks as an accessory use							C	C	C							
School, Private					P						P	P				
Service establishment			P	P			P	P		P	P	P				
Sexually oriented businesses			P	P												
Storage, self serve				P			P	P			C	C				
Terminal, Airplane										P						
Terminal, Trucking up to 100,000 sq. ft.								P	P	P						
Terminal, Trucking 100,001 sq. ft. or larger								P	C	P						
Vehicle Sales Establishment				P												
Warehouses and Storage up to 100,000 sq. ft.				P			P	P	P	P	C	C				
Warehouses and Storage 100,001 sq. ft. or larger				P			P	P	C	P	C	C				
Wholesale Businesses up to 100,000 sq. ft.				P			P	P	P	P						
Wholesale Businesses 100,001 sq. ft. or larger				P			P	P	C	P						

P = Permitted Use

C = Requires Conditional Use Permit

S = Requires Special Exception

Londonderry Zoning Ordinance Use Table

*Any use permitted in the underlying zoning district, which is not a permitted use in the Performance Overlay District is considered a Conditional Use

**See section 2.4.1.2.4 for additional dimensional requirements related to fuel dispensers

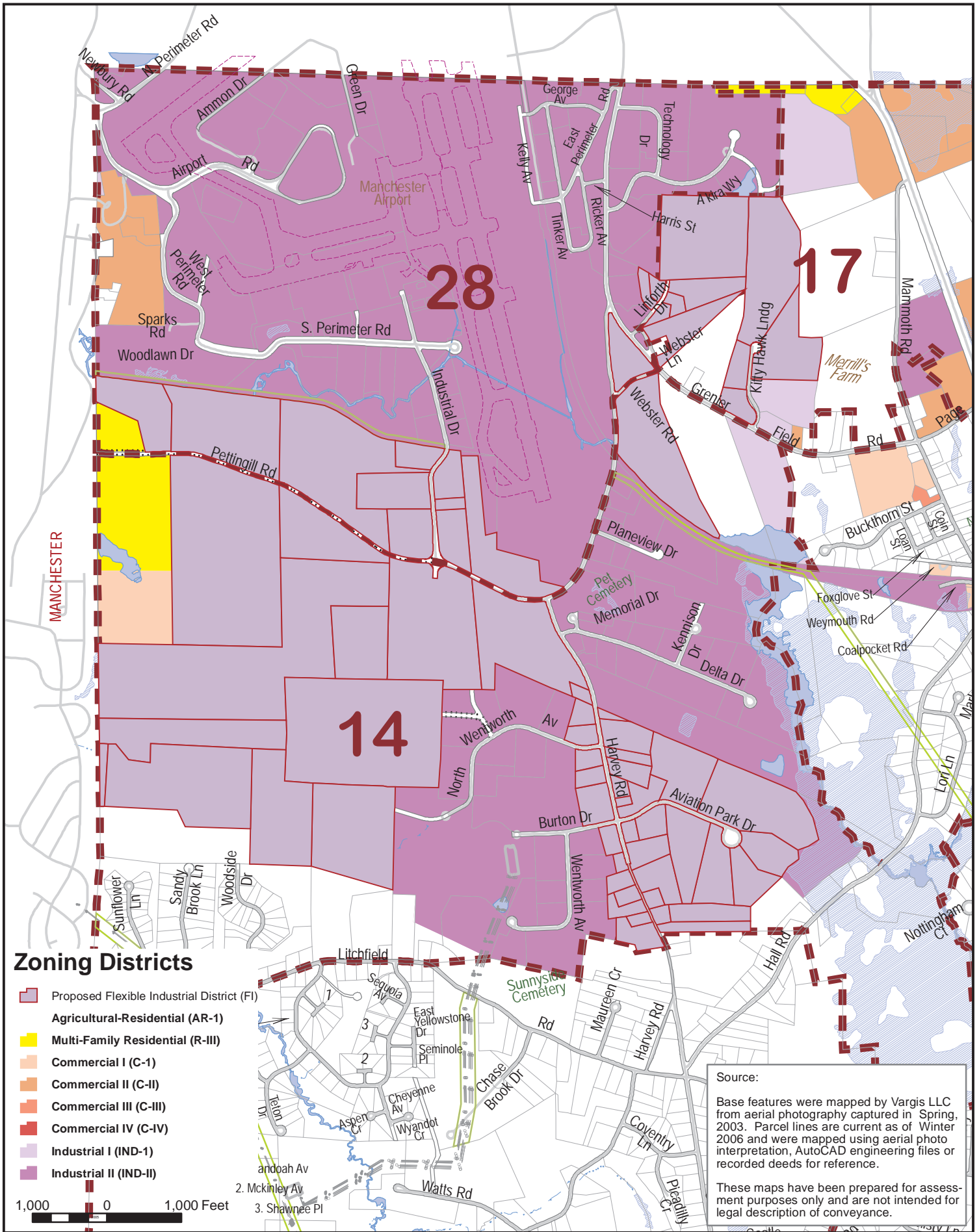
FI District Services Use Table	FI
Accessory Uses up to 3,000 sq. ft. - Including but not limited to, retailing, cafeteria, personal services, restaurant or auditorium accessory with and incidental to a principal use	P
Accessory Uses from 3,001 – 10,000 sq. ft.-Including but not limited to, retailing, cafeteria, personal services, restaurant or auditorium accessory with and incidental to a principal use	C
Automotive Repair up to 3,000 sq. ft.	P
Automotive Repair from 3,001 to 10,000 sq. ft.	C
Computer Services up to 3,000 sq. ft.	P
Computer Services from 3,001 to 10,000 sq. ft.	C
Service/Commercial Businesses up to 3,000 sq. ft. (Including restaurants and gas stations)	P
Service/Commercial Businesses from 3,001 to 10,000 sq. ft. (Including restaurants and gas stations)	C
Daycare up to 3,000 sq. ft.	P
Daycare from 3,001 to 10,000 sq. ft.	C
Health Clubs up to 3,000 sq. ft.	P
Health Clubs from 3,001 to 10,000 sq. ft.	C
Personal Service Businesses up to 3,000 sq. ft.	P
Personal Service Businesses from 3,001 to 10,000 sq. ft.	C

P = Permitted Use

C = Requires Conditional Use Permit

S = Requires Special Exception

Proposed FI District Parcels



1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF FEBRUARY 22, 2007 AT THE MOOSE HILL COUNCIL**
3 **CHAMBERS**
4

5 7:30 PM: Members Present: Art Rugg; Rick Brideau, Ex-Officio; Tom Freda; Lynn Wiles,
6 alternate member; John Farrell; Tom Dolan, Ex-Officio alternate (for J.Paradis); Mary Soares;
7 Rob Nichols
8

9 Also Present: André Garron, AICP; Tim Thompson, AICP; John Trottier, P.E.; Cathy Dirsal,
10 Planning Department Secretary; [Janusz Czyzowski, Director of Public Works](#)
11

12 A. Rugg called the meeting to order at 7:30 PM. A. Rugg appointed L. Wiles to vote for
13 P.DiMarco.
14
15
16

17 **Administrative Board Work**
18

19 A. Plans to Re-Sign - 7-Eleven/Firetree Realty Trust Lot Line Adjustment (Rejected at
20 Registry)
21

22 T. Thompson said the Registry refused signing the plans and asked that some minor
23 changes be made and they be resubmitted. A.Rugg said the plans will be signed at the
24 conclusion of the meeting.
25

26 B. Signing of Minutes – January 3 & 10
27

28 Minutes for January 3 and 10 have been signed by the Asst. Secretary.
29

30 C. Discussions with Town Staff
31

32 A. Garron spoke about the CTAP program. He asked the board to think about projects
33 that this funding could be used for and to provide him with input within the next couple
34 weeks. He also mentioned the DOT airport access road. He said the Town Council
35 passed the ordinance unanimously and they plan to start the project in 2008 and finish in
36 2011, possibly 2010. He said that he gave the design charrette presentation to the
37 school board and it was well received.
38

39 M. Soares asked how long they have been waiting for volunteers to sign up for the
40 housing task force. A.Garron said it's been about 2 months and they have 9 volunteers
41 they currently have in place, but still need 2 more. T. Dolan spoke on behalf of the town
42 council and said in his opinion they should move forward with the volunteers they have.
43 George Herman suggested mentioning this to the leadership Londonderry group.
44

45 **Public Hearings**
46

47 A. Growth Management Ordinance - Determination of Growth Sustainability - Public
48 Hearing
49

50
51 A. Garron read his memo to the Planning Board (see attachment 1). He said the census
52 data is not available and has not come out yet.
53

54 L.Wiles asked about item B. He wanted to know how close we are to that figure.
55

A.Garron said we have already exceeded that figure and he expects that to happen

1 again this year. M. Soares asked about the capacity for South School. A. Garron said the
2 portable classrooms are accommodating the capacity for now. M. Soares suggested that
3 the wording of the memo be revised to remove the reference to expanded capacity at
4 South School. A. Garron agreed to remove the reference.

5 T. Freda asked where the dollar amount of \$48,982,099 came from. A. Garron said he
6 received that number from our Finance Dept. A. Rugg asked for public input but there
7 was none.

8
9 **J. Farrell made a motion to determine that The Town of Londonderry will be in a**
10 **period of sustainable growth and there will be no cap on the number of building**
11 **permits issued. This decision will expire December 31, 2007.**

12 **R. Brideau seconded the motion. No discussion. Vote on the motion: 8-0-0.**

13
14 Chair Rugg determined that the agenda would be revised, such that the Sanborn Road
15 project would be heard next, followed by the Flexible Industrial District public hearing.

- 16
17 C. Sanborn Road Realty, LCC, Map 15, Lot 87-1 - Continued Public Hearing for a waiver to
18 Site Plan Regulations for the conditionally approved 96 unit apartment project.

19
20 Attorney J. Cronin presented his client's request to the planning board.

21 A. Garron said he received the applicant's information today and has not been able to
22 talk with legal counsel.

23 A. Rugg said he would prefer to have A. Garron discuss this with Bart Mayer and then
24 come before the board.

25 T. Freda asked who the 3rd party is. J. Cronin said it's Mr. Dupont. T. Freda is concerned
26 with the notices being sent to the planning board members vs. the Town Manager. J.
27 Cronin said they will correct that and add that there will be no transfers of ownership. T.
28 Dolan asked if the approval has expired. T. Thompson said it's still valid, as the Planning
29 Board has granted several extensions on the project. . He said the Conditional Approval
30 expires July 2007. R. Nichols asked about the cost for off-site improvements. J. Trotter
31 said staff has worked with the applicant on this and it could change if the project extends
32 out to the full two years. R. Nichols said he would like the cost to be contingent on staff
33 approval. L. Wiles asked what would happen if the board decided against this waiver. J.
34 Cronin said his client would face a difficult decision and would have the right to walk.
35 J. Czyzowski, Director of Public Works, is concerned with this project being allowed two
36 years and holding other projects "hostage" until this project is finished. He would like to
37 have the applicant place the bond if/when another project comes along and not wait the
38 full two years. M. Soares feels the board should not even consider two years based on
39 this. A. Garron said we haven't been in a period of unsustainable growth for the last two
40 years and perhaps one year would be a better choice.

41 *[J. Farrell left the meeting at 8:40pm so the vote count will now be 7]*

42 J. Cronin said he will check with his client and get back to staff for the March 14 meeting.

43
44 **M. Soares made a motion to continue to March 14 at 7PM. R. Nichols seconded the**
45 **motion. No discussion. Vote on the motion: 7-0-0. Continued to March 14 at 7PM. A.**
46 **Rugg said this is the only public notice.**

- 47
48 B. Flexible Industrial District Ordinance - Public Hearing

49
50 T. Thompson presented the proposed amendments to the Flexible Industrial District
51 ordinance (see attachment 2). He asked that the board leave any questions regarding
52 the ownership of open space section for next month's meeting in order for him to
53 thoroughly research it, based in the comments of the Town's Attorney.

1 A. Garron said he spoke with the owners of Water Wonders LLC and said they would like
2 to include one of their parcels in the district because all their other parcels are part of it.

3 J. Czyzowski, Director of Public Works, said he feels we are moving in the right direction
4 on this FI district.

5 M. Soares asked if other parts of Town are included. T. Thompson said it's not included
6 at this time, but may be in the future, once areas are studied further. R. Nichols asked
7 about restaurant being allowed as an FI District Service, but alone it is not. T. Thompson
8 said if it's accessory to part of a lot within the FI district it's allowed, but not if it's a stand
9 alone restaurant.

10 L. Wiles said he's concerned about Route 28 and Exit 5.

11 A. Rugg asked for public input.

12 Attorney Morgan Hollis from Gottesman & Hollis of Nashua, representing Ballinger
13 Properties, which is currently in Industrial II and is concerned about changing the zoning
14 of their properties. M. Hollis said one of the allowed uses of his client's property is
15 excavation, although they are currently not using the property for that purpose. He said
16 other uses are heavy mfg, light mfg. (over 100,000 sq ft), He also listed many uses
17 currently allowed and the ones that will not be allowed in the future based on the FI
18 district.

19 T. Thompson said the town's legal counsel instructed staff to revise some parts of the FI
20 district and that it's not completely finalized at this time.

21 A. Garron said the property owner was provided with this information throughout the
22 process and was asked to come forward with any concerns. The owner did not take
23 advantage of this and now has concerns regarding the uses for his property. A. Garron
24 said he has noted their concerns and will discuss it with staff, M. Hollis and his client. L.
25 Wiles asked if there was an economic study done after the charrette was completed. A.
26 Garron said they did conduct a general study on the type of businesses that could
27 develop in this area and that the values have changed and will continue to change. He
28 said the town could change the classification of Pettengill Rd by upgrading it from a dirt
29 road to a class V roadway which will increase the value of the properties in that area.

30 T. Dolan said if we could show the noise levels in that area the client would understand
31 that it's not an appropriate area for residential/multi-family homes.

32 M. Hollis said he will compile a list of concerns from his client and present it to the staff
33 and planning board for consideration.

34 A. Rugg read a letter from a property owner in the FI district.

35 T. Thompson suggested that we continue this discussion at the April planning board
36 meeting, to allow staff time to work with interested property owners.

37
38
39 **M. Soares made a motion to continue the public hearing to April 11 at 7PM. R.**
40 **Nichols seconded the motion. No discussion. Vote on the motion: 7-0-0.** Public
41 Hearing is continued to April 11. A. Rugg said this is the only public notice.

42
43 D. Conceptual Discussion - Cider Mill Crossing Elderly Housing - Map 15, Lot 215-1

44
45 Todd Connors, Sublime & Paul Morin, applicant from Tarkka Homes presented their
46 conceptual plans again to the planning board, asking for feedback and direction on the
47 following:

- 48
49 1) Sidewalks to the senior center
50 2) Road design & standards that they employ
51 3) Downstream issue on a private property
52 4) Trailways plan stops at Buckthorn Rd.
53

1 They said that the Fire Department & Conservation Commission were satisfied with the
2 design of the roads. Emergency vehicles can make the turns and due to the narrower
3 road design the conservation was pleased that the road didn't go into the buffer areas.
4 They said that DPW didn't entirely agree with the road design. The applicant has planned
5 a rotary in the center of the development for better aesthetics and traffic flow.

6
7 J. Trottier read the DPW memo with comments and suggestions.

8
9 J. Czyzowski talked about the town's road standards and why he is against granting the
10 waivers for these conceptual plans the way they are presented now. He said the roads
11 are too narrow, no sidewalks, no underground drainage. He said that the current project
12 on Gilcreast called Sugar Plum is a perfect example of well planned roads, etc. He wants
13 to see 28' wide roads with 3' shoulder and sidewalks with granite curbing on both sides.
14 A. Garron said he rarely disagrees with DPW, but in this case he feels this road will
15 remain a private road. He likes the way this conceptual plan has been presented. T.
16 Thompson respectfully disagrees with DPW. He also feels that this road will remain a
17 private road, but he feels they need to include sidewalks. J. Czyzowski asked what the
18 criteria is for a centerline for 25 MPH. T. Connors said the standard is 125 feet and they
19 have made it 150 feet. T. Dolan asked if they could reconfigure the roads. P. Morin said
20 their original conceptual plan to the planning board had included a curb cut onto Grenier
21 Field Rd.

22
23 The applicant asked if they will be required to place sidewalks along Buckthorn Rd.
24 T. Thompson said the town stopped at Buckthorn Rd because the applicant's lot was
25 planned in the past to be an mini-warehouse storage buildings.

26
27 T. Dolan said he prefers to see closed drainage and sidewalks.

28 T. Freda said he agrees with DPW because he feels the road could become a town road
29 and it would be more cost efficient for the applicant to build the roads to the town
30 standards.

31 R. Brideau said he is not opposed to the roads but would like to see sidewalks.

32 M. Soares agreed that the town always has the option to say no to the roads becoming
33 town roads in the future if their not built to town standards.

34 R. Nichols would also like to see the applicant include the language for including the
35 sidewalks and he asked about snow storage.

36 P. Morin said they have planned for snow storage areas.

37 L. Wiles is fine with the roads but would like assurance that they won't become town
38 roads. He also would like to see sidewalks.

39
40 A. Rugg asked for comments on the proposed road construction:

41 L. Wiles -20' road with sidewalk, R. Nichols -24' road with walkway, M. Soares -20' road
42 with sidewalk, R. Brideau - town standard road, T. Dolan - town standard road, T. Freda-
43 town standard road, A. Rugg - town standard road.

44 The board consensus is the town standards for the roads.

45
46 A. Rugg asked for comments on the drainage issue:

47 L. Wiles, T. Dolan - agrees with DPW to fix the issue at the abutting property.

48 R. Nichols, M. Soares, R. Brideau - agree with DPW except applicant shouldn't have to
49 fix an abutter's issue.

50 M. Soares felt that the applicant should make the effort to reach out to the abutter to see
51 if the problem could be resolved, and that if not the applicant should provide information
52 that the problem would not be worsened by the proposed development.

1 T. Freda said if the applicant could prove that doing the drainage per DPW wouldn't fix
2 the existing problem, then he shouldn't have to do it that way.

3
4 **Other Business**

5
6 None.

7
8 **Adjournment:**

9
10 **R. Brideau made a motion to adjourn the meeting. R. Nichols seconded the motion.** No
11 discussion. **Vote on the motion: 7-0-0.** Meeting adjourned at 11:40 PM.

12
13 These minutes prepared by Cathy Dirsas, Planning Department Secretary.

14
15
16
17 Respectfully Submitted,

18
19 *Paul DiMarco*

20 Paul DiMarco, Secretary

21

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF MARCH 7, 2007 AT THE MOOSE HILL COUNCIL**
3 **CHAMBERS**
4

5 7:00 PM: Members Present: Art Rugg; Paul DiMarco; Rick Brideau, Ex-Officio; Charles
6 Tilgner, P.E., Ex-Officio; Tom Freda (arrived at 7:08 PM); Lynn Wiles, alternate member; John
7 Farrell; Mary Soares

8
9 Also Present: Tim Thompson, AICP; John Trottier, P.E.; Cathy Dirsra, Planning Department
10 Secretary

11
12 A. Rugg called the meeting to order at 7:03 PM. A. Rugg appointed L. Wiles to vote for R.
13 Nichols.

14
15 **Administrative Board Work**
16

17 A. Regional Impact Determinations

18
19 Barrett Contracting; PSNH; Iron Wood Real Estate Holding; Holten Realty, LLC; and
20 JPS Motors, LLC

21
22 T. Thompson said the staff recommends that these projects (1 subdivision and 5 site
23 plans) are not developments of regional impact, as they do not meet any of the regional
24 impact guidelines suggested by Southern NH Planning Commission (SNHPC).

25 **J. Farrell made a motion to accept the staff recommendations for regional impact**
26 **determinations. R. Brideau seconded the motion. No discussion. Vote on the**
27 **motion: 7-0-0.**

28
29 *[T. Freda arrived at 7:08 PM]*
30

31 B. Plans to Sign - 172 Rockingham Road Change of Use Minor Site Plan, Map 15, Lot 61-1

32
33 J. Trottier said all conditions for approval have been met and the staff recommends
34 signing the plans.

35 **J. Farrell made a motion to authorize the Chair and Secretary to sign the plans. P.**
36 **DiMarco seconded the motion. No discussion. Vote on the motion: 8-0-0.**

37 A. Rugg said the plans will be signed at the conclusion of the meeting.
38

39 C. Plans to Sign - Elliot Medical Facility - Amended Site Plan, Map 6, Lot 73

40
41 J. Trottier said all conditions for approval have been met and the staff recommends
42 signing the plans.

43 **J. Farrell made a motion to authorize the Chair and Secretary to sign the plans. R.**
44 **Brideau seconded the motion. No discussion. Vote on the motion: 8-0-0.**

45 A. Rugg said the plans will be signed at the conclusion of the meeting.
46

47 D. Plans to Sign – FedEx Ground Phase II Site Plan, Map 17, Lot 5-7

48
49 J. Trottier said all conditions for approval have been met and the staff recommends
50 signing the plans. T. Thompson stated that Phase II building, parking, and drainage was
51 all designed as part of the original approval. This plan allows the facility to expand the
52 building and parking as shown in the plans approved in 2002.

1 **J. Farrell made a motion to authorize the Chair and Secretary to sign the plans. R.**
2 **Brideau seconded the motion. No discussion. Vote on the motion: 8-0-0.**

3 A. Rugg said the plans will be signed at the conclusion of the meeting.
4

5 E. Approval of Minutes – February 7 & 22
6

7 **J. Farrell made a motion to approve the minutes from the February 7 meeting. M.**
8 **Soares seconded the motion. No discussion. Vote on the motion: 8-0-0.**

9 Minutes are approved and will be signed at the March 14 meeting.
10

11 **J. Farrell made a motion to approve the minutes from the February 22 meeting**
12 **(rescheduled from February 14). M. Soares seconded the motion. No discussion.**
13 **Vote on the motion: 6-0-2** (P.DiMarco & C.Tilgner abstained because they were absent
14 at the February 22 meeting). Minutes are approved and will be signed at the March 14
15 meeting.
16

17 F. Discussions with Town Staff
18

19 T. Thompson read the request of David Morin from Morin Asset Management
20 representing Protavic America Inc. in their search for a facility in NH. They distribute a
21 wide range of specialized adhesives, encapsulates and inks for use in electronics and
22 fiber optics industries. On March 5, 2007 they entered a purchase and sales agreement
23 for the building located at 8 Ricker Avenue, Map 28, Lot 22-26. This is a 13,480 sq ft
24 commercial industrial building in the I-II zone. Currently 6,000 sq ft is leased to Home
25 Depot as an auxiliary warehouse. The remainder of the building is vacant. Neca Salon
26 Supply previously occupied the space and in 2001 they received a site plan approval to
27 convert a portion of that space from production and warehouse into office. Protavic is
28 planning to relocate their 6 employees from their facility in Haverhill MA to this new
29 facility. This would involve converting 3,000 +/- sq ft of office back to production use.
30 Based on his understanding of the site plan regulations he believes this meets the
31 criteria for a minor site plan review and is requesting guidance from the Board as to
32 whether or not the Board is comfortable with using the section 2.06.c which allows the
33 Planning Department and Public Works to waive the requirement for fully engineered site
34 plans for minor projects with no significant site changes.

35 T. Thompson said there was a site plan that was approved by the Planning Board in
36 2001 for NEKA Salon Supply, for that change of use and a variety of different
37 improvements were made to the site. In changing this back to industrial use the parking
38 requirements are less than they were for an office. T. Thompson stated that in his
39 opinion there would be no requirement for site changes on this property and asked the
40 Board for guidance on whether they are comfortable with staff handling this
41 administratively without the full engineering requirements. The site location is at the
42 corner of Ricker & Tinker Avenue (east of airport). Board consensus was to waive the
43 engineering requirements and allow staff to review and approve administratively.
44

45 M. Soares reminded everyone about town elections March 13 and the town meeting
46 March 17.

47 A. Rugg reminded everyone about the other issues at the town meeting, and mentioned
48 the Southern NH Planning Commission (SNHPC) is having a Conservation Commission
49 Institute Meeting on March 22 from 6 PM to 9 PM. Also, the 14th Spring Planning
50 Conference is on April 28 from 8 AM to 4 PM at the Radisson Hotel Center of NH, in
51 Manchester NH.
52
53

1
2 **Public Hearings**
3

4 A. Elmer A. Pease, II, Map 10, Lot 92 - Continued Application Acceptance and Public
5 Hearing for a 2 lot Subdivision.
6
7

8 T. Thompson stated that there are no outstanding checklist items, and staff recommends
9 the application be accepted as complete.

10 **J. Farrell made a motion to accept the application as complete. R. Brideau**
11 **seconded the motion.** No discussion. **Vote on the motion: 8-0-0.** Application accepted
12 as complete.
13

14 Elmer Pease, applicant and Matt Peterson, engineer from Woodland Design Group
15 presented their plans to the Board. They propose a 2 lot subdivision of lot 10-92 and
16 subsequently create lot 10-92-1 for their site plan for 50 units of elderly housing that will
17 have a separate site plan approval.
18

19 J. Trottier read the Vollmer/DPW memo with the outstanding design review comments.
20 T. Thompson said that staff recommends conditional approval, as outlined in the staff
21 recommendations.

22 T. Freda asked about the owner of lot 10-92. E.Pease said Calvin Chase is the estate
23 owner. A. Rugg asked for public input, but there was none.

24 **J. Farrell made a motion to conditionally approve the 2 lot subdivision plan with**
25 **the following conditions:**
26

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

30 **PRECEDENT CONDITIONS**
31

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

37 1. The new lot 92 is based upon connection to municipal sewer as indicated in note 5
38 on sheet 4. We understand the sewer design serving this new lot is associated with
39 the development of new lot 92-1 and the private sewer system serving the
40 development with the separate associated site plan application. Please note that
41 new lot 92 with the associated sewer service is dependent upon the construction of
42 a private sewer pump station and sewer lines for the connection to the municipal
43 system. The Applicant has provided notes 9, 10 and 11 on sheet 2 relative to this
44 issue with this submission. The Applicant shall revise the notes as necessary
45 meeting the approval of the Town. In addition, the Applicant shall move notes 9
46 and 10 from sheet 2 to sheet 4 (with notes continued on sheet 5, if necessary) as
47 they pertain to the subdivision (vs. existing conditions). Also, the Applicant shall
48 note the Town of Londonderry Sewer Discharge Permit number on the plan.
49

50 2. The Applicant has not indicated the proposed utilities to serve new lot 92-1 per Item
51 VII.B. of the Checklist. The Applicant shall indicate the proposed utilities on the
52 plans in accordance with the regulations or provide a note to clarify the proposed
53 locations are consistent with the separate site plan set.
54

- 1 3. The Applicant shall provide professional endorsements on the cover sheet and
2 sheet 1. In addition, the Applicant shall provide the Owner's signature on sheets 4
3 and 5. Also, endorsement by the Town of Derry Planning Board shall be provided
4 on the final plans.
5
- 6 4. The Applicant shall revise the note regarding the associated site plan to read as
7 follows: "This subdivision is based upon connection to municipal sewer through the
8 associated site plan for elderly housing on subdivided lot 92-1. The Planning Board
9 shall not grant final approval to this subdivision until such time that appropriate
10 financial guarantee for the construction of the connection to municipal sewer
11 (meeting the approval of the Sewer Division) is placed with the Town of
12 Londonderry."
13
- 14 5. Because this project depends upon connection to municipal sewer to meet the
15 minimum lot size, the Applicant shall provide appropriate financial guarantee to the
16 satisfaction of the Sewer Division to insure that the connection to the municipal
17 sewer is completed in the event the associated site plan does not get constructed.
18
- 19 6. Note all waivers granted on the plan (if applicable).
20
- 21 7. Outside consultant's fees shall be paid within 30 days of approval of plan.
22
- 23 8. The Applicant shall provide a digital (electronic) copy of the complete final plan sent
24 to the Town at the time of signature by the Board in accordance with Section
25 2.06.N of the regulations.
26
- 27 9. Financial guaranty if necessary.
28
- 29 10. Final engineering review.
30

31 **PLEASE NOTE -** Once these precedent conditions are met and the plans are certified
32 the approval is considered final. If these conditions are not met within 2 years to the day
33 of the meeting at which the Planning Board grants conditional approval the Board's
34 approval will be considered to have lapsed and re-submission of the application will be
35 required. See RSA 674:39 on vesting.
36

37 **GENERAL AND SUBSEQUENT CONDITIONS**

38
39 All of the conditions below are attached to this approval.

- 40
41
42 1. **No construction or site work may be undertaken until the pre-construction**
43 **meeting with Town staff has taken place, filing of an NPDES-EPA Permit (if**
44 **applicable) and the site restoration financial guaranty is in place with the**
45 **Town.** Contact the Department of Public Works to arrange for this meeting.
46
- 47 2. The project must be built and executed exactly as specified in the approved
48 application package unless modifications are approved by the Planning Department
49 & Department of Public Works, or if staff deems applicable, the Planning Board.
50
- 51 3. All of the documentation submitted in the application package by the Applicant and
52 any requirements imposed by other agencies are part of this approval unless
53 otherwise updated, revised, clarified in some manner, or superseded in full or in
54 part. In the case of conflicting information between documents, the most recent
55 documentation and this notice herein shall generally be determining.

- 1
2 4. All site improvements must be completed prior to the issuance of a certificate of
3 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
4 circumstances that prevent landscaping to be completed (due to weather conditions
5 or other unique circumstance), the Building Department may issue a certificate of
6 occupancy prior to the completion of landscaping improvements, if agreed upon by
7 the Planning & Public Works Departments, when a financial guaranty (see forms
8 available from the Public Works Department) and agreement to complete
9 improvements are placed with the Town. The landscaping shall be completed
10 within 6 months from the issuance of the certificate of occupancy, or the Town shall
11 utilize the financial guaranty to contract out the work to complete the improvements
12 as stipulated in the agreement to complete landscaping improvements. **No other**
13 **improvements shall be permitted to use a financial guaranty for their**
14 **completion for purposes of receiving a certificate of occupancy.**
15
16 5. It is the responsibility of the Applicant to obtain all other local, state, and federal
17 permits, licenses, and approvals which may be required as part of this project (that
18 were not received prior to certification of the plans). Contact the Building
19 Department at extension 115 regarding building permits.
20

21 **P. DiMarco seconded the motion.** No discussion. **Vote on the motion: 8-0-0.** Plan is
22 conditionally approved.
23

- 24 B. Tarkka Homes, Map 15, Lot 215-1 - Application Acceptance and Public Hearing for a
25 Site Plan and Conditional Use Permit to construct a 44 unit Elderly Housing
26 development.
27

28 T. Thompson stated there are no outstanding checklist items and staff recommends the
29 application be accepted as complete. He said that although the project has met the
30 minimum requirements for completeness there are still a number of design issued
31 unresolved at this time. The applicant should be aware that accepting this application will
32 start the 65 day clock under RSA 676:4. The applicant, Paul Morin from Tarkka Homes,
33 said he understands the 65 day clock.
34

35 **J. Farrell made a motion to accept the application as complete. R. Brideau**
36 **seconded the motion.** No discussion. **Vote on the motion: 8-0-0.** Application is
37 accepted as complete. This will start the 65 day clock under RSA 676:4.
38

39 Paul Morin from Tarkka Homes and Todd Connors, engineer from Sublime presented
40 their plans to the Board. P. Morin said they realize from the last conceptual discussion on
41 February 22 that the Board is concerned with the road width of 20 feet. They propose to
42 extend the sides of the road 2 feet on each side, without curbs, to get a total width of 24
43 feet. He said this would minimally affect drainage issues. P. Morin proposes 3' wide
44 paved walkways that are gently sloped to help with drainage in the subdivision. He said
45 sidewalks along Mammoth Rd frontage of the property would be done to town standards.
46 He said the abutters to the southeast, the Crowley's, have a 12 inch pipe for drainage
47 and they currently have problems with drainage. He said their basement always filled
48 with water until a sump pump was installed by the developer, Craig Fowler. P. Morin said
49 they cannot add to the existing drainage problems that the Crowley's currently have. He
50 said they want to be a good neighbor and work with the Crowley's to get the best solution
51 for all involved. P. Morin wants to know what the Board will be looking for regarding the
52 sidewalks in the ROW on Mammoth Rd.

53 J. Trottier said DPW is still very concerned about the road width being less than the town
54 standard of 28 feet. DPW would still like to see 28 feet width with curbing. T. Freda

1 asked T. Thompson and J. Trottier what was the percentage of roads for elderly housing
2 projects in town with less than 28 feet since the adoption of the new subdivision
3 regulations in 2000. T. Thompson said the Nevins main road is 28 feet and the side
4 roads are 24 feet, with curbing. He said the main road of the Nevins is a through street
5 and this project has a dead end.

6 T. Thompson stated again for the record, when the subdivision regulations were written in
7 2000 there was no Town Planner on staff.

8 T. Freda, R. Brideau, C. Tilgner, would like to see the 28' wide road with curbing.

9 A. Rugg, M. Soares, L. Wiles, J. Farrell & R. Brideau are comfortable with the applicant's
10 comprise of a 24' road width. P. DiMarco would like the 24' road width with curbing.

11 A. Rugg asked for public input.

12 Laura Alavosus, Mammoth Rd, said she is concerned with the project being right next to
13 her property. She would like to see the road width kept to a minimum so as not to impact
14 her property. Bob Merrill, Merrill Orchards, asked about an highway maintenance
15 easement along Grenier Field Rd. He said the easement is not shown on the new plans.

16 He also has concerns about the drainage on this project affecting the surrounding area.

17 M. Soares asked J. Trottier if road improvements would need to be made if sidewalks

18 were installed from the site to the senior center. J. Trottier said it's possible due to

19 drainage concerns. L. Wiles would like to see a wider walkway through the main road in

20 the development, but he feels it doesn't need to be as wide as town standards.

21 A. Rugg asked for public input re. the sidewalks/pathways internally and along Mammoth

22 Rd.

23 J. Trottier said in his opinion the Sugar Plum development has the perfect road width and

24 sidewalks for a development such as the one proposed here.

25 Todd Connors presented the Board with pictures of the current drainage situation that

26 the Crowley's (abutters) have on their property. He said there are a number of ways they

27 could make improvements to their development and/or the Crowley's property to help

28 with the drainage issues the Crowley's are having. He said their goal is to provide a

29 positive solution to the Crowley's drainage problems.

30 Tara & Kevin Crowley, 2 Buckthorn St, are concerned about the white PVC pipe. They

31 want to know who's property it is located on. T. Crowley said they have a constant

32 problem with standing and running water. They said the water at times completely

33 surrounds their home. The Crowley's don't feel it's their responsibility to fix the drainage

34 problems if the PVC pipe is located on the applicant's property. They said the DPW has

35 come out a few times to view the current situation.

36 A. Rugg said the Board would like to see the applicant work out the drainage issues with

37 the Crowley's and get back to the Board at the applicant's next public hearing.

38 L. Alavosus asked if lighting issues will be addressed. T. Thompson said the current

39 lighting plans are according to the town regulations.

40

41 T. Thompson read the memo with staff recommendations, recommending continuance of
42 the plan so that the design issues could be worked out.

43

44 **J. Farrell made a motion to continue to April 11 at 7 PM. R. Brideau seconded the**
45 **motion.** No discussion. **Vote on the motion: 8-0-0.** A. Rugg said this will be the only
46 public notice.

47

- 48 C. PSNH (Scobie Pond Substation), Map 13, Lot 111 - Application Acceptance and Public
49 Hearing for a Site Plan to expand the power substation.

50

51 T. Thompson stated there are 10 waivers associated with this project (for landscape

52 plans, illumination plans, traffic impact analysis, topography for the entire lot, required

53 number of benchmarks, plan scale, CO District Signage, drainage pipe size, indicating all

54 15" diameter trees on site, and the application fee), very similar to the two previous

1 projects that were approved for this site and the first 6 waivers are associated with the
2 checklist. Provided the Board grants these 6 waivers for the checklist, staff recommends
3 accepting the application as complete.

4 **J. Farrell made a motion to grant the waivers 1-6 in the memo based on the**
5 **applicant's letters to the Board, and the staff recommendations. M. Soares**
6 **seconded the motion.** L. Wiles asked if there had been any complaints regarding the
7 lighting for this project. T. Thompson said none they have been made aware of. **Vote on**
8 **the motion: 8-0-0.** The 6 waivers have been granted.

9
10 T. Thompson said because the 6 waivers for the checklist have been granted and there
11 are no outstanding checklist items, staff recommends the application be accepted as
12 complete.

13
14 **J. Farrell made a motion to accept the application as complete. P. DiMarco**
15 **seconded the motion.** No discussion. **Vote on the motion: 8-0-0.** Application has been
16 accepted as complete. This will start the 65 day clock under RSA 676:4.

17
18 Nicholas Golon, Engineer from TF Moran and applicant Walter Bilynsky from PSNH
19 presented their plans to the Board, outlining the area of the site impacted by the
20 expansion, which adds 2 new transformers to the site.

21
22 J. Trottier read the Vollmer/DPW memo with the outstanding design review comments.
23 T. Thompson said the conservation commission is satisfied with the waiver for the CO
24 District signage. He said the applicant has requested 4 more waivers to the site plan
25 regulations, as outlined in the staff recommendations, and staff recommends granting the
26 waivers. He stated that providing the Board grants these final 4 waivers, item 1 from
27 Precedent Conditions can be removed because the only comments from the
28 Vollmer/DPW memo are associated with the project are the waiver requests.
29 R. Brideau asked the applicant what the standard size is for a drain pipe. N. Golon said
30 the standard is a 15 inch drain pipe. N. Golon explained that the 6" pipes proposed were
31 part of a secondary containment system. A. Rugg asked for public input, but there was
32 none.

33
34 **J. Farrell made a motion to grant waivers 7-10 as outlined in the staff**
35 **recommendations, per the letters from the applicant to the Board, and the staff**
36 **recommendations. M. Soares seconded the motion.** No discussion. **Vote on the**
37 **motion: 8-0-0.** The 4 waivers have been granted.

38
39 **J. Farrell made a motion to conditionally approve the site plan with the following**
40 **conditions:**

41
42 "Applicant", herein, refers to the property owner, business owner, or organization
43 submitting this application and to his/its agents, successors, and assigns.

44
45 **PRECEDENT CONDITIONS**

46
47 All of the precedent conditions below must be met by the Applicant, at the expense of the
48 Applicant, prior to certification of the plans by the Planning Board. Certification of the
49 plans is required prior to commencement of any site work, any construction on the site or
50 issuance of a building permit.

- 51
52
53 1. Outside consultant's fees shall be paid within 30 days of approval of plan.
54
55 2. Note all waivers granted on the plan.

- 1
- 2
- 3 3. The Applicant shall provide a digital (electronic) copy of the complete final plan sent
- 4 to the Town at the time of signature by the Board in accordance with Section 2.05.n
- 5 of the regulations.
- 6
- 7 4. Financial guaranty if necessary.
- 8
- 9 5. Final engineering review

10 **PLEASE NOTE** - Once these precedent conditions are met and the plans are certified
11 the approval is considered final. If these conditions are not met within 120 days to the
12 day of the meeting at which the Planning Board grants conditional approval the Board's
13 approval will be considered to have lapsed and re-submission of the application will be
14 required. See RSA 674:39 on vesting.

15
16 **GENERAL AND SUBSEQUENT CONDITIONS**

17
18 All of the conditions below are attached to this approval.

- 19
- 20
- 21 1. **No construction or site work for the amended site plan may be undertaken**
- 22 **until the pre-construction meeting with Town staff has taken place, filing of**
- 23 **an NPDES-EPA Permit and the site restoration financial guaranty is in place**
- 24 **with the Town.** Contact the Department of Public Works to arrange for this
- 25 meeting.
- 26
- 27 2. The project must be built and executed exactly as specified in the approved
- 28 application package unless modifications are approved by the Planning Department
- 29 & Department of Public Works, or if staff deems applicable, the Planning Board.
- 30
- 31 3. All of the documentation submitted in the application package by the Applicant and
- 32 any requirements imposed by other agencies are part of this approval unless
- 33 otherwise updated, revised, clarified in some manner, or superseded in full or in
- 34 part. In the case of conflicting information between documents, the most recent
- 35 documentation and this notice herein shall generally be determining.
- 36
- 37 4. All site improvements must be completed prior to the issuance of a certificate of
- 38 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
- 39 circumstances that prevent landscaping to be completed (due to weather conditions
- 40 or other unique circumstance), the Building Department may issue a certificate of
- 41 occupancy prior to the completion of landscaping improvements, if agreed upon by
- 42 the Planning & Public Works Departments, when a financial guaranty (see forms
- 43 available from the Public Works Department) and agreement to complete
- 44 improvements are placed with the Town. The landscaping shall be completed
- 45 within 6 months from the issuance of the certificate of occupancy, or the Town shall
- 46 utilize the financial guaranty to contract out the work to complete the improvements
- 47 as stipulated in the agreement to complete landscaping improvements. **No other**
- 48 **improvements shall be permitted to use a financial guaranty for their**
- 49 **completion for purposes of receiving a certificate of occupancy.**
- 50
- 51 5. As built site plans must to be submitted to the Public Works Department prior to the
- 52 release of the Applicant's financial guaranty.
- 53
- 54 6. It is the responsibility of the Applicant to obtain all other local, state, and federal
- 55 permits, licenses, and approvals which may be required as part of this project (that

1 were not received prior to certification of the plans). Contact the Building
2 Department at extension 115 regarding building permits.

3
4 **M. Soares seconded the motion. No discussion. Vote on the motion: 8-0-0.** Plan is
5 conditionally approved.

6
7 **Other Business**

8
9 None

10
11 **Adjournment:**

12
13 **J. Farrell made a motion to adjourn. C. Tilgner seconded the motion.** Meeting adjourned
14 at 9:15 PM.

15
16
17 These minutes prepared by Cathy Dirsra, Planning Department Secretary.

18
19
20
21 Respectfully Submitted,

22
23
24
25 Paul DiMarco, Secretary
26

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF MARCH 14 , 2007 AT THE MOOSE HILL COUNCIL**
3 **CHAMBERS**
4

5 7:00 PM: Members Present: Art Rugg; Paul DiMarco; Rick Brideau, Ex-Officio; Charles
6 Tilgner, P.E., Ex-Officio; Tom Freda; Lynn Wiles, alternate member; Mary Soares; Rob Nichols
7

8 Also Present: André Garron, AICP; Tim Thompson, AICP; Janusz Czyzowski, PE; John
9 Trottier, P.E.; Cathy Dirsas, Planning Department Secretary

10
11 A. Rugg called the meeting to order at 7:01 PM. A. Rugg appointed L. Wiles to vote for
12 J. Farrell.
13

14
15 **Administrative Board Work**
16

17 A. Signing of Minutes – February 7 & 22
18

19 Minutes for February 7 and 22 have been signed.
20

21 B. Discussions with Town Staff
22

23 T. Thompson stated that the workshop for excavations, was postponed from tonight to
24 allow staff to further research changes to the state law on excavations. He also noted
25 that on April 11 we will have Bruce Mayberry here for a public hearing to update the
26 impact fee methodologies for school and fire impact fees.
27

28 **Public Hearings**
29

30 A. Sanborn Road Realty, LCC, Map 15, Lot 87-1 - Continued Public Hearing for a waiver to
31 Site Plan Regulations for the conditionally approved 96 unit apartment project.
32

33 Attorney John Cronin & Deb Brewster, from TF Moran, presented their request for a
34 waiver again to the board, summarizing the changes made to the proposed development
35 agreement.

36 A. Garron said they have met with legal counsel and presented the changes to the
37 agreement from legal counsel and town staff to the Board.

38 J. Czyzowski, Director of Public Works again stated that he is concerned with this project
39 holding up other developers that may come along within the two year period that is
40 proposed under the development agreement for this project.

41 A. Garron said any possible future developers would either need to work with this
42 applicant regarding the offsite improvements or provide all funds necessary for the full
43 off-site improvements on their own.

44 T. Thompson stated that the site plans are close to being ready for signature. He stated
45 that if the Board grants the waiver, that the development agreement would need to be
46 signed prior to the Planning Board signing the site plans.

47 R. Nichols requested the term "principal" in the agreement to be defined as a person
48 holding 50% or more ownership of the development group. He also said it should be
49 noted in the waiver that staff shall have the option to review and approve the plans and
50 financial estimates if the waiver is approved.

51 L. Wiles asked what the off-site improvements included. D. Brewster explained that the
52 off site improvements included Expanding school parking lot on the south side of

1 Sanborn Road and cleaning up the curb cuts for the parking, providing sidewalks from
2 the proposed development to North school, widening/reconstruction of Sanborn Road,
3 and extension of sewer to serve the proposed development and sewer work on
4 Mammoth Rd to replace some 10" pipe with 12" pipe.

5
6 A. Rugg asked for public input, but there was none.

7
8 R. Nichols noted that signatures by Londonderry Planning Board Chair should be
9 changed to Town Manager.

10 J. Cronin proposed adding wording regarding the developer to work with staff if another
11 development project is proposed prior to this project being underway.

12
13 **P. DiMarco made a motion to grant a waiver to section 6.01.b of the site plan**
14 **regulations (requiring financial guaranty for off-site improvements to be in place**
15 **prior to Planning Board signature of the site plans) with the following condition:**

16
17 **The Town and the Applicant must sign the amended development agreement as**
18 **discussed during the public hearing and meeting the approval of the Planning and**
19 **Public Works staff.**

20
21 **M. Soares seconded the motion.** No discussion. **Vote on the motion: 6-2-0** (C. Tilgner
22 and R. Brideau opposed). Waiver conditionally granted.

23
24 B. Conceptual Discussion - Hillside Elderly Housing

25
26 Applicant Elmer Pease and Rob Woodland from Woodland Design Group presented the
27 plans, and discussed the issues related to the off-site improvements and the challenges
28 of getting abutters to sign off on work on their properties.

29 J. Trottier said DPW will be reviewing proposed curb cut at the dance studio lot and
30 approximately station 3 & 50.

31 P. DiMarco suggested placing either speed bumps, stop signs or something that would
32 provide traffic control through the development, particularly the long, straight driveways
33 at the front and back of the buildings. T. Thompson reminded the applicant that speed
34 bumps could have the unintended consequence of changing drainage flow on the site,
35 and it would need to be reviewed carefully.

36 E. Pease mentioned that abutter, Mrs. Pugh, would like to see stop signs on Hillside.

37 A. Rugg said that should be addressed with the traffic safety committee.

38 J. Czyzowski said because the applicant is building a road the Board would have the
39 authority to place stop signs on that road, however, he strongly opposes doing this.

40 A. Garron suggested placing a sidewalk from the development to Hillside Ave.

41 E. Pease said he would consider doing the sidewalks. J. Trottier said the sidewalk should
42 meet town standards.

43 A. Garron asked DPW for clarification between a private drive and driveway within the
44 development compared to other elderly housing site plans.

45 J. Czyzowski said a private drive that is about 1200' (as in the Tarkka project) you cannot
46 consider it a driveway. He said the road in Hillside definitely is considered a driveway.
47 He said the things to consider are the length of the road and how many units are in the
48 development.

49
50 C. Conservation Subdivision Ordinance – Workshop

51
52 See attached presentation.

1 T. Thompson summarized the ordinance to date, and offered a few areas for discussion
2 tonight. He noted that the Road Standards are not yet finalized, and the Planning and
3 Public Works Departments would continue to meet on that issue and provide a
4 recommendation for the ordinance at a later date.

5 A. Garron suggested a maximum cap for the density bonuses or reducing the bonuses in
6 the ordinance, as staff is a bit concerned that if a project receives all the available
7 bonuses, it could provide for densities that are really not the intent of the ordinance.
8

9 T. Thompson said he believes the Yield Plan multipliers were an attempt by former intern
10 Holly Burbee to encourage more affordable housing. He said that perhaps this should be
11 removed until the housing task force finishes it's work, and then the Board could consider
12 adding it back if appropriate. M. Soares clarified that the purpose of the bonuses are not
13 to dictate housing, but to conserve open space. Consensus of the board felt that a cap is
14 preferable. J. Czyzowski suggested 15% deduction in the calculation method should be
15 added to lots with sewer as it is for lots without sewer. T. Thompson said that the
16 Planning Dept and DPW will work on this together.
17

18 [M. Soares left at 9:00PM]
19

20 D. Signs & Parking Workshop
21

22 See attached presentation.

23 T. Thompson summarized the process to date; much of the work was the responsibility
24 of last summer's intern, Eric Dyer. He stated that the primary changes were to add
25 flexibility provisions that would allow the Planning Board, rather than the ZBA, to
26 consider parking reductions where appropriate through a conditional use permit process.
27 Also, all uses in the permitted use table now have a parking requirement, which is not the
28 case in the current ordinance. Other demand management and parking strategies are
29 included as well.
30

31 J. Czyzowski stated his concerns about the compact auto spaces, and that the sizes may
32 be too small. T. Thompson suggested "conditional use permits" for compact parking
33 spaces rather than having up to 10% by right as is currently proposed.
34

35 T. Thompson also summarized the changes to the sign section, primary changes are
36 limiting free-standing sign height to 10', and changes to calculations for additional square
37 footage on signs for large multi-tenant commercial properties.
38

39 T. Freda asked about the section of the proposed Flexible Industrial District concerning
40 open space areas and sign placement. T. Thompson said that the ownership of open
41 space section has been stricken from the FI district plan. T. Freda stressed his concerns
42 about enforcement of signs in the town. He said that some reference should be made to
43 "conservation easements".

44 L. Wiles asked about existing signs and how they would be handled under the new
45 ordinance. T. Thompson outlined the section on non-conforming signs.
46

47 **Other Business**
48

49 None.
50

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Adjournment:

P. DiMarco made a motion to adjourn the meeting. R. Brideau seconded the motion. No discussion. Vote on the motion: 7-0-0. Meeting adjourned at 9:40 PM.

These minutes prepared by Cathy Dirsra, Planning Department Secretary.

Respectfully Submitted,

Paul DiMarco, Secretary

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF APRIL 4, 2007 AT THE MOOSE HILL COUNCIL**
3 **CHAMBERS**
4

5 7:00 PM: Members Present: Art Rugg; Rick Brideau, Ex-Officio; Kathy Wagner, Ex-Officio;
6 Paul DiMarco; John Farrell; Tom Freda; Rob Nichols; Mary Soares

7
8 Also Present: Tim Thompson, AICP; John Trottier, P.E.; Cathy Dirsa, Planning Department
9 Secretary

10
11 **Administrative Board Work**
12

13 A. Election of Officers
14

15 **J. Farrell made a motion to keep the same officers for this year (A. Rugg as Chair,**
16 **J. Farrell as Vice Chair, P. DiMarco as Secretary, M. Soares as Asst. Secretary).**
17 **R. Brideau seconded the motion. No discussion. Vote on the motion: 6-0-0**
18

19 *[M. Soares arrived at 7:08]*
20

21 B. Regional Impact Determinations
22

23 T. Thompson summarized the memo with staff recommendations, recommending both
24 projects are not of regional impact.

25 **J. Farrell made a motion to accept the regional impact determinations. R. Brideau**
26 **seconded the motion. No discussion. Vote on the motion: 7-0-0.**
27

28 C. Governmental Land Use Request - Manchester Boston Regional Airport - Cell Phone
29 Parking Lot
30

31 T. Thompson referenced the letter from Kevin Dillon, Airport Director, indicating the
32 Airport's request to construct a cell phone parking lot. He recommended the board hold
33 a Public Hearing under RSA 674:54...

34 **J. Farrell made a motion to hold a Public Hearing under RSA 674:54 on May 2. R.**
35 **Brideau seconded the motion. No discussion. Vote on the motion: 7-0-0.**
36

37 D. Plans to Sign - Bensons Millwork Site Plan - Map 7, Lot 40-11
38

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

41 **J. Farrell made a motion to authorize the Chair and Secretary to sign the plans. R.**
42 **Brideau seconded the motion. No discussion. Vote on the motion: 7-0-0.**
43

44 A. Rugg said the plans will be signed at the conclusion of the meeting.
45

46 E. Plans to Sign - Protavic America Inc. Site Plan (Administratively Reviewed) - Map 28, Lot
47 22-26
48

49 T. Thompson said this was reviewed administratively by staff, as directed by the
50 Planning Board in March, and the staff recommends signing the plans.

51 **J. Farrell made a motion to authorize the Chair and Secretary to sign the plans. R.**
52 **Brideau seconded the motion. No discussion. Vote on the motion: 7-0-0.**

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

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F. Plans to Sign – Innie Lot Line Adjustment - Map 11, Lots 102 & 102-6

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

J. Farrell made a motion to authorize the Chair and Secretary to sign the plans. R. Brideau seconded the motion. No discussion. Vote on the motion: 7-0-0.

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

G. Plans to Sign – PSNH Scobie Pond Substation Site Plan - Map 13, Lots 111 & 110

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

J. Farrell made a motion to authorize the Chair and Secretary to sign the plans. R. Brideau seconded the motion. No discussion. Vote on the motion: 7-0-0.

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

H. Plans to Sign – Sugar Plum Phasing Plan - Map 10, Lot 13

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

J. Farrell made a motion to authorize the Chair and Secretary to sign the plans. R. Brideau seconded the motion. No discussion. Vote on the motion: 7-0-0.

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

I. Approval of Minutes – March 7 & 14

J. Farrell made a motion to approve the minutes from the March 7 meeting. R. Brideau seconded the motion. No discussion. Vote on the motion: 5-0-2.

(K. Wagner & R. Nichols abstained because they were absent at the March 7 meeting).

Minutes are approved and will be signed at the April 11 meeting.

J. Farrell made a motion to approve the minutes from the March 14 meeting. R. Brideau seconded the motion. No discussion. Vote on the motion: 5-0-2.

(K. Wagner & J. Farrell abstained because they were absent at the March 14 meeting).

Minutes are approved and will be signed at the April 11 meeting.

J. Discussions with Town Staff

T. Thompson said the Planning Dept. & Public Works have posted a job for a summer intern. Project this year will be GIS project to inventory municipal signage and to conduct an audit of the development review process.

The Board welcomed Kathy Wagner as the new Ex-Officio from the Town Council.

The Board assigned members to standing committee assignments:

CIP committee: J. Farrell & R. Brideau (M. Soares as alternate)

Heritage commission: A. Rugg.

1
2 **Public Hearings**
3

- 4 A. Town of Londonderry, Map 9, Lot 55A - Public Hearing Under RSA 674:54 for a site plan
5 to construct a wireless communication facility.
6
7

8 Bart Mayer, Town Attorney presented the plans for the construction of a monopole cell
9 tower for Fire Department communication antennae. Verizon will be before the ZBA for a
10 variance to co-locate on the tower, and if successful will be before the Planning Board for
11 a site plan for the co-location. He said they do not plan to submit a drainage report or to
12 have the site surveyed for the Town part of the project.

13 J. Trottier referenced a memo with staff recommendations.

14 J. Trottier said staff is very concerned with the drainage because lots of water comes off
15 the hill on that site. Staff is concerned with the compound and the access road as it
16 relates to the drainage.

17 T. Thompson said staff recommends that the Board accept the staff recommendations as
18 the non-binding recommendations to the Town as allowed by statute.

19 Steve Russell, Consultant from Verizon Wireless, said the cell tower will provide better
20 coverage for both cell phones and land lines once Verizon co-locates.

21 Earl Duval, Counsel for Verizon Wireless, said they submitted propagation maps
22 showing the existing & proposed coverage and said the cell tower will provide a
23 significant improvement after Verizon co-locates.

24 Fire Dept Captain Doug Cardwell said he is comfortable with the proposed cell tower.
25

26 *[T.Freda arrived at 8:44pm]*
27

28 D. Cardwell said there has to be a separation between frequencies for police and fire.

29 A. Rugg asked for public input but there was none.

30 A. Rugg asked if the area would be properly secured. B. Mayer said they plan on fencing
31 it in and will review their plans to ensure tight security.

32 K. Wagner said that parents have suggested putting a surveillance camera on the tower
33 to observe the skate park. B. Mayer said he will look into it.
34

35 **J. Farrell made a motion to accept the staff recommendations as the non-binding**
36 **recommendations of the Planning Board as follows:**
37

38 **1. The applicant has not provided a completed site plan application and**
39 **application checklist as is typically required by the regulations.**

40
41 **2. The applicant should revise the title blocks to conform to the regulations,**
42 **and include all appropriate information (Map/Lot, Owner Address, etc.).**
43

44 **3. The applicant has not provided the following information: drainage report,**
45 **grading plans, and erosion control plans as typically required by the**
46 **regulations. We recommend the applicant meet with the Department of**
47 **Public Works and Engineering to address these items.**
48

49 **4. The applicant should provide the following, which are typically required by**
50 **Section 5.01 of the regulations (specific to wireless communication**
51 **facilities):**

- 52 **a. The applicant should provide the engineering report typically required by**
53 **Section 5.01.b.1 of the regulations**

- 1 **b. The applicant should provide the letter of intent for allowing co-locators as**
2 **typically required by Section 5.01.b.2 of the regulations.**
- 3 **c. The applicant should provide a landscape plan, as typically required by the**
4 **regulations, to ensure that the lowest 6 feet of the tower is screened in**
5 **accordance with Section 5.01.c.1.**
- 6 **d. The applicant should provide plans at a scale of 1"=50, as typically required**
7 **by Section 5.01.b.4.iii.**
- 8 **e. The applicant should provide copies of all required federal permits**
9 **(including FAA form 7460-1) as typically required by the regulations. We**
10 **understand that the FAA has outstanding issues related to this project (see**
11 **attached letter from the FAA)**
- 12
- 13 **5. The applicant indicates that the boundary information was not obtained**
14 **through a boundary survey, as typically required by the regulations.**
- 15
- 16 **6. The applicant should revise the elevation datum to be USGS as typically**
17 **required by the regulations.**
- 18
- 19 **7. The applicant should indicate all required setbacks on the plans as typically**
20 **required by the regulations.**
- 21
- 22 **8. The applicant should include all notes outlined in Section 4.11 of the Site**
23 **Plan regulations that are pertinent to the project (i.e., Purpose of the plans,**
24 **plans on file with the town, etc.) as typically required by the regulations.**
- 25
- 26 **9. The applicant should provide appropriate utility clearance letters for the**
27 **utilities affected by this project, as typically required by the regulations.**
- 28
- 29 **10. The applicant should provide a metes and bounds description of the**
30 **proposed lease area for the antenna support structure and ancillary**
31 **equipment, and provide copies of any proposed easement language and**
32 **legal documents for review by the Town, as typically required by the**
33 **regulations.**
- 34
- 35 **11. The applicant should note the status/class of the roadways, the right-of way**
36 **dimensions, and pavement dimensions as typically required by the**
37 **regulations.**
- 38
- 39 **12. The applicant should provide wetland delineation information and CO**
40 **District boundaries as typically required by the regulations and the CO**
41 **District section of the Zoning Ordinance.**
- 42
- 43 **13. The applicant should provide SCS soils information for the site as typically**
44 **required by the regulations.**
- 45
- 46 **14. The applicant should provide owners signatures on the plans as typically**
47 **required by the regulations.**
- 48
- 49 **15. The applicant should provide appropriate information on the existing**
50 **drainage structures located on the site as typically required by the**
51 **regulations.**
- 52

- 1 **16. The applicant should provide appropriate information on proposed**
- 2 **drainage structures located on the site as typically required by the**
- 3 **regulations.**
- 4
- 5 **17. The applicant should provide existing and proposed utility information on**
- 6 **the plans as typically required by the regulations.**
- 7
- 8 **18. The applicant should indicate whether the proposed access drive is paved**
- 9 **or gravel, and provide appropriate construction details as typically required**
- 10 **by the regulations.**
- 11
- 12 **19. The applicant should provide construction details in the plan set as**
- 13 **typically required by the regulations.**
- 14
- 15 **20. The applicant should provide erosion control details in the plan set as**
- 16 **typically required by the regulations.**
- 17
- 18 **21. The applicant should remove the Planning Board signature block from**
- 19 **sheet 2.**
- 20
- 21 **22. The applicant should remove the “signature block” and directions to the**
- 22 **site, which are not typically needed on a site plan.**
- 23
- 24 **23. The applicant should remove the “metes & bounds” description from sheet**
- 25 **2, as it can be properly identified in the references. Additionally, the**
- 26 **applicant should clarify the plan and deed references, indicating the names**
- 27 **of the referenced plans, and indicating which registry of deeds the**
- 28 **referenced documents are located at. Also, please provide a north arrow as**
- 29 **typically required by the regulations, and re-title the plan to be “existing**
- 30 **conditions” rather than “existing site plan.”**
- 31
- 32 **24. The applicant should revise the locus map on sheet 2, as it includes**
- 33 **incorrect street names.**
- 34
- 35 **25. The applicant should revise the “drainage note” on sheet c-3, correcting the**
- 36 **spelling.**
- 37
- 38 **26. Please address the DRC comments as applicable.**
- 39
- 40 **27. Please make adequate security measures at the compound’s location as**
- 41 **discussed by the Planning Board at the hearing.**
- 42

43 **R. Brideau seconded the motion. No discussion. Vote on the motion: 8-0-0.**

- 44
- 45 B. Elmer A. Pease, II, Map 10, Lot 92 - Application Acceptance and Public Hearing for a
- 46 Site Plan and Conditional Use Permit for the construction of a 50 unit Elderly Housing
- 47 development. - ***Request Continuance to May 2, 2007***
- 48

49 T. Thompson referenced the applicant’s letter requesting a continuance.

50

51 **J. Farrell made a motion to continue this to May 2, 2007 at 7pm. P. DiMarco**

52 **seconded the motion. No discussion. Vote on the motion: 6-0-0.**

53 **A.Rugg said this will be the only public notice.**

- 1
2 C. Harvey Industries, Map 17, Lot 45-2 - Public Hearing for an Amendment to an approved
3 site plan to break the project into 2 phases.
4

5 Zoltan Juhasz, Civil Engineer for Harvey Industries presented their plans.
6 J. Trottier referenced the memo with staff recommendations.
7 T. Thompson said staff is recommending conditional approval.
8 A.Rugg asked for public input but there was none.
9

10 **J.Farrell made a motion to conditionally approve an Amendment to an approved**
11 **site plan with the following conditions:**
12

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

16 **PRECEDENT CONDITIONS**
17

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

- 23 1. The Applicant shall provide a digital (electronic) copy of the complete final plan
24 sent to the Town at the time of signature by the Board in accordance with Section
25 2.05.n of the regulations.
26
27 2. Final engineering review.
28

29 **PLEASE NOTE** - Once these precedent conditions are met and the plans are certified
30 the approval is considered final. If these conditions are not met within 120 days to the
31 day of the meeting at which the Planning Board grants conditional approval the board's
32 approval will be considered to have lapsed and re-submission of the application will be
33 required. See RSA 674:39 on vesting.
34

35 **GENERAL AND SUBSEQUENT CONDITIONS**
36

37 All of the conditions below are attached to this approval.
38

- 39 1. **No construction or site work FOR PHASE 2 may be undertaken until the pre-**
40 **construction meeting with Town staff has taken place, filing of an NPDES-**
41 **EPA Permit (if applicable) and the site restoration financial guaranty is in**
42 **place with the Town.** Contact the Department of Public Works to arrange for this
43 meeting.
44
45 2. The project must be built and executed exactly as specified in the approved
46 application package unless modifications are approved by the Planning Department
47 & Department of Public Works, or if staff deems applicable, the Planning Board.
48
49 3. All of the documentation submitted in the application package by the Applicant and
50 any requirements imposed by other agencies are part of this approval unless
51 otherwise updated, revised, clarified in some manner, or superseded in full or in
52 part. In the case of conflicting information between documents, the most recent
53 documentation and this notice herein shall generally be determining.

- 1
2 4. All site improvements must be completed prior to the issuance of a certificate of
3 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
4 circumstances that prevent landscaping to be completed (due to weather conditions
5 or other unique circumstance), the Building Department may issue a certificate of
6 occupancy prior to the completion of landscaping improvements, if agreed upon by
7 the Planning & Public Works Departments, when a financial guaranty (see forms
8 available from the Public Works Department) and agreement to complete
9 improvements are placed with the Town. The landscaping shall be completed
10 within 6 months from the issuance of the certificate of occupancy, or the Town shall
11 utilize the financial guaranty to contract out the work to complete the improvements
12 as stipulated in the agreement to complete landscaping improvements. **No other**
13 **improvements shall be permitted to use a financial guaranty for their**
14 **completion for purposes of receiving a certificate of occupancy.**
15
16 5. It is the responsibility of the Applicant to obtain all other local, state, and federal
17 permits, licenses, and approvals which may be required as part of this project (that
18 were not received prior to certification of the plans). Contact the Building
19 Department at extension 115 regarding building permits.
20

21 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 8-0-0.** Plan is
22 conditionally approved.
23

- 24 D. Deca-Land Builders LLC, Map 6, Lot 6-2 - Application Acceptance and Public Hearing for
25 a condominium conversion.
26

27 T. Thompson stated that there are no checklist items, and staff recommends the
28 application be accepted as complete.

29 **J. Farrell made a motion to accept the application as complete. R. Brideau**
30 **seconded the motion.** No discussion. **Vote on the motion: 8-0-0.** Application
31 accepted as complete.
32

33 Joseph Maynard from Benchmark Engineering presented the plans.

34 J. Trottier referenced the memo with staff recommendations.

35 T. Thompson said staff is recommending conditional approval. He asked that his DRC
36 comment #5 be indicated CO District signage to be on the condominium plan as they are
37 on the approved subdivision plan.

38 A. Rugg asked for public input but there was none.

39 R. Brideau explained that this year the parcel will be taxed as a single lot because it's
40 already after April 1st. Next year it will be taxed as a split lot with the occupants sharing
41 the tax cost.

42 A. Rugg asked for public input but there was none.
43

44 **J. Farrell made a motion to conditionally approve the condominium conversion,**
45 **with the following conditions:**
46

47 "Applicant", herein, refers to the property owner, business owner, or organization
48 submitting this application and to his/its agents, successors, and assigns.
49
50

51
52 **PRECEDENT CONDITIONS**
53

1 All of the precedent conditions below must be met by the Applicant, at the expense of the
2 Applicant, prior to certification of the plans by the Planning Board. Certification of the
3 plans is required prior to commencement of any site work, any construction on the site or
4 issuance of a building permit.

- 5
- 6 1. The Applicant shall identify the number of bedrooms in each unit in the notes.
- 7
- 8 2. The Applicant shall identify the boundary limits of the limited common area for
9 each unit with leaders or in the legend for clarity.
- 10
- 11 3. The Applicant shall indicate the symbol for the wetlands and stone wall in the
12 legend in accordance with section 4.08 of the regulations.
- 13
- 14 4. The Applicant shall indicate the westerly ROW edge of High Range Road as
15 typically requested by the Town.
- 16
- 17 5. The Applicant has listed the previous waivers granted for the subdivision creating
18 the subject lot in note 11 on sheet 1 that do not apply to this application and the
19 Applicant shall remove the notes.
- 20
- 21 6. The Applicant shall address the DRC comments as applicable.
- 22
- 23 7. Note all waivers granted on the plan.
- 24
- 25 8. The Applicant shall provide a digital (electronic) copy of the complete final plan
26 sent to the Town at the time of signature by the Board in accordance with Section
27 2.06.N of the regulations.
- 28
- 29 9. Financial guaranty if necessary.
- 30
- 31 10. Final engineering review.
- 32

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

38
39 **GENERAL AND SUBSEQUENT CONDITIONS**

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

- 41
- 42
- 43 1. **No construction or site work may be undertaken until the pre-construction**
44 **meeting with Town staff has taken place, filing of an NPDES-EPA Permit (if**
45 **applicable) and the site restoration financial guaranty is in place with the**
46 **Town.** Contact the Department of Public Works to arrange for this meeting.
47
- 48 2. The project must be built and executed exactly as specified in the approved
49 application package unless modifications are approved by the Planning
50 Department & Department of Public Works, or if staff deems applicable, the
51 Planning Board.
52

- 1 3. All of the documentation submitted in the application package by the Applicant
2 and any requirements imposed by other agencies are part of this approval unless
3 otherwise updated, revised, clarified in some manner, or superseded in full or in
4 part. In the case of conflicting information between documents, the most recent
5 documentation and this notice herein shall generally be determining.
6
- 7 4. All site improvements must be completed prior to the issuance of a certificate of
8 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
9 circumstances that prevent landscaping to be completed (due to weather
10 conditions or other unique circumstance), the Building Department may issue a
11 certificate of occupancy prior to the completion of landscaping improvements, if
12 agreed upon by the Planning & Public Works Departments, when a financial
13 guaranty (see forms available from the Public Works Department) and agreement
14 to complete improvements are placed with the Town. The landscaping shall be
15 completed within 6 months from the issuance of the certificate of occupancy, or
16 the Town shall utilize the financial guaranty to contract out the work to complete
17 the improvements as stipulated in the agreement to complete landscaping
18 improvements. **No other improvements shall be permitted to use a financial**
19 **guaranty for their completion for purposes of receiving a certificate of**
20 **occupancy.**
21
- 22 5. All required School, Library, Recreation, Police Facility and Traffic impact fees
23 must be paid prior to the issuance of a Certificate of Occupancy.
24
- 25 6. It is the responsibility of the Applicant to obtain all other local, state, and federal
26 permits, licenses, and approvals which may be required as part of this project
27 (that were not received prior to certification of the plans). Contact the Building
28 Department at extension 115 regarding building permits.
29

30 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 8-0-0.** Plan is
31 conditionally approved.
32

- 33 E. Crowning Holdings Inc., Map 15, Lot 2 - Public Hearing for an Amendment to an
34 approved site plan to address outdoor storage and lighting.
35

36 Tony Marcotte from Bedford Design Consultants presented the plans for an outdoor
37 storage area and lighting.

38 J. Trottier referenced the memo with staff recommendations.

39 T. Thompson said staff recommends conditional approval. He felt the one item that
40 should be decided by the board is the drive aisle screening. He said the outside storage
41 was a code enforcement issue and they clearly need to show access to that area.

42 Consensus of the board was that the screening is acceptable.

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

45 **J. Farrell made a motion to conditionally approve an Amendment to an approved**
46 **site plan, with the following conditions:**
47

48 "Applicant", herein, refers to the property owner, business owner, or organization submitting
49 this application and to his/its agents, successors, and assigns.
50

51
52
53 **PRECEDENT CONDITIONS**

1
2 All of the precedent conditions below must be met by the Applicant, at the expense of the
3 Applicant, prior to certification of the plans by the Planning Board. Certification of the plans is
4 required prior to commencement of any site work, any construction on the site or issuance of a
5 building permit.

- 6
7 1. The Applicant shall revise the note on the cover sheet to indicate that sheets 1, 5, 6, 8,
8 and 12 are intended to replace the same sheets in the approved plan set. Additionally
9 the Applicant shall add the 12/13/06 approval for the first amendment to the plans (for
10 the site signage).
11
12 2. The Applicant indicates a pole to be removed from the site plan on sheet 6, which is
13 inconsistent with the submitted illumination plan, which indicates the pole and existing
14 light to remain. The Applicant shall clarify the plans to properly indicate what is
15 proposed for this pole and light.
16
17 3. The Applicant shall clarify the following relative to the proposed bollards shown on the
18 site plan, sheet 6:
19 a. There are arrows pointing to some bollards without any accompanying text.
20 The Applicant shall clarify or remove.
21 b. Several bollards are labeled as "high" bollards. The Applicant shall clarify what
22 this means.
23 c. The Applicant shall relocate the outdoor storage and bollards along the site
24 driveway to ensure that a 22 foot drive aisle is provided.
25 d. The Applicant shall clarify the bollard detail on sheet 12 to indicate the size and
26 materials for the proposed bollards.
27
28 4. The Applicant shall provide a digital (electronic) copy of the complete final plan sent to
29 the Town at the time of signature by the Board in accordance with Section 2.05.n of the
30 regulations.
31
32 5. Final engineering review.

33
34 **PLEASE NOTE -** Once these precedent conditions are met and the plans are certified the
35 approval is considered final. If these conditions are not met within 120 days to the day of the
36 meeting at which the Planning Board grants conditional approval the board's approval will be
37 considered to have lapsed and re-submission of the application will be required. See RSA
38 674:39 on vesting.
39

40 **GENERAL AND SUBSEQUENT CONDITIONS**

41 All of the conditions below are attached to this approval.
42

- 43
44
45 1. **No construction or site work may be undertaken until the pre-construction
46 meeting with Town staff has taken place, filing of an NPDES-EPA Permit (if
47 applicable) and the site restoration financial guaranty is in place with the Town.**
48 Contact the Department of Public Works to arrange for this meeting.
49
50 2. The project must be built and executed exactly as specified in the approved application
51 package unless modifications are approved by the Planning Department & Department
52 of Public Works, or if staff deems applicable, the Planning Board.
53

- 1 3. All of the documentation submitted in the application package by the Applicant and any
2 requirements imposed by other agencies are part of this approval unless otherwise
3 updated, revised, clarified in some manner, or superseded in full or in part. In the case
4 of conflicting information between documents, the most recent documentation and this
5 notice herein shall generally be determining.
6
- 7 4. All site improvements must be completed prior to the issuance of a certificate of
8 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
9 circumstances that prevent landscaping to be completed (due to weather conditions or
10 other unique circumstance), the Building Department may issue a certificate of
11 occupancy prior to the completion of landscaping improvements, if agreed upon by the
12 Planning & Public Works Departments, when a financial guaranty (see forms available
13 from the Public Works Department) and agreement to complete improvements are
14 placed with the Town. The landscaping shall be completed within 6 months from the
15 issuance of the certificate of occupancy, or the Town shall utilize the financial guaranty
16 to contract out the work to complete the improvements as stipulated in the agreement
17 to complete landscaping improvements. **No other improvements shall be permitted**
18 **to use a financial guaranty for their completion for purposes of receiving a**
19 **certificate of occupancy.**
20
- 21 5. It is the responsibility of the Applicant to obtain all other local, state, and federal
22 permits, licenses, and approvals which may be required as part of this project (that
23 were not received prior to certification of the plans). Contact the Building Department at
24 extension 115 regarding building permits.
25

26 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 8-0-0.** Plan is
27 conditionally approved.
28

- 29 F. TFS Properties/State of NH, Map 15, Lots 58 & 61-4 - Application Acceptance and Public
30 Hearing for a Lot Line Adjustment.
31

32 T. Thompson stated that there are no checklist items, and staff recommends the
33 application be accepted as complete.
34

35 **J. Farrell made a motion to accept the application as complete. R. Brideau**
36 **seconded the motion.** No discussion. **Vote on the motion: 8-0-0.** Application
37 accepted as complete.
38

39 Nancy Spaulding from TF Moran presented the plans.

40 Deb Brewster from TF Moran was also present & gave the board a copy of the letter from
41 the DOT regarding their purchase plans.

42 J. Farrell asked about the site entrance possibly being changed.

43 D. Brewster said they plan to submit an amendment for the site entrance changes.

44 J. Trottier referenced the memo with staff recommendations. He stated the staff
45 recommends the waiver requests.

46 T. Thompson said staff recommends conditional approval.

47 A. Rugg asked for public input but there was none.

48 D. Brewster asked the board if this plan is conditionally approved tonight could the board
49 possibly sign the plans at the April 11 meeting.

50 T. Thompson said items 20 & 21 need to have the dates changed and item 21 & 22 need
51 to be removed. He said he would feel comfortable with having the board sign the plans at
52 the next meeting.
53

1 **J. Farrell made a motion grant the waivers to sections 4.09 and 4.12.c.2 based on**
2 **the applicant's letter and the staff recommendation. R. Brideau seconded the**
3 **motion. No discussion. Vote on the motion: 8-0-0. Waivers granted**

4
5 **J.Farrell made a motion to conditionally approve the lot line adjustment, with the**
6 **following conditions:**

7
8 "Applicant", herein, refers to the property owner, business owner, or organization submitting
9 this application and to his/its agents, successors, and assigns.

10
11 **PRECEDENT CONDITIONS**

12
13 All of the precedent conditions below must be met by the Applicant, at the expense of the
14 Applicant, prior to certification of the plans by the Planning Board. Certification of the plans is
15 required prior to commencement of any site work, any construction on the site or issuance of a
16 building permit.

- 17
18
19 1. The Applicant shall remove the errant, blank notes numbered 21 and 22 from the lot
20 line adjustment sheet.
21
22 2. The Applicant shall revise notes 20 and 21 to indicate the proper revision dates
23 (unknown at this time, as revisions will need to be made to address any conditions of
24 approval), or remove the date information from these notes.
25
26 3. Note all waivers granted on the plan.
27
28 4. The Applicant shall provide a digital (electronic) copy of the complete final plan sent to
29 the Town at the time of signature by the Board in accordance with Section 2.06.N of
30 the regulations.
31
32 5. Financial guaranty if necessary.
33
34 6. Final engineering review.

35
36 **PLEASE NOTE -** Once these precedent conditions are met and the plans are certified the
37 approval is considered final. If these conditions are not met within 2 years to the day of the
38 meeting at which the Planning Board grants conditional approval the board's approval will be
39 considered to have lapsed and re-submission of the application will be required. See RSA
40 674:39 on vesting.

41
42 **GENERAL AND SUBSEQUENT CONDITIONS**

43
44 All of the conditions below are attached to this approval.

- 45
46
47 1. **No construction or site work may be undertaken until the pre-construction**
48 **meeting with Town staff has taken place, filing of an NPDES-EPA Permit (if**
49 **applicable) and the site restoration financial guaranty is in place with the Town.**
50 Contact the Department of Public Works to arrange for this meeting.
51
52 2. The project must be built and executed exactly as specified in the approved application
53 package unless modifications are approved by the Planning Department & Department
54 of Public Works, or if staff deems applicable, the Planning Board.
55

- 1 3. All of the documentation submitted in the application package by the Applicant and any
2 requirements imposed by other agencies are part of this approval unless otherwise
3 updated, revised, clarified in some manner, or superseded in full or in part. In the case
4 of conflicting information between documents, the most recent documentation and this
5 notice herein shall generally be determining.
6
- 7 4. All site improvements must be completed prior to the issuance of a certificate of
8 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
9 circumstances that prevent landscaping to be completed (due to weather conditions or
10 other unique circumstance), the Building Department may issue a certificate of
11 occupancy prior to the completion of landscaping improvements, if agreed upon by the
12 Planning & Public Works Departments, when a financial guaranty (see forms available
13 from the Public Works Department) and agreement to complete improvements are
14 placed with the Town. The landscaping shall be completed within 6 months from the
15 issuance of the certificate of occupancy, or the Town shall utilize the financial guaranty
16 to contract out the work to complete the improvements as stipulated in the agreement
17 to complete landscaping improvements. **No other improvements shall be permitted**
18 **to use a financial guaranty for their completion for purposes of receiving a**
19 **certificate of occupancy.**
20
- 21 5. It is the responsibility of the Applicant to obtain all other local, state, and federal
22 permits, licenses, and approvals which may be required as part of this project (that
23 were not received prior to certification of the plans). Contact the Building Department at
24 extension 115 regarding building permits.
25

26 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 8-0-0.** Plan is
27 conditionally approved.
28

29 **Other Business**
30

31 T. Thompson informed the Board that Vollmer was acquired by Stantec Consulting Services
32 Inc, and future memos will be from Stantec. Staffing remains the same, and our consulting
33 services will not be impacted.
34

35 **Adjournment:**
36

37 **M. Soares made a motion to adjourn the meeting. R. Brideau seconded the motion.** No
38 discussion. **Vote on the motion: 0-0-0.** Meeting adjourned at 9:00 PM.
39

40
41 These minutes prepared by Cathy Dirsra, Planning Department Secretary.
42
43
44

45 Respectfully Submitted,
46
47
48

49 Paul DiMarco, Secretary

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF APRIL 11, 2007 AT THE MOOSE HILL COUNCIL**
3 **CHAMBERS**
4

5 7:00 PM: Members Present: Art Rugg; Paul DiMarco; Rick Brideau, Ex-Officio; Charles
6 Tilgner, P.E., Ex-Officio; Tom Freda; Lynn Wiles, alternate member; John Farrell; Kathy
7 Wagner, Ex-Officio; Mary Soares; Rob Nichols

8
9 Also Present: André Garron, AICP; Tim Thompson, AICP; Janusz Czyzowski, PE; Cathy
10 Dirsra, Planning Department Secretary

11
12 A. Rugg called the meeting to order at 7:01 PM. A. Rugg appointed L. Wiles to vote for M.
13 Soares until she arrives.

14
15 **Administrative Board Work**
16

17 A. Plans to Sign - Coca-Cola Addition Site Plan - Map 15, Lot 98

18
19 T. Thompson said all conditions for approval have been met and the staff recommends
20 signing the plans.

21 **P. DiMarco made a motion to authorize the Chair and Secretary to sign the plans.**

22 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 7-0-0.**

23 A.Rugg said the plans will be signed at the conclusion of the meeting.
24

25 B. Plans to Sign - TFS Properties/State of NH Lot Line Adjustment - Map 15, Lots 58 & 61-4
26

27 T. Thompson said all conditions for approval have been met and the staff recommends
28 signing the plans.

29 **P. DiMarco made a motion to authorize the Chair and Secretary to sign the plans.**

30 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 7-0-0.**

31 A. Rugg said the plans will be signed at the conclusion of the meeting.
32

33 C. Signing of Minutes – March 7 & 14
34

35 Minutes for March 7 and 14 have been signed.
36

37 D. Discussions with Town Staff
38

39 A. Garron updated the board. Housing task force has finally filled all the positions and the
40 first meeting is May 3. He said the Historic Properties Preservation Task Force held a
41 public workshop March 28 with a very good turnout (about 175 showed up). T.Thompson
42 has put a summary report on the londonderrynh.org website.

43 A. Garron said the I-93 project has been started with exit 5 in Londonderry and exit 3 in
44 Salem. J. Czyzowski, Public Works Director, said they will start construction shortly.
45

46 *[M.Soaes & R.Nichols arrived 7:08 PM]*

47 A.Rugg appointed L.Wiles to vote for J.Farrell until he arrives.
48

49 A. Garron also said the DOT is looking into working with NH and MA for future transit
50 improvements on I-93. M. Soares mentioned the State Senate vote on the constitutional
51 amendment for school funding.
52

1 **Public Hearings**

2
3 A. Rugg informed the audience that the Board would hear the agenda out of order, and
4 hold the Public Hearing on the Impact Fee methodologies first.

5
6 C. Impact Fee Methodology Public Hearing (School & Fire)

7
8 Bruce Mayberry, planning consultant from Yarmouth ME, updated the board on our
9 impact fee program. (See attachment) A. Rugg asked for public input, but there was
10 none. A. Garron said we currently use a flat rate, but if we want to be consistent with the
11 school impact fee we should use a variable rate, in which case he recommends we use
12 Schedule B. A. Rugg said the board would like to review this and address it at the May 9
13 meeting.

14
15 **M. Soares made a motion to continue to May 9. R. Nichols seconded the motion.**
16 **No discussion. Vote on the motion: 9-0-0.**

17 A. Rugg said this will be continued to May 9 and this is the only public notice.

18
19
20 A. Tarkka Homes, Map 15, Lot 215-1 - Continued Public Hearing for a Site Plan and
21 Conditional Use Permit to construct a 44 unit Elderly Housing development.

22
23
24 Paul Morin, Tarkka Homes & Todd Connors from Sublime Consultants addressed the
25 Board. P.Morin said they have made progress addressing the drainage, sidewalk, curb
26 and walkway issues. He said they have also submitted waivers regarding the road
27 standards. They are proposing 24' wide roads. P.Morin said the conservation committee
28 voted in favor of the changes to accommodate the Crowley's drainage issues. He said
29 they would like to use a 15" culvert. He said a surveyor corrected the boundaries of the
30 Crowley's property.

31 T. Thompson read the memo with staff recommendations. He said staff is
32 recommending the waivers not be acted on at this time. He also recommended that no
33 action be taken at this time on the conditional use permit until the conservation
34 committee written recommendation is received. He said staff recommends continuing
35 this to May 9.

36 J. Czyzowski said he feels the applicant is not proposing to build the roads, shoulder,
37 etc. to town standards. He still feels strongly that the roads should be 28' wide with 3'
38 shoulders. However, the Board consensus at the March 7 meeting was to allow a 24'
39 wide private road. He believes that the applicant should provide a solution to the
40 substandard drainage conditions on the abutter's property. He suggested placing an
41 easement on the drainage pipe which would cross over to the abutter's property. He said
42 that because the applicant has already submitted a formal application the DPW
43 comments must be decided by the Board rather than working with DPW on the
44 comments prior to going to a formal application. T.Thompson said staff is looking for
45 direction on what road standard the Board wants to hold this application to, as currently
46 the only direction from the Board is on the Road width. Staff needs direction on the width
47 of shoulders (or closed drainage) and speed limit, so that staff can move forward on the
48 waiver requests in preparation of the May 9 hearing.

49
50 *[J. Farrell arrived at 8:32 PM]*

51
52 T. Freda said he believes that at some point the town will own that road and therefore he
53 feels it should be built to current town standards. Consensus of the Board was for 24'
54 wide road with open swale drainage, 3' shoulder and 25 mph speed limit.

1 J. Czyzowski said he feels the only way to resolve all the DPW comments is to withdraw
2 the formal application, go back to design review and have the applicant work with DPW
3 before coming before the Board for a public hearing. T. Thompson said if the Board
4 recommends that the applicant withdraw the formal application and work with staff, that
5 the Board can recommend waiving the abutter fees for resubmitting the formal
6 application after comments are resolved. He also mentioned that Planning staff agrees
7 with DPW about having closed drainage along Mammoth Road.

8 P. Morin said he would like to remain in the formal process, and make an appointment
9 with T. Thompson & staff perhaps next week to discuss options.

10 Tara Crowley, abutter, said that staff and engineers have been to their property and said
11 the drainage issues are more substantial than originally thought. She said it would take a
12 substantial amount of work, time and money to correct the drainage situation. She also
13 said that they would be paying 50% for the solution to their drainage issue.

14 Laura Alazosus, said she's concerned that if they solve the Crowley's drainage problem
15 would that change the water table and affect the drainage on her property.

16 J. Czyzowski said if the project affects drainage on her property then the applicant would
17 be required to request an easement.

18 Bob Merrill, resident, asked how large the culvert would be going under the road to the
19 project. P. Morin said the culvert would be 15" wide.

20 Brian Farmer, 106 Chase Rd. asked if he understood that the board was requiring the
21 Crowley's to absorb 50% of the cost to resolve the drainage issues. A. Rugg said the
22 matter is considered private between the applicant and the Crowley's and it was their
23 decision to mention it publicly.

24 P. Morin has asked for a continuance.
25

26 **J. Farrell made a motion to continue to May 9 at 7pm. P. DiMarco seconded the**
27 **motion.** No discussion. **Vote on the motion 9-0-0.** A. Rugg said this is the only public
28 notice.
29

30 B. Continued FI District Public Hearing
31

32 T. Thompson read a memo requesting the Board table the FI amendments, so that staff
33 can continue to work with property owners. The hearing would be re-noticed once it is
34 ready to come back for a hearing. A. Garron said that staff has met with some of the
35 residents affected by this FI District.

36 Ernie Thibeault, Thibeault Corporation said he was not contacted by staff. He has
37 several concerns about the FI District and the open space areas. A. Garron said he
38 doesn't want to see the pedestrian access areas removed from the plan. T. Thompson
39 assured E. Thibeault and everyone that staff still considers this ordinance open for
40 discussion. E. Thibeault said he would like to work with staff and share his ideas. A.
41 Rugg asked staff to meet with E. Thibeault to discuss his ideas.

42 Al Baldasaro, of 41 Hall Rd. said land owners are opposed to this plan and he feels the
43 town should continue with regulations that are already in place. He suggests that the
44 town wait until Pettengil Road is finished to see what businesses will come to the town
45 before putting more restrictions in place.

46 Margarita Verani of 74 Page Rd, is opposed to the plan. She suggested that if it's not
47 cost effective then it's not good for the town.

48 John Weigler, 74 Page Rd, said he's concerned about the portion of the open space
49 areas that cannot be built on. He's opposed to the "natural landscaping" (lack of grassy
50 areas).
51

52 **M. Soares made a motion to table. K. Wagner seconded the motion.** No discussion.
53 **Vote on the motion: 9-0-0.**

1 Abutters will be notified and notification will be posted on the town website under the
2 Planning Board agenda. A. Rugg said if any resident would like to be notified of the next
3 public hearing for the Flexible Industrial District they can send their name & mailing
4 address to agarron@londonderrynh.org
5

6 D. Conceptual Discussion - 82 Hovey Road – subdivision

7 Mike Lennon from the StoneWall Group representing Daniel Bracksey at 82 Hovey Rd,
8 presented their plans. He presented 3 different potential subdivision options. Part of
9 their plan is to request utilizing the ROW for a shared driveway.

10 T. Thompson said a variance will be needed for any of the proposed alternatives. He
11 stated he could see the 2 lot subdivision utilizing a shared driveway if a variance is
12 granted. He stated that if any more than one additional lot was proposed, he would want
13 to see a road built to town standards to serve the subdivision.

14 J. Czyzowski said he doesn't feel they should be allowed to use the ROW because the
15 lot is not landlocked. A. Garron agreed with T. Thompson's comments. A. Rugg said the
16 applicant should meet with the ZBA in regards to the ROW. L. Wiles feels that they will
17 have some sight distance issues due to the narrow frontage. Consensus of the board
18 was that Option 2 is the most desirable choice, if a variance was obtained (creating a
19 back lot which would equal two lots).
20

21 **Other Business**

22
23 None.
24

25 **Adjournment:**

26
27 **P. DiMarco made a motion to adjourn the meeting. M. Soares seconded the motion.** No
28 discussion. **Vote on the motion: 9-0-0.** Meeting adjourned at 10:52 PM.
29
30

31
32 These minutes prepared by Cathy Dirsas, Planning Department Secretary.
33
34

35
36 Respectfully Submitted,
37
38
39

40 Paul DiMarco, Secretary
41

IMPACT FEE UPDATE SCHOOL AND FIRE DEPARTMENT FACILITIES

**Londonderry, NH
2007**

Bruce C. Mayberry, Planning Consultant
Yarmouth, ME
bmayber1@maine.rr.com

Original basis and updates

- **School Impact Fee**
 - 1994 - 1998 - 2002 - 2007
 - (2002 changed to bedroom basis)

- **Fire Dept Impact Fee**
 - Reflects 1992 data; no updates
 - Cost of one station apportioned to 1 district
 - 2007 - all facilities and districts (recommended)

Change Factors

School Impact Fee

- North School and High school expansions
- Pupils per dwelling unit (-)
- Floor area per pupil (+)
- Cost per square foot (+)
- Credit for deficiencies (=)
- Net change about 5% per year 2002-2007

Components of change in school fee

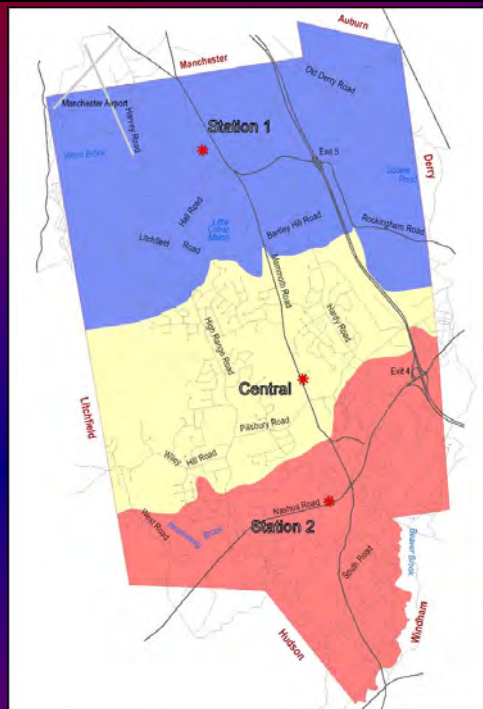
School Impact Fee Basis for 3 Bedroom Single Family Home	2007 Update			2002 Methodology		
	2007			2002		
Londonderry, NH	Grades K-8	High School Grades 9-12	Total K-12	Grades K-8	High School Grades 9-12	Total K-12
Enrollment Per Unit - 3 BR Home	0.514	0.232	0.746	0.588	0.236	0.824
Average Floor Area Per Pupil Capacity	96	135		90	120	
Capital Cost Per Square Foot	\$159	\$184		\$130	\$150	
Capital Facility Cost Per Housing Unit	\$7,846	\$5,763	\$13,609	\$6,880	\$4,248	\$11,128
Less State Share of Principal	(\$2,511)	(\$1,729)	(\$4,240)	(\$2,202)	(\$1,274)	(\$3,476)
Net Local Capital Cost	\$5,335	\$4,034	\$9,369	\$4,678	\$2,974	\$7,652
Londonderry Net Local Assessed Valuation	\$3,267,784,875 (Fall 2006)			\$1,596,098,764 (Fall 2001)		
Credit Allowances for Debt Service Property Tax Payments						
Past debt service payments by raw land (pre-development)	(\$379)			(\$337)		
Future debt service payments (completed home)	(\$1,291)			(\$1,181)		
Total Credit Allowance	(\$1,670)			(\$1,518)		
Impact Fee for 3 BR Single Family Detached Unit	\$7,699			\$6,134		

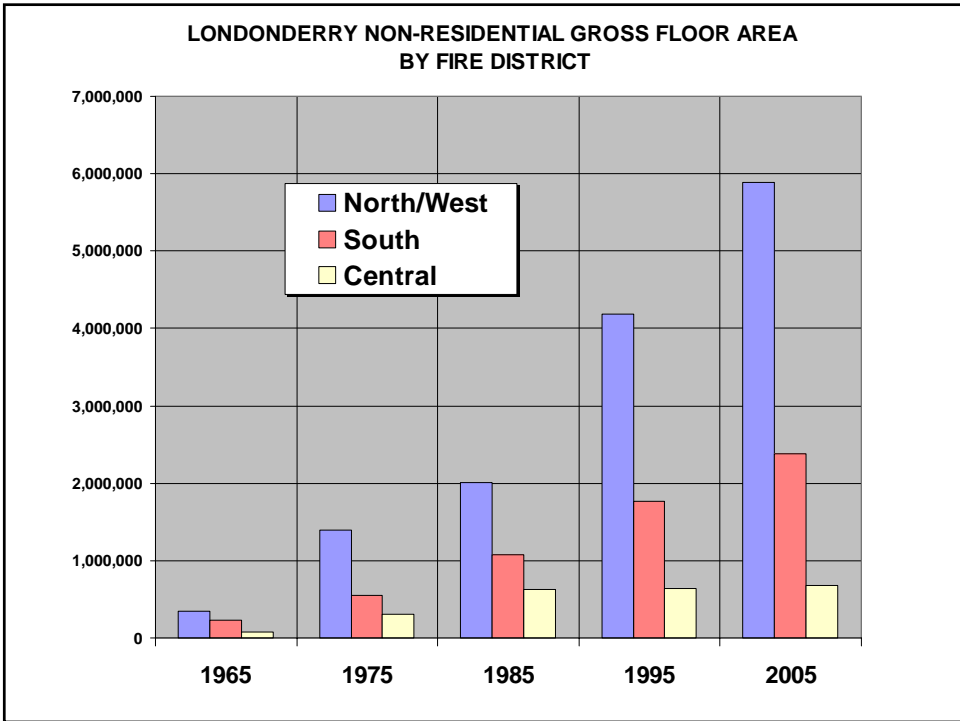
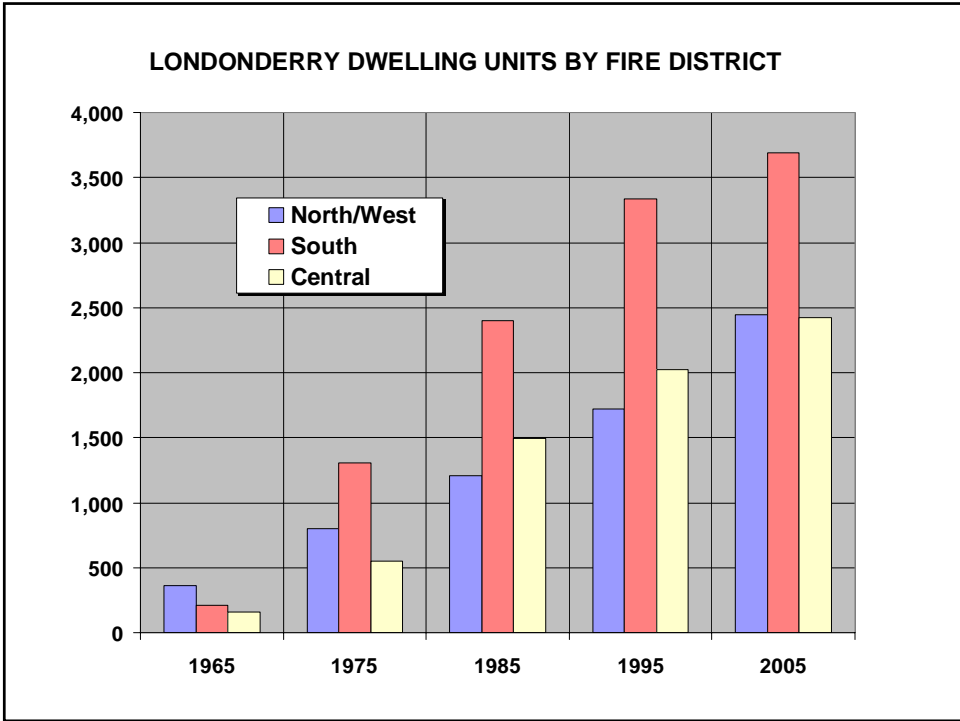
Change Factors

Fire Department Impact Fee

- North/West district larger area
- All districts to benefit from expanded facilities
- Services not limited by district boundaries
- Satellite stations inadequate without Central
- SF Residential fee +81% to +104%
- Over 15 years = about 5-7% per year **increase**

Fire Districts, 2007





Fire Department Fee Approach

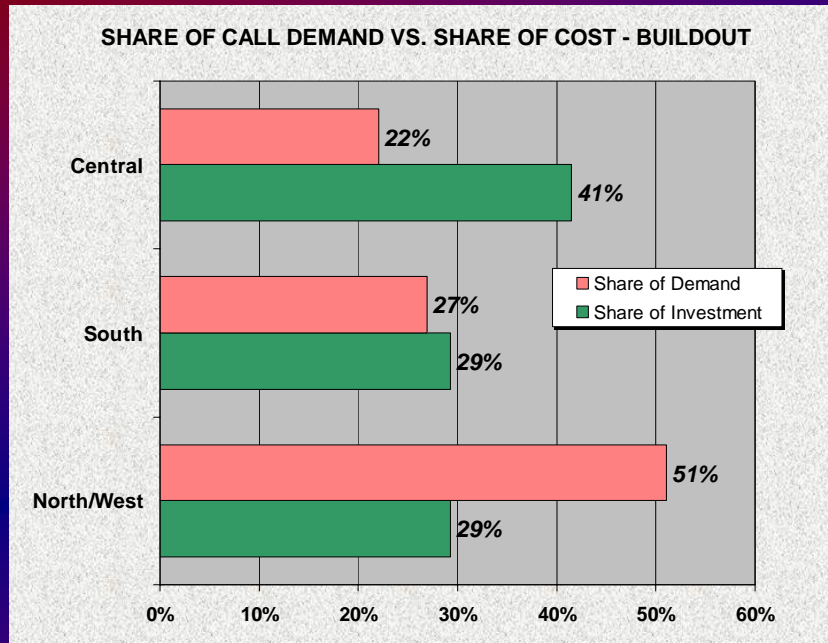
- Total capital investment (2007 dollars)
- Average calls per unit and per square foot
- Buildout estimate by fire district
 - Residential units
 - Non-residential GFA
 - Project total calls
 - Residential vs. non-residential share of demand
- Proportionate allocation of costs each district
 - Residential vs. non-residential shares
 - Existing vs. new development shares
 - Cost by district vs. Town-wide average

Capital cost basis

ESTIMATE OF 2007 CAPITAL VALUE OF FIRE STATIONS WITH NEW/EXPANDED FACILITIES				
Facility Cost Component	North	South (Actual)	Central	Total
Station Sq. Ft. (With Planned Expansions, New Construction)	7,060	7,060	12,000	26,120
Land - Acres	3.00	3.00	1.52	7.52
Land - Value	\$247,500	\$247,500	\$125,400	\$620,400
Land Value Per Acre	\$82,500	\$82,500	\$82,500	\$247,500
Building Construction Cost	\$1,855,000	\$1,855,000	\$3,156,000	\$6,866,000
Construction Per Sq. Ft.	\$263	\$263	\$263	\$263
A & E	\$50,000	\$50,000	\$50,000	\$150,000
Site Development	\$500,000	\$500,000	\$500,000	\$1,500,000
Soft Costs	\$165,000	\$165,000	\$165,000	\$495,000
Total Capital Investment in Fire Stations	\$2,817,500	\$2,817,500	\$3,996,400	\$9,631,400

Existing and future demand

Fire District	Dwelling Units	Non-Residential Sq. Ft. (Millions)
Existing Service Base 2006		
North/West	2,497	5.88
South	3,699	2.39
Central	2,423	0.67
Town Total	8,619	8.94
Growth Potential		
North/West	1,001	13.01
South	450	0.51
Central	565	1.68
Town Total	2,016	15.20
Service Base at Buildout		
North/West	3,498	18.89
South	4,149	2.90
Central	2,988	2.35
Town Total	10,635	24.14



Application of 1992 method...if fee is computed based only on station costs within a particular district, the results are disproportionate...

District	Residential Per Unit	Non-Residential Per Sq. Ft.
North/West	\$229	\$0.09
South	\$420	\$0.39
Central	\$665	\$0.75

FIRE DEPARTMENT IMPACT FEE OPTIONS

(Recommended for Town-wide Application)

Flat Rate Option:	Schedule A	Schedule B
Residential Per Dwelling Unit	\$444	\$394
Non-Residential Per Sq. Ft.	\$0.21	\$0.17
Variable Rate Option:		
	Schedule A	Schedule B
Residential Per Unit		
Single Family Det.	\$466	\$414
Townhouse, 2+ Family	\$373	\$331
Manufactured Housing	\$466	\$414
Non-Residential Per Sq. Ft.		
Commercial	\$0.32	\$0.26
Industrial	\$0.16	\$0.13
Institutional	\$0.27	\$0.22

A = Average per unit at buildout

B = Average per unit of new development now to buildout

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE SPECIAL MEETING OF APRIL 19 , 2007 AT THE ELWOOD**
3 **CONFERENCE ROOM**
4

5 6:30 PM: Members Present: John Farrell; Paul DiMarco; Rick Brideau, Ex-Officio; Charles
6 Tilgner, P.E., Ex-Officio; Lynn Wiles, alternate
7

8 J. Farrell called the meeting to order at 6:31 PM. J. Farrell appointed L. Wiles to vote for
9 M. Soares.
10

11
12 **Administrative Board Work**
13

14 A. Plans to sign – Deca-Land Builders Condominium Conversion – Map 6, Lot 6-2
15

16 R. Brideau presented the memo from Staff, stating all precedent conditions had been met, and
17 recommending the signing of the plans.
18

19 **P. DiMarco made a motion to authorize the Chair and Secretary to sign the plans, based**
20 **on staff recommendation. C. Tilgner seconded the motion.** No discussion. **Vote on the**
21 **motion: 5-0-0.** Plans will be signed at the conclusion of the meeting.
22

23 **Adjournment:**
24

25 **C. Tilgner made a motion to adjourn the meeting. P. DiMarco seconded the motion.** No
26 discussion. **Vote on the motion: 5-0-0.** Meeting adjourned at 6:33 PM.
27

28
29 These minutes prepared by Timothy J. Thompson, AICP, Town Planner, based on the notes
30 from R. Brideau.
31

32
33
34 Respectfully Submitted,
35

36
37
38 Paul DiMarco, Secretary
39

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF MAY 2, 2007 AT THE MOOSE HILL COUNCIL**
3 **CHAMBERS**
4

5 7:00 PM: Members Present: Art Rugg; Paul DiMarco; Rick Brideau, Ex-Officio; Tom Freda;
6 John Farrell; Kathy Wagner, Ex-Officio; Mary Soares; Lynn Wiles, alternate member
7

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

11 A. Rugg called the meeting to order at 7:01 PM. A.Rugg appointed L. Wiles to vote for R.
12 Nichols.
13

14 **Administrative Board Work**
15

16 A. Extension Request - Buttrick Professional Office Site Plan - Request additional 120 days
17

18 T. Thompson referenced a letter from Lynn Zebrowski from Keach Nordstrom. T.
19 Thompson said staff supports the extension to September 5, 2007, as the applicant is
20 still trying to resolve the sight distance easement with an abutting property owner, which
21 has taken longer than expected.
22

23 **J. Farrell made a motion to grant extension to September 5, 2007. R. Brideau**
24 **seconded the motion.** No discussion. **Vote on the motion: 8-0-0.** Extension to
25 September 5, 2007 granted.
26

27 B. Plans to Sign - Insight Technology Parking Expansion Site Plan - Map 28, Lot 31-5
28

29 J. Trottier said all precedent conditions for approval have been met and the staff
30 recommends signing the plans.
31

32 **J. Farrell made a motion to authorize the Chair and Secretary to sign the plans. R.**
33 **Brideau seconded the motion.** No discussion. **Vote on the motion: 8-0-0.**
34 A.Rugg said the plans will be signed at the conclusion of the meeting.
35

36 C. Plans to Sign - Harvey Industries Amended Site Plan - Map 17, Lot 45-2
37

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

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

45 D. Approval of Minutes – April 4, 11, & 19
46

47 **J. Farrell made a motion to approve the minutes from the April 4 meeting. R.**
48 **Brideau seconded the motion.** No discussion. **Vote on the motion: 7-0-1.**
49 (L. Wiles abstained because he was absent from the meeting).
50 Minutes are approved and will be signed at the May 9 meeting.
51

1 **J. Farrell made a motion to approve the minutes from the April 11 meeting. R.**
2 **Brideau seconded the motion. No discussion. Vote on the motion: 8-0-0.**
3 Minutes are approved and will be signed at the May 9 meeting.
4

5 **J. Farrell made a motion to approve the minutes from the April 19 meeting. R.**
6 **Brideau seconded the motion. No discussion. Vote on the motion: 4-0-4.**
7 (K. Wagner, M. Soares, T. Freda, A. Rugg abstained because they were absent from the
8 meeting). Minutes are approved and will be signed at the May 9 meeting.
9

10 E. Discussions with Town Staff
11

12 T. Thompson said he and staff are concerned about projects being submitted as a formal
13 application knowing that there will be many comments and permits that have not been
14 obtained. Staff suggests that in these circumstances that they be authorized to have
15 Stantec stop review of the plans. The Board asked if this was a regular occurrence or if
16 it was an infrequent situation. T. Thompson stated infrequent now, but staff is concerned
17 that it could become more common. The Board directed staff to continue current
18 procedures on Stantec review, but have those that are abusing the process appear
19 before the Board rather than allow a continuance by letter.
20

21 T. Thompson said due to the July 4 holiday and the regularly scheduled ZBA meeting on
22 July 18, the Board needs to look at the meeting schedule for July. Options are to meet
23 on the 11th and 25th or have only one meeting on the 11th. Having 2 meetings will be
24 difficult due to application deadlines for August occurring before the meeting on the 25th
25 takes place. He recommends the Board combine the meetings for July.
26

27 **M. Soares made a motion to have one meeting on July 11. P. DiMarco seconded**
28 **the motion. Vote on the motion 8-0-0.** For July the Planning Board will meet on July 11
29 only, and will combine the regular and workshop meetings.
30

31 A. Rugg mentioned the CTAP project information in the Read File.
32

33 **Public Hearings**
34

35 A. Rugg stated that 3 items have requested a continuance and the Board would hear
36 those items out of order from the posted agenda.
37

38 F. Bernard Filion, Map 2, Lot 34-3 - Application Acceptance and Public Hearing for a Site
39 Plan to construct an 11,400 square foot office/warehouse facility.
40

41 T. Thompson referenced a letter from Tony Marcotte, Bedford Design, requesting the
42 continuance, due to not having the NHDES Septic Permit.
43

44 **J. Farrell made a motion to continue this to June 6, 2007 at 7pm. M. Soares**
45 **seconded the motion. No discussion. Vote on the motion: 8-0-0.**

46 A. Rugg said this will be the only public notice.
47

48 I. Corporated Auto Sales, Map 13, Lot 64 - Application Acceptance and Public Hearing for
49 a Site Plan to construct parking and display areas for a used car sales operation
50

51 T. Thompson referenced a letter from Joe Maynard, Benchmark Engineering, requesting
52 the continuance, as the applicant has not yet obtained the NHDOT Driveway permit.

1 **J. Farrell made a motion to continue this to June 6, 2007 at 7pm. R. Brideau**
2 **seconded the motion. No discussion. Vote on the motion: 8-0-0.**

3 A.Rugg said this will be the only public notice.
4

- 5 J. Londonderry Housing & Redevelopment Authority, Map 14, Lot 44-11 - Application
6 Acceptance and Public Hearing for a Site Plan & conditional use permit to construct a
7 school bus terminal/maintenance facility.
8

9 T. Thompson referenced a letter from Todd Connors, Sublime Consultants, requesting a
10 continuance, due to not having several state permits, and other checklist items not being
11 provided. J. Farrell requested the applicant re-notify the abutters for the continuation. J.
12 Farrell also suggested that we should hear this as a conceptual discussion before the
13 formal application. Consensus of the Board was to continue the Application Acceptance
14 and Public Hearing to June 6 and request the applicant present the project next week as
15 a conceptual discussion.
16

17 **J. Farrell made a motion to continue this to June 6, 2007 at 7pm, and that the**
18 **applicant re-notify abutters for the hearing. M. Soares seconded the motion. No**
19 **discussion. Vote on the motion: 8-0-0.**

20 A.Rugg announced the continuance and said abutters will be re-notified for the public
21 hearing.
22

- 23 A. Manchester/Boston Regional Airport - Public Hearing under RSA 674:54 for construction
24 of a cell phone parking lot on Perimeter Road.
25
26

27 Richard Fixler, Assistant Director of Manchester/Boston Regional Airport presented the
28 project. He stated that the Airport has not yet fully developed the plans for the project at
29 this time. He summarized the project as a remote parking lot where people could wait for
30 travelers to arrive at the Airport and when called can proceed to the terminal to pick them
31 up. It would lessen the traffic that currently circles around the roadways near the Airport
32 waiting to pick people up, and having a place where people could park without fees, as
33 long as the vehicles at the cell phone lot are occupied.
34

35 T. Thompson referenced the memo with staff recommendations, recommending that the
36 Airport provide plans for staff to review once they are completed.
37

38 There was no public input when requested.
39

40 **M. Soares made a motion to accept the staff recommendations as the non-binding**
41 **recommendations of the Planning Board as follows:**
42

- 43 1. The applicant has not provided any plans or supporting documents as typically
44 required by the regulations. We recommend the applicant provide the Town with
45 plans and information for staff and the DRC to review and make comments, which
46 would become the Planning Board's non-binding recommendations.
47

48 **P. DiMarco seconded the motion. No discussion. Vote on the motion: 8-0-0.**
49

- 50 B. Elmer A. Pease, II, Map 10, Lot 92 - Continued Application Acceptance and Public
51 Hearing for a Site Plan and Conditional Use Permit for the construction of a 50 unit
52 Elderly Housing development.
53

54 T. Thompson said there are no outstanding checklist items. Though the application has

1 met the requirements for provision of all checklist items, staff is uncomfortable making a
2 recommendation to accept the application due to the known right-of-way issues that have
3 not been revised in the plans or reviewed by staff. If it's accepted it will start the 65 day
4 clock under RSA 676:4. T. Thompson said the revised plans were submitted yesterday
5 (5/1/07), well after the deadline of April 24 and that staff and Stantec have not reviewed
6 the new plans.

7 J. Trottier said staff is still concerned about the drainage issues for the offsite
8 improvements.

9 E. Pease, applicant, said he has addressed all the comments with the newly submitted
10 plans.

11 Matt Peterson, said all of the comments they have received are regarding Hillside Ave
12 and they worked with staff to address the checklist items.

13 Brenda Walton, 100 Hillside Ave, said she was just notified tonight that she is the only
14 abutter that doesn't need to give her approval on this project. She said her property is
15 directly across from the entrance to the project and that no one has asked for her input.

16 She is asking if this hearing can be continued so that she can review everything. T.

17 Thompson told B. Walton that this hearing will be continued to June and that tonight is
18 just a discussion regarding the acceptance of the application. E. Pease explained that

19 plans originally showed there was a piece of pavement on B.Walton's property that the
20 applicant needed her permission to move, but revised plans show that piece of pavement

21 is not on her property, but in the Hillside Ave Right of Way and therefore they won't need
22 her permission to remove the pavement.

23
24 **J. Farrell made a motion to accept the application as complete. R. Brideau**
25 **seconded the motion.** No discussion. **Vote on the motion: 7-1-0.** (T. Freda in
26 opposition) Application accepted as complete and the 65-day clock has been started.

27
28 **J. Farrell made a motion to continue this hearing to June 13 at 7PM.**
29 **M. Soares seconded the motion.** No discussion. **Vote on the motion: 8-0-0.**
30 A.Rugg said this will be the only public notice.

- 31
32 C. Onyx Property Development LLC, Map 10, Lot 42-1 - Application Acceptance and Public
33 Hearing for a 7 lot Subdivision.

34
35 T. Thompson stated that there are no checklist items, and staff recommends the
36 application be accepted as complete.

37
38 **M. Soares made a motion to accept the application as complete. K. Wagner**
39 **seconded the motion.** No discussion. **Vote on the motion: 7-0-0** (R.Brideau absent
40 from the room). Application accepted as complete.

41
42 George Chadwick from Eric Mitchell & Associates, presented the plans. Project is a 7 lot
43 subdivision along Pillsbury and Hovey Roads, all access to the lots will be from Hovey
44 Road, as was recommended by the Board and staff at the conceptual discussion several
45 months ago. Also proposing a viewshed easement along Pillsbury Road, and some
46 cleanup to the roadside drainage and swales along Hovey Road.

47
48 J. Trottier referenced the DPW/Stantec memo with the design review comments.

49
50 T. Thompson said staff recommends conditional approval as outlined in the Staff
51 Recommendation memo.

52
53 There was no public input when requested.

1
2 **J. Farrell made a motion to conditionally approve the subdivision plan with the**
3 **following conditions:**
4

5 "Applicant", herein, refers to the property owner, business owner, or organization
6 submitting this application and to his/its agents, successors, and assigns.
7

8 **PRECEDENT CONDITIONS**
9

10 All of the precedent conditions below must be met by the Applicant, at the expense of the
11 Applicant, prior to certification of the plans by the Planning Board. Certification of the
12 plans is required prior to commencement of any site work, any construction on the site or
13 issuance of a building permit.
14

- 15 1. The Applicant's revised lot size calculations do not indicate the proper minimum lot
16 area for soil types 221*H in accordance with Table 2 under section 2.3.1.3.1.4 of
17 the Zoning Ordinance and thus lot 42-2 does not meet the minimum requirements.
18 The Applicant shall revise the design as necessary to provide the proper minimum
19 lot size and proper lot size calculations in accordance with the regulations.
20
- 21 2. The Applicant shall address the following relative to the revised drainage report:
22 A. We understand a catch basin exists along the westerly side of Hovey Road
23 beyond the indicated limits of offsite watershed (as noted on the previously
24 approved "Hovey Estates" subdivision) that would contribute additional flow
25 at the existing drainage easement at the intersection of Pillsbury Road and
26 Hovey Road that is not accounted for in the report. The Applicant shall
27 update the report and analysis to include this area under both pre and post
28 development conditions.
29 B. The revised site design includes proposed swales and catch basins along
30 Hovey Road. The revised analysis indicates the proposed swales have a
31 bottom width of 1.00 to 1.50 feet and is inconsistent with the details provided
32 (i.e. v-notch swale). The Applicant shall review and revise the analysis to be
33 consistent with the proposed design intent. The Applicant shall provide
34 details of the various types of swales in the plan set and specify the intended
35 type on the grading plan, as applicable, for proper construction.
36 C. The outlet structure elevations indicate the weir invert and 24" pipe outlet
37 invert are the same. However, the detail provided on sheet D2 appears to
38 indicate the inverts are at different elevations. The Applicant shall update the
39 detail to be representative of the proposed design intent.
40 D. The Applicant shall revise the predevelopment delineation for subcatchment
41 A to indicate delineations to the existing catch basins consistent with the post
42 development delineations for clarity.
43 E. It appears the predevelopment subcatchment B does not account for the
44 entire existing pavement along Pillsbury Road. In addition, it appears post
45 subcatchments EBC1, ECB2 ECB4, ECB5, Post A and Post B doe not
46 appear to completely account for all the post development conditions
47 including driveways. The Applicant shall review and update accordingly. The
48 Applicant shall verify compliance with the regulations (no increase in runoff).
49
- 50 3. The Applicant is proposing to change the drainage system of Hovey Road under
51 this project. The Applicant shall verify the proposed change meets the approval of
52 the Department of Public Works.
53

- 1 4. The detention basin cross section detail indicates the embankment minimum width
2 is 6 feet, but the proposed embankment grading on sheet G1 appears to indicate
3 an embankment top width less than 6 feet. The Applicant shall revise the grading
4 and/or detail to be consistent.
- 5
- 6 5. The Fire Department's DRC comments recommended the access drive to lots 10-
7 42-6 and 10-42-7 be designed to support the weight of fire apparatus. The
8 Applicant added a note the detail on sheet D1 as indicated in his response letter.
9 However, the revised plans do not indicate the entire driveway location to serve the
10 lots. The Applicant shall indicate the driveway and associated grading consistent
11 with the driveway section provided on sheet D1. The Applicant shall revise the
12 driveway section to note: "Acceptable subgrade as determined by the engineer"
13 below the 12" gravel layer. In addition, The Applicant shall verify the driveway
14 design and width is acceptable with the Fire Department.
- 15
- 16 6. The Applicant shall clarify the location of the proposed utility lines to serve lot 42-5
17 on sheet XC1. In addition, the Applicant shall clarify the proposed utility line
18 connection (that is shown to serve the new lots) to the existing utility lines for
19 proper construction on the plan.
- 20
- 21 7. The Applicant shall update the proposed monuments on sheets XC1, G1, SD1 and
22 SD2 to indicate the proper monument at lot 42-1/42-2 consistent with the sheet R1.
23 In addition, it appears clearing is necessary along the westerly sight line for the
24 driveway at lot 42-1 shown on sheet SD1. The Applicant shall review, indicate and
25 label a proposed treeline for proper construction.
- 26
- 27 8. The Applicant shall address the comments of the May 2, 2007 Stantec
28 memorandum relative to the submitted traffic report.
- 29
- 30 9. Outside consultant's fees shall be paid within 30 days of approval of plan.
- 31
- 32 10. The Applicant shall provide a digital (electronic) copy of the complete final plan
33 sent to the Town at the time of signature by the Board in accordance with Section
34 2.06.N of the regulations.
- 35
- 36 11. Financial guaranty if necessary.
- 37
- 38 12. Final engineering review.
- 39

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

45
46 **GENERAL AND SUBSEQUENT CONDITIONS**

47
48 All of the conditions below are attached to this approval.

- 49
- 50 1. **No construction or site work may be undertaken until the pre-construction**
51 **meeting with Town staff has taken place, filing of an NPDES-EPA Permit (if**
52 **applicable) and the site restoration financial guaranty is in place with the**
53 **Town.** Contact the Department of Public Works to arrange for this 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. In accordance with Section 6.01.d of the Site Plan Regulations, in circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstance), the Building Department may issue a certificate of occupancy prior to the completion of landscaping improvements, if agreed upon by the Planning & Public Works Departments, when a financial guaranty (see forms available from the Public Works Department) and agreement to complete improvements are placed with the Town. The landscaping shall be completed within 6 months from the issuance of the certificate of occupancy, or the Town shall utilize the financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. **No other improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving 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, Police Facility, and Traffic impact fees must be paid prior to the issuance of a Certificate of Occupancy.
 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 Department at extension 115 regarding building permits.

R. Brideau seconded the motion. No discussion. **Vote on the motion: 8-0-0.** Plan is conditionally approved.

- D. George Family Trust, Map 6, Lot 30 - Application Acceptance, Public Hearing, and Conditional Use Permit for a Site Plan to construct 11,400 square feet of retail buildings.

T. Thompson stated there are no checklist items, and staff recommends the application be accepted as complete.

J. Farrell made a motion to accept the application as complete. M. Soares seconded the motion. No discussion. **Vote on the motion: 8-0-0.** Application accepted as complete.

George Chadwick from Eric Mitchell presented their plans. Also present was applicant Christopher George of Mr. Steer, Dave Udelsmann (project architect) and Attorney John

1 Michaels. G. Chadwick summarized the project, which is to construct 2 retail buildings
2 on the lot, one of the tenants would be Mr. Steer relocating from their current facility. He
3 summarized the wetland impacts, and the building and signage design.
4

5 J. Trottier referenced the DPW/Stantec memo with the design review comments.
6

7 T. Thompson stated that the Conditional Use Permit is not applicable, as the approved
8 wetland dredge and fill reduces the remaining wetlands under the threshold for CO
9 District requirements. He said staff recommends conditional approval as outlined in the
10 Staff Recommendation memo.
11

12 K. Wagner asked the applicant to make the sign facing route 102 a little darker white vs.
13 the white shown. M. Soares asked about pedestrian pathways. G. Chadwick said they
14 will consider pedestrian pathways between their buildings and possibly to the proposed
15 office buildings on the abutting property, Map 6, Lot 34.
16

17 Ann Anderson, 34 Buttrick Rd, asked if a guardrail or stone wall could be placed on her
18 property which is across from the entrance. She also said that some of the businesses
19 that she has heard about (i.e. Dominos) are open late night and she is concerned about
20 the lights from vehicles shining into their home. She asked if they could place some trees
21 on her property for screening from the headlights of vehicles exiting the project. She said
22 she also has concerns about the drainage along Buttrick Rd. J. Trottier stated that
23 guardrail would not be appropriate for that location, as it would not meet state standards,
24 and summarized the drainage situation.
25

26 **J. Farrell made a motion to conditionally approve the site plan with the following**
27 **conditions:**
28

29 "Applicant", herein, refers to the property owner, business owner, or organization
30 submitting this application and to his/its agents, successors, and assigns.
31

32 **PRECEDENT CONDITIONS**
33

34 All of the precedent conditions below must be met by the applicant, at the expense of the
35 applicant, prior to certification of the plans by the Planning Board. Certification of the
36 plans is required prior to commencement of any site work, any construction on the site or
37 issuance of a building permit.
38

- 39 1. The Applicant's revised utility plan indicates a new water line extended from an off-
40 site location along Buttrick Road is necessary to serve this project with this latest
41 submission. Please note the existing condition plan does not indicate any
42 topography or features (such as trees, utility poles, stonewalls, etc.) along Buttrick
43 Road that could be affected by the proposed construction. Please note the
44 proposed water line is approximately 5 feet from the edge of pavement which may
45 likely require reconstruction of a portion of Buttrick Road. The Applicant shall
46 provide additional information with appropriate notes to clarify all work associated
47 with the proposed water line construction, as applicable. The Applicant shall
48 discuss this latest utility design and proposed connection with the Department of
49 Public Works and revise as necessary meeting the approval of the Town.
50
- 51 2. The Applicant has labeled a future roadway easement line on the revised site plan
52 and has referenced an easement plan that was provided separately. The

- 1 Applicant shall include an easement plan in the plan set or properly referenced on
2 the site plan.
- 3
- 4 3. The Applicant's sight distance plan and profile indicates an easement from abutting
5 lot 31 is necessary to obtain the necessary sight distance at the proposed driveway
6 location shown. The Applicant shall provide written documentation the abutter has
7 agreed to the proposed driveway sight distance and improvements on his lot for
8 the Planning Department's file. The Applicant has provided a draft copy of the
9 easement and noted written documentation will follow in his previous response
10 letter.
- 11
- 12 4. The Applicant shall verify with the Fire Department that the site has adequate
13 access for Fire Department and emergency vehicles and revise as necessary.
- 14
- 15 5. The Applicant shall address/clarify the following on the grading and drainage plans
16 – sheets 3 & 4:
 - 17 A. The proposed pipe outlets to the detention basin FE C and FE B are noted to
18 be RCP pipes as noted in the pipe penetration detail included with this
19 submission. The Applicant shall update the drain schedule to include the
20 pipe type for each pipe run for proper construction.
 - 21 B. The revised grading design for the detention basin appears to have changed
22 northerly limits of the detention basin with this submission. Please note the
23 swale in this location is indicated with a spot elevation of 301.4 at the outlet
24 and would appear that water may flow toward the low point located northerly
25 on abutting lot 34 and likely pond in the common lot corner. The Applicant
26 shall clarify and explain how this area will drain under this design.
- 27
- 28 6. The Applicant shall clarify the following relative to the utility plan:
 - 29 A. The Applicant shall provide documentation from the Fire Department
30 verifying and approving the location and number of fire hydrants for the
31 Planning Department's file.
 - 32 B. The plan indicates a new water line service location and the water line will
33 cross under the proposed drain lines in several locations. The Applicant
34 shall clarify and revise as necessary to note the minimum and proper
35 separation at these locations for proper construction.
- 36
- 37 7. The Applicant shall provide a typically roadway cross section detail in the plan set
38 to clarify the proposed improvements (gravel shoulder, roadside swale and slope
39 grading) along the Buttrick Road frontage for proper construction and as typically
40 required by the Town. The Applicant shall discuss the necessary improvements
41 along Buttrick Road with the Department of Public Works.
- 42
- 43 8. The Applicant shall address the Stantec memorandum dated May 2, 2007 relative
44 to the submitted traffic report.
- 45
- 46 9. The Applicant shall verify the DRC comments of the Fire Department have been
47 adequately addressed with the Fire Department.
- 48
- 49 10. Outside consultant's fees shall be paid within 30 days of approval of plan.
- 50
- 51 11. The Applicant shall provide a digital (electronic) copy of the complete final plan
52 sent to the Town at the time of signature by the Board in accordance with Section
53 2.05.n of the regulations.

1
2 12. Financial guaranty if necessary.

3
4 13. Final engineering review

5
6 **PLEASE NOTE** - Once these precedent conditions are met and the plans are certified
7 the approval is considered final. If these conditions are not met within 120 days to the
8 day of the meeting at which the Planning Board grants conditional approval the board's
9 approval will be considered to have lapsed and re-submission of the application will be
10 required. See RSA 674:39 on vesting.

11
12 **GENERAL AND SUBSEQUENT CONDITIONS**

13
14 All of the conditions below are attached to this approval.

15
16 1. It is recommended that the applicant provide an informal means for pedestrian
17 traffic to be able to access the site from the adjacent approved professional office
18 site.

19
20 2. It is recommended that signage for tenants utilize dark backgrounds with lighter
21 colored copy on the main site sign.

22
23 3. **No construction or site work for the amended site plan may be undertaken**
24 **until the pre-construction meeting with Town staff has taken place, filing of**
25 **an NPDES-EPA Permit and the site restoration financial guaranty is in place**
26 **with the Town.** Contact the Department of Public Works to arrange for this
27 meeting.

28
29 4. The project must be built and executed exactly as specified in the approved
30 application package unless modifications are approved by the Planning
31 Department & Department of Public Works, or if staff deems applicable, the
32 Planning Board.

33
34 5. All of the documentation submitted in the application package by the applicant and
35 any requirements imposed by other agencies are part of this approval unless
36 otherwise updated, revised, clarified in some manner, or superseded in full or in
37 part. In the case of conflicting information between documents, the most recent
38 documentation and this notice herein shall generally be determining.

39
40 6. All site improvements must be completed prior to the issuance of a certificate of
41 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
42 circumstances that prevent landscaping to be completed (due to weather
43 conditions or other unique circumstance), the Building Department may issue a
44 certificate of occupancy prior to the completion of landscaping improvements, if
45 agreed upon by the Planning & Public Works Departments, when a financial
46 guaranty (see forms available from the Public Works Department) and agreement
47 to complete improvements are placed with the Town. The landscaping shall be
48 completed within 6 months from the issuance of the certificate of occupancy, or the
49 Town shall utilize the financial guaranty to contract out the work to complete the
50 improvements as stipulated in the agreement to complete landscaping
51 improvements. **No other improvements shall be permitted to use a financial**
52 **guaranty for their completion for purposes of receiving a certificate of**
53 **occupancy.**

- 1
2 7. As built site plans must be submitted to the Public Works Department prior to
3 the release of the applicant's financial guaranty.
4
5 8. All required Police Facility and Traffic impact fees must be paid prior to the
6 issuance of a Certificate of Occupancy.
7
8 9. It is the responsibility of the applicant to obtain all other local, state, and federal
9 permits, licenses, and approvals which may be required as part of this project (that
10 were not received prior to certification of the plans). Contact the Building
11 Department at extension 115 regarding building permits.
12

13 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 8-0-0.** Plan is
14 conditionally approved.
15

- 16 E. Waste Management Holdings/State of NH, Map 15, Lots 56 & 61-4 - Application
17 Acceptance and Public Hearing for a lot line adjustment.
18

19 T. Thompson stated that there are no checklist items, and staff recommends the
20 application be accepted as complete.
21

22 **J. Farrell made a motion to accept the application as complete. R. Brideau**
23 **seconded the motion.** No discussion. **Vote on the motion: 8-0-0.** Application
24 accepted as complete.
25

26 Steve Poggi, Waste Management and Bob Tresize of Richard Kamenski and Associates
27 presented their plans. Purpose of the project is to adjust the Waste Management lot by
28 giving land for both the I-93 right-of-way and the Exit 5 Park and Ride to NHDOT.
29

30 J. Trottier read proposed precedent conditions from the memo with staff
31 recommendations. He also stated that staff recommends the requested waiver.
32

33 T. Thompson said staff recommends conditional approval as outlined in the Staff
34 Recommendation memo.
35

36 There was no public input when requested.
37

38 **J. Farrell made a motion to approve the waiver to Section 4.12.C.2 of the**
39 **regulations based on staff recommendation. R. Brideau seconded the motion.** No
40 discussion. **Vote of the motion: 8-0-0.** Waiver granted.
41

42 **J. Farrell made a motion to conditionally approve the lot line adjustment with the**
43 **following conditions:**
44

45 "Applicant", herein, refers to the property owner, business owner, or organization
46 submitting this application and to his/its agents, successors, and assigns.
47

48 **PRECEDENT CONDITIONS**
49

50 All of the precedent conditions below must be met by the Applicant, at the expense of the
51 Applicant, prior to certification of the plans by the Planning Board. Certification of the
52 plans is required prior to commencement of any site work, any construction on the site or
53 issuance of a building permit.

- 1
- 2 1. The Applicant shall add a Planning Board signature block to sheet 2, since it is to
- 3 be recorded.
- 4
- 5 2. The Applicant shall clarify note 18 regarding the waivers, by noting only the waiver
- 6 requested (not the justification) and also indicate the specific section (4.12.C.2) of
- 7 the regulations from which the waiver is being requested.
- 8
- 9 3. The Applicant shall provide all appropriate professional endorsements and
- 10 signatures on the plans.
- 11
- 12 4. Note all waivers granted on the plan.
- 13
- 14 5. The Applicant shall provide a digital (electronic) copy of the complete final plan
- 15 sent to the Town at the time of signature by the Board in accordance with Section
- 16 2.06.N of the regulations.
- 17
- 18 6. Financial guaranty if necessary.
- 19
- 20 7. Final engineering review.
- 21

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

27
28 **GENERAL AND SUBSEQUENT CONDITIONS**

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

- 31
- 32 1. **No construction or site work may be undertaken until the pre-construction**
- 33 **meeting with Town staff has taken place, filing of an NPDES-EPA Permit (if**
- 34 **applicable) and the site restoration financial guaranty is in place with the**
- 35 **Town.** Contact the Department of 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 Applicant
- 43 and any requirements imposed by other agencies are part of this approval unless
- 44 otherwise updated, revised, clarified in some manner, or superseded in full or in
- 45 part. In the case of conflicting information between documents, the most recent
- 46 documentation and this notice herein shall generally be determining.
- 47
- 48 4. All site improvements must be completed prior to the issuance of a certificate of
- 49 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
- 50 circumstances that prevent landscaping to be completed (due to weather
- 51 conditions or other unique circumstance), the Building Department may issue a
- 52 certificate of occupancy prior to the completion of landscaping improvements, if
- 53 agreed upon by the Planning & Public Works Departments, when a financial

1 guaranty (see forms available from the Public Works Department) and agreement
2 to complete improvements are placed with the Town. The landscaping shall be
3 completed within 6 months from the issuance of the certificate of occupancy, or
4 the Town shall utilize the financial guaranty to contract out the work to complete
5 the improvements as stipulated in the agreement to complete landscaping
6 improvements. **No other improvements shall be permitted to use a financial**
7 **guaranty for their completion for purposes of receiving a certificate of**
8 **occupancy.**
9

- 10 5. It is the responsibility of the Applicant to obtain all other local, state, and federal
11 permits, licenses, and approvals which may be required as part of this project
12 (that were not received prior to certification of the plans). Contact the Building
13 Department at extension 115 regarding building permits.
14

15 **K. Wagner seconded the motion.** No discussion. **Vote on the motion: 8-0-0.** The lot
16 line adjustment is conditionally approved.
17

- 18 G. Flooring Associates Inc., Map 28, Lot 21-24 - Public Hearing for an amendment to a
19 previously approved site plan (retaining wall change).
20

21 Nicole Duquette from TF Moran presented their plans, which call for one of the retaining
22 walls on the site to be changed to a block wall instead of a cast-in-place wall.
23

24 J. Trottier read proposed precedent conditions from the memo with staff
25 recommendations.
26

27 T. Thompson said staff recommends conditional approval as outlined in the Staff
28 Recommendation memo.
29

30 **J. Farrell made a motion to conditionally approve the amendment with the**
31 **following conditions:**
32

33 "Applicant", herein, refers to the property owner, business owner, or organization
34 submitting this application and to his/its agents, successors, and assigns.
35

36 **PRECEDENT CONDITIONS**
37

38 All of the precedent conditions below must be met by the Applicant, at the expense of the
39 Applicant, prior to certification of the plans by the Planning Board. Certification of the
40 plans is required prior to commencement of any site work, any construction on the site or
41 issuance of a building permit.
42

- 43 1. The Applicant shall provide only the sheets being amended from the approved
44 plans as part of this submission (cover sheet, sheet 3, and sheet 17). All other
45 plan sheets appear to be the same as those already approved by the Planning
46 Board, and need not be included as part of this amendment.
47
48 2. The Applicant shall add a note to the cover sheet indicating which sheets are being
49 amended as part of this project (cover sheet, sheet 3, and sheet 17)
50
51 3. The Applicant shall remove the concrete wall section detail (which has an X
52 through it) on sheet 17, and update this sheet to include a wall section detail of the
53 revised retaining wall proposed with this amendment.

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4. The Applicant shall provide a digital (electronic) copy of the complete final plan sent to the Town at the time of signature by the Board in accordance with Section 2.05.n of the regulations.
 5. Final engineering review.

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

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. **No construction or site work may be undertaken until the pre-construction meeting with Town staff has taken place, filing of an NPDES-EPA Permit (if applicable) and the site restoration financial guaranty is in place with the Town.** Contact the Department of Public Works to arrange for this meeting.
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. In accordance with Section 6.01.d of the Site Plan Regulations, in circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstance), the Building Department may issue a certificate of occupancy prior to the completion of landscaping improvements, if agreed upon by the Planning & Public Works Departments, when a financial guaranty (see forms available from the Public Works Department) and agreement to complete improvements are placed with the Town. The landscaping shall be completed within 6 months from the issuance of the certificate of occupancy, or the Town shall utilize the financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. **No other improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving a certificate of occupancy.**
5. 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 Department at extension 115 regarding building permits.

1 **R. Brideau seconded the motion. No discussion. Vote on the motion: 8-0-0.**

2 Amendment is conditionally approved.

- 3
4 H. Sugar Plum Elderly Housing, Map 10, Lot 13 - Public Hearing for an amendment to a
5 previously approved Site Plan to replace proposed duplexes with single units (reduction
6 to 33 total units)

7
8 Jack Szemplinski, Benchmark Engineering and Richard Welch, applicant presented their
9 plans. The amendment would reduce the total number of units to 33, by removing the
10 duplexes that were originally approved. The only other change is to add a small gazebo
11 (less than 200 square feet) to the south of the road in the CO District.

12
13 J. Trotter read proposed precedent conditions from the memo with staff
14 recommendations.

15
16 T. Thompson said the size of the proposed gazebo allows for it to be placed in the CO
17 District without the need for a conditional use permit. He stated staff recommends
18 conditional approval as outlined in the Staff Recommendation memo.

19
20 There was no public comment.

21
22 **J. Farrell made a motion to conditionally approve the amendment with the**
23 **following conditions:**

24
25 "Applicant", herein, refers to the property owner, business owner, or organization
26 submitting this application and to his/its agents, successors, and assigns.

27
28 **PRECEDENT CONDITIONS**

29
30 All of the precedent conditions below must be met by the applicant, at the expense of the
31 applicant, prior to certification of the plans by the Planning Board. Certification of the
32 plans is required prior to commencement of any site work, any construction on the site or
33 issuance of a building permit.

- 34
35 1. The applicant shall correct the references to "conservation district" on sheets 3, 6,
36 8, & 29, and properly label these instances as "conservation overlay district" or "CO
37 District."
38
39 2. The applicant shall add a note to the plans indicating which sheets from the
40 approved plan set are being amended by this application.
41
42 3. The Applicant shall provide a digital (electronic) copy of the complete final plan
43 sent to the Town at the time of signature by the Board in accordance with Section
44 2.05.n of the regulations.
45
46 4. Final engineering review.

47
48 **PLEASE NOTE -** Once these precedent conditions are met and the plans are certified
49 the approval is considered final. If these conditions are not met within 120 days to the
50 day of the meeting at which the Planning Board grants conditional approval the board's
51 approval will be considered to have lapsed and re-submission of the application will be
52 required. See RSA 674:39 on vesting.
53

1 **GENERAL AND SUBSEQUENT CONDITIONS**

2
3 All of the conditions below are attached to this approval.

- 4
5 1. **No construction or site work may be undertaken until the pre-construction**
6 **meeting with Town staff has taken place, filing of an NPDES-EPA Permit (if**
7 **applicable) and the site restoration financial guaranty is in place with the**
8 **Town.** Contact the Department of Public Works to arrange for this meeting.
9
10 2. The project must be built and executed exactly as specified in the approved
11 application package unless modifications are approved by the Planning
12 Department & Department of Public Works, or if staff deems applicable, the
13 Planning Board.
14
15 3. All of the documentation submitted in the application package by the applicant and
16 any requirements imposed by other agencies are part of this approval unless
17 otherwise updated, revised, clarified in some manner, or superseded in full or in
18 part. In the case of conflicting information between documents, the most recent
19 documentation and this notice herein shall generally be determining.
20
21 4. All site improvements must be completed prior to the issuance of a certificate of
22 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
23 circumstances that prevent landscaping to be completed (due to weather
24 conditions or other unique circumstance), the Building Department may issue a
25 certificate of occupancy prior to the completion of landscaping improvements, if
26 agreed upon by the Planning & Public Works Departments, when a financial
27 guaranty (see forms available from the Public Works Department) and agreement
28 to complete improvements are placed with the Town. The landscaping shall be
29 completed within 6 months from the issuance of the certificate of occupancy, or the
30 Town shall utilize the financial guaranty to contract out the work to complete the
31 improvements as stipulated in the agreement to complete landscaping
32 improvements. **No other improvements shall be permitted to use a financial**
33 **guaranty for their completion for purposes of receiving a certificate of**
34 **occupancy.**
35
36 5. It is the responsibility of the applicant to obtain all other local, state, and federal
37 permits, licenses, and approvals which may be required as part of this project (that
38 were not received prior to certification of the plans). Contact the Building
39 Department at extension 115 regarding building permits.

40
41 **M. Soares seconded the motion. No discussion. Vote on the motion: 8-0-0.**
42 Amendment is conditionally approved.

- 43
44 K. Ravenna Investment Assoc., Map 7, Lots 40-5, 40-6, 40-7, 40-10 - Application
45 Acceptance and Public Hearing for a lot consolidation of 4 lots into one 4-acre lot and a
46 condominium conversion.

47
48 T. Thompson stated that there are no checklist items, and staff recommends the
49 application be accepted as complete.

50
51 **J. Farrell made a motion to accept the application as complete. R. Brideau**
52 **seconded the motion. No discussion. Vote on the motion: 8-0-0.** Application
53 accepted as complete.

1
2 Deb Brewster from TF Moran and Rick Damante from Ravenna Investments presented
3 their plans. This plan combines 4 lots, and sets up the condominium arrangement for the
4 commercial development which is the subject of the next public hearing.

5
6 J. Trottier referenced the DPW/Stantec memo with the design review comments.
7

8 T. Thompson said staff recommends conditional approval as outlined in the Staff
9 Recommendation memo.

10
11 **J. Farrell made a motion to conditionally approve the lot consolidation and**
12 **condominium conversion with the following conditions:**

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

17 **PRECEDENT CONDITIONS**

18
19 All of the precedent conditions below must be met by the Applicant, at the expense of the
20 Applicant, prior to certification of the plans by the Planning Board. Certification of the
21 plans is required prior to commencement of any site work, any construction on the site or
22 issuance of a building permit.
23

- 24 1. The existing conditions plan indicates two (2) public drain easements across the
25 area of the site. The Town's existing drainage system serving Orchard View Drive
26 outlets to one existing drain easement and the Town's drain pipe is located within
27 the other drain easement that outlets at Route 102. The Applicant has provided an
28 easement plan indicating changes to the easements. In addition, the Applicant's
29 separate site plan design indicates connection to the Town's existing pipe outlet
30 and the separate piping system and proposes two new locations for a drain
31 system. The Applicant has provided draft easements that include the new
32 drainage easements with flowage rights to the Town with this submission. The
33 Applicant shall revise the easements and/or flowage rights as necessary, meeting
34 the approval of the Town.
35
- 36 2. The Applicant shall provide the Owner's signature on the plans. The Applicant has
37 noted the signature would be provided on the final plan set.
38
- 39 3. The Applicant shall update note 13 on sheet 2 of 5 (existing conditions plan) to
40 clarify the test pit data is located on sheets 16 and 18 of the separate site plan.
41
- 42 4. The final approval of this plan shall be contingent upon final approval of the
43 associated site plan for the commercial development of the subject property.
44
- 45 5. Outside consultant's fees shall be paid within 30 days of approval of plan.
46
- 47 6. The Applicant shall provide a digital (electronic) copy of the complete final plan
48 sent to the Town at the time of signature by the Board in accordance with Section
49 2.06.N of the regulations.
50
- 51 7. Financial guaranty if necessary.
52
- 53 8. Final engineering review.

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

6
7 **GENERAL AND SUBSEQUENT CONDITIONS**

8
9 All of the conditions below are attached to this approval.

- 10
11 1. **No construction or site work may be undertaken until the pre-construction**
12 **meeting with Town staff has taken place, filing of an NPDES-EPA Permit (if**
13 **applicable) and the site restoration financial guaranty is in place with the**
14 **Town.** Contact the Department of Public Works to arrange for this meeting.
15
16 2. The project must be built and executed exactly as specified in the approved
17 application package unless modifications are approved by the Planning
18 Department & Department of Public Works, or if staff deems applicable, the
19 Planning Board.
20
21 3. All of the documentation submitted in the application package by the Applicant and
22 any requirements imposed by other agencies are part of this approval unless
23 otherwise updated, revised, clarified in some manner, or superseded in full or in
24 part. In the case of conflicting information between documents, the most recent
25 documentation and this notice herein shall generally be determining.
26
27 4. All site improvements must be completed prior to the issuance of a certificate of
28 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
29 circumstances that prevent landscaping to be completed (due to weather
30 conditions or other unique circumstance), the Building Department may issue a
31 certificate of occupancy prior to the completion of landscaping improvements, if
32 agreed upon by the Planning & Public Works Departments, when a financial
33 guaranty (see forms available from the Public Works Department) and agreement
34 to complete improvements are placed with the Town. The landscaping shall be
35 completed within 6 months from the issuance of the certificate of occupancy, or the
36 Town shall utilize the financial guaranty to contract out the work to complete the
37 improvements as stipulated in the agreement to complete landscaping
38 improvements. **No other improvements shall be permitted to use a financial**
39 **guaranty for their completion for purposes of receiving a certificate of**
40 **occupancy.**
41
42 5. It is the responsibility of the Applicant to obtain all other local, state, and federal
43 permits, licenses, and approvals which may be required as part of this project (that
44 were not received prior to certification of the plans). Contact the Building
45 Department at extension 115 regarding building permits.

46
47 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 8-0-0.** The lot
48 consolidation and condominium conversion are conditionally approved.

- 49
50 L. Ravenna Investment Assoc., Map 7, Lots 40-5, 40-6, 40-7, 40-10 - Application
51 Acceptance and Public Hearing for a Site Plan & conditional use permit to construct a
52 2,000 square foot coffee shop, 3,380 square foot fast food restaurant and 4,053 square
53 foot of retail.

1 T. Thompson stated that there are no checklist items, and staff recommends the
2 application be accepted as complete.

3
4 **J. Farrell made a motion to accept the application as complete. R. Brideau**
5 **seconded the motion.** No discussion. **Vote on the motion: 8-0-0.** Application
6 accepted as complete.

7
8 Deb Brewster from TF Moran and Rick Damante from Ravenna Investments presented
9 their plans. She said some of the possible occupants are Starbucks, Verizon, Kentucky
10 Fried Chicken and Taco Bell. She reviewed the drainage, architecture, and traffic
11 improvements with the Board. They are proposing a sign at the curb cut onto 102 that
12 would read "no left turn". The Hess gas station agreed to this change, and NHDOT has
13 approved the driveway for ¾ access (no left turns out).

14
15 J. Trottier summarized the more significant issues from the DPW/Stantec memos.
16 T. Thompson said staff recommends this be continued to June 14, 2007 at 7PM, due to
17 the unresolved issues related to drainage, traffic, and off-site improvements.
18 There was no public input when requested.

19 P. DiMarco expressed a concern about traffic entering/exiting the curb cut onto 102.
20 Bob Duval from TF Moran addressed the traffic concerns.

21 K. Wagner said she is opposed to the left turn going into this area. She would like to see
22 right turn in, right turn out and no left turns.

23 T. Thompson said the NH DOT has already approved the ¾ driveway, despite the staff
24 communicating with DOT to recommend elimination of the curb cut on Rt. 102, since the
25 driveway on Orchard View Dr would allow for access to 2 different signalized
26 intersections with Rt. 102.

27 P. DiMarco requested that construction deliveries of material not be done during peak
28 travel times. D.Brewster said they plan to have all deliveries made on Orchard View Dr.
29 After much discussion between the Board members and B. Duval, the Board collectively
30 expressed concerned about the left turn into the site from 102, believing it's "an accident
31 waiting to happen."

32
33 **J. Farrell made a motion to continue to June 13. M. Soares seconded the motion.**
34 **No discussion. Vote on the motion: 8-0-0.** This hearing is continued to June 13. A.Rugg
35 said this will be the only public notice.

36
37 **Other Business**

38
39 None.

40
41 **Adjournment:**

42
43 **M. Soares made a motion to adjourn the meeting. J. Farrell seconded the motion.** No
44 discussion. **Vote on the motion: 8-0-0.** Meeting adjourned at 10:10 PM.

45
46
47 These minutes prepared by Cathy Dirsra, Planning Department Secretary.

48
49
50 Respectfully Submitted,

51
52
53 Paul DiMarco, Secretary

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF MAY 9, 2007 AT THE MOOSE HILL COUNCIL CHAMBERS**

3
4 7:00 PM: Members Present: Art Rugg; Tom Freda; Rick Brideau, Ex-Officio; John Farrell; Kathy
5 Wagner, Ex-Officio; Paul DiMarco; Mary Soares; Lynn Wiles, alternate member

6
7 Also Present: André Garron, AICP; Tim Thompson, AICP; John Trottier, P.E.; Cathy Dirsa,
8 Planning Department Secretary

9
10 A. Rugg called the meeting to order at 7:03 PM. A. Rugg appointed L. Wiles to vote for
11 R.Nichols.

12
13 **Administrative Board Work**

14
15 A. Regional Impact Determinations

16
17 T. Thompson referenced the memo with staff recommendation for the Stonyfield Office
18 Expansion site plan, stating that this is not a project of regional impact.

19
20 **J. Farrell made a motion to accept the staff recommendation on the regional impact**
21 **determination. R. Brideau seconded the motion. No discussion. Vote on the motion:**
22 **8-0-0. Regional impact determinations accepted.**

23
24 B. Signing of Minutes – April 4, 11, & 19

25
26 Minutes for April 4, 11 and 19 have been signed.

27
28 C. Discussions with Town Staff

29
30 A. Garron said last week was the first Housing Task Force meeting and they will continue
31 to meet the first Thursday of every month. It was recommended that John Michels be the
32 Chair and Sean O'Keefe be the Vice Chair.

33 A. Garron said at the April Historic Properties Preservation Task Force (HPPTF) meeting
34 they reviewed the comments made by participants that attended the public workshop
35 March 28. The HPPTF will pull together the information to compile a report that will
36 include recommendations on how the Town should proceed with preservation of historic
37 properties. The HPPTF will make recommendations to the town council and that would
38 end the task force. A. Garron informed the Board there is a Metro Center Leadership
39 Forum coming up in May and Planning Board members are invited to attend.

40 T. Thompson mentioned the Derry regional notification in regards to a cell tower being
41 attached to a building in Derry, which is in the Board's read file. He said next week they
42 will be reviewing the candidates for an intern position for the Planning Dept.

43 T. Freda summarized the recent Conservation Commission/Budget Committee meeting
44 regarding open space strategies.

45 K. Wagner said at the Town Council meeting she informed the public that they are invited
46 to attend the Planning Board meeting June 13 in regards to the left-turn from Route 102
47 into the proposed Ravenna Plaza.

48

1
2
3 **Cont'd Plans/Workshops/Public Hearings/Conceptual Discussions**
4

5 A. Rugg stated that the Board would hear the agenda out of order, in order to continue an
6 agenda item to the next meeting.
7

8 C. Tarkka Homes, Map 15, Lot 215-1 - Continued Public Hearing for a Site Plan and
9 Conditional Use Permit to construct a 44 unit Elderly Housing development

10
11 T. Thompson referenced a letter from Todd Connors at Sublime Civil Consultants
12 requesting the continuance to June 13, and that the applicant has waived the 65 day clock
13 under RSA 676:4, which staff recommends. He said the applicant is still working with staff.
14

15 **J. Farrell made a motion to continue this to June 13 at 7pm. R. Brideau seconded**
16 **the motion. No discussion. Vote on the motion: 8-0-0.**

17 A. Rugg said this will be the only public notice.
18

19 A. Conceptual Discussion - Exit 5 Bus Maintenance Facility – NHDOT
20

21
22 Peter Samnis, NH DOT, Greg Goucher Project Mgr with the bureau of public works and
23 Bill Cass, Asst Project Mgr gave the Board an overview of their progress.
24 He summarized the building design of the terminal (5,000 sq ft) at the park and ride, and
25 the bus maintenance and bus storage buildings (approximate 11,000 square feet each) on
26 the Jacks Bridge Road lot, stormwater and drainage. The terminal is a heated space and
27 will provide storage for the 16 buses. The state will utilize a contractor for the buses. They
28 would like this to be a hub for several bus companies. This could be a 24-hour operation
29 depending on usage. There will not be wastewater recycling in the wash bay on site due
30 to the size of the facility. They will be tying into the sewer system. They will provide about
31 25' high lighting fixtures to be lit during evening hours. The operators will pay the
32 water/sewer expenses. The land is not taxable, just the office areas. There will be security
33 video surveillance on the property.
34 There was no public input when requested.
35

36 B. Continued School & Fire Impact Fee Methodology Public Hearing
37

38 A. Garron said last month Bruce Mayberry was here to give the Board an update. He said
39 the School methodology used in 2002 as well as the newer methodology was reviewed.
40 They updated the methodology based on actual figures. He said because we have a good
41 school system people are attracted to the area. The update takes the cost of the new
42 school system and factors it into the equation. For the school impact fee we recommend:
43

Updated School Impact Fee Schedule - 2006

Structure Type & Bedrooms	School Impact Fee Per Unit:
Single Family Detached - 2 BR	\$5,085
Single Family Detached - 3 BR	\$7,699
Single Family Detached - 4 BR+	\$9,922
Single Family Att. (Townhouse) - 2 BR	\$3,287
Single Family Att. (Townhouse) - 3 BR	\$3,322
Duplex or Condex - 2 BR	\$4,781
Duplex or Condex - 3 BR	\$6,030
Multifamily 3+ Units - All	\$2,864
Manufactured Housing - All	\$3,549

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T. Thompson stated the impact fee we have now is \$7984 for a 4-bedroom.
 K. Wagner said the Fire Dept came to the town council meeting and said they need a 3rd truck. She said the call volume to the adult communities is much higher than normal. She asked is we could factor in the cost needed to provide the additional service. EMS is \$60,000-\$70,000 a year. A.Garron suggested we review these issues when applicants come before the Board with their proposed plans. M.Soares suggested the possibility of putting a mechanism in place that would allow elderly housing to do a conversion in the future (20+ years from now) and that impact fees could then be collected.
 T. Thompson said the allocation of fire impact fees is proposed to now be town-wide vs. just the west side of town.

FEE SCHEDULE				
Capital Cost Per New Unit of Development Based on Avg Townwide Costs Per Call	\$336	Average Per Residential Unit	\$0.25	Per Sq. Ft. GFA Avg Non-Res
		OR		OR
	\$353	Single Family	\$0.39	Commercial Uses
	\$282	Townhouse, 2-Unit, Multifam.	\$0.19	Industrial Uses
	\$353	Manufactured Housing	\$0.34	Institutional Uses

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A. Garron said staff recommends moving forward with the breakdown version and the various types of housing, commercial, industrial, institutional uses would have differing fees, vs. a flat rate for residential and non-residential.
 There was no public input when requested.

J. Farrell made a motion to adopt the school impact fee methodology presented by Mr. Mayberry to Mr. Garron. R. Brideau seconded the motion. No discussion. Vote on the motion: 8-0-0. School impact fee methodology is adopted and the fee schedule will go before the town council.

J. Farrell made a motion to adopt the fire impact fee methodology, model 2, table 8 (break down rate) presented by Mr. Mayberry to Mr. Garron. R. Brideau seconded the motion. No discussion. Vote on the motion: 8-0-0. Fire impact fee methodology is adopted and the fee schedule will go before the town council.

1
2 D. 102 Realty Trust, Map 3, Lot 136 - Public Hearing for an amendment to a previously
3 approved site plan to show revised grading, retaining walls, decks, and pavement.
4

5 K. Wagner recused herself from the Board, as she is a direct abutter.
6

7 T. Thompson summarized the background on this project and referenced the memo with
8 staff recommendations.
9

10 Jeff Burd from 102 Realty Trust gave the Board an overview of their plans.
11

12 **J. Farrell made a motion to conditionally approve the amendment with the following**
13 **conditions:**
14

15 "Applicant", herein, refers to the property owner, business owner, or organization
16 submitting this application and to his/its agents, successors, and assigns.
17

18 **PRECEDENT CONDITIONS**
19

20 All of the precedent conditions below must be met by the Applicant, at the expense of the
21 Applicant, prior to certification of the plans by the Planning Board. Certification of the plans
22 is required prior to commencement of any site work, any construction on the site or
23 issuance of a building permit.
24

- 25 1. The Applicant shall review and revise the plan as required to ensure the site is
26 graded to meet the previously approved plan and the drainage report/ design.
27 Review of the as-built conditions of the detention basin located at the rear of the
28 building indicates the required one-foot of free board is not provided.
29
- 30 2. The Applicant shall clarify the height of the proposed retaining walls to be
31 constructed at the building.
32
- 33 3. The Applicant shall revise the ditch detail to indicate a 3-foot wide, 6-inch deep
34 crushed bank run gravel shoulder.
35
- 36 4. Please clarify if a light is proposed at the entrance to the site.
37
- 38 5. The Applicant shall provide a digital (electronic) copy of the complete final plan
39 sent to the Town at the time of signature by the Board in accordance with Section
40 2.05.n of the regulations.
41
- 42 6. Final engineering review.
43

44 **PLEASE NOTE -** Once these precedent conditions are met and the plans are certified
45 the approval is considered final. If these conditions are not met within 120 days to the day
46 of the meeting at which the Planning Board grants conditional approval the board's
47 approval will be considered to have lapsed and re-submission of the application will be
48 required. See RSA 674:39 on vesting.
49

1
2 **GENERAL AND SUBSEQUENT CONDITIONS**
3

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

- 6 1. **No construction or site work may be undertaken until the pre-construction**
7 **meeting with Town staff has taken place, filing of an NPDES-EPA Permit (if**
8 **applicable) and the site restoration financial guaranty is in place with the**
9 **Town.** Contact the Department of Public Works to arrange for this meeting.
10
11 2. The project must be built and executed exactly as specified in the approved
12 application package unless modifications are approved by the Planning
13 Department & Department of Public Works, or if staff deems applicable, the
14 Planning Board.
15
16 3. All of the documentation submitted in the application package by the Applicant and
17 any requirements imposed by other agencies are part of this approval unless
18 otherwise updated, revised, clarified in some manner, or superseded in full or in
19 part. In the case of conflicting information between documents, the most recent
20 documentation and this notice herein shall generally be determining.
21
22 4. All site improvements must be completed prior to the issuance of a certificate of
23 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
24 circumstances that prevent landscaping to be completed (due to weather
25 conditions or other unique circumstance), the Building Department may issue a
26 certificate of occupancy prior to the completion of landscaping improvements, if
27 agreed upon by the Planning & Public Works Departments, when a financial
28 guaranty (see forms available from the Public Works Department) and agreement
29 to complete improvements are placed with the Town. The landscaping shall be
30 completed within 6 months from the issuance of the certificate of occupancy, or the
31 Town shall utilize the financial guaranty to contract out the work to complete the
32 improvements as stipulated in the agreement to complete landscaping
33 improvements. **No other improvements shall be permitted to use a financial**
34 **guaranty for their completion for purposes of receiving a certificate of**
35 **occupancy.**
36
37 5. It is the responsibility of the Applicant to obtain all other local, state, and federal
38 permits, licenses, and approvals which may be required as part of this project (that
39 were not received prior to certification of the plans). Contact the Building
40 Department at extension 115 regarding building permits.
41

42 **M. Soares seconded the motion.** No Discussion. **Vote on the motion: 7-0-0** (K.
43 Wagner not included in the tally, as she had recused herself). Amendment is conditionally
44 approved.
45

46 [K.Wagner returned to the Board]
47

1
2 E. Conceptual Discussion - Londonderry Historical Society - Reconstruction of the 1725
3 Morrison House at the Morrison House Museum Site
4

5 John Dahlfred and Jim Schwalbe from the Londonderry Historical Society presented their
6 plans.

7 They plan to reassemble the house on their property on Pillsbury Rd sometime this
8 summer. The existing foundation housed the McAllister barn. The water line runs directly
9 to the Parmenter Barn. The foundation is a perfect fit for the Morrison house. To meet 40'
10 setback requirements they would have to knock out the back wall, which they are reluctant
11 to do. They ask the Board for a variance to leave the foundation as is. They will also need
12 approval from the Heritage Commission for the project. J. Trottier and T. Thompson both
13 stated the applicant would need a variance from the ZBA for the setback issue, and that
14 was not in the jurisdiction of the Planning Board.

15 They are also asking for a retention basin and/or build up the driveway to help with
16 drainage. J. Trottier said DPW would be willing to review this possibility with them.

17 A. Garron said the pathway project runs past this property and he is encouraged by the
18 use for the Morrison House. T. Thompson said the primary concerns are:

19 1) Because it's a Museum is additional parking needed? (use not listed in the ordinance, it
20 is up to the Board to determine a requirement)

21 2) Setback issue would be a ZBA issue

22 3) Drainage, waivers, etc.

23 And because this is an ambitious project they really need the Board's direction

24 Consensus of the board was to support this plan, including the request for a variance.

25 Bob Merrill, resident, suggested the Londonderry Historical Society present a master plan
26 to the town.

27 T. Thompson said this project will require a certificate of approval from the Historic District
28 Commission.
29

30 *[M. Soares left at 8:53 PM]*
31

32 F. Conceptual Discussion - Coca-Cola Bottling of Northern New England
33

34 Chris Rice from TF Moran and Mark Smith from Coca-Cola, presented their plans. They
35 are interested in purchasing several lots that wrap around the west of their existing lot and
36 they want to subdivide, consolidate, and rezone the resulting portion of the consolidated
37 lot to industrial.

38 T. Thompson said that staff feels Clark Rd is not designed to handle industrial traffic. He
39 suggested leaving a portion of the lot zoned residential, or during the
40 consolidation/subdivision requiring a restriction that would not allow access to Clark Road.

41 R. Brideau said they won't get a curb cut off Clark Rd.

42 J. Farrell suggested the applicant go to the abutters and all residents on Clark Rd and get
43 their input. He also suggested making improvements to Clark Rd for the residents.

44 There was no public input when requested.

45 Consensus of the board was general agreement of the concept, as long as access in not
46 provided to Clark Road.
47

1
2 G. Conceptual Discussion - LHRA Bus Terminal Project
3

4 Todd Connors from Sublime Civil Consultants and Earl Rosse of the LHRA presented
5 their plans.

6 Property is located on west side of Harvey Rd. and is zoned Industrial I. The busses
7 would be for the contractor serving the Londonderry School District. Current demand is
8 48-50 buses. Project proposes parking for 54 employee vehicles. Additional parking would
9 also exist for overflow and longer term parking for buses needing maintenance. On site
10 septic system is planned. They would be extending electric service to site for lighting etc.
11 They propose a 50 foot vegetated buffer along Harvey Rd. and the southerly boundary
12 line. Site distance meets requirements. They have requested 3 waivers and would like the
13 Board's input:

- 14 1) Submission of building elevation plans (phase 2 construction) which could be
15 addressed as a condition of approval
16 2) Interior green space requirement re. parking lot landscape
17 3) Traffic study (early a.m. and late p.m. – before and after peak hours) no increase due to
18 new location

19 Staff has encouraged them to take a good look at the stone wall along Harvey Rd
20 because they don't believe it's the typical historic stone wall. DPW suggested removing
21 the stone wall and create a 3 foot shoulder along Harvey Rd. T. Thompson said staff
22 recommends they also present this issue to the Heritage Commission.

23 There are no plans for fencing, gates or video surveillance at this facility, but there will be
24 lighting for security purposes.
25

26 T. Thompson and J. Trottier mentioned the memo in the packets from Stantec, which
27 would have been presented to the Board last week had the applicant not continued the
28 plan to June. T. Thompson also referenced a letter from abutter Barbara DiLorenzo in the
29 packet.

30 P. DiMarco said he is very concerned about that amount of school buses utilizing Harvey,
31 Hall, High Range and Litchfield Rd during peak traffic hours.

32 Consensus of the board was they would not support a waiver to the traffic report. They
33 also feel that 30+ buses should not be using a residential road and that High Range Rd
34 could not handle that amount of buses safely. If they are forced to take a right turn onto
35 Harvey Rd then most of those buses would probably turn onto Shasta Drive because it's
36 the quickest way to access the south side of town. P. DiMarco said he would like to see
37 video surveillance for the buses.

38 Bob Merrill, resident, asked if there is any way to get this project closer to town.

39 Earl Rosse said originally they considered the land in front of the town garage, but it is
40 surrounded by residential properties and is not properly zoned for this use. The proposed
41 location is the best, properly zoned lot and is the most southerly location in town. The lot
42 has been off the tax rolls for years, and is a difficult site to develop. LHRA is hoping to
43 facilitate the development of this lot so that it again become a revenue generating property
44 for the Town (perhaps including provisions that the busses be registered in Londonderry)
45

46 **Other Business**

47
48 None.
49

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Adjournment:

J. Farrell made a motion to adjourn the meeting. R. Brideau seconded the motion. No discussion. Vote on the motion: 7-0-0. Meeting adjourned at 10:17 PM.

These minutes prepared by Cathy Dirsra, Planning Department Secretary.

Respectfully Submitted,

Paul DiMarco, Secretary

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF JUNE 6, 2007 AT THE MOOSE HILL COUNCIL**
3 **CHAMBERS**
4

5 7:00 PM: Members Present: Art Rugg; Tom Freda; Rick Brideau, Ex-Officio; John Farrell;
6 Kathy Wagner, Ex-Officio; Charles Tilgner, P.E., Ex-Officio; Paul DiMarco; Mary Soares; Rob
7 Nichols; Lynn Wiles, alternate member
8

9 Also Present: André Garron, AICP; John Trottier, P.E.; Cathy Dirsra, Planning Department
10 Secretary; Frank Holdsworth, Code Compliance Enforcement Officer; Jim Smith, Building
11 Inspector
12

13 A. Rugg called the meeting to order at 7 PM.
14

15 **Administrative Board Work**
16

17 A. Plans to Sign - Martin/Cross Lot Line Adjustment - Map 6, Lots 83 & 81
18

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

21 **J.Farrell made a motion to authorize the Chair and Secretary to sign the plans.**
22 **R.Brideau seconded the motion.** No discussion. **Vote on the motion: 8-0-0.**

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

24 [K.Wagner arrived 7:06PM, after this vote]
25

26 B. Plans to Sign - Uni-Cast (Administratively Approved) - Map 28, Lot 21-1
27

28 J.Trottier said all conditions for approval have been met and the staff recommends
29 signing the plans.

30 **J.Farrell made a motion to authorize the Chair and Secretary to sign the plans.**
31 **R.Brideau seconded the motion.** No discussion. **Vote on the motion: 9-0-0.**

32 A.Rugg said the plans will be signed at the conclusion of the meeting.
33

34 C. Plans to Sign - Flooring Associates Amended Site Plan - Map 28, Lot 21-24
35

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

38 **J.Farrell made a motion to authorize the Chair and Secretary to sign the plans.**
39 **R.Brideau seconded the motion.** No discussion. **Vote on the motion: 9-0-0.**

40 A.Rugg said the plans will be signed at the conclusion of the meeting.
41

42 D. Plans to Sign - Sugar Plum Elderly Housing Amended Site Plan - Map 10, Lot 13
43

44 J.Trottier said all conditions for approval have been met and the staff recommends
45 signing the plans.

46 **J.Farrell made a motion to authorize the Chair and Secretary to sign the plans.**
47 **R.Brideau seconded the motion.** No discussion. **Vote on the motion: 9-0-0.**

48 A.Rugg said the plans will be signed at the conclusion of the meeting.
49

- 1
2 E. Plans to Sign - Waste Management/NHDOT Lot Line Adjustment - Map 15, Lots 56 &
3 61-4

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

7 **J.Farrell made a motion to authorize the Chair and Secretary to sign the plans.**

8 **R.Brideau seconded the motion.** No discussion. **Vote on the motion: 9-0-0.**

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

- 10
11 F. Voluntary Merger - Map 7, Lots 73-3 and 73-4 (**Gladstone,Paul J First Revoc Trust**)

12
13 A.Garron recommends that staff approve this merger.

14
15 **J.Farrell made a motion to grant the merger. R.Brideau seconded the motion.** No
16 discussion. **Vote on the motion: 9-0-0.** Merger granted.

- 17
18 G. Approval of Minutes – May 2 & 9

19
20 **J.Farrell made a motion to approve the minutes from the May 2 meeting. R.Brideau**
21 **seconded the motion.** No discussion. **Vote on the motion: 7-0-2.**

22 (C.Tilgner and R.Nichols abstained because they were absent at the May 2 meeting).

23
24 **J.Farrell made a motion to approve the minutes from the May 9 meeting. R.Brideau**
25 **seconded the motion.** No discussion. **Vote on the motion: 7-0-2.**

26 (C.Tilgner and R.Nichols abstained because they were absent at the May 9 meeting).

27
28 Minutes are approved and will be signed at the June 13 meeting.

- 29
30 H. Discussions with Town Staff

31
32 A.Garron DOT will be resurfacing a section of rte 102 and performing guardrail
33 improvements. He asked the board to consider the location of the driveway and to
34 possibly install a guardrail at the future Church of Nazarene site. Consensus of the board
35 was to install the guardrail at the same time.

36
37 A.Garron gave an overview of the CTAP meeting he attended last week.

38 He also said the Housing Task Force has a meeting tomorrow night. He said the first
39 speaker for these meetings will be Ben Frost from NH Housing Finance Authority
40 (NHHFA). He will speak on housing issues in NH.

41 A.Garron said the HPPTF will meet on June 27 to discuss putting together a final report
42 that will be presented to the town council in the fall.

43 A.Rugg mentioned a conference (in read file).

44
45 **Public Hearings**

- 46
47 A. Bernard Filion, Map 2, Lot 34-3 - Continued Application Acceptance and Public Hearing
48 for a Site Plan to construct an 11,400 square foot office/warehouse facility.

49
50
51 J.Trottier stated that there are no checklist items, and staff recommends the application
52 be accepted as complete.

1 **P.DiMarco made a motion to accept the application as complete. M.Soares**
2 **seconded the motion.** No discussion. **Vote on the motion: 8-0-0.** Application
3 accepted as complete. [J.Farrell had stepped out during this vote]
4

5 Tony Marcotte, Bedford Design Consultants, presented their plans and their request for a
6 waiver to Section 3.07.g.
7 Parking for the site exceeds town requirements. T.Marcotte said they have requested
8 two waivers from the Town of Hudson for the sight distance and high intensity soil survey
9 (HISS) map.

10
11 J. Trottier read the design review items from the Stantec memo, and summarized the
12 staff recommendations with staff recommending conditional approval.
13

14 A.Garron said the traffic report was reviewed and agreed on by the town engineering
15 consultant.

16 There was no public input when requested.
17

18 **J.Farrell made a motion to approve the requested waiver, based on the applicant's**
19 **request letter dated 4/10/07 and staff recommendation. R.Brideau seconded the**
20 **motion.** No discussion. **Vote on the motion: 9-0-0.** Waiver is approved.
21

22 **J.Farrell made a motion to conditionally approve the site plan with the following**
23 **conditions:**
24

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

28 **PRECEDENT CONDITIONS**

29

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

- 35 1. The Applicant shall indicate the permit approval numbers for the NHDES site
36 specific and NHDES subsurface permits in the notes on sheet 3.
37
- 38 2. The predevelopment plans indicate a Tc that is not consistent with the latest
39 calculations provided in the drainage report. The Applicant shall update the
40 drainage report and plans to be consistent.
41
- 42 3. The Applicant shall address/clarify the following on the detail sheets:
43
 - 44 A We recommend the Applicant correct the lower drain profile label for the
45 headwall in the profile to indicate CB 1 (vs. #2) on sheet 8.
46
 - 47 B The Applicant shall label the slope between the lower wall and silt fence in
48 the cross section detail AA on sheet 11 for proper construction.
49
- 50 4. Outside consultant's fees shall be paid within 30 days of approval of plan.
51
- 52 5. Note all waivers granted on the plan.
53

- 1 6. The Applicant shall provide a digital (electronic) copy of the complete final plan
2 sent to the Town at the time of signature by the Board in accordance with Section
3 2.05.n of the regulations.
- 4
- 5 7. Financial guaranty if necessary.
- 6
- 7 8. Final engineering review
- 8

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

14

15 **GENERAL AND SUBSEQUENT CONDITIONS**

16

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

- 18
- 19 1. The applicant shall obtain final site plan approval from the Town of Hudson prior to
20 commencement of construction on the property.
- 21
- 22 2. The applicant shall be required to return to the Planning Board for an amendment
23 to this plan once a signage design is determined for the project, in accordance with
24 the requirements of the Zoning Ordinance.
- 25
- 26 3. **No construction or site work for the amended site plan may be undertaken**
27 **until 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 place**
29 **with the Town.** Contact the Department of Public Works to arrange for this
30 meeting.
- 31
- 32 4. The project must be built and executed exactly as specified in the approved
33 application package unless modifications are approved by the Planning
34 Department & Department of Public Works, or if staff deems applicable, the
35 Planning Board.
- 36
- 37 5. All of the documentation submitted in the application package by the applicant and
38 any requirements imposed by other agencies are part of this approval unless
39 otherwise updated, revised, clarified in some manner, or superseded in full or in
40 part. In the case of conflicting information between documents, the most recent
41 documentation and this notice herein shall generally be determining.
- 42
- 43 6. All site improvements must be completed prior to the issuance of a certificate of
44 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
45 circumstances that prevent landscaping to be completed (due to weather
46 conditions or other unique circumstance), the Building Department may issue a
47 certificate of occupancy prior to the completion of landscaping improvements, if
48 agreed upon by the Planning & Public Works Departments, when a financial
49 guaranty (see forms available from the Public Works Department) and agreement
50 to complete improvements are placed with the Town. The landscaping shall be
51 completed within 6 months from the issuance of the certificate of occupancy, or the
52 Town shall utilize the financial guaranty to contract out the work to complete the

1 improvements as stipulated in the agreement to complete landscaping
2 improvements. **No other improvements shall be permitted to use a financial**
3 **guaranty for their completion for purposes of receiving a certificate of**
4 **occupancy.**
5

- 6 7. As built site plans must be submitted to the Public Works Department prior to
7 the release of the applicant's financial guaranty.
8
9 8. All required Police, Fire, and Traffic impact fees must be paid prior to the issuance
10 of a Certificate of Occupancy.
11
12 9. It is the responsibility of the applicant to obtain all other local, state, and federal
13 permits, licenses, and approvals which may be required as part of this project (that
14 were not received prior to certification of the plans). Contact the Building
15 Department at extension 115 regarding building permits.
16

17 **R.Brideau seconded the motion.** No discussion. **Vote on the motion: 9-0-0.** Plan is
18 conditionally approved
19

- 20 B. Corporated Auto Sales, Map 13, Lot 64 - Continued Application Acceptance and Public
21 Hearing for a Site Plan to construct parking and display areas for a used car sales
22 operation.
23

24 J.Trottier stated that there are no checklist items, and staff recommends the application
25 be accepted as complete.

26 **J.Farrell made a motion to accept the application as complete. R.Brideau**
27 **seconded the motion.** No discussion. **Vote on the motion: 9-0-0.** Application
28 accepted as complete.
29

30 JPS Motors, LLC, Applicant

31 Joe Maynard, Benchmark Engineering, Inc. presented their plans.

32 He said the existing house will remain and be used as offices for this project.

33 There will be 40 parking spaces. They are not asking for any waivers from the Board.

34 They propose to loam & seed right up to the conservation area. J.Trottier said staff is
35 comfortable with the landscaping plans for this project. Detention pond will be part of
36 phase 1. They have received DOT approval.

37 J.Trottier read the memo with staff recommendations. J.Trottier said staff recommends
38 conditional approval. A.Garron also reviewed the traffic impact fee costs associated with
39 the development

40 There was no public input when requested.
41

42 **J.Farrell made a motion to conditionally approve the site plan with the following**
43 **conditions:**
44

45 "Applicant", herein, refers to the property owner, business owner, or organization
46 submitting this application and to his/its agents, successors, and assigns.
47

48 **PRECEDENT CONDITIONS**
49

50 All of the precedent conditions below must be met by the applicant, at the expense of the
51 applicant, prior to certification of the plans by the Planning Board. Certification of the
52 plans is required prior to commencement of any site work, any construction on the site or
53 issuance of a building permit.

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1. The Applicant has obtained a letter from NHDOT relative to updating the driveway permit for the site with the new use that includes the stipulation that “All regulations and requirements of the original permit shall be adhered to by the applicant or his representative or successor.” A copy of the original permit was provided which indicates that the pavement radius shall be 25 feet to accommodate a single unit vehicle (condition #10). That Applicant shall revise the driveway radius to indicate 25 feet vs. 45 feet in accordance with the permit conditions or obtain an updated NHDOT permit clearly indicating approval of the noted radius.
2. The Applicant shall clarify the following on the site plan/landscape plan:
 - A. The handicap parking spaces adjacent to the existing building appear to be less than 4 feet from the building and do not comply with section 3.10.2.10 of the Zoning Ordinance. The Applicant shall revise in accordance with the regulations.
 - B. The Applicant shall clarify the text for the green area setbacks.
3. The Applicant has provided a sight distance plan and profile for the proposed driveway, but the plan indicates only 365 feet which does not appear to be in accordance with NHDOT driveway requirements (400 feet minimum). The Applicant shall revise in accordance with NHDOT driveway requirements and update the certification accordingly. In addition, the Applicant shall provide a typical NHDOT driveway apron detail (vs. a Town of Londonderry detail) on the plan.
4. The Applicant shall provide notes and/spot elevation and/or flow arrows on the topographical plan to clarify the intent of design to allow runoff between the proposed new driveway and the existing driveway to lot 65-1 to drain northwesterly and across the driveway as noted in the Applicant’s response letter and for proper construction.
5. The Applicant shall address the following relative to the submitted drainage report:
 - A. The revised topographic plan includes spot elevations indicating the proposed parking lot pavement is a high point and the area to the south of the pavement would drain southerly toward abutting lot 65 (vs. toward the detention basin) which is inconsistent with the post development drainage area plan and analysis. The Applicant shall revise the analysis and plan consistent with the grading design. The Applicant shall verify compliance with the regulations (no increase in runoff).
 - B. The Applicant shall revise the summary table in the report to address impact to each abutter (both pre- and post development) as typically required by the Town. The Applicant shall verify compliance with the regulations (no increase in runoff).
 - C. The CN for post subcatchment 4 does not appear to include the dumpster pad area. The Applicant shall review and revise accordingly.
 - D. The Applicant shall provide a 50-year pond routing analysis in the report.
6. The Applicant shall clarify the location of the wall pack unit on the lighting plan and provide a lighting detail and information (description) for the wall pack in the plan set as typically required by the Town. The Applicant shall update the luminaire schedule accordingly.

- 1 7. The drain trench detail for the detention pond outlet indicates no bedding is to be
2 used for backfill. The Applicant shall discuss this design with the Town.
- 3
- 4 8. Outside consultant's fees shall be paid within 30 days of approval of plan.
- 5
- 6 9. The Applicant shall provide a digital (electronic) copy of the complete final plan
7 sent to the Town at the time of signature by the Board in accordance with Section
8 2.05.n of the regulations.
- 9
- 10 10. Financial guaranty if necessary.
- 11
- 12 11. Final engineering review
- 13

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

19 **GENERAL AND SUBSEQUENT CONDITIONS**

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

- 21
- 22
- 23
- 24 1. **No construction or site work for the amended site plan may be undertaken**
25 **until the pre-construction meeting with Town staff has taken place, filing of**
26 **an NPDES-EPA Permit and the site restoration financial guaranty is in place**
27 **with the Town.** Contact the Department of Public Works to arrange for this
28 meeting.
- 29
- 30 2. The project must be built and executed exactly as specified in the approved
31 application package unless modifications are approved by the Planning
32 Department & Department of Public Works, or if staff deems applicable, the
33 Planning Board.
- 34
- 35 3. All of the documentation submitted in the application package by the applicant and
36 any requirements imposed by other agencies are part of this approval unless
37 otherwise updated, revised, clarified in some manner, or superseded in full or in
38 part. In the case of conflicting information between documents, the most recent
39 documentation and this notice herein shall generally be determining.
- 40
- 41 4. All site improvements must be completed prior to the issuance of a certificate of
42 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
43 circumstances that prevent landscaping to be completed (due to weather
44 conditions or other unique circumstance), the Building Department may issue a
45 certificate of occupancy prior to the completion of landscaping improvements, if
46 agreed upon by the Planning & Public Works Departments, when a financial
47 guaranty (see forms available from the Public Works Department) and agreement
48 to complete improvements are placed with the Town. The landscaping shall be
49 completed within 6 months from the issuance of the certificate of occupancy, or the
50 Town shall utilize the financial guaranty to contract out the work to complete the
51 improvements as stipulated in the agreement to complete landscaping
52 improvements. **No other improvements shall be permitted to use a financial**

guaranty for their completion for purposes of receiving a certificate of occupancy.

5. As built site plans must to be submitted to the Public Works Department prior to the release of the applicant's financial guaranty.
6. All required Police, Fire, and Traffic impact fees must be paid prior to the issuance of a Certificate of Occupancy.
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 Department at extension 115 regarding building permits.

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

- C. Londonderry Housing & Redevelopment Authority, Map 14, Lot 44-11 - Continued Application Acceptance and Public Hearing for a Site Plan & conditional use permit to construct a school bus terminal, including parking, vehicle storage and driveways to access the proposed structure. - **Request Continuance to July 11, 2007**

Todd Connors, Sublime and Earl Rosse, Chairman of LHRA, gave the Board a brief overview of their status and said they would meet with any abutters either in the meeting room or outside in the hall if they prefer. He went over the bus schedule and routes for the Board. Total number of buses are 42-43.

Barbara DiLorenzo, 26 Harvey Rd, said she has a few concerns:

public safety issues due to traffic on the road; security - will there be fencing and will it be locked; fueling & maintenance twice a week; will there be a dispatcher on the property
T.Connors said there will be a dispatcher on the property once the building is complete
E.Rosse again said once they have the dispatcher and fueling issues resolved they will present their plans before the planning board (probably in a few months). He said the fueling will be self contained diesel fuel. A.Rugg said the land is owned by the LHRA.
E.Rosse said the LHRA has underwritten the cost of the planning & development so far. It will be leased to the bus operator. E.Rosse said the bus operator has offered to buy the land and lease it to a third party. He said if they lease the property to a third party, then they are responsible for any liability issues. He said lighting is included on the site plan and that fencing has not been proposed. B.Lorenzo said she is very concerned about the use for this property.

Richard Belinsky, Hall Rd, said there is currently a problem with motorcycles trying to jump the hill that borders this property. He said the site distance really concerns him because traffic goes too fast on Harvey Rd. Mike Brown, 5 Carousel Court, said when he was on the town council he recalls the original conceptual presentation on this project was presented as a low traffic project because it borders residential property. He also said in his opinion because this property has a water buffer it gives the Board more authority in this decision. He said in his mind the Board should make their decision based on public safety first.

John Gove, 24 Harvey Rd (directly across from the site), wants to know if there will be any blasting. He has had problems before when work was done in the area, affecting his well and property overall.

T.Connors said they don't expect any blasting to occur. He said the vast majority of this property is fill. He said they may have to do some blasting if they come across any rock or ledge. E.Rosse said the hours of operation will be Mon-Fri (school schedule, starting

1 about 5:30 a.m.). J.Gove said he is also very concerned about the lights from school
2 buses shining into his home. George Herrmann, school district, asked what will happen
3 when the current school bus contract expires. He said that because the school buses are
4 on a town contract, the town is paying for liability insurance. G.Herrmann is also
5 concerned about the children who ride their buses on these roads, which have no
6 shoulders. J.Gove said Harvey Rd is a narrow road and he doesn't believe that the
7 buses can make a right-hand turn without crossing the yellow line.
8 Barry Mazzaglia, resident, suggested installing a wash pad to collect any spilled fuel.
9 J.Farrell requested that someone from the Police Dept. attend the next meeting.

10
11 A.Garron referenced the letter from LHRA requesting a continuance to July 11, 2007.

12
13 **J.Farrell made a motion to continue this to July 11 at 7pm. R.Brideau seconded**
14 **the motion.** No discussion. **Vote on the motion: 9-0-0.** This hearing is continued to July
15 11, 2007. A.Rugg said this will be the only public notice.

- 16
17 D. Gilcreast House LLC, Map 6, Lot 64-1 - Application Acceptance and Public Hearing for a
18 site plan for a change in use.

19
20 J.Trottier stated there are 3 checklist items outstanding, all of which are waivers. He
21 stated that staff recommends the 3 waivers, and assuming the waivers are granted, staff
22 recommends the application be accepted as complete

23
24 Todd Connors, Sublime Consultants, presented their request for waivers to Sections
25 4.14.f, 4.15, 4.16.

26
27 **J.Farrell made a motion to approve the requested waivers, based on the**
28 **applicant's request letter dated 4/17/07 and staff recommendation. R.Brideau**
29 **seconded the motion.** No discussion. **Vote on the motion: 9-0-0.** The three waivers
30 have been approved.

31
32 **J.Farrell made a motion to accept the application as complete. R.Brideau**
33 **seconded the motion.** No discussion. **Vote on the motion: 9-0-0.** Application
34 accepted as complete.

35
36 Todd Connors, Sublime Consultants, presented their plans.
37 He said they propose a free-standing sign to replace the existing sign.

38
39 J. Trottier read the design review items from the Stantec memo, and summarized the
40 staff recommendations with staff recommending conditional approval. A.Garron said the
41 traffic report was done and reviewed by the town engineering consultant and staff
42 recommends conditional approval.

43
44 A.Rugg asked for public input.

45 Jim Roger, 5 Crosby Lane, said when the property was known as Cranberry House it
46 was esthetically well kept. Currently it is in very poor condition. J.Roger said B.Mazzaglia
47 (applicant) had Thanksgiving, Christmas decorations up well after the holidays had
48 passed, so he asked the applicant if he could remove them. J.Roger said he later found
49 the holidays items in the culvert on his property. He also said the current sign was
50 supposed to be temporary and has been there for quite a while. It is illuminated by using
51 an extension cord, which he feels must be a code violation.

52 Barry Mazzaglia, applicant, said when they receive conditional approval they will make
53 sure all the conditions are met and everyone will be satisfied.

1
2 **J.Farrell made a motion to conditionally approve the site plan change in use with**
3 **the following conditions:**

4
5 "Applicant", herein, refers to the property owner, business owner, or organization
6 submitting this application and to his/its agents, successors, and assigns.
7

8 **PRECEDENT CONDITIONS**
9

10 All of the precedent conditions below must be met by the applicant, at the expense of the
11 applicant, prior to certification of the plans by the Planning Board. Certification of the
12 plans is required prior to commencement of any site work, any construction on the site or
13 issuance of a building permit.
14

- 15 1. **The Applicant has provided areas for the noted uses with this submission**
16 **(note 8 totaling 5,340 SF), but it appears the building area may be more than**
17 **noted (approximately 6,000 SF) based upon the size and number of floors**
18 **noted on the revised plan. The Applicant shall dimension the existing**
19 **building and verify the use areas account for all floor levels. The Applicant**
20 **shall update note 8 accordingly. In addition, the Applicant shall review and**
21 **provide appropriate parking as applicable.**
22
23 2. The Applicant shall address the following on the site plan:
24 A. The Applicant shall provide a curb or substantial bumper for the proposed
25 parking space located adjacent to the relocated shed in accordance with
26 section 3.10.02.10 the Zoning Ordinance.
27 B. The Applicant shall provide a professional engineer's stamp on the plan in
28 accordance with sections 4.01.A and 4.14 of the Site Plan Regulations. The
29 Applicant shall update sheets 3 and 4 as applicable.
30
31 3. Outside consultant's fees shall be paid within 30 days of approval of plan.
32
33 4. Note all waivers granted on the plan.
34
35 5. The Applicant shall provide a digital (electronic) copy of the complete final plan
36 sent to the Town at the time of signature by the Board in accordance with Section
37 2.05.n of the regulations.
38
39 6. Financial guaranty if necessary.
40
41 7. Final engineering review
42

43 **PLEASE NOTE -** Once these precedent conditions are met and the plans are certified
44 the approval is considered final. If these conditions are not met within 120 days to the
45 day of the meeting at which the Planning Board grants conditional approval the board's
46 approval will be considered to have lapsed and re-submission of the application will be
47 required. See RSA 674:39 on vesting.
48

49 **GENERAL AND SUBSEQUENT CONDITIONS**
50

51 All of the conditions below are attached to this approval.
52

- 1 1. **No construction or site work for the amended site plan may be undertaken**
2 **until the pre-construction meeting with Town staff has taken place, filing of**
3 **an NPDES-EPA Permit and the site restoration financial guaranty is in place**
4 **with the Town.** Contact the Department of Public Works to arrange for this
5 meeting.
6
7 2. The project must be built and executed exactly as specified in the approved
8 application package unless modifications are approved by the Planning
9 Department & Department of Public Works, or if staff deems applicable, the
10 Planning Board.
11
12 3. All of the documentation submitted in the application package by the applicant and
13 any requirements imposed by other agencies are part of this approval unless
14 otherwise updated, revised, clarified in some manner, or superseded in full or in
15 part. In the case of conflicting information between documents, the most recent
16 documentation and this notice herein shall generally be determining.
17
18 4. All site improvements must be completed prior to the issuance of a certificate of
19 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
20 circumstances that prevent landscaping to be completed (due to weather
21 conditions or other unique circumstance), the Building Department may issue a
22 certificate of occupancy prior to the completion of landscaping improvements, if
23 agreed upon by the Planning & Public Works Departments, when a financial
24 guaranty (see forms available from the Public Works Department) and agreement
25 to complete improvements are placed with the Town. The landscaping shall be
26 completed within 6 months from the issuance of the certificate of occupancy, or the
27 Town shall utilize the financial guaranty to contract out the work to complete the
28 improvements as stipulated in the agreement to complete landscaping
29 improvements. **No other improvements shall be permitted to use a financial**
30 **guaranty for their completion for purposes of receiving a certificate of**
31 **occupancy.**
32
33 5. As built site plans must to be submitted to the Public Works Department prior to
34 the release of the applicant's financial guaranty.
35
36 6. All required Police Facility and Traffic impact fees must be paid prior to the
37 issuance of a Certificate of Occupancy.
38
39 7. It is the responsibility of the applicant to obtain all other local, state, and federal
40 permits, licenses, and approvals which may be required as part of this project (that
41 were not received prior to certification of the plans). Contact the Building
42 Department at extension 115 regarding building permits.
43

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

- 46
47 E. Holten Realty LLC, Map 15, Lot 13 - Application Acceptance and Public Hearing for a
48 site plan to construct a 4000 square foot structure to house existing auto salvage
49 operations.

50
51 J.Trottier stated that there are no checklist items, and staff recommends the application
52 be accepted as complete.

1 **J.Farrell made a motion to accept the application as complete. R.Brideau**
2 **seconded the motion.** No discussion. **Vote on the motion: 9-0-0.** Application
3 accepted as complete.
4

5 Jeffrey Lewis, Northpoint Engineering, LLC and Ed Dudek, property owner/applicant
6 presented their plans.

7 E.Dudek said they are proposing this building to be part of the DES Green Yard program.
8 His goal is to have everything contained inside this building.
9

10 J.Trottier read the memo with staff recommendations. He said there were 3 waiver
11 requests, but they are not checklist items. Staff recommends a continuance to July 11
12 and for the applicant to re-notify abutters of the continuance date.

13 Frank Holdsworth, Code Enforcement Officer, referenced the desire for the applicant to
14 become part of the DES Green Yard program, which will be a requirement for all
15 junkyards in the future. T.Freda felt a landscape plan should be submitted. J.Trottier said
16 because a fence currently exists and the junk cars are not supposed to be piled higher
17 than the fence, alternative landscaping is not necessary. The applicant agrees and that is
18 why they have requested a waiver to a landscaping plan. F.Holdsworth said a condition
19 of licensing will affect whether or not fencing will go up on the west side of the property.
20 E.Dudek said once the cleanup is complete the fencing will go up.

21 Richard Belinsky, 89 Hall Rd, gave the Board a letter from Gerard Adams, 54 Hall Rd.
22 He also said the ordinance states that there should be no expansion of the business or
23 building. He said the town lawyer has disregarded the fact that the current building will be
24 removed and a new larger building put in it's place. He also said the current parking lot
25 never received a site plan and the town has never enforced that requirement. He said
26 this is an expansion of a non-conforming business. He said when this went to the ZBA he
27 tried to point this out, but was not considered. He said the town has let this business
28 expand over and over within the last ten years. A.Rugg read the letter from Gerard
29 Adams, abutter.
30

31 **J.Farrell made a motion to continue this to July 11. R.Brideau seconded the**
32 **motion.** No discussion. **Vote on the motion: 9-0-0.** This will be continued to July 11,
33 2007 and applicant will re-notify all abutters to reflect the hearing to include a Conditional
34 Use Permit.
35

36 F. SNHPC Community Assessment Discussion - Linda Ajello, AICP, SNHPC
37

38 Linda Ajello, SNHPC, discussed the CTAP assessment. Josh O'Neil, planning intern
39 SNHPC, also attended this meeting. A.Garron summarized the assessments for the
40 Board. He mentioned the Best Town Process as a reservoir for new talent. He said we
41 got 91 yes's and 31 no's. J.Farrell asked Linda if there is another town with a good plan.
42 L.Ajello said she would need to review all the other assessments in order to correctly
43 answer that question. J.O'Neil said they recently had a meeting, which T.Thompson
44 attended (Londonderry Town Planner). J.O'Neil said there is no right answer and that a
45 lot of discussion goes into coming up with a good plan for each community. M.Soares
46 asked about the main street program. A.Garron said it's a grass roots program to
47 promote awareness and improvement to historic downtown areas. He said it has to come
48 from the citizens and downtown businesses. It needs support from the selectman to
49 committees. He said that Gofstowen participated in the Main Street Program in 1998.
50

1
2 G. Rt. 28 POD Discussion
3

4 The Town Council made a motion at its May 21st meeting to revisit the Rt. 28 POD
5 discussion.

6 A.Rugg opened it up to the public.

7 Mark Oswald, Councilor, suggested the Board revisit the POD especially the exit 5
8 corridor. Mike Brown, 5 Carousel Court, said he thinks that the Council feels the POD
9 needs more work. He wonders where the POD is “broken”. He said a lot of the
10 discussion they received when looking at the POD centered around tax relief. He said
11 you don’t get that from large scale retail. He would prefer the town focus on industrial
12 growth, which would provide more employment. He also mentioned the 2003 survey that
13 was on the ballot at the town meeting for “big box retail”. The result was that voters
14 wanted it.

15 Tom Duffey, commercial realtor, said he remembers the discussion about the Rt. 28, Exit
16 5 POD. He said back then people weren’t concerned about big box retail and even liked
17 the idea of having more retail choices nearby. He feels POD’s should be fluid and
18 change with the growth of the town. He suggested outlet centers vs. big box retail. He
19 mentioned a “life style center” based more on demographic profiles. Between 90,000-
20 100,000 sf with little shops. These life style centers would be a place for people to spend
21 4 or more hours there on a Saturday or Sunday. They would have sit-down restaurants,
22 coffee shops, health gym, etc., not the typical big box retail. He feels these life style
23 centers would create more tax income than big box retail.

24 John Verani, 73 Page Rd, said the POD has stopped growth at Exit 5. He feels you need
25 an anchor tenant to get the rest of the users in there as well. He said Jean Gagnon’s
26 property of 52 acres would probably be the best choice for an anchor tenant. He also
27 feels the 3 acre minimum makes it difficult subdivide and create parcels that satisfy the
28 POD requirements. K.Wagner asked if we could do a study and what it might cost the
29 town. A.Garron said the town would have to define exactly what you want to capture in
30 the study and what the goal would be.

31 Tom Dolan, 19 Isbella Dr, said he would like the Board to consider the “failed”
32 intersections or traffic patterns at Exit 5. He said the traffic is often gridlocked in that
33 area. He asked the board to think about what the traffic impact would be at Exit 5 with
34 more business.

35 Marty Bove, 3 Tinkham Lane, said development of rt. 28 is part of the infrastructure that
36 would help develop the town and support that area. He would like the town to look at the
37 POD for improvements. He feels if the town got some big box retail at Exit 5 they would
38 do the off site road improvements that are needed.

39 Brian Farmer, town council, said the council feels the POD needs to be tweaked. The
40 council is relying on the Planning Board to help open the discussions. He strongly
41 recommends tax relief for the town (5 million dollars a year would be good). He said
42 there is a traffic study that the Planning Board should look at.

43 J.Farrell recommends the Planning Board educates itself on the past & present POD
44 issues before discussing it further.

45 A.Garron said the Exit 5 / TIF district traffic study hasn’t been presented yet because
46 most of the traffic affects state roads.

47 Elmer Pease, said he doesn’t look at the size of a building, he feels the use is more
48 important. He can provide a written impact report, done by Russell Thibodeau, to the
49 Board at a later date. He also offered to get Russell before the Board, at his expense.

50 John Verani also said he feels once you get the big users in, others will follow.

51 J.Farrell suggested the Board set up a brainstorming workshop to educate themselves.
52
53

1 **Other Business**

2

3 None.

4

5 **Adjournment:**

6

7 **J.Farrell made a motion to adjourn the meeting. M.Soures seconded the motion.** No
8 discussion. **Vote on the motion: 9-0-0.** Meeting adjourned at 11:30 PM.

9

10

11 These minutes prepared by Cathy Dirsra, Planning Department Secretary.

12

13

14 Respectfully Submitted,

15

16

17

18 Paul DiMarco, Secretary

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF JUNE 13, 2007 AT THE MOOSE HILL COUNCIL**
3 **CHAMBERS**
4

5 7:00 PM: Members Present: Art Rugg; Kathy Wagner, Ex-Officio; Charles Tilgner, P.E., Ex-
6 Officio; Paul DiMarco; Mary Soares; Rob Nichols; Lynn Wiles, alternate member
7

8 Also Present: John Vogl, GIS Manager; John Trottier, P.E.; Cathy Dirsra, Planning Department
9 Secretary
10

11 A. Rugg called the meeting to order at 7:03 PM. A. Rugg appointed L. Wiles to vote for
12 J.Farrell
13

14 **Administrative Board Work**
15

- 16 A. Extension Request - Kelcourse Multi-Family Site Plan- Map 15, Lot 87-1 - Request
17 Extension to September 5, 2007
18

19 J.Trottier referenced the letter dated 6/7/07 from Deb Brewster, TF Moran, requesting an
20 extension and said that staff supports this request.

21 Deb Brewster, TF Moran, said the property has been transferred to Ron Dupont, Pristine
22 Properties Londonderry, LLC, a Red Oak Properties and this extension would allow them
23 time to transfer all paperwork to the new owners and finalize the development
24 agreement.
25

26 **P.DiMarco made a motion to grant extension to October 10, 2007. M.Soaes**
27 **seconded the motion.** No discussion. **Vote on the motion: 7-0-0.** Extension to
28 October 10, 2007 granted.
29

- 30 B. Plans to Sign - 102 Realty Trust Amended Site Plan- Map 3, Lot 136
31

32 J.Trottier said all conditions for approval have been met and the staff recommends
33 signing the plans.

34 **P. DiMarco made a motion to authorize the Chair and Secretary to sign the plans.**
35 **M.Soaes seconded the motion.** No discussion. **Vote on the motion: 6-0-1 (K.Wagner**
36 **abstained because she is an abutter).** A.Rugg said the plans will be signed at the
37 conclusion of the meeting.
38

- 39 C. Plans to Sign - Elliot Medical Facility Phase II
40

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

43 **P. DiMarco made a motion to authorize the Chair and Secretary to sign the plans.**
44 **M.Soaes seconded the motion.** No discussion. **Vote on the motion: 7-0-0.**
45 A.Rugg said the plans will be signed at the conclusion of the meeting.
46

- 47 D. Plans to Sign - Mr. Steer Site Plan - Map 6, Lot 30
48

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

51 **P. DiMarco made a motion to authorize the Chair and Secretary to sign the plans.**
52 **M.Soaes seconded the motion.** No discussion. **Vote on the motion: 7-0-0.**

1 A.Rugg said the plans will be signed at the conclusion of the meeting.
2

- 3 E. Plans to Re-Sign - Waste Management/State of NH Lot Line Adjustment - Rejected at
4 Registry
5

6 J.Trottier said the plans were approved for signature at the June 6, 2007 meeting and the
7 registry rejected the plans because they were not readable. J.Trottier said staff
8 recommends signing the plans.

9 A.Rugg said the plans will be signed at the conclusion of the meeting.
10

- 11 F. Voluntary Merger- NHDOT Map 15 Lots 61-3, 61-4 and 61-5, Also Map 15 Lots 98-1 and
12 102
13

14 J.Vogl said the state has approved 3 lots being merged as part of the Exit 5
15 improvements. Londonderry Assessing Department suggested merging the 3 lots to
16 make it easier to assign an address.
17

18 **P.DiMarco made a motion to authorize the Chair and Secretary to sign the plans.**

19 **M.Soares seconded the motion.** No discussion. **Vote on the motion: 7-0-0.**

20 A.Rugg said the plans will be signed at the conclusion of the meeting.
21

- 22 G. Signing of Minutes – May 2 & 9
23

24 Minutes for May 2 and May 9 have been signed.
25

- 26 H. Discussions with Town Staff
27

28 R.Nichols gave a quick update from the Housing Task Force meeting June 7, 2007.
29 He said that Ben Frost was the guest speaker and the task force is going to discuss how
30 they can reach some of the goals suggested by Ben Frost. Task force meeting date has
31 been changed to the last Wednesday of each month in the Moose Hill Conference
32 Room.
33

34 **Public Hearings** 35

- 36 A. Tarkka Homes, Map 15, Lot 215-1 - Continued Public Hearing for a Site Plan and
37 Conditional Use Permit to construct a 44 unit Elderly Housing development. - **Request**
38 **Continuance to July 11, 2007**
39

40 J.Trottier referenced letter from Todd Connors requesting a continuance to July 11, 2007
41 and an extension of the 65-day time limit that the Planning Board has in which to make a
42 decision on the plan.
43

44 **P.DiMarco made a motion to continue to July 11, 2007 at 7pm. M.Soares seconded**
45 **the motion.** No discussion. **Vote on the motion: 7-0-0.** Hearing will be continued to July
46 11, 2007 at 7PM. A.Rugg said this will be the only public notice.
47

- 1
2 B. Elmer A. Pease, II, Map 10, Lot 92 - Continued Public Hearing for a Site Plan and
3 Conditional Use Permit for the construction of a 50 unit Elderly Housing development.
4

5 J.Trottier reference the memo with staff recommendations. Staff recommends waivers
6 not be acted on at this time.

7 E.Pease, applicant, gave the Board an update of their progress. He said the off-site
8 improvements are still being worked on. They are attempting to get abutter
9 signatures/permission to widen Hillside.

10 J.Trottier said staff intends to continue helping the applicant talk with the abutters.

11 John Bracken, 100 Hillside Ave, said he is located directly in front of the proposed site
12 and he feels he should have some say on this site because it will directly affect him. He
13 also said there are school busses and other drivers that go about 50 mph on Hillside
14 Ave. E.Pease said he has offered to move the abutter's driveway and provide landscape
15 screening, but the abutter declined. E.Pease said the abutter wants his driveway moved
16 but he is not able to do it, so he offered to plant some foliage to block the lights from
17 turning cars. The abutter declined.

18 M.Oswald, town council, asked if the DRC comments have been addressed. E.Pease
19 said they have incorporated the DRC comments on their revised plans.
20

21 **M.Soares made a motion to grant Conditional Use Permit for Wetlands Buffer**
22 **Impact as recommended by the Conservation Commission for construction of a 50**
23 **unit elderly housing development. K.Wagner seconded the motion. No Discussion.**
24 **Vote on the motion: 7-0-0.** Conditional Use Permit granted.
25

26 **M.Soares made a motion to continue to July 11, 2007 at 7pm. R.Nichols seconded**
27 **the motion. No discussion. Vote on the motion: 7-0-0.**

28 K.Wagner asked J.Trottier to ensure that staff will work with the applicant to get the
29 signoffs on the DRC comments. Hearing is continued to July 11, 2007.

30 A.Rugg said this is the only public notice.
31

- 32 C. Ravenna Investment Assoc., Map 7, Lots 40-5, 40-6, 40-7, 40-10 - Continued Public
33 Hearing for a Site Plan & conditional use permit to construct a 2,000 square foot coffee
34 shop, 3,380 square foot fast food restaurant and 4,053 square foot of retail.
35

36 Deb Brewster, TF Moran, gave an update of their progress.

37 J.Trottier read the memo with staff recommendations. Staff supports the waiver and
38 recommends conditional approval.

39 J.Vogl read a memo from Andre Garron regarding access to the proposed site from
40 Route 102 (see attached).

41 K.Wagner wanted to go on the record as voicing concern about the access from Route
42 102 to the proposed site. Overall the Board agrees that the no left turn onto Route 102 is
43 a good idea. Route 102 is a state highway and NHDOT has jurisdiction, therefore we
44 have what the state allows.

45 M.Soares asked how many cars can be stacked in the drive-thru at the proposed
46 Starbucks. D.Brewster said the drive-thru allows for 10 cars.

47 R.Nichols is concerned with people parking across the road (on the Route 102 side) and
48 crossing the road to go into the coffee shop. He asked if the applicant could provide
49 pedestrian crosswalk or some other means of people safely crossing the road.

50 D.Brewster feels it's a great idea and she will incorporate that into their plans. She also
51 suggested that they will place stamped pavement (bricks, etc) instead of painting lines.
52 The Board requested that the applicant remove the exit arrow in the middle lane so that
53 traffic will exit the same way they come into the drive-thru lane.

1 L.Wiles asked if signs will point the way out to Route 102. D.Brewster said they did
2 include the signage on their plans. She said they will also include a sign indicating
3 access to Orchard View Drive.

4 Alex Vailas, Ravenna Assoc (Owner/Developer), said they are encouraging people to
5 park and walk to the different businesses at this site.

6 There was no public input when requested.
7

8 J.Trottier referenced the memo with staff recommendations in regards to the request for
9 a waiver to section 3.07.g.3 of the site plan regulations. A portion of the proposed
10 drainage pipe does not have 3 feet of cover. Staff **supports** this waiver request, as the
11 pipe is outside of the paved areas, and is a bypass pipe connected to 2 drain manholes
12 to allow for discharge
13 of larger storm events.
14

15 **P.DiMarco made a motion to grant the waiver based on staff recommendations.**

16 **M.Soaes seconded the motion.** No discussion. **Vote on the motion: 7-0-0.** Waiver
17 granted.
18

19 **P.DiMarco made a motion to conditionally approve the site plan with the following**
20 **conditions:**
21

22 "Applicant", herein, refers to the property owner, business owner, or organization
23 submitting this application and to his/its agents, successors, and assigns.
24

25 **PRECEDENT CONDITIONS**
26

27 All of the precedent conditions below must be met by the applicant, at the expense of the
28 applicant, prior to certification of the plans by the Planning Board. Certification of the
29 plans is required prior to commencement of any site work, any construction on the site or
30 issuance of a building permit.
31

32 1. The Applicant shall address/clarify the following relative to the submitted drainage
33 report:
34

35 A. The pre and post development pond routing analysis at NHDOT culvert
36 (Route 102) now indicates a v-trap weir as an overflow device at this pond
37 location at elevation 314.00. The Applicant shall provide additional
38 information, such as spot elevations, to clarify the existing conditions and
39 analysis are consistent with the actual existing conditions.
40

41 B. The Applicant has revised the level spreader design to a length of 29.5 feet
42 that will be constructed with riprap under this latest design. The Applicant
43 shall explain and provide additional information to clarify how a 29.5-foot
44 long level lip will be constructed with riprap as indicated by the detail on
45 sheet 29.
46

47 C. Pre- and post development areas 14os (located in the Orchard View Drive
48 ROW) are different, but the project plans do not indicate any improvements
49 within the ROW in this area and thus we would not anticipate any changes.
50 The Applicant shall explain the discrepancy and revise to be consistent pre
51 and post.
52

- 1 D. The Applicant's response letter notes a 21" outlet pipe is provided for
2 detention basin 2, but the analysis and plans do not indicate this change.
3 The Applicant shall explain and clarify.
4
- 5 2. The Applicant has provided Auto-Turn templates with this submission. The
6 templates indicate several locations where the anticipated delivery vehicle (a 55-
7 foot long delivery truck) will encroach on traffic islands and parking spaces within
8 the site. In addition, the vehicle appears to encroach on the island at Route 102
9 when exiting the site drive. The Applicant shall revise the design to eliminate the
10 encroachments, as necessary, meeting the approval of the Town. The Applicant
11 shall provide updated Auto-Turn templates for the Planning Department's file to
12 clarify the designated vehicle can properly negotiate the site and can reach the
13 designated loading areas for each building. In addition, the Applicant shall provide
14 and label one way signs along the one way lanes indicated on the site plan.
15
- 16 3. The Applicant shall provide proper professional endorsement (stamp with
17 signature) on sheet 23. In addition, the Applicant shall provide the Owner's
18 signature on the plans.
19
- 20 4. The revised landscape plan indicates two separate nutrient uptake areas in the
21 legend, but the areas are not identified on the plan. The Applicant shall label
22 according for proper construction.
23
- 24 5. The Applicant shall address the following relative to the project details:
25 A. The Applicant shall verify the crushed stone bedding in the trench detail is
26 acceptable for the water line with Pennichuck Water and revise as
27 necessary.
28 B. The Applicant shall provide a left turn arrow detail in the plan set for proper
29 construction.
30
- 31 6. The final approval of this plan shall be contingent upon final approval of the
32 associated lot consolidation/condominium conversion plan of the subject property.
- 33 7. Provide additional pedestrian crosswalks to the proposed retail store and coffee
34 shop.
35
- 36 8. Eliminate left turn arrow just north of proposed fast-food restaurant.
37
- 38 9. Add additional internal signage to direct vehicles to Orchard View Drive.
39
- 40 10. Outside consultant's fees shall be paid within 30 days of approval of plan.
41
- 42 11. Note all waivers granted on the plan.
43
- 44 12. The Applicant shall provide a digital (electronic) copy of the complete final plan set
45 to the Town at the time of signature by the Board in accordance with Section 2.05.n
46 of the regulations.
47
- 48 13. Financial guaranty if necessary.
49
- 50 14. Final engineering review
51

52 **PLEASE NOTE -** Once these precedent conditions are met and the plans are certified
53 the approval is considered final. If these conditions are not met within 120 days to the

1 day of the meeting at which the Planning Board grants conditional approval the board's
2 approval will be considered to have lapsed and re-submission of the application will be
3 required. See RSA 674:39 on vesting.

4
5 **GENERAL AND SUBSEQUENT CONDITIONS**

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

- 8
9 1. **No construction or site work for the amended site plan may be undertaken**
10 **until the pre-construction meeting with Town staff has taken place, filing of**
11 **an NPDES-EPA Permit and the site restoration financial guaranty is in place**
12 **with the Town.** Contact the Department of Public Works to arrange for this
13 meeting.
14
15 2. The project must be built and executed exactly as specified in the approved
16 application package unless modifications are approved by the Planning
17 Department & Department of Public Works, or if staff deems applicable, the
18 Planning Board.
19
20 3. All of the documentation submitted in the application package by the applicant and
21 any requirements imposed by other agencies are part of this approval unless
22 otherwise updated, revised, clarified in some manner, or superseded in full or in
23 part. In the case of conflicting information between documents, the most recent
24 documentation and this notice herein shall generally be determining.
25
26 4. All site improvements must be completed prior to the issuance of a certificate of
27 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
28 circumstances that prevent landscaping to be completed (due to weather
29 conditions or other unique circumstance), the Building Department may issue a
30 certificate of occupancy prior to the completion of landscaping improvements, if
31 agreed upon by the Planning & Public Works Departments, when a financial
32 guaranty (see forms available from the Public Works Department) and agreement
33 to complete improvements are placed with the Town. The landscaping shall be
34 completed within 6 months from the issuance of the certificate of occupancy, or the
35 Town shall utilize the financial guaranty to contract out the work to complete the
36 improvements as stipulated in the agreement to complete landscaping
37 improvements. **No other improvements shall be permitted to use a financial**
38 **guaranty for their completion for purposes of receiving a certificate of**
39 **occupancy.**
40
41 5. As built site plans must to be submitted to the Public Works Department prior to the
42 release of the applicant's financial guaranty.
43
44 6. All required Police, Fire, and Traffic impact fees must be paid prior to the issuance
45 of a Certificate of Occupancy.
46
47 7. It is the responsibility of the applicant to obtain all other local, state, and federal
48 permits, licenses, and approvals which may be required as part of this project (that
49 were not received prior to certification of the plans). Contact the Building
50 Department at extension 115 regarding building permits.
51

1 **M.Soaes seconded the motion.** No discussion. **Vote on the motion: 7-0-0.** Plan is
2 conditionally approved.

- 3
4 D. Public Hearing - Zoning Ordinance Amendment - Section 1.2.6.1 (Impact Fee
5 Methodologies)

6
7 J.Vogl referred to recommendations from Tim Thompson (Town Planner).
8 There was no public input when requested.

9
10 **P.DiMarco made a motion that we recommend to the Town Council adopting**
11 **Section 1.2.6.1 (Impact Fee Methodologies) of the Zoning Ordinance Amendment.**
12 **M.Soaes seconded the motion.** No discussion. **Vote on the motion: 7-0-0.** This
13 recommendation will be sent to the Town Council.

- 14
15 E. Public Hearing - Site Plan & Subdivision Regulations Amendments - Fee Schedules (to
16 account for postage rate increase)

17
18 J.Vogl referred to recommendations from Tim Thompson (Town Planner).
19 There was no public input when requested.

20
21 **P.DiMarco made a motion to adopt the site plan & subdivision amendments**
22 **M.Soaes seconded the motion.** No discussion. **Vote on the motion: 7-0-0.**

23
24 **Other Business**

25
26 None.

27
28 **Adjournment:**

29
30 **M.Soaes made a motion to adjourn the meeting. C.Tilgner seconded the motion.** No
31 discussion. **Vote on the motion: 7-0-0.** Meeting adjourned at 8:45 PM.

32
33
34 These minutes prepared by Cathy Dirs, Planning Department Secretary.

35
36
37 Respectfully Submitted,

38
39
40 Paul DiMarco, Secretary

Memo

To: Planning Board
From: Andre L. Garron, AICP, Planning & Economic Development Director
CC: John Vogl, GIS Manager/Planner
Date: June 12, 2007
Re: Ravenna Revised Driveway Proposal



This memo is to address the issue of the revised driveway layout at the Hess Gas Station and proposed Ravenna site off of Rt. 102. When staff met with the applicant to discuss the initial designed of the site, the applicant showed multiple entrance and exit points from Rt. 102 to the proposed site. Staff stated it would not support or recommend any additional access points along Rt. 102. Orchard View Road was built to provide access to property along Rt. 102 and also to access the back land which now occupied by Shaws, Workout club and the Cinemas.

In reviewing the Town's records for the Hess Gas station site, I found a site plan for Map 7 Lot 40-4 approved by the Planning Board on January 26, 1976. The approved plan was to construct a gas station which included an access onto Rt. 102 from the site. The site maintains that same driveway access onto Rt. 102 as shown to the right (Looking south from site). The second picture below is looking north at the Rt. 102 site entrance.



Presently, the Hess station driveway is an all access entrance. Meaning all maneuvers, left and right turns in and out of driveway, can be made from the present driveway layout. I could find no limitations put on this access by the neither Town nor NHDOT. Staff, in reviewing the proposed entrance, thought ideally, it would be great not to have an entrance here, but, as indicated above, this is an existing entrance that serves another use adjacent to Ravenna proposal that was approved by the Town.

The applicant proposes to re-configure the driveway layout by eliminating the left turn movements out of this site and restricting the left turn movements into the site while allowing only right turns exiting the site (See illustration to the left). A traffic report was prepared by TF Moran and reviewed by Stantec. Stantec states that all traffic concerns have been addressed by the applicant. The report indicates that traffic turning movements, specifically left turns into the site, will increase at the Hess/Ravenna driveway. Despite this increase in traffic, the new driveway layout will continue to operate at a level of service "A" from opening day to 2017. The sight distance at the Rt. 102 left turn median is very good to the



Orchard View/Rt. 102 intersection and beyond.

Staff agrees that the reconfiguration of the driveway, which eliminates the left turn movements out of the driveway, is a significant improvement from what exist. All other access point in and out of the proposed site will be off of Orchard View Road. Therefore; staff supports the revised layout of the Hess entrance off of Rt. 102. The impact fee for this proposal will be based on the new pm peak hour trips generated by this proposal. The fee shall be paid prior to the issuance of a certificate of occupancy. Any offsite improvement work completed by the applicant that is consistent with the Rt. 102 Central Corridor plan improvements, the applicant can submit for a credit against their traffic impact fee to Town Council.

Thank you.

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF JULY 11, 2007 AT THE MOOSE HILL COUNCIL**
3 **CHAMBERS**
4

5 7:00 PM: Members Present: Art Rugg; Tom Freda; Rick Brideau, Ex-Officio; John Farrell;
6 Kathy Wagner, Ex-Officio; Charles Tilgner, P.E., Ex-Officio; Paul DiMarco; Mary Soares; Rob
7 Nichols

8
9 Also Present: André Garron, AICP; Tim Thompson, AICP; John Trottier, P.E.; Cathy Dirsal,
10 Planning Department Secretary; Janusz Czyzowski, PE

11
12 A. Rugg called the meeting to order at 7 PM.

13
14 **Administrative Board Work**

15
16 A. Regional Impact Determinations

17
18 **J. Farrell made a motion to accept the staff recommendations for the 7 projects**
19 **(Nevins Expansion, Quantem Aviation, Nutfield YMCA, Uni-Cast, Kimball**
20 **Subdivision, Clark Farms Lot Line Adjustment/Subdivision, and O'Brien**
21 **Subdivision) as not being of regional impact. R. Brideau seconded the motion. No**
22 **discussion. Vote on the motion: 8-0-0.** Regional impact determinations accepted.

23
24 *[Rob Nichols arrived at 7:06]*

25
26 B. Approval and Signing of Minutes – June 6 & 13

27
28 **J. Farrell made a motion to approve the minutes from the June 6 meeting. R.**
29 **Brideau seconded the motion. No discussion. Vote on the motion: 8-0-1.**
30 (T. Freda abstained because he was absent at the June 6 meeting).
31 Minutes are approved and will be signed at the conclusion of the meeting.

32
33 **J. Farrell made a motion to approve the minutes from the June 13 meeting. R.**
34 **Brideau seconded the motion. No discussion. Vote on the motion: 7-0-2.**
35 (J. Farrell and R. Brideau abstained because they were absent at the June 13 meeting).
36 Minutes are approved and will be signed at the conclusion of the meeting.

37
38 C. Discussions with Town Staff - Mr. Steer Proposed use of former South Fire Station

39
40 T. Thompson referenced the letter from John Michels stating that the applicant wants the
41 building for storage. He said staff feels this would be one of the few uses of this property
42 that could potentially work, given the constraints of the parcel.

43 J. Michels said they currently have a lease from the owner of the property and they will
44 not have outside storage.

45 T. Thompson said J. Smith wants the Planning Board to decide if temporary occupancy
46 of the building would be OK while variances are sought and a site plan is prepared for
47 the parcel.

48 **J. Farrell made a motion to allow the Building Department to permit the temporary**
49 **occupancy of the property to expire December 1, 2007. R. Brideau seconded the**
50 **motion. No discussion. Vote on the motion: 8-1-0 (T. Freda in opposition).**
51

1
2 T. Thompson presented a letter from the Manchester/Boston Regional Airport, notifying
3 the Board of plans to upgrade a culvert at the Airport. This falls under the intermunicipal
4 agreement, and the Board needs to determine if a public hearing under RSA 674:54 is
5 needed. The consensus of the Board was to not hold a public hearing. T. Thompson
6 mentioned the regional impact notice from the Town of Auburn for the New England
7 Superdome plans.

8
9 J. Farrell said he polled people at some local LAFA games about the proposal for retail
10 and big box development at exit 5. Most didn't want it, until Target, Kohls were
11 mentioned. He said they thanked him for asking, because no one had asked. A. Rugg
12 said perhaps we should engage the community. J. Farrell recommended that we give the
13 staff direction to set up something with the community (maybe during old home days).

14
15 J. Farrell said that bonding is changing and the board needs to get educated on that
16 process in anticipation of the Capital Improvements Plan.

17 A. Rugg mentioned the I93 project. A. Garron said the year 2018 has been suggested.

18
19 Other

20
21 A. Garron noted the petitioned rezoning for Perkins Road will be before the Town Council
22 on 7/12. T. Thompson stated that the petition would likely be referred to the Planning
23 Board for a hearing, which would be scheduled for August.

24
25 **Public Hearings**

- 26
27 A. Londonderry Housing & Redevelopment Authority (LHRA), Map 14, Lot 44-11 -
28 Continued Application Acceptance and Public Hearing for a Site Plan & conditional use
29 permit to construct a school bus terminal, including parking, vehicle storage and
30 driveways to access the proposed structure.

31
32 T. Thompson referenced a letter from Todd Connors, Sublime Consultants, requesting a
33 continuance, due to not yet having state permits and he said that staff recommends the
34 applicant re-notify the abutters for the continuation to either August or September,
35 depending on when the permits are received.

36
37 **J. Farrell made a motion to continue this to either August 1 or September 5 at 7PM,**
38 **and that the applicant shall re-notify abutters for the hearing. R. Brideau**
39 **seconded the motion. No discussion. Vote on the motion: 9-0-0.**

40 A. Rugg announced the continuance and said abutters will be re-notified for the public
41 hearing.

- 42
43 A. Rugg announced that the Stonyfield project won't be heard tonight. He said the Applicant
44 has withdrawn back to Pre-Application Design Review.

- 45
46 B. Holten Realty LLC, Map 15, Lot 13 - Continued Public Hearing for a site plan and
47 Conditional Use Permit to construct a 4000 square foot structure to house existing auto
48 salvage operations.

49
50 Ed Dudek, owner, said the improvements required to achieve sight distance would
51 require them to cut trees down at the front of the property. He doesn't want to do that
52 because it would decrease the screening.

53

1 J. Trottier read the design review items from the staff recommendations memo.
2

3 T. Thompson said the applicant is requesting 4 waivers and staff recommends granting
4 the waivers for the traffic impact analysis and the monumentation. Staff does not support
5 the sight distance waiver, and assuming the Board denies the sight distance waiver, the
6 Board would need to determine if additional landscaping was needed. If so, staff
7 recommends denial of the landscape plan waiver. Staff recommends the application be
8 continued or denied, based on the applicant's decision to either allow for a continuance
9 or if he seeks a decision tonight.

10 T. Thompson said the town attorney advised that the review of the project be limited to
11 the construction of the building, and the access to the property. Based on the guidance
12 of the attorney, staff recommends modifying the driveway to be in compliance with
13 current zoning regulations, as well as the provision of the proper safe sight distance at
14 the driveway, which can be achieved with improvements along the front of the property,
15 which requires a conditional use permit. Staff recommends the Board require the
16 applicant to provide proper sight distance.

17 A. Garron said the board can consider financial hardship to the applicant in their
18 decision.

19 T. Thompson said if vegetation must be removed to improve sight distance, staff would
20 strongly recommend replacing the vegetation with landscaping. Consensus of the board
21 was to side with staff recommendations.

22 A. Rugg suggested application work with the conservation commission and staff.

23 A. Rugg asked for public input.

24 R. Belinsky, resident, said in his opinion a traffic study should be done for this project.
25 He asked A. Rugg what the question was that was asked to the town attorney in regard
26 to the letter with his opinion.

27 Gerard Adams, 54 Hall Rd, asked A. Rugg if he feels that the business has changed in
28 the last 10-12 years. A. Rugg said he doesn't live on Hall Rd and only drives by
29 occasionally. In his opinion in hasn't changed much, except to have a better fence.

30 Lee LeBlanc, 58 Hall Rd, presented the board with photos that were taken today. He said
31 the pictures show trees, shrubs, etc. that would be disturbed based on the staff
32 recommendations. He is opposed to doing anything with the vegetation. He is a former
33 police officer and said in his opinion if the vegetation is removed the speed of traffic on
34 that road will increase.

35 A. Rugg stated the Board can either continue or deny the application and asked the
36 applicant what he would like to pursue.

37 If he chooses to continue, a sight distance plan must be submitted.

38 A. Garron asked if DES has asked for the applicant to build this to comply. The applicant
39 said no, he can comply with DES requirements without the building, but he wants to do
40 this to contain everything inside the building.

41
42 **M. Soares made a motion to continue to Aug 8, 2007 at 7PM. C. Tilgner seconded**
43 **the motion.** No discussion. **Vote on the motion: 9-0-0.** Hearing will be continued to
44 Aug 8, 2007 at 7:00PM in the Moose Hill Council Chambers. A. Rugg said this will be
45 the only public notice.

46
47 C. Elmer A. Pease, II, Map 10, Lot 92 - Continued Public Hearing for a Site Plan and
48 Conditional Use Permit for the construction of a 50 unit Elderly Housing development.

49
50 E. Pease, applicant, brought the board up to date on any changes that have been made
51 since the last public hearing. E. Pease said he was very happy with the staff cooperation
52 that he received. M. Patterson, Woodland Design, outlined the changes for Phase II on

1 the site plan. He said the off site improvements include catch basins on Dickey and
2 Hillside.

3
4 T. Thompson referenced the memo with staff recommendations. He stated that staff
5 recommends granting the 6 waivers, and assuming the waivers are granted, staff
6 recommends conditional approval.

7
8 J. Trottier read the design review items from the DPW/Stantec memo, and summarized
9 the staff recommendations. He noted that item 7 will go away, since Mr. Pease has
10 secured the sign-off from the impacted property owner.

11
12 A. Garron said a traffic report was done and that is what the traffic impact fee will be
13 based on.

14
15 M. Soares asked if the units are all handicap assessable. E. Pease said they are all ADA
16 compliant and are handicap assessable.

17 A. Rugg asked for public input.

18 Sally Pugh 102 Hillside Ave asked when the traffic study was done. T.Thompson said it
19 wasn't a full traffic study, it was a short analysis, which was justified because it met the
20 requirements for a short analysis in the regulations, meaning it has less than 1000 daily
21 trips and less than 100 PM peak hour trips.

22 A. Garron referenced the statistics that came out of the study. 176 trips/day, 14 trips from
23 7-9am, 18 trips from 4-6PM.

24 S. Pugh said speed of the traffic on Hillside is very bad and police would have to be there
25 all day to enforce the speed limit. A. Rugg said the Town Council should be notified of
26 the speeding problem on Hillside Ave.

27 John Bracken, 100 Hillside Ave, said he also is concerned about the increased traffic
28 flow and the speed of the traffic.

29 A. Garron said the applicant was required to make off site improvements to
30 accommodate the increased traffic flow.

31 Judy Gershwin, Beacon St, said Beacon St is also a racetrack.

32 Brenda Walton, 100 Hillside Ave, is opposed to this project and all the construction that
33 will occur to accomplish this. She would like to see conditions on the plan regarding the
34 hours of construction. E. Pease said they would normally be doing construction Mon-Fri
35 7-5, Sat 8-12, Sun no work. B. Walton suggested placing the main entrance on Beacon
36 St. T. Thompson said Beacon St is a substandard road compared to Hillside and so
37 much road improvements would have to be done that it would not be feasible. He said
38 that homes would have to be removed in order for the road to accommodate this project.

39 J. Farrell asked if the applicant would be willing to limit construction hours to Mon-Fri 7-5,
40 Sat 8-12, Sun no work. E. Pease said he will agree to that. J. Farrell asked staff to make
41 that a condition of approval. B. Walton asked if the applicant would include a sewer line
42 on Hillside. J. Farrell & K. Wagner said if she comes to a town meeting with at least 25
43 signatures (from registered voters who reside anywhere in the town) and the cost of the
44 sewer line, the town could vote on it. If the town votes in favor of it, the sewer line must
45 be put in place. K. Wagner suggested that B.Walton come in to the town hall and meet
46 with Tim Thompson and John Trottier so she can understand the process.

47 E. Pease said they don't plan to start work on this project until next spring. He said if she
48 gets the vote he will incorporate the sewer line into the plans.

49 Cal Chase, Hillside, said the only accident he ever remembers is one caused by a DPW
50 snow plow.

51

1
2 **J.Farrell made a motion to grant waivers to Sections 3.09.R, 3.09.S, 3.09.S.8, 3.09.R**
3 **– Table 1 of the Subdivision regulations and Section 3.08.b.5 of the Site Plan**
4 **Regulations (contingent upon the applicant providing the necessary survey to**
5 **verify that 250' is achieved) based on staff recommendations, and the request**
6 **letters from the applicant. M. Soares seconded the motion. No discussion. Vote on**
7 **the motion: 9-0-0.** The waivers were granted:
8

9 **J.Farrell made a motion to conditionally approve the site plan with the following**
10 **conditions:**
11

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

15 **PRECEDENT CONDITIONS**
16

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

- 22 1. The sight distance plan and profile provided for Dickey Street on sheet 20 indicates
23 sight distance easements are necessary on abutting lots 101 and 112. However,
24 the plan does not indicate the easement locations or descriptions as required by
25 the Town. The Applicant shall indicate the easements and obtain the easements
26 in accordance with the regulations.
27
- 28 2. The Applicant has not provided an updated sight distance plan and profile for the
29 proposed emergency access driveway from Beacon Street as previously requested
30 and discussed with the Applicant. Please note the plan view indicates only 200
31 feet of sight distance is available, but the certification states 250 feet is available.
32 The plan further notes that the extended sight distance is not shown in the profile
33 due to the current limit of survey. The Applicant shall update the plan and profile to
34 represent the actual conditions and consistent with the certification (conduct
35 additional survey).
36
- 37 3. The Applicant has reduced the intersection pavement roundings at Dickey Street
38 and Hillside Avenue from the previous 36 feet to 20 feet for the northerly radius
39 and 30 feet for the southerly radius and this latest design does not comply with
40 section 3.09.S.4 of the Subdivision Regulations. The Applicant shall revise the
41 pavement rounding to be in compliance with the regulations (36 feet) and
42 consistent with previous submittals.
43
- 44 4. The Applicant's submitted cross sections indicate impacts to several abutters, but
45 the revised plans do not indicate the location of slope and maintenance easements
46 for all work outside the roadway ROW for each abutting property affected by the
47 project. The Applicant shall clarify the location of easements and provide
48 appropriate descriptions of the easements for each lot as typically requested by the
49 Town.
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5. The Applicant has added lines and labels to the site plan to indicate phasing as indicated in the Applicant's response letter. The Applicant shall provide a description of the limits of proposed project phasing in the notes to clarify the work for the phasing meeting the approval of the Planning Department.
6. The Applicant shall provide professional endorsement on sheet 2. In addition, the Applicant shall indicate the Town of Londonderry sewer discharge permit number for the project on the cover sheet.
7. The Applicant has provided a sight distance plan for the new driveway access to lot 113 with this latest submission. However, the vehicle approaching the driveway from the east is not in the proper lane and thus the profile information does not appear to be correct. The Applicant shall review and revise the approaching vehicle location and profile accordingly and verify the proper sight distance is provided.
8. The Applicant shall address the following relative to the off-site improvement plans and information:
 - A. The Applicant has noted the wetlands were delineated at the outlet side of existing twin 42" RCP culverts but a proper professional endorsement for the indicated delineation was not provided with this latest submission. Please provide.
 - B. The Applicant has revised the drainage design and outlet at Londonderry Road with this latest submission to indicate a treatment swale. Please note the revised design appears to require encroachment/grading on abutting lot 143 for construction of the swale. The Applicant shall indicate and obtain an easement for the indicated encroachment for proper construction, or revise the grading of the swale to ensure all grading remains in the right-of-way. In addition, the Applicant shall clarify the treatment swale information that appears incomplete on sheet 25. Also, the Applicant shall update the detail in the plan set to be consistent with this latest design.
 - C. The Applicant shall label the island adjacent to the small building along lot 113 on sheet 25 as loam and seed to clarify that removal of the existing pavement within the ROW between the proposed curbing and ROW shall occur for proper construction.
 - D. Two ROW lines are indicated along the north side of Hillside Avenue at lot 113 with this latest submission. The Applicant shall revise to clarify the ROW.
 - E. The Town has recently reconstructed Londonderry Road. The Applicant shall coordinate with the Department of Public Works for requirements for the work proposed in Londonderry Road.
9. The Applicant shall address the following relative to the revised project drainage report.
 - A. The report has been revised to address off-site drainage conditions that include information obtained from a previous analysis conducted for Cracker Barrel that is on file at the Town. The Applicant's offsite analysis (at pond 102) indicates an area of 2.55 acres at elevation 290. However, this area (and contour clarification) does not appear to be correctly represented in the revised information shown on the Applicant's off-site improvement plans at this location as noted in the Applicant's response letter. The Applicant shall clarify/revise the plans and analysis to be consistent (i.e. to properly indicate

1 the existing conditions at pond 102, including the proper areas at the noted
2 pond elevations).

3
4 B. The revised report submitted provides a drainage evaluation table of the
5 proposed impacts and lists the abutting lots. However, the table does not
6 indicate all abutters to the project as typically required by the Town. The
7 Applicant shall carefully review and clarify the impacts to each abutter under
8 this project. The Applicant shall clarify compliance with the regulations (i.e.
9 no increase in runoff) as typically required by the Town.

- 10
11 10. The applicant shall provide additional survey for the sight distance profile at the
12 emergency access driveway, to verify that 250' is provided.
13
14 11. The applicant shall provide all appropriate easements required for the off-site
15 improvements.
16
17 12. Approval of this project is subject to the concurrent signing of the associated
18 subdivision for this property.
19
20 13. Outside consultant's fees shall be paid within 30 days of approval of plan.
21
22 14. Note all waivers and the conditional use permit granted on the plan.
23
24 15. The Applicant shall provide a digital (electronic) copy of the complete final plan
25 sent to the Town at the time of signature by the Board in accordance with Section
26 2.05.n of the regulations.
27
28 16. Financial guaranty if necessary.
29
30 17. Final engineering review

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

37
38 **GENERAL AND SUBSEQUENT CONDITIONS**

39
40 All of the conditions below are attached to this approval.

- 41
42 1. The Applicant shall limit construction hours to 7:00AM-5:00PM on Mondays through
43 Fridays, 8:00AM-12:00PM on Saturdays, and no construction work will be done on
44 Sundays.
45
46 2. **No construction or site work for the amended site plan may be undertaken**
47 **until the pre-construction meeting with Town staff has taken place, filing of**
48 **an NPDES-EPA Permit and the site restoration financial guaranty is in place**
49 **with the Town.** Contact the Department of Public Works to arrange for this
50 meeting.
51

- 1 3. The project must be built and executed exactly as specified in the approved
2 application package unless modifications are approved by the Planning Department
3 & Department of Public Works, or if staff deems applicable, the Planning Board.
4
- 5 4. All of the documentation submitted in the application package by the applicant and
6 any requirements imposed by other agencies are part of this approval unless
7 otherwise updated, revised, clarified in some manner, or superseded in full or in
8 part. In the case of conflicting information between documents, the most recent
9 documentation and this notice herein shall generally be determining.
10
- 11 5. All site improvements must be completed prior to the issuance of a certificate of
12 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
13 circumstances that prevent landscaping to be completed (due to weather conditions
14 or other unique circumstance), the Building Department may issue a certificate of
15 occupancy prior to the completion of landscaping improvements, if agreed upon by
16 the Planning & Public Works Departments, when a financial guaranty (see forms
17 available from the Public Works Department) and agreement to complete
18 improvements are placed with the Town. The landscaping shall be completed
19 within 6 months from the issuance of the certificate of occupancy, or the Town shall
20 utilize the financial guaranty to contract out the work to complete the improvements
21 as stipulated in the agreement to complete landscaping improvements. **No other**
22 **improvements shall be permitted to use a financial guaranty for their**
23 **completion for purposes of receiving a certificate of occupancy.**
24
- 25 6. As built site plans must to be submitted to the Public Works Department prior to the
26 release of the applicant's financial guaranty.
27
- 28 7. All required Traffic, Police and Fire impact fees must be paid prior to the issuance
29 of a Certificate of Occupancy.
30
- 31 8. It is the responsibility of the applicant to obtain all other local, state, and federal
32 permits, licenses, and approvals which may be required as part of this project (that
33 were not received prior to certification of the plans). Contact the Building
34 Department at extension 115 regarding building permits.
35

36 **M. Soares seconded the motion.** No discussion. **Vote on the motion: 9-0-0.** Plan is
37 conditionally approved.
38

- 39 D. Tarkka Homes, Map 15, Lot 215-1 - Continued Public Hearing for a Site Plan and
40 Conditional Use Permit to construct a 44 unit Elderly Housing development.

41
42 Paul Morin, applicant, gave the board an update on the status of his project.
43 He proposes minimal impact to the stone wall on Mammoth Rd and asks for input from
44 the board. He has worked with the Crowley's to come up with a solution to their drainage
45 issues. He would like feedback from the board on any other improvements they deem
46 necessary.
47

48 Todd Connors, Sublime, was present to answer any questions from the board.
49

50 T. Thompson read the memo with staff recommendations. He stated staff supports the
51 requested waivers, and also recommended that the Board grant the conditional use
52 permit for the project as designed, and not as recommended by the Conservation

1 Commission. He also said that staff recommends continuance of this application to Aug
2 8, as the applicant has yet to submit a revised drainage report.

3
4 P. Morin said they plan to move the pathway 30' north of property owned by the
5 O'Keefe's (Mammoth Rd). He said they didn't realize that the property line was so close
6 to the abutter's home and that is why they are moving it away from that line.

7 Mike Speltz, Conservation Commission, said in their opinion the road into this
8 development is seen as a driveway and not a road. They are recommending a 20' wide
9 driveway.

10 P. Morin said they will be offering ADA accessibility (handicap assessable).

11 J. Trottier said the applicant may have to compromise the stone wall if it interferes with
12 the drainage. T. Connors said they could either pull back the pathway 30' to the north by
13 cutting through the stone wall or pull it back 110' to the north and go through the existing
14 break in the stone wall. The board said the applicant could work with staff regarding the
15 pathway.

16 A.Rugg requested public input.

17 Bob O'Keefe, Mammoth Rd, said he is concerned with the pathway affecting the amount
18 of existing trees. He is also concerned with the pathway affecting drainage issues on his
19 property. He provided the Board with pictures of the area that were taken today.

20 Bob Merrill, 569 Mammoth Rd, suggested placing the removed stones on the Grenier Rd
21 side where some of the wall is missing.

22 Kevin Crowley, thanked everyone for working with them to resolve their drainage issues.

23
24 J. Trottier read the design review items from the DPW/Stantec memo, and summarized
25 the staff recommendations.

26
27 **J. Farrell made a motion to grant waivers to Sections 3.09.I, 3.09.R, 3.09, 3.09.K,**
28 **3.09.J of the Subdivision Regulations and Section 3.08 of the Site Plan Regulations**
29 **based on staff recommendations and the request letters from the applicant. R.**
30 **Brideau seconded the motion. No discussion. Vote on the motion: 9-0-0. The**
31 **waivers were granted.**

32
33 **J. Farrell made a motion to grant the Conditional Use Permit to construct a 44 unit**
34 **Elderly Housing development as designed with 24' wide roadway and not as the**
35 **Conservation Commission recommends. R. Brideau seconded the motion. No**
36 **Discussion. Vote on the motion: 9-0-0. Conditional Use Permit granted.**

37
38 **J. Farrell made a motion to continue the project to Aug 8, 2007 at 7PM. R. Brideau**
39 **seconded the motion. No discussion. Vote on the motion: 9-0-0. Project is continued**
40 **to Aug 8, 2007 at 7PM in the Moose Hill Council Chambers. A. Rugg said this will be the**
41 **only public notice.**

- 42
43 E. Freedom Park Associates, Map 15, Lots 103 & 103-1 - Application Acceptance and
44 Public Hearing for a Lot Line Adjustment/3 Lot Subdivision.

45
46 T. Thompson stated that there are no outstanding checklist items, and staff recommends
47 the application be accepted as complete.

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

52

1
2 Robert Davison, Hayner Swanson, representing Freedom Park Associates
3 said they plan to do a lot line adjustment to create a 3 lot subdivision, one of the lots will
4 be used for Penske Trucks, and they will be preparing a site plan for that new
5 development.

6
7 T. Thompson said staff recommends granting the waiver to section 4.01C, for the plan
8 scale and assuming the waiver is granted, staff recommends conditional approval.

9
10 J. Trottier read the design review items from the DPW/Stantec memo, and summarized
11 the staff recommendations.

12
13 There was no public input when requested.

14
15 **J. Farrell made a motion to grant the waiver to section 4.01C based on staff**
16 **recommendations and the applicant's request letter. R. Brideau seconded the**
17 **motion.** No discussion. **Vote on the motion: 9-0-0.** Waiver granted.

18
19 **J. Farrell made a motion to conditionally approve the lot line adjustment and 3 lot**
20 **subdivision plan with the following conditions:**

21
22 "Applicant", herein, refers to the property owner, business owner, or organization
23 submitting this application and to his/its agents, successors, and assigns.

24
25 **PRECEDENT CONDITIONS**

26
27 All of the precedent conditions below must be met by the applicant, at the expense of the
28 applicant, prior to certification of the plans by the Planning Board. Certification of the
29 plans is required prior to commencement of any site work, any construction on the site or
30 issuance of a building permit.

- 31
32 1. The Applicant shall indicate proper monuments at all angle points and front corner
33 (bound) at new lot 103 on all applicable plans per section 3.02 of the regulations.
34
35 2. The Applicant has not provided the size, type and inverts of the existing sewer
36 system, existing drain system, existing water system and existing utilities, but has
37 referenced plan references 1 and 3 (see note 8). The Applicant shall provide as-built
38 information for all the existing systems (water, sewer, drain) and utilities in
39 accordance with the regulations.
40
41 3. The Applicant has not indicated the location of signs along the Conservation Overlay
42 District per section 3.02.C of the regulations. The Applicant shall revise the plans
43 accordingly and provide a detail of the sign in the plan set for proper construction.
44
45 4. The Applicant shall correct the lot number in the profile view on sheets 8 and 9
46 consistent with the lots shown (vs. lot 45-1).
47
48 5. The Applicant shall address the DRC comments as applicable.
49
50 6. Outside consultant's fees shall be paid within 30 days of approval of plan.
51
52 7. Note all waivers granted on the plan.
53

- 1 8. The Applicant shall provide a digital (electronic) copy of the complete final plan sent
2 to the Town at the time of signature by the Board in accordance with Section 2.05.n
3 of the regulations.
- 4
- 5 9. Financial guaranty if necessary.
- 6
- 7 10. Final engineering review
- 8

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

14 **GENERAL AND SUBSEQUENT CONDITIONS**

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

- 16
- 17
- 18
- 19 1. **No construction or site work for the amended site plan may be undertaken**
20 **until the pre-construction meeting with Town staff has taken place, filing of**
21 **an NPDES-EPA Permit and the site restoration financial guaranty is in place**
22 **with the Town.** Contact the Department of Public Works to arrange for this
23 meeting.
- 24
- 25 2. The project must be built and executed exactly as specified in the approved
26 application package unless modifications are approved by the Planning Department
27 & Department of Public Works, or if staff deems applicable, the Planning Board.
- 28
- 29 3. All of the documentation submitted in the application package by the applicant and
30 any requirements imposed by other agencies are part of this approval unless
31 otherwise updated, revised, clarified in some manner, or superseded in full or in
32 part. In the case of conflicting information between documents, the most recent
33 documentation and this notice herein shall generally be determining.
- 34
- 35 4. All site improvements must be completed prior to the issuance of a certificate of
36 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
37 circumstances that prevent landscaping to be completed (due to weather conditions
38 or other unique circumstance), the Building Department may issue a certificate of
39 occupancy prior to the completion of landscaping improvements, if agreed upon by
40 the Planning & Public Works Departments, when a financial guaranty (see forms
41 available from the Public Works Department) and agreement to complete
42 improvements are placed with the Town. The landscaping shall be completed
43 within 6 months from the issuance of the certificate of occupancy, or the Town shall
44 utilize the financial guaranty to contract out the work to complete the improvements
45 as stipulated in the agreement to complete landscaping improvements. **No other**
46 **improvements shall be permitted to use a financial guaranty for their**
47 **completion for purposes of receiving a certificate of occupancy.**
- 48
- 49 5. It is the responsibility of the applicant to obtain all other local, state, and federal
50 permits, licenses, and approvals which may be required as part of this project (that
51 were not received prior to certification of the plans). Contact the Building
52 Department at extension 115 regarding building permits.
- 53

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

3
4 F. Stonyfield Farm Inc., Map 14, Lot 44-13 - Application Acceptance and Public Hearing for
5 a Site Plan to construct a 48,613 square foot office addition (32,503 sq ft in Phase 2,
6 16,110 sq ft in Phase 2A). - **Application was withdrawn back to Pre-Application**
7 **Design Review.**

8
9 G. PSNH, Map 9, Lots 12-A and 24 - Application Acceptance and Public Hearing for a Site
10 Plan for a power substation expansion.

11
12 T. Thompson stated that there are 7 outstanding checklist items all of which are waivers.
13 Assuming approval of the waivers, staff recommends the application be accepted as
14 complete. T. Thompson summarized the staff recommendations for all 12 waiver
15 requests.

16
17 **J. Farrell made a motion to grant waivers to Sections 3.09, 3.13, 3.14, 3.12, 4.14.a,**
18 **4.05, 4.01.c, 5.06, 3.07.g, 4.12.c.18, and Exhibit 3 of the Site Plan Regulations,**
19 **based on staff recommendations and the request letters from the applicant. M.**
20 **Soares seconded the motion.** No discussion. **Vote on the motion: 9-0-0.** Waivers
21 are granted.

22
23 **J. Farrell made a motion to accept the application as complete. M. Soares**
24 **seconded the motion.** No discussion. **Vote on the motion: 9-0-0.** Application
25 accepted as complete.

26
27 Nick Golon, TF Moran presented their plans. Wolf Bolinsky represented PSNH.
28 He said they have received the conservation commission approval for this project.
29 Improvements are being proposed to place a generator there to improve turnaround time
30 during power outages

31
32 J. Trottier read the design review items from the DPW/Stantec memo, and summarized
33 the staff recommendations.

34
35 T. Thompson said staff recommends conditional approval.

36
37 A.Rugg requested public input.

38 John Perry, 331 Mammoth Rd has concerns about the temporary area with the pad
39 being fenced in.

40 Wolf Bolinsky said these improvements are being made at all PSNH centers.

41 N. Golon and W. Bolinsky suggested possibly placing vegetation along Mr. Perry's
42 property to provide a screen of the generator. A. Rugg asked the applicant to
43 communicate their landscaping suggestions to T. Thompson

44
45 **J. Farrell made a motion to conditionally approve the site plan with the following**
46 **conditions:**

47
48 "Applicant", herein, refers to the property owner, business owner, or organization
49 submitting this application and to his/its agents, successors, and assigns.

50

1
2 **PRECEDENT CONDITIONS**
3

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

- 9 1. The Applicant shall verify the class of Mammoth Road (class V?) on the existing
10 conditions plan and revise accordingly. This shall apply to all applicable sheets.
11
- 12 2. The Applicant shall clarify/address the following on the boundary plan:
13 A. The Applicant shall indicate all required setbacks Item V.14 of the checklist.
14 B. The Applicant shall provide proper boundary monuments per section 3.02 of
15 the Site Plan Regulations and Item V.3 of the checklist. This shall apply to all
16 applicable sheets.
17
- 18 3. The Applicant is proposing to expand the existing gravel drive over the existing gas
19 line easement. The Applicant shall provide documentation the gas line easement
20 owner has agreed to the changes in the gas line easement for the Planning
21 Department's file. The Applicant noted that documentation the gas line easement
22 owner has agreed to the changes in the gas line easement would be provided in a
23 previous submission, however, this information was not provided. The Applicant
24 shall provide documentation for the Planning Department's file.
25
- 26 4. The Applicant shall address the following relative to the submitted drainage report:
27 A. It appears reach 1R is located wholly within predevelopment subcatchment
28 1B. In addition, it appears reach 2R is located wholly within predevelopment
29 subcatchment 1A. We would not anticipate the subcatchments to contribute at
30 the beginning of reaches as indicated by the analysis since only a portion
31 appears to properly contribute at the beginning. We would typically anticipate
32 a reach beyond the subcatchments (i.e. through subcatchment 5) to location
33 A. The Applicant shall review and revise as necessary to properly represent
34 the existing conditions. The Applicant shall review and update the post
35 development analysis accordingly.
36
- 37 B. The updated predevelopment analysis now includes a low point pond with
38 storage below the outlet device invert of the pond, for which storage below
39 the outlet device invert of a pond is typically not allowed by the Town. The
40 Applicant shall update the analysis to eliminate storage below the outlet
41 device invert of the pond.
42
- 43 C. The post development analysis implies the entirety of post subcatchment 1B is
44 routed through the proposed water quality swale. However, it appears only a
45 portion of the subcatchment runoff could likely enter at the beginning of the
46 swale. The Applicant shall clarify and explain and revise to be representative
47 of the post development conditions. The Applicant shall verify compliance
48 with the regulations (no increase in runoff).
49
- 50 D. The post development Tc for subcatchment 1B indicates a change in slope
51 that increases the Tc, which appears to be in an area where no changes
52 occur. The Applicant shall review, clarify and revise to be representative of
the proposed conditions.

- 1 5. The Applicant shall add additional landscaping to the area near the mobile substation
2 yard, meeting the approval of the Planning Department.
- 3
- 4 6. Outside consultant's fees shall be paid within 30 days of approval of plan.
- 5
- 6 7. Note all waivers granted on the plan.
- 7
- 8 8. The Applicant shall provide a digital (electronic) copy of the complete final plan sent
9 to the Town at the time of signature by the Board in accordance with Section 2.05.n
10 of the regulations.
- 11
- 12 9. Financial guaranty if necessary.
- 13
- 14 10. Final engineering review
- 15

16 **PLEASE NOTE -** Once these precedent conditions are met and the plans are certified
17 the approval is considered final. If these conditions are not met within 120 days to the
18 day of the meeting at which the Planning Board grants conditional approval the board's
19 approval will be considered to have lapsed and re-submission of the application will be
20 required. See RSA 674:39 on 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 amended site plan may be undertaken**
27 **until 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 place**
29 **with the Town.** Contact the Department of Public Works to arrange for this
30 meeting.
- 31
- 32 2. The project must be built and executed exactly as specified in the approved
33 application package unless modifications are approved by the Planning
34 Department & Department of Public Works, or if staff deems applicable, the
35 Planning Board.
- 36
- 37 3. All of the documentation submitted in the application package by the Applicant and
38 any requirements imposed by other agencies are part of this approval unless
39 otherwise updated, revised, clarified in some manner, or superseded in full or in
40 part. In the case of conflicting information between documents, the most recent
41 documentation and this notice herein shall generally be determining.
- 42
- 43 4. All site improvements must be completed prior to the issuance of a certificate of
44 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
45 circumstances that prevent landscaping to be completed (due to weather
46 conditions or other unique circumstance), the Building Department may issue a
47 certificate of occupancy prior to the completion of landscaping improvements, if
48 agreed upon by the Planning & Public Works Departments, when a financial
49 guaranty (see forms available from the Public Works Department) and agreement
50 to complete improvements are placed with the Town. The landscaping shall be
51 completed within 6 months from the issuance of the certificate of occupancy, or the
52 Town shall utilize the financial guaranty to contract out the work to complete the

1 improvements as stipulated in the agreement to complete landscaping
2 improvements. **No other improvements shall be permitted to use a financial**
3 **guaranty for their completion for purposes of receiving a certificate of**
4 **occupancy.**
5

- 6 5. As built site plans must be submitted to the Public Works Department prior to
7 the release of the Applicant's financial guaranty.
8
9 6. All required Police and Fire impact fees must be paid prior to the issuance of a
10 Certificate of Occupancy.
11
12 7. It is the responsibility of the Applicant to obtain all other local, state, and federal
13 permits, licenses, and approvals which may be required as part of this project (that
14 were not received prior to certification of the plans). Contact the Building
15 Department at extension 115 regarding building permits.
16

17 **M. Soares seconded the motion.** No discussion. **Vote on the motion: 9-0-0.** Plan is
18 conditionally approved.
19

- 20 H. Coca-Cola Bottling of Northern New England, Leonard & Lucy LaMontagne, Paul &
21 Beverly Tessier, and Paul & Beverly LaMontagne, Tax Map 15, Lots, 91, 93, 93-1, 93-2,
22 and 98 - Public Hearing for a rezoning of a portion of subject parcels from AR-I to I-I.
23

24 T. Thompson summarized the staff recommendations for the request:
25

26 As presented to the Planning Board conceptually on May 9, 2007, the applicant
27 seeks to acquire the 4 parcels located along Clark Road, then re-subdivide and
28 rezone a portion of the lots. After the residential owner leave the property,
29 Coca-Cola would perform a voluntary merger of the parcels with lot 98, so that
30 the Coca-Cola parcel has additional square footage in the Industrial-I zoning
31 district, allowing Coca-Cola to have sufficient land area for future expansion.
32

33 The 2004 Master Plan addresses this area of Town as an area for
34 commercial/industrial activity, as part of the "Jacks Bridge Area." The Clark
35 Road area is not designated for commercial/industrial development, as the
36 roadway cannot handle such non-residential traffic loads without significant
37 upgrade.
38

39 In summary, the rezoning for the expansion of the Coca-Cola industrial facility
40 is consistent with the Master Plan, so long as access is not provided to Clark
41 Road. As such, staff recommends that the Planning Board RECOMMEND this
42 rezoning from AR-I to I-I (the re-subdivided lots 93-1 and 93-2 to remain AR-I,
43 and the portion to be consolidated with lot 98 I-I) to the Town Council, with the
44 following condition:
45

46 That the rezoning not become effective until:

- 47 1. Final approval of the re-subdivision of the parcels, and that such
48 subdivision include a condition of approval that restricts the Coca-Cola
49 parcel from accessing Clark Road,
50 2. Voluntary Merger of the re-subdivided lots with Lot 98 is signed by the
51 Planning Board.
52

1 Chris Rice, TF Moran, Attorney Jim Kerouac & Mark Smith, Coca Cola were present.
2 C. Rice said he went door to door talking with all the abutters. He said that most abutters
3 were fine with the plans. C. Rice said they are requesting that no restrictions be placed
4 on them possibly using Clark Rd for access in the future. T. Thompson said staff strongly
5 recommends the restriction be placed on using Clark Rd for future access.

6 A.Rugg requested public input.

7 Peter Richard, 36 Clark Rd, thanked Coca-Cola for inviting them to voice their concerns.

8
9 **J. Farrell made a motion to recommend this rezoning request to the Town Council,**
10 **as recommended by staff with the conditions. R. Brideau seconded the motion.**

11 No discussion. **Vote on the motion: 9-0-0.** Recommendation will be sent to Town
12 Council.

- 13
14 I. Elliot Health Systems - Conceptual Discussion (Phase 4 on Buttrick Rd, across from
15 Elliot, Phase 1-3)

16
17 Ken Rhodes, CLD Consulting, representing Elliot Hospital
18 Dick Anagnost was also present.

19 K. Rhodes and Adam Wagner, Cube3 Studios, presented their plans. The Elliot is
20 looking at development of a Phase 4 of the project on the lot situated across the street
21 from the current facility. The lot is in the Rt. 102 Performance Overlay District, and
22 presents challenges in the development of the project. They are seeking feedback from
23 the Board on the possibility of rezoning the parcel C-III, consistent with their current
24 facility, and removal of the Rt. 102 POD. Proposed facility would be consistent in design
25 with the current facility, looking for approximately 60,000 square feet of medical office
26 space.

27 A. Garron and T. Thompson stated that the proposal is consistent with the intent of the
28 POD, but would not meet several of the requirements of the POD regarding building
29 height and building footprint size. Given the restrictions of the C-III District, and the
30 consistency of the design with the current facility, they are supportive of the possible
31 rezoning of the parcel. T. Thompson noted that when the POD was developed, lots
32 zoned C-III were specifically excluded from the requirements of the POD, since the C-III
33 District was consistent with the purpose and intent of the POD.

34 D. Anagnost said that when Elliot first came before the board they had no plans on doing
35 this Phase 4 (60,000 sq ft building, footprint is 20,000). This building would be 20%
36 larger than what is currently allowed in the POD. A. Garron said that although the
37 present zone doesn't work for this purpose, it is consistent with the overall goal of the
38 POD.

39 T. Freda said he is concerned with this exception setting a precedent. He is also
40 concerned with a significant traffic impact on Buttrick Road.

41 T. Freda said 50,000 sq ft would be more acceptable.

42 D. Anagnost said they would consider a 50,000 sq ft building if the Board was more
43 acceptable to it. T. Freda said he would like to see that change.

44 A. Garron said if this project goes forward they would be required to incorporate traffic
45 studies from projects currently in process in that immediate area (i.e. Mr. Steer and
46 Buttrick Professional Park).

47 R. Nichols said he would like the applicant to provide an alternate plan that would be in
48 agreement with the current POD.

49 Janusz Czyzowski, DPW, asked how they plan to dispose of the sewerage.
50 He suggested they tie into the sewer line from 102.

51 J. Farrell said the question is will the board entertain C-III.

52 Consensus of the Board was to submit a rezoning application for a 50,000 sq ft building
53 in the C-III zone.

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Other Business

None.

Adjournment:

J. Farrell made a motion to adjourn the meeting. M. Soares seconded the motion.
Meeting adjourned at 11:45 PM.

These minutes prepared by Cathy Dirsra, Planning Department Secretary.

Respectfully Submitted,

Paul DiMarco, Secretary

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF AUGUST 1, 2007 AT THE MOOSE HILL COUNCIL**
3 **CHAMBERS**
4

5 7:00 PM: Members Present: Art Rugg; Tom Freda; Rick Brideau, Ex-Officio; John Farrell;
6 Kathy Wagner, Ex-Officio; Charles Tilgner, P.E., Ex-Officio; Paul DiMarco; Mary Soares
7 [arrived 7:25PM]; Lynn Wiles, alternate member; Laura El-Azem, alternate member
8

9 Also Present: Tim Thompson, AICP; Janusz Czyzowski, PE; Cathy Dirsra, Planning
10 Department Secretary
11

12 A. Rugg called the meeting to order at 7:02 PM. A. Rugg appointed L. Wiles to vote for R.
13 Nichols.
14

15 A. Rugg welcomed Laura El-Azem as an alternate member of the Planning Board.
16

17 A. Rugg announced that the Perkins Road rezoning conceptual discussion will take place
18 August 8.
19

20 **Administrative Board Work**
21

22 A. Extension Request - New England Gymnastics Site Plan - Map 2, Lot 34-4
23

24 T. Thompson referenced the letter from Tim and Mary Ann Madore dated 6/13/07
25 requesting an extension. He said their current approval is due to expire Exp 8/14/07 and
26 that staff recommends approval of the extension.
27

28 **J. Farrell made a motion to grant an extension to 8/14/08. R. Brideau seconded the**
29 **motion. No discussion. Vote on the motion: 8-0-0. Extension to 8/14/08 was granted.**
30

31 A. Rugg appointed L. El-Azem to vote for M. Soares until she arrives.
32

33 B. Plans to Sign - Buttrick Professional Office Site Plan - Map 6, Lot 34
34

35 T. Thompson said all precedent conditions for approval have been met and the staff
36 recommends signing the plans.
37

38 **J. Farrell made a motion to authorize the Chair and Secretary to sign the plans. R.**
39 **Brideau seconded the motion. No discussion.**
40

41 A. Rugg said there were some residents who asked to speak about this project.
42 Roy Bouchard, 19 Buttrick Rd, asked if any changes had been made to the site plan
43 since the house at 23 Buttrick Rd (formerly owned by Peter Aucoin) located in front of
44 the current proposed site plan, was purchased by the applicant of this project. A. Rugg
45 and T. Thompson said nothing has changed and the conditions of approval must be met
46 before the Planning Board will sign the plans. A. Rugg said if anything does change the
47 applicant would need to submit the changes to the Planning Department and abutters
48 would be notified of a public hearing with the Planning Board. R. Bouchard said he
49 assumes the existing house at 23 Buttrick Rd will probably be torn down. T. Thompson
50 said the only indication he has received is that the applicant may consider merging that
51 parcel with the other parcels to create some additional space, but nothing has been
52 submitted at this time. He said the applicant purchased that property because he was

1 unable to obtain the sight distance easements from the property owner. Now that he
2 owns the property he can put the easements in place because he has control of the
3 property.

4 Chet Ham, Peabody Row, said he doesn't feel it's fair to the town's people to establish a
5 mailing address for that site as Nashua Road. T. Thompson said Map 6, Lot 34 (for the
6 Buttrick Professional Office Park) has a property address of 116 Nashua Rd. He said the
7 parcel has a 50' frontage on Buttrick Rd, but the property address was assigned by the
8 assessor's office many years ago. R. Bouchard said there is no access at all from that
9 parcel onto Nashua Road, so he agrees with C. Ham that it misleads the public. K.

10 Wagner said from a business standpoint a property owner with a parcel that faces two
11 different roads can choose which legal address to use.

12 C. Ham said he feels that it's very misleading to the public to give an address for a
13 parcel that has no access on the road for the address to the property.

14 J. Farrell and A. Rugg said in the future when we have property that abuts a state road
15 we probably need to request that information be included. T. Thompson said the abutter
16 notices include the map and lot, address and a general location to clarify where the
17 property is located.

18
19 **Vote on the motion: 9-0-0.**

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

21
22 C. Plans to Sign - JPS Motors Site Plan - Map 13, Lot 64

23
24 T. Thompson said all precedent conditions for approval have been met and the staff
25 recommends signing the plans.

26 **J. Farrell made a motion to authorize the Chair and Secretary to sign the plans. R.**
27 **Brideau seconded the motion. No discussion. Vote on the motion: 9-0-0.**

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

29
30 D. Plans to Sign - Filion Site Plan - Map 2, Lot 34-3

31
32 T. Thompson said all precedent conditions for approval have been met and the staff
33 recommends signing the plans. He said once these plans are signed they will go to the
34 Hudson Planning Board for signature.

35
36 **J. Farrell made a motion to authorize the Chair and Secretary to sign the plans. R.**
37 **Brideau seconded the motion. No discussion. Vote on the motion: 9-0-0.**

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

39
40 E. Plans to Sign - Ravenna Consolidation/Condo Conversion - Map 7, Lots 40-5, 40-6, 40-
41 7, 40-10

42
43 F. Plans to Sign - Ravenna Site Plan - Map 7, Lots 40-5, 40-6, 40-7, 40-10

44
45 T. Thompson asked the Board to approve both Ravenna projects in conjunction because
46 they rely upon each other. He said all precedent conditions for approval have been met
47 and the staff recommends signing the plans.

48
49 **J. Farrell made a motion to authorize the Chair and Secretary to sign the plans. R.**
50 **Brideau seconded the motion. No discussion. Vote on the motion: 9-0-0.**

51 A. Rugg said the Ravenna site plan and subdivision plans will be signed at the
52 conclusion of the meeting. He said the plans are for Starbucks, Verizon Wireless, KFC
53 and Taco Bell.

1
2
3 G. Approval of Minutes – July 11
4

5 **J. Farrell made a motion to approve the minutes from the July 11 meeting. R. Brideau seconded the motion. No discussion. Vote on the motion: 8-0-1.**

6 L. Wiles abstained because he was absent at the July 11 meeting.

7 A. Rugg said the minutes are approved and will be signed at the August 8 meeting.
8
9

10 H. Discussions with Town Staff - Public Hearings for Signs and Parking Ordinance Changes
11 (Scheduling)
12

13 T. Thompson said the Chairman informed him that he would rather not have public
14 hearings for Signs and Parking Ordinance Changes on the same night as the anticipated
15 heavy load for the September 12 meeting (Perkins Road hearing, CIP Workshop). The
16 consensus of the Board was to allow the zoning ordinance public hearings on
17 September 5.
18

19 J. Czyzowski said they have started the sidewalk project along Mammoth and Pillsbury
20 Roads.
21

22 *[M.Soares arrived at 7:25PM and L.El-Azem became an alternate member again.]*
23

24 The Board agreed to renew their subscription to Planning Commissioner's Journal for
25 another year.
26

27 **Public Hearings**
28

29 A. Stonyfield Farm Inc., Map 14, Lot 44-13 - Application Acceptance and Public Hearing for
30 a Site Plan to construct a 48,613 square foot office addition (32,503 sq ft in Phase 2,
31 16,110 sq ft in Phase 2A).
32

33 K. Wagner recused herself from this vote for business reasons/conflict of interest.
34

35 T. Thompson stated that there are 4 outstanding checklist items, all related to the off-
36 site improvements. The staff has met with the applicant to discuss these checklist
37 items, and the applicant has agreed to redesign the off-site improvements on Burton
38 Drive to include closed drainage, likely eliminating the need for easements from
39 abutting property owners. Based on this commitment from the Applicant, and because
40 these checklist items primarily relate to easements and abutting properties that will
41 likely now not be impacted, staff recommends the application be accepted as
42 complete.
43

44 **J. Farrell made a motion to accept the application as complete. R. Brideau**
45 **seconded the motion. No discussion. Vote on the motion: 8-0-0.** Application
46 accepted as complete.
47

48 Chris Rice, TF Moran, presented the Board with an update on the project.
49

50 J. Czyzowski summarized the design review items from the DPW/Stantec memo. He
51 also summarized the staff recommendations for the 2 requested waivers.
52

1 **J. Farrell made a motion to grant the waivers to Section 4.01.c, with the exception**
2 **of the off-site improvements sheets, and to Exhibit 3 of the site plan regulations,**
3 **based on the applicant's request letter and the staff recommendations. R. Brideau**
4 **seconded the motion. No discussion. Vote on the motion 8-0-0. These two waivers**
5 **are granted.**

6
7 T. Thompson said based upon the information available to date, and the commitment of
8 the applicant on the off-site improvements, the Staff recommends Conditional Approval
9 of the project. He brought the first proposed precedent condition to the Board's attention.
10 He said a closed drainage design should eliminate the need for easements. If the first
11 condition of approval is not met, another public hearing would be required.

12 T. Thompson noted that the applicant is responsible for the appropriate traffic, Police and
13 Fire impact fees.

14
15 A. Rugg asked for public input.

16
17 Pat Alibrandi, Alibrandi Assoc, owns property across from Stonyfield Farms.
18 He has one concern. About 20 years ago they purchased property on Symmes Dr and
19 planned on building an office building there. Years later Coca-Cola came along. They
20 found the site no longer suited their needs. When they did decide to build, they were told
21 that in order for them to build a 10,000 square foot building they would have to do off site
22 improvements to better handle the additional traffic being caused by the Coca-Cola
23 building. He wants to know why we haven't heard the same thing with Stonyfield. He
24 would like to know if in the future there is an increase in traffic that Stonyfield would be
25 responsible for those type of off site improvements. He would be willing to write a letter to
26 the Board if they so desire.

27 T. Thompson said it's without an impact fee program in place, it's almost impossible to
28 do a cost sharing plan that would be affected by future use. The current regulations state
29 that the property owner submitting a plan is responsible for traffic impact analyses, and
30 must address the off site improvements when necessary.

31 J. Czyzowski said legally they must require the applicant requesting a site plan to make
32 off site improvements.

33 P. Alibrandi said he would like assurance that if/when he decides to build on his 7 acre
34 parcel he will not be responsible for off site improvements that would be due to the
35 improvements made by neighboring businesses. T. Thompson said he feels that with the
36 current regulations we have addressed issues like this, in asking all applicants to provide
37 traffic impact analyses, which was not the case when Mr. Alibrandi was in the process for
38 the Symmes Drive project.

39
40 **J. Farrell made a motion to conditionally approve the site plan for Phase 2 and 2A**
41 **with the following conditions:**

42
43 "Applicant", herein, refers to the property owner, business owner, or organization
44 submitting this application and to his/its agents, successors, and assigns.

45
46 **PRECEDENT CONDITIONS**

47
48 All of the precedent conditions below must be met by the applicant, at the expense of the
49 applicant, prior to certification of the plans by the Planning Board. Certification of the
50 plans is required prior to commencement of any site work, any construction on the site or
51 issuance of a building permit.
52

- 1 1. The applicant shall revise the off-site improvements to indicate closed drainage
2 along Burton Drive, eliminating encroachments on to abutting properties. If it is
3 determined that any easements are needed from abutting properties, the applicant
4 shall be required to amend the site plan, following a public hearing by the Planning
5 Board.
6
- 7 2. The Applicant shall provide a grading design plan for the off-site improvements
8 under this phase per section 3.08 and 4.14 of the Site Plan Regulations, and
9 Section 3.09 of the Subdivision Regulations.
10
- 11 3. The Applicant shall provide roadway cross sections for the improvements to
12 Burton Drive and to Aviation Drive in accordance with the requirements for
13 roadways in section 3.08 of the Site Plan Regulations, and Section 3.09 of the
14 Subdivision.
15
- 16 4. The Applicant shall revise the off-site improvements plans to comply with section
17 4.01.C of the Site Plan Regulations (maximum scale 1"=40').
18
- 19 5. The Applicant shall address/clarify the following relative to the submitted off-site
20 improvement plans:
21
- 22 A. The Applicant shall indicate and label the location of the new pole locations
23 along the roadways and verify the locations meet the approval of the
24 Department of Public Works. The Applicant shall dimension the location
25 from the new pavement edge on the plan for proper construction.
26
- 27 B. The proposed design along Aviation Drive adjacent to abutting lot 29-2
28 includes curbing around an existing catch basin, which is currently located in
29 a roadside swale. It appears the design does not address the existing runoff
30 toward the roadside swale from abutting lot 29-2 and along the roadway.
31 The Applicant shall provide additional topography and spot elevation (both
32 existing and proposed) to clarify how runoff is addressed in this area by the
33 proposed design. The Applicant shall carefully review the entire proposed
34 design and verify proper drainage will be provided in all locations impacted
35 by the design. The Applicant shall revise as necessary meeting approval of
36 the Department of Public Works.
37
- 38 C. The utility plan indicates an existing drain under the roadway intersection
39 with an outlet at the northwesterly site of the intersection that drains toward
40 abutting lot 44-2. It appears the proposed edge of pavement, associated
41 shoulder grading and roadway embankment will impact the outlet. However,
42 the submitted design does not address the pipe and outlet. Please note plan
43 does not indicate any easements in this location. It appears slope and
44 drainage easements will be required along abutting lot 44-2. The Applicant
45 shall review and provide a design meeting approval of the Department of
46 Public Works.
47
- 48 D. It appears the existing hydrant along Burton Drive adjacent to the existing
49 telephone hut should be relocated away from the proposed pavement. The
50 Applicant shall indicate and label the new location and verify the new
51 location meets approval of the Department of Public Works.
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- E. The Applicant shall provide a utility clearance letter for the indicated poles relocations associated with the off-site improvements under this phase per section 3.04 and 4.18.b of the Site Plan Regulations.
- F. The Applicant shall provide a utility clearance letter for the indicated hydrant relocations associated with the off-site improvements under this phase per section 3.04 and 4.18.b of the Site Plan Regulations.
- 6. The proposed drain system under phase 2 at CB42 does not provide the minimum three feet of cover over the pipe in accordance with the regulations. In addition, the type and size of pipe into the CB42 is not indicated. The Applicant shall review and revise as necessary in compliance with the regulations and for proper construction.
- 7. The Applicant shall address the following relative to the site plan for phase 2:
 - A. The Applicant shall carefully review the total building area listed in note 3 with phase 1 (which appears more than noted on the approved phase 1 site plan) and the proposed areas under phase 2, which do not appear to properly add together. Please clarify the discrepancies and update the note as necessary. Please review and update phase 2A accordingly.
 - B. The Applicant shall dimension the sidewalk width along the handicap parking spaces and the concrete sidewalk width under phase 2 north of the addition for proper construction.
- 8. The Applicant shall address the following relative to the utility plan for phase 2:
 - A. The plan notes a cafeteria is proposed but the design does not include a grease trap. The Applicant notes a small grease trap is to be located within the building in the response letter. The Applicant shall note on the plan that an internal grease trap shall be provided for the cafeteria, meeting approval of the Sewer Division.
 - B. The Applicant has provided calculations as related to the proposed internal pump station with this submission. The Applicant shall clarify/address the following:
 - 1. The calculations indicate a 4" force main is used with a diagram provided with the calculations indicating a 4" pipe exiting the building. However, the utility plan and sewer profile indicate a 2-1/2" sewer force main is to be constructed, which is inconsistent with the submitted calculations. The Applicant shall review and revise the plans and calculations to be consistent.
 - 2. The calculations appear to indicate the proposed pump station will be located below the proposed basement with a basement elevation of 325.04. However, the project design plans indicate a basement floor elevation of 327.00 and is inconsistent with the submitted calculations. The Applicant shall review and revise the plans and calculations to be consistent.
 - 3. The noted invert out of the pump station is below the basement floor but the invert from the building is noted above the basement floor building. It this intent of the design? The Applicant shall clarify.

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- C. The sewer profile for phase 2 (sheet 11A) does not indicate or identify the utility crossings along the routes. In addition, the gravity sewer profile appears to indicate the sewer line through a proposed feature that unknown and may restrict the location as presented. The Applicant shall review and revise the sewer profiles to indicate utility crossings and clarify the items indicated for proper construction.

 - D. The pump station layout on sheet 10A and detail on sheet 29A indicate two force mains exiting the valve manhole with one force main line returning to the existing building and the other toward the on-site treatment facility. It is unknown where the sewer flow directed back to the building is directed to and why it is necessary. Was this part of the temporary design during phase 1 construction? Currently, the design implies only half of the sewer flow from the building would be directed to the on-site treatment facility. The Applicant shall explain the design and revise as necessary meeting the approval of the Town.
11. Testing of sewer manholes and piping noted in the details has not been revised to specify the requirements consistent with current NHDES requirements. The Applicant shall review and update accordingly.
 12. It appears the Applicant has resubmitted the previous drainage report (same report as submitted under design review) with only a professional engineer's stamp added. Please note the previous report was only partially reviewed under the design review submission (review comments in memorandum dated May 18, 2007) due to concern with design information being utilized versus as-built information and whether the capacity of the newly constructed drainage system was actually provided. The Applicant response letter notes an as-built survey was conducted of the constructed drainage systems and that the analysis would be re-run based upon the as-built information. However, a cursory review of the report submitted indicates it is unchanged. The Applicant shall update and provide a drainage analysis and report that proper addresses the previous review comments and the entire project under this application. The Applicant shall verify compliance with the regulations (no increase in runoff).
 13. Outside consultant's fees shall be paid within 30 days of approval of plan.
 14. Note all waivers granted on the plan.
 15. The Applicant shall provide a digital (electronic) copy of the complete final plan sent to the Town at the time of signature by the Board in accordance with Section 2.05.n of the regulations.
 16. Financial guaranty if necessary.
 17. Final engineering review
 18. **PLEASE NOTE -** Once these precedent conditions are met and the plans are certified the approval is considered final. If these conditions are not met within 120 days to the day of the meeting at which the Planning Board grants conditional

1 approval the board's approval will be considered to have lapsed and re-submission
2 of the application will be required. See RSA 674:39 on 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 undertaken**
9 **until the pre-construction meeting with Town staff has taken place, filing of**
10 **an NPDES-EPA Permit and the site restoration financial guaranty is in place**
11 **with the Town.** Contact the Department of Public Works to arrange for this
12 meeting.
13
14 2. The project must be built and executed exactly as specified in the approved
15 application package unless modifications are approved by the Planning
16 Department & Department of Public Works, or if staff deems applicable, the
17 Planning Board.
18
19 3. All of the documentation submitted in the application package by the applicant and
20 any requirements imposed by other agencies are part of this approval unless
21 otherwise updated, revised, clarified in some manner, or superseded in full or in
22 part. In the case of conflicting information between documents, the most recent
23 documentation and this notice herein shall generally be determining.
24
25 4. All site improvements must be completed prior to the issuance of a certificate of
26 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
27 circumstances that prevent landscaping to be completed (due to weather
28 conditions or other unique circumstance), the Building Department may issue a
29 certificate of occupancy prior to the completion of landscaping improvements, if
30 agreed upon by the Planning & Public Works Departments, when a financial
31 guaranty (see forms available from the Public Works Department) and agreement
32 to complete improvements are placed with the Town. The landscaping shall be
33 completed within 6 months from the issuance of the certificate of occupancy, or the
34 Town shall utilize the financial guaranty to contract out the work to complete the
35 improvements as stipulated in the agreement to complete landscaping
36 improvements. **No other improvements shall be permitted to use a financial**
37 **guaranty for their completion for purposes of receiving a certificate of**
38 **occupancy.**
39
40 5. As built site plans must to be submitted to the Public Works Department prior to
41 the release of the applicant's financial guaranty.
42
43 6. All required Traffic, Police, and Fire impact fees must be paid prior to the issuance
44 of a Certificate of Occupancy.
45
46 7. It is the responsibility of the applicant to obtain all other local, state, and federal
47 permits, licenses, and approvals which may be required as part of this project (that
48 were not received prior to certification of the plans). Contact the Building
49 Department at extension 115 regarding building permits.

50
51 **M. Soares seconded the motion.** No discussion. **Vote on the motion: 8-0-0.** Plan is
52 conditionally approved.

1
2 B. Arthur Cross, Map 6, Lot 79 - Application Acceptance and Public Hearing for a 6 lot
3 subdivision, conditional use permit, and a public hearing under RSA 231:158 for tree
4 removal on a state designated Scenic Road (Adams Road).

5
6 T. Thompson stated that there are no checklist items, and staff recommends the
7 application be accepted as complete.

8
9 **J. Farrell made a motion to accept the application as complete. R. Brideau**
10 **seconded the motion.** No discussion. **Vote on the motion: 9-0-0.** Application
11 accepted as complete.

12
13 T. Thompson said staff recommends that the Planning Board hold the hearing for the
14 tree removal **AFTER** the hearing on the subdivision, and condition any approval of the
15 subdivision upon receiving approval for the tree removal by the Planning Board (the
16 reason for this recommendation is to insure that action can be taken on the subdivision if
17 the Board finds any need to continue the hearing for the tree removal).

18 The Board agreed. T. Thompson said the Conservation Commission recommends
19 approval of a Conditional Use Permit.

20
21 Michael Gospodarek presented their plans. Arthur Cross was also present. They
22 propose a 6 lot subdivision, 2 lots fronting on Adams Road, and the remaining lots on the
23 new roadway.

24
25 J. Czyzowski read the design review comments from the DPW/Stantec memo.

26
27 T. Thompson stated for the record his Design Review comment relating to the proposed
28 new road:

29
30 *The Planning Department Staff realizes that the Conservation Commission and*
31 *Planning Board have indicated their desire not to impact the wetlands by making this*
32 *development's roadway connect with Crosby Lane. The Planning Department would*
33 *like to reaffirm their position that a connected roadway is the Department's preferred*
34 *alternative, as connectivity of roadways and neighborhoods remains a goal of the*
35 *Town's Master Plan, and is a better alternative from a traffic flow perspective. The*
36 *Planning Department will recommend a connected roadway system to the Planning*
37 *Board when this application is heard for a public hearing.*

38
39 He said staff recommends conditional approval of the subdivision, with one of the
40 precedent conditions to require approval from the Board for the tree removal along
41 Adams Road.

42
43 A. Rugg asked for public input on the subdivision itself.

44
45 Sandy Lagueux, 2 Fiddlers Ridge, said she supports the current cul-de-sac design.
46 She said the master plan stated that neighborhoods should be connected "by foot paths
47 or bicycle paths" not by roads. Maria Hostage, 12 Adams Rd, asked the Board to show
48 her exactly where her property is in conjunction with the subdivision. The Board showed
49 her property as being across from the subdivision. She mentioned that the trees she now
50 sees across from her home will then be a 6-lot subdivision. One home will be directly
51 across from her property, including their driveway.

52

1 J.Cyzowski suggested one of the driveways have a curb cut on the proposed road
2 instead of Adams Road. T. Thompson stated this would require the Board to continue
3 the plan and get an updated conditional use permit recommendation from the
4 Conservation Commission.

5
6 Consensus of the board was to leave the driveway where it is planned.
7

8 **J. Farrell made a motion to conditionally approve the subdivision plan with the**
9 **following conditions:**

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

14 **PRECEDENT CONDITIONS**

15
16 All of the precedent conditions below must be met by the applicant, at the expense of the
17 applicant, prior to certification of the plans by the Planning Board. Certification of the
18 plans is required prior to commencement of any site work, any construction on the site or
19 issuance of a building permit.
20

- 21 1. The Applicant shall provide the Owners' signature on the plans.
- 22
- 23 2. The Applicant shall revise the detention basin analysis in the revised drainage report
24 to indicate a top grate with dimensions of 3 ft. x 4 ft. consistent with the detail in the
25 plan set
26
- 27 3. The Applicant shall obtain approval from the Planning Board for the tree removal
28 along Adams Road, per RSA 231:158.
29
- 30 4. Outside consultant's fees shall be paid within 30 days of approval of plan.
- 31
- 32 5. Note all waivers and the conditional use permit granted on the plan.
33
- 34 6. The Applicant shall provide a digital (electronic) copy of the complete final plan sent
35 to the Town at the time of signature by the Board in accordance with Section 2.05.n
36 of the regulations.
37
- 38 7. Financial guaranty if necessary.
- 39
- 40 8. Final engineering review
41

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

48 **GENERAL AND SUBSEQUENT CONDITIONS**

49
50 All of the conditions below are attached to this approval.

- 51
- 52 1. **No construction or site work for the amended site plan may be undertaken**
53 **until the pre-construction meeting with Town staff has taken place, filing of an**

1 **NPDES-EPA Permit and the site restoration financial guaranty is in place with**
2 **the Town.** Contact the Department of Public Works to arrange for this meeting.

- 3
4 2. The project must be built and executed exactly as specified in the approved
5 application package unless modifications are approved by the Planning Department
6 & Department of Public Works, or if staff deems applicable, the Planning Board.
7
8 3. All of the documentation submitted in the application package by the applicant and
9 any requirements imposed by other agencies are part of this approval unless
10 otherwise updated, revised, clarified in some manner, or superseded in full or in part.
11 In the case of conflicting information between documents, the most recent
12 documentation and this notice herein shall generally be determining.
13
14 4. All site improvements must be completed prior to the issuance of a certificate of
15 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
16 circumstances that prevent landscaping to be completed (due to weather conditions
17 or other unique circumstance), the Building Department may issue a certificate of
18 occupancy prior to the completion of landscaping improvements, if agreed upon by
19 the Planning & Public Works Departments, when a financial guaranty (see forms
20 available from the Public Works Department) and agreement to complete
21 improvements are placed with the Town. The landscaping shall be completed within
22 6 months from the issuance of the certificate of occupancy, or the Town shall utilize
23 the financial guaranty to contract out the work to complete the improvements as
24 stipulated in the agreement to complete landscaping improvements. **No other**
25 **improvements shall be permitted to use a financial guaranty for their**
26 **completion for purposes of receiving a certificate of occupancy.**
27
28 5. All required School, Recreation, Library, Traffic, Police, and Fire impact fees must be
29 paid prior to the issuance of Certificates of Occupancy for homes within the
30 subdivision.
31
32 6. It is the responsibility of the applicant to obtain all other local, state, and federal
33 permits, licenses, and approvals which may be required as part of this project (that
34 were not received prior to certification of the plans). Contact the Building Department
35 at extension 115 regarding building permits.
36

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

39
40 Scenic Road Public Hearing

41
42 A. Rugg opened the Scenic Road hearing.

43
44 T. Thompson read the following from the Staff Recommendation memo:

45
46 Scenic Road Tree Removal: Adams Road is a state designated Scenic Road.
47 Under state law, the Town must approve any modification to the vegetation
48 along a scenic roadway. The applicant has provided information relative to tree
49 removal and trimming to locate the proposed roadway, a driveway, and the
50 sight distance for the new road and driveway. Staff is satisfied that the tree
51 removal has been limited to the greatest extent possible to allow for the
52 development of the parcel.
53

1 A. Rugg asked for public input.
2

3 C. Ham, Peabody Row, asked if the sight distance can be waived. A. Rugg said the
4 Board can waive sight distance, but then they become liable for their decision.
5 Roy Bouchard, Buttrick Rd, asked if all homes on Adams Rd meet the sight distance
6 requirements. J. Farrell said most homes on Adams Rd are grandfathered on those
7 requirements. R. Bouchard said if Buttrick Rd is an example of what can happen when
8 trees are removed for sight distance then the subdivision on Adams Rd should not
9 happen. He said that Buttrick Rd has dramatically changed for the worse in his opinion.
10 J. Farrell suggested that people come to the public hearing for Perkins Rd. He
11 encouraged people to get involved in these decisions.

12 C. Ham said sight distance should apply to all roads not just new subdivisions. He said
13 they should check Hall Rd amongst others. He also suggested how poor the sight
14 distance is coming out of the police station.

15 Marilyn Ham, Peabody Row, was on the Heritage Commission when Mr. Steer came in
16 for review. She said that she had voiced her concerns about the trees involved with the
17 Mr. Steer plans. She hasn't gone back to check the minutes of the meetings, but she is
18 disappointed that those trees were removed. She said she will check on those minutes.
19 She said she is not against the developments, but would have preferred to see the very
20 old trees along Buttrick Rd stay there.

21 Nancy Lord, 16 Adams Rd, said she would like to see them keep as many trees as
22 possible to maintain it as a scenic road.

23 Dianna Cross, Adams Rd, said when they built their home years ago they made every
24 effort to keep as many trees as they could and others should do the same, especially
25 when a scenic road is concerned.

26 Marie Bouchard, Buttrick Rd, is concerned because the Board always says that the
27 owners of properties have the right to take down any trees that they want. She said if the
28 town voted Adams Rd to be a scenic road, why can the Board allow property owners to
29 cut what they want.

30 J. Farrell suggested bringing members of the Board out to the site to see exactly what is
31 going to be cut. Three members without it being a public meeting or at least five
32 members for a public meeting that would require abutter notification.

33 Sandy Lagueux, Fiddlers Ridge, said she understands that people have a right to
34 develop their property as long as they follow regulations. She feels there are still things
35 that residents can achieve. She is suggesting lowering the speed limit in order to
36 decrease the sight distance. J. Czyzowski said a lower speed limit would indeed affect
37 the sight distance. A hearing would be required with the Traffic Safety Committee and
38 then the Town Council.

39 J. Farrell asked if the Board can revisit the Conditional Approval for the subdivision that
40 they granted earlier and then continue the subdivision plan and the tree removal plan to
41 another date. T. Thompson stated that the Board cannot go back to the Subdivision
42 Hearing, as the hearing was closed, and action was taken by the Board. The only way to
43 re-open the hearing would be if the Applicant withdrew, and started over.

44 Katherine Hostage, 12 Adams Rd, said speeding traffic is definitely a problem on Adams
45 Rd. She asked if the applicant could show where the houses will be placed on the
46 properties, so they could see how many trees would be cut. T. Thompson said
47 placement of the homes is not a part of the Board's decision process.

48 Consensus of the Board was to continue the hearing and for the Board to visit the site to
49 see for themselves what trees are proposed to be cut.
50

51 **J. Farrell made a motion to continue the hearing to Sept. 12. M. Soares seconded**
52 **the motion. Vote on the motion: 9-0-0.** Hearing is continued to Sept. 12. A. Rugg
53 stated this would be the only public notice for the continued public hearing. The Board

1 directed staff to set up a Site Walk, and coordinate the notice requirements for the Site
2 Walk with the applicant..

3
4 Michael Cross, Adams Rd, said he feels it's unreasonable for everyone to be against
5 this. He stated that the property owner could clear cut the lot without the subdivision as
6 long as none of the trees in the right of way are cut, and there would be nothing anyone
7 could do to stop it.

8
9 **Other Business**

10
11 None.

12
13 **Adjournment:**

14
15 **J. Farrell made a motion to adjourn the meeting. R. Brideau seconded the motion. No**
16 **discussion. Vote on the motion: 9-0-0. Meeting adjourned at 9:56 PM.**

17
18
19 These minutes prepared by Cathy Dirsra, Planning Department Secretary.

20
21
22
23 Respectfully Submitted,

24
25
26
27 Paul DiMarco, Secretary
28

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF AUGUST 8, 2007 AT THE MOOSE HILL COUNCIL**
3 **CHAMBERS**
4

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

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

12 A. Rugg called the meeting to order at 7:03 PM.
13

14 **Administrative Board Work**
15

16 **A. Signing of minutes from July 11 meeting.**
17

18 Minutes for July 11 have been signed.
19

20 **B. Regional Impact Determinations**
21

22 T. Thompson referenced the memo with staff recommendations
23

24 **J. Farrell made a motion to recommend the NICOM Site Plan and the Coca-Cola**
25 **Subdivision are not of regional impact. R. Brideau seconded the motion. No**
26 **discussion. A. Rugg appointed L. Wiles to vote for M. Soares until she arrives. **Vote on****
27 **the motion 9-0-0.**
28

29 **C. Discussions with Town Staff – Enterprise Rent-A-Car (Perimeter Road)**
30

31 J. Trottier informed the Board about a proposed change at the Enterprise site on
32 Perimeter Road. He stated they want to make some security improvements, and want to
33 know if the Board is comfortable with Staff handling the changes administratively.
34 Consensus of the Board was that there was not enough information to make a decision,
35 and asked that the applicant be present at the September 5 meeting to answer
36 questions.
37

38 T. Thompson mentioned the CIP meeting on August 30, the CIP Workshop with the
39 Planning Board on September 12, and the CIP Public Hearing for October 10.
40

41 A. Rugg said the SNHPC energy plan is in the read file.
42

43 **Public Hearings**
44

45 **A. Tarkka Homes, Map 15, Lot 215-1 - Continued Public Hearing for a Site Plan and**
46 **Conditional Use Permit to construct a 44 unit Elderly Housing development. - *Request***
47 ***Continuance to September 12, 2007***
48

49 A. Rugg said the applicant has requested a continuance.
50

51 T. Thompson referenced letter from Todd Connors, Sublime, requesting continuation &
52 waiving 65 day clock under RSA 676:4. Plans were submitted by the deadline, but the
drainage reports were not.

1
2 **J. Farrell made a motion to continue to September 12, 2007. R. Brideau seconded**
3 **the motion.** No discussion. **Vote on the motion 9-0-0.** A. Rugg said this is the only
4 public notice.

5
6 B. Holten Realty LLC, Map 15, Lot 13 – Continued Public Hearing for a site plan and
7 Conditional Use Permit to construct a 4000 square foot structure to house existing auto
8 salvage operations.

9
10 T. Thompson said the applicant has not submitted any new information. Staff
11 recommends a continuance to September 12, 2007 at 7:00PM. He said if the applicant
12 doesn't want to continue, staff recommends denial of the project, with the reasons,
13 below, as stated in the Staff Recommendations:

- 14
15 • *If the applicant does not wish to continue the project and obtain the CUP associated with*
16 *the sight distance, staff recommends the Planning Board **DENY** the project for the following*
17 *reasons:*
18
19 1. *The applicant has not provided proper sight distance at the site driveway, in*
20 *violation of Section 3.08.b.5 of the Site Plan regulations.*
21 2. *The applicant's driveway design indicates a width of 45', which is in violation of*
22 *Section 3.10.1.5 of the Zoning Ordinance.*
23

24 Ed Dudek, 36 Stratford Lane, Bedford, said according to the sight distance the town is
25 asking him to cut down about 150 trees. He disagrees with that amount and feels the
26 amount is excessive. J. Trottier said the only alternative would be to move the driveway,
27 towards the north in order to achieve sight distance. T. Thompson said the driveway
28 width is 45 feet and the Board can only waive up to 36 feet. A. Rugg read the accident
29 report for Hall Road from the Police Department. Since January 2007 there's been 4
30 accidents. In 2005 no significant issue. 2004 same.

31 Lt. Bob Michaud, Londonderry Police Dept. said it does appear that nothing substantial
32 accident-wise is going on on Hall Road.

33
34 [M. Soares arrived at 7:25] *L. Wiles returns to alternate member position.*

35
36 E. Dudek said he would have no problem asking every vehicle to exit the premises with a
37 right turn only, which he feels would be safer. He said the abutters agree that the building
38 would be good, but they don't want to see the trees cut down. Lt. Michaud said his
39 Captain's observation was that a right turn would help to avoid head on collisions.
40 Consensus of the board was to keep the sight distance requirement.

41 A. Rugg asked for public input.

42 Al Baldasaro, 41 Hall Road (he lives right next to the site). He opposes cutting down the
43 trees. He said the size of the driveway allows vehicles to enter/exit safely. He is hoping
44 the town will figure out a way for the applicant to construct this building. His experience
45 has taught him that we should be concerned about protecting groundwater resources. He
46 said the people that travel that road will do so regardless of that business being there. He
47 suggested placing a sign "blind driveway ahead" that would alleviate the town from being
48 liable for any accidents. J. Farrell asked A. Baldasaro if he thought the town attorney
49 could come to present his opinion on sight distance and the town liability. K. Wagner said
50 she feels we need to request the sight distance for the sake of the town's safety and
51 liability. She also would like to hear what the town attorney would recommend. J. Farrell
52 said with all due respect to the town counsel, he wants to hear some case law.

1 James Stewart, 26A Reed Street, asked if anything could be done physically on the road
2 to slow down the traffic, i.e. speed bumps. A. Rugg said we couldn't have speed bumps
3 because of the plow trucks.

4 Chuck Langendon, 37 Hall Road, said he is concerned about why the town is liable if he
5 puts up a building that doesn't change his existing business. T. Thompson explained that
6 his business is grandfathered and therefore a site plan at this time would have to abide
7 by the current regulations. C. Langendon talked about the site on Lori Lane that appears
8 not to have proper sight distance. J. Trottier said that site does have the proper sight
9 distance.

10 Ronald Jenkins, 38 Hall Road, suggested placing the rumble strips in the road like what
11 exist on the sides of the highway. He suggested placing them on an angle so the plow
12 blades won't tear them up.

13 Brian Farmer, Town Council, said going across the rumble strips can be heard for quite a
14 distance so perhaps it's not a good idea in a residential neighborhood. He asked the
15 applicant how far he could move the driveway to the north. E. Dudek said he could move
16 about 20 feet to the north to avoid cutting some of the trees. T. Thompson and J. Trottier
17 stated there wasn't much room to move to the north due to the septic location.

18 P. DiMarco suggested placing stop signs at the site. J. Farrell suggested placing a light
19 there. L. El-Azem asked about how many less trees would be cut if the driveway was
20 moved. E. Dudek offered to check with his engineer on possibly moving the driveway to
21 lessen the impact of improvements needed for the sight distance. A. Rugg said if he did
22 that the next meeting to discuss this would be in September.

23 A. Garron asked if it's possible for Mr. Dudek's engineer to be here at the next meeting to
24 answer any questions that may come up.

25 A. Baldasaro asked what the applicant will do if this plan is denied. E. Dudek said he
26 won't do anything if this plan is denied. T. Freda suggested getting the town attorney's
27 legal recommendations prior to E. Dudek working with his engineer. J. Farrell suggested
28 meeting with the town attorney before next Wednesday so the applicant would have
29 ample time to meet with his engineer if necessary.

30 Richard Belinski, 89 Hall Road, said he would like to see case law that the town attorney
31 based his answer on. He wants to see what the taxes would be on this building now vs.
32 the current use. J. Farrell asked R. Belinski to e-mail him questions for the Town
33 Attorney.

34
35 **J. Farrell made a motion to continue to September 12, 2007 at 7PM. M. Soares**
36 **seconded the motion. Vote on the motion 9-0-0.** This hearing is continued to
37 September 12, 2007. A. Rugg said this is the only public notice.

38
39 C. Conceptual Discussion - Petitioned Rezoning Application - Perkins Road, Map 16, Lots
40 1, 2 & 3 - from AR-I to R-III/C-II (Referred from Town Council)

41
42 Elmer Pease, PD Associates, provided a cover letter addressed to the Board and his
43 conceptual plan for a mix of commercial and multi-family development (both age
44 restricted and general multi-family). He said traffic is a major concern and his engineer
45 has recommended a light at the intersection of Perkins and Route 28.

46
47 The time line for this project was discussed:

48 Early spring E. Pease put the petition together.

49 E. Pease said he did the petition and the landowners obtained the signatures.

50 Tom Duffy met with the Planning Board last year (July).

51 In early June this year, A. Garron met with the town manager and E. Pease.

52 Petition was presented to Town Council in July

1 A. Garron said prior to '06 meeting with Duffy, they had met with the Wallace's for
2 alternatives regarding their property for the Exit 5 Park and Ride project.

3
4 A. Garron said mixed use is not a bad concept, but we need to look at our master plan.
5 He stated that he exploring utilizing the services of Southern NH Planning Commission
6 (SNHPC) to do a small area master plan for these issues. He said Jack's Bridge Road
7 area is an example of an anticipated area in the master plan.

8 A. Garron said we have conducted a traffic study in conjunction with our master plan that
9 would have to be revisited due to this project.

10 E. Pease said it's not his intention to have a big-box retail on this site.

11 T. Thompson summarized the following from the preliminary staff recommendations:

- 12
- 13 • *The Master Plan does not call for zoning changes in this area of Londonderry, in fact,*
14 *the area was specifically left out of the Master Plan after discussions with NHDOT*
15 *about alternative locations for the Park and Ride in this area were abandoned after the*
16 *property owners indicated their desire to remain agricultural/residential.*
- 17 • *The proposed rezoning would result in "commercial creep" up Perkins Road.*
18 *"Commercial Creep" is expressly mentioned in the Master Plan, with the*
19 *recommendation to avoid it adjacent to Rt. 102, Rt. 128, and Rt. 28.*
- 20 • *The Planning Board held a previous conceptual discussion about this area in 2006.*
21 *The consensus of the Board at that time was that this area should not be rezoned until*
22 *the Master Plan is re-examined for the area.*
- 23 • *Town Staff is currently looking at utilizing the services of the Southern NH Planning*
24 *Commission to do a "small area master plan" for the area around Exit 5. This area*
25 *along Perkins Road would be examined during that process. We believe it would be*
26 *premature to explore rezoning this area until the Master Plan is updated to include this*
27 *small area study.*
- 28 • *Should the rezoning move forward, the applicant should be aware that the proposed*
29 *development of the potential R-III portion of the lots would not comply with the*
30 *requirements of the R-III District. The concept plan shows two buildings with 54 units*
31 *each. The R-III District does not allow for any more than 24 units in a multi-family*
32 *building. Additionally, a traffic impact analysis would need to be done for the proposed*
33 *development, and improvements to Perkins Road to accommodate the additional traffic*
34 *impact may be required.*
- 35

36 J. Trottier said he can envision significant off-site improvements for this plan.

37 M. Soares and J. Farrell said mixed use is not a bad idea, but this is probably not the
38 correct location for it. P. DiMarco, R. Brideau expressed concerns about "commercial
39 creep". A. Rugg said we will have to meet with A. Garron and SNHPC to look at our
40 master plan.

41 A. Rugg asked for public input.

42 Heather Anderson, 31 Perkins Road, (on behalf of her neighbors) said that none of the
43 neighbors had heard anything about this. She said they have seen traffic double in
44 recent years. She asked if the town would consider this parcel being part of the open
45 space program. She suggested that if this project happens they should consider rezoning
46 the parcels across the street to Commercial so that the value of their properties would
47 increase rather than decrease.

48 Geroge Herrmann, School Board, asked how many units are non-age restricted. E.

49 Pease said 108 units. K. Wagner asked what permitted uses in the current Zoning would
50 fit this property. The Board and T. Thompson said residential and age restricted
51 development.

52 H. Anderson would like to know what the neighbors can do regarding this plan.

53 A. Rugg said Andre Garron or Tim Thompson would be good contacts for questions
54 and/or concerns.

1 E. Pease said he came here with 2 weeks notice and he wants Board members to know
2 that if the Board is not satisfied with his proposal he will respect their recommendations.
3 Brian Farmer, Town Council, requests that the Planning Board move out the time frame
4 from 90 days to 180 days. T. Thompson said he will check the ordinance.
5 He feels the Planning Board's job is to review the plan and the POD before it goes to the
6 Town Council.

7 Joe Paradis, 55 Auburn Road, Town Council, said he feels this project isn't a good fit for
8 the area. He would like to see this land preserved as a conservation area.

9 Jennifer Wilson, 67 Perkins Road, is located directly across from the proposed site.

10 She asked about water and sewer for this plan. J. Trottier said if they bring water and
11 sewer up Perkins Road then all residents would be required to hook up to it and required
12 to pay.

13 Scott Bristol, encouraged the Board to deny this and use this land as conservation land.

14 Phil Avery, 31 Perkins Road, suggests that the town purchase this land as conservation
15 land.

16 L. Wiles and M. Soares said the trees between Perkins and Route 93 are leaf trees and
17 would lose their leaves in the fall. This would mean Route 93 would most likely be visible
18 from Perkins Road for almost half the year.

19 A. Rugg suggested that this process could take up to a year to have workshops, meet
20 with residents, etc. to come up with the correct decision.

21 A. Garron said the Board has before it the petition to act on and make a recommendation
22 to the Town Council, unless the petitioners withdraw .

23 B. Farmer asked about E. Pease possibly withdrawing the petition. E. Pease said he
24 cannot withdraw the petition. B. Farmer pointed out that although E. Pease crafted the
25 petition, the people that signed the petition need to withdraw. A. Rugg said we will stay
26 with the 90-day deadline and make a decision at the October 3 meeting. A. Rugg said we
27 will meet here again October 3 for a public hearing and abutter notices will be sent.

28 Sean O'Keefe, Mammoth Road, asked why the applicant went to the town council first
29 before meeting with the Planning Board. E. Pease said the property owners chose the
30 petition route, and that requires going to the Council first.

31 Tom Duffy, in real estate since 1994, said he represents the Wallace's. He came here in
32 July '06 to open up discussions. He said they talked about mixed use plans, Route 93,
33 etc. In subsequent conversations, the petitions process came up. At some point the
34 master plan was discussed.

35 Al Baldasaro, Hall Road, said the Route 93 project is still up in the air.

36 H. Anderson, said she and her neighbors would like to meet with the Planning Board in
37 September so that more people could voice their concerns prior to the October public
38 hearing. J. Farrell asked H. Anderson if she could get the word out to her neighbors for
39 that meeting in September. A. Garron said they are waiting for an answer from DOT

40 regarding the traffic impact for the Town's traffic study. He said if they haven't heard back
41 from DOT before the public hearing they can give an estimate for this project based on
42 other projects in town.

43 E. Pease said he cannot attend the October 3 public hearing. A. Rugg said the public
44 hearing will be October 10, and a second conceptual discussion will be September 12 .
45

46 D. Conceptual Discussion - Tax Map 15 Lot 62-1 Enterprise Drive - Dog Day Care Facility
47

48 Dan Balfour, Jones & Beach Engineers and Sara Newton, franchise owner, presented
49 their plans to the Board for a 10,000 square foot building. Their idea is for people to
50 leave their dogs in the morning on their way to work and pick them up at the end of the
51 day. D. Balfour said there were concerns about this parcel being used for this purpose.

52 T. Thompson said that Jim Smith, Building Inspector/Zoning Officer asked that the

1 Planning Board make that decision. S. Newton said they expect to get about 75 dogs a
2 day. She said their dogs would mostly stay for the day and only occasionally stay
3 overnight. D. Balfour said they feel 20 parking spaces would be more than enough.
4 A. Garron said this would fit the "Service Establishment" definition. He said that for
5 parking they would look at similar establishments for their parking ratio to give the Board
6 insight. J. Trottier said he and T. Thompson would be glad to meet with the applicant to
7 discuss issues. S. Newton said the franchise website campbowwow.com can be
8 accessed for more information.
9

10 E. Public Hearing - Rezoning Application - Tarrytown Real Estate Holdings LLC, 31 Buttrick
11 Road, Map 6, Lot 31 - from C-I/Rt. 102 POD to C-III and removal of the Rt. 102 POD
12

13 Ken Rhodes, CLD Consulting Engineers and Adam Wagner, Cube3 Studios, and Dick
14 Anagnost presented their rezoning request to the Board. K. Rhodes said the owner of
15 this parcel is Elliot Health Systems. T. Thompson said if the request is favorable to the
16 Board then it goes to the Town Council. A. Wagner said they are proposing a 60,000
17 square foot. building that would be very similar to the existing Elliot on Buttrick Road.
18 A. Garron said at the July 11 meeting consensus of the Board was for a 50,000 square
19 foot building.

20 T. Thompson summarized the following from the staff recommendations:
21

22 *As presented to the Planning Board conceptually on July 11, 2007, the applicant seeks to*
23 *develop a 4th "phase" of the Elliot Medical facility on this lot, across from the current*
24 *facility on Buttrick Road. The proposed development would be approximately 50-60,000*
25 *square feet of new medical office building. The lot is currently zoned C-I, with the Rt. 102*
26 *Performance Overlay District (POD). The proposed use is permitted in the POD,*
27 *however, the performance standards of the POD would limit the building footprint to*
28 *12,500 square feet, or 25,000 square feet if performance standards are met. Given the*
29 *setback requirements of the POD, mixed in with the approved development of the*
30 *adjacent parcel (Mr. Steer), it does not appear likely that the performance standards of*
31 *the POD could be met to allow the development of a 25,000 square foot footprint building.*
32

33 *The C-III District was believed to be consistent with the goals and objectives of the POD*
34 *while the POD was being developed by the Planning Board several years ago. In fact, all*
35 *parcels in the POD with C-III as the underlying zoning (at time of passage of the*
36 *ordinance) are permitted to utilize the C-III standards and requirements for the*
37 *development of such parcels. The existing Elliot facility is located in the C-III District, and*
38 *all of the parcels located to the north of Buttrick Road from the subject parcel are zoned*
39 *C-III. Rezoning of this parcel to C-III would be contiguous to existing C-III zoning, and*
40 *would allow for this development to be made in a consistent manner as the existing Elliot*
41 *development.*
42

43 *Staff believes the proposed medical office facility is consistent with the overall vision and*
44 *objectives of the POD and the 2004 Master Plan, and if the development is made to be*
45 *consistent with the existing Elliot facility across the street, we agree that C-III and removal*
46 *of the POD is an appropriate rezoning of this parcel.*
47

48 Staff Recommendation:
49

50 *In summary, the rezoning for the expansion of the Elliot Medical facility is consistent with*
51 *the Master Plan and the C-III District purposes and permitted uses match those allowed in*
52 *the POD, without the additional performance standards and requirements of the POD. As*
53 *such, staff recommends that the Planning Board RECOMMEND this rezoning from C-I/Rt.*
54 *102 POD to C-III and removal of the Rt. 102 POD to the Town Council, with the following*
55 *condition:*

1
2 That the rezoning not become effective until final approval of a site plan for the parcel
3 which is consistent with the design presented conceptually to the Planning Board on July
4 11, 2007 and again during the rezoning hearing on August 8, 2007.
5

6 A. Rugg asked for public input.

7 Steve Cumming, Royal Lane, asked what type of services they are looking to put in
8 place. A. Wagner said it will mostly be physicians offices.

9 **J. Farrell made a motion to recommend the zoning change from C-I/POD to C-III**
10 **with removal of Route 102 POD to the Town Council. R. Brideau seconded the**
11 **motion. Vote on the motion 8-1-0 (T. Freda opposed).** A. Rugg said this will go to the
12 Town Council.
13

14 **Other Business**

15
16 None.
17

18 **Adjournment:**

19
20 **J. Farrell made a motion to adjourn the meeting. P. DiMarco seconded the motion.**
21 Meeting adjourned at 10:45 PM.
22

23 These minutes prepared by Cathy Dirsra, Planning Department Secretary.
24

25
26 Respectfully Submitted,
27

28
29 Paul DiMarco, Secretary

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE SITE WALK MEETING OF AUGUST 29, 2007 AT 15 ADAMS ROAD**
3 **(Map 6, Lot 79)**
4

5 7:00 PM: Members Present: Art Rugg; Tom Freda; Rick Brideau, Ex-Officio; John Farrell;
6 Kathy Wagner, Ex-Officio; Charles Tilgner, P.E., Ex-Officio; Paul DiMarco; Lynn Wiles,
7 Alternate

8
9 Also Present: John Trottier, PE

10
11 A. Rugg called the meeting to order at 7:00 PM.

12
13 A. Rugg stated the purpose of the walk is to review the trees impacted by the proposed
14 subdivision of the property within the Adams Road right-of-way.

15
16 The Board was provided copies of sheet 5 of 20 of the plan set which identified the proposed
17 driveways, roadway and trees to be removed. Board walked to the locations of the two
18 driveways and the roadway. At each location the Board observed which trees were identified
19 and physically marked with orange flagging and identified as to be cut.

20
21 Board discussed the possibility of the Applicant replacing the trees to be cut, with trees to be
22 donated to the Town for planting elsewhere in Town.

23
24 The Board will continue deliberations of the tree removal during the scheduled Public Hearing
25 (RSA 231:158) on September 12, 2007, at 7PM in the Moose Hill Council Chambers of the
26 Town Hall (268B Mammoth Road).

27
28 **Other Business**

29
30 None.

31
32 **Adjournment:**

33
34 **J. Farrell made a motion to adjourn the meeting. R. Brideau seconded the motion. No**
35 **discussion. Vote on the motion: 7-0-0. Meeting adjourned at 7:25 PM.**

36
37
38 These minutes prepared by John R. Trottier, PE, Assistant Director of Public Works and
39 Engineering.

40
41
42
43 Respectfully Submitted,

44
45
46
47 Paul DiMarco, Secretary
48

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF SEPTEMBER 5, 2007 AT THE MOOSE HILL COUNCIL CHAMBERS

7:00 PM: Members Present: Art Rugg; Rick Brideau, Ex-Officio; John Farrell; Kathy Wagner, Ex-Officio; Charles Tilgner, P.E., Ex-Officio; Paul DiMarco; Mary Soares; Rob Nichols; Lynn Wiles, alternate member; Laura El-Azem, alternate member; Melissa Nemon, alternate member

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

A. Rugg called the meeting to order at 7 PM. A. Rugg appointed L. Wiles to vote for T. Freda and L. El-Azem to vote for M. Soares until she arrives and M. Nemon to vote for J. Farrell until he arrives.

Administrative Board Work

A. Rugg stated that the Board would hear the agenda out of order, to address the 2 projects requesting continuances.

New Plans/Public Hearings

C. Londonderry Housing & Redevelopment Authority, Map 14, Lot 44-11 - Continued Application Acceptance and Public Hearing for a Site Plan & Conditional Use Permit to construct a school bus terminal - **Request Continuance to October 3**

T. Thompson referenced the letter from Sublime Civil Consultants. The project has not yet received all state and federal permits.

P. DiMarco made a motion to continue this public hearing to October 3, 2007 at 7pm. R. Brideau seconded the motion. No discussion. Vote on the motion: 9-0-0. Public hearing will be continued to October 3, 2007 at 7PM. A. Rugg said this will be the only public notice.

E. Sovereign Realty Development Corp., Map 15, Lots 61-2 and 62 - Application Acceptance and Public Hearing for a Site Plan and Conditional Use Permit to construct 26,600 square feet of professional office space.- **Request Continuance to October 3**

T. Thompson referenced the letter from Woodland Design Group. The project has not yet received the 2 State DOT permits.

J. Farrell made a motion to continue this public hearing to October 3, 2007 at 7pm. R. Brideau seconded the motion. No discussion. Vote on the motion: 9-0-0. Public hearing will be continued to October 3, 2007 at 7PM. A. Rugg said this will be the only public notice.

Administrative Board Work (Continued)

A. Extension Request - Workout Club Expansion Site Plan - Map 7, Lot 40-12

[J. Farrell arrived at 7:07PM (M. Nemon will now vote for R. Nichols until he arrives)]

1
2 T. Thompson referenced the letter from Ron Tringale at STG Realty dated August 24,
3 2007. T. Thompson said staff supports the extension to December 6, 2008.

4 **J. Farrell made a motion to grant extension for 1 year, expiring on December 6,**
5 **2008. R. Brideau seconded the motion.** No discussion. **Vote on the motion: 9-0-0.**
6 Extension to December 6, 2008 granted.

7
8 *[R. Nichols arrived at 7:09PM (M. Nemon returns to alternate member status)]*

9
10 *[M. Soares arrived at 7:11PM (L. El-Azem returns to alternate member status)]*

11
12 B. Plans to Sign - Stonyfield Phase 2 Site Plan - Map 14, Lot 44-13

13
14 J. Trottier said all precedent conditions for approval have been met and the staff
15 recommends signing the plans. T. Thompson said we are looking for Phase 2 plans to be
16 signed tonight and that Phase 2A plans will be reviewed for signature in the future.

17 **J. Farrell made a motion to authorize the Chair and Secretary to sign the plans for**
18 **Phase 2. R. Brideau seconded the motion.** No discussion. **Vote on the motion: 8-0-1**
19 (K. Wagner abstained). A. Rugg said the plans will be signed at the conclusion of the
20 meeting.

21
22 C. Plans to Sign - PSNH Mammoth Road Substation Site Plan - Map 43 9, Lot 64 12A & 24

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

26 **J. Farrell made a motion to authorize the Chair and Secretary to sign the plans. R.**
27 **Brideau seconded the motion.** No discussion. **Vote on the motion: 9-0-0.**
28 A.Rugg said the plans will be signed at the conclusion of the meeting.

29
30 D. Approval of Minutes – August 1, 8, & 29

31
32 **J. Farrell made a motion to approve the minutes from the August 1 meeting. R.**
33 **Brideau seconded the motion.** No discussion. **Vote on the motion: 9-0-0.**
34 Minutes are approved and will be signed at the September 12 meeting.

35
36 **J. Farrell made a motion to approve the minutes from the August 8 meeting. R.**
37 **Brideau seconded the motion.** No discussion. **Vote on the motion: 9-0-0.**
38 Minutes are approved and will be signed at the September 12 meeting.

39
40 **J. Farrell made a motion to approve the minutes from the August 29 meeting. R.**
41 **Brideau seconded the motion.** No discussion. **Vote on the motion: 7-0-2** (M. Soares
42 & R. Nichols abstained because they were absent).
43 Minutes are approved and will be signed at the September 12 meeting.

44
45 E. Discussions with Town Staff

46
47 A. Garron mentioned the CTAP training conference for Saturday September 29. He said
48 any interested Board members should notify Cathy Dirsra by this Friday, September 7.
49 A. Garron said the Housing Task Force met last Wednesday and the speaker was Dick
50 Anagnost, President of Anagnost Companies - Housing Dev. Pro-forma. He gave a very
51 honest and candid overview of costs associated with housing in this area. Ben Frost from
52 NH Housing Finance Authority was the first speaker. Paul Morin from Tarkka Homes –
53 Home Builders Association was the second speaker. At the next meeting of the Housing

1 Task Force the group will discuss their plans and goals.

2
3 J. Trottier informed the Board that Stonyfield Farms is proposing to install a
4 chiller/condenser and they would like the Board to allow staff to administratively review
5 this proposal. The Board said staff can review this plan. A. Garron suggested including
6 the plans for a chiller in the revised plans that are forthcoming for Phase 2A. The Board
7 agreed.

8
9 T. Thompson said next week's Planning Board meeting will include a presentation from
10 the CIP committee. He summarized the CIP Committee meeting from August 30.

11
12 J. Farrell suggested moving things around on the agenda for September 12. It was
13 agreed to examine the agenda at the beginning of the meeting on September 12, and
14 move items around as necessary.

15
16 A. Garron said next Wednesday September 12 is the public hearing for Exit 4A in Derry
17 and he informed the Board that he will be splitting his time between that meeting and the
18 Planning Board meeting. A. Garron said the doors will open at 5:00, but the meeting will
19 start at 7:00PM.

20
21 T. Thompson suggested the Maclsh Corp. public hearing be heard before the public
22 hearings for zoning amendments. The Board agreed.

23
24 A. Rugg said the SNHPC annual dinner is Friday September 14 and to please let Cathy
25 Dirsra know as soon as possible if you plan to attend. He also mentioned the Municipal
26 Law Lecture Series information in the read file, and summarized recent happenings with
27 the regional planning commission.

28
29 **New Plans/Public Hearings (Cont'd)**

30
31 D. Maclsh Corporation, Map 1, Lot 62 - Application Acceptance and Public Hearing for a 4
32 lot subdivision and a Conditional Use Permit.

33
34 T. Thompson stated that there are no checklist items, and staff recommends the
35 application be accepted as complete.

36
37 **J. Farrell made a motion to accept the application as complete. R .Brideau**
38 **seconded the motion.** No discussion. **Vote on the motion: 8-0-1** (P. DiMarco was
39 absent from the room). Application accepted as complete.

40
41 Lynn Zebrowski from Keach-Nordstrom presented the plans for the 4 lot subdivision.
42 Applicant, Ron McLaren, Jr. was also present. The project is located on Chase Road,
43 and proposes 4 lots, 1 to contain the existing home. Well locations require a Conditional
44 Use Permit since they are in the CO District. Road widening easements are provided,
45 and there are some impacts to the stone walls L. Zebrowski said both the Conservation
46 Commission and Heritage Commission have reviewed their plans and recommended the
47 Conditional Use Permit and stone wall relocation respectively.

48
49 J. Trottier summarized the design review items from the DPW/Stantec memo.
50 A. Garron asked about the stone walls being replaced in kind and wanted to know what
51 the Heritage Commission recommended. L. Zebrowski said the Heritage Commission
52 would like them to use stones that are similar to what exists so they will blend in with the
53 existing stone wall.

1
2 T. Thompson stated that staff recommends granting the Conditional Use Permit, as
3 recommended by the Conservation Commission and based upon the information
4 available to date the Staff recommends Conditional Approval of the subdivision plan.

5
6 A. Rugg asked for public input. No public input received.
7

8 **J. Farrell made a motion to grant Conditional Use Permit, with the conditions as**
9 **recommended by Staff and the Conservation Commission. R. Brideau seconded**
10 **the motion.** No discussion. **Vote on the motion: 9-0-0.** Conditional Use Permit
11 granted.
12

13 **J. Farrell made a motion to conditionally approve the subdivision plan with the**
14 **following conditions:**

15
16 "Applicant", herein, refers to the property owner, business owner, or organization
17 submitting this application and to his/its agents, successors, and assigns.
18

19 **PRECEDENT CONDITIONS**

20
21 All of the precedent conditions below must be met by the Applicant, at the expense of the
22 Applicant, prior to certification of the plans by the Planning Board. Certification of the
23 plans is required prior to commencement of any site work, any construction on the site or
24 issuance of a building permit.
25

- 26 1. The submitted plans do not include proper professional endorsements for the
27 topographic/SCS plans (LLS and CWS) sheets 2, 3 and 4. The Applicant shall
28 update the plans to include the proper professional endorsements as applicable.
29
30 2. The proposed utilities that serve the proposed lots shown on sheets 3 and 4
31 appear to require utility easements. The Applicant shall revise and provide
32 appropriate easements as applicable.
33
34 3. The Applicant shall provide draft copies of the proposed easements for review by
35 the Town. The Applicant notes the documents will be forwarded to the Town for
36 review upon receipt in the response letter.
37
38 4. The Applicant shall indicate the location of the proposed CO District signs on the
39 plans for proper installation.
40
41 5. The amount of pavement in post development subcatchments D4 and 5A of the
42 revised and submitted drainage report appear to be smaller than shown or
43 expected. The Applicant shall review and revise to be representative of the post
44 development. The Applicant shall verify compliance with the regulations (no
45 increase in runoff).
46
47 6. The Applicant notes that portions of the existing stone wall along Chase Road will
48 be removed during construction of the driveways and drainage improvements
49 under the project. The Applicant shall verify the proposed improvements meet the
50 approval of the Department of Public Works and revise if necessary.
51
52 7. Outside consultant's fees shall be paid within 30 days of approval of plan.
53

- 1 8. Note the conditional use permit granted on the plan.
- 2
- 3 9. The Applicant shall provide a digital (electronic) copy of the complete final plan
- 4 sent to the Town at the time of signature by the Board in accordance with Section
- 5 2.05.n of the regulations.
- 6
- 7 10. Financial guaranty if necessary.
- 8
- 9 11. Final engineering review

10
11 **PLEASE NOTE** - Once these precedent conditions are met and the plans are certified
12 the approval is considered final. If these conditions are not met within 2 years to the day
13 of the meeting at which the Planning Board grants conditional approval the board's
14 approval will be considered to have lapsed and re-submission of the application will be
15 required. See RSA 674:39 on vesting.

16
17 **GENERAL AND SUBSEQUENT CONDITIONS**

18
19 All of the conditions below are attached to this approval.

- 20
- 21 1. **No construction or site work for the amended site plan may be undertaken**
- 22 **until the pre-construction meeting with Town staff has taken place, filing of**
- 23 **an NPDES-EPA Permit and the site restoration financial guaranty is in place**
- 24 **with the Town.** Contact the Department of Public Works to arrange for this
- 25 meeting.
- 26
- 27 2. The project must be built and executed exactly as specified in the approved
- 28 application package unless modifications are approved by the Planning
- 29 Department & Department of Public Works, or if staff deems applicable, the
- 30 Planning Board.
- 31
- 32 3. All of the documentation submitted in the application package by the Applicant
- 33 and any requirements imposed by other agencies are part of this approval unless
- 34 otherwise updated, revised, clarified in some manner, or superseded in full or in
- 35 part. In the case of conflicting information between documents, the most recent
- 36 documentation and this notice herein shall generally be determining.
- 37
- 38 4. All site improvements must be completed prior to the issuance of a certificate of
- 39 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
- 40 circumstances that prevent landscaping to be completed (due to weather
- 41 conditions or other unique circumstance), the Building Department may issue a
- 42 certificate of occupancy prior to the completion of landscaping improvements, if
- 43 agreed upon by the Planning & Public Works Departments, when a financial
- 44 guaranty (see forms available from the Public Works Department) and agreement
- 45 to complete improvements are placed with the Town. The landscaping shall be
- 46 completed within 6 months from the issuance of the certificate of occupancy, or
- 47 the Town shall utilize the financial guaranty to contract out the work to complete
- 48 the improvements as stipulated in the agreement to complete landscaping
- 49 improvements. **No other improvements shall be permitted to use a financial**
- 50 **guaranty for their completion for purposes of receiving a certificate of**
- 51 **occupancy.**
- 52

1 5. All required School, Recreation, Library, Traffic, Police, and Fire impact fees must
2 be paid prior to the issuance of Certificates of Occupancy for homes within the
3 subdivision.
4

5 6. It is the responsibility of the Applicant to obtain all other local, state, and federal
6 permits, licenses, and approvals which may be required as part of this project
7 (that were not received prior to certification of the plans). Contact the Building
8 Department at extension 115 regarding building permits.
9

10 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 9-0-0.** Plan is
11 conditionally approved.
12

13 *[J. Farrell was absent from the room between 8:00PM and 8:21PM.]*
14

15 A. Public Hearing - Zoning Ordinance Amendments – Signs
16

17 T.Thompson presented the proposed changes to the Board (**see attached**). Two minor
18 changes were made by the Board during discussion, relative to flags and wall sign height
19 requirements.
20

21 A. Rugg asked for public input. George Hermann was the only resident present and he
22 approved of the proposed changes.
23

24 **J. Farrell made a motion that we recommend to the Town Council adopting the**
25 **amendments to Section 3.11 (Signs) of the Zoning Ordinance. P. DiMarco**
26 **seconded the motion.** No discussion. **Vote on the motion: 9-0-0.**
27

28 A.Rugg said this recommendation will now go to the Town Council for readings and a
29 public hearing.
30

31 *[M. Soares left the meeting at 8:40PM and A. Rugg appointed L. El-Azem to vote in her*
32 *absence.]*
33

34 B. Public Hearing - Zoning Ordinance Amendments - Vehicle Access and Parking
35

36 T.Thompson presented the proposed changes to the Board (**see attached**).
37

38 A. Rugg asked for public input. George Hermann was the only resident present and he
39 approved of the proposed changes. He also complimented the work done by 2006 intern
40 Eric Dyer on these projects, especially related to the provision of bicycle parking.
41

42 **J. Farrell made a motion that we recommend to the Town Council adopting the**
43 **amendments to Section 3.10 (Vehicle Access and Parking) of the Zoning**
44 **Ordinance. R. Brideau seconded the motion.** No discussion. **Vote on the motion: 9-**
45 **0-0.**
46

47 A.Rugg said this recommendation will now go to the Town Council for readings and a
48 public hearing.
49

50
51 **Other Business**
52

53 None.

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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 8:55PM.

These minutes prepared by Cathy Dirsra, Planning Department Secretary.

Respectfully Submitted,

Paul DiMarco, Secretary

Signs

Zoning Ordinance Amendments

Public Hearing

September 5, 2007

Summary of Proposed Changes

- Revision of regulation structure
 - Inclusion of Purpose and Intent section
 - Clarification of dimensional requirements
 - Consolidation of all relevant regulation
 - Additional requirements for signs not currently addressed
 - Inclusion of performance standards
 - Improved content neutrality
-

Public Participation

- Coordinated by 2006 summer intern, Eric Dyer. Focus Groups and Surveys (Old Home day booth) were used to collect information. Feedback included:
 - Maintaining the rural and agricultural character of Londonderry is important
 - Monument signs are preferred over tall pole signs
 - Natural materials and historical appearance are preferred
 - Neon and electric signs are very much disliked
 - Illumination is of concern
 - Height limits were discussed
 - Preference for keeping regulations district specific
 - Performance standards perceived as a good idea in many areas
 - Flexibility would help improve sign appearance
-

Sections 3.11.1, 3.11.2, & 3.11.3

- **3.11.1 - Purpose and Intent**
 - Spells out general purposes of the requirements.
 - **3.11.2 - Authority**
 - Statutory authority to have parking requirements.
 - **3.11.3 - Severability**
 - Makes sure if any portion of the ordinance is found to be unconstitutional, the remainder remains effective.
-

Section 3.11.4

- Spells out the permitting process for signs
- New Commercial/Industrial Development required to have signs as part of Site Plan approval
- No changes from current ordinance

Section 3.11.5

- Spells out size and height requirements for signs (freestanding and wall mounted)
- Clarifications made to the calculation of sign area
- Significant change: Maximum freestanding sign height limited to 10 feet above grade

Section 3.11.6

- Spells out general requirements for signage by type of sign, and by zoning district
 - Subsections deal with:
 - Signs Not Requiring a permit
 - Signs prohibited in all districts
 - Signs permitted in all districts
 - Signs permitted and prohibited by district
-

Section 3.11.6.1

- Signs Not Requiring a Permit include:
 - Construction signage
 - Flags
 - Historical Reference signs
 - Holiday Decorations (with limitations on time)
 - Indicator and directional signs
 - Newspaper boxes
 - Political Signs (with reference to state statutes)
 - On-premise real estate signs
 - Special Event signs (with limitations on time)
-

Section 3.11.6.2

- Signs Prohibited in all districts include:
 - Portable or wheeled signs (except as permitted in other sections on a limited basis)
 - Vehicles or Trailers that are located in such a way as to be primarily for signage purposes
 - Banners, pennants, searchlights, twirling signs, etc (except as permitted in other sections on a limited basis)
 - Signs resembling traffic control or other public safety signage
 - Off-premise signs, except when granted a special exception by the Zoning Board
-

Section 3.11.6.3

- Signs permitted in all districts include:
 - Construction site signs
 - 1 freestanding ground sign (as permitted by the underlying zoning district)
 - Off-Premise signs (only when allowed by special exception by the ZBA)
 - On-premise Open House signs (with limitations)
 - Temporary signs (with limitations)
 - Incidental signs (credit card accepted, trade affiliations, etc)
 - Price information signs on gas pumps
 - Identification signs less than 2 square feet
 - Flags
-

Section 3.11.6.4

- Signs Permitted and Prohibited by District
 - **Section 3.11.6.4.1 and 3.11.6.4.2 - Residential Districts & Agricultural Uses**
 - Requirements for signs including subdivision or condominium signs, home occupation signs, permanent agricultural use signs, & seasonal agriculture signs.
-

Section 3.11.6.4 (cont'd)

- **Section 3.11.6.4.3 – C-I, C-II, & C-III Districts**
 - **Freestanding Sign** – 1 per lot, 65 sq feet (up to 75% changeable copy), 15' setback
 - Size can be increased for freestanding sign if:
 - Multi-tenant building
 - Lot greater than 8 acres (10 additional sq feet for each acre over 8, up to a maximum of 100 sq feet)
 - **OR** a Second Freestanding Sign permitted if:
 - Multi-tenant building
 - Frontage on 2 or more roadways
 - Lot greater than 8 acres (total of both signs combined can not exceed 10 sq feet for each acre over 8, up to a maximum of 100 square feet)
 - **Wall Signs** – 1 per building, 50 sq feet
 - Lots with 2 frontages can have 2 wall signs with the area split between the 2
 - Multi-Tenant Buildings allow 40 sq feet per tenant
-

Section 3.11.6.4 (cont'd)

- **Section 3.11.6.4.4 –C-IV District**
 - Freestanding Sign – 1 per lot, 30 sq feet (up to 50% changeable copy), 15' setback
 - Wall Signs – 1 per building, 25 sq feet
 - Lots with 2 frontages can have 2 wall signs with the area split between the 2
-

Section 3.11.6.4 (cont'd)

- **Section 3.11.6.4.5 – I-I & I-II Districts**
 - Freestanding Sign – 1 per lot, 100 sq feet (up to 25% changeable copy), 10' setback
 - Wall Signs – 1 per building, 100 sq feet
 - Lots with 2 frontages can have 2 wall signs with the area split between the 2
-

Section 3.11.6.4 (cont'd)

- **Section 3.11.6.4.6 – Airport District**
 - Requirements spelled out for the unique needs of signage for the Manchester/ Boston Regional Airport

Section 3.11.6.4 (cont'd)

- **Section 3.11.6.4.7 & 8**
 - Reference to Performance Overlay District Sections
- **Section 3.11.6.4.9**
 - Spells out requirements for signage for religious facilities
 - 1 Freestanding, 30 sq feet; 1 wall sign, 30 sq feet
- **Section 3.11.6.4.10**
 - Reference to Historic District Section

Section 3.11.7

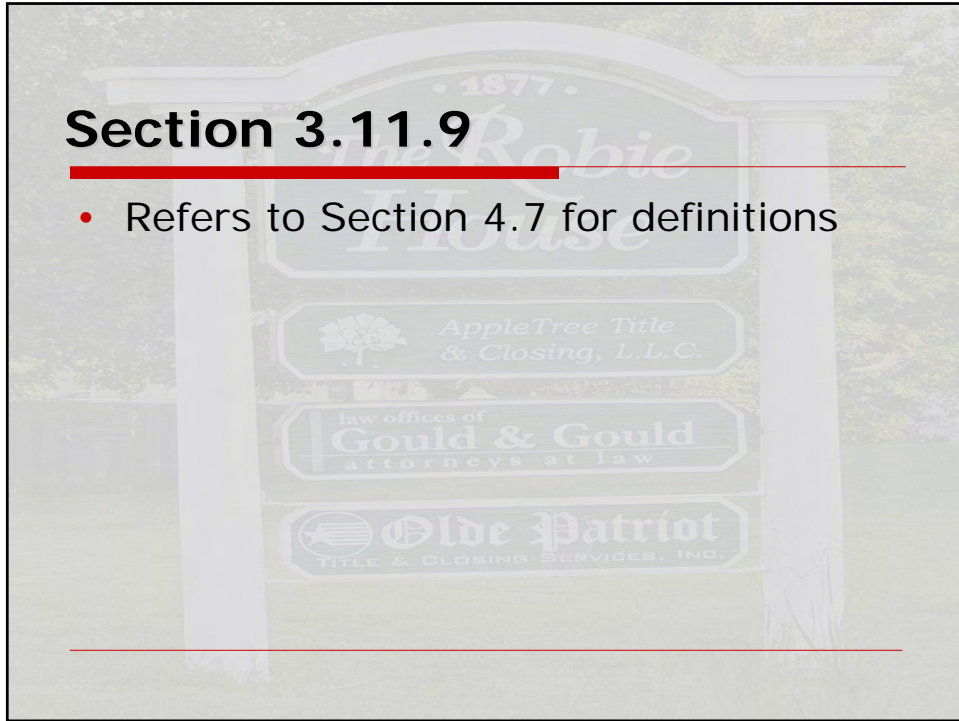
- Design, Construction & Maintenance
 - Location requirements
 - Construction materials and maintenance requirements
 - Non-mandatory aesthetic guidelines
 - Landscaping requirements
 - Prohibition on sign movement and electronic message boards
 - Illumination requirements
-

Section 3.11.8

- Pre-Existing Signs
 - Defines legally pre-existing signs
 - Details when a pre-existing sign loses protected non-conforming status
-

Section 3.11.9

- Refers to Section 4.7 for definitions





Vehicle Access & Parking

Zoning Ordinance Amendments


Public Hearing

September 5, 2007



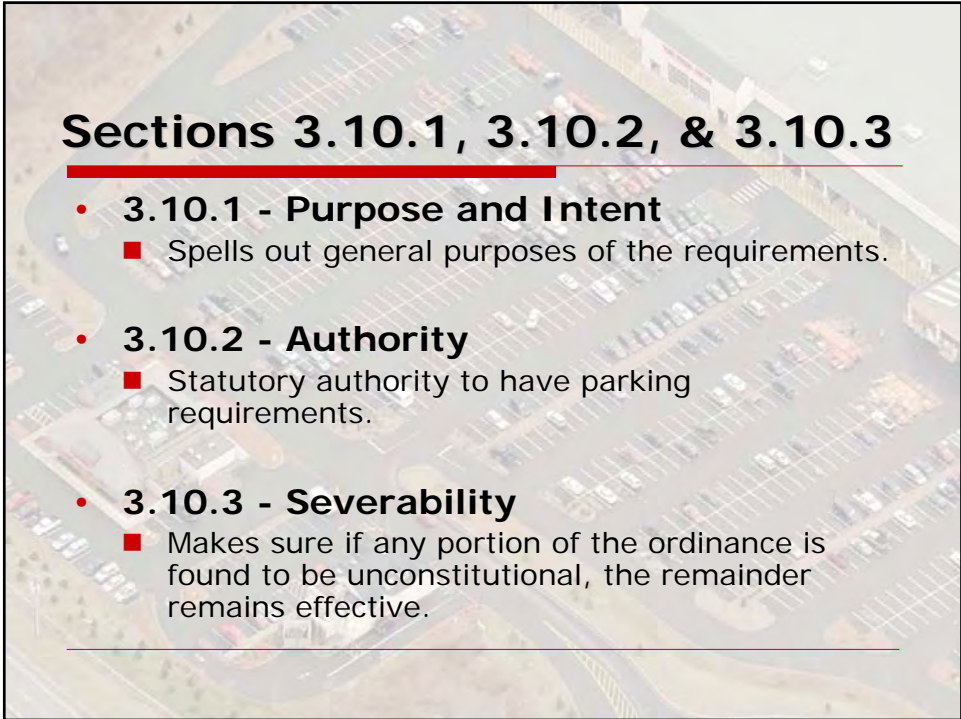
Summary of Proposed Changes

- Revision of regulation structure
 - Inclusion of Purpose and Intent section
 - Addition and specification of requirements in use table
 - Increased flexibility through Conditional Use Permits
 - Inclusion of bicycle parking standards (where applicable)
-



Public Participation

- Coordinated by 2006 summer intern, Eric Dyer. Focus Groups and Surveys (Old Home day booth) were used to collect information. Feedback included:
 - Safety is a primary concern
 - Transit possibilities should be considered
 - Parking of commercial vehicles in residential neighborhoods may be an issue
 - There needs to be more flexibility and less expense
 - Environmentally friendly lot design is favored
-



Sections 3.10.1, 3.10.2, & 3.10.3

- **3.10.1 - Purpose and Intent**
 - Spells out general purposes of the requirements.
 - **3.10.2 - Authority**
 - Statutory authority to have parking requirements.
 - **3.10.3 - Severability**
 - Makes sure if any portion of the ordinance is found to be unconstitutional, the remainder remains effective.
-



Section 3.10.4

- Spells out when ordinance is applicable
 - Spells out requirements for non-conforming lots
 - Determines when non-conforming status is lost for purposes of parking requirements.
-



Section 3.10.5

- Specifies requirements for driveway access to properties
 - Distance from intersections
 - Distance from other driveways
 - Width requirements
-



Section 3.10.6

- Requirements for off-street parking lot locations
 - Requirements for loading spaces to be on the same lot as the proposed use
 - Access aisle location requirements
 - Protection of pedestrians by curbs/bumpers
 - Spells out requirements for off-site parking locations
-



Section 3.10.7

- Dimensional requirements for parking areas
 - Stall sizes
 - Dimensions for Compact Auto Spaces (allowed by Conditional Use Permit)
 - Loading Space dimensional requirements
 - Table of parking space and aisle dimensions by angle of parking spaces
-



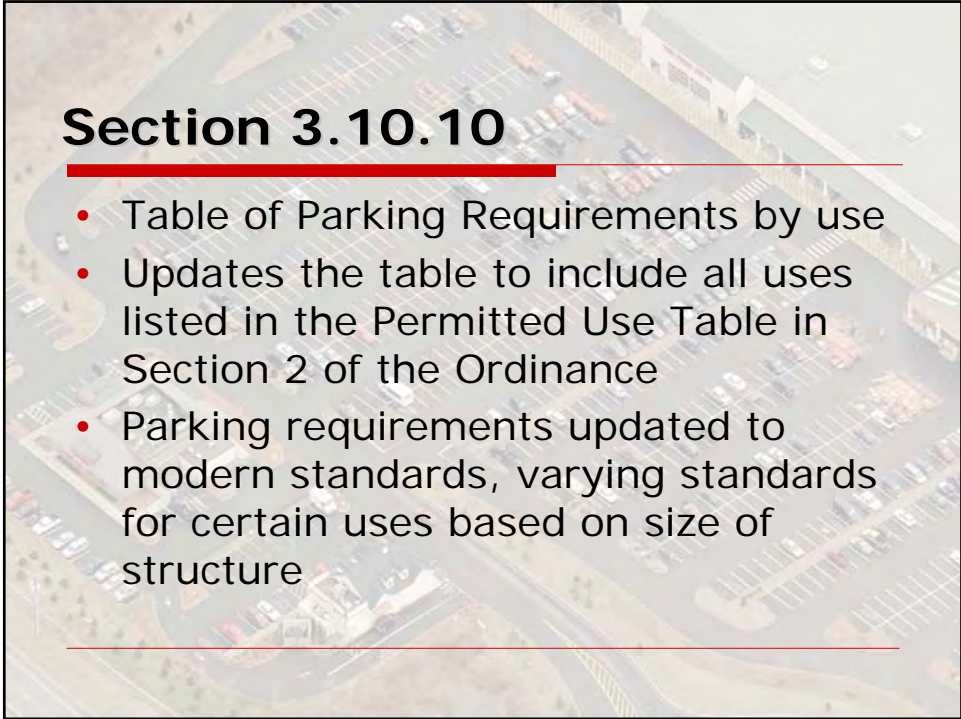
Section 3.10.8

- General Parking and Loading Standards
 - Methods of calculation of required parking
 - Stacking space requirements for “drive-thru” uses
 - Maximum number of “compact” spaces (if permitted by Conditional Use Permit)
-



Section 3.10.9

- Parking & Loading space requirements specific to individual zoning districts
 - Prohibits on-street loading
 - Buffering of loading areas to adjacent residential uses
 - Reference to unique requirements in the Performance Overlay Districts
-




Section 3.10.10

- Table of Parking Requirements by use
 - Updates the table to include all uses listed in the Permitted Use Table in Section 2 of the Ordinance
 - Parking requirements updated to modern standards, varying standards for certain uses based on size of structure
-



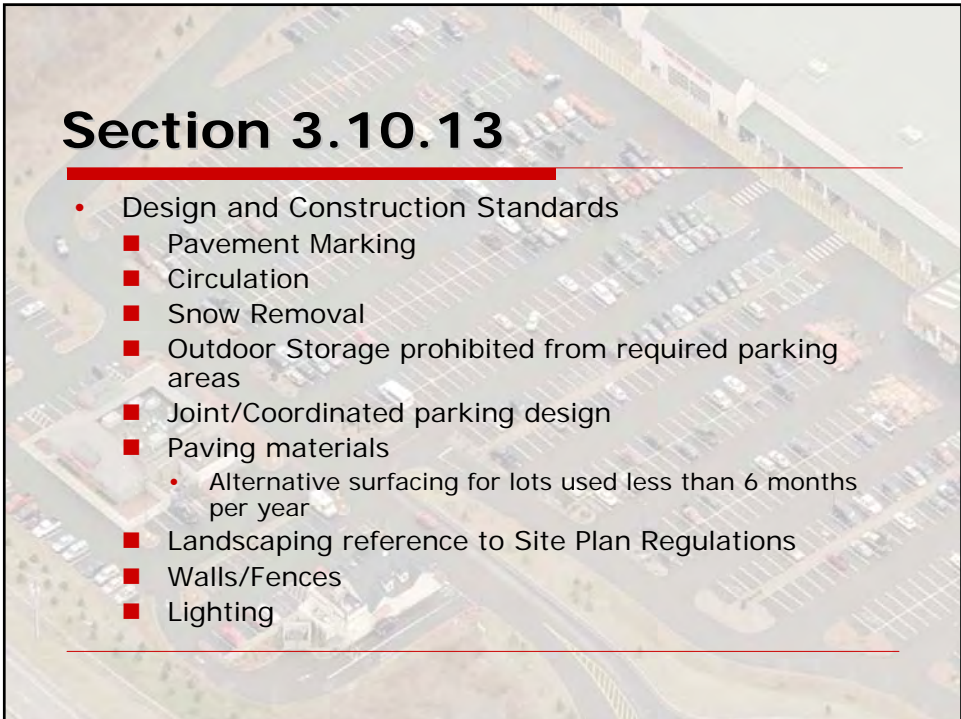
Section 3.10.11

- Establishes Planning Board flexibility in administration of parking requirements through Conditional Use Permits
 - Will help to reduce the burden on the Zoning Board of Adjustment for parking variances
-



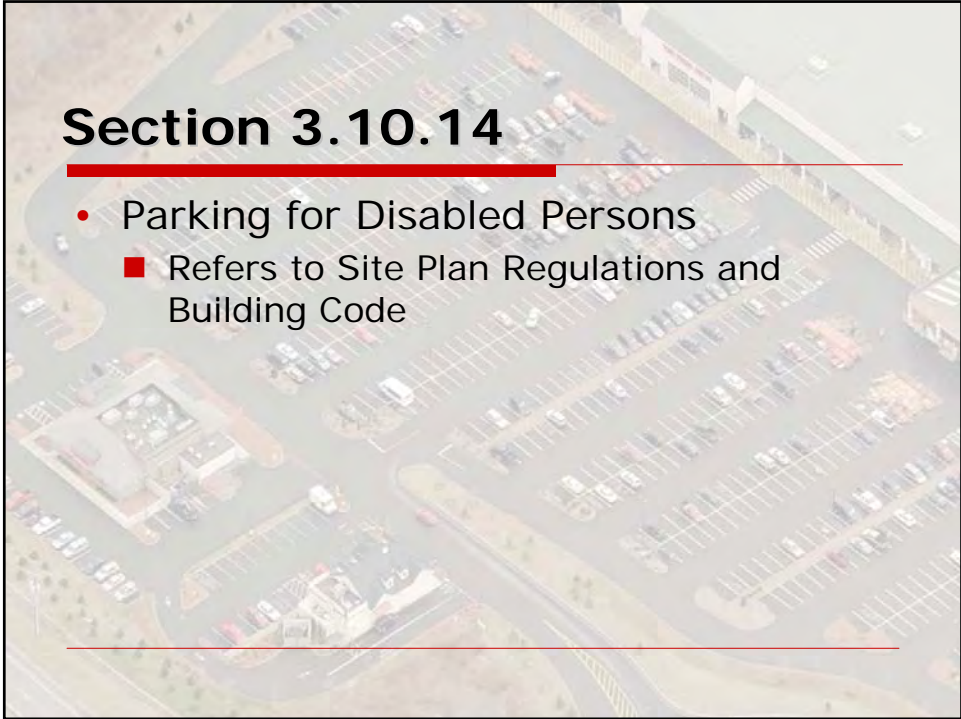
Section 3.10.12

- Alternative Parking Standards by Conditional Use Permit
 - Compact Auto Spaces
 - Shared Parking
 - Future Parking
 - Transportation Mitigation Plans
 - Alternative Transportation
 - Van/Carpooling
 - Shuttle Service
-



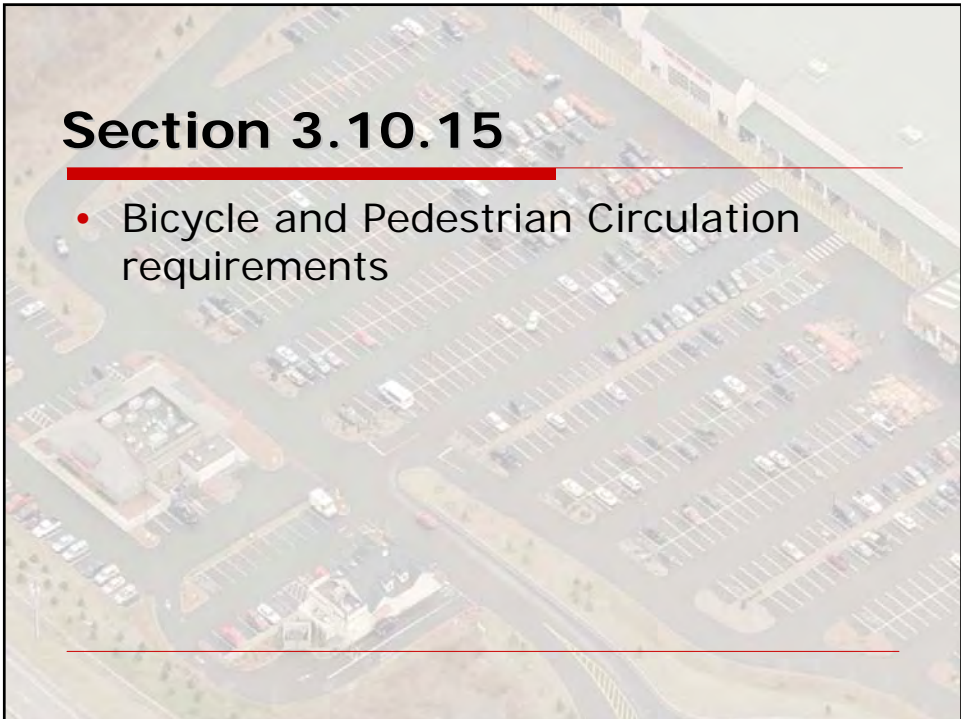
Section 3.10.13

- Design and Construction Standards
 - Pavement Marking
 - Circulation
 - Snow Removal
 - Outdoor Storage prohibited from required parking areas
 - Joint/Coordinated parking design
 - Paving materials
 - Alternative surfacing for lots used less than 6 months per year
 - Landscaping reference to Site Plan Regulations
 - Walls/Fences
 - Lighting
-



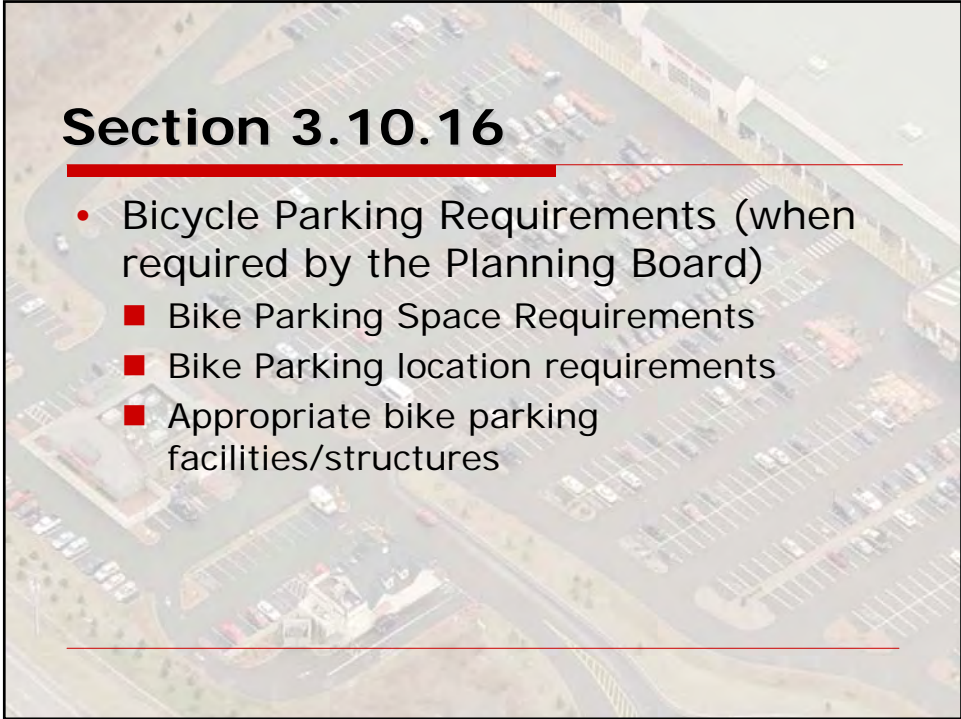
Section 3.10.14

- Parking for Disabled Persons
 - Refers to Site Plan Regulations and Building Code



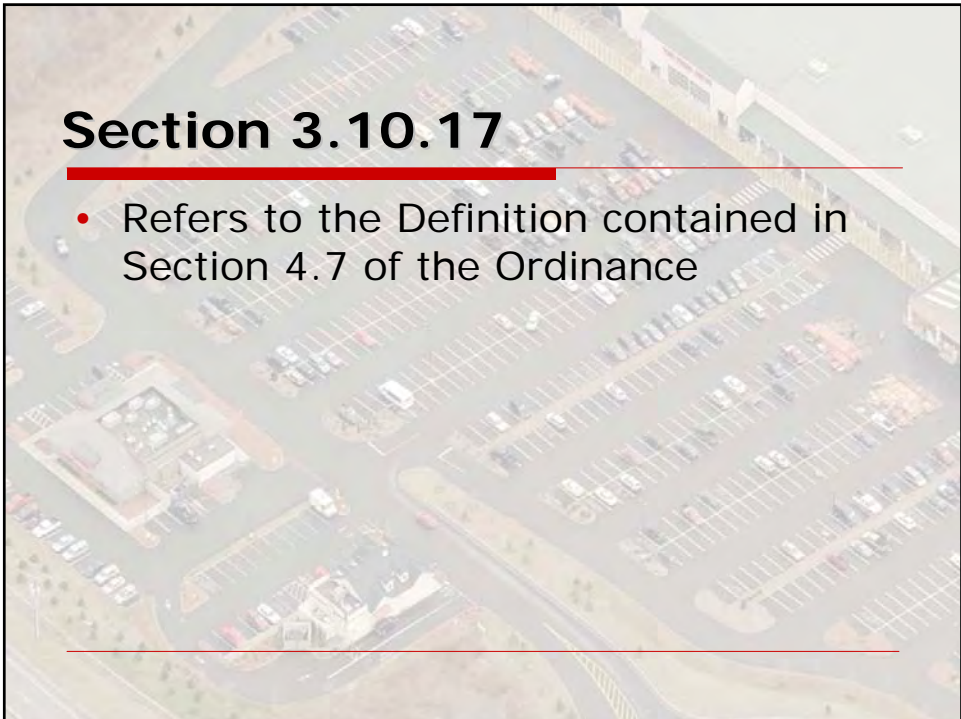
Section 3.10.15

- Bicycle and Pedestrian Circulation requirements



Section 3.10.16

- Bicycle Parking Requirements (when required by the Planning Board)
 - Bike Parking Space Requirements
 - Bike Parking location requirements
 - Appropriate bike parking facilities/structures
-



Section 3.10.17

- Refers to the Definition contained in Section 4.7 of the Ordinance
-

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF SEPTEMBER 12, 2007 AT THE MOOSE HILL COUNCIL**
3 **CHAMBERS**
4

5 7:00 PM: Members Present: Art Rugg; Tom Freda; Rick Brideau, Ex-Officio; John Farrell;
6 Kathy Wagner, Ex-Officio; Charles Tilgner, P.E., Ex-Officio; Paul DiMarco; Mary Soares; Rob
7 Nichols; Lynn Wiles, alternate member

8
9 Also Present: Tim Thompson, AICP; Cathy Dirsra, Planning Department Secretary

10
11 A. Rugg called the meeting to order at 7 PM. .
12

13
14 **Administrative Board Work**
15

16 A. Plans to Sign - Crowning Holdings Amended Site Plan - Map 15, Lot 2
17

18 T. Thompson said all precedent conditions for approval have been met and the staff
19 recommends signing the plans.

20 **J. Farrell made a motion to authorize the Chair and Secretary to sign the plans. R.**
21 **Brideau seconded the motion. No discussion. Vote on the motion: 9-0-0.**

22 A. Rugg said the plans will be signed at the conclusion of the meeting.
23

24 B. Signing of Minutes – August 1, 8, & 29
25

26 Minutes for August 1, 8 and 29 have been signed.
27

28 C. Discussions with Town Staff
29

30 T. Thompson said there were several Planning Board related items on the agenda next
31 Monday at the Town Council meeting:

32 Coca-Cola Rezoning along Clark Road, Historic Properties Preservation Task Force final
33 report presentation, and real agent Tom Duffy's letter regarding rezoning at Jack's Bridge
34 & Clark Roads.
35

36 A. Rugg mentioned several Regional Planning Commission and CTAP events that were
37 upcoming. He also mentioned the Exit 4A meeting taking place tonight in Derry.
38

39 A. Rugg stated that the Board would hear items on the agenda in a slightly different
40 order, due to the anticipated length of some of the discussions and to deal with
41 continuance requests.
42

43 **Public Hearings**
44

45 G. Mark Investments LLC, Map 6, Lots 49 & 52 - Public Hearing for a waiver to Section
46 6.01.d of the Site Plan Regulations to allow for temporary occupancy of Walgreens prior
47 to all off-site improvements being completed.
48

49 T. Thompson stated that Walgreen's has requested a continuance of their waiver request
50 to October 3, 2007, and read the request from Hayner/Swanson on behalf of the
51 applicant.
52

1 **J. Farrell made a motion to continue the public hearing to October 3, 2007 at 7PM.**
2 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 9-0-0.** Hearing
3 will be continued to October 3, 2007 at 7PM in the Moose Hill Council Chambers. A.
4 Rugg said this will be the only public notice.

5
6 A. Conceptual Discussion - Nutfield Publishing - 2 Litchfield Road – Map 12, Lot 68
7

8 William Gregsak, Gregsak Engineering presented their plans. Project is for a change in
9 use from residential to a newspaper publishing office. The parcel is 60,000 s.f. in size,
10 conditionally rezoned to C-III/Historic District. They are proposing a parking lot with 12
11 spaces and low-grade lighting. The gazebo will be relocated onto the existing patio.
12 There will be a detention pond at the rear corner of the parking lot. Gregsak said they do
13 have to obtain a state permit for a driveway access onto Mammoth Road.
14 Chris Paul, Nutfield Publishing said there would be no major change to the landscaping
15 on the site as part of the project.

16
17 T. Thompson summarized the rezoning history of the parcel, and the challenges
18 associated with the parcel being surrounded by AR-I zoned parcels (50-foot buffers
19 required on all sides). The project will need the Historic District Commission to issue a
20 certificate of approval, as the conditional rezoning places the parcel in the Historic
21 District. Additionally, the last condition of the rezoning is to provide a historic
22 preservation easement for the building.

23
24 A. Rugg asked for public input. No public input received.
25

26 C. Arthur Cross, Map 6, Lot 79 - Continued public hearing under RSA 231:158 for tree
27 removal on a state designated Scenic Road (Adams Road).
28

29 J. Farrell said the owner offered 14 trees to the Conservation Commission to plant
30 around town at the site walk on August 29.

31 Mike Gospadarek, Ed Hebert & Associates, said he is here to answer any questions from
32 the Board.

33 A. Rugg asked for public input.

34 Helen Ogden, 34 Adams Road, said she is concerned about changing a scenic road, but
35 approves of the tree removal for the safety of residents.
36

37 **J. Farrell made a motion to grant permission under RSA 231:158 for the removal of**
38 **the 16 trees as marked in the field. R. Brideau seconded the motion.** No discussion.
39 **Vote on the motion: 9-0-0.**
40

41 E. Tarkka Homes, Map 15, Lot 215-1 - Continued Public Hearing for a Site Plan and
42 Conditional Use Permit to construct a 44 unit Elderly Housing development.
43

44 Paul Morin, Tarkka Homes, and Todd Connors, Sublime Civil Consultants, presented
45 their plans. Morin is asking for direction from the Board tonight on the easement with the
46 abutters. A. Rugg said the Board will have the applicant work with DPW as a condition of
47 the approval. Morin said the Crowley's are in agreement with the drainage situation.
48

49 T. Thompson summarized the design review items from the DPW/Stantec memo. He
50 also said that staff recommends conditional approval of this plan.
51

52 A. Rugg asked for public input. No public input received.
53

1 **J. Farrell made a motion to conditionally approve the site plan with the following**
2 **conditions:**

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

6
7 **PRECEDENT CONDITIONS**

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

- 13
14 1. The main roadway width serving the site has been increased to 24 feet and now
15 includes a sidewalk along one side and indicates additional wetland impact at the
16 wetland crossing than the previous submission. The Applicant indicates that
17 amended permits are being coordinated with the NHDES (wetland and site specific
18 permits). The Applicant shall obtain updated project permits consistent with the
19 latest design, note the updated permit numbers on the cover sheet and provide
20 copies of the updated permits for the Planning Department's file.
21
- 22 2. The Applicant has provided an updated drainage report with this latest submission.
23 The Applicant shall address the following relative to the latest report:
- 24 A. The revised predevelopment calculations indicate different elevations inverts
25 and volumes at pond 100 than the previous submission. It is unclear how the
26 area for the pond was determined since the limits for elevation 300 are not
27 shown on the submitted drainage area plan. We note the 300 elevation on
28 sheet C11 is not complete. The Applicant shall provide additional information,
29 including spot elevations, to clarify the noted volumes currently exist for this
30 pond. In addition, it appears of the limits to this pond may extend to the
31 existing building on abutting lot 215. The Applicant shall clarify and explain
32 the limits of this pond and extent onto abutting lot 215.
- 33 B. The revised predevelopment calculations indicate different elevations inverts
34 and volumes at pond 99 than the previous submission. It is unclear how the
35 area for the pond was determined since the limits for elevation 296 and 298
36 are not indicated on the submitted drainage area plan. The Applicant shall
37 note the area for the 296 contour on sheet C11 appears smaller than shown
38 in the calculations. The Applicant shall provide additional information,
39 including spot elevations, to clarify the noted volumes currently exist for this
40 pond. In addition, the Applicant shall clarify and explain if the limits of this
41 pond extend onto abutting lot 215.
- 42 C. The Applicant shall verify the pavement areas in post subcatchments 8S,
43 101S and 110S and revise as necessary.
- 44 D. The revised analysis indicates fixed tailwater conditions at elevation 308.49 at
45 the outlet of the 24" roadway cross culvert under Cider Mill Road (at elevation
46 307.92) at pond 101P is proposed under this design. Please note it appears
47 the design does not provide for proper drainage at the outlet. We understand
48 the Town typically recommends the pipe outlets be designed for free flowing
49 conditions. The Applicant shall explain why this condition is created under
50 this design at the downstream outlet of the 24" pipe. We recommend the
51 design be revised to provide free flow conditions for the outlet and meeting
52 approval of the Town.

- 1 E. The analysis at pond 99AP indicates a fixed tailwater condition at the pipe
2 outlet into the existing drainage system at Buckthorn Street. The Applicant
3 shall explain how this was determined in the analysis and provide appropriate
4 calculations and analysis in the report to substantiate the conditions.
- 5 F. In general, the revised analysis indicates fixed tailwater conditions at the
6 detention basin outlets implying the outlets would always be partially
7 submerged and proper drainage may not be provided at the outlets. However,
8 the peak elevations in the project analysis appear to happen at different times
9 and use of fixed tailwater conditions does not appear to properly represent
10 the conditions. We would anticipate the analysis to indicate dynamic tailwater
11 conditions and recommend the design be revised accordingly. The Applicant
12 shall verify compliance with the regulations (no increase in runoff).
- 13 G. The Applicant shall revise the pre- and post development plans to indicate the
14 map and lot number of the abutting lots.
- 15
- 16 3. The Applicant shall revise the proposed grading shown for treatment swale A on
17 sheet C2 to provide a 3H:1V side slope consistent with the detail. In addition, the
18 Applicant shall provide locations (station and offset) for CB's 100 and 102 and the
19 FES outlets 101 and 103.
- 20
- 21 4. The Applicant shall indicate the existing 300 contour that is missing near abutting
22 lots 195 and 196 on the existing conditions plan as shown on sheet C11. The
23 Applicant shall revise all applicable sheets in the plan set accordingly. In addition,
24 the Applicant shall clarify if a 298 contour also exists in this location and revise as
25 necessary.
- 26
- 27 5. The Applicant shall revise the phasing plan to address the following:
28 A. The Applicant shall note the installation of water and sewer services to
29 building 1 under phase 1.
30 B. The driveways serving units 4-1 and 4-2 are not addressed under phase 2
31 when the rest of the building 4 is to be constructed. The Applicant shall
32 clarify, revise and update the plan accordingly.
- 33
- 34 6. The Applicant shall provide correspondence from the Fire Department, for the
35 Planning Department's file, to clarify the proposed hydrant locations shown on the
36 utility plan meet the approval of the Fire Department.
- 37
- 38 7. The Applicant shall combine the lots by voluntary merger prior to certification of the
39 site plan.
- 40
- 41 8. The Applicant shall provide updated easement language for all proposed
42 easements (including the off-site easement for drainage on the Crowley property)
43 for review and approval by the Town.
- 44
- 45 9. Note all waivers and the conditional use permit granted on the plan.
- 46
- 47 10. The Applicant shall provide a digital (electronic) copy of the complete final plan
48 sent to the Town at the time of signature by the Board in accordance with Section
49 2.05.n of the regulations.
- 50
- 51 11. Financial guaranty if necessary.
- 52
- 53 12. Final engineering review

1
2 **PLEASE NOTE** - Once these precedent conditions are met and the plans are certified
3 the approval is considered final. If these conditions are not met within 120 days to the
4 day of the meeting at which the Planning Board grants conditional approval the board's
5 approval will be considered to have lapsed and re-submission of the application will be
6 required. See RSA 674:39 on vesting.
7

8 **GENERAL AND SUBSEQUENT CONDITIONS**
9

10 All of the conditions below are attached to this approval.
11

- 12 1. **No construction or site work for the amended site plan may be undertaken**
13 **until the pre-construction meeting with Town staff has taken place, filing of**
14 **an NPDES-EPA Permit and the site restoration financial guaranty is in place**
15 **with the Town.** Contact the Department of Public Works to arrange for this
16 meeting.
17
- 18 2. The project must be built and executed exactly as specified in the approved
19 application package unless modifications are approved by the Planning
20 Department & Department of Public Works, or if staff deems applicable, the
21 Planning Board.
22
- 23 3. All of the documentation submitted in the application package by the Applicant and
24 any requirements imposed by other agencies are part of this approval unless
25 otherwise updated, revised, clarified in some manner, or superseded in full or in
26 part. In the case of conflicting information between documents, the most recent
27 documentation and this notice herein shall generally be determining.
28
- 29 4. All site improvements must be completed prior to the issuance of a certificate of
30 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
31 circumstances that prevent landscaping to be completed (due to weather
32 conditions or other unique circumstance), the Building Department may issue a
33 certificate of occupancy prior to the completion of landscaping improvements, if
34 agreed upon by the Planning & Public Works Departments, when a financial
35 guaranty (see forms available from the Public Works Department) and agreement
36 to complete improvements are placed with the Town. The landscaping shall be
37 completed within 6 months from the issuance of the certificate of occupancy, or the
38 Town shall utilize the financial guaranty to contract out the work to complete the
39 improvements as stipulated in the agreement to complete landscaping
40 improvements. **No other improvements shall be permitted to use a financial**
41 **guaranty for their completion for purposes of receiving a certificate of**
42 **occupancy.**
43
- 44 5. As built site plans must to be submitted to the Public Works Department prior to
45 the release of the Applicant's financial guaranty.
46
- 47 6. All required Traffic, Library, Recreation, Police, and Fire impact fees must be paid
48 prior to the issuance of a Certificate of Occupancy.
49
- 50 7. It is the responsibility of the Applicant to obtain all other local, state, and federal
51 permits, licenses, and approvals which may be required as part of this project (that
52 were not received prior to certification of the plans). Contact the Building
53 Department at extension 115 regarding building permits.

1
2 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 9-0-0.** Plan is
3 conditionally approved.
4

5 B. 2009 - 2014 Capital Improvements Plan - Workshop
6

7 T. Thompson and J. Farrell gave an overview of the CIP process to date (See
8 attachment).
9

10 A. Rugg said there will be a public hearing on October 10. He asked for public input.
11

12 Mike Brown, 5 Carousel Court, asked if the Rt. 28 & 128 intersection project had any
13 cost to taxpayers. T. Thompson said no for the preliminary engineering (covered by the
14 State and Federal government) and that his best guess is there will be a 20% local
15 match required for the construction.
16

17 A. Rugg asked if staff could provide a chart showing school growth for next year's CIP.
18 T. Thompson said he can provide that for the Board.
19

20 D. Holten Realty LLC, Map 15, Lot 13 - Continued Public Hearing for a site plan and
21 Conditional Use Permit to construct a 4000 square foot structure to house existing auto
22 salvage operations.
23

24 Ed Dudek, applicant, said nothing has changed. J. Farrell said staff has contacted the
25 town attorney.
26

27 T. Thompson read the following from the staff recommendation memo:
28

29 *Staff has discussed the issue of liability as it relates to the driveway and sight distance*
30 *with the Town Attorney. The staff and attorney had a different understanding of what*
31 *"access to the site" meant during our initial meeting several months ago. It is the*
32 *recommendation of the Town Attorney that the driveway and sight distance are existing,*
33 *non-conforming uses of the property. He recommends that the Planning Board treat*
34 *the driveway and sight distance as such, and that waivers to allow the driveway and*
35 *sight distance as they exist are not needed. Further, in his recommendation, he states*
36 *that the Town would not be liable if an accident were to occur as a result of not*
37 *improving the driveway and sight distance (see letter and case summary of Hurley v.*
38 *Hudson in the packet).*
39

40 *It should be noted that staff understands the recommendation of the Town Attorney, but*
41 *still believes that improvements to the driveway and sight distance are proper planning*
42 *and engineering practice. As such, while the waivers are no longer applicable, staff will*
43 *recommend that the Board require sight distance improvements and driveway*
44 *modifications as conditions of approval. If the Board disagrees with Staff's position the*
45 *proposed conditions of approval related to the driveway and sight distance should not*
46 *be included in any motion for conditional approval.*
47

- 48 • *Conditional Use Permit: Assuming the Board agrees with the Town Attorney and*
49 *does not require sight distance improvements as part of the conditions of approval,*
50 *then the CUP is not needed. If the Board opts to require sight distance*
51 *improvements as part of the conditions of approval, staff would recommend that a*
52 *Conditional Use Permit be obtained under a separate public hearing (as a condition*
53 *of approval).*
54

- Recommendation: Based upon the information available to date the Staff recommends Conditional Approval of this application with the Notice of Decision to read substantially as follows (conditions 1, 2a, 3a, and 3c should be eliminated if the Board does not wish to require improvements to meet sight distance and driveway width requirements)

J. Farrell said staff has been working with the questions/concerns expressed by Richard Belinski, 89 Hall Road. T. Thompson summarized the determination from Jim Smith regarding the questions of non-conforming use, and also said the 30-day clock for appeal of Mr. Smith's determination starts tonight.

A. Rugg asked for public input. Al Baldasaro, 41 Hall Road, said he feels it's important to protect the environment and approve this building. Richard Belinski, 89 Hall Road, said he sees problems with this proposal. He said there was never an approved site plan for the front parking lot, so it's nonconforming. He referred to the shed being replaced by a building as being against the ordinance that was in place at the time this business was started. He doesn't feel you can count box trailers as property.

T. Thompson said that no staff member has discussed with him that the parking lot being there illegally, needs a determination from the Zoning Officer, J. Smith. J. Smith said he would like to meet with the town attorney before answering the question. K. Wagner asked Frank Holdsworth, Code Enforcement Officer if the vehicles parked in front of the building are considered equipment and whether or not they are allowed to be parked in front of the building. Holdsworth said if it's a registered vehicle then it's not considered equipment. Belinski said flat bed trucks, tow trucks, etc. should not be considered personal vehicles, but are considered equipment.

J. Farrell said staff needs to continue with due diligence, meet with the Town Attorney.

T. Thompson said staff would recommend conditional approval of this plan tonight.

A. Baldasaro said that this building is a simple approach to enclose everything under one roof. Lee LeBlanc, 58 Hall Road, said had a realtor come out to his property last week. He asked how the tree removal would impact his property value. The realtor said the tree removal would have a negative \$30,000 impact on his property. He still feels that this building would be an improvement and would protect the environment.

Claudette Adams, 54 Hall Road, expressed her disagreement with the junkyard being a grandfathered nonconforming use. She said the junkyard is no longer grandfathered because he was unregistered for more than one year. She said that if the building is not approved, it won't be business as usual, because he was required since 2004 by the DES to put a roof over the operation and to replace the cracked cement pad.

J. Farrell made a motion to continue to October 10, 2007. R. Brideau seconded the motion. No discussion. **Vote on the motion 8-1-0.** This hearing is continued to October 10, 2007 at 7PM in the Moose Hill Council Chambers. A.Rugg said this is the only public notice.

- F. Continued Conceptual Discussion - Petitioned Rezoning Application - Perkins Road, Map 16, Lots 1, 2 & 3 - from AR-I to R-III/C-II (Referred from Town Council)

T. Thompson said the public hearing with the Planning Board is scheduled for October 10, 2007 at 7PM in the Moose Hill Council Chambers.

Elmer Pease, applicant presented his plans again, because of the large public attendance at this meeting. Tom Duffy, Prudential/Verani Realty, represented the Wallace's, Perkins Road. He read into the record a letter from the Wallace's.

1 Duffy also said a simple review of the tax impact of this development should be
2 considered. He said part of the development will include 55+ and affordable housing.

3
4 T. Thompson referred to the preliminary staff recommendation for the project, as was
5 presented on August 8. He mentioned that the staff has developed a scope of work for
6 the small area master plan for this area with Southern NH Planning Commission, and it is
7 anticipated that the work will take approximately one year to complete.

8
9 L. Wiles asked what the tax impact would be if this area was used exclusively for
10 residential housing. T. Thompson said elderly housing and single family homes are
11 currently permitted in this area, which is AR-1. T.Freda mentioned the property on
12 Mammoth Road that was recently denied to rezone from residential to commercial. That
13 single family home is located on the lot next to the new Elliot medical building on Buttrick
14 Road. In his opinion it doesn't seem fair that they were refused and this parcel of 40
15 acres would be approved. He asked the applicant to state why they feel that this parcel
16 should be approved when the single family home was denied approval to rezone from
17 residential to commercial.

18
19 A. Rugg asked for public input.

20
21 Scott Bristol, 23 Bartley Hill Road, said he really doesn't want to see a strip mall.
22 Heather Anderson, 31 Perkins Road, gave a presentation of neighbors against rezoning.
23 (see attached)

24 Holly Gorgol, 5 Terracewood Road, said she is very concerned about traffic in that area
25 and the impact on our school system.

26 Doug Robbins, 35 Perkins Road, agrees with the master plan and feels that this
27 commercial creep and rezoning is against the master plan.

28 Chris Davies, 29 Perkins Road, said he has no objections to the Wallace's selling their
29 property, but doesn't feel this is the right choice. He would like to see the town purchase
30 the land as part of their open space program.

31 Scott Maynier, 32 Perkins Road, asked what the natural buffer is. The Board said it
32 would be the trees & water that currently exists. M.Soares pointed out that those trees
33 shed their leaves in the winter, so the buffer would not exist during those months.

34 Yvonne Taylor, 8 Danbury Court, expressed her concerns regarding excessive traffic
35 James Fabiano, 61 Perkins Road, agrees with everything that has already been stated
36 by his neighbors.

37 Noel Bristol, 25 Bartley Hill, also agrees with everything previously stated. She said the
38 speed on her road has increased drastically.

39 Betsey Bryant, 36 Bartley Hill, said the traffic speeds in her neighborhood are terrible.
40 She said anything added to that area which is non-residential will add tremendously to
41 the traffic impact.

42 Stan Gorgol, 5 Terracewood Road, said that he feels this project would bring down
43 property values.

44 Marie Bouchard, 19 Buttrick Road, said here we are again defending the master plan.
45 She would like to remind the Board that there are residential areas that want to remain
46 residential.

47 Pam McFarland, 4 Buckingham Dr, asked the Board for clarification on rezoning.

48 A. Rugg explained the process to everyone.

49 McFarland said she has lived in town for 11 years. She said she hasn't seen any
50 reduction in her taxes and feels that the Exit 5 area is turning into another Route 102.

51 Brian Farmer, 106 Chase Road, said he has seen democracy in progress here tonight
52 and he applauds the effort.

1 Bill Clavery, 31 Perkins Road, said people weren't aware of the retail stores and
2 everyone says they don't want the rezoning. He said the speed of the traffic is appalling.
3 [J. Farrell left at 11:05PM]

4 Mike Brown, Carousel Court, said he feels the residents have given the Board adequate
5 feedback to make an informed decision.

6 Leo Vansteensburg, 48 Perkins Road, said the state does not pay top dollar for land.

7 John Dailey, 10 Terrace Wood, said he is opposed to this plan. He was previously one of
8 the residents that had not responded to the neighborhood survey.

9 Holly Gorgol, 5 Terracewood Road, wanted to clarify that the neighbors agree that the
10 Wallace's and others do definitely have a right to sell/develop their property, but the
11 neighbors want to keep it residential, not commercial.

12 Heather Anderson, 31 Perkins Road, finished her presentation.

13 A. Rugg encouraged residents to attend the public hearing October 10, 2007.
14
15

16 **Other Business**

17
18 None.

19
20 **Adjournment:**

21
22 **K. Wagner made a motion to adjourn the meeting. R. Brideau seconded the motion. No**
23 **discussion. Vote on the motion: 8-0-0. Meeting adjourned at 11:15 PM.**

24
25 These minutes prepared by Cathy Dirsra, Planning Department Secretary.

26
27 Respectfully Submitted,

28
29 Paul DiMarco, Secretary
30

Londonderry Capital Improvements Plan FY 2009 – FY 2014

Planning Board Workshop

September 12, 2007

Overview of CIP Process

- **A CIP is an advisory document that can serve a number of purposes, among them to:**
 - Guide the Town Council and the Budget Committee in the annual budgeting process;
 - Contribute to stabilizing the Town's real property tax rate;
 - Aid the prioritization, coordination, and sequencing of various municipal improvements;
 - Inform residents, business owners, and developers of planned improvements;
 - Provide the necessary legal basis for ongoing administration and periodic updates of the Londonderry Growth Management Ordinance;
 - Provide the necessary legal basis continued administration and periodic updates of the Londonderry Impact Fee Ordinance.
-

Advisory Nature of CIP

- It must be emphasized that the CIP is *purely advisory in nature*.
 - Ultimate funding decisions are subject to the budgeting process and the annual Town meeting.
 - Inclusion of any given project in the CIP does not constitute an endorsement by the CIP Committee.
 - The CIP Committee is bringing Department project requests to the attention of the Town, along with recommended priorities, in the hope of facilitating decision making by the Town.
-

What is a Capital Project?

- A tangible project or asset having a cost of at least \$100,000 and a useful life of at least five years.
 - Eligible items include new buildings or additions, land purchases, studies, substantial road improvements and purchases of major vehicles and equipment.
 - Operating expenditures for personnel and other general costs are not included.
 - Expenditures for maintenance or repair are generally not included unless the cost or scope of the project is substantial enough to increase the level of a facility improvement.
-

Potential Financing Methods

- 1-Year Appropriation (GF)
 - Capital Reserve (CRF).
 - Lease/Purchase
 - Bonds (BD)
 - Impact fees (IF)
 - Grants (GR)
 - Tax Increment Financing (TIF)
 - Public/Private Partnerships
-

Project Prioritization System

- **Priority 1 – Urgent - Cannot Be Delayed:** Needed immediately for health & safety
 - **Priority 2 - Necessary:** Needed within 3 years to maintain basic level & quality of community services.
 - **Priority 3 - Desirable:** Needed within 4-6 years to improve quality or level of services.
-

Project Prioritization System

- **Priority 4 - Deferrable:** Can be placed on hold until after 6 year scope of current CIP, but supports community development goals.
 - **Priority 5 - Premature:** Needs more research, planning & coordination
 - **Priority 6 - Inconsistent:** Contrary to land-use planning or community development goals.
-

Priority 1 Projects

- **Fire Department**
 - **North/West Station Replacement - \$1,500,000**
 - **Project Description:** This project will fund the construction of a new North/West Fire Station.
 - **Funding Source:** BD/IF
 - **Proposed Funding Year:** **FY 2009**
-

Priority 2 Projects

- **School District**
 - **South School Renovations - \$5,500,000**
 - Project Description: Replace the aging portable classrooms located at the South Elementary School with permanent construction. Project will likely also include some interior renovations and improvements to the field area.
 - Funding Source: BD
 - Proposed Funding Year: **FY 2009**
-

Priority 2 Projects

- **Public Works & Engineering - Highway Division**
 - **Roadway Rehab/Reconstruction Program - \$9,000,000 (\$1,500,000 annually)**
 - Project Description: Implementation of a roadway rehabilitation and reconstruction program for the Town's roadway infrastructure.
 - Funding Source: BD/GF/GR
 - Proposed Funding Year: **FY 2009**, 2010, 2011, 2012, 2013, 2014
-

Priority 2 Projects

- **Public Works & Engineering - Highway Division**
 - **Highway Garage Improvements - \$500,000**
 - Project Description: Improvements to the existing Highway Garage including construction of a shed to store sand/salt mixtures and house trucks & equipment, and construction of a 24' x 80' addition to the existing building to house a forman's office, lunchroom, and bathroom facilities.
 - Funding Source: Expendable Maintenance Trust Fund
 - Recommended Funding Year: **FY 2009** (Phase 2), 2010 (Phase 3)
-

Priority 2 Projects

- **Planning & Economic Development**
 - **Rt. 28/128 Intersection - \$2,500,000**
 - Project Description: The project proposes to upgrade the Rt. 28/Rt. 128 intersection by adding lanes to the four way approach, realigning the intersection and also signalization.
 - Funding Source: GR/IF/BD
 - Proposed Funding Year: **FY 2009** (Prelim Engineering - \$200,000), 2012 (ROW Acquisition - \$300,000), (Anticipated Construction in 2015 - \$2,000,000)
-

Priority 2 Projects

- **Planning & Economic Development Department**
 - **Pettingill Road Upgrade - \$14,000,000**
 - Project Description: This project will fund preliminary design plans and construction of the upgrade to Pettingill Road, a Class VI roadway that once upgraded will provide access to the industrial land south of Manchester Airport and connect with the NHDOT Airport Access Road.
 - Funding Source: TIF
 - Proposed Funding Year: FY 2010
-

Priority 2 Projects

- **Police Department**
 - **Facility Communications Room – \$350,000**
 - Project Description: Replace and upgrade of police communications system.
 - Funding Source: GF
 - Proposed Funding Year: FY 2010
-

Priority 2 Projects

- **School District**
 - **New SAU Office - \$150,000 (A&E), \$1,500,000 (Construction)**
 - Project Description: This project is to build a new SAU District Office.
 - Funding Source: BD
 - Proposed Funding Year: FY 2010 for A&E, FY 2011 for Construction
 - *This is an updated cost, which will be reflected in the final version of the CIP document (this change has not yet been added)*
-

Priority 3 Projects

- **Planning & Economic Development Department**
 - **Master Plan Update- \$150,000**
 - Project Description: Update to the 2004 Master Plan. The 2011 update will follow closely behind the Decennial Census. The new census information will give us updated population and demographic data.
 - Funding Source: GF
 - Proposed Funding Year: FY 2011
-

Priority 3 Projects

- **Fire Department**
 - **Central Station Renovations - \$1,050,000**
 - Project Description: General renovations to Central Station to improve efficiency of the building and fire operations.
 - Funding Source: BD
 - Proposed Funding Year: FY 2011 (A&E), FY 2012 (Construction)
-

Priority 3 Projects

- **Public Works & Engineering - Solid Waste Division**
 - **Dan Hill Road Drop Off Center Improvements - \$375,000**
 - Project Description: Site improvements to the existing drop-off facility on Dan Hill Road.
 - Funding Source: Reclamation Trust Fund
 - Proposed Funding Year: FY 2011
-

Priority 3 Projects

- **General Government**
 - **Open Space Protection - \$1,000,000**
 - Project Description: Continuing purchase of open space in accordance with the updated Open Space Preservation Plan.
 - Funding Source: BD/GF/GR
 - Proposed Funding Year: FY 2012
-

Priority 3 Projects

- **School District**
 - **Auditorium - \$720,000(A&E), \$1,000,000 (Site Preparation) \$10,280,000 (Construction)**
 - Project Description: Construction of a new auditorium for the needs of the District's music, performing arts programs. Planned seating capacity is under 1,000.
 - Funding Source: BD
 - Proposed Funding Year: FY 2012 (A&E), FY 2013 (Construction)
-

Priority 3 Projects

- **Public Works & Engineering - Sewer Division**
 - **South Londonderry Sewer Phase II - \$1,500,000**
 - Project Description: Construction of the South Londonderry Phase II sewer project, expanding service area to capture a mix of commercial and residential land uses, consistent with the Town's Sewer Facility Plan adopted by the Town in 2005.
 - Funding Source: BD/Private Developer Contribution
 - Proposed Funding Year: FY 2013
-

Priority 3 Projects

- **Public Works & Engineering - Sewer Division**
 - **Mammoth Road Sewer Replacement (portion) - \$240,000**
 - Project Description: Replacement of a section of sewer infrastructure in the Mammoth Road near the intersection of Mammoth and Sanborn, consistent with the 2005 Sewer Facility Plan, and the conditionally approved multi-family development plans on Sanborn Road.
 - Funding Source: BD/AF/Private Developer Contribution
 - Proposed Funding Year: FY 2013
-

Priority 4 Projects

- **Heritage Commission:**
 - **Historic Property Preservation Program - \$250,000 Annually**
 - Project Description: This project proposes an annual appropriation to address the need to protect Londonderry's diminishing supply of historic homes and barns.
 - Funding Source: GF
-

Priority 4 Projects

- **Public Works & Engineering - Sewer Division**
 - **Plaza 28 Sewer Pump Station Replacement - \$2,000,000**
 - Project Description: Replacement of the existing sewer pump station at Plaza 28, enhancing service area to capture a mix of commercial and industrial land uses in the Jack's Bridge Road TIF District, consistent with the 2005 Sewer Facility Plan.
 - Funding Source: TIF/AF/BD
-

Priority 4 Projects

- **Public Works & Engineering - Sewer Division**
 - **Mammoth Road (North) Sewer Extension**
- \$460,000
 - Project Description: Extension of sewer infrastructure in the Mammoth Road area of the "North Village", consistent with the 2005 Sewer Facility Plan.
 - Funding Source: BD/AF
-

Year by Year Project Cost Totals

- FY 2007 - \$3,951,442 (actual)
- FY 2008 - \$1,602,410 (actual)
- **FY 2009 - \$8,925,000 (proposed)**
- **FY 2010 - \$16,571,233*** (proposed)
- **FY 2011 - \$5,317,600*** (proposed)
- **FY 2012 - \$4,013,200** (proposed)
- **FY 2013 - \$4,730,000** (proposed)
- **FY 2014 - \$12,840,000** (proposed)

* will be less, and updated for the public hearing, based on reduction in SAU Office Project

Combined Tax Impact Analysis

- FY 2007 - \$1.60
- FY 2008 - \$1.72
- **FY 2009 - \$1.84**
- **FY 2010 - \$2.20***
- **FY 2011 - \$2.46***
- **FY 2012 - \$2.49***
- **FY 2013 - \$2.38***
- **FY 2014 - \$2.50***

* will be less, and updated for the public hearing, based on reduction in SAU Office Project

Note Regarding Previously Appropriated Exit 4A Project


- The bond for Exit 4A has been approved by a prior Town Meeting, so to that extent, it is an approved project and is not included in the CIP.
 - However, the project's debt service has not yet impacted the community.
 - In order to provide a complete estimation of the fiscal impact of capital projects, 4A has been indicated in the Financing Plan and Net Tax Impact Analysis spreadsheets of the CIP.
 - Currently, there is \$4.5M in un-issued debt authorization. The Town Manager's estimation at this point and that these bonds will be sold as a twenty year note in FY2010, with Principal & Interest payments beginning in FY2011.
-

Conclusion & Recommendations

- The CIP Committee has determined that there is not enough information to make a funding recommendation concerning the Priority 4 projects. These are projects in the opinion of the Committee that should be studied in further detail before funding decisions should be made.
 - The CIP Committee believes that Londonderry has made great strides in process and format of the Capital Improvements Plan, and are hopeful that the improvements have made a difference to the Planning Board, Town Council, School Board, and Budget Committee as they prepare budgets each year.
-

THANK YOU!

- My thanks go out to the CIP Committee and Staff Members that made this project possible:
 - **CIP Committee:**
 - Chair John Farrell
 - Vice Chair Ron Campo
 - Planning Board Rep Rick Brideau
 - Town Council Rep Brian Farmer
 - Budget Committee Rep Michael Toth (Tom Freda, Alternate)
 - **Staff:**
 - Sue Hickey, Asst. Town Manager for Finance & Administration
 - Peter Curro, School District Business Administrator
-



**Perkins Road
Neighbors against re-zoning**

North Londonderry Neighbors Against
Commercial Re-zoning of Perkins Road



Petition Against Re-zoning

Heather Anderson
31 Perkins Rd

North Londonderry Neighbors Against
Commercial Re-zoning of Perkins Road



Petition Against Re-zoning Perkins Road

- Petition circulated amongst abutters and neighbors on Perkins Road, Danbury Court, Bartley Hill and Stonehenge to determine how many were in opposition to re-zoning.
- Petition read:

PETITION – Rezoning application objection

We, the undersigned, object to the application to rezone the east side of Perkins Road south of the Sleep Inn as commercial (ref: Petition for Zoning Change Map 16, Lots 1, 2 & 3 – Perkins Road and subsequent mixed use development plan by PD Associates, LLC) on the grounds that any commercial development would result in significant traffic problems in the local area, have detrimental impact on the environment and would destroy the residential nature of our neighborhood

North Londonderry Neighbors Against
Commercial Re-zoning of Perkins Road



2004 Master Plan

Doug Robbins
35 Perkins Rd

North Londonderry Neighbors Against
Commercial Re-zoning of Perkins Road



LONDONDERRY MASTER PLAN 2004

GROW OUR LOCAL ECONOMIC OPPORTUNITIES

- ENHANCE DESIGN AND FORMS COMMERCIAL/INDUSTRIAL IMPROVEMENTS
- BALANCE GROWTH OPPORTUNITIES NEAR MANCHESTER AIRPORT

STRENGTHEN OUR COMMUNITY FABRIC

- CULTIVATE COMMUNITY INSTITUTIONS AND CIVIC ACTIVITIES IN THE TOWN CENTER
- PROMOTE WALKABILITY AND GREAT TRAIL CONNECTIONS WHILE APPROPRIATE

ENHANCE QUALITY OF LIFE

- INCREASE EFFORTS TO PROTECT WATER QUALITY
- PROMOTE AIR QUALITY REGULATION AND OUTLETS FOR ALL AGES
- MAINTAIN RESIDENTIAL NEIGHBORHOODS AND ENERGY EFFICIENCY

CELEBRATE OUR NATURAL SETTING & AGRICULTURAL HERITAGE

- SUPPORT OUR EXISTING FARMS AND ORCHARDS
- COMPLETE THE TOWN-WIDE GREENBELT
- PROTECT NATURAL RESOURCES AND SENSITIVE ENVIRONMENTAL FEATURES



Commercial Re-zoning of Perkins Road



2004 Master Plan

Perkins Rd. and Rte 28
already overloaded –
Narrow residential road –
Safety is a concern!

Map #10: Traffic Volume

**Areas of
Highest Increase
Since 1994**

Town of Londonderry
2004 Master Plan Update

Note: Size of car indicates percent traffic volume increase for the given location.

LEGEND

- 1) Gilcrest Rd.: 155% (1996-2001)
- 2) Auburn Rd.: 89% (1994-2001)
- 3) NH 28: 83% (1996-2003)
- 4) Hardy Rd.: 76% (1994-2003)
- 5) Mammoth Rd.: 73% (1997-2003)
- 6) Pillsbury Rd.: 73% (1994-2003)
- 7) Hall Rd.: 70% (1996-2002)
- 8) Ash St.: 63% (1994-2003)
- 9) NH 128: 60% (1995-2002)
- 10) Litchfield Rd.: 56% (1996-2001)
- 11) High Range Rd.: 50% (1995-2001)
- 12) NH 28: 38% (1994-2001)
- 13) Stonehenge Rd.: 36% (1997-2003)



2004 Master Plan

Little open space in
North Londonderry –
Trails along 93 link
undeveloped land north
and south.

Map #7: Protected Lands

Town of Londonderry
2004 Master Plan Update

LEGEND

Permanently Protected Lands

*Protected from future development
by deed restriction*

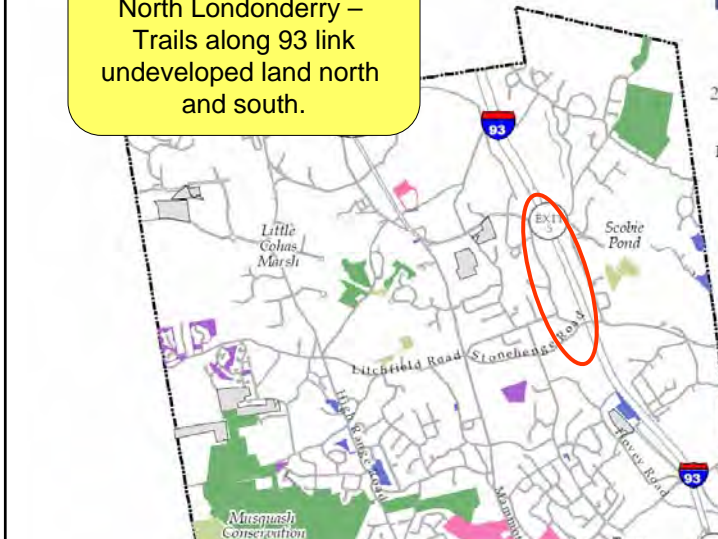
- Town-Owned
- Common Lands
- Other Owners (e.g. NHDOT)
- Private Lands - Under Protective Easements*

Other Lands

Not Permanently Protected

- Schools / Recreation Land
- Town-Owned Lands without deed restriction (currently on Misc. Schedule for future retention as open space)

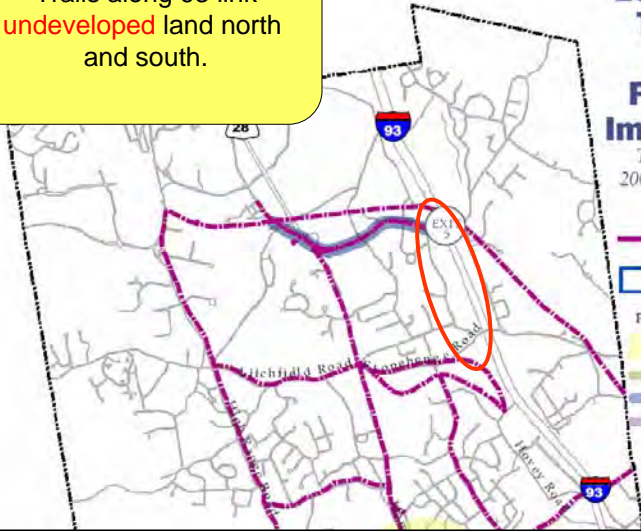
* easement may only apply to a portion of the identified parcel





2004 Master Plan

Trails along 93 link undeveloped land north and south.



Map #12: Londonderry Trailways: Bike and Pedestrian Improvements

Town of Londonderry
2004 Master Plan Update

- LEGEND**
- Recommended Areas for Bicycle and Pedestrian Improvements
 - Trail Segment Funded by NH CMAQ Grant Program
- PRIORITY AREAS (highlighted)**
- Town Center Trail Priority
 - Route 102 Corridor
 - Route 28 Corridor
 - Apple Way
- Source: Londonderry Trailways Masterplan



Perkins Road Proposal

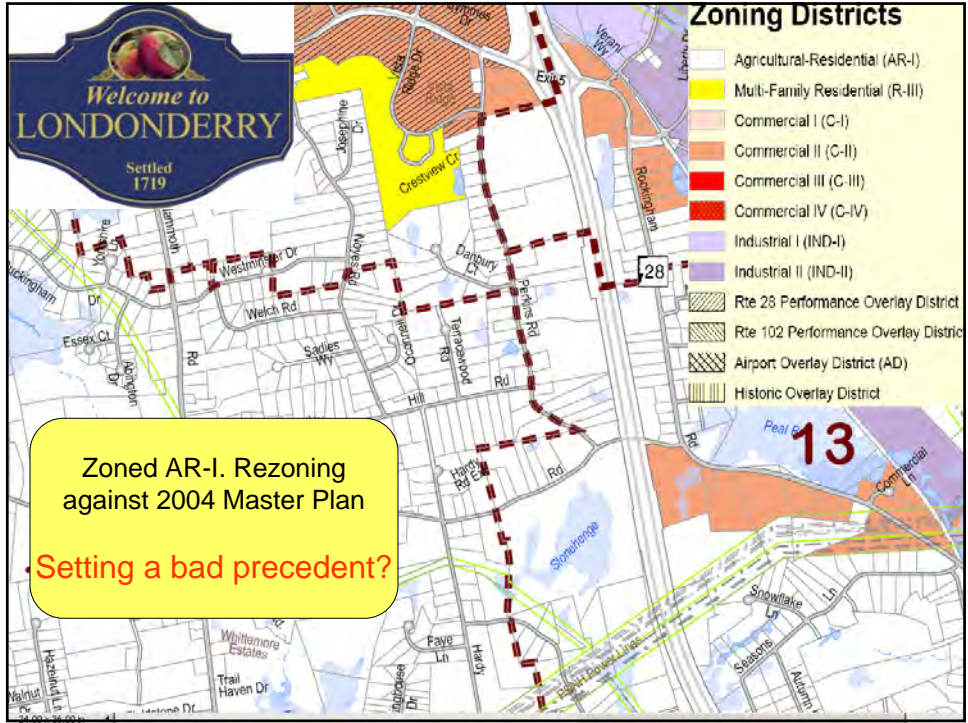
Historical Considerations

Historical Properties affected by proposal

Parcel ID	Location	Owner	Constructed	Age Yrs
013 025 0	42 PERKINS RD	SCOTT A + MARSHA M LANIER	1784	223
016 001 0	48 PERKINS RD	VANSTEEENBURG ONE FAMILY TRUST *	1799	208
016 003 0	62 PERKINS RD	ALFRED WALLACE *	1880	127

Properties directly affected by planned development marked with *
42 Perkins directly abbutts development

North Londonderry Neighbors Against
Commercial Re-zoning of Perkins Road



Welcome to LONDONDERRY
Settled 1719

Financial Considerations

Chris Davies
29 Perkins Rd

North Londonderry Neighbors Against
Commercial Re-zoning of Perkins Road



Financial Considerations

Danbury Court Valuations

Parcel ID	Location	Total Valuation	Tax Rate
015 049 17	1 DANBURY CT	\$474,500	18.28
015 049 12	10 DANBURY CT	\$575,000	
015 049 13	11 DANBURY CT	\$510,500	
015 049 8	2 DANBURY CT	\$482,800	
015 049 9	4 DANBURY CT	\$639,800	
015 049 16	5 DANBURY CT	\$599,400	
015 049 10	6 DANBURY CT	\$518,100	
015 049 15	7 DANBURY CT	\$480,000	
015 049 11	8 DANBURY CT	\$526,500	
015 049 14	9 DANBURY CT	\$503,800	

Total Valuation Street **\$5,310,400**
 Tax Value @ 18.28 per 1000 **\$97,074**
 10% Devaluation in Property **(\$9,707)**

Perkins Road 10% Devaluation **(\$23,426)**
 + Danbury Court 10% Devaluation **(\$ 9,707)**
TOTAL DEVALUATION (\$33,133)

North Londonderry Neighbors Against
 Commercial Re-zoning of Perkins Road

Perkins Road valuations excluding proposed development parcels and commercial zoned properties

Parcel ID	Location	Total Valuation	Tax Rate
013 022 0	2 PERKINS RD	\$443	18.28
013 023 5	8 PERKINS RD		
013 023 4	10 PERKINS RD	\$289,100	
012 099 11	11 PERKINS RD	\$342,300	
013 023 3	12 PERKINS RD	\$289,400	
013 023 2	14 PERKINS RD	\$292,600	
012 099 10	15 PERKINS RD	\$312,200	
013 023 0	16 PERKINS RD	\$292,600	
013 023 1	18 PERKINS RD	\$372,900	
013 024 0	22 PERKINS RD	\$316,500	
013 024 4	26 PERKINS RD	\$3,904	
012 096 0	27 PERKINS RD	\$973,600	
012 096 0	27A PERKINS RD	\$573,600	
012 096 15	29 PERKINS RD	\$482,200	
013 024 2	30 PERKINS RD	\$332,500	
012 096 16	31 PERKINS RD	\$449,900	
013 024 1	32 PERKINS RD	\$351,105	
012 097 0	33 PERKINS RD	\$262,900	
013 024 3	34 PERKINS RD	\$326,600	
012 096 17	35 PERKINS RD	\$464,100	
013 025 13	36 PERKINS RD	\$297,500	
012 098 0	37 PERKINS RD	\$213,400	
013 025 12	38 PERKINS RD	\$316,700	
013 025 0	42 PERKINS RD	\$308,800	Directly Abbut
015 049 7	43 PERKINS RD	\$315,200	Directly Abbut
015 049 6	45 PERKINS RD	\$230,600	Directly Abbut
015 049 5	47 PERKINS RD	\$267,900	Directly Abbut
015 049 4	49 PERKINS RD	\$280,300	Directly Abbut
015 049 3	51 PERKINS RD	\$269,600	Directly Abbut
016 002 0	52 PERKINS RD	\$270,500	Directly Abbut
015 049 2	53 PERKINS RD	\$289,200	Directly Abbut
015 049 1	55 PERKINS RD	\$259,700	Directly Abbut
015 051 7	57 PERKINS RD	\$231,300	Directly Abbut
015 051 6	59 PERKINS RD	\$278,700	Directly Abbut
015 051 5	61 PERKINS RD	\$266,600	Directly Abbut
015 051 1	63 PERKINS RD	\$238,800	Directly Abbut
015 051 2	65 PERKINS RD	\$411,200	Directly Abbut
015 051 3	67 PERKINS RD	\$260,500	Directly Abbut
015 051 4	69 PERKINS RD	\$403,700	Directly Abbut
015 053 1	75 PERKINS RD	\$182,900	Directly Abbut
015 053 0	77 PERKINS RD	\$250,900	Directly Abbut
015 054 0	79 PERKINS RD	\$291,300	Directly Abbut
015 054 0	79 PERKINS RD	\$253,700	

Total Valuation Street **\$12,815,352**
 Tax Value @ 18.28 per 1000 **\$234,265**
 10% Devaluation in Property **(\$23,426)**



Financial Considerations

27.35 Million Valuation of Development

Impact	Amount	Notes/Assumptions
Estimated tax revenue of development	500,000	Developer Estimate
Current tax from existing property use	(15,000)	
Likely additional school load (see assumptions)	(192,000)	1 child per every 2 units (24) at \$8,000 per student
Additional services	(25,000)	Additional incremental town services required
Lost tax due to devaluation of surrounding properties	(33,133)	Negative 10% impact on valuation of Perkins and Danbury
Likely net benefit to Londonderry	234,867	

BREAKEVEN 53 STUDENTS (OR LESS)

27.35 Million Valuation of Development

Impact	Amount	Notes/Assumptions
Estimated tax revenue of development	500,000	Developer Estimate
Current tax from existing property use	(15,000)	
Likely additional school load (see assumptions)	(384,000)	1 child per unit (48) at \$8,000 per student
Additional services	(25,000)	Additional incremental town services required
Lost tax due to devaluation of surrounding properties	(33,133)	Negative 10% impact on valuation of Perkins and Danbury
Likely net benefit to Londonderry	42,867	

North Londonderry Neighbors Against
 Commercial Re-zoning of Perkins Road



Financial Considerations

21 Million Valuation of Development

Impact	Amount	Notes/Assumptions
Estimated tax revenue of development	383,880	Based on 21 Million valuation
Current tax from existing property use	(15,000)	
Likely additional school load (see assumptions)	(192,000)	1 child per every 2 units (24) at \$8,000 per student
Additional services	(25,000)	Additional incremental town services required
Lost tax due to devaluation of surrounding properties	(33,133)	Negative 10% impact on valuation of Perkins and Danbury
Likely net benefit to Londonderry	118,747	

BREAKEVEN 38 STUDENTS (OR LESS)

21 Million Valuation of Development

Impact	Amount	Notes/Assumptions
Estimated tax revenue of development	383,880	Based on 21 Million valuation
Current tax from existing property use	(15,000)	
Likely additional school load (see assumptions)	(384,000)	1 child per unit (48) at \$8,000 per student
Additional services	(25,000)	Additional incremental town services required
Lost tax due to devaluation of surrounding properties	(33,133)	Negative 10% impact on valuation of Perkins and Danbury
Likely net benefit to Londonderry	(73,253)	

North Londonderry Neighbors Against
Commercial Re-zoning of Perkins Road



Financial Considerations

16.8 Million Valuation of Development

Impact	Amount	Notes/Assumptions
Estimated tax revenue of development	307,104	Based on 16.8 Million valuation
Current tax from existing property use	(15,000)	
Likely additional school load (see assumptions)	(192,000)	1 child per every 2 units (24) at \$8,000 per student
Additional services	(25,000)	Additional incremental town services required
Lost tax due to devaluation of surrounding properties	(33,133)	Negative 10% impact on valuation of Perkins and Danbury
Likely net benefit to Londonderry	41,971	

BREAKEVEN 29 STUDENTS (OR LESS)

16.8 Million Valuation of Development

Impact	Amount	Notes/Assumptions
Estimated tax revenue of development	307,104	Based on 16.8 Million valuation
Current tax from existing property use	(15,000)	
Likely additional school load (see assumptions)	(384,000)	1 child per unit (48) at \$8,000 per student
Additional services	(25,000)	Additional incremental town services required
Lost tax due to devaluation of surrounding properties	(33,133)	Negative 10% impact on valuation of Perkins and Danbury
Likely net benefit to Londonderry	(150,029)	

North Londonderry Neighbors Against
Commercial Re-zoning of Perkins Road



Financial Considerations

<u>Alternate development (Single Family Homes)</u>	Amount	Notes/Assumptions
15 Single family homes at 400K	109,680	
Current tax from existing property use	(15,000)	
Likely additional school load (see assumptions)	(64,000)	1 child for every 2 houses (8 rounded) at \$8,000 per student
No additional services	0	
No devaluation impact	0	
Likely net benefit to Londonderry	30,680	

<u>Alternate (Town purchases property as open space)</u>		Notes/Assumptions
Current tax from existing property use	(15,000)	
Likely additional school load (see assumptions)	0	
No additional services	0	
No devaluation impact	0	
Likely net benefit to Londonderry	(15,000)	

North Londonderry Neighbors Against
Commercial Re-zoning of Perkins Road



Neighborhood Survey

Philip Cleobury
31 Perkins Rd

North Londonderry Neighbors Against
Commercial Re-zoning of Perkins Road



Neighbors Surveyed

First Name	Laura	Last Name:	Walker	Total Years	16
Street:	Bartley Hill	Town:	Londonderry	Total Months	0
First Name	Keri	Last Name:	Routhier	Total Years	7
Street:	2 Danbury Court	Town:	Londonderry	Total Months	1
First Name	Heather	Last Name:	Anderson	Total Years	7
Street:	31 Perkins Road	Town:	Londonderry	Total Months	0
First Name	Brad	Last Name:	Thomas	Total Years	6
Street:	5 Danbury Court	Town:	Londonderry	Total Months	0
First Name	Esther	Last Name:	Davies	Total Years	7
Street:	29 Perkins Road	Town:	Londonderry	Total Months	0
First Name	Katelyn	Last Name:	Thomas	Total Years	6
Street:	5 Danbury Court	Town:	Londonderry	Total Months	9
First Name	David	Last Name:	Schmitt	Total Years	16
Street:	14 Perkins Road	Town:	Londonderry	Total Months	8
First Name	Scott	Last Name:	Lanier	Total Years	0
Street:	42 Perkins Road	Town:	Londonderry	Total Months	5
First Name	James	Last Name:	Fabiano	Total Years	4
Street:	Perkins Road	Town:	Londonderry	Total Months	2
First Name	Doug	Last Name:	Robbins	Total Years	6
Street:	Perkins Road	Town:	Londonderry	Total Months	8
First Name	Tara	Last Name:	Fabiano	Total Years	4
Street:	Perkins Road	Town:	Londonderry	Total Months	2
First Name	Phil	Last Name:	Cleobury	Total Years	7
Street:	31 Perkins Road	Town:	Londonderry	Total Months	0
First Name	Chris	Last Name:	Davies	Total Years	7
Street:	29 Perkins Road	Town:	Londonderry	Total Months	0
First Name	Tom	Last Name:	Sheehy	Total Years	26
Street:	8 Perkins Road	Town:	Londonderry	Total Months	6
First Name	Esther	Last Name:	Sheehy	Total Years	26
Street:	8 Perkins Road	Town:	Londonderry	Total Months	6
First Name	Michael	Last Name:	Eide	Total Years	8
Street:	45 Perkins Road	Town:	Londonderry	Total Months	0
First Name	April	Last Name:	Robbins	Total Years	6
Street:	Perkins Road	Town:	Londonderry	Total Months	8
First Name	Lynne	Last Name:	Eide	Total Years	8
Street:	45 Perkins Road	Town:	Londonderry	Total Months	0
First Name	William	Last Name:	Kullman	Total Years	8
Street:	Bartley Hill Road	Town:	Londonderry	Total Months	0



Survey Overview

This document summarizes the common consensus of opinion of the persons listed in this document, whom are residents of North Londonderry and the abutting area. All completed a questionnaire of their own free will. Due to circumstances beyond their control may have not been able to attend the Meeting of the Londonderry Planning board 12 September 2007 but wished their opinion to be made known to the Planning board of Londonderry during the public hearing response to the Development proposal of PD Associates, LLC and the Petition for Zoning Change Map 16, Lots 1, 2 & 3 – Perkins Road and subsequent mixed use development plan.

Total accumulated years Residents have been at their current address?

Total Years	177	Total Months	11
-------------	-----	--------------	----

Have you been approached by anyone else regarding this potential development prior to receiving this information?

Yes	0	No	19	N/C	0
-----	---	----	----	-----	---

Were you aware of this proposed development prior to receiving this information?

Yes	11	No	8	N/C	0
-----	----	----	---	-----	---

Were you aware of past attempts to develop the land at the end of Perkins Road? (i.e. - the box store proposal presented two years ago)

Yes	3	No	16	N/C	0
-----	---	----	----	-----	---

Other Comments/Concerns:

8 Out of the 19 or so home directly affected by the development how many of them are your 88 reg voters that were in favor? North Londonderry Neighbors Against Commercial Re-zoning of Perkins Road



Survey Observations (1)

- Respondents do not see any **benefit in re-zoning** this property commercial

Do you feel like there is undue pressure to develop exit 5?

Strongly Disagree	1	Disagree		Don't mind		Agree	2	Strongly Agree	14
-------------------	---	----------	--	------------	--	-------	---	----------------	----

Are you in favor of increased commercial development along Perkins Road?

Yes	0	No	19	N/C	0
-----	---	----	----	-----	---

Are you aware that agreeing to this plan would involve creating a "sub" master plan that would override the town master plan?

Yes	3	No	16	N/C	0
-----	---	----	----	-----	---

Other Comments/Concerns:

- 2 I feel that there is already too much commercial growth at the end of Perkins Road.
- 3 This is not what was expected when we bought this house 8 years ago.

North Londonderry Neighbors Against Commercial Re-zoning of Perkins Road



Survey Observations (2)

- Respondents are not convinced of any **tax** savings to them as a result of such a development

Do you feel that such a development would require additional resources in the form of policing, snow removal etc?

Yes	19	No	0	N/C	0
-----	----	----	---	-----	---

Do you feel that Londonderry has adequate resources to support this development once completed?

Yes	0	No	18	N/C	1
-----	---	----	----	-----	---

Do you believe that the benefits versus costs of such a development would?

Reduce your taxes	0	Keep them the same	1	Increase taxes	18	N/C	0
-------------------	---	--------------------	---	----------------	----	-----	---

Are you willing to have your taxes increase to support such a development?

Yes	0	No	19	N/C	0
-----	---	----	----	-----	---

Other Comments/Concerns:

- 7 Our taxes have doubled in the last 8 years and I am sure they will definitely continue to rise.

North Londonderry Neighbors Against Commercial Re-zoning of Perkins Road



Survey Observations (3)

- People think that this will have a **negative effect on property values** in the area

Do you think that adding a development such as this would?

Add to the value of your property	0	Reduce the value of your property	19	No Effect	0
-----------------------------------	---	-----------------------------------	----	-----------	---

Other Comments/Concerns:

In the last 6 months there are at least 5 to 6 houses that are "for sale" and are still on the market as 6 they are not selling, also we know a few people on this road that will sell their house if this does go through.

North Londonderry Neighbors Against Commercial Re-zoning of Perkins Road



Survey Observations (4)

- People have huge concerns as to **traffic** on the street already. **"Perkins Road could be renamed Perkins Highway"**

Do you have any concerns as to the current volume of traffic along your road?

Yes	18	No	1	N/C	0
-----	----	----	---	-----	---

Do you feel that the speed limit is effectively controlled along your road?

Yes		No	19	N/C	0
-----	--	----	----	-----	---

Do you have any concerns about the future volume of traffic along your road as a result of future development?

Yes	19	No	0	N/C	0
-----	----	----	---	-----	---

Would you like to see additional means of traffic calming?

Yes	17	No	2	N/C	0
-----	----	----	---	-----	---

If this development were built would you be in favor of blocking off Perkins road to restrict through traffic?

Yes	19	No	0	N/C	0
-----	----	----	---	-----	---

Other Comments/Concerns:

- "TRAFFIC"
- Traffic is already excessive at all times of the day.
- When leaving our driveway we get "the middle finger" at least several times a week, while they are the ones that are speeding.
- Perkins road should be renamed Perkins Highway

North Londonderry Neighbors Against Commercial Re-zoning of Perkins Road



Survey Observations (5)

- Not enough is being done to keep Londonderry green

Do you feel that enough is being done to keep Londonderry green?

Strongly Disagree	10	Disagree	6	Don't mind	1	Agree	0	Strongly Agree	0
-------------------	----	----------	---	------------	---	-------	---	----------------	---

Were you aware that Londonderry has a town master plan for development that expires in 2011 that has this land zoned as agricultural?

Yes	7	No	10	N/C	2
-----	---	----	----	-----	---

What alternate use would you like to see for this land?

Category	Description	Please tick
Agricultural	Leave as is - farms	14
Turn it into parkland	Natural public	12
Turn it into parkland	Un-groomed	8
Turn it into parkland	Recreational park	6
Residential zoning	Single Family	5
Turn it into parkland	Groomed	3
Turn it into parkland	Baseball field	3
Commercial zoning	Condos	0
Commercial zoning	Senior Housing	0
Commercial zoning	Retail	0
Commercial zoning	Light Industry	0
Commercial zoning	Heavy industry	0
Residential zoning	Duplexes	0

North Londonderry Neighbors Against
Commercial Re-zoning of Perkins Road



Summary of Survey Observations

- Respondents do not see any benefit in re-zoning this property commercial
- Respondents are not convinced of any tax savings to them as a result of such a development.
- People think that this will have a negative effect on property values in the area
- People have huge concerns as to traffic on the street already. Perkins Road could be renamed Perkins Highway
- Not enough is being done to keep Londonderry green

North Londonderry Neighbors Against
Commercial Re-zoning of Perkins Road



In Summary

North Londonderry Neighbors Against
Commercial Re-zoning of Perkins Road



In Summary

- The original petition of 88 signatures that was presented to town council did not fairly represent the opinion of residents of North Londonderry
- Of the 13 residents signing the original petition from Perkins Road (outside the immediate families selling the houses) we could only find 2 still in favor based on additional information as to the size and scope of the development

North Londonderry Neighbors Against
Commercial Re-zoning of Perkins Road



In Summary

- The majority of North Londonderry residents on Perkins Road, Danbury Court and Bartley Hill are **AGAINST** re-zoning Lots 1, 2 & 3 (Map 16) – Perkins Road as commercial

North Londonderry Neighbors Against
Commercial Re-zoning of Perkins Road

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF OCTOBER 3, 2007 AT THE MOOSE HILL**
3 **COUNCIL CHAMBERS**
4

5 7:00 PM: Members Present: Art Rugg; Tom Freda; Rick Brideau, Ex-Officio; John
6 Farrell; Kathy Wagner, Ex-Officio; Charles Tilgner, P.E., Ex-Officio; Paul DiMarco;
7 Rob Nichols; Lynn Wiles, alternate member; Laura El-Azem, alternate member;
8 Melissa Nemon, alternate member
9

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

13 A. Rugg called the meeting to order at 7:00 PM. A. Rugg appointed L. Wiles to
14 vote for M.Soares and L.El-Azem to vote for R.Nichols until he arrives (Rob arrived
15 at 7:05)
16

17 **Administrative Board Work**
18

19 A. Plans to Sign - Elliot Health Systems Condo Conversion, Map 6, Lot 73
20

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

23 **J. Farrell made a motion to authorize the Chair and Secretary to sign**
24 **the plans. R. Brideau seconded the motion. No discussion. Vote on the**
25 **motion: 9-0-0.**

26 A. Rugg said the plans will be signed at the conclusion of the meeting.
27

28 B. Extension Request - Gilcreast House Site Plan, Map 6, Lot 64-1 - Request
29 additional 120 Days on Conditional Approval
30

31 T. Thompson referenced the memo from Todd Connors at Sublime dated May
32 24, 2007. T.Thompson outlined the history on this project, and expressed
33 concern about the applicant following up on the conditions of approval.

34 **J. Farrell made a recommendation to grant an extension to October**
35 **10, 2007 at 7PM and that the applicant, Barry Mazzaglia, must appear**
36 **before the Board on October 10, 2007. R. Brideau seconded the**
37 **motion. No discussion. Vote on the motion: 9-0-0.** Extension to October
38 10, 2007 granted.
39

40 C. Approval of Minutes – September 5 & 12
41

42 **J. Farrell made a motion to approve the minutes from the September**
43 **5 meeting. P. DiMarco seconded the motion. No discussion. Vote on**
44 **the motion: 9-0-0.**

45 A. Rugg said the minutes are approved and will be signed at the October 10
46 meeting.
47

1 **J. Farrell made a motion to approve the minutes from the September**
2 **12 meeting. R. Brideau seconded the motion. No discussion. Vote on**
3 **the motion: 9-0-0.**

4 A. Rugg said the minutes are approved and will be signed at the October 10
5 meeting.

6
7 D. Discussions with Town Staff - Airport/King Subdivision

8
9 T. Thompson summarized the proposed subdivision by the Airport Authority
10 and the King family for wetland mitigation purposes. He asked if the Board
11 would be comfortable moving the project forward with a lot of waivers, as the
12 parcel would be un-developable as mitigation land. The Board agreed to that
13 approach.

14
15 T. Thompson said at Monday's Town Council meeting the Council approved
16 the rezoning of the Elliot parcel and revisions to the sign and parking sections
17 of the Zoning Ordinance.

18 A. Rugg mentioned the Municipal Law Lecture series later this month and the
19 SNHPC seminar on Oct. 9 **from** 7-9pm.

20
21 **Public Hearings**

22
23 **A. Rugg stated that the agenda would be heard out of order to deal with**
24 **continuance requests.**

- 25
26 A. Sovereign Realty Development Corp., Map 15, Lots 61-2 and 62 - Continued
27 Application Acceptance and Public Hearing for a Site Plan and Conditional Use
28 Permit to construct 26,600 square feet of professional office space. -
29 ***Request Continuance to November 7***

30
31 T. Thompson referenced the memo from Matt Peterson at Woodland Design
32 Group received on October 3, 2007. T. Thompson said staff supports the
33 extension to November 7, 2007.

34
35 **P. DiMarco made a motion to continue the public hearing to**
36 **November 7, 2007. L. Wiles seconded the motion. No discussion. Vote**
37 **on the motion: 8-0-0** (J.Farrell was absent from the room). Hearing will be
38 continued to November 7, 2007 at 7pm. A. Rugg said this will be the only
39 public notice.

- 40
41 B. Mark Investments LLC, Map 6, Lots 49 & 52 - Continued Public Hearing for a
42 waiver to Section 6.01.d of the Site Plan Regulations to allow for temporary
43 occupancy of Walgreens prior to all off-site improvements being completed. -
44 ***Request Continuance to October 10***

45
46 T. Thompson referenced the memo from Earl Blatchford from Hayner
47 Swanson dated October 2, 2007. T. Thompson said staff supports the
48 extension to October 10, 2007.

49

1 **P. DiMarco made a motion to continue the public hearing to October**
2 **10, 2007. L. Wiles seconded the motion.** No discussion. **Vote on the**
3 **motion: 8-0-0** (J.Farrell was absent from the room). Hearing will be
4 continued to October 10, 2007 at 7PM. A. Rugg said this will be the only
5 public notice.
6

- 7 D. Francis & Nancy DeCoste, Map 3, Lot 26-1 - Application Acceptance and
8 Public Hearing for a 3 lot Subdivision. - ***Request Continuance to***
9 ***November 7***

10
11 T. Thompson referenced the memo from Don Duval at Duval Survey dated
12 October 3, 2007. T. Thompson said staff supports the extension to November
13 7, 2007.

14 **K. Wagner made a motion to continue the public hearing to November**
15 **7, 2007. R. Brideau seconded the motion.** No discussion. **Vote on the**
16 **motion: 9-0-0.** Hearing will be continued to November 7, 2007 at 7PM. A.
17 Rugg said this will be the only public notice.
18

19 [J.Farrell returned to the room]
20
21

- 22 H. Emmy and Lewis O'Brien, Map 11, Lot 53 - Application Acceptance and Public
23 Hearing for a 2 lot Subdivision. - ***Request Continuance to November 7***
24

25 T. Thompson referenced the memo from Craig Walsh at RSL dated October 3,
26 2007. T. Thompson said staff supports the extension to November 7, 2007.
27

28 **J. Farrell made a motion to continue the public hearing to November**
29 **7, 2007. R. Brideau seconded the motion.** No discussion. **Vote on the**
30 **motion: 9-0-0.** Hearing will be continued to November 7, 2007 at 7PM. A.
31 Rugg said this will be the only public notice.
32

- 33 I. PD Associates, LLC, Map 7, Lot 123 - Application Acceptance and Public
34 Hearing for a Site Plan and Conditional Use Permit to construct 3 single family
35 elderly housing units and a parking lot. - ***Request Continuance to***
36 ***November 7***
37

38 T. Thompson referenced the memo from Matt Peterson at Woodland Design
39 Group dated October 3, 2007. T. Thompson said staff supports the extension
40 to November 7, 2007.
41

42 **J. Farrell made a motion to continue the public hearing to November**
43 **7, 2007. R. Brideau seconded the motion.** No discussion. **Vote on the**
44 **motion: 9-0-0.** Hearing will be continued to November 7, 2007 at 7PM. A.
45 Rugg said this will be the only public notice.
46

- 47 J. Coca-Cola Bottling Company of Northern New England, Map 15, Lot 98 -
48 Public Hearing for a waiver to Section 6.01.d of the Site Plan Regulations to
49 allow for temporary occupancy of warehouse expansion prior to finished

1 paving of expanded parking lot being completed. – ***This project was***
2 ***withdrawn by the applicant.***
3
4

- 5 C. Uni-Cast, Inc., Map 28, Lot 21-1 - Application Acceptance and Public Hearing
6 for a Site Plan for a 6,800 s.f. manufacturing addition, 900 s.f. office addition
7 and associated parking lot reconfiguration.
8

9 T. Thompson stated that there are no checklist items, and staff recommends
10 the application be accepted as complete.

11 **J. Farrell made a motion to accept the application as complete. R.**
12 **Brideau seconded the motion.** No discussion. **Vote on the motion: 9-0-**
13 **0.** Application accepted as complete.
14

15 Nick Golon from TF Moran and Nick Berube from Unicast were present. Golon
16 presented their plans, calling for a 2 phase expansion of the existing facility
17 on Perimeter Road and Industrial Drive.
18

19 J. Trottier referenced the DPW/Stantec memo with the design review
20 comments.

21 T. Thompson said staff recommends conditional approval as outlined in the
22 staff recommendation memo.
23

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

25 **J. Farrell made a motion to conditionally approve the site plan with**
26 **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
37 site work, any construction on the site or issuance of a building permit.
38

- 39 1. The Applicant shall address the following relative to the submitted
40 drainage report:
41 A. The Applicant shall provide a 50-year pond routing analysis for the
42 proposed detention basin and verify a minimum 12" of freeboard
43 above the 50-year elevation is provided in accordance with the
44 regulations, which appears to be missing from the report.
45 B. The Applicant noted the revised treatment swale was capable of
46 handing a 100-year storm and noted the information was included
47 in the report. However, the information appears missing from the
48 report. The Applicant shall include the noted information in the
49 report to substantiate the swale design.

1 C. The Applicant shall update the summary table to address the
2 impact to each abutter (i.e. lots 21-2 and 19 both pre and post
3 development) to verify compliance with the regulations is achieved.
4

5 2. The Applicant shall indicate the limits of sawcut associated with the
6 installation of the waterline and hydrant shown on the phase 1 utility
7 plan (sheet 6). In addition, note 9 on the phase 1 utility plan and note 8
8 on the phase 2 utility plan (sheet 14) imply proposed signage will be
9 illuminated. However, the Applicant notes on the site plans (note 14)
10 that no signs are proposed. The Applicant shall update the notes
11 consistent with the design if no signs are proposed.
12

13 3. The Applicant shall update the pavement section detail to indicate a
14 minimum 2.5" pavement binder (base course) is provided in accordance
15 with section 3.08.b.4 of the regulations. In addition, the Applicant shall
16 revise the catch basin detail to indicate proper bedding (3/4" crushed
17 stone) per section 3.07.g and note that all catch basins shall have
18 polyethylene liners as required by the regulations.
19

20 4. The project is located along a significant portion of Industrial Drive and
21 Perimeter Road. The Applicant shall verify if additional off-site
22 improvements to Industrial Drive and/or Perimeter Road will be
23 necessary with the Department of Public Works.
24

25 5. The Applicant shall provide documentation from the Fire Department
26 indicating the Department's DRC Comments have been adequately
27 addressed for the Planning Department's file.
28

29 6. The Applicant shall provide a digital (electronic) copy of the complete
30 final plan sent to the Town at the time of signature by the Board in
31 accordance with Section 2.05.n of the regulations.
32

33 7. Financial guaranty if necessary.
34

35 8. Final engineering review
36

37 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
38 certified the approval is considered final. If these conditions are not met
39 within 120 days to the day of the meeting at which the Planning Board grants
40 conditional approval the board's approval will be considered to have lapsed
41 and re-submission of the application will be required. See RSA 674:39 on
42 vesting.
43

44 **GENERAL AND SUBSEQUENT CONDITIONS**

45

46 All of the conditions below are attached to this approval.
47

48 1. **No construction or site work for the amended site plan may be**
49 **undertaken until the pre-construction meeting with Town staff**
50 **has taken place, filing of an NPDES-EPA Permit and the site**

1 **restoration financial guaranty is in place with the Town.** Contact
2 the Department of Public Works to arrange for this meeting.

3
4 2. The project must be built and executed exactly as specified in the
5 approved application package unless modifications are approved by the
6 Planning Department & Department of Public Works, or if staff deems
7 applicable, the Planning Board.

8
9 3. All of the documentation submitted in the application package by the
10 applicant and any requirements imposed by other agencies are part of
11 this approval unless otherwise updated, revised, clarified in some
12 manner, or superseded in full or in part. In the case of conflicting
13 information between documents, the most recent documentation and
14 this notice herein shall generally be determining.

15
16 4. All site improvements must be completed prior to the issuance of a
17 certificate of occupancy. In accordance with Section 6.01.d of the Site
18 Plan Regulations, in circumstances that prevent landscaping to be
19 completed (due to weather conditions or other unique circumstance), the
20 Building Department may issue a certificate of occupancy prior to the
21 completion of landscaping improvements, if agreed upon by the Planning
22 & Public Works Departments, when a financial guaranty (see forms
23 available from the Public Works Department) and agreement to
24 complete improvements are placed with the Town. The landscaping
25 shall be completed within 6 months from the issuance of the certificate
26 of occupancy, or the Town shall utilize the financial guaranty to contract
27 out the work to complete the improvements as stipulated in the
28 agreement to complete landscaping improvements. **No other**
29 **improvements shall be permitted to use a financial guaranty for**
30 **their completion for purposes of receiving a certificate of**
31 **occupancy.**

32
33 5. As built site plans must to be submitted to the Public Works Department
34 prior to the release of the applicant's financial guaranty.

35
36 6. All required Traffic, Police, and Fire impact fees must be paid prior to the
37 issuance of a Certificate of Occupancy.

38
39 7. It is the responsibility of the applicant to obtain all other local, state, and
40 federal permits, licenses, and approvals which may be required as part
41 of this project (that were not received prior to certification of the plans).
42 Contact the Building Department at extension 115 regarding building
43 permits.

44
45 8. The Applicant shall update the plans to indicate LHRA approval with the
46 appropriate signature.

47
48 **R. Brideau seconded the motion.** No discussion. There was no public
49 input when requested. **Vote on the motion: 8-0-0.** Plan is conditionally
50 approved.

1
2 E. Steven Zannini, Map 18, Lot 27 - Application Acceptance and Public Hearing
3 for a 2 lot Subdivision.
4

5 T. Thompson stated that there are no checklist items, and staff recommends
6 the application be accepted as complete.

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

11 Don Duval, land surveyor gave the Board an overview of the project, a 2 lot
12 subdivision at the corner of Haywood Road and Old Derry Road...
13

14 J. Trottier summarized the design review items from the DPW/Stantec memo.
15 He also summarized the staff recommendations for the requested waiver.
16

17 *The Applicant's profile for the driveway at Map 18 lot 27 does not provide proper sight*
18 *distance for profile "A" in accordance with section 3.09.F and Exhibit D-2 of the regulations.*
19 *It is unclear if profile "B" is provided due to the improper vertical scale. Staff recommends*
20 **DENIAL** *of the waiver, as it appears from the information available that the needed*
21 *improvements are not in the roadway pavement and can be reasonable achieved with minor*
22 *off-site improvements OR the applicant can move the driveway to a location that would*
23 *provide the required sight distance.*
24

25 T. Thompson stated that he concurs with the DPW on the waiver. Regardless
26 of the Board's decision on the waiver staff recommends conditional approval.
27

28 L. Wiles said he would like to see the stone wall become a condition of
29 approval.
30

31 **J. Farrell made a motion to deny the waiver based on staff**
32 **recommendations and requested that the applicant will work with the**
33 **staff. R. Brideau seconded the motion.** No discussion. **Vote on the**
34 **motion: 9-0-0.** Waiver denied.
35

36 A. Rugg asked for public input, but there was none.
37

38 **J. Farrell made a motion to conditionally approve the subdivision with**
39 **the following conditions:**
40

41 "Applicant", herein, refers to the property owner, business owner, or
42 organization submitting this application and to his/its agents, successors, and
43 assigns.
44

45 **PRECEDENT CONDITIONS**
46

47 All of the precedent conditions below must be met by the applicant, at the
48 expense of the applicant, prior to certification of the plans by the Planning
49 Board. Certification of the plans is required prior to commencement of any
50 site work, any construction on the site or issuance of a building permit.

- 1 1. The Applicant's profile for the driveway at Map 18 lot 27 does not
2 provide proper sight distance for profile "A" in accordance with section
3 3.09.F and Exhibit D-2 of the regulations. It is unclear if profile "B" is
4 provided due to the improper vertical scale. Please note the plan view
5 does not include topography and does not indicate the existing wall as
6 shown on sheets 1 and 2. Please note it appears with some grading
7 along the sightline along the roadway shoulder, the proper sight distance
8 may be achieved in compliance with the regulations. The Applicant shall
9 update the plan and profile views to include topography and the wall and
10 ensure that the proper sight distance is provided in accordance with the
11 regulations. The Applicant shall review and revise the design to clarify
12 clearing and wall relocation as needed to obtain the required sight
13 distance. In addition, the Applicant shall revise the vertical scale of the
14 sight distance profiles to a ratio of 10:1 as required by the regulations.
15 Also, the Applicant shall revise the driveway profile for lot 27-1 to
16 include topography and the proper vertical scale accordingly.
17
- 18 2. The Applicant shall address the following on subdivision plan:
19 A. The Applicant shall update the drain easement to include the
20 dimension along Old Derry Road and update the easement line
21 table accordingly including eliminating the duplicate labels for L1.
22 The Applicant shall update sheet 2 accordingly.
23 B. The Applicant shall note the status of the existing wells noted on
24 the plan (abandoned?) and update sheet 2 accordingly.
25 C. The Applicant shall note the wetland delineation criteria used and
26 provide the professional endorsement of a certified wetland
27 scientist (CWS) on the plans as applicable. The Applicant shall
28 update sheet 2 accordingly.
29
- 30 3. The Applicant shall address the following on the topography and soils
31 plan:
32 A. The Applicant shall label the invert of the 24" CMP on the plan.
33 B. The Applicant shall indicate the sawcut limits for the proposed
34 water line connection and provide a pavement patch detail and
35 water line trench detail in the plan set for proper construction. In
36 addition, the Applicant shall provide a note on the plan stating the
37 Owner/Contractor shall obtain a Trench Permit from the
38 Department of Public Works for the work within Hayward Road.
39 The Applicant shall also include a note stating the
40 Owner/Contractor shall provide traffic control for all work within the
41 roadways as required the Department of Public Works.
42 C. The plan indicates two wells vs. one well on sheet 1. The Applicant
43 shall clarify and revise to be consistent with sheet 1.
44
- 45 4. The Applicant shall address the following relative to the submitted
46 drainage report:
47 A. The Applicant's assumption is that the entire site development of
48 lot 27-1 would be directed to the existing drainage system of
49 Haywood Road. However, only a portion of the site appears to
50 drain toward Haywood Road with a majority appearing to drain

1 toward abutting lot 31-8. We note lots 30 and 29 also abut lot 27-
2 1. The Applicant shall revise the analysis to address impacts to ALL
3 abutters as typically required by the Town and clarify how
4 compliance with the regulations (no increase in runoff) is achieved.

5 B. It appears only a small portion of the development area of the
6 subject lot was identified in the drainage report prepared for the
7 adjacent subdivision – “Haywood Estates” as referenced by the
8 Applicant and on file at the Town. We note the runoff with the
9 noted subcatchment 37 has a value of 1.21 cfs under the post
10 development condition of the referenced report. However, the
11 existing conditions information prepared by the Applicant for the
12 same subcatchment has a lower value (1.19 cfs) than the record
13 report. The Applicant shall explain the inconsistency and revise
14 accordingly.

15 C. It appears the referenced subcatchment 37 of the “Hayward
16 Estates” report encompasses only a small portion of the subject lot
17 including areas on both proposed lots within the building setbacks.
18 The information assumes the changes to the site are within existing
19 subcatchment 37 since the subcatchment area is unchanged.
20 However, the proposed building on lot 27-1 can not be located
21 within the building setbacks as implied (it would not comply with
22 Zoning) and thus the assumption does not appear valid. The
23 Applicant shall provide a predevelopment and post development
24 plan for the subject lots consistent with the design intent. The
25 Applicant shall revise the drainage analysis for the project
26 accordingly to properly address the entire project and indicate how
27 compliance with the regulations is achieved.

28 D. The Applicant shall update the report as necessary to include all
29 appropriate information under section 3.08 of the regulations.

30 E. The Applicant shall provide a table of contents, USGS map,
31 watershed area plan of the existing conditions of the site and
32 watershed area of the post-development conditions in the project
33 drainage report in accordance with the regulations.
34

35 5. The Applicant notes no off-site improvements to Old Derry Road and or
36 Haywood Road will be necessary under this application in his response
37 letter. The Applicant shall confirm this with the Department of Public
38 Works.
39

40 6. The Applicant shall provide a digital (electronic) copy of the complete
41 final plan sent to the Town at the time of signature by the Board in
42 accordance with Section 2.06.N of the regulations.
43

44 7. Financial guaranty if necessary.
45

46 8. Final engineering review
47

48 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
49 certified the approval is considered final. If these conditions are not met
50 within 2 years to the day of the meeting at which the Planning Board grants

1 conditional approval the board's approval will be considered to have lapsed
2 and re-submission of the application will be required. See RSA 674:39 on
3 vesting.
4

5 **GENERAL AND SUBSEQUENT CONDITIONS**
6

7 All of the conditions below are attached to this approval.
8

- 9 1. **No construction or site work for the amended site plan may be**
10 **undertaken until the pre-construction meeting with Town staff**
11 **has taken place, filing of an NPDES-EPA Permit and the site**
12 **restoration financial guaranty is in place with the Town.** Contact
13 the Department of Public Works to arrange for this meeting.
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. All site improvements must be completed prior to the issuance of a
28 certificate of occupancy. In accordance with Section 6.01.d of the Site
29 Plan Regulations, in circumstances that prevent landscaping to be
30 completed (due to weather conditions or other unique circumstance),
31 the Building Department may issue a certificate of occupancy prior to
32 the completion of landscaping improvements, if agreed upon by the
33 Planning & Public Works Departments, when a financial guaranty (see
34 forms available from the Public Works Department) and agreement to
35 complete improvements are placed with the Town. The landscaping
36 shall be completed within 6 months from the issuance of the certificate
37 of occupancy, or the Town shall utilize the financial guaranty to contract
38 out the work to complete the improvements as stipulated in the
39 agreement to complete landscaping improvements. **No other**
40 **improvements shall be permitted to use a financial guaranty for**
41 **their completion for purposes of receiving a certificate of**
42 **occupancy.**
43
- 44 5. As built site plans must to be submitted to the Public Works Department
45 prior to the release of the applicant's financial guaranty.
46
- 47 6. All required School, Library, Recreation, Police, and Fire impact fees
48 must be paid prior to the issuance of a Certificate of Occupancy.
49

1 7. It is the responsibility of the applicant to obtain all other local, state, and
2 federal permits, licenses, and approvals which may be required as part
3 of this project (that were not received prior to certification of the plans).
4 Contact the Building Department at extension 115 regarding building
5 permits.
6

7 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 9-**
8 **0-0.** Plan is conditionally approved.
9

10 F. Iron Wood Real Estate Holding, LLC, Map 15, Lot 70-1 - Application
11 Acceptance and Public Hearing for a Site Plan for a change in use (residential
12 to professional office) and associated site improvements.
13

14 T. Thompson stated that there are no checklist items, and staff recommends
15 the application be accepted as complete.

16 **J. Farrell made a motion to accept the application as complete. R.**
17 **Brideau seconded the motion.** No discussion. **Vote on the motion: 9-0-**
18 **0.** Application accepted as complete.
19

20 Keith Coviello from Sublime presented their plans, for a change in use from
21 residential to professional office.

22 J. Trottier referenced the DPW/Stantec memo with the design review
23 comments.

24 T. Thompson referenced the waiver to section 3.08.b.3 of the site plan
25 regulations and that staff recommends granting the waiver.
26

27 *The Applicant is proposing two driveway locations on Rockingham Road that are less than*
28 *200 feet apart and do comply with section 3.08.b.3 of the Site Plan Regulations. Staff*
29 *recommends **GRANTING** the waiver, as the driveways are proposed to be one-way, and are*
30 *approved by NHDOT.*
31

32 T. Thompson said staff recommends conditional approval as outlined in the
33 staff recommendation memo. He said applicant should return to the Board for
34 signage after a client is established. He also mentioned that because the
35 Town Council approved the revised signage ordinance last week, the signage
36 would have to comply with the new signage regulations.
37

38 A. Rugg asked for public input, but there was none.
39

40 **J. Farrell made a motion to grant the waiver based on staff**
41 **recommendations. R. Brideau seconded the motion.** No discussion.
42 **Vote on the motion: 9-0-0.** Waiver is granted.
43

44 **J. Farrell made a motion to conditionally approve the site plan with**
45 **the following conditions:**
46

47 "Applicant", herein, refers to the property owner, business owner, or
48 organization submitting this application and to his/its agents, successors, and
49 assigns.
50

1 **PRECEDENT CONDITIONS**

2
3 All of the precedent conditions below must be met by the applicant, at the
4 expense of the applicant, prior to certification of the plans by the Planning
5 Board. Certification of the plans is required prior to commencement of any
6 site work, any construction on the site or issuance of a building permit.

- 7
8 1. The revised grading plan indicates a proposed spot elevation of 295.3
9 near the existing 296 contour but a proposed 296 contour or spot
10 elevations east of the proposed pavement area is not provided to clarify
11 the grading intent in this area. Will this area pond? The Applicant shall
12 review and update to clarify the grading intent for proper construction.
13
14 2. The Applicant shall note the Zoning Board case on the site plan in
15 accordance with the regulations.
16
17 3. The Applicant shall provide a summary table in the drainage report
18 indicating the pre- and post development flows to all abutters to clarify
19 the requirements of the regulations are achieved as typically requested
20 by the Town.
21
22 4. The Applicant shall address the following relative to the submitted traffic
23 report: Trip Distribution: The Applicant indicates that the trip
24 distribution is based on journey to work data taken from the 2000 US
25 Census Bureau. The Applicant also indicates that this information is
26 included in the Appendix of the report. However, no appendix is
27 attached to this report. The Applicant should provide data supporting
28 the stated trip distribution in the project traffic report.
29
30 5. Note all waivers granted on the plan.
31
32 6. The Applicant shall provide a digital (electronic) copy of the complete
33 final plan sent to the Town at the time of signature by the Board in
34 accordance with Section 2.05.n of the regulations.
35
36 7. Financial guaranty if necessary.
37
38 8. Final engineering review

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

46
47 **GENERAL AND SUBSEQUENT CONDITIONS**

48
49 All of the conditions below are attached to this approval.
50

- 1 1. The applicant is required to return to the Planning Board for a public
2 hearing to amend this approval for the review and approval of any
3 proposed signage for the site prior to the issuance of any sign permits
4 for the property.
5
- 6 2. **No construction or site work for the amended site plan may be**
7 **undertaken until the pre-construction meeting with Town staff**
8 **has taken place, filing of an NPDES-EPA Permit and the site**
9 **restoration financial guaranty is in place with the Town.** Contact
10 the Department of Public Works to arrange for this meeting.
11
- 12 3. The project must be built and executed exactly as specified in the
13 approved application package unless modifications are approved by the
14 Planning Department & Department of Public Works, or if staff deems
15 applicable, the Planning Board.
16
- 17 4. All of the documentation submitted in the application package by the
18 applicant and any requirements imposed by other agencies are part of
19 this approval unless otherwise updated, revised, clarified in some
20 manner, or superseded in full or in part. In the case of conflicting
21 information between documents, the most recent documentation and
22 this notice herein shall generally be determining.
23
- 24 5. All site improvements must be completed prior to the issuance of a
25 certificate of occupancy. In accordance with Section 6.01.d of the Site
26 Plan Regulations, in circumstances that prevent landscaping to be
27 completed (due to weather conditions or other unique circumstance),
28 the Building Department may issue a certificate of occupancy prior to
29 the completion of landscaping improvements, if agreed upon by the
30 Planning & Public Works Departments, when a financial guaranty (see
31 forms available from the Public Works Department) and agreement to
32 complete improvements are placed with the Town. The landscaping
33 shall be completed within 6 months from the issuance of the certificate
34 of occupancy, or the Town shall utilize the financial guaranty to contract
35 out the work to complete the improvements as stipulated in the
36 agreement to complete landscaping improvements. **No other**
37 **improvements shall be permitted to use a financial guaranty for**
38 **their completion for purposes of receiving a certificate of**
39 **occupancy.**
40
- 41 6. As built site plans must to be submitted to the Public Works Department
42 prior to the release of the applicant's financial guaranty.
43
- 44 7. All required Traffic, Police, and Fire impact fees must be paid prior to
45 the issuance of a Certificate of Occupancy.
46
- 47 8. It is the responsibility of the applicant to obtain all other local, state,
48 and federal permits, licenses, and approvals which may be required as
49 part of this project (that were not received prior to certification of the

1 plans). Contact the Building Department at extension 115 regarding
2 building permits.

3
4 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 9-**
5 **0-0.** Plan is conditionally approved.

6
7 G. Londonderry Housing & Redevelopment Authority, Map 14, Lot 44-11 -
8 Continued Application Acceptance and Public Hearing for a Site Plan &
9 Conditional Use Permit to construct a school bus terminal

10
11 T. Thompson stated that there are there are 3 outstanding checklist items, all
12 of which are waiver requests. Assuming the Board grants the waivers, staff
13 recommends the application be accepted as complete.

14
15 T. Thompson said that staff recommends granting the waivers, as
16 summarized below, and as requested in the memos from Todd Connors at
17 Sublime Civil Consultants:

- 18
19 1. *The Applicant has not provided building renderings per section 3.12 and 4.15 of the Site*
20 *Plan Regulations and Item IX of the Site Plan Application & Checklist in the plan set. Staff*
21 *recommends **GRANTING** the waiver, as there are no structures to be built in phase 1.*
22 *The applicant will be required to submit renderings and have an additional public hearing*
23 *for phase 2 of the project that includes the building.*
24
25 2. *The Applicant has not provided utility clearance letters per section 3.04, 3.05 and 4.18 of*
26 *the Site Plan Regulations and Item XI.A.5 of the Site Plan Application & Checklist. Staff*
27 *recommends **GRANTING** the waiver, as the only missing clearance letter is for Comcast,*
28 *which is not needed until phase 2 of the project.*
29
30 3. *The Applicant has not provided parking lot landscaping in accordance with section 3.11.g.*
31 *and 3.11.g.3 of the Site Plan Regulations and Item VII.B.a of the Site Plan Application &*
32 *Checklist. Staff recommends **GRANTING** the waiver, as the parking area is to be used for*
33 *busses, and the regulations specifically allow for this waiver for parking lots utilized by*
34 *large vehicles and trucks.*
35

36 **J. Farrell made a motion to grant the 3 waivers based on staff**
37 **recommendations. R. Brideau seconded the motion.** No discussion.
38 **Vote on the motion: 9-0-0.** Waivers granted.

39
40 **J. Farrell made a motion to accept the application as complete. R.**
41 **Brideau seconded the motion.** No discussion. **Vote on the motion: 9-0-**
42 **0.** Application accepted as complete.

43
44 Keith Coviello from Sublime and Earl Rossi from LHRA gave the Board an
45 update of their plans.

46 Robert Woodland from Woodland Design Group spoke about the proposed
47 traffic flow. He said that employees would start arriving between 5:15 –
48 5:30AM. About 19 buses would depart between 6:15 – 6:30AM. About 16
49 buses return at 3:45PM.

50
51 J. Trottier referenced the DPW/Stantec memo with the design review
52 comments.
53

1 T. Thompson said staff recommends conditional approval as outlined in the
2 staff recommendation memo. He noted there are no traffic comments based
3 on the traffic impact analysis submitted by the applicant. A. Rugg said the
4 applicant should also meet with the Heritage Commission before the building
5 is presented to the Board for phase 2.

6 C. Tilgner asked if the parking spaces for 49 buses would mean that the bus
7 company could increase the amount of buses that are parked and /or
8 serviced here in the future. J. Farrell agreed with C. Tilgner's concerns. E.
9 Rossi said that all other bus terminals have their own servicing facilities and
10 there would be no need for them to send buses to Goffstown. Rossi said that
11 this facility is intended for Londonderry buses only.

12 [Todd Connors from Sublime arrived at 9:00PM]

13 C. Tilgner also asked if it is possible for a bus to make a left or right turn
14 from Harvey onto Litchfield without cutting into oncoming traffic. P. DiMarco
15 asked George Herrmann from the School Board (who happened to be
16 present) why the Londonderry schools have to be serviced with buses
17 physically located in Londonderry. G. Herrmann said there is nothing in the
18 contract that specifies the bus terminal must be located in Londonderry. He
19 said there is a year and a half left of their contract. His question is what
20 happens when the contract is up and we have a facility to house buses and
21 the need is no longer there. Rossi said he believes that the contract states it
22 is a requirement that the buses be located and serviced in Londonderry. Rossi
23 said when the current contract expires if a different contractor takes over,
24 they would need a place for their buses.

25
26 A. Rugg asked for public input.

27 Richard Innie, Jr., 20 Harvey Rd, is concerned with the buffer possibly being
28 compromised. Todd Connors said they plan to remove about 12 trees. Rossi
29 said they want to leave as many trees as they can. Innie said the lot is about
30 4 feet lower than the road. He said if they remove the trees then he will see
31 the buses from his house. He would prefer they place some landscaping
32 screening, like hemlocks, to block the view if this plan is approved. J. Farrell
33 recommended that the applicant work with staff on this issue.

34 Peter Curro, Business Administrator for the School District, said the length of
35 the contract is 5 years. He said it is not a requirement for the bus terminal to
36 be located in Londonderry. L. El-Azem asked what type of lighting will be
37 used at night. T. Connors said lighting levels will be about ½ candlelight
38 lighting field and they will be on all night.

39 M. Nemon asked if they use buses for sports or other events, were they
40 included in the traffic study and what day/s were the studies done? R.

41 Woodland said the studies were done on Monday May 21 and Tuesday May
42 22. He said that all buses, whether it was for school or other events all buses
43 were included in the study.

44 Madeline Saulnier, 83 Litchfield Rd. said that at a previous meeting former
45 Town Councilor Mike Brown said the use of this parcel would not have an
46 impact on traffic. She asked how many buses are going from Harvey to
47 Litchfield and said that Todd Connors had told her that only one bus would be
48 traveling down her road. R. Woodland said that is still their plan for her road.
49 She is also wants to know if there will be road improvements where the
50 buses will exit/enter. J. Trottier said the shoulders of the road at that area is

1 planned to be improved. She asked if the buses would be running early in the
2 morning in the winter months. Rossi said they are plugged in all night so that
3 they will start in the morning. Saulnier asked about security and fueling.

4 Rossi there are currently no plans for fueling, but it could be presented to the
5 Board in the future if necessary. Saulnier asked if the Board, prior to
6 approval, could write in certain conditions. A. Rugg said yes.

7 K. Wagner asked P. Curro how many buses would travel down Litchfield Rd.
8 Curro said regardless of where the terminal is, there will be buses traveling
9 down Litchfield Rd.

10 Robert Lebreux, 76 Hall Rd, said what would happen if we don't build this bus
11 terminal. He said surely the schools would not close down and we would just
12 continue getting our buses from Goffstown or somewhere else. He feels that
13 at some point in the future the contractor will want a fueling set up on this
14 site. He is also concerned about; washing of these vehicles, buses crossing
15 into oncoming traffic when making turns and with diesel exhaust fumes when
16 idling. He said that if we're not sure that the contractor will even want this
17 site, then what would we do with it? He doesn't want to see the trees cut
18 down because not only do they provide a screening, but they also keep down
19 the noise.

20 Richard Innie Sr, 22 Harvey Rd, said that Harvey Rd is already heavily used
21 and should have been part of this study. T. Thompson said there have
22 already been many studies done on Harvey and those results were
23 considered with this plan. He asked if they plan on road improvements for
24 snow removal. J. Trottier said there are no plans for road improvements for
25 snow removal. T. Freda said he is concerned with the abutters who live there
26 now not wanting this bus terminal moving into their neighborhood, after all
27 they were there first. He feels the abutters should not be inconvenienced with
28 this.

29 P. Curro said this move has no impact on the safety on transporting children.
30 He said the sole reasons for this change are 1) we require they have a
31 presence in town and 2) the contractor can substantially lower his costs by
32 having a location in town.

33 R. Lebreux said minor maintenance is usually done outside. He thinks we
34 should not cater to this contractor in order to save him money, but instead
35 base our decision on what the town and/or abutters want.

36 A. Rugg said he would like to see the minutes from the Town Council meeting
37 that included the sale of the property to the LHRA that should state what the
38 original intent was for the parcel.

39 J. Farrell said he would like to see the Superintendent of schools and a
40 representative from Goffstown Trucking to attend the November 14 meeting.

41 G. Herrmann said the School District was not part of this proposal and should
42 not need to attend the meeting, but the School Board would be willing to
43 discuss the maintenance part of the contract. E. Rossi agreed. Rossi said they
44 plan to have a 10,000 gallon fuel tank as part of this plan at some point in
45 the future.

46
47 **J. Farrell made a motion to continue to November 14, 2007 at 7PM.**
48 **K. Wagner seconded the motion.** No discussion. **Vote on the motion: 8-**
49 **1-0 (R.Brideau was opposed).** A. Rugg stated that the public hearing will

1 be continued to November 14, 2007 at 7PM, and this would be the only public
2 notice.

3
4
5 **Other Business**

6
7 None.

8
9 **Adjournment:**

10
11 **J. Farrell made a motion to adjourn the meeting. R. Brideau seconded the**
12 **motion.** No discussion. **Vote on the motion: 9-0-0.** Meeting adjourned at 10:50
13 PM.

14
15
16 These minutes prepared by Cathy Dirsra, Planning Department Secretary.

17
18
19
20 Respectfully Submitted,

21
22
23
24 Paul DiMarco, Secretary
25

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OCTOBER 10, 2007 AT THE MOOSE HILL**
3 **COUNCIL CHAMBERS**
4

5 7:00 PM: Members Present: Art Rugg; Tom Freda; Rick Brideau, Ex-Officio; John
6 Farrell; Kathy Wagner, Ex-Officio; Charles Tilgner, P.E., Ex-Officio; Paul DiMarco;
7 Mary Soares; Lynn Wiles, alternate member; Laura El-Azem, 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 L. Wiles to vote
13 for R.Nichols.
14
15

16 **Administrative Board Work**
17

18 A. Plans to Sign - Clark Farm Industrial Center Lot Line Adjustment/Subdivision,
19 Map 15, Lots 103 & 103-1
20

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

23 **J. Farrell made a motion to authorize the Chair and Secretary to sign**
24 **the plans. R. Brideau seconded the motion. No discussion. Vote on the**
25 **motion: 9-0-0.** A. Rugg said the plans will be signed at the conclusion of the
26 meeting.
27

28 B. Plans to Sign - Hovey View Estates Subdivision, Map 10, Lot 42-1
29

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

32 **J. Farrell made a motion to authorize the Chair and Secretary to sign**
33 **the plans. M. Soares seconded the motion. No discussion. Vote on the**
34 **motion: 9-0-0.** A. Rugg said the plans will be signed at the conclusion of the
35 meeting.
36

37 C. Plans to Re-Sign - Elliot Health Systems Condo Conversion, Map 6, Lot 73
38 (*Rejected at Registry*)
39

40 A. Rugg said the plans will be signed at the conclusion of the meeting.
41

42 D. Extension Request - Gilcreast House Site Plan, Map 6, Lot 64-1 - Applicant to
43 discuss further extension as discussed at the October 3 meeting
44

45 T. Thompson referenced the letters from Todd Connors at Sublime
46 Consultants. He said the plan was conditionally approved June 6, 2007 and
47 the revised plans were submitted on October 9.
48

49 Todd Connors from Sublime Consultants and the applicant, Barry Mazzaglia,

1 were present and gave the Board an update on their status and their request
2 for an extension.

3 J. Farrell asked staff if they thought 120 days is adequate. T. Thompson said
4 120 days is more than sufficient. He also stated that the applicant is in the
5 building without a certificate of occupancy and that there is pending court
6 action on this property. Consensus of the Board was to grant an extension to
7 December 12, 2007.

8
9 **J. Farrell made a motion to grant an extension to December 12, 2007,**
10 **which would be the last extension. R. Brideau seconded the motion.**
11 **No discussion. Vote on the motion: 8-1-0 (M. Soares in opposition).**

12 Extension to December 12, 2007 granted.

- 13
14 E. Extension Request - Kelcourse Site Plan, Map 15, Lot 87-1 - Request
15 additional 6 months

16
17 T. Thompson referenced the letter from Deb Brewster at TF Moran dated
18 October 9, 2007. He said the wetlands permit expires October 18, 2007 and
19 the applicant and the engineer have been working with the wetlands bureau
20 and expect to be able to either get a new permit or an extension, but in order
21 for this project to be valid we would need an extension to move this forward.

22 J. Farrell asked Deb Brewster if 6 months would be enough.

23 Deb Brewster from TF Moran said they have submitted all the documents to
24 the town and all the other permits have been extended. She said they are
25 waiting for an answer from the Wetlands Bureau. She can't answer that
26 question because it's difficult to estimate if 6 months will be enough. J. Farrell
27 suggested giving them a final extension to September 3, 2008 and if they are
28 ready sooner they can come before the Board. T. Thompson noted that the
29 development agreement has not been signed yet.

30
31 **J. Farrell made a motion to grant extension to September 3, 2008. R.**
32 **Brideau seconded the motion. No discussion. Vote on the motion: 9-0-**
33 **0. Extension to September 3, 2008 granted.**

- 34
35 F. Governmental Land Use Request - DPW Pump Station Replacement

36
37 T. Thompson referenced the letter from Janusz Czyzowski, Director of Public
38 Works and Engineering with a request under RSA 674:54 for a replacement
39 of the pump station at 8 Action Boulevard. He said that staff is asking the
40 Board if they would like a public hearing for this project. J. Trottier read the
41 letter from J. Czyzowski into the record.

42 [J. Farrell left the room at 7:27PM and returned at 7:30PM]

43 The consensus of the Board was not to require a public hearing.

- 44
45 G. Regional Impact Determinations

46
47 T. Thompson said there are two projects for regional impact determinations.
48 The first is Map 12, Lot 68, for the Londonderry Times at the corner of
49 Litchfield and Mammoth Roads. He said that staff recommends this project is
50 not a development of regional impact because it does not meet the regional

1 impact guidelines from the Southern NH Planning Commission (SNHPC).
2 Secondly is Map 6, Lot 34, for the under construction Buttrick Road
3 Professional Offices. He said they have obtained the parcel to the northeast
4 and are proposing a fifth phase to the project. He said that staff recommends
5 this project is not a development of regional impact because it does not meet
6 the regional impact guidelines from the Southern NH Planning Commission
7 (SNHPC).

8
9 **J. Farrell made a motion that these two projects are not of regional**
10 **impact. R. Brideau seconded the motion. No discussion. Vote on the**
11 **motion: 9-0-0. Regional impact determinations accepted.**

12
13 H. Signing of Minutes – September 5 and 12

14
15 Minutes for September 5 and 12 have been signed.

16
17 I. Discussions with Town Staff - 2008 Planning Board Meeting Schedule

18
19 T. Thompson presented the Board with the proposed Planning Board Meeting
20 Schedule for 2008. The Board accepted the proposed schedule.

21
22 **Public Hearings**

23
24 A. Holten Realty LLC, Map 15, Lot 13 - Continued Public Hearing for a site plan
25 and Conditional Use Permit to construct a 4000 square foot structure to
26 house existing auto salvage operations.

27
28 Ed Dudek, Holten Realty, was present.

29
30 T. Thompson said on October 9, 2007, Town Staff (T. Thompson, J. Trottier,
31 J. Smith, and F. Holdsworth) met with the Town Attorney related to the issue
32 raised at the September 12 Hearing relative to the paving of the parking
33 area at the front of the parcel. Upon recommendation of the Town Attorney,
34 the issue related to the paving of the parking area is not a part of this
35 application. The paving took place in 2003/2004 timeframe, and was done
36 with the knowledge of the Town Council as part of the re-licensing of the
37 junkyard. At this time, the parking area is not subject of this site plan
38 review, only the construction of the new building is being reviewed by the
39 Planning Board. The Planning Board is not an enforcement body. As such,
40 any complaints relative to any enforcement issues related to the paving of
41 the Parking area should raise the issue with the Town Council, which has the
42 authority to direct the code enforcement staff to act should the Council feel
43 that enforcement action is necessary. With this recommendation of the Town
44 Attorney, the issue of the parking area paving will not be part of this site plan
45 review.

46
47 T. Thompson said the applicant is requesting 4 waivers and staff recommends
48 granting the waivers for the traffic impact analysis and the monumentation.
49 He said the Town Attorney has advised that the sight distance waiver is not
50 required, as the sight distance is part of the existing, non-conforming nature

1 of the site. Assuming the Board does not require improvements to meet the
2 sight distance requirements as a condition of approval, the Board would need
3 to determine if additional landscaping was needed. If the Board requires
4 sight distance improvements, staff recommends denial of the landscape plan
5 waiver.
6

7 T. Thompson said that assuming the Board agrees with the Town Attorney
8 and does not require sight distance improvements as part of the conditions of
9 approval, then the CUP is not needed. If the Board opts to require sight
10 distance improvements as part of the conditions of approval, staff would
11 recommend that a Conditional Use Permit be obtained under a separate
12 public hearing (as a condition of approval).
13

14 T. Thompson said based upon the information available to date the Staff
15 recommends conditional approval of this application.
16

17 A. Rugg asked for public input.
18

19 Richard Belinski, 89 Hall Rd, asked for clarification of the town attorney's
20 recommendations on this plan. He gave J. Farrell a copy of a letter, which
21 Farrell read into the record. Belinski also referenced a letter from Jim Smith,
22 Building Inspector, regarding the non-conforming use of this property. J.
23 Farrell said non-conforming issues must go before the Zoning Board. Belinski
24 asked about the shoreline protection act. T. Freda asked who's responsibility
25 it is to define whether or not the buffer would be part of the shoreline
26 protection act. T. Thompson said it would be responsibility of the applicant
27 and/or the state. T. Thompson said the Board could make this part of the
28 general and subsequent conditions, that if it's part of the shoreline protection
29 act, then the issue would come before the Planning Board. Ed Dudek said the
30 DES has been on site many times. Dudek said the Wetlands Bureau has
31 never been on site. J. Farrell told Belinski that he has read all the information
32 in the Town Council files, as Belinski had requested him to do about noon
33 time on this day. Belinski feels that the info in the Town Council files is
34 wrong. He said he was told by the Town Manager that the Town Council
35 minutes are "word for word" and Belinski said they are not.
36 Davey Kilroy, 22 Hall Rd, said he has never had a problem with the salvage
37 yard and thinks it should be approved.
38

39 J. Trottier summarized the design review items from the DPW/Stantec memo.
40 He also summarized the staff recommendations for the 4 requested waivers.
41

42 **J. Farrell made a motion to grant the waiver to section 4.17 and 3.14**
43 **of the regulations for a traffic impact analysis based on staff**
44 **recommendations. R. Brideau seconded the motion.** No discussion.
45 **Vote on the motion: 9-0-0.** Waiver granted.
46

47 **J. Farrell made a motion to grant the waiver to section 4.12 of the**
48 **regulations for monumentation based on staff recommendations. R.**
49 **Brideau seconded the motion.** No discussion. **Vote on the motion: 9-0-**
50 **0.** Waiver granted.

1
2 **J. Farrell made a motion to grant the waiver to section 4.14.F of the**
3 **regulations for a landscape plan based on staff recommendations. R.**
4 **Brideau seconded the motion. No discussion. Vote on the motion: 7-2-**
5 **0 (M. Soares, T. Freda in opposition). Waiver granted.**
6

7 **J. Farrell made a motion to conditionally approve the site plan with**
8 **the following conditions:**
9

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

14 **PRECEDENT CONDITIONS**
15

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

- 21 1. The applicant shall revise note 7 based on the decision of the Planning
22 Board regarding the requested waivers on the site plan, sheet 2.
23
- 24 2. The applicant shall remove the sight distance plan and profile sheet from
25 the final plan set.
26
- 27 3. The applicant shall provide all appropriate owners' signatures on the
28 plans.
29
- 30 4. Note all waivers granted on the plan.
31
- 32 5. The Applicant shall provide a digital (electronic) copy of the complete
33 final plan sent to the Town at the time of signature by the Board in
34 accordance with Section 2.05.n of the regulations.
35
- 36 6. Financial guaranty if necessary.
37
- 38 7. Final engineering review
39

40 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
41 certified the approval is considered final. If these conditions are not met
42 within 120 days to the day of the meeting at which the Planning Board grants
43 conditional approval the board's approval will be considered to have lapsed
44 and re-submission of the application will be required. See RSA 674:39 on
45 vesting.
46

47 **GENERAL AND SUBSEQUENT CONDITIONS**
48

49 All of the conditions below are attached to this approval.
50

- 1 1. The applicant shall be required to return to the Planning Board for an
2 additional public hearing on this project should it be determined that the
3 State's Shoreland Protection Program Rules and Regulations apply to the
4 area impacted by the construction of the structure proposed as part of
5 this site plan.
6
- 7 2. **No construction or site work for the amended site plan may be**
8 **undertaken until the pre-construction meeting with Town staff**
9 **has taken place, filing of an NPDES-EPA Permit and the site**
10 **restoration financial guaranty is in place with the Town.** Contact
11 the Department of Public Works to arrange for this meeting.
12
- 13 3. The project must be built and executed exactly as specified in the
14 approved application package unless modifications are approved by the
15 Planning Department & Department of Public Works, or if staff deems
16 applicable, the Planning Board.
17
- 18 4. All of the documentation submitted in the application package by the
19 applicant and any requirements imposed by other agencies are part of
20 this approval unless otherwise updated, revised, clarified in some
21 manner, or superseded in full or in part. In the case of conflicting
22 information between documents, the most recent documentation and
23 this notice herein shall generally be determining.
24
- 25 5. All site improvements must be completed prior to the issuance of a
26 certificate of occupancy. In accordance with Section 6.01.d of the Site
27 Plan Regulations, in circumstances that prevent landscaping to be
28 completed (due to weather conditions or other unique circumstance), the
29 Building Department may issue a certificate of occupancy prior to the
30 completion of landscaping improvements, if agreed upon by the Planning
31 & Public Works Departments, when a financial guaranty (see forms
32 available from the Public Works Department) and agreement to
33 complete improvements are placed with the Town. The landscaping
34 shall be completed within 6 months from the issuance of the certificate
35 of occupancy, or the Town shall utilize the financial guaranty to contract
36 out the work to complete the improvements as stipulated in the
37 agreement to complete landscaping improvements. **No other**
38 **improvements shall be permitted to use a financial guaranty for**
39 **their completion for purposes of receiving a certificate of**
40 **occupancy.**
41
- 42 6. As built site plans must to be submitted to the Public Works Department
43 prior to the release of the applicant's financial guaranty.
44
- 45 7. All required Police, and Fire impact fees must be paid prior to the
46 issuance of a Certificate of Occupancy.
47
- 48 8. It is the responsibility of the applicant to obtain all other local, state, and
49 federal permits, licenses, and approvals which may be required as part
50 of this project (that were not received prior to certification of the plans).

1 Contact the Building Department at extension 115 regarding building
2 permits.
3

4 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 7-**
5 **2-0 (M. Soares, T. Freda in opposition).** Plan is conditionally approved.
6

7 B. 2009 - 2014 Capital Improvements Plan - Public Hearing/Adoption
8

9 T. Thompson gave the Board an overview of the proposed CIP (See
10 attachment #1).

11 J. Farrell said one of the concerns of the CIP committee was open space.

12 K. Wagner asked the residents that were present in the room for the Perkins
13 rezoning to please voice their comments about the CIP. She said that the
14 Town Council and School Board will ultimately decide what is proposed to the
15 voters in March.

16 Bob Floyd, 56 Bartley Hill Rd, asked what type of auditorium is the School
17 District proposing because the costs seem significantly high. He wants to
18 know what criteria they use for getting estimates. J. Farrell said they are
19 looking for an auditorium that would connect to the school. B. Floyd said a
20 good choice for open space would be Perkins Rd. Ron Campo said the
21 auditorium information is/or will be put on the school website. The open
22 space project was discussed at length.

23 Al Baldasaro, Hall Road, said we really need a hard look at what's going on in
24 town and what will affect our taxes.

25 Heather Anderson, 31 Perkins Rd, said many residents can't afford the taxes.

26 Ann McFarland, 41 Buckingham Dr, asked what these articles are. K. Wagner
27 and J. Farrell said that the CIP is an advisory document proposing how capital
28 projects should be planned for in the upcoming years. It is up to the Town
29 Council and School Board to determine what appears in the budget.

30 Greg DeVas, 21 Welsh Rd asked about tax impacts.

31 Sue Hickey, Assistant Town Manager for Finance and Administration,
32 explained the revenue process.

33 Chris Davies, 29 Perkins Rd, asked if the residents that are here tonight can
34 give their input to the Town Council. J. Farrell said if the Board adopts the
35 CIP, it would be presented to the Town Council at the November 5 meeting.
36 Nate Greenberg, School Superintendent, talked about taking the cultural arts
37 center and moving it onto the school side of the budget. He said the School
38 Board voted not to do that. He said they formed a committee to study the
39 cultural art concept vs. an auditorium (attached to the school) to reduce
40 costs. He said they did a thorough analysis and found they would be able to
41 fill the auditorium for an entire year with various events.

42 L. El-Azem said, as a resident and taxpayer, she is frustrated because the
43 town voted not to have a committee look into a cultural arts center and yet it
44 is still on the CIP agenda and a committee is still looking into it. Ron Campo
45 said that the School Board tried to get it off the ballot because there was no
46 dollar amounts attached to the article. They decided to leave it on there
47 because they wanted a committee to collect the data so that the community
48 could make an informed decision based on the costs. Campo said the final
49 decision is ultimately made by the voters.

1 Jeff Locke, 10 Welsh Rd, said he feels the plan has an information gap. He
2 asked if the warrant article would be worded as it is stated in the CIP. A.
3 Rugg said this is a hearing on the CIP as a planning tool, and when it goes
4 before the School Board it would be clarified for the warrant.

5 Mike Speltz, 55 White Plains (Conservation Commission), asked how much
6 time we should wait before purchasing open space because the costs will
7 continue to rise.

8 M. Speltz, said they have looked at many open space candidates and have to
9 make difficult decisions. T. Freda asked how much of the current open space
10 areas does the public have unlimited access to. Speltz said about 1,000
11 acres. He said that Merrill, Mack and Sunnycrest orchards are some that do
12 not have unlimited access due to agricultural operations.

13 J. Farrell asked if the Board is in agreement to move up Open Space.

14 **J. Farrell made a motion to adopt the FY 2009-2014 Capital**
15 **Improvements Plan with the following amendment:**

- 16
- 17 • **Shift the Open Space project from FY 2012 to FY 2011.**
- 18

19 **R. Brideau seconded the motion. Vote on the motion 9-0-0.** The
20 Capital Improvements Plan was adopted as amended.

- 21
- 22 C. Public Hearing - Petitioned Rezoning Application - Perkins Road, Map 16, Lots
23 1, 2 & 3 - from AR-I to R-III/C-II (Referred from Town Council)

24

25 Elmer Pease, applicant and Tom Duffy, presented. E. Pease stated he
26 understands the direction the hearing is likely to take, and offered not to
27 pursue the petition, and asked that the Board make no recommendation to
28 the Town Council. T. Duffy said they look forward to a mini master plan for
29 that area.

30

31 T. Thompson said because this is a petition, unless all of the signers of the
32 petition sign off on withdrawing the petition, the petition must move forward
33 to the Council. He stated the Board is required to make a recommendation to
34 the Town Council. He read recommendation summary from the staff
35 recommendation memo (see attachment #2), recommending the Board make
36 a recommendation of denial of the proposed re-zoning to the Town Council.

37

38 A. Rugg asked for public input.

39 Heather Anderson, 31 Perkins Rd, asked what the purpose of a mini master
40 plan is. A. Rugg said it's to take a detailed look at that area. T. Thompson
41 clarified the purpose of the targeted master plan and the process. Anderson
42 asked the Board if it's necessary for the petition to be revised. A. Rugg said
43 public input is needed. J. Farrell recommended that the residents stay
44 involved.

45 Holly Gorgol, 5 Terracewood Road, asked for clarification on the whole mini
46 master plan concept. A. Rugg said the mini master plan is to look at
47 everything related to the northern part of town and get public input.

48 Chris Davies, 29 Perkins Rd, asked if the mini master plan is something we
49 are going to do. T. Thompson said this project, airport area, and I93 widening
50 are things that we have requested funding for. Davies asked if there's a map

1 showing the overlay in that area. P. DiMarco said the map is on the town
2 website.

3 Marie Bouchard, 19 Buttrick Road, asked if the voters would vote on the mini
4 master plan. T. Thompson said they do not, master plans are Planning Board
5 documents, and the Planning Board votes to adopt. K. Wagner said public
6 hearings are where public input would be welcomed.

7 H. Anderson, asked if this is the only parcel that would be addressed with the
8 mini master plan. T. Thompson said this goes back to the July '06 conceptual
9 discussion, and reiterated that the targeted master plan would examine a
10 broad range of issues other than Perkins Road.

11 Mike Eide, 45 Perkins Rd, asked if this property is zoned for residential
12 homes. A. Rugg said as currently zoned (AR_I), yes.

13
14 **M. Soares made a motion that we recommend denying the rezoning**
15 **to the Town Council for reasons stated in the staff recommendation**
16 **memo. L. Wiles seconded the motion.** No discussion. **Vote on the**
17 **motion: 9-0-0.** This recommendation will be sent to the Town Council.

18
19 D. Public Hearing - Zoning Ordinance Amendments - Building Code Amendments

20
21 T. Thompson presented the Board with the amendments (see attachment
22 #3).

23
24 A. Rugg asked for public input, there was none.
25 [K. Wagner left at 10:45PM]

26
27 **J. Farrell made a motion that we recommend to the Town Council the**
28 **building code amendments to sections 5.1 and 5.2 of the Town**
29 **Ordinance. R. Brideau seconded the motion.** No discussion. **Vote on the**
30 **motion: 8-0-0.** This recommendation will be sent to the Town Council.
31 [K. Wagner was absent during this vote.]

32
33 E. Mark Investments LLC, Map 6, Lots 49 & 52 - Continued Public Hearing for a
34 waiver to Section 6.01.d of the Site Plan Regulations to allow for temporary
35 occupancy of Walgreens prior to all off-site improvements being completed.

36
37 T. Thompson referenced a letter from Earl Blatchford at Hayner Swanson
38 relative to their waiver requests to 6.01.d.

39
40 Earl Blatchford was present with Frank Quigley, construction manager for
41 Mark Investments.

42 [K. Wagner returned at 10:55PM]

43 E. Blatchford presented their reasons for the waiver request. He said they are
44 waiting for Verizon to remove the poles and wires so they can finish the
45 paving and striping. F. Quigley said that Verizon is about two weeks from
46 finishing their work, but if they don't that is why they are requesting the
47 waiver.

48
49 J. Trottier clarified for the Board that there are 3 signators required for the
50 certificate of occupancy; Public Works, Building, and Fire.

1
2 J. Trottier said staff recommends denying the waiver. T. Thompson also said
3 staff recommends denying the waiver. P. DiMarco expressed his concerns
4 about the off-site improvements not being completed yet and he wants to see
5 it finished first.

6
7 **J. Farrell made a motion to deny the waiver based on staff**
8 **recommendations. M. Soares seconded the motion.** No discussion. **Vote**
9 **on the motion: 9-0-0.** Waiver denied.

10
11 **Other Business**

12
13 None.

14
15 **Adjournment:**

16
17 **M. Soares made a motion to adjourn the meeting. P. DiMarco seconded**
18 **the motion.** No discussion. **Vote on the motion: 9-0-0.** Meeting adjourned at
19 11:15PM.

20
21 These minutes prepared by Cathy Dirsra, Planning Department Secretary.

22
23
24
25 Respectfully Submitted,

26
27
28
29 Paul DiMarco, Secretary
30

Londonderry Capital Improvements Plan FY 2009 – FY 2014

Planning Board Public Hearing

October 10, 2007

Overview of CIP Process

- **A CIP is an advisory document that can serve a number of purposes, among them to:**
 - Guide the Town Council and the Budget Committee in the annual budgeting process;
 - Contribute to stabilizing the Town's real property tax rate;
 - Aid the prioritization, coordination, and sequencing of various municipal improvements;
 - Inform residents, business owners, and developers of planned improvements;
 - Provide the necessary legal basis for ongoing administration and periodic updates of the Londonderry Growth Management Ordinance;
 - Provide the necessary legal basis continued administration and periodic updates of the Londonderry Impact Fee Ordinance.
-

Advisory Nature of CIP

- It must be emphasized that the CIP is ***purely advisory in nature***.
 - Ultimate funding decisions are subject to the budgeting process and the annual Town meeting.
 - Inclusion of any given project in the CIP does not constitute an endorsement by the CIP Committee.
 - The CIP Committee is bringing Department project requests to the attention of the Town, along with recommended priorities, in the hope of facilitating decision making by the Town.
-

What is a Capital Project?

- A tangible project or asset having a cost of at least \$100,000 and a useful life of at least five years.
 - Eligible items include new buildings or additions, land purchases, studies, substantial road improvements and purchases of major vehicles and equipment.
 - Operating expenditures for personnel and other general costs are not included.
 - Expenditures for maintenance or repair are generally not included unless the cost or scope of the project is substantial enough to increase the level of a facility improvement.
-

Potential Financing Methods

- 1-Year Appropriation (GF)
 - Capital Reserve (CRF).
 - Lease/Purchase
 - Bonds (BD)
 - Impact fees (IF)
 - Grants (GR)
 - Tax Increment Financing (TIF)
 - Public/Private Partnerships
-

Project Prioritization System

- **Priority 1 – Urgent - Cannot Be Delayed:** Needed immediately for health & safety
 - **Priority 2 - Necessary:** Needed within 3 years to maintain basic level & quality of community services.
 - **Priority 3 - Desirable:** Needed within 4-6 years to improve quality or level of services.
-

Project Prioritization System

- **Priority 4 - Deferrable:** Can be placed on hold until after 6 year scope of current CIP, but supports community development goals.
 - **Priority 5 - Premature:** Needs more research, planning & coordination
 - **Priority 6 - Inconsistent:** Contrary to land-use planning or community development goals.
-

Priority 1 Projects

- **Fire Department**
 - **North/West Station Replacement - \$1,500,000**
 - **Project Description:** This project will fund the construction of a new North/West Fire Station.
 - **Funding Source:** BD/IF
 - **Proposed Funding Year:** **FY 2009**
-

Priority 2 Projects

- **School District**
 - **South School Renovations - \$5,500,000**
 - Project Description: Replace the aging portable classrooms located at the South Elementary School with permanent construction. Project will likely also include some interior renovations and improvements to the field area.
 - Funding Source: BD
 - Proposed Funding Year: **FY 2009**
-

Priority 2 Projects

- **Public Works & Engineering - Highway Division**
 - **Roadway Rehab/Reconstruction Program - \$9,000,000 (\$1,500,000 annually)**
 - Project Description: Implementation of a roadway rehabilitation and reconstruction program for the Town's roadway infrastructure.
 - Funding Source: BD/GF/GR
 - Proposed Funding Year: **FY 2009**, 2010, 2011, 2012, 2013, 2014
-

Priority 2 Projects

- **Public Works & Engineering - Highway Division**
 - **Highway Garage Improvements - \$500,000**
 - Project Description: Improvements to the existing Highway Garage including construction of a shed to store sand/salt mixtures and house trucks & equipment, and construction of a 24' x 80' addition to the existing building to house a forman's office, lunchroom, and bathroom facilities.
 - Funding Source: Expendable Maintenance Trust Fund
 - Recommended Funding Year: **FY 2009** (Phase 2), 2010 (Phase 3)
-

Priority 2 Projects

- **Planning & Economic Development**
 - **Rt. 28/128 Intersection - \$2,500,000**
 - Project Description: The project proposes to upgrade the Rt. 28/Rt. 128 intersection by adding lanes to the four way approach, realigning the intersection and also signalization.
 - Funding Source: GR/IF/BD
 - Proposed Funding Year: **FY 2009** (Prelim Engineering - \$200,000), 2012 (ROW Acquisition - \$300,000), (Anticipated Construction in 2015 - \$2,000,000)
-

Priority 2 Projects

- **Planning & Economic Development Department**

- **Pettingill Road Upgrade - \$14,000,000**

- Project Description: This project will fund preliminary design plans and construction of the upgrade to Pettingill Road, a Class VI roadway that once upgraded will provide access to the industrial land south of Manchester Airport and connect with the NHDOT Airport Access Road.
 - Funding Source: TIF
 - Proposed Funding Year: FY 2010
-

Priority 2 Projects

- **Police Department**

- **Facility Communications Room – \$350,000**

- Project Description: Replace and upgrade of police communications system.
 - Funding Source: GF
 - Proposed Funding Year: FY 2010
-

Priority 2 Projects

- **School District**
 - **New SAU Office - \$150,000 (A&E), \$1,500,000 (Construction)**
 - Project Description: This project is to build a new SAU District Office.
 - Funding Source: BD
 - Proposed Funding Year: FY 2010 for A&E, FY 2011 for Construction
-

Priority 3 Projects

- **Planning & Economic Development Department**
 - **Master Plan Update- \$150,000**
 - Project Description: Update to the 2004 Master Plan. The 2011 update will follow closely behind the Decennial Census. The new census information will give us updated population and demographic data.
 - Funding Source: GF
 - Proposed Funding Year: FY 2011
-

Priority 3 Projects

- **Fire Department**
 - **Central Station Renovations - \$1,050,000**
 - Project Description: General renovations to Central Station to improve efficiency of the building and fire operations.
 - Funding Source: BD
 - Proposed Funding Year: FY 2011 (A&E), FY 2012 (Construction)
-

Priority 3 Projects

- **Public Works & Engineering - Solid Waste Division**
 - **Dan Hill Road Drop Off Center Improvements - \$375,000**
 - Project Description: Site improvements to the existing drop-off facility on Dan Hill Road.
 - Funding Source: Reclamation Trust Fund
 - Proposed Funding Year: FY 2011
-

Priority 3 Projects

- **General Government**
 - **Open Space Protection - \$1,000,000**
 - Project Description: Continuing purchase of open space in accordance with the updated Open Space Preservation Plan.
 - Funding Source: BD/GF/GR
 - Proposed Funding Year: FY 2012
-

Priority 3 Projects

- **School District**
 - **Auditorium - \$720,000(A&E), \$1,000,000 (Site Preparation) \$10,280,000 (Construction)**
 - Project Description: Construction of a new auditorium for the needs of the District's music, performing arts programs. Planned seating capacity is under 1,000.
 - Funding Source: BD
 - Proposed Funding Year: FY 2012 (A&E), FY 2013 (Construction)
-

Priority 3 Projects

- **Public Works & Engineering - Sewer Division**
 - **South Londonderry Sewer Phase II - \$1,500,000**
 - Project Description: Construction of the South Londonderry Phase II sewer project, expanding service area to capture a mix of commercial and residential land uses, consistent with the Town's Sewer Facility Plan adopted by the Town in 2005.
 - Funding Source: BD/Private Developer Contribution
 - Proposed Funding Year: FY 2013
-

Priority 3 Projects

- **Public Works & Engineering - Sewer Division**
 - **Mammoth Road Sewer Replacement (portion) - \$240,000**
 - Project Description: Replacement of a section of sewer infrastructure in the Mammoth Road near the intersection of Mammoth and Sanborn, consistent with the 2005 Sewer Facility Plan, and the conditionally approved multi-family development plans on Sanborn Road.
 - Funding Source: BD/AF/Private Developer Contribution
 - Proposed Funding Year: FY 2013
-

Priority 4 Projects

- **Heritage Commission:**
 - **Historic Property Preservation Program - \$250,000 Annually**
 - Project Description: This project proposes an annual appropriation to address the need to protect Londonderry's diminishing supply of historic homes and barns.
 - Funding Source: GF
-

Priority 4 Projects

- **Public Works & Engineering - Sewer Division**
 - **Plaza 28 Sewer Pump Station Replacement - \$2,000,000**
 - Project Description: Replacement of the existing sewer pump station at Plaza 28, enhancing service area to capture a mix of commercial and industrial land uses in the Jack's Bridge Road TIF District, consistent with the 2005 Sewer Facility Plan.
 - Funding Source: TIF/AF/BD
-

Priority 4 Projects

- **Public Works & Engineering - Sewer Division**
 - **Mammoth Road (North) Sewer Extension**
- \$460,000
 - Project Description: Extension of sewer infrastructure in the Mammoth Road area of the "North Village", consistent with the 2005 Sewer Facility Plan.
 - Funding Source: BD/AF
-

Year by Year Project Cost Totals

- FY 2007 - \$3,951,442 (actual)
 - FY 2008 - \$1,602,410 (actual)
 - **FY 2009 - \$8,925,000 (proposed)**
 - **FY 2010 - \$16,471,233 (proposed)**
 - **FY 2011 - \$4,317,600 (proposed)**
 - **FY 2012 - \$4,013,200 (proposed)**
 - **FY 2013 - \$4,730,000 (proposed)**
 - **FY 2014 - \$12,840,000 (proposed)**
-

Combined Tax Impact Analysis

- FY 2007 - \$1.60
 - FY 2008 - \$1.72
 - **FY 2009 - \$1.82**
 - FY 2010 - \$2.15
 - FY 2011 - \$2.40
 - FY 2012 - \$2.40
 - FY 2013 - \$2.28
 - FY 2014 - \$2.34
-

Note Regarding Previously Appropriated Exit 4A Project

- The bond for Exit 4A has been approved by a prior Town Meeting, so to that extent, it is an approved project and is not included in the CIP.
 - However, the project's debt service has not yet impacted the community.
 - In order to provide a complete estimation of the fiscal impact of capital projects, 4A has been indicated in the Financing Plan and Net Tax Impact Analysis spreadsheets of the CIP.
 - Currently, there is \$4.5M in un-issued debt authorization. The Town Manager's estimation at this point and that these bonds will be sold as a twenty year note in FY2010, with Principal & Interest payments beginning in FY2011.
-

Conclusion & Recommendations

- The CIP Committee has determined that there is not enough information to make a funding recommendation concerning the Priority 4 projects. These are projects in the opinion of the Committee that should be studied in further detail before funding decisions should be made.
 - The CIP Committee believes that Londonderry has made great strides in process and format of the Capital Improvements Plan, and are hopeful that the improvements have made a difference to the Planning Board, Town Council, School Board, and Budget Committee as they prepare budgets each year.
-

THANK YOU!

- My thanks go out to the CIP Committee and Staff Members that made this project possible:
 - **CIP Committee:**
 - Chair John Farrell
 - Vice Chair Ron Campo
 - Planning Board Rep Rick Brideau
 - Town Council Rep Brian Farmer
 - Budget Committee Rep Michael Toth (Tom Freda, Alternate)
 - **Staff:**
 - Sue Hickey, Asst. Town Manager for Finance & Administration
 - Peter Curro, School District Business Administrator
-

MEMORANDUM

To: Planning Board

Date: October 10, 2007

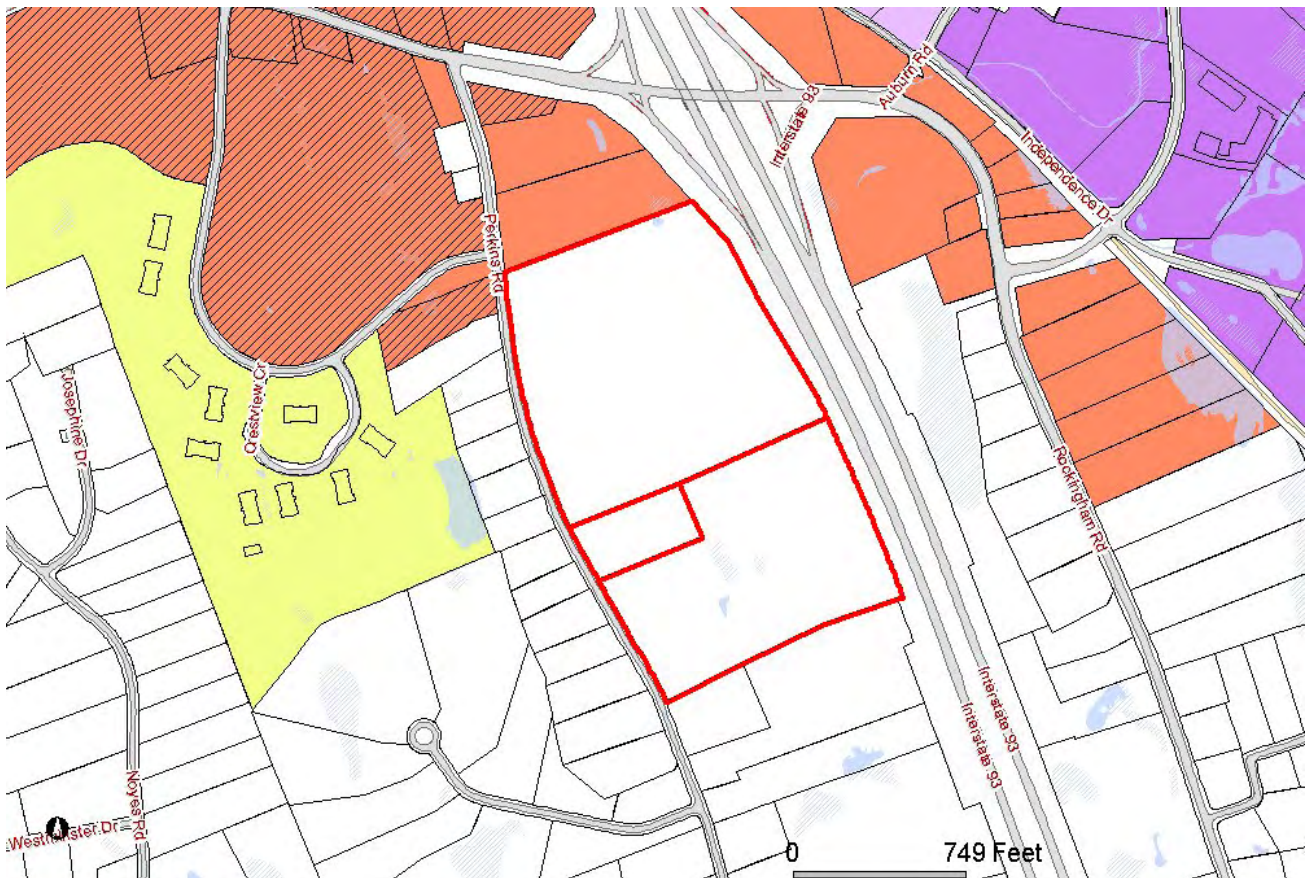
From: Timothy J. Thompson, AICP
Town Planner

Re: Petitioned Re-Zoning
Request – Map 16, Lots 1, 2, & 3 –
From AR-I to C-II/R-III

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 several lots from AR-I to a mix of C-II and R-III. The parcels are located along Perkins Road, adjacent to I-93 (See Map and pictures, below).



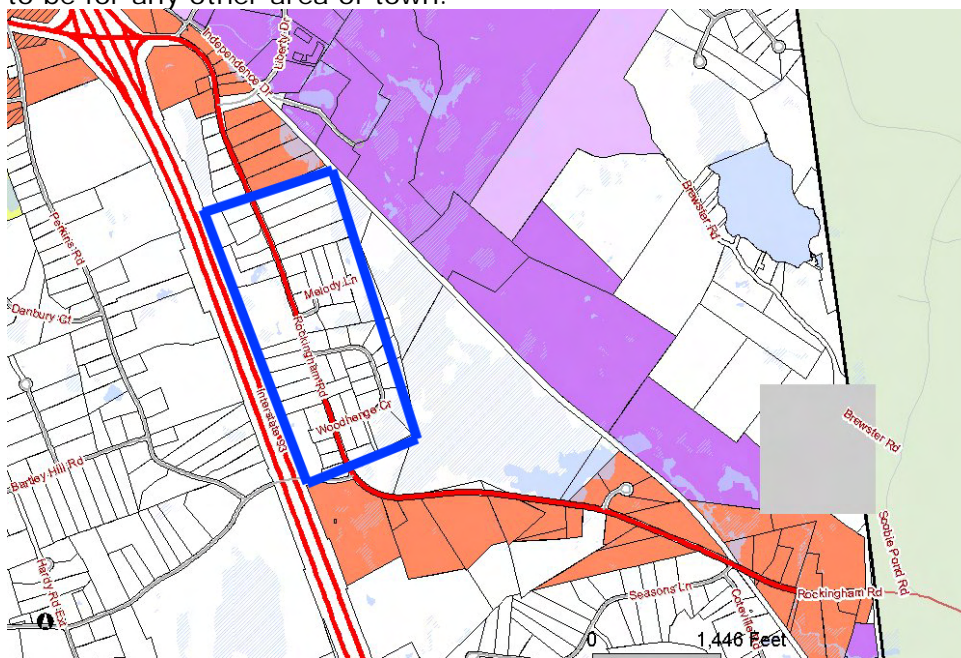


- The Master Plan does not call for zoning changes in this area of Londonderry; in fact, the area was specifically left out of the Master Plan after discussions with NHDOT about alternative locations for the Park and Ride in this area were abandoned after the property owners indicated their desire to remain agricultural/residential.
- The proposed rezoning would result in “commercial creep” up Perkins Road. “Commercial Creep” is expressly mentioned in the Master Plan, with the recommendation to avoid it adjacent to Rt. 102, Rt. 128, and Rt. 28. (See Page 3-15 of the Master Plan)
- The Planning Board held a previous conceptual discussion about this area in 2006 (see attached). The consensus of the Board at that time was that this area should not be rezoned until the Master Plan is re-examined for the area.
- Town Staff has developed a scope of services with the Southern NH Planning Commission (SNHPC) to do a “small area master plan” for the area around Exit 5. This area along Perkins Road would be examined during that process. We believe it would be premature to explore rezoning this area until the Master Plan is updated to include this small area study.
- Should the rezoning move forward, the applicant should be aware that the proposed development of the potential R-III portion of the lots would not comply with the requirements of the R-III District. The concept plan shows two buildings with 54 units each. The R-III District does not allow for any more than 24 units in a multi-family building. Additionally, a traffic impact analysis would need to be done for the proposed development, and improvements to Perkins Road to accommodate the additional traffic impact may be required.

Comments relative to the applicant’s submitted information packet:

The applicant has presented several excerpts from the Master Plan in support of the rezoning application. Staff disagrees with the manner in which these excerpts are used, and offers the following in response (it should be noted that the Planning Staff attended all meetings during the development of the 2004 Master Plan, and we believe that we understand the context of the excerpts and what was intended by them.)

- *Page 5-5:* This section deals in general terms about the Exit 5 area. As stated in the last sentence on the Exit 5 area, it calls for a “targeted master plan” for this area. This is specifically what we are engaging SNHPC to do for the Town. We believe that this small area study should be completed before any zoning changes are considered in this area of Londonderry.
- *Page 3-14:* This section deals in broad brush terms about future land use in various parts of town, including calling for a continuation of mixed use patterns at Exit 5. We believe that the small area study should be completed before any zoning changes are considered in this area of Londonderry.
- *Page 4-47:* This section deals Population and Housing. The applicant has highlighted a specific section dealing with consideration of updating or modifying the R-III zone. This is a task currently being studied by the Housing Taskforce. We believe it is premature to assume that the Housing Task Force would include this area of Londonderry for expansion of R-III zoning. The Taskforce should be allowed to finish their work and present their recommendations to the Town Council before any changes to the R-III zone are considered.
- *Page 2-5:* This section deals with diversification of housing opportunities. The applicant has highlighted a reference to senior and affordable housing. Elderly housing is permitted under the AR-I zone, and no zoning changes would be needed for an elderly housing proposal to be presented to the Planning Board.
- *Page 5-8:* This section deals concepts for **Rt. 28 SOUTH**. The residential transition zone mentioned in this section was specifically targeted to the **residential area of Rt. 28 between the existing commercial areas of exit 5 and the commercial area near the Derry town line** (see map below). This section was never intended to be for any other area of town.



- Implementation Table references: All of the items highlighted from the implementation table are in reference to Rt. 28 itself, and not other areas of town. Additionally, the packet includes multiple copies of the same recommendations (the table is in 2 parts, one section by type of action, and one section by responsibility. The highlighted items are duplicates, not individual recommendations).

Staff Recommendation:

In summary, the rezoning is not consistent with the 2004 Master Plan. The 2004 Master Plan calls for a targeted master plan for this area of Town, which the staff is currently developing with SNHPC. Staff believes that the rezoning petition as presented today is premature, and ultimately may be either wholly inconsistent with the plan for this area of Londonderry or may be appropriate for the area at some point in the future, depending on the results of the small area plan that has yet to be developed. As such, staff recommends that the Planning Board **RECOMMEND DENIAL** this rezoning to the Town Council, as it is inconsistent with the current Master Plan, and premature to consider any zoning changes to this area until the small area plan is completed.

5 BUILDING CODE AMENDMENTS

Article No. 14, adopted at the Town Meeting March 9, 1965;
Article Nos. 19 and 20 March 11, 1969; Special Town Meeting June 14, 1971;
Article No. 23, Town Meeting March 7, 1972-BOCA;
Article Nos. 107, 108, and 109 Town Meeting March 2, 1976;
Article No. 46 Town Meeting 1975;
Article No. 107-76-1975 BOCA
Article No. 108-76-Plumbing Code/1975
Article No. 109-76-NEC 75
Article No. 110 Town Meeting March 13, 1979).
Article No. 103 Town Meeting May 14, 1985 - Replaced BOCA Code 1975 Th 1984 Edition
Article No. 110 Town Meeting March 10, 1992 - Repealed current Building Codes and adopted 1990 BOCA (11th Edition)

Ordinance 99-07	11/01/99	Amend to BOCA Building Code - Fourteenth Edition
Ordinance 03-05		Not yet adopted
Ordinance 2004-4	3/8/04	Update to reflect State Building Code, Add demolition delay provisions.
<u>Ordinance 2007-x</u>	<u>x/x/07</u>	<u>Update to reflect 2006 updates to State Building Code</u>

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5.1 BUILDING CODE AMENDMENTS - PART I

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The International Building Code 2006 Edition as recommended and maintained by the voting membership of the International Code Council, Inc., with the following deletions and insertions:

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5.1.1 **Section 101.1** Insert name of jurisdiction in section as follows: These regulations shall be known as the Building Code of "the Town of Londonderry, New Hampshire", hereinafter referred to as "this code".

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5.1.2 **Section 101.4.4 Plumbing:** Delete last sentence of this Section and insert in place thereof the following: "The provisions of the current State of NH Subdivision and Individual Sewage Disposal System Design Rules and the Town of Londonderry Health Ordinance Chapter XX shall apply to private sewage disposal systems."

Deleted: Section 101.1 Delete Section 100.1 and insert in place thereof the following: " 100.1 Title: These regulations shall be known as the Building Code of the Town of Londonderry, New Hampshire hereinafter referred to as "this code".

5.1.3 **Section 103.1 Creation of Enforcement Agency:** Amend Section to read as follows: The department of building safety is hereby created "in accordance with the Town of Londonderry Municipal Code, Title V, Chapter II, Section III", and the official in charge shall be known as the Building **Official** "or Building Inspector where the context so admits or requires."

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Deleted: "The provisions of the current State of NH Env.-1000 Subdivision and Individual Sewage Disposal System Design Rules and the Town of Londonderry Health Ordinance Chapter XII shall apply to private sewage disposal systems."

5.1.4 **Section 103.2 Appointment:** Amend Section to read as follows: The building official shall be appointed "in accordance with the Town of Londonderry Municipal Code, Title V, Chapter I, Section IV-A, and in accordance with the provisions of RSA 674:51, III. The building official shall be removed as provided by the Londonderry Town Charter and/or the personnel policies and procedures."

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Deleted: or Building Inspector where the context so admits or requires."

5.1.5 **Section 103.3 Deputies:** Delete Section 103.3 and insert in place thereof the following: "Section 103.3 Organization: The appointing authority as prescribed by the Charter of the Town of Londonderry shall appoint such number of officers, technical assistants, and other employees as shall be necessary for the administration of this code."

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Deleted: "in accordance with the Charter of the Town of Londonderry and in accordance with the provisions of RSA 674:51, III. The building official shall be removed as provided by the Londonderry Town Charter and/or the personnel policies and procedures."

5.1.6 **Section 106.2.1** Add the following section: "Section 106.2.1 Soil and Technical Data: All technical and soil data required by the current State of NH Subdivision and Individual Sewage Disposal System Design Rules and the Town of Londonderry Health Ordinance, Chapter XX shall be submitted with the site plan."

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5.1.7 **Section 106.2.1.2 Driveway Plan:** Add the following section: "Section 106.2.1.2 Driveway Plan: The driveway plan shall indicate the location and profile of the driveway(s) in accordance with the Public Works design specifications for the Town of Londonderry. The driveway plan shall be reviewed and approved by the Public Works Department prior to the issuance of a building permit."

Deleted: Section 106.2.1 Soil and Technical Data: All technical and soil data required by the current State of NH Env.-WS1000 Subdivision and Individual Sewage Disposal System Design Rules and the Town of Londonderry Health Ordinance, Chapter XII shall be submitted with the site plan."

5.1.8 **Section 108.2 Schedule of Permit Fees:** Amend Section to read as follows: On buildings, structures, electrical, gas, mechanical, and plumbing systems or alteration requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as "determined by the Londonderry Town Council."

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5.1.9 **Section 109.3.1.1 Certified Foundation Footing Plan:** Add the following section: "Section 109.3.1.1 Certified Foundation Footing Plan: Upon completion of foundation footings, a certified plot plan prepared and signed by a surveyor licensed by the State of NH indicating that the improvements shown on said plan are in compliance with the building setback

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requirements of the Town of Londonderry, and a notation of the elevation of the top of the foundation footing shall be submitted to the Building Inspector prior to erecting the foundation walls. This requirement may be waived by the Building Inspector in the case of accessory structures and additions to existing structures.”

5.1.10 **Section 109.5 Inspection Requests:** Add the follow sentence to the Section paragraph: “Inspection requests made to the Londonderry building department shall require a minimum one day notice.”

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5.1.11 **Section 110.3.1 Approval Signature:** Add the following section: “Section 110.3.1 Approval Signature: All commercial, industrial, residential and other structures and occupancies requiring a certificate of occupancy as mandated by Section 110 of this code will require the following signatures: an authorized Building Department representative; an authorized Fire Department representative; an authorized Engineering Department representative. EXCEPTION: Structures requiring no action by the Fire or Engineering Departments will require only an authorized Building Department representative signature.”

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Deleted: Amend second sentence of Section paragraph to read as follows: “ It has been determined by a site-specific case study conducted by the Structural Engineers of NH that the ground snow load for the Town of Londonderry is 65 pounds per square foot.”

5.1.12 **Section 112.1 General:** Delete Section 112.1 in its entirety, (ie: 112.2 and 112.3) and insert in place thereof the following: “ Board of Appeals: In accordance with the provisions of RSA 673:3, IV., the Londonderry Zoning Board of Adjustment shall act as the building code Board of appeals, with the power as provided by RSA 674:34.”

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5.1.13 **Section 113.4 Violation Penalties:** Amend Section to read as follows: Omit at the end of the paragraph “by law”, and insert the following: “by the provisions of RSA 676:15 and 676:17.”

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5.1.14 **Section 114.3 Unlawful Continuance:** Amend Section to read as follows: Omit at the end of the paragraph “by law”, and insert the following: “ by the provisions of RSA 676:15 and RSA 676:17.”

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5.1.15 **Section 1608.2 Ground Snow Loads:** ~~Delete section in its entirety and insert in place thereof the following: “It has been determined by a site-specific case study conducted by the Structural Engineers of NH that the ground snow load for the Town of Londonderry is 65 pounds per square foot.”~~

Deleted: Amend Section as follows: Delete “400 square feet”, and insert “200 square feet”.

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5.1.16 **Section 1805.2.1 Frost Protection:** ~~Amend section item 1. as follows:~~
~~1. Extending below the frost line “for the Town of Londonderry of 48” below finished grade.”~~

Deleted: Add the following sentence at the end of Section paragraph: “The frost line for the Town of Londonderry has been determined to be 48” below finished grade.”

5.1.17 **Section 1805.2.1 Frost Protection:** ~~Amend section exception item 2. as follows:~~
~~2. Area of 200 square feet or less for any accessory structure.~~

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5.1.18 **Section 2901.1 Scope:** Amend last sentence of paragraph to read as follows: “ Private sewage disposal systems shall conform to the current State of NH Env.-WS1000 Subdivision and Individual Sewage Disposal System Design Rules and the Town of Londonderry Health Ordinance, Chapter XX.”

Deleted: “ Private sewage disposal systems shall conform to the current State of NH Env.-WS1000 Subdivision and Individual Sewage Disposal System Design Rules and the Town of Londonderry Health Ordinance, Chapter XII.”

5.1.19 **International Plumbing Code 2006 – Section 106.6.2 Fee Schedule:** The fees for plumbing work shall be “in accordance with the schedule as determined by the Londonderry Town Council.”

Deleted: International Plumbing Code 2000 - Section 602.3.3 Water Quality

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5.1.20 **International Plumbing Code 2006 – Section 106.6.3 Fee refunds:** *Delete sub-section Item 2 and Item 3 entirely.*

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5.1.21 **International Plumbing Code 2006 - Section 602.3.3 Water Quality:** Insert at the end of the section paragraph, the following sentence: "A water test report shall be submitted to the Building Inspector for review prior to the issuance of a certificate of occupancy. Such test shall include, "standard analysis" as recommended by the NH Department of Environmental Services, as well as volatile organic compounds (VOC) contaminants."

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5.1.22 **International Mechanical Code 2006 - Section 101.1 Title:** *These regulations shall be known as the Mechanical Code of the "Town of Londonderry", hereinafter referred to as "this code"*

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5.1.23 **International Mechanical Code - Section 106.5.2 Fee schedule:** *The fees for mechanical work shall be "in accordance with the schedule as determined by the Londonderry Town Council."*

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5.1.24 **International Mechanical Code – Section 106.5.3 Fee refunds:** *Delete sub-section Item 2 and Item 3 entirely.*

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5.1.25 **Appendices:** The following Appendix Chapters are hereby adopted as a part of the Londonderry Building Code:

- "Appendix C Group U - Agricultural Buildings"
- "Appendix E Supplementary Accessibility Requirements"

Deleted: Insert at the end of the Section paragraph, the following sentence: "A water test report shall be submitted to the Building Inspector for review prior to the issuance of a certificate of occupancy. Such test shall include, "standard analysis" as recommended by the NH Department of Environmental Services, as well as volatile organic compounds (VOC) contaminants."

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Deleted: "Appendix J Supplementary Accessibility Requirements for Qualified Historic Buildings and Facilities" ¶

5.2 BUILDING CODE AMENDMENTS – PART II

The International Residential Code, 2006 Edition as recommended and maintained by the voting membership of the International Code Council, Inc., with the following deletions and insertions.

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5.2.1 Section R101.1 Title: Insert in “[NAME OF JURISDICTION]” the following: “the Town of Londonderry”

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5.2.2 Section R103.1 Creation of Enforcement Agency: Amend Section to read as follows: The department of building safety is hereby created “in accordance with the Town of Londonderry Municipal Code, Title V, Chapter II, Section III”, and the official in charge shall be known as the Building Official or Building Inspector where the context so admits or requires.”

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5.2.3 Section R103.2 Appointment: Amend Section to read as follows: The building official shall be appointed “in accordance with the Town of Londonderry Municipal Code, Title V, Chapter I, Section IV-A, and in accordance with the provisions of RSA 674:51, III. The building official shall be removed as provided by the Londonderry Town Charter and/or the personnel policies and procedures.”

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5.2.4 Section R103.3 Deputies: Delete Section R103.3 and insert in place thereof the following: “Section R103.3 Organization: The appointing authority as prescribed by the Charter of the Town of Londonderry shall appoint such number of officers, technical assistants, and other employees as shall be necessary for the administration of this code.”

Deleted: “in accordance with the Charter of the Town of Londonderry and in accordance with the provisions of RSA 674:51, III. The building official shall be removed as provided by the Londonderry Town Charter and/or the personnel policies and procedures.”

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5.2.5 Section R105.2 Work Exempt from Permit: Amend Section as follows: Omit listed item number “1.” in its entirety. Amend listed item number 3. By replacing “4 feet” with “3 feet”.

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5.2.6 Section R106.2.1 Add the following section: “Section R106.2.1 Soil and Technical Data: All technical and soil data required by the current State of NH Subdivision and Individual Sewage Disposal System Design Rules and the Town of Londonderry Health Ordinance, Chapter XX shall be submitted with the site plan.”

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5.2.7 Section R106.2.1.2 Add the following section: “Section R106.2.1.2 Driveway Plan: The driveway plan shall indicate the location and profile of the driveway(s) in accordance with the Public Works design specifications for the Town of Londonderry. The driveway plan shall be reviewed and approved by the Public Works Department prior to the issuance of a building permit.”

Deleted: “Section R106.2.1 soil and Technical Data: All technical and soil data required by the current State of NH Env.-WS1000 Subdivision and Individual Sewage Disposal System Design Rules and the Town of Londonderry Health Ordinance, Chapter XX shall be submitted with the site plan.”

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5.2.8 Section R108.2 schedule of permit fees: Amend Section to read as follows: On buildings, structures, electrical, gas, mechanical, and plumbing systems or alteration requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as “determined by the Londonderry Town Council. This requirement may be waived by the Building Inspector in the case of accessory structures and additions to existing structures. Town owned structures and properties shall be exempt.”

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5.2.9 Section R109.1.1.2 Certified Foundation Footing Plan: add the following section: “Section R109.1.1.2 Certified Foundation Footing Plan: Upon completion of foundation footings, a certified plot plan prepared and signed by a surveyor licensed by the State of NH indicating that the improvements shown on said plan are in compliance with the building setback requirements of the Town of Londonderry, and a notation of the elevation of the top of the

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foundation footing shall be submitted to the Building Inspector prior to erecting the foundation walls. This requirement may be waived by the Building Inspector in the case of accessory structures and additions to existing structures.”

- 5.2.10 **Section R109.3 Inspection Requests:** Add the following sentence to the Section paragraph: “Inspection requests made to the Londonderry building department shall be a minimum of one day notice.”
- 5.2.11 **Section R110.3.1 Approval Signature:** Add the following section: “Section R110.3.1 Approval Signature: All commercial, industrial, residential and other structures and occupancies requiring a certificate of occupancy as mandated by Section 110 of this code will require the following signatures: an authorized Building Department representative; an authorized Fire Department representative; an authorized Engineering Department representative; EXCEPTION: Structures requiring no action by the Fire or Engineering departments will require only an authorized Building Department representative signature.”
- 5.2.12 **Section R112 Board of Appeals:** Delete Section R112 in its entirety and insert in place thereof the following: “Section R112 Board of Appeals: In accordance with the provisions of RSA 673:3, IV., the Londonderry Zoning Board of Adjustment shall act as the building code Board of appeals, with power as provided by RSA 674:34.”
- 5.2.13 **Section R113.4 Violation Penalties:** Amend Section to read as follows: Omit at the end of the paragraph “by law”, and insert the following: by the provisions of RSA 674:15 and RSA 674:17.”
- 5.2.14 **Section R114.2 Unlawful Continuance:** amend Section to read as follows: omit at the end of the paragraph “ by law”, and insert the following: by the provisions of RSA 674:15 and RSA 674:17.”
- 5.2.15 **Table R301.2(1) Climatic and Geographic Design Criteria:** Insert design criteria in the Table as follows: Roof Snow Load - “It has been determined by a site-specific study conducted by the Structural Engineers of NH that the ground snow load for Londonderry is 65 pounds per square foot.” ;Wind Speed - “90 mph Exposure B” Seismic Design Category - “C”; Weathering - “Severe”; Frost Depth - “48”; Termite – “Moderate”; Winter Design Temp - “-3F”; Ice Barrier Underlayment – “Yes”; Flood Hazard - “1980”; Air Freezing Index – “1500”; Mean Annual Temperature – “45”
- 5.2.16 **Section R403.1.4.1 Frost Protection:** Amend section exception item 1. as follows: “200”. Delete section exception item 2. entirely.
- 5.2.17 International Plumbing Code 2006 - Section 602.3.3 Water Quality: insert at the end of the Section paragraph, the following sentence “A water test report shall be submitted to the Building Inspector for review prior to the issuance of a certificate of occupancy. Such test shall include, “standard analysis” as recommended by the NH Department of Environmental Services, as well as volatile organic compounds (VOC) contaminants.”
- 5.2.18 Appendices: The following Appendix Chapters are hereby adopted as part of this code:
 - “Appendix F – Radon Control Methods”
 - “Appendix G - Swimming Pools, Spas and Hot Tubs”

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Deleted: “Inspection requests made to the Londonderry building department shall require a minimum 24 hour notice.”

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Deleted: Roof Snow Load - “It has been determined by a site-specific study conducted by the Structural Engineers of NH that the ground snow load for Londonderry is 65 pounds per square foot.” ;Wind Speed - “90 mph Exposure B” Seismic Design Category - “A”; Weathering - “Severe”; Frost Depth - “48”; Termite - “Slight to Moderate”; Decay - “None to Slight”; Winter Design Temp - “-3F” Flood Hazard - “1980”.

Deleted: <#>Section R403.1 General: Insert at the end of the Section paragraph, the follow sentence: “footings and foundation walls for structures larger than 200 square feet shall extend below ... [1]

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Deleted: : “A water test report shall be submitted to the Building Insf ... [2]

Deleted: <#>Part VIII - Electrical: Omit Chapters 33 through 42 in ... [3]

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Deleted: “Appendix E - Manufactured Housing Used Af ... [4]

Deleted: “Appendix J - Existing Buildings and Structures”¶

Section R403.1 General: Insert at the end of the Section paragraph, the follow sentence:
“footings and foundation walls for structures larger than 200 square feet shall extend below the frost line as specified in Table R301.2(1) of this code.”

Part VII - Plumbing: Omit Chapters 25 through 32 in reference to plumbing systems and insert the following: All plumbing systems shall comply with the provisions of the International Plumbing Code as referenced in Section 8:8 of the State Building Code.”

: “A water test report shall be submitted to the Building Inspector for review prior to the issuance of a certificate of occupancy. Such test shall include, “standard analysis” as recommended by the NH department of environmental services, as well as volatile organic compounds (voc) contaminants.”

Part VIII - Electrical: Omit Chapters 33 through 42 in reference to electrical systems and equipment and insert the following: “All electrical systems and equipment shall comply with the provisions of the national electrical code as referenced in Section 8:7 of the state building code.”

“Appendix E - Manufactured Housing Used As Dwellings”

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF NOVEMBER 7, 2007 AT THE MOOSE HILL COUNCIL**
3 **CHAMBERS**
4

5 7:00 PM: Members Present: Art Rugg; Kathy Wagner, Ex-Officio; Charles Tilgner,
6 P.E., Ex-Officio; Paul DiMarco; Mary Soares; Lynn Wiles, alternate member; Laura
7 El-Azem, alternate member; Melissa Nemon, 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 7:03 PM. A. Rugg appointed L. Wiles to
13 vote for T. Freda; L. El-Azem to vote for J. Farrell; M. Nemon to vote for R.
14 Nichols.
15

16 **Administrative Board Work**
17

18 A. Plans to Sign - Gilcreast House Site Plan - Map 6, Lot 64-1
19

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

22 **P. DiMarco made a motion to authorize the Chair and Secretary to**
23 **sign the plans. M. Soares seconded the motion. No discussion. Vote on**
24 **the motion: 8-0-0.**

25 A. Rugg said the plans will be signed at the conclusion of the meeting.
26

27 B. Plans to Sign – Ironwood Real Estate Holding Site Plan - Map 15, Lot 70-1
28

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

31 **P. DiMarco made a motion to authorize the Chair and Secretary to**
32 **sign the plans. M. Soares seconded the motion. No discussion. Vote on**
33 **the motion: 8-0-0.**

34 A. Rugg said the plans will be signed at the conclusion of the meeting.
35

36 C. Extension Request - Young Subdivision - Map 12, Lot 17-1
37

38 T. Thompson referenced the letter from Tim Peloquin, Promised Land Survey
39 requesting a 6 month extension. T. Thompson said staff supports the
40 extension to May 7, 2008.

41 **P. DiMarco made a motion to grant a 6 month extension to May 7,**
42 **2008. M. Soares seconded the motion. No discussion. Vote on the**
43 **motion: 8-0-0. Extension granted for 6 months to May 7, 2008.**
44

45 D. Regional Impact Determinations
46

47 T. Thompson recommended that the following 3 projects are not of regional
48 impact.

- 49 • Lot Line Adjustment for Frances & Jean Milne and Joseph & Linda Ryan

- 1 • Lot Line Adjustment for Stonyfield Farm
- 2 • Site Plan for Penske Truck Leasing

3
4 **P. DiMarco made a motion to accept the regional impact**
5 **determinations. M. Soares seconded the motion.** No discussion. **Vote on**
6 **the motion: 8-0-0.** Regional impact determinations accepted.

7
8 E. Approval of Minutes – October 3 & 10

9
10 **P. DiMarco made a motion to approve the minutes from the October 3**
11 **meeting. M. Soares seconded the motion.** No discussion. **Vote on the**
12 **motion: 8-0-0.**

13
14 **P. DiMarco made a motion to approve the minutes from the October**
15 **10 meeting. M. Soares seconded the motion.** No discussion. **Vote on**
16 **the motion: 8-0-0.**

17
18 A. Rugg said the minutes are approved and will be signed at the November
19 14 meeting.

20
21 F. Discussions with Town Staff

22
23 J. Trottier mentioned Enterprise Rent-A-Car is looking to make security
24 improvements for their site on Perimeter Road. Enterprise proposes a 12'
25 spike strip at the driveways inside property line and replace exit bar gate with
26 motorized exit gate. J. Trottier said staff is requesting direction from the
27 Board as to whether or not this can be handled administratively by staff or if
28 the Board feels a public hearing for a revised site plan is required.

29
30 Steve Freeman from Mark Carrier Construction and Chris Martin from
31 Enterprise Rent-A-Car gave the Board an overview of their proposal.
32 The Board said they are comfortable with staff handling this issue
33 administratively.

34
35 T. Thompson mentioned a project for YM Realty that is located on a lot in
36 both Londonderry and Hudson. He stated all improvements are in Hudson,
37 and there is no impact (construction or drainage) in Londonderry. The Board
38 determined that there was no need for site plan approval in Londonderry, and
39 directed staff to send a letter to Hudson stating that.

40
41 T. Thompson asked the Board if they wanted to forward a recommendation to
42 the Town Council for the senior alternate, L. Wiles, to fill the remaining term
43 of T. Freda, whose resignation was accepted on 11/5 by the Town Council. **P.**
44 **DiMarco made a motion to recommend the Council appoint L. Wiles as**
45 **a regular member of the Planning Board. M. Soares seconded the**
46 **motion.** No discussion. **Vote on the motion 7-0-1** (L. Wiles abstained).

47
48 T. Thompson talked about realigning the term lengths for Planning Board
49 members, which have lost their stagger with recent reappointments to fill
50 vacancies. He stated that he will work with the Town Manager's office to

1 ensure the proper stagger of terms is reestablished in the coming years.

2
3 P. DiMarco said he noticed that Verizon has removed the poles in front of the
4 new Walgreens site. J. Trottier said the applicant hopes to see the work
5 finished next week.

6
7 A. Rugg talked about the SNHPC open position. The Board would like possible
8 candidates to come meet with the Board. T. Thompson indicated he will
9 invite the candidates for a Q&A with the Board next week.

10
11 **Public Hearings**

12
13 A. Rugg stated that the agenda would be heard out of order to deal with
14 continuance requests.

15
16 A. Sovereign Realty Development Corp., Map 15, Lots 61-2 and 62 - Continued
17 Application Acceptance and Public Hearing for a Site Plan and Conditional Use
18 Permit to construct 26,600 square feet of professional office space
19 ***Request Continuance to December 5, 2007***

20
21 T. Thompson referenced the letter from Matt Peterson from Woodland Design
22 Group requesting a continuance to December 5, 2007.

23
24 **P. DiMarco made a motion to continue the public hearing to**
25 **December 5, 2007. M. Soares seconded the motion.** No discussion. **Vote**
26 **on the motion: 8-0-0.** Hearing continued to December 5, 2007 at 7PM. A.
27 Rugg said this will be the only public notice.

28
29 D. PD Associates, LLC, Map 7, Lot 123 - Application Acceptance and Public
30 Hearing for a Site Plan and Conditional Use Permit to construct 3 single family
31 elderly housing units and a parking lot.
32 ***Request Continuance to December 5, 2007***

33
34 T. Thompson referenced the letter from Matt Peterson from Woodland Design
35 Group requesting a continuance to December 5, 2007.

36
37 **P. DiMarco made a motion to continue the public hearing to**
38 **December 5, 2007. M. Soares seconded the motion.** No discussion. **Vote**
39 **on the motion: 8-0-0.** Hearing continued to December 5, 2007 at 7pm. A.
40 Rugg said this will be the only public notice.

41
42 B. Francis & Nancy DeCoste, Map 3, Lot 26-1 - Application Acceptance and
43 Public Hearing for a 3 lot Subdivision.

44
45 T. Thompson stated that there are no checklist items, and staff recommends
46 the application be accepted as complete.

47 **P. DiMarco made a motion to accept the application as complete. M.**
48 **Soares seconded the motion.** No discussion. **Vote on the motion: 8-0-0.**
49 Application accepted as complete. A. Rugg said this will start the 65-day
50 clock.

1
2 Mike Grainger from MJ Grainger Engineering and Don Duval from Duval
3 Survey presented their plans, which is to divide the lot into 3 single family
4 lots. A shared driveway is proposed for all 3 lots, due to the intersection of
5 Mammoth and South/Griffin Roads.

6
7 J. Trottier referenced the DPW/Stantec memo with the design review
8 comments.

9
10 T. Thompson said staff recommends conditional approval as outlined in the
11 staff recommendation memo.

12
13 A. Rugg asked for public input.

14 Mark Lampkin, 4 Griffin Rd, asked if the applicant did a boundary survey. He
15 said he has a barn there and would like to know if it's within the boundaries.
16 Mike Grainger said they won't be sure until the boundary markers are placed,
17 but they think it is inside Lampkin's boundary. A. Rugg said M. Lampkin
18 should work with the applicant. M. Lampkin said he is concerned about
19 possibly having to replace his well in the next 5-6 years and wants to know if
20 he would have to place a new well within his boundaries or if he could place
21 the new one where the existing one is now. The Board said that the property
22 easement which exists on his parcel would dictate the location for the
23 replacement well. The Board said M. Lampkin could also request a lot line
24 adjustment from the applicant if there are setback issues with his barn. T.
25 Thompson said that once the boundary markers are placed, if the barn is
26 inside the boundary lines it does not have to be moved.

27
28 **P. DiMarco made a motion to conditionally approve the subdivision**
29 **plan with the following conditions:**

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

34
35 **PRECEDENT CONDITIONS**

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

- 41
42 1. The Applicant proposes a single common driveway to serve the
43 proposed three lots under this application. A driveway design was
44 provided separately with this submission, but the design does not
45 appear to indicate an emergency vehicle can properly enter the site
46 from Griffin Road/Mammoth Road toward lot 26-3 (i.e. 180 degree
47 turning radius). The Applicant shall verify the proposed design meets
48 the approval of the Fire Department. The Applicant shall provide an
49 Auto-turn template indicating emergency vehicles can properly access
50 toward lot 26-3 approaching from Griffin Road/Mammoth Road for the

1 Planning Department's file. In addition, the Applicant shall include the
2 driveway design in the project plan set for proper construction.
3

- 4 2. The Applicant shall address the following on the subdivision plan:
5 A. The proposed access drive design across lot 26-1 for the benefit of
6 lot 26-3 (submitted separately) notes a 40 feet easement is to be
7 provided and is not consistent with the width shown on the plan (30
8 feet). The Applicant shall update the driveway access easement, as
9 necessary, to be consistent with the proposed driveway design.
10 B. The Applicant shall correct the designation of Mammoth Road to
11 Class II on this plan and all appropriate plans.
12 C. The topographic plan indicates proposed well radius encroachments
13 on lots 26-1 and 26-2 that are not described or indicated on the
14 plan in accordance with section 4.12.C. 9 of the regulations (metes
15 and bounds). The Applicant shall indicate the location on the plan
16 and provide appropriate descriptions in accordance with the
17 regulations.
18
19 3. The Applicant has previously submitted a letter prepared by a New
20 Hampshire licensed professional engineer to address a drainage study
21 per section 3.08 of the Subdivision Regulations and Item X.3 of the
22 Subdivision Application Checklist. The Applicant shall verify the letter
23 addresses how the requirements of the regulations are achieved under
24 this application. The Applicant shall revise the letter to the satisfaction
25 of the Department of Public Works.
26
27 4. The Applicant shall provide a digital (electronic) copy of the complete
28 final plan sent to the Town at the time of signature by the Board in
29 accordance with Section 2.06.N of the regulations.
30
31 5. Financial guaranty if necessary.
32
33 6. Final engineering review
34

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

42 **GENERAL AND SUBSEQUENT CONDITIONS**

43
44 All of the conditions below are attached to this approval.
45

- 46 1. **No construction or site work for the amended site plan may be**
47 **undertaken until the pre-construction meeting with Town staff**
48 **has taken place, filing of an NPDES-EPA Permit and the site**
49 **restoration financial guaranty is in place with the Town.** Contact
50 the Department of Public Works to arrange for this 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. In accordance with Section 6.01.d of the Site Plan Regulations, in circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstance), the Building Department may issue a certificate of occupancy prior to the completion of landscaping improvements, if agreed upon by the Planning & Public Works Departments, when a financial guaranty (see forms available from the Public Works Department) and agreement to complete improvements are placed with the Town. The landscaping shall be completed within 6 months from the issuance of the certificate of occupancy, or the Town shall utilize the financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. **No other improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving a certificate of occupancy.**
 5. As built site 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, Police, and Fire impact fees must be paid prior to the issuance of a Certificate of Occupancy.
 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 Department at extension 115 regarding building permits.

M. Soares seconded the motion. No discussion. **Vote on the motion: 8-0-0.** Plan is conditionally approved.

C. Emmy and Lewis O'Brien, Map 11, Lot 53 - Application Acceptance and Public Hearing for a 2 lot Subdivision.

T. Thompson stated there is one outstanding checklist item, which is a waiver request. He said there are a total of 3 waiver requests. Assuming the Board

1 grants the waiver for overhead utilities, staff recommends the application be
2 accepted as complete. The Board asked T. Thompson to read all 3 of the
3 waiver requests into the record.
4

5 **P. DiMarco made a motion to grant the waiver for overhead utilities**
6 **per Section 3.05 based on staff recommendations. M. Soares**
7 **seconded the motion.** No discussion. **Vote on the motion: 8-0-0.** Waiver
8 granted.
9

10 T. Thompson stated that because the Board granted the waiver for overhead
11 utilities, staff recommends the application be accepted as complete.

12 **P. DiMarco made a motion to accept the application as complete. M.**
13 **Soares seconded the motion.** No discussion. **Vote on the motion: 8-0-**
14 **0.** Application accepted as complete. A. Rugg said this starts the 65-day
15 clock.
16

17 Craig Walsh from RSL Layout & Design and Pamela O'Brien, applicant,
18 presented their plans. Proposal is to divide the lot into 2 lots. Ms. O'Brien
19 has received the necessary variances from the ZBA for the frontage being on
20 a Class VI road.
21

22 J. Trottier summarized the design review items from the DPW/Stantec memo.
23 He also summarized the staff recommendations for the requested waiver.
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 Mr Lewis O'Brien said this area hasn't changed for about 65 years. He said
31 the new driveway would be placed at where the current pavement on the
32 road ends.
33

34 **P. DiMarco made a motion to grant the plan scale waiver per 4.01.C**
35 **based on staff recommendations. M. Soares seconded the motion.** No
36 discussion. **Vote on the motion: 8-0-0.** Waivers granted.
37

38 **P. DiMarco made a motion to grant the waiver not to provide a sight**
39 **distance plan per Exhibit D2 based on the Planning staff**
40 **recommendation. M. Soares seconded the motion.** No discussion. **Vote**
41 **on the motion: 8-0-0.** Waivers granted.
42

43 **P. DiMarco made a motion to conditionally approve the subdivision**
44 **plan with the following conditions:**
45

46 "Applicant", herein, refers to the property owner, business owner, or
47 organization submitting this application and to his/its agents, successors, and
48 assigns.
49
50

1 **PRECEDENT CONDITIONS**

2
3 All of the precedent conditions below must be met by the applicant, at the
4 expense of the applicant, prior to certification of the plans by the Planning
5 Board. Certification of the plans is required prior to commencement of any
6 site work, any construction on the site or issuance of a building permit.

- 7
8 1. The Applicant shall update the title blocks on sheets 6 and 7 to provide
9 the Applicant's address consistent with sheets 1-5 of the plan set.
10
11 2. Note all waivers granted on the plan.
12
13 3. The Applicant shall provide a digital (electronic) copy of the complete
14 final plan sent to the Town at the time of signature by the Board in
15 accordance with Section 2.06.N of the regulations.
16
17 4. Financial guaranty if necessary.
18
19 5. 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
23 within 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
25 and re-submission of the application will be required. See RSA 674:39 on
26 vesting.

27
28 **GENERAL AND SUBSEQUENT CONDITIONS**

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

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

- 1 4. All site improvements must be completed prior to the issuance of a
2 certificate of occupancy. In accordance with Section 6.01.d of the Site
3 Plan Regulations, in circumstances that prevent landscaping to be
4 completed (due to weather conditions or other unique circumstance), the
5 Building Department may issue a certificate of occupancy prior to the
6 completion of landscaping improvements, if agreed upon by the Planning
7 & Public Works Departments, when a financial guaranty (see forms
8 available from the Public Works Department) and agreement to
9 complete improvements are placed with the Town. The landscaping
10 shall be completed within 6 months from the issuance of the certificate
11 of occupancy, or the Town shall utilize the financial guaranty to contract
12 out the work to complete the improvements as stipulated in the
13 agreement to complete landscaping improvements. **No other**
14 **improvements shall be permitted to use a financial guaranty for**
15 **their completion for purposes of receiving a certificate of**
16 **occupancy.**
17
18 5. As built site plans must to be submitted to the Public Works Department
19 prior to the release of the applicant's financial guaranty.
20
21 6. All required School, Library, Recreation, Police, and Fire impact fees
22 must be paid prior to the issuance of a Certificate of Occupancy.
23
24 7. It is the responsibility of the applicant to obtain all other local, state, and
25 federal permits, licenses, and approvals which may be required as part
26 of this project (that were not received prior to certification of the plans).
27 Contact the Building Department at extension 115 regarding building
28 permits.
29

30 **M. Soares seconded the motion.** No discussion. **Vote on the motion: 8-**
31 **0-0.** Plan is conditionally approved.
32

- 33 E. Coca-Cola Bottling Company of Northern New England, Map 15, Lots 93, 93-
34 1, 93-2 - Application Acceptance and Public Hearing for a lot line adjustment.
35

36 T. Thompson stated that there are no outstanding checklist items, and staff
37 recommends the application be accepted as complete.
38

39 **P. DiMarco made a motion to accept the application as complete. M.**
40 **Soares seconded the motion.** No discussion. **Vote on the motion: 8-0-**
41 **0.** Application accepted as complete. A. Rugg said this will start the 65-day
42 clock.
43

44 Nick Golan from TF Moran, Mark Smith from Coca-Cola and Jim Kerouac,
45 legal counsel for Coca-Cola, presented their plans. Project is a lot line
46 adjustment and lot consolidation. The newly consolidated lot will become
47 zoned I-I following approval of this plan and the merger of the consolidated
48 lot with the Coca-Cola parcel, per the approved rezoning.
49

1 J. Trottier summarized the design review items from the DPW/Stantec memo.
2 He also summarized the staff recommendations for the requested waivers.

3
4 T. Thompson said staff recommends conditional approval as outlined in the
5 staff recommendation memo.

6
7 A. Rugg asked for public input, but there was none.

8
9 **P. DiMarco made a motion to grant the waiver for section 4.01.C**
10 **sheet 3 only based on staff recommendations. L. Wiles seconded the**
11 **motion. No discussion. Vote on the motion: 8-0-0. Waivers granted.**

12
13 **P. DiMarco made a motion to grant the waiver to provide topography**
14 **per Section 4.17.A.23 based on staff recommendations. M. Soares**
15 **seconded the motion. No discussion. Vote on the motion: 8-0-0.**
16 **Waivers granted.**

17
18 **P. DiMarco made a motion to grant the waiver to Section 4.17.A.33**
19 **based on staff recommendations. M. Soares seconded the motion. No**
20 **discussion. Vote on the motion: 0-0-0. Waivers granted.**

21
22 **P. DiMarco made a motion to grant the waiver to Exhibit D2 for sight**
23 **distance for existing driveway based on Planning staff**
24 **recommendation. L. Wiles seconded the motion. No discussion. Vote**
25 **on the motion: 7-1-0 (M. Soares opposed). Waivers granted.**

26
27 **P. DiMarco made a motion to conditionally approve the lot line**
28 **adjustment plan with the following conditions:**

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

33
34 **PRECEDENT CONDITIONS**

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

- 40
41 1. The Applicant has indicated a proposed protective well radius serving lot
42 93-2 extending onto abutting lot 93 on the subdivision plan and within
43 the existing PSNH ROW easement. The Applicant shall provide
44 documentation PSNH has agreed to the indicated protective well
45 easement within their easement for the Planning Department's file and
46 per sections 3.05 and 3.06 of the regulations.
47
48 2. Note all waivers granted on the plan.
49

- 1 3. The Applicant shall provide a digital (electronic) copy of the complete
2 final plan sent to the Town at the time of signature by the Board in
3 accordance with Section 2.06.N of the regulations.
4
- 5 4. Financial guaranty if necessary.
6
- 7 5. Final engineering review
8

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

16 **GENERAL AND SUBSEQUENT CONDITIONS**

17
18 All of the conditions below are attached to this approval.
19

- 20 1. **No construction or site work for the amended site plan may be**
21 **undertaken until the pre-construction meeting with Town staff**
22 **has taken place, filing of an NPDES-EPA Permit and the site**
23 **restoration financial guaranty is in place with the Town.** Contact
24 the Department of Public Works to arrange for this meeting.
25
- 26 2. The project must be built and executed exactly as specified in the
27 approved application package unless modifications are approved by the
28 Planning Department & Department of Public Works, or if staff deems
29 applicable, the Planning Board.
30
- 31 3. All of the documentation submitted in the application package by the
32 applicant and any requirements imposed by other agencies are part of
33 this approval unless otherwise updated, revised, clarified in some
34 manner, or superseded in full or in part. In the case of conflicting
35 information between documents, the most recent documentation and
36 this notice herein shall generally be determining.
37
- 38 4. All site improvements must be completed prior to the issuance of a
39 certificate of occupancy. In accordance with Section 6.01.d of the Site
40 Plan Regulations, in circumstances that prevent landscaping to be
41 completed (due to weather conditions or other unique circumstance), the
42 Building Department may issue a certificate of occupancy prior to the
43 completion of landscaping improvements, if agreed upon by the Planning
44 & Public Works Departments, when a financial guaranty (see forms
45 available from the Public Works Department) and agreement to
46 complete improvements are placed with the Town. The landscaping
47 shall be completed within 6 months from the issuance of the certificate
48 of occupancy, or the Town shall utilize the financial guaranty to contract
49 out the work to complete the improvements as stipulated in the
50 agreement to complete landscaping improvements. **No other**

1 **improvements shall be permitted to use a financial guaranty for**
2 **their completion for purposes of receiving a certificate of**
3 **occupancy.**
4

- 5 5. As built site plans must to be submitted to the Public Works Department
6 prior to the release of the applicant's financial guaranty.
7
8 6. All required impact fees must be paid prior to the issuance of a
9 Certificate of Occupancy.
10
11 7. It is the responsibility of the applicant to obtain all other local, state, and
12 federal permits, licenses, and approvals which may be required as part
13 of this project (that were not received prior to certification of the plans).
14 Contact the Building Department at extension 115 regarding building
15 permits.
16

17 **M. Soares seconded the motion.** No discussion. **Vote on the motion: 8-**
18 **0-0.** Plan is conditionally approved.
19

- 20 F. Londonderry Church of the Nazarene, Map 3, Lot 135 – Application
21 Acceptance and Public Hearing for a Site Plan and Conditional Use Permit to
22 construct a 15,817 sq ft religious facility.
23

24 T. Thompson stated that there are no outstanding checklist items, and staff
25 recommends the application be accepted as complete.
26

27 **M. Soares made a motion to accept the application as complete.**

28 **P. DiMarco seconded the motion.** No discussion. **Vote on the motion: 8-**
29 **0-0.** Application accepted as complete. A. Rugg said this will start the 65-day
30 clock.
31

32 Tom Murphy from Holden Engineering presented their plans, providing an
33 overview of the proposed phasing of the building and parking, and an
34 overview of the site layout and design.
35

36 J. Trottier referenced the DPW/Stantec memo with the design review
37 comments.
38

39 T. Thompson said staff recommends granting the waiver for internal parking
40 lot landscaping due to the required floodplain mitigation and because there is
41 more perimeter landscaping than required by the regulations. He also stated
42 staff recommends the conditional use permit, per the recommendation of the
43 Conservation Commission and conditional approval of the site plan as
44 outlined in the staff recommendation memo.
45

46 Dick Hook, 183 Old Derry Rd, Hudson, said the facility and property would be
47 illuminated during hours of use and will have an extensive security system.
48 T. Murphy said the building will have lights that are always on at night, but
49 the parking lot will only be illuminated during hours of use.
50

1 A. Rugg asked for public input.

2
3 Julia Parkhurst, 11 Apollo Rd, is concerned about the vegetation buffer being
4 lessened or eliminated. Her main concern is that the parking lots will be
5 hidden from Rte 102 and she is worried about possible vandalism and
6 criminal mischief by people accessing the parking lot areas after hours.
7 Another concern that she expressed is about traffic. She said it is currently
8 difficult exiting from Acropolis Ave. She would like to see the proposed fence
9 be changed to encompass their entire facility to discourage anyone from
10 accessing the abutting properties. She said it would be best if the fence were
11 an 8' stockade fence instead of a chain link fence, which could be easily
12 scaled.

13
14 T. Thompson said an 8' stockade fence is considered a structure would be
15 subject to setback requirements. Additionally, the expansion of fencing into
16 the CO District would require a modification to the Conditional Use Permit and
17 a new recommendation from the Conservation Commission.

18
19 Pastor Edward Frost, said they haven't planned exactly what groups would be
20 utilizing the church. He said that it would most likely not be used past
21 9:00pm. He would like to see the building used for church related functions.

22
23 John McLaughlin, 15 Apollo Rd, asked if the stone wall will remain as is.
24 T. Murphy said yes they will stay. J. McLaughlin said there are some
25 endangered plants that are adjacent to his property and he wants to know if
26 they will be disturbed. T. Murphy said nothing will be disturbed within 30' of
27 the boundary.

28
29 Joshua Hodson, 1 Acropolis Ave, is concerned about possible access to his
30 property. He would like to have lighting at night and no gate so the police can
31 access it. He asked if it's true that the snow removal is designated to be
32 placed on top of the propane tank location and to please consider this.

33
34 Jeff Arnold, 13 Apollo Rd, asked how far the building must be from a wetland.
35 T. Thompson said it's 50 feet. J. Arnold asked if there has been any
36 consideration for a center turn lane for turning into the church from Rte 102.
37 J. Trottier said the traffic study did not warrant that.

38
39 Joe Dotson, 19 Dianna Road, would like to see the fence go past the paper
40 road. T. Thompson said that's possible as long as it's on church property.

41
42 Robin Dillman, 9 Apollo Rd, said she is concerned about access to her
43 property if the fence stops short of her property. She also said the traffic is
44 already bad in that area.

45
46 The Board suggested that the abutters work with the applicant regarding the
47 fencing and/or gating.

48
49 **P. DiMarco made a motion to grant the waiver for internal parking lot**
50 **landscaping for the front portion of the parking per Section 3.11.g**

1 **based on staff recommendations. M. Soares seconded the motion.** No
2 discussion. **Vote on the motion: 8-0-0.** Waivers granted.

3
4 **P. DiMarco made a motion to grant the Conditional Use Permit as**
5 **recommended by the Conservation Commission. M. Soares seconded**
6 **the motion.** No Discussion. **Vote on the motion: 8-0-0.** Conditional Use
7 Permit granted.

8
9 **P. DiMarco made a motion to continue to December 12, 2007 and ask**
10 **the abutters to work out the details with the applicant. M. Soares**
11 **seconded the motion.** Discussion ensued about the wording of the motion.

12
13 **P. DiMarco made a motion to amend the motion for abutters to work**
14 **out the details with the applicant to read "abutters to work out the**
15 **security issues with the applicant". M. Soares seconded the motion.**
16 **Vote on the amendment to the original motion: 8-0-0. Vote on the**
17 **amended motion: 8-0-0.** Plan is continued to December 12, 2007 at 7PM.

18
19 A. Rugg said this is the only public notice.

20
21
22 **Other Business**

23
24 None.

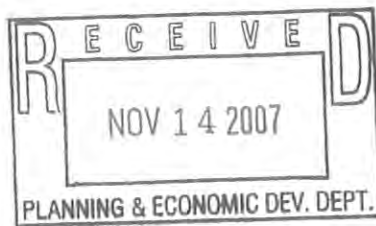
25
26 **Adjournment:**

27
28 **P. DiMarco made a motion to adjourn the meeting. K. Wagner seconded**
29 **the motion.** No discussion. **Vote on the motion: 8-0-0.** Meeting adjourned at
30 10:30 PM.

31
32
33 These minutes prepared by Cathy Dirsas, Planning Department Secretary.

34
35
36 Respectfully Submitted,

37
38
39
40 Paul DiMarco, Secretary



Board Members,

11-13-2007

This letter is to voice my strong opposition to the proposed school bus terminal currently being considered on Harvey Road.

Below I have listed our concerns. Some of these issues have been raised before without being answered.

>When LHRA acquired this parcel was there an agreement that the site not be used for heavy commercial business?

>Who will own the property and /or building? If Goffstown Trucking owns the property as a whole and loose the bussing contract what then? The site could be turned into a repair facility for their busses serving surrounding towns. It could become a dumping ground for older or non-operating busses. It could become a large un-maintained empty lot.

> If the LHRA maintains ownership of the property what will happen if Goffstown trucking is no longer under contract in the future and a new bus company does not want to use this facility. This also raises the question of who will pay for building the facility. It would be a shame if the townspeople were asked to pay for a facility that may be abandoned in just a few years. Any money savings realized by Goffstown Trucking will not be passed back to the town. They have a contract, any money they can save they will keep.

>The LHRA has yet to submit a complete site plan for the facility. This makes me suspicious about their true intentions for the site. They will not give a straight answer regarding blasting, fuel storage, parts storage, waste storage future plans or even contaminated water run off. There are a lot of houses in the area with wells.

>Has the construction of a garage been looked into at the current terminal?

>When we purchased our home 3 years ago the value was based on the area not having an unsightly bus terminal directly across the street. This will only decrease the value of our property. However I don't believe this decrease in property value will be reflected on my tax bill.

>Weather patterns in this area generally flow from West to East. With this terminal being located West of my home it is very disturbing to know that the diesel fumes of possibly 49 busses running simultaneously will be carried directly to my home. Not to mention the noise of the bus engines. This situation will only become worse during winter months when there are no leaves on the trees and busses must be run every morning for warm up.

>Will there be a need for kindergarten bus routes? If so when. This will add to the total number of busses leaving and entering daily.

>With the park outs being fueled twice weekly this means a potential undetermined number of busses will be entering and leaving daily. You could have the 49 parked in the terminal and a great many more being parked out. This facility has the potential of being used as a repair facility for neighboring towns also, again increasing the number of busses daily.

>No hours of operation have been established.

>What repairs or improvements are going to be made on Harvey Road to allow the busses to safely access the terminal? Will there be improvements to handle the ice situation on the hill at the terminal entrance?

>I am also going to have to deal with security lights being on all night across the street from my house in addition to potentially 49 sets of headlights shining directly into my house beginning at 6:15 a.m. every morning. The airport has an occasional plane fly over in the morning, but my home is sound proofed, not light proofed or air pollution proofed.

>When the bus terminal reaches capacity there will be 49 busses and 49 driver vehicles entering and leaving each day. In addition there will be maintenance workers vehicles entering and leaving each day. This will increase traffic flow by 200 vehicles each day. 1000 vehicles each week plus any park outs coming in and out twice weekly for fueling and repairs.

>There was mention of fencing being erected around the terminal. Whether it be for security or to try to hide the view of a yard full of yellow busses I am not sure. I will call your attention to the fencing issues regarding Murray's Auto Salvage. No matter what is done there is no way a yard full of yellow busses can be hidden.

>According to the latest bus flow report 10 busses will be traveling North on Harvey Road to Grenier Field Road. From here they will make a connection to Route 128 South. Has anyone informed the residents of the Grenier Field Road area of the increase of bus traffic they will encounter each day? There is also the issue of these busses traveling south on Route 128 at roughly the same time. This will affect every intersection crossing Route 128, including Litchfield Road which this plan was supposed to alleviate to begin with. Has there been a traffic survey to determine the effects on traffic at Harvey Road and Pettingill Road?

>I am aware that during winter storms snow removal generally takes place during the night so the busses can roll in the morning. This again adds to my noise and light issue. Plows are very noisy when they drop their blades. They also are required to have a flashing or strobe light operating while plowing, which will be directly across the street from my home.

>Has the effect on the wildlife in that section of woods been addressed? The wildlife has already lost a significant number of acres in the area with the airport clear cutting along that stretch of road 2 years ago. They also stand to loose many more acres to the industrial land on Aviation Park Road.

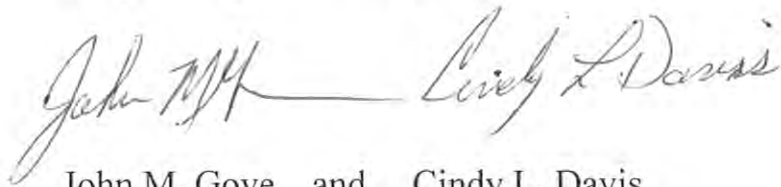
>Will there be a security person on site at night. With a fuel storage tank being located that close to an airport and power plant it makes one wonder about the safety of the area. Particularly with what's happening in the world today.

>We have suffered significant damage to our well due to the construction of the parking area at the end of Harvey Road, which I believe was also an LHRA project. Although I have informed the construction company of the situation they have refused to accept responsibility for the damage. I am in dire straights with my water now due to past construction. I can not afford any more problems with my well. If construction occurs, particularly blasting I will most assuredly loose my well altogether.

>An automobile stopping distance study shows the following information. An average vehicle on flat dry pavement needs 251 feet to stop if traveling at 30 mph. This distance increases to 446 feet at 40 mph and 697 feet at 50 mph. If you take into account a compromised line of sight due to vegetation along with the hill just before the entrance there will most assuredly be accidents with busses there. This doesn't take ice and snow into account either.

>The point was brought up that there needed to be sufficient reason to deny approval of this project. It is my opinion that with all of the residents speaking on this proposal being strongly against it, the terminal adding no value to the town or bus service, the certain negative traffic effects, noise and air pollution, unknown future use and wildlife habitat destruction along with the safety of our residents there is sufficient reason to deny project approval.

Respectfully Submitted,

Handwritten signatures of John M. Gove and Cindy L. Davis in cursive script.

John M. Gove and Cindy L. Davis
24 Harvey Road
Londonderry, N.H. 03053

Londonderry Housing & Redevelopment Authority

Londonderry Town Hall
268B Mammoth Rd.
Londonderry, NH 03053

L.H.R.A. – 2007

Earle Rosse,
Chairman

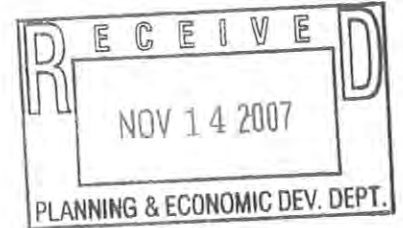
Edward David,
Treasurer

Robert Lievens,
Secretary

Paul Donehue

Robert McDonald

November 14, 2007



Londonderry Planning Board

Dear Planning Board Member:

We are writing to discuss the Planning Board meeting on October 10, 2007 regarding the proposed bus terminal for the Town of Londonderry. Members of the Board raised several concerns during the meeting. We believe the concerns raised during the meeting have been addressed. This letter is a request for the Planning Board's approval of the site plan review at the next meeting on November 14, as to our knowledge there are no other legitimate and unaddressed requirements for site plan approval.

A summary of the issues discussed follows:

The Board raised the issue of increased traffic west of Route 128. The traffic expert for the LHRA stated that no buses would travel those roads other than buses picking up children from those roads. According to the traffic expert, a Bus Operator's primary interest is a harmony of safety and efficiency. That interest would not be served by sending buses down a narrow two-lane road. Even if all the buses travel these roads, the expert testified that it would have a negligible impact on the traffic. The town staff and the traffic expert hired by the town to review these findings concurred. No evidence was offered to counter that opinion.

The Board expressed concern over the timing of buses arriving and departing from the bus terminal. The traffic expert notified the board that the peak periods of traffic in and out of the bus depot would occur outside of rush hour. The expert stated that a maximum of 18-20 buses would be coming or going within any 15 minute period. Again, the expert's opinion was that this constitutes a negligible impact on the traffic. The town staff and the town's review consultant agreed with this opinion as well. No testimony was heard that indicated buses would be entering or exiting the depot before 5:00 a.m. or after 4:30 p.m., excepting possibly those carrying school sport teams or other extracurricular club members.

The Board raised the issue of how many total buses would be on site. The LHRA has proposed a depot to accommodate 45-50 buses, and the Board should approve the site plan review with that number in mind. Whether some buses may be parked at different locations at times is not germane to the site plan review.

The Board or a resident raised the issue of the diesel engines. As discussed at the meeting, the practice of running buses overnight in winter no longer exists. The buses may need to warm up for roughly 15 minutes prior to departure. Drivers routinely start buses while they are completing their pre-drive checklist so this weather related warm up period is roughly consistent with everyday best practices. Therefore, no additional concerns regarding fumes or noise pollution should remain. Also, this depot is placed in an industrial zone in the shadow of Manchester airport. The impact of this depot on ambient air quality will be negligible and there is unlikely to be any appreciable noise impact from these buses, especially where a busy jet port is the neighbor of all of the lots in the area of the bus terminal.

Londonderry Housing & Redevelopment Authority

Londonderry Town Hall
268B Mammoth Rd.
Londonderry, NH 03053

Page – 2 of 2

The Board or a resident questioned the lighting for the depot and the buffer zones. These concerns are related and are addressed in the zoning ordinance. The LHRA has agreed to put in down lighting and low level lighting consistent with the ordinance. Also, the buffer zones proposed by the LHRA conform to the standard required by the zoning ordinance.

The Board questioned the need for the depot as well as the need for the depot in this location. The School Board requires a depot located within the Town of Londonderry. The School Board also requires the depot have a repair facility. The current site does not meet the stated terms of the contract. The LHRA is merely responding to an RFP with a site that meets the stated contractual terms of the School Board and therefore the Town of Londonderry.

Questions regarding possible concessions by the LHRA or the bus operator were also raised. The current bus operator, Goffstown Trucking, may not be the future operator, so concessions by the bus operator may not be binding in the future. The LHRA is not willing to attach conditions that run with the land, beyond the requirements of the zoning regulations and site plan requirements.

We are seeking approval of the site plan review at the next meeting on November 14, 2007.

Sincerely,



Edmund J. Boutin, &
LHRA Commissioners

EJB/alm

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF NOVEMBER 14, 2007 AT THE MOOSE HILL COUNCIL**
3 **CHAMBERS**
4

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

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

12 A. Rugg called the meeting to order at 7:05 PM. A. Rugg appointed L. Wiles to vote for the
13 position vacated by T. Freda and L. El-Azem to vote for J. Farrell until he arrives.
14

15 [J. Farrell arrived at 7:08PM]
16

17 **Administrative Board Work**
18

19 A. SNHPC Candidates Q&A - Deb Paul
20

21 The Board members asked several questions about her interest in the position, and her
22 background. Deb Paul said she had inquired about the position for the last 2 years. She
23 said she is in the publishing business and has a good feel for what businesses in the
24 area need. She feels positive that she has adequate time to devote to this position. A.
25 Rugg indicated the other candidates would be invited to meetings in December.
26

27 B. Plans to Sign - O'Brien Subdivision, Map 11, Lot 53
28

29 J. Trottier said all precedent conditions for approval have been met and the staff
30 recommends signing the plans.
31

32 **J. Farrell made a motion to authorize the Chair and Secretary to sign the plans. R.**
33 **Brideau seconded the motion. No discussion. Vote on the motion: 9-0-0.**

34 A. Rugg said the plans will be signed at the conclusion of the meeting.
35

36 C. Signing of Minutes – October 3 & 10
37

38 Minutes for October 3 and 10 have been signed.
39

40 D. Discussions with Town Staff
41

42 A. Garron said November 15 the I93 transit advisory committee will meet to discuss
43 transit options along the I93 corridor.

44 Tim White from the Southern NH Planning Commission (SNHPC), said there will also be
45 a public hearing November 28.

46 T. Thompson said our recently updated sign ordinance is missing some language
47 relative to directional signs, and asked the Board for direction on remedying the situation.
48 The Board consensus was to add the directory sign language from the previous version
49 of the sign ordinance.
50

51 **Continued Plans/Conceptual Discussions/Workshops**
52

1 A. Conceptual Discussion - Twin Gate Farm

2
3 J. Ratigan, attorney for the applicant, said his client is interested in developing this parcel
4 on 195 Mammoth Road for elderly housing. They had an informal meeting with the
5 Historic Properties Preservation Task Force (HPPTF) and discussed how they could
6 preserve the existing home and barn by subdividing them from the large parcel and
7 proposing light commercial development on the smaller lot.

8 Chris Nickerson, Hebert & Associates, said the existing home was constructed in the late
9 1800's. The barn is also historic and is in good shape. He said they would like to keep
10 and restore the home and barn, and then use the rest of the property for elderly housing.
11 They have considered using part of the land for apple trees. He stated that they
12 understood the timeline for implementation of the HPPTF recommendations could be a
13 year away, and the developer is on a shorter time schedule. They would like the Board's
14 opinion on seeking a variance from the ZBA to allow the commercial use of the
15 subdivided parcel. A. Garron said initially the applicant indicated they wanted to use the
16 existing farmhouse for commercial use. He said after meeting with the HPPTF the
17 applicant has indicated they would like to preserve the farmhouse and barn. He feels that
18 the plans are consistent with the potential zoning for that area following the
19 implementation of the HPPTF recommendations and he said the use would be a perfect
20 example of preserving much of the historic nature of the structures through light
21 commercial re-use. T. Thompson said if the zoning board were to grant a variance, that
22 variance would not necessarily be a permanent variance if the recommended changes
23 proposed by the HPPTF are adopted by the Town Council in the future. C. Nickerson
24 said they have revised their plans from 42 units to 33 units. A. Garron said they have
25 also moved the units away from Mammoth Road in order to maintain the view shed. T.
26 Thompson said they have also proposed a gated emergency access to Crosby Lane by
27 using an existing Right Of Way (paper road). J. Farrell suggested they plan to have a
28 building that the residents could use for functions, meetings, etc. He also said he would
29 like to see a traffic study done. A. Garron said the reason for the gated emergency
30 access to Crosby Lane was so that it would not be used as a cut through for people to
31 avoid the lights at the intersection of 128 and 102. P. DiMarco said that off-site
32 improvements may need to be done on Mammoth Road depending on the traffic study.
33 He also said he is not supportive of any commercial use on this property. M. Soares
34 asked who would care for the apple trees if they are incorporated into this plan. C.
35 Nickerson said the condo association would take care of them. M. Soares said she would
36 like to see the sidewalk continued down to CVS. She suggested changing the cul-de-sac
37 to include the right of way onto Crosby Lane instead of using the existing right of way. L.
38 Wiles said he feels moving the cul-de-sac to access Crosby Lane would be a better
39 alternative as well. T. Thompson said the HPPTF is now under stewardship of the
40 Heritage Commission and a workshop with the public will tentatively be held in February
41 prior to any recommendations in the fall of 2008. A. Rugg recommended that the
42 applicant meet again with the Heritage Commission. J. Ratigan said they want to meet
43 with the Fire Chief to discuss what his needs would be for emergency vehicle access.

44
45 A. Rugg asked for public input.

46 Dennis & Janet Griffin, 211 Mammoth Road, said the applicant has never stopped by to
47 talk with them. They asked what the size of the commercial building would be. C.
48 Nickerson said the addition would be about 6,000 sf.

49 D. Griffin said this project is not historic in his opinion. He also feels badly for the home
50 owner on Mammoth that will be surrounded by this development. J. Griffin said in her
51 opinion all the building on Mammoth Road is not maintaining the history of the town. She
52 feels that the town is being held hostage because if the variance is not granted the
53 developer said they can tear down the historic buildings and build what they want. J.

1 Griffin said she doesn't understand why the property was purchased for 1.2 million and
2 the assessed value has not yet changed. *[Clarification received later from R. Brideau:*
3 *Property is still in "Current Use," and the valuation reflects that. Will be increased upon*
4 *development of the parcel.]*

5
6 J. Farrell strongly recommended the applicant reach out to the abutters to discuss issues
7 prior to returning back to the Planning Board or going to the ZBA.
8

9 B. Londonderry Housing & Redevelopment Authority, Map 14, Lot 44-11 – Continued Public
10 Hearing for a Site Plan & Conditional Use Permit to construct a school bus terminal
11

12 Earle Rosse, Chairman of LHRA and Todd Connors, Sublime Civil Consultants
13 presented the plan.

14 Earle Rosse asked the Board what issues they would like to discuss tonight.

15 J. Farrell read letter from the LHRA into the record (See attachment). A. Garron said staff
16 supports this plan. They have addressed the issues from previous reviews, and meet the
17 requirements of the ordinances and regulations.
18

19 J. Trottier stated the application was accepted as complete and the waivers were granted
20 on October 3, 2007. The application was determined not to require a conditional use
21 permit by the Conservation Commission based on the revised design. He said no
22 additional plans or information were submitted by the applicant. He stated that Staff
23 recommended conditional approval on October 3, and has not changed that
24 recommendation. Based upon the information available to date the staff recommends
25 conditional approval of this application. T. Thompson said the architectural issues have
26 not yet been addressed, and will be part of Phase 2, requiring an additional public
27 hearing at that time. He said the 65-day clock started on October 3, 2007. R. Nichols
28 expressed his concern about the applicant providing a buffer that would provide a visual
29 barrier for the abutters. The applicant agreed to work with staff on the most appropriate
30 way to screen the area and provide the best landscaping buffer. T. Thompson said this
31 parcel is zoned for heavy industrial.
32

33 M. Soares read the letter dated 11/13/07 from John Gove & Cindy Davis, 24 Harvey
34 Road, into the record (See attachment).
35

36 A. Rugg asked for public input.

37 John Gove, 24 Harvey Road, asked about the height of the plantings. T. Thompson said
38 they are about 6 feet tall at the time of planting. J. Gove said that wouldn't be tall enough
39 to hide the busses. Barbara DiLorenzo, Harvey Road, said she doesn't object to a
40 business in the area, but she is opposed to this plan and feels that it is extremely
41 dangerous to the traffic in the area. Bob LeBreux, Hall Road, said he is concerned about
42 the fumes from all those buses idling in the mornings. He said the fuel tank would be too
43 large to be hidden by the trees. He is opposed to this plan. Chris Davies, 29 Perkins
44 Road, asked where the current location is for the school buses. A. Rugg said it's at the
45 intersection of Grenier Field Rd and Mammoth Rd in the North Village area. Richard
46 Innie asked why they didn't locate the buses on the land owned by LHRA, located in front
47 of the highway department. T. Thompson said the land was swapped for additional land
48 for the highway garage in exchange for this parcel. B. DiLorenzo said she thinks if the
49 bus contract stops, the parcel could end up being used for a rental car lot, i.e. Enterprise,
50 Avis. T. Thompson stated that any change of the use of the parcel would require a new
51 site plan and public hearing.

52 Richard Innie asked who abutters can go to when the code enforcement officer doesn't
53 take action on something that has been reported. He said 73 Hall Rd is operating a full

1 time day care. K. Wagner recommended he contact Dave Caron, the town manager.

2
3 **J. Farrell made a motion to conditionally approve the site plan with the following**
4 **conditions:**

5
6 "Applicant", herein, refers to the property owner, business owner, or organization
7 submitting this application and to his/its agents, successors, and assigns.

8
9 **PRECEDENT CONDITIONS**

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

- 15
16 1. The revised plans indicate improvements along Harvey Road as previously
17 requested by the Department of Public Works. The Applicant shall verify the
18 indicated improvements meet the approval of the Department of Public Works.
19
20 2. The Applicant shall extend the proposed trench drain along the entire building. In
21 addition, The Applicant shall extend the curbing beyond the double grate catch
22 basin along the pavement edge above the retaining wall.
23
24 3. The Applicant shall provide the Owner's signature on the plans as applicable. In
25 addition, the Applicant shall note the NHDES subsurface permit approval number
26 and FAA permit number on the plans.
27
28 4. The existing conditions drainage area plan provided with the drainage report
29 indicates the proposed improvements to Harvey Road. The Applicant shall
30 update the plan to eliminate the proposed improvements.
31
32 5. The Applicant shall add a note to the plan indicating that mechanically inoperable
33 busses shall not be stored on site for any longer than 30 days.
34
35 6. The Applicant shall revise the landscape design along the frontage of Harvey
36 Road, meeting the approval of the Planning & Public Works Departments, to
37 increase the density of screening from the residential properties located across
38 Harvey Road, particularly as it relates to the above ground fuel storage area.
39
40 7. Note all waivers granted on the plan.
41
42 8. The Applicant shall provide a digital (electronic) copy of the complete final plan
43 sent to the Town at the time of signature by the Board in accordance with Section
44 2.05.n of the regulations.
45
46 9. Financial guaranty if necessary.
47
48 10. Final engineering review
49

50 **PLEASE NOTE -** Once these precedent conditions are met and the plans are certified
51 the approval is considered final. If these conditions are not met within 120 days to the
52 day of the meeting at which the Planning Board grants conditional approval the board's

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

3
4 **GENERAL AND SUBSEQUENT CONDITIONS**

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

- 7
8 1. The site shall be limited for the purposes of busses **servicing the Londonderry**
9 **School District only.**
- 10
11 2. The Applicant shall make all reasonable efforts in the lease agreements with the
12 bus service providers to limit southbound exits from the site and northbound entry
13 to the site.
- 14
15 3. **No construction or site work for the amended site plan may be undertaken**
16 **until the pre-construction meeting with Town staff has taken place, filing of**
17 **an NPDES-EPA Permit and the site restoration financial guaranty is in place**
18 **with the Town.** Contact the Department of Public Works to arrange for this
19 meeting.
- 20
21 4. The project must be built and executed exactly as specified in the approved
22 application package unless modifications are approved by the Planning
23 Department & Department of Public Works, or if staff deems applicable, the
24 Planning Board.
- 25
26 5. All of the documentation submitted in the application package by the applicant
27 and any requirements imposed by other agencies are part of this approval unless
28 otherwise updated, revised, clarified in some manner, or superseded in full or in
29 part. In the case of conflicting information between documents, the most recent
30 documentation and this notice herein shall generally be determining.
- 31
32 6. All site improvements must be completed prior to the issuance of a certificate of
33 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
34 circumstances that prevent landscaping to be completed (due to weather
35 conditions or other unique circumstance), the Building Department may issue a
36 certificate of occupancy prior to the completion of landscaping improvements, if
37 agreed upon by the Planning & Public Works Departments, when a financial
38 guaranty (see forms available from the Public Works Department) and agreement
39 to complete improvements are placed with the Town. The landscaping shall be
40 completed within 6 months from the issuance of the certificate of occupancy, or
41 the Town shall utilize the financial guaranty to contract out the work to complete
42 the improvements as stipulated in the agreement to complete landscaping
43 improvements. **No other improvements shall be permitted to use a financial**
44 **guaranty for their completion for purposes of receiving a certificate of**
45 **occupancy.**
- 46
47 7. As built site plans must to be submitted to the Public Works Department prior to
48 the release of the applicant's financial guaranty.
- 49
50 8. All required Traffic, Police, and Fire impact fees must be paid prior to the
51 issuance of a Certificate of Occupancy.
52

1 9. It is the responsibility of the applicant to obtain all other local, state, and federal
2 permits, licenses, and approvals which may be required as part of this project
3 (that were not received prior to certification of the plans). Contact the Building
4 Department at extension 115 regarding building permits.

5
6 **R. Brideau seconded the motion.** No discussion. **Vote on the motion 7-2-0** (J. Farrell
7 & M. Soares opposed). Plan is conditionally approved.

8
9 A. Rugg said the board would hear the next agenda item out of order.

10
11 D. Small Area Master Plan Discussion

12
13 A. Garron said because of the growth in this area he felt we should take a closer look at
14 the master plan for this area. He said in the future when we look at changes in this area
15 we would have a better idea of the potential growth. He met with the SNHPC and shared
16 his concerns with them. They mutually agreed that a small master plan should be done
17 on the areas that indicate the most potential growth. Last week the Perkins Rd rezoning
18 came before the town council and the Planning Department felt it was important to
19 discuss this at tonight's meeting. He introduced the SNHPC members that were present.
20 Linda Ajello and Tim White from SNHPC gave the board an overview of their goals. They
21 plan to have 3 workshops with the public input so they can receive their input and
22 concerns. After the workshops they will meet with the Planning Dept and then go before
23 the Planning Board.

24 A. Garron said we've been looking at this area for a very long time. When he started here
25 in 1999 he said the Airport Access Road was slated to start, but kept getting delayed. T.
26 White said the SNHPC would also conduct a survey and the feedback would become
27 part of the database. T. White suggested that SNHPC could ask the UNH survey center
28 to do the surveys for them. Linda Ajello said the SNHPC would mail flyers to all
29 Londonderry residents informing them of the upcoming workshops and public hearings.
30 R. Nichols suggested setting something up on the internet that would allow people to
31 enter their mailing address to receive information about the workshops and public
32 hearings.

33 Linda Ajello said they would like to put together a detailed schedule and then come back
34 before the Planning Board. T. Thompson said December 12 would be fine.

35
36 A. Rugg asked for public input.

37 C. Davies said that he has an extensive background in computers and suggested we
38 don't utilize the internet for the surveys.

39 Heather Anderson, 31 Perkins Rd, said she feels mailings would be the best way to
40 reach all the residents.

41
42 E. Conceptual Discussion – Bernard Filion (Former Wallboard Supply Site), Old Nashua
43 Road

44
45 Tony Marcotte from Bedford Design Consultants and attorney Frank Messmer presented
46 their plans.

47 They want to solicit feedback from the board for a change in use on this site. The former
48 occupant on this parcel, Wallboard Supply, has moved to a new location. B. Filion has
49 leased the property to a landscape supply company and a company that manufactures
50 windows and doors. T. Thompson clarified for the board what the POD is for this area.
51 He said this parcel is subject to the POD regulations.

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

53 The Board was in favor of the applicant seeking a variance from the ZBA to allow the

1 standards of the underlying zone to govern the project, and then to return for a site plan
2 approval.

3
4 C. Excavation Regulations Workshop

5
6 A. Rugg said this will be moved to December 12, 2007 for a Public Hearing at 7:00 PM.

7
8 **Other Business**

9
10
11 **Adjournment:**

12
13 **M. Soares made a motion to adjourn the meeting. K. Wagner seconded the motion. No**
14 **discussion. Vote on the motion: 9-0-0. Meeting adjourned at 11:18 PM.**

15
16
17
18 These minutes prepared by Cathy Dirs, Planning Department Secretary.

19
20
21
22 Respectfully Submitted,

23
24
25
26 Paul DiMarco, Secretary
27

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF DECEMBER 5, 2007 AT THE MOOSE HILL COUNCIL**
3 **CHAMBERS**
4

5 7:00 PM: Members Present: Art Rugg; Rick Brideau, Ex-Officio; Kathy Wagner, Ex-Officio;
6 Charles Tilgner, P.E., Ex-Officio; Paul DiMarco; Mary Soares; Rob Nichols; Lynn Wiles,
7 alternate member
8

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

12 A. Rugg called the meeting to order at 7:03 PM. A. Rugg appointed L. Wiles to vote for the
13 position vacated by T. Freda.
14

15 **Administrative Board Work**
16

17 A. SNHPC Candidates Q&A - Deb Lievens, Don Moscovitz, Greg Warner
18

19 D. Lievens said she has lived in Londonderry her entire adult life. She is on the
20 conservation commission and the housing task force. She is an appointed member of the
21 state invasive plant species committee. She said that in 20 years from now she would
22 like to see the same community culture as now. She enjoys taking on detailed projects
23 and seeing them through to the end. She thinks the biggest challenge facing
24 Londonderry is growth and how to grow in a responsible way.
25

26 D. Moscovitz said he has been a resident of Londonderry for almost 30 years. He owns
27 Domino's Pizza in Londonderry and is President and Treasurer of the corporation, which
28 will expire December 31, 2007. He was on the master plan steering committee and
29 represented the businesses in the area. He has a bachelor's degree, MBA in operations
30 management, he was in the Navy as a meteorologist, worked on the Gemini space
31 program, and was an intelligence officer in the Navy. His corporate background includes
32 the food industry, environmental consulting companies for 16 yrs as senior program
33 manager. He thinks the biggest challenge facing Londonderry in the next 10-15 yrs is
34 sustaining growth, but maintain a semi-rural town. He feels that due to his experience in
35 managing many projects and having a good repose with people he would be a good
36 candidate. He said that in 20 years from now she would like to see the same small town
37 feel that exists now. He is interested in the mini-master plan and concerned about the I-
38 93 widening.
39

40 Mary Soares [arrived at 7:19PM]
41

42 G. Warner is an environmental scientist, and was in the Navy. He has lived in
43 Londonderry for about 15 years. He has noticed more traffic congestion in the last few
44 years. He said that in 20 years from now he would like to see the flavor of the town
45 remain the same as now, especially the agricultural aspect. He would not only like to see
46 the orchards remain, but to see them expand. He feels that he would be a good
47 candidate due to his experience. He is very interested in the prospects of mass transit in
48 southern NH.
49

50 A. Rugg said he would hear the public hearings out of order due to some continuance
51 requests and then resume with administrative board work and all other public hearings.
52

53 **Public Hearings**

1
2 D. Crowning Holdings, Map 15, Lot 2 - Public Hearing for an amendment to an approved
3 site plan to indicate revisions to the outdoor storage areas.

4
5 A. Rugg stated the applicant had withdrawn the application.

6
7 E. Chester Hall & Ironwood Real Estate Holdings, LLC, Map 10, Lots 40 and 40-1 -
8 Application Acceptance and Public Hearing for a Lot Line Adjustment.

9
10 T. Thompson referenced the letter from Charlie Zilch from S.E.C. & Associates
11 requesting a continuance to January 9, 2008.

12
13 **P. DiMarco made a motion to continue the public hearing to January 9, 2008 at**
14 **7PM. M. Soares seconded the motion.** No discussion. **Vote on the motion: 8-0-0.**
15 Hearing will be continued to January 9, 2008 at 7PM. A. Rugg said this will be the only
16 public notice.

17
18 G. Crowells Corner Properties, LLC (Nutfield Publishing), Map 12, Lot 68 - Application
19 Acceptance and Public Hearing for a Site Plan for a change in use from residential to
20 commercial office.

21
22 T. Thompson referenced the letter from William Gregsak, Gregsak Engineering,
23 requesting a continuance to January 2, 2008.

24
25 **P. DiMarco made a motion to continue the public hearing to January 2, 2008 at**
26 **7PM. M. Soares seconded the motion.** No discussion. **Vote on the motion: 8-0-0.**
27 Hearing will be continued to January 2, 2008 at 7PM. A. Rugg said this will be the only
28 public notice.

29
30 **Administrative Board Work**

31
32 B. Plans to Sign - Town of Londonderry Wireless Communication Facility Site Plan, Map 9,
33 Lot 55A

34
35 J. Trottier said all non-binding recommendations from the Board have been addressed
36 and the staff recommends signing the plans.

37
38 **P. DiMarco made a motion to authorize the Chair and Secretary to sign the plans.**
39 **M. Soares seconded the motion.**

40
41 T. Thompson noted that the Board generally does not sign plans for governmental land
42 use, but that the Town required Verizon to address all of the non-binding
43 recommendations and have the plans signed. He stated that he expects the plans for
44 Verizon Wireless to co-locate on the approved tower to be submitted soon.

45
46 **Vote on the motion: 8-0-0.**

47
48 A. Rugg said the plans will be signed at the conclusion of the meeting.

49
50 C. Plans to Sign - Clark Road (Coca-Cola) Lot Line Adjustment - Map 15, Lots 93, 93-1, 93-
51 2

52

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

3
4 **P. DiMarco made a motion to authorize the Chair and Secretary to sign the plans.**
5 **M. Soares seconded the motion.**

6
7 T. Thompson noted for the Board that the associated rezoning of the parcel does not
8 take effect until Coca-Cola consolidates the lot into their existing lot.

9
10 **Vote on the motion: 8-0-0.**

11
12 A. Rugg said the plans will be signed at the conclusion of the meeting.

- 13
14 D. Extension Request – Radzelovage Lot Line Adjustment (request 6 months) – Map 12,
15 Lot 15 & 15-1

16
17 T. Thompson referenced the memos from Tim Peloquin, Promised Land Survey. T.
18 Thompson said staff sees no reason why the conditions should not have been done
19 within the 2 year time frame. He summarized the conditions for the Board.

20
21 Tim Peloquin, Promised Land Survey, said that he takes full responsibility for not
22 satisfying the conditions within the time span. He said the lot line adjustment would
23 preclude the lot from further development. The Board consensus was that 90 days would
24 be sufficient.

25
26 **P. DiMarco made a motion to grant extension to March 5, 2008. M. Soares**
27 **seconded the motion.** No discussion. **Vote on the motion: 8-0-0.** Extension to March
28 5, 2008 granted.

- 29
30 E. Extension Request – Gontarz Condo Conversion (request 6 months) – Map 18, Lot 15-6

31
32 T. Thompson referenced the memos from Tim Peloquin, Promised Land Survey. T.
33 Thompson said staff sees no reason why the conditions should not have been done
34 within the 2 year time frame. He summarized the conditions for the Board.

35
36 T. Pelloquin explained the owners have not had the finances to complete the project.

37
38 **P. DiMarco made a motion to grant extension to June 4, 2008. R. Brideau seconded**
39 **the motion.** No discussion. **Vote on the motion: 8-0-0.** Extension to June 4, 2008
40 granted.

- 41
42 F. Extension Request – Sterns Condo Conversion (request 6 months) – Map 6, Lot 33-7

43
44 T. Thompson referenced the memos from Tim Peloquin, Promised Land Survey. T.
45 Thompson said staff sees no reason why the conditions should not have been done
46 within the 2 year time frame. He summarized the conditions for the Board.

47
48 T. Pelloquin said the applicant wanted everything put on hold for financial reasons, which
49 included taxation.

50
51 **P. DiMarco made a motion to grant extension to March 8, 2008. M. Soares**
52 **seconded the motion.** No discussion. **Vote on the motion: 8-0-0.** Extension to March
53 8, 2008 granted.

1
2 G. Extension Request – Vineyards at Hillside Site Plan (request 60 days)

3
4 T. Thompson referenced the memos from Elmer Pease, PD Associates. T. Thompson
5 said staff recommends a longer extension so that the applicant won't have to come
6 before the board again.

7
8 **P. DiMarco made a motion to grant extension to March 8, 2008. M. Soares**
9 **seconded the motion.** No discussion. **Vote on the motion: 8-0-0.** Extension to March
10 8, 2008 granted.

11
12 H. Extension Request/Waiver Withdrawal - Kelcourse Site Plan (withdraw conditionally
13 approved waiver, request extension to April 15, 2009)

14
15 T. Thompson referenced the memos from Deb Brewster, TF Moran. T. Thompson said
16 staff recently met with the applicant and they have determined that the waiver is no
17 longer needed, as the property has transferred to Pristine Properties, eliminating the
18 need from the Town's perspective that the development agreement is needed. The
19 extension request coincides with the date when the development agreement would have
20 expired.

21
22 **P. DiMarco made a motion to extend the Kelcourse site plan to April 15, 2009 and**
23 **accept the withdrawal of the waiver request. R. Brideau seconded the motion.** No
24 discussion. **Vote on the motion: 8-0-0.** Extension to April 15, 2009 granted.

25
26 I. Approval of Minutes – November 7 & 14

27
28 **P. DiMarco made a motion to approve the minutes from the November 7 meeting.**
29 **M. Soares seconded the motion.** No discussion. **Vote on the motion: 7-0-1.**
30 (R.Nichols abstained because he was absent at the November 7 meeting).
31 Minutes are approved and will be signed at the December 12 meeting.

32
33 **P. DiMarco made a motion to approve the minutes from the November 14 meeting.**
34 **M. Soares seconded the motion.** No discussion. **Vote on the motion: 8-0-0.**
35 Minutes are approved and will be signed at the December 12 meeting.

36
37 J. Discussions with Town Staff

38
39 These discussions will take place after the public hearings.

40
41 **Public Hearings**

42
43 A. Peter J. King Irrevocable Trust of 1988, Map 14, Lot 49 - Application Acceptance and
44 Public Hearing for a 2 lot subdivision (wetland mitigation parcel).

45
46 T. Thompson said that Rich Fixler, Assistant Airport Director for engineering & planning
47 was unable to make the meeting tonight and he said he would present it for him. The
48 proposal is to subdivide off 44 acres of the 157 acre parcel for wetland mitigation.

49
50 The applicant is requesting waivers to the following sections:

- 51 ▪ 3.02.C – CO District Signage
- 52 ▪ 3.04 – Grading
- 53 ▪ 3.05 – Utility Clearance Letters

- 1 ▪ 3.10 – HISS
- 2 ▪ 4.01.C – Plan Scale
- 3 ▪ 4.16.B – Location of Existing Utilities
- 4 ▪ 4.17 – Topographic/HISS Plan

5
6 Staff recommends granting all of the waiver requests, as this project is solely to
7 subdivide off a parcel for wetland mitigation associated with the Runway Expansion at
8 Manchester Boston Regional Airport. This approach was discussed with the Planning
9 Board in October, and it was the indication of the Board that multiple waivers would be
10 appropriate for this particular project. Assuming the waivers are granted, staff
11 recommends the application be accepted as complete.

12
13 **P. DiMarco made a motion to grant the 7 waivers based on staff recommendations.**
14 **R. Nichols seconded the motion.** No discussion. **Vote on the motion: 8-0-0.** Waivers
15 granted.

16
17 **P. DiMarco made a motion to accept the application as complete. M. Soares**
18 **seconded the motion.** No discussion. **Vote on the motion: 8-0-0.** Application
19 accepted as complete. A. Rugg said this starts the 65-day clock per RSA 676:4.

20
21 T. Thompson stated that based upon the information available to date the Staff
22 recommends final approval and signature of the plan by the Chair and Secretary.

23
24 A. Rugg asked for public input, but there was none.

25
26 **P. DiMarco made a motion to give final approval for the 2 lot subdivision and**
27 **authorize the Chairman and secretary to sign the plans, with the Notice of**
28 **Decision to include the following general and subsequent conditions:**

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

32
33 **PRECEDENT CONDITIONS**

34
35 None.

36
37 **GENERAL AND SUBSEQUENT CONDITIONS**

38
39 All of the conditions below are attached to this approval.

- 40
41 1. The Applicant shall be responsible for the costs of recording the plans at the
42 registry of deeds.
43
44 2. The Applicant shall provide a digital (electronic) copy of the complete final plan sent
45 to the Town at the time of signature by the Board in accordance with Section
46 2.06.N of the regulations.

47
48 **M. Soares seconded the motion.** No discussion. **Vote on the motion: 8-0-0.** Plan is
49 approved. A. Rugg said the plans will be signed at the conclusion of the meeting.

- 50
51 B. Sovereign Realty Development Corp., Map 15, Lots 61-2 and 62 - Continued Application
52 Acceptance and Public Hearing for a Site Plan and Conditional Use Permit to construct
53 26,600 square feet of professional office space

1 Rob Nichols recused himself from this agenda item.

2
3 T. Thompson stated that there is one outstanding checklist item, which is a waiver
4 request. Assuming the Board grants the waiver, staff recommends the application be
5 accepted as complete. He continued, by summarizing the waiver:

6
7 The applicant has not yet obtained the NHDOT Driveway Permit. The applicant is
8 requesting a waiver for acceptance purposes. Staff recommends **granting** the waiver,
9 as the NHDOT has issued a conceptual approval for the off-site improvements, and the
10 final design and permit will be made conditions of the approval.

11
12 **P. DiMarco made a motion to grant the waiver for the NH DOT driveway permit,**
13 **section 4.13 for acceptance purposes only based the applicant's letter and staff**
14 **recommendation. M. Soares seconded the motion. No discussion. Vote on the**
15 **motion: 8-0-0. Waiver granted.**

16
17 **P. DiMarco made a motion to accept the application as complete. M. Soares**
18 **seconded the motion. No discussion. Vote on the motion: 8-0-0.** Application
19 accepted as complete. A. Rugg said this starts the 65-day clock per RSA 676:4.

20
21 Matt Peterson, Woodland Design, presented their plans. Currently there is a professional
22 office building on that parcel. They propose to shift the existing road and redesign
23 grading and drainage on the parcel to be in compliance. They will remove the existing
24 pavement and lay down new pavement. They propose a new office building with a 2-
25 story 4,000 sf footprint and a 9,300 sf addition to the existing westerly office building. The
26 access to the parcel will be further down on enterprise drive than it is currently due to the
27 shifting of Route 28. They have met with the conservation commission and plan to make
28 the parcel environmentally friendly.

29
30 J. Trottier referenced the DPW/Stantec memo with the design review comments.

31
32 T. Thompson said the applicant is requesting a waiver to Section 3.11.g of the
33 regulations. The applicant has not provided the required amount of internal parking lot
34 landscaping. Staff recommends granting the waiver request for landscaping/parking lot,
35 section 3.11.g, as the proposal is for an expansion of an existing site with mature
36 landscaping, and the proposed landscaping will be consistent with the existing site.

37
38 T. Thompson stated that staff recommends granting the conditional use permit, per the
39 recommendations of the Conservation Commission and that staff recommends
40 conditional approval as outlined in the staff recommendation memo.

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

43
44 **P. DiMarco made a motion to grant the waiver to section 3.11.g for**
45 **landscaping/parking lot based the applicant's letter and staff recommendation. M.**
46 **Soares seconded the motion. No discussion. Vote on the motion: 7-0-1 (R. Nichols**
47 **recused himself). Waiver granted.**

48
49 **P. DiMarco made a motion to grant the Conditional Use Permit, per the**
50 **recommendation of the Conservation Commission. M. Soares seconded the**
51 **motion. No Discussion. Vote on the motion: 7-0-1 (R. Nichols recused himself).**
52 **Conditional Use Permit granted.**

53

1 **P. DiMarco made a motion to conditionally approve the site plan with the following**
2 **conditions:**

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

6
7 **PRECEDENT CONDITIONS**

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

- 13
14 1. The Applicant shall review and adjust/revise the indicated loading area to provide
15 an approach/departure roundings that would allow delivery vehicles to pull in and
16 out of the location, versus backing in.
17
18 2. The Applicant has submitted separately preliminary plans of the proposed off-site
19 improvements to Rockingham Road (NH Route 28) and Enterprise Drive prepared
20 by VHB for the above noted project and we offer the following comments:
21 A. The proposed driveway width of 33 feet and configuration shown on the plans
22 prepared by VHB at Rockingham Road is substantially different than the
23 driveway and configuration indicated on the project site plan. The site plan
24 shall be revised consistent with the design for Rockingham Road.
25 B. The proposed outlet for the 12" RCP (sta. 93+15.6 LT. 53.8) is noted at
26 elevation 313.25. A review of section 93+00 indicates a low point is proposed
27 at offset 41 feet left at elevation 313.32 and is above the proposed culvert
28 outlet elevation. We note the cross section at the 50 foot offset (located
29 below the down stream outlet end of the proposed headwall) has an
30 approximate elevation of 313.6 and would be above the proposed outlet. The
31 design does not appear to provide for proper drainage of the proposed
32 culvert. The Applicant shall review and revise to provide for proper drainage.
33 C. The cross sections provided appear to change the existing drainage pattern
34 along Rockingham Road. The Applicant shall review and clarify the site
35 design and drainage calculations to properly address the proposed changes
36 and provide a design in compliance with the regulations (no increase in
37 runoff).
38
39 3. The Applicant shall provide proper professional endorsements on the existing
40 conditions plan (LLS and CWS) as required. In addition, the Applicant shall provide
41 the professional endorsements on the removal plan (PE) and provide the owner's
42 signature on the site plan. The Applicant notes these will be provided with final
43 plans in his response letter.
44
45 4. The Applicant shall revise the riprap design calculations at FES1 and FES to
46 provide a minimum apron length (La) of 19 feet. The Applicant shall update the
47 detail accordingly. In addition, the Applicant shall provide a complete drainage
48 report for project that includes the updated riprap design calculations and updated
49 post development plan.
50
51 5. The previously submitted flowage rights appear to imply the Town will be
52 responsible for maintenance of the private drain system on the site which is not

1 acceptable. The Applicant shall provide flowage rights meeting approval of the
2 Town.

- 3
4 6. The Applicant shall note the NHDES Sewer Discharge Permit number and Town of
5 Londonderry Sewer Discharge permit number on the cover sheet. In addition, we
6 understand Manchester Water Works will provide a utility clearance letter upon
7 approval of the voluntary merger of the two lots. The Applicant shall provide a
8 utility clearance letter from Manchester Water Works for the Planning Department's
9 file.
10
11 7. The Applicant shall coordinate and provide documentation, for the Planning
12 Department's file, that acknowledges the DRC comments from the Fire
13 Department have been adequately addressed with the Fire Department including
14 the relocation of the fire hydrant at Enterprise Drive.
15
16 8. The Applicant shall obtain the NHDOT driveway permits and provide copies of the
17 permits for the Town's file, and note the permit numbers on the final plans. The
18 Applicant shall coordinate review of the off-site improvements with both NHDOT
19 and the Town.
20
21 9. The Applicant shall consolidate the lots via voluntary merger prior to final approval
22 of the site plan.
23
24 10. Note all waivers and the conditional use permit granted on the plan.
25
26 11. The Applicant shall provide a digital (electronic) copy of the complete final plan
27 sent to the Town at the time of signature by the Board in accordance with Section
28 2.05.n of the regulations.
29
30 12. Financial guaranty if necessary.
31
32 13. Final engineering review
33

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

40 **GENERAL AND SUBSEQUENT CONDITIONS**

41 All of the conditions below are attached to this approval.
42
43

- 44 1. No construction or site work for the amended site plan may be undertaken until the
45 pre-construction meeting with Town staff has taken place, filing of an NPDES-EPA
46 Permit and the site restoration financial guaranty is in place with the Town. Contact
47 the Department of Public Works to arrange for this meeting.
48
49 2. The project must be built and executed exactly as specified in the approved
50 application package unless modifications are approved by the Planning Department
51 & Department of Public Works, or if staff deems applicable, the Planning Board.
52

- 1 3. All of the documentation submitted in the application package by the applicant and
2 any requirements imposed by other agencies are part of this approval unless
3 otherwise updated, revised, clarified in some manner, or superseded in full or in
4 part. In the case of conflicting information between documents, the most recent
5 documentation and this notice herein shall generally be determining.
6
- 7 4. All site improvements must be completed prior to the issuance of a certificate of
8 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
9 circumstances that prevent landscaping to be completed (due to weather conditions
10 or other unique circumstance), the Building Department may issue a certificate of
11 occupancy prior to the completion of landscaping improvements, if agreed upon by
12 the Planning & Public Works Departments, when a financial guaranty (see forms
13 available from the Public Works Department) and agreement to complete
14 improvements are placed with the Town. The landscaping shall be completed
15 within 6 months from the issuance of the certificate of occupancy, or the Town shall
16 utilize the financial guaranty to contract out the work to complete the improvements
17 as stipulated in the agreement to complete landscaping improvements. No other
18 improvements shall be permitted to use a financial guaranty for their completion for
19 purposes of receiving a certificate of occupancy.
20
- 21 5. As built site plans must to be submitted to the Public Works Department prior to the
22 release of the applicant's financial guaranty.
23
- 24 6. All required Traffic, Police, and Fire impact fees must be paid prior to the issuance
25 of a Certificate of Occupancy.
26
- 27 7. It is the responsibility of the applicant to obtain all other local, state, and federal
28 permits, licenses, and approvals which may be required as part of this project (that
29 were not received prior to certification of the plans). Contact the Building
30 Department at extension 115 regarding building permits.
31

32 **M. Soares seconded the motion.** No discussion. **Vote on the motion: 7-0-1** (R.
33 Nichols recused himself). Plan is conditionally approved.
34

- 35 C. PD Associates, LLC, Map 7, Lot 123 - Continued Application Acceptance and Public
36 Hearing for a Site Plan and Conditional Use Permit to construct 3 single family elderly
37 housing units and a parking lot.
38

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

42 **P. DiMarco made a motion to accept the application as complete. M. Soares**
43 **seconded the motion.** No discussion. **Vote on the motion: 8-0-0.** Application
44 accepted as complete. A. Rugg said this starts the 65-day clock per RSA 676:4.
45

46 Elmer Pease, PD Associates presented their plans. They are adding 3 additional single
47 family homes and a parking area. He said this is the same plan that was presented to the
48 Board a year ago.
49

50 J. Trotter referenced the DPW/Stantec memo with the design review comments. He
51 stated that the applicant is requesting a waiver for sight distance per Exhibit D2 of the
52 regulations. Staff recommends *no action* on the waiver, since if the plan is revised to

1 indicate sight distance to the intersection of Mercury Drive (a stop condition), it does not
2 appear the waiver would be necessary.

3
4 T. Thompson said the applicant has indicated his desire to withdraw the waiver request.
5 He also stated that staff recommends granting the conditional use permit, per the
6 recommendations of the Conservation Commission and staff recommends conditional
7 approval as outlined in the staff recommendation memo.

8
9 A. Rugg asked the applicant to substitute the proposed white pine with white spruce
10 trees. E. Pease agreed to the substitution.

11
12 A. Rugg asked for public input, but there was none.

13
14 **P. DiMarco made a motion to grant the Conditional Use Permit as recommended**
15 **by the Conservation Commission. M. Soares seconded the motion.** No Discussion.
16 **Vote on the motion: 8-0-0.** Conditional Use Permit granted.

17
18 **P. DiMarco made a motion to conditionally approve the site plan with the following**
19 **conditions:**

20
21 "Applicant", herein, refers to the property owner, business owner, or organization
22 submitting this application and to his/its agents, successors, and assigns.

23
24 **PRECEDENT CONDITIONS**

25
26 All of the precedent conditions below must be met by the Applicant, at the expense of the
27 Applicant, prior to certification of the plans by the Planning Board. Certification of the
28 plans is required prior to commencement of any site work, any construction on the site or
29 issuance of a building permit.

- 30
31 1. The Applicant shall note the updated NHDES Site Specific Permit number and
32 updated Town of Londonderry Sewer Discharge Permit number on the cover
33 sheet.
34
35 2. The Applicant has indicated a drainage easement and submitted a draft drainage
36 easement document that is currently under review by the Town. The Applicant
37 shall provide a drainage easement document meeting approval of the Town.
38
39 3. The Applicant shall address the DRC comments as applicable:
40 A. The Applicant shall verify the comments of the Sewer Division have been
41 adequately addressed with the Sewer Division.
42 B. The Applicant shall verify the comments of the Planning Department have
43 been adequately addressed with the Planning Department.
44
45 4. The Applicant shall consolidate the lots via voluntary merger (which would require
46 the lots to be in IDENTICAL ownership per RSA 674:39a and the requirements of
47 the Assessing Department) or obtain approval of a separate lot consolidation plan
48 (meeting the requirements of the subdivision regulations for a lot line adjustment)
49 prior to final approval of the site plan, in order for the project to meet the
50 requirements of the Zoning Ordinance.
51
52 5. Note all waivers and the conditional use permit granted on the plan.
53

- 1 6. The Applicant shall provide a digital (electronic) copy of the complete final plan
2 sent to the Town at the time of signature by the Board in accordance with Section
3 2.05.n of the regulations.
- 4
- 5 7. Financial guaranty if necessary.
- 6
- 7 8. Final engineering review
- 8

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

14

15 **GENERAL AND SUBSEQUENT CONDITIONS**

16

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

- 18
- 19 1. No construction or site work for the amended site plan may be undertaken until the
20 pre-construction meeting with Town staff has taken place, filing of an NPDES-EPA
21 Permit and the site restoration financial guaranty is in place with the Town. Contact
22 the Department of Public Works to arrange for this meeting.
- 23
- 24 2. The project must be built and executed exactly as specified in the approved
25 application package unless modifications are approved by the Planning
26 Department & Department of Public Works, or if staff deems applicable, the
27 Planning Board.
- 28
- 29 3. All of the documentation submitted in the application package by the Applicant and
30 any requirements imposed by other agencies are part of this approval unless
31 otherwise updated, revised, clarified in some manner, or superseded in full or in
32 part. In the case of conflicting information between documents, the most recent
33 documentation and this notice herein shall generally be determining.
- 34
- 35 4. All site improvements must be completed prior to the issuance of a certificate of
36 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
37 circumstances that prevent landscaping to be completed (due to weather
38 conditions or other unique circumstance), the Building Department may issue a
39 certificate of occupancy prior to the completion of landscaping improvements, if
40 agreed upon by the Planning & Public Works Departments, when a financial
41 guaranty (see forms available from the Public Works Department) and agreement
42 to complete improvements are placed with the Town. The landscaping shall be
43 completed within 6 months from the issuance of the certificate of occupancy, or the
44 Town shall utilize the financial guaranty to contract out the work to complete the
45 improvements as stipulated in the agreement to complete landscaping
46 improvements. No other improvements shall be permitted to use a financial
47 guaranty for their completion for purposes of receiving a certificate of occupancy.
- 48
- 49 5. As built site plans must to be submitted to the Public Works Department prior to
50 the release of the Applicant's financial guaranty.
- 51
- 52 6. All required impact fees must be paid prior to the issuance of a Certificate of
53 Occupancy.

1
2 7. It is the responsibility of the Applicant to obtain all other local, state, and federal
3 permits, licenses, and approvals which may be required as part of this project (that
4 were not received prior to certification of the plans). Contact the Building
5 Department at extension 115 regarding building permits.
6

7 **M. Soares seconded the motion.** No discussion. **Vote on the motion: 8-0-0.** Plan is
8 conditionally approved.
9

10 F. Stonyfield Farm Inc & State of NH, Map 14, Lots 44-13 and 44-30 - Application
11 Acceptance and Public Hearing for a Lot Line Adjustment.
12

13 Kathy Wagner recused herself from this agenda item.
14

15 T. Thompson stated that there are no checklist items, and staff recommends the
16 application be accepted as complete.
17

18 **P. DiMarco made a motion to accept the application as complete. M. Soares**
19 **seconded the motion.** No discussion. **Vote on the motion: 7-0-1** (K. Wagner recused
20 herself). Application accepted as complete. A. Rugg said this starts the 65-day clock per
21 RSA 676:4.
22

23 Jeff Kevan, TF Moran, presented their plans. He stated that a parcel owned by NH DOT
24 that was set aside for mitigation for the airport access road and a part of that lot was not
25 needed for that mitigation so Stonyfield Farm is purchasing it and would like consolidate
26 it with their lot.
27

28 J. Trottier referenced the DPW/Stantec memo with the design review comments.
29

30 T. Thompson said the applicant is requesting a waiver to Section 3.09.F the regulations,
31 as no sight distance plans/profiles have been provided. Staff recommends granting the
32 waiver as the Stonyfield lot's driveway sight distance plans and profiles are on file with
33 the site plan for the lot, and no development is possible for the State lot, as it is part of
34 wetland mitigation. T. Thompson said the applicant should ensure the CO lines are
35 shown on all parcels because they were not shown on the plans for the consolidation
36 parcel. T. Thompson stated that staff recommends conditional approval as outlined in the
37 staff recommendation memo.
38

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

41 **P. DiMarco made a motion to grant the waiver based on the applicant's letter and**
42 **the staff recommendation. M. Soares seconded the motion.** No discussion. **Vote on**
43 **the motion: 7-0-1** (K. Wagner recused herself). Waiver granted.
44

45 **P. DiMarco made a motion to conditionally approve the lot line adjustment with the**
46 **following conditions:**
47

48 "Applicant", herein, refers to the property owner, business owner, or organization
49 submitting this application and to his/its agents, successors, and assigns.
50

51 **PRECEDENT CONDITIONS**
52

1 All of the precedent conditions below must be met by the Applicant, at the expense of the
2 Applicant, prior to certification of the plans by the Planning Board. Certification of the
3 plans is required prior to commencement of any site work, any construction on the site or
4 issuance of a building permit.

- 5
- 6 1. It is our understanding that lot 14-30 along with several lots in the area were
7 acquired by NHDOT as part of the mitigation for the Airport Access Road permits
8 granted. A memorandum of understanding (MOU) was submitted indicating the
9 subject permits would be amended to address the change to the site, but copies of
10 the amended permits (wetlands and site specific) with the noted conditions were
11 not provided with this submission. The Applicant shall provide copies of the
12 applicable updated permits as proposed under this application (approved by the
13 NHDES) and a complete and executed copy of the memorandum of understanding
14 (with all signatures) be provided for the Planning Department's file.
15
 - 16 2. The previous site plan approval for Stonyfield under phase 1 included an increase
17 in runoff to the abutting parcel and subject lot owned by NHDOT. It is our
18 understanding NHDOT had agreed to the increase in runoff with a permanent
19 flowage right easement provided with the previous approval. However, Item #2 the
20 submitted MOU appears to imply the previously granted drainage easement will
21 have a reversionary clause (i.e. be discontinued) if all parties agree. It may also be
22 discontinued if the additional drainage flow will have adverse impacts to the
23 wetlands or have adverse impacts to cottontail habitat on the lot. Thus, the
24 previous site plan approval granted by the Town contingent upon the granted
25 NHDOT drainage easement (and compliance with the regulations of no increase in
26 runoff) could be invalidated should the easement be discontinued. The Applicant
27 shall address the flowage right issue and the previous site plan approval issued
28 with the Town and address both to the satisfaction of the Town.
29
 - 30 3. The plans note flowage rights over the subject lot (44-30) and the abutting lots
31 owned by NHDOT that we understand were part of the phase 1 portion of the
32 project that has been completed for some time now. However, the plans and
33 information indicate these rights have yet to be recorded along with other
34 easements shown on the plan. The Applicant shall provide copies of all the
35 executed easements and rights (under the previously approved phases) for the
36 Planning Department's file and update the plans to indicate the recording numbers
37 accordingly, since these were part of the previous approvals granted by the Board
38 which remain outstanding at this time.
39
 - 40 4. The plan indicates a private drain easement is attached to the existing public
41 easement along North Wentworth Drive at lot 14-30. What is the intent? Will this
42 private easement impact the existing public easement? The Applicant shall clarify
43 and explain the purpose of the easement since the subject lot has flowage rights
44 granted under a previous approval.
45
 - 46 5. The Applicant shall address the following on the lot line adjustment plan:
47 A. The Applicant shall provide all Owners' signatures per section 4.12.C.16 of
48 the regulations.
49 B. The Applicant shall provide appropriate monuments at all angle points per
50 section 4.12.C.4 of the regulations. A monument appears missing along
51 Burton Drive at the cul-de-sac.
52 C. The Applicant shall clarify the northwesterly abutter at lot 44-23 that appears
53 incomplete.

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- D. The Applicant shall indicate the existing lot areas on the plan per section 4.12.C.11 of the regulations.
- E. The Applicant shall review notes 1 and 3 that appear inconsistent relative to the lot areas and update as necessary.

- 6. The Applicant shall provide a detail for proper installation of the CO District signs in accordance with the regulation and for proper construction in the plan set.
- 7. The Applicant shall address the DRC comments as applicable:
 - A. The Applicant shall verify the comments of the Conservation Commission have been adequately addressed with the Conservation Commission.
 - B. The Applicant shall verify the comments of the Planning Department have been adequately addressed with the Planning Department.
- 8. Note all waivers granted on the plan.
- 9. The Applicant shall provide a digital (electronic) copy of the complete final plan sent to the Town at the time of signature by the Board in accordance with Section 2.06.N of the regulations.
- 10. Financial guaranty if necessary.
- 11. Final engineering review

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

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

- 1. No construction or site work for the amended site plan may be undertaken until the pre-construction meeting with Town staff has taken place, filing of an NPDES-EPA Permit and the site restoration financial guaranty is in place with the Town. Contact the Department of Public Works to arrange for this meeting.
- 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. In accordance with Section 6.01.d of the Site Plan Regulations, in circumstances that prevent landscaping to be completed (due to weather

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

- 12 5. As built site plans must to be submitted to the Public Works Department prior to
13 the release of the Applicant's financial guaranty.
14
15 6. It is the responsibility of the Applicant to obtain all other local, state, and federal
16 permits, licenses, and approvals which may be required as part of this project (that
17 were not received prior to certification of the plans). Contact the Building
18 Department at extension 115 regarding building permits.
19

20 **M. Soares seconded the motion.** No discussion. **Vote on the motion: 7-0-1** (K.
21 Wagner recused herself). Plan is conditionally approved.
22

23 Other Business

24
25 T. Thompson said the POD on Route 28 has been an ongoing issue with the state land takings
26 for the widening of the road. Back in 2004 the Board interpreted that any modification of the
27 propoerties less than 3 acres would require development to comply with the POD. He
28 summarized the impact on 3 lots on Map 15 relative to takings by the state. He asked the
29 Board if they wished to maintain their interpretation from 2004, or wanted to clarify it. Attorney
30 General's office has asked the Planning Department for clarification on this issue.
31

32 **P. DiMarco made a motion to interpret under Sections 2.6.1.9.2 and Section 2.6.2.9 of**
33 **the Zoning Ordinance that a government land taking will not require these lots to then**
34 **be compliant with the Performance Overlay District (POD) standards, and that they are**
35 **allowed to continue to be able to utilize the standards of the underlying zoning district.**

36 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 8-0-0.**
37

38 The Board asked if the planning department could provide a softcopy of all documentation
39 related to administrative board work and public hearings in the future to save paper. T.
40 Thompson said he will work with the IT department on their request.
41

42 Adjournment:

43
44 **P. DiMarco made a motion to adjourn the meeting. K. Wagner seconded the motion.** No
45 discussion. **Vote on the motion: 8-0-0.** Meeting adjourned at 9:15 PM.
46

47 These minutes prepared by Cathy Dirsra, Planning Department Secretary.
48

49 Respectfully Submitted,
50

51
52
53 Paul DiMarco, Secretary

Arthur Rugg/BOS2/VRTX
12/11/2007 12:14 PM

To planning board
cc
bcc
Subject Southern New Hampshire Planning Commission Candidates
- Update

Hi All,

This is updated from Paul's input.

From our Planning Board membership, seven members interviewed all four candidates: Myself, Paul, Rob, Lynn, Kathy, Chuck and Rick. Lynn heard them as a voting member filling Tom Freda's vacated position. ~~I have heard~~

~~from all except Paul.~~ This is where we are currently with candidates listed from first to fourth ranking from the respective Board member:

Lynn: Greg Warner, Don Moskowitz, Deb Lievens, Deb Paul
Kathy: Don Moskowitz, Deb Lievens, Greg Warner, Deb Paul
Rick: Don Moskowitz, Greg Warner, Deb Lievens, Deb Paul
Chuck: Greg Warner, Deb Lievens, Don Moskowitz, Deb Paul
Rob: Don Moskowitz, Greg Warner, Deb Lievens, Deb Paul
Art: Don Moskowitz, Deb Lievens, Greg Warner, Deb Paul
Paul: Don Moskowitz, Deb Lievens, Greg Warner, Deb Paul

Don Moskowitz has five firsts, followed by Greg Warner with two.

I want to note that all candidates were excellent and that it was a difficult decision to make. it did not come easy.

Art

Arthur Rugg/BOS2/VRTX
12/11/2007 07:22 AM

To planning board
cc
bcc
Subject Fw: Southern New Hampshire Planning Commission
Candidates

Hi All,

From our Planning Board membership, seven members interviewed all four candidates: Myself, Paul, Rob, Lynn, Kathy, Chuck and Rick. Lynn heard them as a voting member filling Tom Freda's vacated position. I have heard from all except Paul. This is where we are currently with candidates listed from first to fourth ranking from the respective Board member:

Lynn: Greg Warner, Don Moskowitz, Deb Lievens, Deb Paul
Kathy: Don Moskowitz, Deb Lievens, Greg Warner, Deb Paul
Rick: Don Moskowitz, Greg Warner, Deb Lievens, Deb Paul
Chuck: Greg Warner, Deb Lievens, Don Moskowitz, Deb Paul
Rob: Don Moskowitz, Greg Warner, Deb Lievens, Deb Paul
Art: Don Moskowitz, Deb Lievens, Greg Warner, Deb Paul
Paul:

Don Moskowitz has four firsts, followed by Greg Warner with two.

I want to note that all candidates were excellent and that it was a difficult decision to make. it did not come easy.

Art

----- Forwarded by Arthur Rugg/BOS2/VRTX on 12/11/2007 07:05 AM -----

Arthur Rugg/BOS2/VRTX
12/07/2007 08:22 AM

To
planning board
cc

Subject
Southern New Hampshire Planning Commission Candidates

Hi All,

We have interviewed four excellent candidates for the Southern New Hampshire Planning Commission's open position for Londonderry. For those who have interviewed all four candidates, please let me know your choice by ranking them from your first pick to your fourth. Please respond to me individually. This is to be only a one way communication, so please send your response only to me. I will tally them for our Wednesday's meeting. I

will also append the hard copy of our responses to the meeting minutes for

public viewing.

Thanks,
Art

Arthur Rugg/BOS2/VRTX
12/07/2007 08:22 AM

To planning board
cc
bcc
Subject Southern New Hampshire Planning Commission Candidates

Hi All,

We have interviewed four excellent candidates for the Southern New Hampshire Planning Commission's open position for Londonderry. For those who have interviewed all four candidates, please let me know your choice by ranking them from your first pick to your fourth. Please respond to me individually. This is to be only a one way communication, so please send your response only to me. I will tally them for our Wednesday's meeting. I will also append the hard copy of our responses to the meeting minutes for public viewing.

Thanks,
Art

From: "Lynn Wiles" <lynnbwiles@verizon.net>
To: "art rugg" <lieserugg@earthlink.net>
Subject: SNHPC Nominees

Hi Art-

My ranking of the candidates from my first choice down is:

1. Greg Warner
2. Don Moskowitz
3. Deb Lievens
4. Deb Paul

I can provide back up to my choices if you need it.

Lynn Wiles



Kathy Wagner
<kathy@imageability.com>
12/07/2007 08:37 AM

To Arthur_Rugg@vrtx.com
cc
bcc
Subject Re: Southern New Hampshire Planning Commission
Candidates

Don
Deb L
Greg
Debra Paul

Arthur_Rugg@vrtx.com wrote:

> Hi All,
>
> We have interviewed four excellent candidates for the Southern New
> Hampshire Planning Commission's open position for Londonderry. For those
> who have interviewed all four candidates, please let me know your choice
> by ranking them from your first pick to your fourth. Please respond to me
> individually. This is to be only a one way communication, so please send
> your response only to me. I will tally them for our Wednesday's meeting. I
> will also append the hard copy of our responses to the meeting minutes for
> public viewing.
>
> Thanks,
> Art
>
>
>
>



"Rick Brideau "
<rbrideau@londonderrynh.org>

12/07/2007 08:56 AM

To <Arthur_Rugg@vrtx.com>

cc

bcc

Subject RE: Southern New Hampshire Planning Commission
Candidates

DON MOSKOWIZC WARNER LIEVENS PAUL

-----Original Message-----

From: Arthur_Rugg@vrtx.com [mailto:Arthur_Rugg@vrtx.com]

Sent: Friday, December 07, 2007 8:23 AM

To: planning_board@vrtx.com

Subject: Southern New Hampshire Planning Commission Candidates

Hi All,

We have interviewed four excellent candidates for the Southern New Hampshire Planning Commission's open position for Londonderry. For those who have interviewed all four candidates, please let me know your choice by ranking them from your first pick to your fourth. Please respond to me individually. This is to be only a one way communication, so please send your response only to me. I will tally them for our Wednesday's meeting. I will also append the hard copy of our responses to the meeting minutes for public viewing.

Thanks,

Art



CHUCKTILGNER@cs.com
12/07/2007 05:31 PM

To Arthur_Rugg@vrtx.com
cc
bcc
Subject Re: Southern New Hampshire Planning Commission
Candidates

Art, Here is my List. Highest to Lowest. Chuck
Greg Warner, Deb Levins, Don Moskowitz, Deb Paul



Rob Nichols
<rn_planningboard@comcast
.net>

12/08/2007 09:36 AM

To Arthur_Rugg@vrtx.com

cc

bcc

Subject Re: Southern New Hampshire Planning Commission
Candidates

Hi Art,

This vote is extremely difficult as they are all excellent candidates
for the SNHPC position:

1. Don Moskowitz
2. Greg Warner
3. Deb Lievens
4. Deb Paul

**Town of Londonderry
Northwest Area Specific Plan
Proposed Schedule**

Work Tasks 1-6:

~3 months (December 2007 – February 2008)

Work Tasks 7-8:

~2 months (March 2008 – April 2008)

Report to Planning Staff in March and Planning Board in April
Schedule workshops

Work Tasks 9-12:

~4 to 5 months (May 2008 – September 2008)

Work with UNH Survey Center to develop Community-wide Survey (prepare, print and mail) in May (*June*)

Workshop Schedule:

Task 10: #1 – June

or

Alternatively:

#1 – July

Task 11: #2 – July

#2 - August

Task 12: #3 – August

#3 - September

Work Task 13:

~2 months (September 2008 – October 2008)

Present and review final draft with Planning Board – September (*October*)

Work Tasks 14 & 15:

~2 months (October 2008 – November 2008)

Hold public hearing to adopt final plan and amend Town Master Plan –
October (*November*)

Notes:

Set up meeting end of January 2008 with Londonderry Affordable Housing Task Force to consider a housing/conservation planning grant to fund Northeast Area Specific Plan.

Set up meeting 3rd week of December 2007 to meet with Tim Thompson regarding Route 28 Corridor Performance Overlay Zone (to collect zoning related information). At this time, SNHPC and Londonderry GIS staff will also begin to develop the preliminary land use and transportation planning map for the Northwest Area Plan.

**Town of Londonderry
Northwest Area Specific Plan
Summary of Work Tasks**

Work Tasks

1. Gather and review available resources, studies, and plans, and identify the land use and transportation connections within the Northwest Area.
2. Prepare a preliminary future land use and transportation corridor map for the area. Incorporate existing land use and zoning information to fill in gaps between the various planning resources.
3. Evaluate and map existing build-out studies.
4. Evaluate existing traffic studies, taking into account existing build-out studies and future growth and traffic projections.
5. Evaluate the effectiveness of the Route 28 performance overlay zoning district with respect to the findings made in Work Task 3.
6. Prepare a preliminary planning summary report describing the future growth of the area and the findings made in Work Tasks 3 and 4.

7. Present and review preliminary future land use and transportation corridor map and summary report with the Londonderry Planning Department. Revise map and report as requested.
8. Present and review preliminary future land use and transportation corridor map and summary report to the Londonderry Planning Board. Revise map and report as requested. Schedule three workshops to be held within the Northwest Area.

9. Prepare, print, and mail workshop invitation/flyers if requested by Londonderry Planning Board, to all landowners. The Town of Londonderry is to provide postage and mailing labels to the SNHPC for this purpose.
10. Facilitate the first workshop. Conduct survey to seek public input and comments related to specific issues within the area and the preliminary plan.
11. Facilitate second workshop. Prepare, present, and rank future land use alternatives.
12. Facilitate third workshop. Present and review final draft.

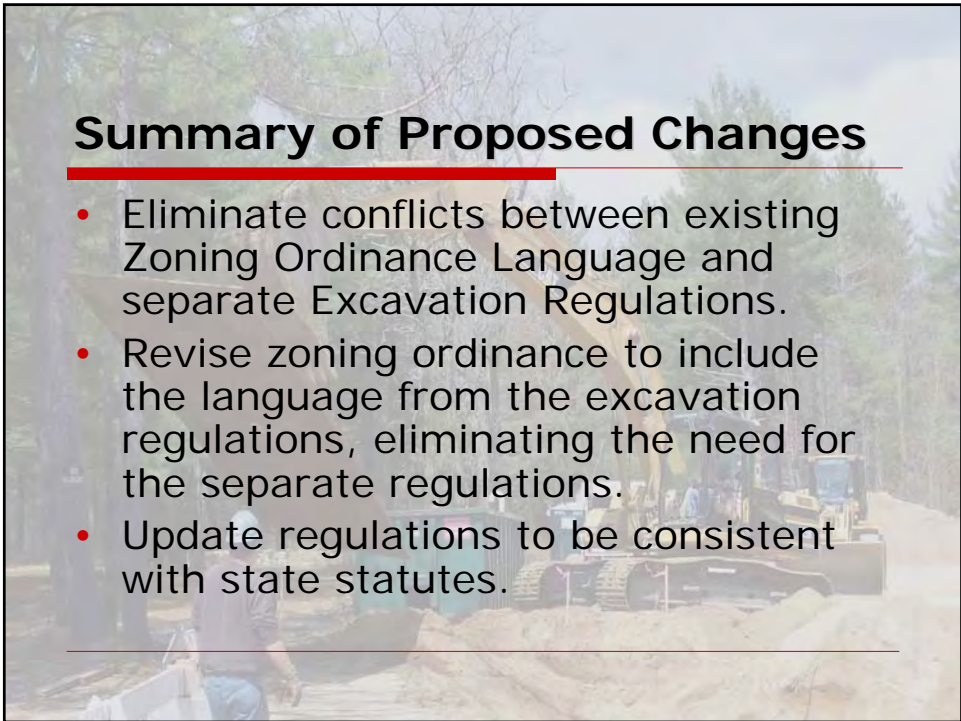
13. Present and review final draft with the Londonderry Planning Board and make revisions to plan as needed.

14. Present and review final draft of plan at Public Hearing.
15. Present final plan in both electronic and paper copy to the Town of Londonderry.



Excavation Standards
Zoning Ordinance Amendments
Public Hearing

December 12, 2007



Summary of Proposed Changes

- Eliminate conflicts between existing Zoning Ordinance Language and separate Excavation Regulations.
- Revise zoning ordinance to include the language from the excavation regulations, eliminating the need for the separate regulations.
- Update regulations to be consistent with state statutes.

3.1.2 **Local Excavation Standards**

3.1.2.1 **Objectives and Characteristics:**

3.1.2.1.1 The purpose of this section is to establish regulations for the removal of sand, gravel, rock, loam, construction aggregate and other materials from a site for commercial purposes. These standards will minimize any adverse effects on the land caused by the excavation activities.

3.1.2.2 **General Requirements:**

3.1.2.2.1 Excavation is an allowed use in all zones, except the Conservation Overlay District, in accordance with the Section 3.1.2 of the Zoning Ordinance, as most recently amended.

3.1.2.2.2 Permanent Manufacturing Plants for the purpose of rock crushing are allowed in the C-I, C-II, I-I, and I-II zones.

3.1.2.2.3 Temporary Manufacturing Plants for the purpose of rock crushing are allowed in all zones except the Conservation Overlay District.

3.1.2.3 **Definitions pertaining to excavation.** The following words or phrases are selected to clarify their common usage in the interpretation of this section..

3.1.2.3.1 **Earth:** "soil" (see below) and bedrock.

3.1.2.3.2 **Excavation:** means a land area which is used or has been used for the commercial taking of earth including all slopes.

3.1.2.3.3 **Loam:** defined in paragraph 2.1 of Section 641 of the *Standard Specifications for Road and Bridge Constructions* of the State of New Hampshire, Department of Public Works and Highway, 1974, or as most recently published.

3.1.2.3.4 **Pit Agreement:** the documentation identified in Section 106 of the *Standard Specifications for Road and Bridge Constructions* of the State of New Hampshire, Department of Public Works and Highway, 1974, or as most recently published.

3.1.2.3.5 **Permanent Manufacturing Plant:** a rock crushing plant that operates for more than sixty (60) days. It is usually set on a concrete foundation.

3.1.2.3.6 **Soil:** "overburden" as described in *Basic Soils Engineering*, by B.K. Hough, Second Edition, 1969, a copy of which is on file with the Department of Public Works.

3.1.2.3.7 **Temporary Manufacturing Plant:** a temporary rock crushing plant used to produce crushed gravel or crushed stone product to be permitted in operation for not more than sixty (60) days.

3.1.2.4 **Permit Required & Exemptions.**

3.1.2.4.1 No owner shall excavate or allow any excavation of earth on his premises without first obtaining a permit.

3.1.2.4.2 Exemptions to this permit requirement are:

3.1.2.4.2.1 Excavation for eventual residential occupancy or use that is exclusively incidental to the lawful construction or alteration of a building or structure or the lawful construction of a parking lot or way, including a driveway, on a portion of the premises where removal occurs.

3.1.2.4.2.2 Excavation for the eventual nonresidential occupancy or use that is in conformance with a site plan approved and pursuant to the Londonderry Site Plan Regulations.

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- Formatted: Font: Bold
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- Deleted: <#>Minimum and Express Operational Standards¶¶
- <#>Following are the general conditions with which all excavation work must comply, following issuance of a permit:¶¶
- Deleted: No excavation shall be permitted below road level within 50' of the right-of-way of any public highway as defined in RSA 229 ... [1]
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- Formatted: Bullets and Numbering
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- Deleted: If the project site abu ... [3]
- Deleted: No excavation shall k ... [4]
- Deleted: Vegetation shall be ... [5]
- Formatted ... [6]
- Deleted: Drainage shall be ... [7]
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- Deleted: Where temporary slo ... [9]
- Deleted: All original topsoil s ... [10]
- Deleted: Interim, (i.e. daily), ... [11]
- Deleted: If the slopes are hig ... [12]
- Deleted: Hours of excavating ... [13]
- Deleted: Blasting shall be in ... [14]
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- Formatted: Bullets and Numbering
- Deleted: All structures and ... [15]
- Deleted: Maximum height of ... [16]
- Deleted: The operation shall ... [17]
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- 3.1.2.4.2.3 Excavation for subdivision roadway construction that is in accordance with an approved subdivision plan on record in the Rockingham County Registry of Deeds.
- 3.1.2.4.2.4 Excavation that is incidental to agricultural or silvicultural activities, normal landscaping, or minor topographical adjustment.
- 3.1.2.4.2.5 Excavation from an area contiguous to or from contiguous land in common ownership with stationary manufacturing and processing plants which were operating on January 1, 1979, provided that such excavation was then permitted, or exempted from permit, by the Board of Selectmen pursuant to the Londonderry Zoning Ordinance.
- 3.1.2.4.2.6 Excavation performed exclusively for the lawful construction, reconstruction, or maintenance of a Class I, II, III, IV, or V Highway, as defined in RSA 230, by the Town of Londonderry or the State of New Hampshire, to a contracted agent of either governmental unit, which has jurisdiction for said highway, provided that any pit agreement entered in conjunction with said excavation shall be filed with and accepted by the Planning Board prior to the start of excavation; such excavation, however, shall not be exempt from the provisions of the express operational standards of RSA 155-E:4-a and the express reclamation standards of RSA 155-E:5 and 155-E:5a.
- 3.1.2.4.2.7 Excavation less than 500 cubic yards of earth provided that:
 - 3.1.2.4.2.7.1 Following excavation, restoration of the area shall be in accordance with Section 3.1.2.8.
 - 3.1.2.4.2.7.2 All excavating, handling, processing, and storing facilities are removed from the site.
 - 3.1.2.4.2.7.3 The site is cleared of all stumps, logs, and boulders.
 - 3.1.2.4.2.7.4 The site is regraded to the approximate level of the adjoining land.
 - 3.1.2.4.2.7.5 The site is in accordance with Section 3.1.2.8.1.7.
 - 3.1.2.4.2.7.6 The duration of the excavation process, including land restoration, is less than ninety (90) days.
- 3.1.2.5 **Application for Permit.** Any owner will apply to the Planning Board prior to excavation of his land and send a copy of the application to the Conservation Commission. The application form shall be supplied by the Planning Board.
- 3.1.2.6 **Excavation for which Permits will not be granted**
The Planning Board shall not grant a permit:
 - 3.1.2.6.1 Where an excavation is proposed below road level within fifty (50) feet of any highway, unless such excavation is for purpose of said highway.
 - 3.1.2.6.2 When excavation is within the required boundary of a disapproving abutter or within ten (10) feet of the boundary of an approving abutter, unless approval is requested by said abutter.
 - 3.1.2.6.3 When the issuance of the permit would be unduly hazardous or injurious to the public welfare.
 - 3.1.2.6.4 Where existing visual barriers in the areas specified in RSA 155-E:3(III) would be removed, except to provide access to the excavation.
 - 3.1.2.6.5 Where the excavation would substantially damage a known aquifer, so designated by the United States Geological Survey and the Town of Londonderry Water Resource Management and Protection Plan dated Feb. 1991, or as most recently amended.

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- Deleted: Devices to muffle equipment noise, landscape earth berms, screen planting, decorative screen walls or other barriers or devices shall be installed as necessary to achieve compliance with the Town of Londonderry noise control standards. At property lines, noise shall not exceed a maximum level of 75 decibels
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- Deleted: Operation and activities, other than blasting, shall cause no iNherent or recurring generated vibrations perceptible without instruments at any point along the property line.
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~~3.1.2.6.6 When the excavation requires land use permits from state or federal agencies; but the Planning Board may approve the application when all necessary land use permits have been obtained.~~

~~3.1.2.6.7 Where the project cannot comply with the restoration provisions of Section 3.1.2.8.~~

3.1.2.7 Minimum and Express Operational Standards

~~The following are the general conditions with which all excavation work must comply, following issuance of a permit:~~

~~3.1.2.7.1 No excavation shall be permitted below road level within fifty (50) feet of the right of way of any public highway as defined in RSA 229:1 unless the excavation is for the purpose of said highway.~~

~~3.1.2.7.2 If the project site abuts a zoned Residential, Commercial III, or Commercial IV: No excavation shall be permitted within seventy-five (75) feet of the boundary of a disapproving abutter, within one thousand (1000) feet of any building which either existed or for which a building permit has been issued at the time the excavation is commenced.~~

~~3.1.2.7.3 If the site abuts a lot zoned Commercial I, II or Industrial: No excavation shall be permitted within fifty (50) feet of the boundary of any disapproving abutter, within one thousand (1000) feet of any dwelling unit which either existed or for which a building permit has been issued at the time the excavation is commenced, within one hundred (100) feet of any other building which either existed or for which a building permit has been issued at the time the excavation is commenced.~~

~~3.1.2.7.4 No excavation will be permitted within seventy-five (75) feet of any great pond, navigable river, or other standing body of water ten (10) acres or more in area or within twenty-five (25) feet of any other stream, river, or brook which normally flows throughout the year, or any naturally occurring standing body of water less than ten (10) acres. Named Wetland from Section 2.6.3.9, prime wetland as designated by RSA 482-A15, or any other wetland greater than five (5) acres in area as defined by the Wetlands Board.~~

~~3.1.2.7.5 Vegetation shall be maintained or provided within the peripheral areas as required by paragraphs 3.1.2.7.1 through 3.1.2.7.4.~~

~~3.1.2.7.6 Drainage shall be maintained so as to prevent the accumulation of free-standing water for prolonged periods. Excavation practices which result in continued siltation of surface water supplies are prohibited.~~

~~3.1.2.7.7 No fuels, lubricants, or other toxic or polluting materials shall be stored on site unless in compliance with state laws or rules pertaining to such materials.~~

~~3.1.2.7.8 Where temporary slopes will exceed a grade of 1:1, a fence or other suitable barricade shall be erected to warn of danger or limit access to the site.~~

~~3.1.2.7.9 All original topsoil shall be stockpiled on the site and spread on the final slopes. No original topsoil, including loam, may be removed from the site unless written permission therefore is given by the Planning Board.~~

~~3.1.2.7.10 Interim, i.e., daily, and final slopes shall not be left steeper than three to one (3:1), unless written permission is obtained from the Planning Board, who may require specific soils data to be obtained at the expense of the owner.~~

~~3.1.2.7.11 If the slope intervals are higher than twenty (20) feet they shall be terraced at intervals of twenty (20) feet, terraces to be at least five (5) feet wide.~~

~~3.1.2.7.12 Hours of excavation shall be limited, such that no work shall take place prior to 7:00 a.m., after 7:00 p.m.; prior to 9:00 a.m., after 5:00 p.m. on Saturdays; or on Sundays or holidays.~~

~~3.1.2.7.13 Blasting shall be in accordance with the Town of Londonderry Regulations.~~

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Deleted: Within twelve months after the expiration date in the permit or the completion of the excavation, whichever occurs first, the owner of the excavated land shall restore the area affected by the excavation to meet each of the following minimum conditions.

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Deleted: Except for exposed rock ledge, said area shall be covered with vegetation suitable to prevent erosion and with soils suitable to sustain such vegetation, thus:

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Deleted: No area shall be left in such a condition that erosion of the area after completion of the work may result in water pollution by silt or other deleterious substances.

Deleted: The area will be left in such shape and condition that material will not wash, block or obstruct drainage ways

Deleted: Unless the area is intended to serve as an approved pond for recreation or other purposes, the area shall be left as free draining as practicable

Deleted: The topography of the land shall be left so that water draining from the site leaves the property at the original, natural drainage points and in the natural proportions of flow

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Deleted: Unless waived in writing or otherwise stipulated by the Planning Board ... [19]

Deleted: Areas which low brush or grass has been removed shall ... [20]

Deleted: Unless written permission is obtained from the Planning Board ... [21]

Deleted: Earth and vegetative debris resulting from the excavation ... [22]

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3.1.2.7.14 All structures and processing equipment shall be setback a minimum of one thousand (1000) feet from a building which either existed or for which a building permit has been issued at the time the excavation is commenced, two hundred fifty (250) feet from all property lines.

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3.1.2.7.15 Maximum height of structures and processing equipment shall be fifty (50) feet from the ground surface where the equipment is located.

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3.1.2.7.16 The operation shall comply with all applicable federal, state, and local air pollution control laws and regulations. Dust shall be controlled so that there are no visible emissions present at the property boundary.

3.1.2.7.17 Devices to muffle equipment noise, landscape earth berms, screen planting, decorative screen walls or other barriers or devices shall be installed as necessary to achieve compliance with the Town of Londonderry noise control standards. At the property line, noise shall not exceed a maximum level of seventy-five (75) decibels.

3.1.2.7.18 Operation and other activities, other than blasting, shall cause no inherent or recurring generated vibrations perceptible without instruments at any point along the property line.

3.1.2.8 Minimum and Express Reclamation Standards

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Within twelve (12) months after the expiration date in the permit or the completion of the excavation, whichever comes first, the owner of the excavated land shall restore the area affected by the excavation to meet each of the following standards:

3.1.2.8.1 Except for exposed rock ledge, said area shall be covered with vegetation suitable to prevent erosion and with soils suitable to sustain such vegetation, thus:

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3.1.2.8.1.1 No area shall be left in such a condition that erosion of the area after completion of the work may result in water pollution by silt or other deleterious substances.

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3.1.2.8.1.2 The area will be left in such shape and condition that material will not wash, block, or obstruct drainage ways.

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3.1.2.8.1.3 Unless the area is intended to serve as an approved pond for recreation purposes, the area shall be left as free draining as practicable.

3.1.2.8.1.4 The topography of the land shall be left so that water draining from the site leaves the property at the original, natural drainage points and in the natural proportions of flow.

3.1.2.8.1.5 Unless otherwise allowed in writing by the Planning Board, all disturbed areas shall be spread with original topsoil or strippings, if any, to a minimum four (4) inch depth.

3.1.2.8.1.6 Unless waived in writing or otherwise stipulated by the Planning Board, areas from which trees have been removed shall be planted with two-year old plants or plants furnished under a standard nursery order. Seedlings without center buds and seedlings with pruned roots will not be accepted. Seedlings will be set out under horticultural practice at eight-foot spacing in both directions, all as approved by the Planning Board.

3.1.2.8.1.7 Areas from which low brush or grass has been removed shall be covered with material capable of supporting vegetation and seeded in accordance with *Vegetating New Hampshire Sand and Gravel Pits*, revised April 1991, or as most recently amended.

3.1.2.8.1.8 Unless written permission has been obtained by the Planning Board to preserve fire or other access roads (paved or unpaved) to excavated areas, such roads shall be obliterated.

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- 3.1.2.8.2 Earth and vegetative debris resulting from excavation shall be buried or removed.
- 3.1.2.8.3 The elimination of any standing bodies of water created in excavation project as may constitute a hazard to health and safety, unless the Planning Board specifies different restoration.

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3.1.2.9 Amendment of Permit

If the scope of a project for which an excavation permit has been issued is proposed to be altered so as to affect either the size or location of the excavation, the rate of removal or the restoration plan, the owner shall submit an application for amendment of his excavation permit, which application shall be subject to approval in the same manner as provided for an original excavation permit.

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3.1.2.10 Hearing on Applications

Prior to the Planning Board approving an application for an excavation permit or an application for an amended excavation permit, a public hearing shall be held in accordance with RSA 155-E:7.

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3.1.2.11 Issuance of Permits: Prerequisites

If the Planning Board approves the application after a public hearing and determines it is not prohibited by Section 3.1.2.6 above, the Board shall grant an excavation permit only after:

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- 3.1.2.11.1 Town Receipt of an excavation permit fee as shown in 3.1.2.15.
- 3.1.2.11.2 Unless waived by the Planning Board, receipt by Finance department of a bond or other surety in an amount computed by the Department of Public Works and approved by the Planning Board as being reasonably sufficient to guarantee permit compliance.
- 3.1.2.11.3 Unless waived by the Planning Board, receipt by the Planning Board of a letter by counsel for the Planning Board certifying all documents as to form, said counsel fees to be paid by the owner.

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3.1.2.12 Posting, Transferability, Expiring Dating and Conditions on Permits

- 3.1.2.12.1 A copy of the permit shall prominently be posted at the excavation site or the principal access thereto.
- 3.1.2.12.2 A permit shall not be assignable or transferrable without the prior written consent of the Planning Board.
- 3.1.2.12.3 A permit shall specify the date upon which it expires.
- 3.1.2.12.4 The Planning Board may include in a permit reasonable conditions as are consistent with the purpose of RSA 155-E, including the provision of visual barriers to the excavation.

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3.1.2.13 Rehearings

- 3.1.2.13.1 If the Planning Board disapproved or approves an application for an excavation permit or an application for an amended permit, any interested person affected by such decision may appeal to the Planning Board for a rehearing on such decision or any matter determined thereby. The motion for a rehearing shall fully specify every ground upon which it is alleged that the decision or order complained of is unlawful or unreasonable, and said appeal shall be filed within ten (10) days of the date of decision appealed from. The Planning Board shall grant or deny the request for rehearing within ten (10) days, and if the request is granted, a rehearing shall be scheduled within thirty (30) days.

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3.1.2.13.2 Any persons affected by the Planning Board's decision on a motion for rehearing to the Planning Board may appeal in conformity with the procedures specified in RSA 677:4-14.

3.1.2.14 **Violation and Penalties: Enforcement**

3.1.2.14.1 The Planning Board or its duly authorized agent may suspend or revoke the permit of any person who has violated any provision of his permit or this chapter or made a material misstatement in the application upon which his permit was granted. Such suspension or revocation shall be subject to a motion for rehearing thereon and appeal in accordance with Section 3.1.2.13.

3.1.2.14.2 The Planning Board or a person affected thereby may seek an order from the Superior Court that the violator cease and desist from violation of any provision of his permit or this chapter and take such action as may be necessary to be in compliance with his permit and this chapter. If the Superior Court issues such an order, the Planning Board or person affected, as the case may be, shall have judgement for all costs and attorney fees in seeking such an order.

3.1.2.14.3 To ascertain if there is compliance with this chapter, a permit issued hereunder or an order issued hereunder, the Planning Board or its duly authorized agent may enter upon land on which there is reason to believe an excavation is being conducted or has been conducted since January 1, 1979.

3.1.2.14.4 Whoever violates any provision of this chapter, a permit issued hereunder or valid order issued hereunder shall be guilty of a misdemeanor, if a natural person, or guilty of a felony, if any other person.

3.1.2.15 **Fees:** The owner is responsible for fees in accordance with the requirements of the Londonderry Site Plan Regulations, as most recently amended.

3.1.2.16 **Specifications for Plans and Documents**

3.1.2.16.1 Specifications for plans and documents shall be in accordance with the Town of Londonderry Site Plan Regulations unless otherwise stated in this section.

3.1.2.16.2 Site Plan: the site plan shall consist of a development plan, mitigation plan, and reclamation plan. The site plan shall be processed in accordance with the Town of Londonderry Site Plan Regulations.

3.1.2.16.2.1 **Development Plan:** The Development Plan shall show how the mining and excavation uses proposed on the site conform to Town Regulations. The Development Plan includes a site plan that shows the location of physical site features and extraction and processing features:

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- 3.1.2.16.2.1.1 Lot boundary (metes and bounds)
- 3.1.2.16.2.1.2 Area to be mined and excavated
- 3.1.2.16.2.1.3 Existing topography at contour intervals of five or fewer feet, based on USGS
- 3.1.2.16.2.1.4 Wooded and heavily vegetated areas
- 3.1.2.16.2.1.5 The location and size of all underground and overhead utilities. The location of all manholes, transformer poles and other appurtenant facilities or structures shall be shown
- 3.1.2.16.2.1.6 Location and extent of any stone walls, ledge outcroppings, wells, existing buildings, septic systems, etc.
- 3.1.2.16.2.1.7 Existing and proposed fencing, buffers or visual barriers, including height and materials
- 3.1.2.16.2.1.8 The location of existing buildings, structures, septic systems and wells within one hundred fifty (150) feet of the property boundary
- 3.1.2.16.2.1.9 Any existing or proposed accessory facilities/activities
- 3.1.2.16.2.1.10 The location of all driveways and road intersections within two hundred (200) feet of the property boundary
- 3.1.2.16.2.1.11 Existing and proposed access roads, including width and surface materials
- 3.1.2.16.2.1.12 Parking and loading areas
- 3.1.2.16.2.1.13 Log of borings or test pits that extend to either the seasonal high water table, ledge, or a minimum of six feet below the maximum proposed excavation depth, including locations and soil data
- 3.1.2.16.2.1.14 The duration of operation, hours of operation, and the quantity of materials to be removed
- 3.1.2.16.2.1.15 Proposed routes of truck traffic from the site within the Town of Londonderry.

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3.1.2.16.2.2 **Mitigation Plan:** The Mitigation Plan relates to the development plan and includes a site plan, narrative and cross-section that explain, illustrate and show mining procedures, practices, policies and methods that meet operational standards. The Mitigation Plan shall be at the same scale as the development plan, and covering the same area. The Mitigation Plan shall include:

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- 3.1.2.16.2.2.1 Elevations for the floor of the pit when mining is completed (prior to restoration)
- 3.1.2.16.2.2.2 The cross-section of the anticipated depth of extraction and ground slope when mining is completed (prior to restoration)
- 3.1.2.16.2.2.3 All stockpile areas on site
- 3.1.2.16.2.2.4 Drainage study. The drainage study should be in accordance with the Town of Londonderry Site Plan Regulations
- 3.1.2.16.2.2.5 Erosion and sedimentation plan. This plan shall illustrate how erosion, sedimentation and nonpoint source pollution and contamination of the water table, nearby water bodies, streams, rivers, etc. will be avoided
- 3.1.2.16.2.2.6 A narrative explaining the actions the operator will take to reduce noise, dust, litter, and vibration. Also, where the operator will provide safety fencing and detail of the type of fencing

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3.1.2.16.2.3 Reclamation Plan: The Reclamation Plan shows how the site is to be restored or redeveloped after all mining is concluded. The Reclamation Plan shall show either the final reuse and site configuration after the mining and excavation is ended or the interim holding use of the site and ground surface treatment until a later end-state reuse of the site is identified. The Reclamation Plan shall be at the same scale as the development plan, and covering the same area. The Reclamation Plan shall include:

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3.1.2.16.2.3.1 All boundaries of the area proposed for reclamation

3.1.2.16.2.3.2 Final topography of the area proposed for reclamation

3.1.2.16.2.3.3 Final surface drainage pattern, including the location and physical characteristics of all artificial and/or modified drainage facilities

3.1.2.16.2.3.4 The location of buried earth or vegetative debris

3.1.2.16.2.3.5 Schedule of final reclamation activities including seeding mixtures, cover vegetation, fertilizer types and rates

3.1.2.16.2.3.6 Subsequent use of the site, if known or anticipated.

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3.1.2.17 Design Standards and Requirements for Improvements

Design standards and requirements for improvements shall be in accordance with the Town of Londonderry Site Plan Regulations unless otherwise noted in Section 3.1.2.

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3.1.2.18 Assurances for Completion and Maintenance of Offsite Improvements

3.1.2.18.1 A financial security shall be submitted to the Town of Londonderry for the repairing of damage to public highways and infrastructure (bridges, culverts, etc.) caused by truck traffic to and from the site. The financial security shall be in accordance with the Town of Londonderry Site Plan Regulations.

3.1.2.18.2 A financial security shall be submitted for any offsite improvement associated with the approved plan. The financial security shall be in accordance with the Town of Londonderry Site Plan Regulations.

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3.1.2.19 Reclamation Bond

The owner shall submit a financial security to the Town of Londonderry to insure the reclamation of the site. The financial security shall be in accordance with the Town of Londonderry Site Plan Regulations.

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3.1.2.20 Annual Renewal

The owner shall complete and submit the *Excavation Renewal Form* (available in the Planning Department) on or before September 1 of each year. The Planning Board's duly authorized agent shall inspect the site, review the reclamation bond and submit a report to the Planning Board regarding the project's conformance with the approved site plan. The permit will be acted upon by the Planning Board on or before December 31 of each year.

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3.1.2.21 Inspection

The Planning Board or its duly authorized agent shall have access to the excavation site at all times in order to inspect the site to insure compliance with the approved site plan.

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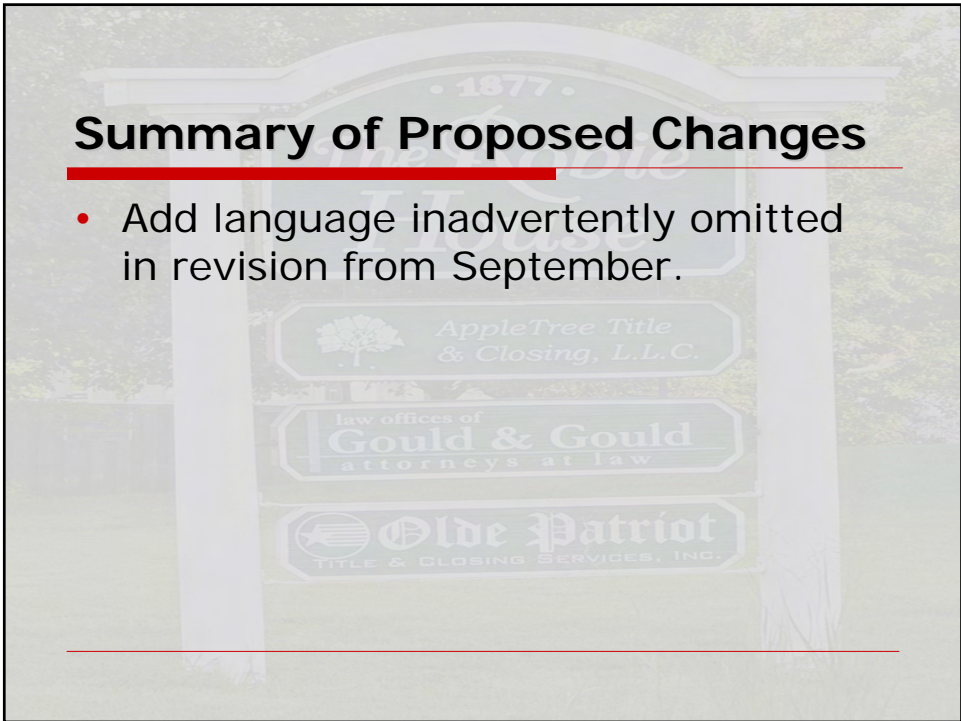


Signs

Zoning Ordinance Amendments

Public Hearing

December 12, 2007

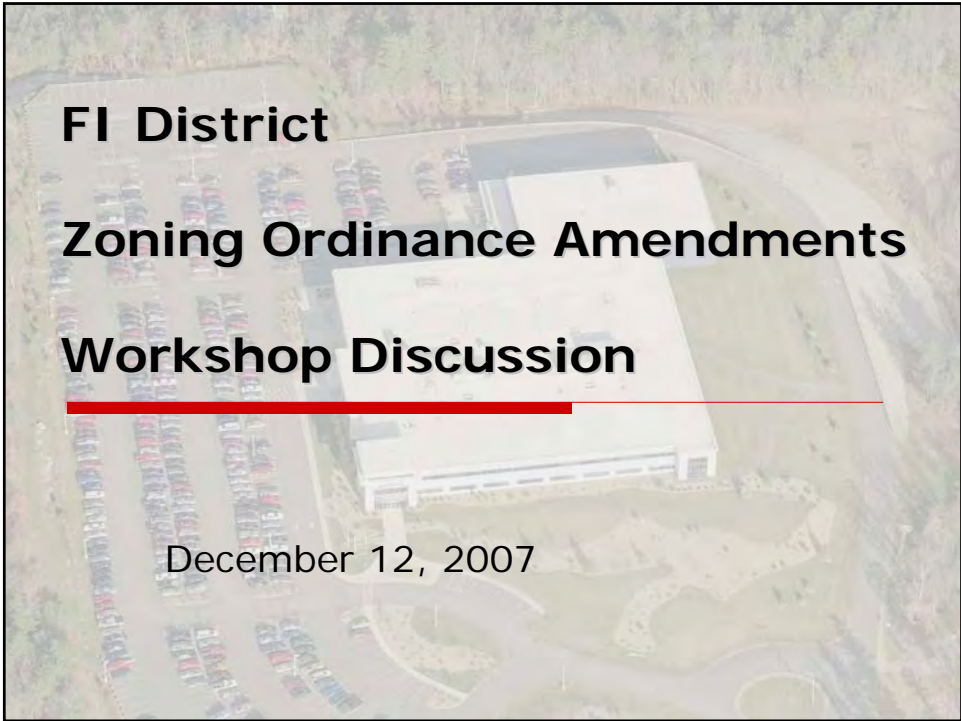


Summary of Proposed Changes

- Add language inadvertently omitted in revision from September.

Sections 3.11.6.3

- **Add the following:**
 - 3.11.6.3.3 Any sign not exceeding four (4) square feet in area, limited solely to directing traffic within a parking area or indicating parking restrictions in the use of such parking area.
 - 3.11.6.3.4 Any sign not exceeding six (6) square feet in area solely indicating entrance and exit driveways.
 - 3.11.6.3.5 Any sign not exceeding six (6) square feet indicating only the date of erection of a building.
 - **Renumber remainder of section accordingly.**
-

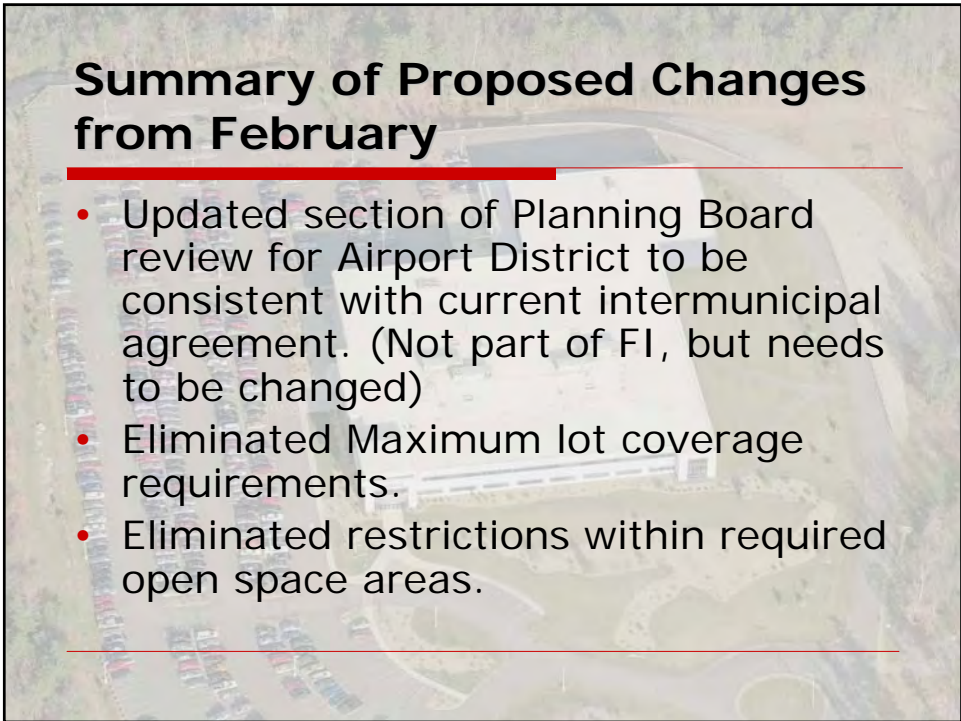


FI District

Zoning Ordinance Amendments

Workshop Discussion

December 12, 2007



**Summary of Proposed Changes
from February**

- Updated section of Planning Board review for Airport District to be consistent with current intermunicipal agreement. (Not part of FI, but needs to be changed)
- Eliminated Maximum lot coverage requirements.
- Eliminated restrictions within required open space areas.



Summary of Proposed Changes (cont'd)

- Eliminated landscaping requirements, replaced with reference to Site Plan Regulations.
 - Modified Accessory uses in FI District Services Table from a maximum of 10,000 square feet to 20,000 square feet.
-

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF DECEMBER 12, 2007 AT THE MOOSE HILL COUNCIL**
3 **CHAMBERS**
4

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

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

12 J. Farrell called the meeting to order at 7:05 PM. J. Farrell stated that Lynn Wiles has been
13 appointed by the Town Council to fill the position vacated by T. Freda and that L. El-Azem will
14 vote for L. Wiles tonight in his absence.
15

16 **Administrative Board Work**
17

18 A. Recommendation to Town Council - SNHPC Candidate
19

20 J. Farrell said we will table this until the Chairman arrives. A. Rugg arrived at 7:09PM.

21 A. Rugg stated that the based on the votes received via e-mail (see attachment #1) Don
22 Moscovitz has the most votes for the SNHPC vacant position.
23

24 **J. Farrell made a motion to recommend the Town Council appoint Don Moscovitz**
25 **to the SNHPC. R. Brideau seconded the motion. Vote on the motion: 4-0-4 (J. Farrell,**
26 **M. Soares, L. El-Azem, K. Wagner abstained)**
27

28 B. Plans to Sign - Cross Subdivision, Map 6, Lot 79
29

30 T. Thompson said all precedent conditions for approval have been met and the staff
31 recommends signing the plans.

32 **P. DiMarco made a motion to authorize the Chair and Secretary to sign the plans.**
33 **M. Soares seconded the motion. No discussion. Vote on the motion: 7-0-0.**

34 J. Farrell said the plans will be signed at the conclusion of the meeting.
35

36 C. Plans to Sign – Gillette Subdivision, Map 1, Lot 62
37

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

40 **P. DiMarco made a motion to authorize the Chair and Secretary to sign the plans.**
41 **M. Soares seconded the motion. No discussion. Vote on the motion: 7-0-1 (A.Rugg**
42 **arrived at 7:09PM and abstained from this vote).**

43 J. Farrell said the plans will be signed at the conclusion of the meeting.
44

45 D. Regional Impact Determinations
46

47 T. Thompson stated that Insight Technology is proposing a 50,000 square foot building
48 addition, parking expansion on Map 28, Lot 31. He said that staff recommends this
49 project is not a development of regional impact, as it does not meet any of the regional
50 impact guidelines suggested by Southern NH Planning Commission (SNHPC).
51

1 **P. DiMarco made a motion to accept staff recommendations that this project is**
2 **determined not to be of regional impact under RSA 36:56. M. Soares seconded the**
3 **motion. No discussion. Vote on the motion: 8-0-0. Regional impact determinations**
4 **accepted.**

5
6 J. Farrell gave the gavel to A. Rugg at 7:10PM and the next topic is the SNHPC
7 candidate choice (see above).

8
9 E. Signing of Minutes – November 7 & 14

10
11 Minutes for November 7 and 14 have been signed.

12
13 F. Discussions with Town Staff

14
15 T. Thompson said J. Smith would like to know if the Board would agree to staff
16 recommendations with time limits being set for the use of temporary storage units in
17 town. Consensus of the Board was for staff to organize the ordinance for this.

18
19 **Public Hearings**

20
21 A. Small Area Master Plan - Timeline Discussion with SNHPC

22
23 A. Garron stated that SNHPC came back with a time line and Jack Munn, from SNHPC
24 is here tonight to discuss that time line (see attachment #2). They plan to have items 1-6
25 completed by end of February 2008. Items 7-8 will be presented to staff for input &
26 feedback, edits if necessary. Then they will come back to the Board in April for their
27 input. Items 9-12 is where they will get out into the community, starting May, ending in
28 November 2008. First workshop will be conducted after a survey is done, hopefully in
29 June 2008. After the workshop they can put together a list of alternatives. A. Rugg
30 suggested some Planning Board input for the first workshop. J. Munn said they could do
31 that around April or May 2008. J. Farrell asked if they could do this process faster. J.
32 Munn said they could move up the workshops to end of spring, before the summer. K.
33 Wagner said she would like to see the workshops in April, May, June. A. Garron said this
34 is why we have selected UNH to conduct the surveys for us and we should rely on them
35 to get the best survey possible. J. Farrell asked A. Garron to find out if UNH can do a
36 survey in April. J. Munn said he will check on doing the workshops in May, June, July. He
37 suggested focusing on the survey results at the April Planning Board meeting. He said
38 they will meet with staff next week about Route 28.

39 J. Munn said perhaps the Planning Dept can post a map of the mini master plan areas
40 on the town website.

41 Jim Anagnos, Rockingham Road, asked if development would be stopped in this area
42 until recommendations are made on the mini master plan. A. Rugg said it would be the
43 decision of the Board.

44 Chris Davies, 29 Perkins Rd, said he would like to see the workshops done thoroughly
45 vs. fast.

46
47 B. Church of the Nazarene, Map 3, Lot 135 - Continued Public Hearing for a Site Plan and
48 Conditional Use Permit to construct a 15,817 sq ft religious facility.

49
50 T. Thompson said the applicant met with the abutters and a general consensus was
51 reached relative to landscaping, buffering, and the phasing.

52

1 Tom Murphy from Holden Engineering, presented their plans. He said the phasing plans
2 have been clarified relative to the areas that will be undisturbed during the first phase of
3 the project.

4
5 J. Trottier referenced the DPW/Stantec memo with the design review comments and
6 noted that the Conditional Use Permit was granted on 11/7/07.

7
8 T. Thompson said staff recommends conditional approval as outlined in the staff
9 recommendation memo.

10
11 A. Rugg asked for public input.

12
13 Julia Parkhurst, 11 Apollo Rd, said that at the meeting with the applicant, all the abutters
14 requested a fence along the entire property and they were denied. She wanted to go on
15 record as saying that she is very displeased that the town would allow a commercial
16 building to be placed within 50 feet of a residential home.

17
18 **P. DiMarco made a motion to conditionally approve the site plan with the following**
19 **conditions:**

20
21 "Applicant", herein, refers to the property owner, business owner, or organization
22 submitting this application and to his/its agents, successors, and assigns.

23
24 **PRECEDENT CONDITIONS**

25
26 All of the precedent conditions below must be met by the Applicant, at the expense of the
27 Applicant, prior to certification of the plans by the Planning Board. Certification of the
28 plans is required prior to commencement of any site work, any construction on the site or
29 issuance of a building permit.

- 30
31 1. The Applicant shall provide the Owner's signature on the plans as required by the
32 regulations. In addition, the Applicant shall provide an endorsement for the
33 certification on sheet 13.
34
35 2. The submitted traffic report addresses only the impacts associated with Phase 1A
36 of the development. The Applicant shall include the effects of the Phase 1B and
37 Phase 2 portions of the development in the Traffic Report and update the traffic
38 report accordingly.
39
40 3. The Applicant shall the Applicant update the post development plan in the revised
41 and submitted drainage report to indicate the area of subcatchment 23 in
42 accordance with the regulations.
43
44 4. The Applicant shall label the drain manhole structure as H-20 loading in
45 accordance with the regulations.
46
47 5. The Applicant shall the Applicant clarify the light intensity for the proposed sign
48 lighting on sheets 7 and 8.
49
50 6. The Applicant has submitted a separate plan depicting phased tree lines which
51 appears to be the limit of work for construction. The Applicant shall note the plan
52 also includes the limits of building and parking areas, which are not consistent with

1 the limits shown on sheet 4 of the plan set. The Applicant shall explain and revise
2 to be consistent.

- 3
4 7. The Applicant shall remove the chain link fence from the plans, as was agreed to at
5 the meeting with the abutters on November 16.
6
7 8. Note all waivers and the Conditional Use Permit granted (including any conditions)
8 on the plan.
9
10 9. The Applicant shall provide a digital (electronic) copy of the complete final plan sent
11 to the Town at the time of signature by the Board in accordance with Section 2.05.n
12 of the regulations.
13
14 10. Financial guaranty if necessary.
15
16 11. Final engineering review

17
18 **PLEASE NOTE -** Once these precedent conditions are met and the plans are certified
19 the approval is considered final. If these conditions are not met within 120 days to the
20 day of the meeting at which the Planning Board grants conditional approval the board's
21 approval will be considered to have lapsed and re-submission of the application will be
22 required. See RSA 674:39 on vesting.
23

24 **GENERAL AND SUBSEQUENT CONDITIONS**

25
26 All of the conditions below are attached to this approval.
27

- 28 1. **No construction or site work for the amended site plan may be undertaken**
29 **until the pre-construction meeting with Town staff has taken place, filing of**
30 **an NPDES-EPA Permit and the site restoration financial guaranty is in place**
31 **with the Town.** Contact the Department of Public Works to arrange for this
32 meeting.
33
34 2. The project must be built and executed exactly as specified in the approved
35 application package unless modifications are approved by the Planning
36 Department & Department of Public Works, or if staff deems applicable, the
37 Planning Board.
38
39 3. All of the documentation submitted in the application package by the Applicant and
40 any requirements imposed by other agencies are part of this approval unless
41 otherwise updated, revised, clarified in some manner, or superseded in full or in
42 part. In the case of conflicting information between documents, the most recent
43 documentation and this notice herein shall generally be determining.
44
45 4. All site improvements must be completed prior to the issuance of a certificate of
46 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
47 circumstances that prevent landscaping to be completed (due to weather
48 conditions or other unique circumstance), the Building Department may issue a
49 certificate of occupancy prior to the completion of landscaping improvements, if
50 agreed upon by the Planning & Public Works Departments, when a financial
51 guaranty (see forms available from the Public Works Department) and agreement
52 to complete improvements are placed with the Town. The landscaping shall be
53 completed within 6 months from the issuance of the certificate of occupancy, or the

1 Town shall utilize the financial guaranty to contract out the work to complete the
2 improvements as stipulated in the agreement to complete landscaping
3 improvements. **No other improvements shall be permitted to use a financial**
4 **guaranty for their completion for purposes of receiving a certificate of**
5 **occupancy.**
6

- 7 5. As built site plans must to be submitted to the Public Works Department prior to the
8 release of the Applicant's financial guaranty.
9
10 6. All required Traffic, Police, and Fire impact fees must be paid prior to the issuance
11 of a Certificate of Occupancy.
12
13 7. It is the responsibility of the Applicant to obtain all other local, state, and federal
14 permits, licenses, and approvals which may be required as part of this project (that
15 were not received prior to certification of the plans). Contact the Building
16 Department at extension 115 regarding building permits.
17

18 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 7-0-0** [J.
19 Farrell was absent from the room during the vote]. Plan is conditionally approved.
20

21 [J. Farrell returned to the room]
22

- 23 C. Londonderry School District, Map 4, Lot 9A - Public Hearing under RSA 674:54 for
24 renovations/expansion of South School
25

26 Mike Leach and Jerry Fortin from Stantec and Bob Lincoln and Peter Curro from the
27 School District presented their plans. Peter Curro said this plan is not an expansion of
28 South School. They are replacing temporary portable classrooms that have been in place
29 since 1988 and updating existing areas in the school.

30 M. Soares recused herself from the Board during this discussion because she is
31 employed by the school district.

32 J. Fortin said they plan to revise parking and the driveways and build an addition to
33 replace temporary portable classrooms. They will revise the landscaping to
34 accommodate the sight distance requirements.
35

36 J. Trottier referenced the staff recommendation memo with the proposed non-binding
37 recommendations.
38

39 T. Thompson stated that this project is proceeding under RSA 674:54, Governmental
40 Land Use, and any comments of the Planning Board are non-binding. He also stated that
41 the applicant has requested 7 waivers and 2 conditional use permits. The Board is not
42 obligated to vote on these, but if they so choose, staff recommends the waivers and the
43 conditional use permits as outlined in the staff recommendations.
44

- 45
46 A. Rugg asked for public input.
47

48 Aileen Agustin, lives right next to the school. She wants to know how close the proposed
49 fire lane will be to her house. J. Fortin said it will be about 10 feet closer than it is now,
50 however, they will be placing some vegetation along the entire length of the property line
51 to provide a buffer. Mary Soares, 2 Gale Rd, said there already is a gated road behind
52 the school to prevent people from using it as an exit.
53

1 **J. Farrell made a motion to grant the waivers based on the applicant's letter and**
2 **staff recommendation. R. Brideau seconded the motion. No discussion. Vote on the**
3 **motion: 7-0-1 [M.Soares recused].** Waivers granted.
4

5 **J. Farrell made a motion to grant 2 Conditional Use Permits per the**
6 **recommendation of the Conservation Commission. R. Brideau seconded the**
7 **motion. No Discussion. Vote on the motion: 7-0-1 [M.Soares recused].** Conditional
8 Use Permits granted.
9

10 **J. Farrell made a motion to issue the following non-binding recommendations per**
11 **RSA 674:54:**

- 12
- 13 1. The applicant should provide CO District Signage along the limits of the CO District as
- 14 typically required by Section 5.06 of the regulations.
- 15
- 16 2. The applicant should label the CO District Boundary on all applicable sheets (or add
- 17 the line type to the legend) as typically required by the regulations.
- 18
- 19 3. The applicant should provide sight distance easements (and indicate them on the
- 20 plans) for abutting lots 9-4 and 10 as typically required by the regulations.
- 21
- 22 4. The applicant should add the missing waiver request for Section 3.07.G (pipe cover) to
- 23 note 19 on sheet 1, as typically required by the regulations.
- 24
- 25 5. The applicant should address the following on the plans, as would be typically required
- 26 by the regulations:
 - 27
 - 28 a. On sheet C1, note 23 refers to meeting the requirements of the EPA NPDES
 - 29 Phase II program if applicable. If 1 acre or greater is disturbed, the contractor
 - 30 shall meet the requirements of the EPA NPDES Phase II program.
 - 31
 - 32 b. On sheet C2 the plan text and existing features are difficult to read due to text
 - 33 size and plan scale. Please revise to increase legibility and readability of the
 - 34 plans. Additionally, please label the 100 year flood plan elevation.
 - 35
 - 36 c. On sheet C3, demolition note 23 appears missing or mislabeled. Please clarify.
 - 37
 - 38 d. On sheet C4, please clarify the erosion control measures to be installed outside
 - 39 of the proposed disturbed area. Also, please clarify or label what appear to be
 - 40 painted islands at the northerly end of the proposed southwesterly parking area.
 - 41
 - 42 e. Please provide a swing gate detail in the plan set.
 - 43
 - 44 f. On sheet C9, the detention basin detail indicates topsoil and sod for the slopes
 - 45 and bottom of the basin. Drainage calculations and plan indicate riprap along
 - 46 the bottom of the detention basin between the 2 inlets. Please clarify and
 - 47 ensure that the report and the plans are consistent. Additionally, please
 - 48 provide a detail of the low flow outlet structure and riprap apron.
 - 49
- 50 6. Should any of the waivers not be "granted" by the Planning Board, those items should
- 51 be provided as typically required by the regulations.
- 52

- 1 7. The applicant should include the lighting plan in the plan set as typically required by the
2 regulations.
3
4 8. Please address the DRC Comments as applicable and as typically required by the
5 regulations.
6
7 9. The Applicant should provide a digital (electronic) copy of the complete final plan sent
8 to the Town at the time of signature by the Board in as is typically required by Section
9 2.05.n of the regulations.

10
11 **R. Brideau seconded the motion.** Vote on the motion 7-0-1[M.Soaes recused]
12

13 At T. Thompson's request the Board agreed to hear the conceptual discussion before the
14 zoning agenda items.
15

- 16 D. Patricia Panciocco - Conceptual Discussion - Rezoning of Map 7, Lot 132-28
17 (C-IV to AR-I)
18

19 Patricia Panciocco was present to answer any questions from the Board. She said that
20 she came here at T. Thompson's request. T. Thompson read the letter from Patricia M.
21 Panciocco, Wiggin & Nourie Counsellors at Law, dated 12/4/07 in regards to their
22 request to rezone this property on Meadow Drive from Commercial 4 (C-IV) to
23 Agricultural 1 (AR-I). They may potentially use this lot for a duplex. Consensus of the
24 Board was that they would not have a problem with the applicant proceeding with their
25 plans to request a rezoning.
26

27 [M. Soares left the meeting at 8:30PM]
28

- 29 E. Zoning Ordinance Amendments - Excavation Regulations - Public Hearing
30

31 T. Thompson presented the proposed amendments to Section 3.1.2. (See attachment
32 #3)
33

34 A.Rugg asked for public input, but there was none.
35

36 **J. Farrell made a motion that we recommend to the Town Council adopting the**
37 **amendments to Section 3.1.2 of the Zoning Ordinance. R. Brideau seconded the**
38 **motion.** No discussion. **Vote on the motion: 7-0-0.** This recommendation will be sent to
39 the Town Council.
40

- 41 F. Zoning Ordinance Amendment - Signs (Items inadvertently omitted in recent re-write) -
42 Public Hearing
43

44 T. Thompson presented the proposed amendments to Section 3.11.6.3. (See
45 attachment #4)
46

47 A.Rugg asked for public input, but there was none.
48

49 **J. Farrell made a motion that we recommend to the Town Council adopting the**
50 **amendments to Section 3.11.6.3 of the Zoning Ordinance. R. Brideau seconded**
51 **the motion.** No discussion. **Vote on the motion: 7-0-0.** This recommendation will be
52 sent to the Town Council.
53

1 G. FI District Workshop

2
3 T. Thompson stated that staff has reviewed the input from the workshop that was held
4 with the public in February and presented a summary of proposed changes (see
5 attachment 5).

6 A. Garron said we should consider a traffic reduction bonus (to be determined) be added
7 to the regulations. He also said perhaps we could offer a bonus (to be determined) for
8 "green" buildings.

9 T. Thompson mentioned that some of the property owners asked if residential could be
10 infused with the FI district. The Board consensus was not to allow multi-family residential
11 in the FI District. The Board also suggested changing the term "open space" to "green
12 space" in the section.

13
14
15 **Other Business**

16
17
18 **Adjournment:**

19
20 **J. Farrell made a motion to adjourn the meeting. P. DiMarco seconded the motion. No**
21 **discussion. Vote on the motion: 7-0-0. Meeting adjourned at 8:50 PM.**

22
23
24
25 These minutes prepared by Cathy Dirsra, Planning Department Secretary.

26
27
28
29 Respectfully Submitted,

30
31
32
33 Paul DiMarco, Secretary
34