

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF January 5, 2005 AT THE NORTHGATE CONFERENCE ROOM

7:00 PM: Members Present: Mark Cohen, Chairman; Art Rugg, Vice-Chair; Dana Coons, Secretary; John Farrell, Asst. Secretary; R. Brideau, Ex-Officio; Brian Farmer, Ex-Officio; Charles Tilgner, Ex-Officio; Paul DiMarco; Dani-Jean Stuart.

Also Present: Tim Thompson, AICP; John Trottier, P. E. and Christine Marra, Recording Secretary.

M. Cohen called the meeting to order at 7:00 PM. D. Coons was a non-voting member for tonight's meeting.

Plans to sign: *The Landings Waterline (Amended Subdivision), Map 17, Lot 5-* J. Trottier said this was an amendment to an approved 6-lot subdivision and read the conditions of approval on the Notice of Decision by the Planning Board dated June 2, 2004. He said that all conditions have been met. **A. Rugg motioned to authorize the Chairman and Assistant Secretary to sign the plan since all the conditions of the Notice of Decision of June 2, 2004 have been met. Seconded by R. Brideau. Discussion: none. Vote: 8-0-0. M. Cohen said the plan would be signed at the conclusion of tonight's meeting.**

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Gizmo Enterprises, Inc., Map 13, Lot 104-2* - J. Trottier said this was an amendment to a previously approved site plan for Groundhog Landscaping. J. Trottier read the conditions of approval on the Notice of Decision by the Planning Board dated November 3, 2004. He said all conditions have been met **A. Rugg motioned to authorize the Chairman and Assistant Secretary to sign the plan since all the conditions of the Notice of Decision of November 3, 2004 have been met. Seconded by J. Farrell. Discussion:** M. Cohen had questions on Item #3 and #6. He wanted to know how these items had been addressed. J. Trottier said that on #3 the green area proposed had to be clarified, because on the first plan all that was labeled was the existing green area. He said that no new green area was being added and it met the requirements. T. Thompson said on #6, they had shown improvements on the existing conditions plan and they have clarified and cleaned up the plans so that all the proposed improvements are shown on the site plan and not on the existing conditions plan. B. Farmer said that on #8 it said the applicant shall clarify how the outside storage is screened. Are there now notations? T. Thompson said that they are using the existing vegetative buffer along Rte 28 as well as fencing. **Vote: 8-0-0. Plan to be signed at the end of the meeting.*

Victory Baptist Church, Map 11, Lot 90* - J. Trottier said this was an amendment to a previously approved site plan (add interim phase 1A). He passed out copies of the plan. J. Trottier read the conditions of approval on the Notice of Decision by the Planning Board dated September 1, 2004. J. Farrell questioned if that was one year from September 1, 2004 or from today. T. Thompson said 1 year from conditional approval. J. Trottier said all other conditions have been met. **A. Rugg motioned to authorize the Chairman and Assistant Secretary to sign the plan since all the conditions of the Notice of Decision of September 1, 2004 have been met. Seconded by J. Farrell. Discussion:** M. Cohen asked if the applicant understood that the date was one year from September 1, 2004. T. Thompson said he would send a letter to Pastor Fuller to clarify that the date is 1 year from the date of conditional approval. **Vote: 8-0-0. Plan will be signed at the end of the meeting.*

***Approval of Minutes:* A. Rugg motioned to approve the minutes of December 1, 2004 Planning Board meeting as amended and to authorize the Assistant Secretary to sign them. Seconded by J. Farrell. Vote: 6-0-2.**

A. Rugg motioned to approve the minutes of December 8, 2004 Planning Board meeting as amended and to authorize the Assistant Secretary to sign them. Seconded by J. Farrell. Vote: 6-0-2.

Discussions with Town Staff: T. Thompson spoke about the growth management end of the year summary that he had included in tonight's packet of materials. He said the cap for 2004 had been set at 128 permits, there was a backlog of 53 permits issued prior to the Planning Board determination of Unsustainable Growth, 56 Allocation Certificates were issued during the 1st Allocation Period and 19 Allocation Certificates were issued during the 2nd Allocation Period. The remaining allocations went to lots exempt from the GMO. He said he issued over 180 permits in all. T. Thompson said he had denied 100 permits, which would be first in line for the 2005 allocations. He said a public hearing is scheduled for the February 9, 2005 meeting to determine the Growth Sustainability for 2005. M. Cohen asked if we notify the 100 applicants. T. Thompson said that 73 of them were for the same project and the others are aware of the situation. T. Thompson said we are hoping to get all the information from abutting communities by February 9th.

T. Thompson said that A. Garron was trying to set up a joint meeting with the Town Council to discuss the implementation of the Master Plan, which would probably be a third meeting in February.

M. Cohen asked what the back up plan was if they weren't ready for February 9th for the growth determination public hearing. T. Thompson said then it would have to be on the third Wed. of February.

B. Farmer, representing the Town Council, discussed the January 3rd Town Council meeting. He said the Council voted not to go forward with the \$2 million road improvement bond this year. It was a 4-1 vote, so they will not be acting on the CIP input this year. He said the reason for their decision on not moving forward is there are urgent needs for the North School improvements this year. He said given other concerns with the residential tax rate the Council felt that in spite of the good CIP that they were given, they would take the action not to move forward this year with the road improvement bond.

A. Rugg said that the Heritage Commission did meet with the School Board regarding the Londonderry High School sign. The two recommendations that they came out with were: the use of indirect lighting; and the other recommendation was if internal lighting were used to keep the colors subdued. He said they have not heard anything in regards to the moving of the Morrison House. B. Farmer said it would probably end up being a citizens' petition warrant article circulated by the Historic Commission. B. Farmer said that most likely, the Town Council would not put it on as a Town-sponsored article.

M. Cohen said he was concerned with pushing off the road improvements and that if you don't maintain the infrastructure the Town has now, should we be doing anything on the CIP. He said roads are infrastructures that need to be supported. He said from a Planning perspective he was very concerned. J. Farrell said that he had attended the Council meeting and made his views known. He said there would be a second representative from the Planning Board to be part of the

CIP this year. He said he told the Council that he would join P. DiMarco or whoever else was going to continue with the CIP. He said that we all know that the 2.5M bond for the roads will show up again next year and the year after that. He said he understood that the Council had hard decisions to make and it appears that the School does not face the same hard decisions that the Council does nor do they take the matters seriously. M. Cohen said he finds it hard to support such things as the Cultural Arts Center that's in the CIP when we can't support what we have already built and that priorities should be stressed. B. Farmer said that it is a tough budgetary decision to make to basically go against the plans put in front of them and say no, we can't follow it this year. He said another thing to be mindful of is that a lot of us were displeased with how the items in the CIP arrived here because a lot of it came in late or last minute and some of it was due to how we were doing the process. He said this Board is taking steps to drive how this process works for 2005, so with that in mind he said that the CIP would be much stronger in 2005. He said there would be much more Planning Board input and better input from the Council and the School Board and it will come earlier in the process. M. Cohen asked if it was discussed to reduce the bond or was it just eliminated. B. Farmer said it was actually discussed to increase it, but then was voted to eliminate it. B. Farmer said there was another meeting on January 17, 2005 to discuss the budget and if the Planning Board has strong feelings on this issue, they should attend this meeting to see if the Council will reconsider its decision.

Public Hearings:

Apostol Lot Line Adjustment, Map 5, Lots 5/19-20 & 21-19 – M. Cohen said this was a public hearing to sign plans that had minor modifications made to the lot line. He said it had been re-advertised. **J. Farrell withdrew himself from this discussion due to his involvement with the applicant.** T. Thompson said that since there was a substantial change to the lot line since the conditional approval, it required another public hearing. The land to be added to Mr. Apostol's lot was the same, .74 acres, but the configuration was different allowing the area for the pool and additional backyard area. J. Trottier read the conditions of approval from the Notice of Decision dated November 3, 2004:

1. The Applicant shall provide verification of the sight distance plan and profiles for the existing driveways in accordance with III.34 of the Checklist and Section 3.09.F of the Subdivision Regulations to the satisfaction of the Staff.
2. Note waiver granted on the plan.
3. Digital plan set to be submitted to the Planning Department.
4. Financial guaranty.
5. Final engineering review.
6. Consultant fees to be paid within 30 days.

He said all conditions had been met.

A.Rugg asked what the total acreage of the lot that was going to be modified. T. Thompson said after the modification 1.86 acres, up from 1.39 acres. A. Apostol explained his reasons for the modifications. M.Cohen asked if there were any comments from the public. There were none. **A Rugg motioned to approve the modified plan since all the items of the conditional approval were met and also to authorize the Chairman and Assistant Secretary to sign the plan tonight. Seconded by B. Farmer. Vote: 8-0-0. Plan approved and will be signed at end of the meeting.**

Fairwinds Properties Inc., Map 28, Lot 31-1- Continued Application Acceptance and Public Hearing for a Site Plan to a 12,000 square foot office/warehouse building. – T. Thompson said there were no outstanding checklist items and Staff recommends application be accepted as complete. **A. Rugg motioned to accept the application as complete. Seconded by J. Farrell. Vote: 8-0-0. Application accepted.** M. Cohen said it would now go to Public Hearing. J. Farrell commented on the excessive number of comments from Vollmer Associates on their memorandum dated January 5, 2005. M. Cohen asked how this application could be accepted with this number of comments. T. Thompson said because all the checklist items have been addressed and it has met the minimum requirements for acceptance. M.Cohen said that it has been the practice of the Board if there is more than 8 comments, we don't go through them because it's not the intent of the Board to engineer a plan at the hearing. J. Trottier said that since November 3, 2004 the plan had substantially changed concerning the drainage. Tal Allen from True Engineering said that yes, the drainage has changed but not the site plan. J.Farrell asked since they knew this was going to happen how did the plan get here. T. Thompson said by our regulations and State law regarding the Planning Board procedure on application acceptance and public hearings. He said when the application is presented in pre-application design review, there is an opportunity for the applicant, consultants and staff to address comments as many times as the applicant desires and as soon as the applicant is comfortable they can convert to a formal application and present it to the Board. He said when the application changes to formal application the communication is between the applicant and the Planning Board and the applicant is receiving comments when he appears before the Planning Board at a public hearing. J. Trottier said he has advised applicants to go through another design review. M.Cohen said that if the applicant wants to continue the hearing, he can do that. M.Cohen said that the Board can go through all these comments if that's what the applicant wants, but chances are it will be rejected. T. Thompson suggested that the applicant present the plan and the Board could go over some of the major comments. The Board agreed. T. Allen said there are 2 waivers that are requested in their letter of December 9, 2004 addressed to Timothy Thompson, and if they were not granted it would drastically affect the site plan. M.Cohen asked if he would address why they needed these waivers. T. Allen explained the location of the site and the proposal of one building with 5 units with parking in the rear. He also explained the drainage and landscaping. The 2 waivers they were requesting were the landscaping in the front of the building and landscaping internally. He said because of the loading of trucks, landscaping in the rear of the building would inhibit truck circulation and also the interior landscaping located at the front of the building would inhibit traffic circulation. He said the major change was the proposed tie-in to the Town's detention system. He said in review it was determined that they couldn't use that pond so they redesigned and used internal detention basins. J. Trottier said that Items #2 & #3 referred to the drainage system and read Item #6 and #19. J. Trottier said that more detail was needed on the detail on Item #9. T. Thompson said that Item #18 referred to the signs per the new regulation enacted by the Town Council on November 8, 2004. He said the major concern was the size of the building being too large for the size of the lot. He also said the Planning Department supports the waivers stated in the letter dated December 9, 2004 because they are truck access areas and the applicant is proposing additional screening. M. Cohen went around the Board to see if the Board wanted to vote on the waivers and have the applicant go back to Staff regarding the other items. It was the consensus of the Board to do this. M. Cohen asked if there were any comments from the public. There were none. M. Cohen asked the applicant if he agreed that the Board vote on the waivers and if he agreed for a continuance of the public hearing until the outstanding items could be addressed. T. Allen agreed. **A. Rugg motioned to grant waivers of Section 3.11.G.1.i and Section 3.11.G.3 of the Site Plan Regulations as stated in letter of December 9, 2004 from the applicant to Timothy Thompson. Seconded by R. Brideau. Vote: 7-1-0. Waivers granted.** M.Cohen said that the applicant could request a continuance of the public hearing. T. Allen requested a continuance. **A. Rugg motioned to continue the public hearing for a site**

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plan for Fairwinds Properties, Map 28, Lot 31-1 Proposed Building to February 9, 2005 at 7PM. Seconded by J. Farrell. Vote: 8-0-0. Plan will be continued until 2/9/05. M. Cohen said this would be the only public notification.

VanHam Subdivision, Map 5, Lot 51- Application Acceptance and Public Hearing for a 2 lot subdivision – T. Thompson said there were no outstanding checklist items. **P. DiMarco motioned to accept the application as complete. Seconded by A. Rugg. Vote: 8-0-0. Application accepted.** M. Cohen said the plan would now go to public hearing. J. Maynard from Benchmark Engineering presented the plan. He said it was a 2.58 acre parcel of land with ample frontage for a 2-lot subdivision. He said this was part of a larger subdivision that was done in 1991 and this lot was taken out of that. A waiver is being requested to use overhead wires as noted in a letter dated January 5, 2005 to the Planning Department. J. Trottier read the comments from the memorandum from Vollmer Associates dated January 5, 2005. He said the staff supports the waiver on Item #1. T. Thompson said that the posting for the electronic filing has been made which specifies the layers so that would have to be followed for this project. He said he was okay with the waiver. **J. Farrell motioned to grant a waiver to Section 3.05 Utilities to allow the existing house on Map 5 Lot 51 and the proposed lot Map 5, Lot 51-16 to utilize the existing overhead utilities along High Range and Wiley Hill Road. Seconded by R. Brideau. Discussion:** A. Rugg said that overhead wiring would be consistent with what is there. R. Brideau said that the phone company was there looking at underground. **Vote: 8-0-0. Waiver granted.** J. Farrell questioned the ZBA variance as stated in the DRC comments. T. Thompson said it goes with the original parcel and is invalid if more than 1 year old. B. Farmer asked about the existing barn and if it was covered under the historic preservation. R. Brideau said yes it was. A. Rugg asked about sight distance. T. Thompson said there was 250' of frontage on Wiley Hill Road and there was a stop situation at the end of Wiley Hill Road so you only go to the intersection. M. Cohen asked if there were any comments from the public. There was none. J. Maynard asked about the signing of the plan and if the final plans were in by next Wed., if they could be signed at the next meeting. T. Thompson said that would be the first meeting in February. **A. Rugg motioned to conditionally approve the VanHam subdivision plan, Map 5, Lot 51 with the following conditions:**

1. **The Applicant's drainage letter indicates the existing natural depression will be used for the mitigation of runoff. The Applicant shall provide a deed restriction or other means, meeting the approval of the Town, to ensure the depression will remain after construction.**
2. **The Applicant's well radius for lot 51 shown on sheets 1 and 2 extends into the right of way of High Range Road and does not comply with section 3.06.B of the Subdivision Regulations. The Applicant shall eliminate the well radius within the right of way to comply with the regulations.**
3. **The Applicant shall clarify the location of existing overhead utility lines along High Range and Wiley Hill Roads on sheet 1. In addition, please indicate the utility service to the new lot 51-16 on the plans. Also, please provide a utility clearance letter from Adelphia for the Planning Department's file.**
4. **The Applicant shall note the scale of the plan views on sheets 3, 4 and 5 and verify the Wiley Hill Road right of way location in the driveway profile is consistent with the plan view on sheet 4.**
5. **Note all waivers granted.**

6. **Provide financial guarantee if required.**
7. **All consultant fees to be paid within 30 days.**
8. **The Applicant shall provide a digital (electronic) copy of the complete final planset to the Town at the time of signature by the Board in accordance with Section 2.06N of the regulations.**
9. **Final engineering review.**

Seconded by D. Stuart. Vote: 8-0-0. Conditional approval has been granted.

Other Discussions: P. DiMarco said that the wording on the Notice of Decisions should be consistent with each project. T. Thompson agreed.

Adjournment

J. Farrell motioned to adjourn at 8:20 PM. Seconded by D. Stuart

Vote: 8-0-0.

Meeting adjourned.

These minutes taped and typed by Christine Marra.

Respectfully Submitted,

Dana Coons, Secretary

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF January 12, 2005 AT THE NORTHGATE CONFERENCE ROOM

7:00 PM: Members Present: Mark Cohen, Chairman; Dana Coons, Secretary; John Farrell, Asst. Secretary; R. Brideau, Ex-Officio; Brian Farmer, Ex-Officio; Charles Tilgner, Ex-Officio; Paul DiMarco; Dani-Jean Stuart; Mary Soares, (alternate); Art Rugg, Vice-Chair. (arriving at 7:15PM).

Also Present: Tim Thompson, AICP; John Trottier, P. E. and Christine Marra, Recording Secretary.

M. Cohen called the meeting to order at 7:00 PM. M. Cohen appointed M. Soares to vote for A. Rugg.

Plans to sign: *VIP Discount Auto Center, Map 10, Lot 54, site plan to add a car wash* – J. Trottier read the conditions of approval on the Notice of Decision by the Planning Board dated November 3, 2004. He said all conditions have been met. D. Coons asked if this was approved prior to digital submission being required. T. Thompson said that he did get the digital submission for this plan. **D. Coons motioned to authorize the Chairman and Secretary to sign the plan for VIP Discount Auto Center, Map 10, Lot 54 since all the conditions of the Notice of Decision dated November 3, 2004 have been met. Seconded by P. DiMarco.**
Discussion: P. DiMarco asked about condition #1 and the location of the proposed island. **T. Thompson said there would be an additional island near Wendy's. Vote: 9-0-0.** M. Cohen said the plan would be signed at the conclusion of tonight's meeting.

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Discussions with Town Staff: T. Thompson said that C. Marra was officially hired as full-time Planning Department Secretary. B. Farmer asked if anyone from the staff was going to the EPA Storm Water Management Workshop on January 14th sponsored by the SNHPC. J. Trottier said that he was going to attend.

Cont'd Public Hearing:

Edward, Alan, & Debra Ball, Map 13, Lots 91, 91-2 & 93 Lot Line Adjustment – J. Lavalley presented the plan to the Board. T. Thompson said this project had come before Board in November and been continued until December 8, 2004. At the December 8th meeting the applicant had submitted a letter requesting continuance until tonight. In the interim time the request had been made to the applicant to provide the engineering review escrow, which had not been in place at that time. The escrow was finally received last week. However, the Planning Department did not receive any revised plans or information prior to the submission deadlines. Therefore, no further review comments are available other than the memo dated November 3, 2004 from Vollmer Associates. J. Lavalley said he has addressed the items on the November 3, 2004 memo in a letter with revised plans sent to the Town on November 30, 2004. He said he did meet with staff after the last meeting but he didn't change the plans after that review. T. Thompson said the plans could not be reviewed because the escrow was not in place until last week. M. Cohen said that the Board could not review the plan until the engineers have reviewed it. J. Lavalley said he wasn't aware that it wasn't reviewed. M. Cohen asked how to proceed at this point. T. Thompson said the Board can opt to continue the hearing until next month and J.

Lavalle can submit the revised plans for review based on the meeting he had with staff. J. Lavalle asked for a continuance until the next meeting. He said he wasn't aware that his clients had not paid the escrow. D. Coons asked staff if they would have enough time to review the plan before the next meeting. T. Thompson said as long as it was submitted 2 weeks prior to the meeting. T. Thompson said the applicant would have to request a waiver of the 65-day clock in accordance with NH RSA 676:4 because if the hearing is continued until next month, it would be beyond the 65 days from the date of application. M. Cohen asked if that would have to be in writing. T. Thompson said it could be done verbally. J. Lavalle asked for the waiver verbally and he said he would also follow up with a letter. **D. Coons motioned to continue the hearing for Edward, Alan & Debra Ball, Map 13, Lot 91, 91-2 & 93 lot line adjustment until February 9, 2005 at 7PM and to waive the 65-day clock per RSA 676:4 per the applicant's request. Seconded by R. Brideau. Vote: 9-0-0. Public Hearing continued until February 9, 2005 at 7PM. This is the only notification.**

A. Rugg arrived at 7:15PM. M. Soares now non-voting.

Public Hearing – Site Plan & Subdivision Regulation Amendments (Digital Submissions & Subdivisions Fees) – T. Thompson presented the proposed changes to Section 2.06 of the Subdivision Regulations and Section 2.05 of the Site Plan Regulations. These changes pertain to the Board's signature and electronic submission to the Town's GIS Manager. He said in addition A. Garron and he had put together a proposed amendment to the Subdivision Regulations, amending the fee schedule to account for administrative costs related to recording plans at the Rockingham County Registry of Deeds of \$10 per sheet to be recorded. M. Cohen asked if the applicant had the option to record the plans. T. Thompson said no. He said the applicant has been providing the check for recording and the Town Staff has been going to the Registry to do the recording. He said this amendment is to recoup some of the administrative costs. M. Cohen asked if these changes had been advertised. T. Thompson said it has been posted for the last 10 days. M. Cohen asked if there were any public comments. There were none. **D. Coons motioned to adopt the changes for the Subdivision and Site Plan Regulations, Sections 2.06 and 2.05 for digital submission and fee schedule. Seconded by A. Rugg. Discussion: T. Thompson said this does not require Town Council approval. Vote: 9-0-0. Amendments are adopted.**

Workshop- Electronic Signs – T. Thompson said that the Section of the Zoning Ordinance on signage had recently been amended to require sign design be part of the site plan review. The Heritage Commission has requested that the Planning Board take a look at the electronic signage language on page 8, under Section 2304, B. He said the reason for this change really came from a court case in the town of Salem. Their ordinance did not allow for electronic signs except for time and temperature. The State Superior Court took a look at that and overturned the zoning board's denial of a variance request stating that by allowing for time and temperature and not allowing for other electronic signs, it was basically discriminating against commercial speech. T. Thompson said that in essence if we are allowing time and temperature, we are allowing electronic signs of all kinds under the decision handed down in the Salem case. Therefore, he removed the last part in 2304.B from the sign ordinance, which states "except those parts unrelated to advertising and which solely indicate date, time or temperature", so Londonderry wouldn't run into the same problem as Salem. In Item C.1 some new language was added and other language deleted. He said the Heritage Commission thought that reader board signs were distracting and not in character with the type of signage appropriate for the Town. Also in Item C.4 the language pertaining to time and temperature was deleted. He said that by deleting these three areas, essentially the loophole allowing for electronic signs would be eliminated. M. Cohen asked if anything that exists now is grandfathered. T. Thompson said yes. M. Cohen said, for instance, if a bank changes hands and they had a time and temperature sign, would they have to eliminate the time and temperature part of it. T. Thompson said yes, but currently there are no such signs in

Londonderry. M. Cohen asked about gas pump signs and if T. Thompson had asked the Town Attorney about this. T. Thompson said that his interpretation of this was gas pumps were not considered to be signage. M. Cohen said we should have something in writing. T. Thompson agreed and would get something in writing from the Town attorney. M. Cohen opened the discussion to Board members for their opinions. D. Stuart said she was curious as to whether changing numbers on gas station signs was allowed. T. Thompson said he didn't think it would pertain to that but he would get clarification. P. DiMarco was concerned about signs in front of the schools. T. Thompson said the schools were exempt. C. Tilgner had no comments. D. Coons said he does not agree with all. He said this would prohibit any shop from having a flashing sign. He said the majority of churches in town would be grandfathered but if they changed anything their signs are going to be essentially prohibited. He said he personally didn't care for electronic signs, but he also finds them no less distracting than most of the other signs in town. He thought some other wording should be found and the Board should find ways to accommodate small business owners. He did not agree the schools should be exempt. A. Rugg said electronic signs were distasteful and there was enough signage that could be put up that are expressive and wouldn't infringe on first amendment rights and restrict how they advertise. He said reader board signs need more research by staff. A. Rugg also said that the Town and the school are covered under specific municipal statutes based on case law. M. Cohen said he thought the Planning Board should draft a letter to the Town Council and the School Board respectively requesting that they comply with the laws that are implemented in Town. M. Cohen asked about getting the Southern New Hampshire Planning Commission involved. B. Farmer said he didn't like the electronic signs that are pre-programmed because they would distract most drivers. He thought that the board should be cautious about the manual reader boards and not be overly restrictive. He would like that amended. B. Farmer also mentioned signs at the airport and if they could be exempt from these regulations. T. Thompson said the airport falls under the municipal agreement with Manchester. J. Farrell said he does not agree with the manual part and that it should be taken out. R. Brideau agreed. M. Soares asked about signs that indicated "open". T. Thompson said they are allowed as long as they don't blink. She doesn't agree with not allowing changeable manual signs. If a movie theatre changed hands, they wouldn't be allowed to advertise what movies were playing. She agreed with eliminating the electronic sign language. M. Cohen asked if anyone from the Heritage Commission would like to comment. M. Brown from the Heritage Commission said the spirit and intent of what they were trying to do is a tightening of a loophole due to the court case in Salem of the existing zoning ordinance concerning electronic signs which already states that we don't want electronic signs. M. Brown said that when they asked T. Thompson to pursue this, they did not specifically say get an ordinance banning reader board signs and he wanted to be very clear about that. He said he thought the manual reader boards opens up too many issues and should be taken out. T. Thompson said that was the language he got from the Town attorney. He said the Heritage Commission wants to retain what Londonderry was and hopes to be. M. Ham from the Heritage Commission, Historical Society and Town Historian stated that she agrees with M. Brown and is concerned about electronic signs and does not want them in town. She said they are distracting and a safety issue and not in keeping with Londonderry's community character. M. Brown said that the high school principal did come for a discussion about the new high school sign even though they are exempt, and took under advisement the Heritage Commission's recommendations. He said the second point he wanted to make was in regards to aesthetics. He said the NH Supreme Court ruled in 1993 in Aslin v. Town of Conway, that "Municipalities may validly exercise zoning power solely to advance aesthetic values for the preservation or enhancement of the visual environment and promote the general welfare." He said what this means is towns can zone specifically for aesthetics alone. J. Dahlfred, Heritage Commission, 3 Twin Island Road, stated that he was in favor of electronic signs but not in Londonderry. He said they are suitable for large metropolitan areas not the small town atmosphere in Londonderry. D. Colglazier from the Heritage Commission said he was not

in favor of electronic signs and suggested indirect lighting instead. C. Ham spoke of the movie house signs or house of worship signs and said the manual signs would be okay. T. Thompson said he was going to change the wording. M. Cohen said he had a problem with the wording of the changeable manual reader board signs. He said changeable should be defined. The Board agreed another workshop would have to take place on this matter. M. Cohen said that in summary we want to prohibit the animated, flashing sign and do not want to include the manual and to define what changeable is so it's very clear. T. Thompson said he would consult with the Town attorney for the correct language.

Londonderry GC Realty Trust, Map 15, Lot 60-2, Conceptual discussion - T. Thompson said that per a letter received from John R. Michels, Esq. on January 12, 2005, a Conceptual hearing for his client was withdrawn. He said the letter stated that based on the board's discussion last month on the issue of a state taking of land and its effects on a lot in the Performance Overlay District, his client feels there is no need for a conceptual hearing at this time.

Walgreens, Map 6, Lots 51 & 52- Conceptual Discussion – Paul Feinberg presented the plan to the Board. He said they were here conceptually to show how they would like to proceed with the construction of a proposed Walgreen's drugstore to be located adjacent to the existing Bank of America on the corner of Mammoth Road and Nashua Road. R. Davidson, engineer from Haynor Swanson explained the drawing that he posted on the board and the possibility of consolidating the two lots into one lot or leaving as two lots. He was looking for input from the Board with regard to the parcels in question. He said some discussions have taken place with J. Smith's office. He said one of the possibilities was to leave the parcels in 2 lots. He said it was proposed to discontinue a portion of Kendall Pond Road next to the bank and half of the roadway would go to each lot. He said that because of the performance overlay district, a conditional use permit would have to be granted by the Planning Board for coordinated or joint parking design for the two lots. He said the bank lot has an existing sign for the Bank of America. He said the proposed Walgreens could then have 1 free-standing sign which would be constructed according to the new overlay district on the other lot. The other alternative would be after eliminating the Kendall Pond right-of-way, consolidate the two lots into one parcel. In this case, however, there is already an existing sign for the bank which would be grandfathered, and in order to put a second free-standing sign, for the Walgreens building, they would have to go to the Zoning Board of Adjustment for a variance. M. Cohen said it wouldn't be grandfathered anymore under one lot because you would be changing the lot. R. Davidson said they wanted to know if their interpretation of the ordinance was correct and if they should keep the lots as two or consolidate into one lot. P. Feinberg said there was no shared parking, the parking is going to be exclusive to each building. M. Cohen said it was a connected parking lot. P. Feinberg said it was a coordinated access to both parking lots. M. Cohen said there were some benefits under the POD for shared parking and they may want to take the benefit of that. T. Thompson said there was no conditional use provision for use of the shared parking. He said under Item 3 of the ordinance, if parking lots with shared access and/or interconnected parking lots occur, the side and rear landscaping area requirements can be omitted. So if they do choose to do that, they can omit the side and rear landscaping from the part of the lots that are connected. T. Thompson said the main arterial road is Route 102 and that's where the frontage setbacks would come from. He said in re-reading the section, if the Board considers this an interconnected parking lot, then he believes that they could move forward with a two-lot scenario. In his initial look at this he thought it would make more sense and less variances to go with the consolidated lot because of the internal landscaping and the buffers. But, he said if the Board is comfortable with this design of the two lots with the interconnected parking lot then the landscape requirement could be omitted. He said

that would alleviate the need for a variance for a second sign. M. Cohen asked the Board for their opinions on leaving it as two lots or combining it into one lot. M. Soares asked about the landscaping on the sides and back. T. Thompson said it was just where the lot line is shared in the parking lot. M. Soares said that when eliminating Kendall Pond Road, a cut-through the parking lot is created. She agreed the plan looked good and agrees with leaving it as two lots. R. Brideau agreed with 2 lots. J. Farrell agreed with 2 lots but had additional questions on traffic. C. Hanlon, traffic engineer, addressed the Board and had a conceptual plan handout showing the improvements to the roadways and the turn-pockets that would better define movement. J. Farrell said he has concerns about Kendall Pond Road intersection and would like to see sight distances. M. Cohen asked about the northern most entrance to the bank and the problem with traffic entering there and going over to Walgreens because of the pedestrian traffic in and out of the bank. Is there a way that entrance could be shut down and enter from the southern entrance? C. Hanlon said that was something they could look at. C. Hanlon said also that was the entrance to the bank. D. Coons said that was not a valid argument since there was another bank in town that didn't have a curb-cut any where near their main entrance. P. DiMarco is concerned about the traffic backing up on Mammoth Rd with traffic trying to make a left-hand turn out of Walgreens. D. Stuart had concerns about the taper back on Route 102. C. Hanlon said this would be reviewed by the State. A. Rugg mentioned crosswalks within the parking lot linking the two buildings. M. Soares said on the plan it said Londonderry, Mass; it should be Londonderry, NH. D. Coons requested that the medians be raised on Mammoth Rd instead of painted. B. Farmer commented on the landscaping. T. Thompson said it wasn't required but they could still choose to have some and he would encourage it. B. Farmer said he would like to see it on the plan. A. Rugg said he was in favor of two lots with the interconnected parking. M. Cassavoy, architect, passed out a rendering of the site. He said the proposed building is 12, 332 square feet, with several columns along the outside of the store, and a drive-through pharmacy window. He said it would have a canopy over the sidewalk and brick siding and a brick sign on Route 102. M. Cohen said that any outside storage would have to be shown on the drawing including space on sidewalk. P. Di Marco asked about wall signs on the side of the building. T. Thompson said they would have to be within the ordinance or ask for a variance from the Zoning Board of Adjustment. He said the signs would have to be part of the plan set. M. Soares asked if there was anything in the ordinance not allowing a business to be open 24 hours only because of the issue of lighting. M. Cohen said no and there was no requirement for lights to go out now. M. Cohen continued around the Board. D. Coons said he would like one lot and just one combined sign. C. Tilgner wanted 2 lots. P. DiMarco agreed with 2 lots. D. Stuart agreed with 2 lots with some planting in between. M. Cohen agreed with 2 lots. M. Cohen asked if there were any comments from the public. Christine Lawson of 168 Mammoth Road said she had concerns because their driveway sits directly across from a proposed Mammoth Rd. entrance to the Walgreens. M. Cohen said that's why we have buffers when commercial is next to residential. He said her only potential recourse would be to go to the State since Mammoth Rd. is a State road. They have to approve of the curb cut and driveway permit. M. Soares asked C. Lawson if it was possible to eliminate the Mammoth Road driveway and locate it to Kendall Pond Road. She said they have been told no because of sight distances. M. Cohen asked if she had a curb cut onto Kendall Pond. C. Lawson said no. B. Farmer told her to contact her State representatives for help and T. Thompson would give her the contact names. B. Farmer asked if this sight distance requirement could be waived in this case. M. Cohen said because of safety issues, the Board would probably not grant a waiver. J. Trottier said that there are improvements that are going to be done to Kendall Pond so they could potentially move their driveway at that time. J. Farrell asked if J. Trottier has been out to the sight. J. Trottier said he would look at it and give her some guidelines. Steve Lawson, 168 Mammoth Rd., said that traffic lights were mentioned at this intersection. M. Cohen said that would be a State decision. S. Lawson replied that traffic lights would make the situation worse. S. Lawson asked about moving his driveway and that it would

be a big project. J.Trottier said maybe the developer could discuss this with him. The developer said they would be willing to look at it but J. Trottier should look at it first and see what it would entail.

M. Brown from the Heritage Commission commented that the area has a high degree of commercial property but it also has a lot of historical properties surrounding it. He said that the architect took a good approach in designing the store to fit in that area. He said one thing he wanted to comment on was since this commercial area borders residential, he didn't think it was inappropriate to suggest limiting the hours of operation and the Board should look into it. **9:00PM- J. Farrell left.** T. Thompson said this could be done as a conditional approval. The developer said he would have to see what the intention of Walgreens is as far as the hours are concerned. D.Coons said that if you limit the time frame of hours on this site and because there are no limits on the other two drugstores in that same area, they could conceivably decide to go 24/7. M. Cohen said there could be the argument that this site abuts residential whereas the others do not. M. Cohen thought that this should be done at the Town Council level, not Planning Board. M. Cohen said the consensus of the Board was for the site to stay as two lots. T. Thompson said since the lot line is being adjusted there are some issues that J. Smith will have to look concerning grandfathering questions.

Adjournment

M. Soares motioned to adjourn at 9:15 PM. Seconded by C. Tilgner

Vote: 9-0-0.

Meeting adjourned.

These minutes taped and typed by Christine Marra.

Respectfully Submitted,

Dana Coons, Secretary

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF February 2, 2005 AT THE NORTHGATE CONFERENCE ROOM

7:00 PM: Members Present: Mark Cohen, Chairman; John Farrell, Asst. Secretary; Rick Brideau, Ex-Officio; Brian Farmer, Ex-Officio; Charles Tilgner, Ex-Officio; Paul DiMarco; Mary Soares, (alternate); Art Rugg, Vice-Chair. (arriving at 7:05PM).

Also Present: Tim Thompson, AICP; John Trottier, P. E. and Christine Marra, Recording Secretary.

M. Cohen called the meeting to order at 7:00 PM. M. Cohen appointed M. Soares to vote for D. Coons.

Voluntary Mergers: *Sunnycrest Farms, Map 5, Lots 32 & 32A & Map 5, Lots 41, 42-1 and 49-3.*

T. Thompson said all the tax cards had been checked and were in order and all that was needed was a motion for the Chairman to sign the merger documents and they will be recorded in the Rockingham County Registry of Deeds. **P. DiMarco motioned to authorize the Chairman to sign the voluntary merger for Map 5, Lots 32 & 32A and to sign the voluntary merger for Map 5, Lots 41, 42-1 and 49-3. Seconded by R. Brideau. Discussion: B. Farmer asked if these were the lots that the Town has an easement over. T. Thompson said he believes so. Vote: 7-0-0. The mergers will be signed at the end of the meeting tonight.**

Roman Catholic Bishop of Manchester, Map 12, Lots 72, 72-1 and 73. T. Thompson said that the tax cards were in order and deeds had been updated at the Registry of Deeds. **J. Farrell motioned to authorize the Chairman to sign the merger for Roman Catholic Bishop of Manchester/ St. Jude's Church, Map 12, Lots 72, 72-1 and 73. Seconded by B. Farmer. Vote: 7-0-0. The merger document will be signed at the end of the meeting tonight.**

A. Rugg arrived at 7:05PM.

Plans to sign: *Vanham Subdivision, Map 5, Lot 51* – J. Trottier read the conditions of approval on the Notice of Decision by the Planning Board dated January 5, 2005. He said all conditions have been met. **J. Farrell motioned to authorize the Chairman and Secretary to sign the plan for the Vanham Subdivision, Map 5, Lot 51, since all the conditions of the Notice of Decision dated January 5, 2005 have been met. Seconded by B. Farmer. Discussion: P. DiMarco questioned the well radius. T. Thompson explained. Vote: 7-0-1. M. Cohen said the plan would be signed at the conclusion of tonight's meeting.**

Deleted:

Approval of Minutes: A. Rugg motioned to approve the minutes of the January 5, 2005 Planning Board meeting as amended and to authorize the Assistant Secretary to sign them. Seconded by J. Farrell. Vote: 8-0-0.

A. Rugg motioned to approve the minutes of the January 12, 2005 Planning Board meeting as amended and to authorize the Assistant Secretary to sign them. Seconded by J. Farrell. Vote: 8-0-0.

Discussions with Town Staff: J.Trottier addressed the Board regarding the Parrish Hills Elderly Housing Development off of Hardy Road . He said Public Works Department has been working with the developer on the grading, which is not per plan He said the 1 1/2 to 1 side slopes are not acceptable. He said they have reached an agreement for the developer to revise the plans to indicate a 2 to 1 side slope with rip-rap and place some additional retaining walls. J.Trottier said there will be no impact to the abutters and believes it can be addressed administratively. He said he just wanted to make the Board aware of what was happening. J.Farrell asked if there was enough money in the bond to cover this work. J.Trottier said there will be. M. Cohen wanted to know if there was any reason for this detail to come to the Board. T. Thompson said this would not be an impact to the site plan itself only the construction details and does not have to be signed by the Board. He said the question was, does the Board have to see the plan. B. Farmer wanted to know if this is an opportunity for the people who live there to review what's going on. T. Thompson said the Homeowner Association's attorney has been involved in this and the Association is a party to the agreement. M. Cohen said that if the Association wants the plan reviewed publicly, maybe we should. P. DiMarco said he would like to see the plan come back before the Board just to make sure all the due diligence was done. C. Tilgner said he thought we should ask the attorney or the Homeowners Association what their preference was and do whatever they decide. M. Cohen said that something in writing from the Homeowners Association should be obtained for the file that states they concur that the plan doesn't have to have a public hearing. M.Cohen said Staff should handle it administratively but have something in the file. B. Farmer said he wants to make sure the homeowners are satisfied. The Board agreed that a letter should be obtained to put in the file from the Association or the plan would have to come back before the Board.

T. Thompson asked if everyone had received the motion guidelines that he had emailed them. Everyone had received them. He also informed the Board that there would be a third meeting on February 16, 2005, which would be a workshop meeting with the Town Council to discuss the Master Plan implementation. Representatives from all the various commissions were invited to attend as well as the Master Plan Steering Committee. He said all members should try to attend.

T. Thompson also discussed changes he made to the Planning Department website. He said there is now five categories on the page. He said the tax maps are now on line, which have zoning information. Right now, because they are not part of the GIS, they are PDF files that the Town currently uses.

B. Farmer asked if the Planning Board wants to look at the new sewer facility plan from the consultants that were hired. A. Rugg thought it could be an informational presentation. M. Cohen said maybe in March, J. Trottier could do a presentation.

A. Rugg mentioned that André Garron was going to set up a meeting with the new director of the Southern New Hampshire Planning Commission to meet with the Planning Board at one of our meetings.

Public Hearings:

Richard and Deborah Higgins, Map 9, Lots 85, 85-1 & 57-10- Application Acceptance and Public Hearing for a Lot Line Adjustment. - T. Thompson said there were no outstanding checklist items and Staff recommends application be accepted as complete. **A. Rugg motioned to accept the application of Map 9, Lots 85, 85-1 & 57-10, Richard and Deborah Higgins for a Lot Line Adjustment as complete. Seconded by J. Farrell. Vote: 8-0-0. Application accepted.** M. Cohen said it would now go to Public Hearing. J. Szemplinski from Benchmark

Engineering presented the plan to the Board. He explained the layout of the three parcels of land. He said as part of the plan, they are requesting 4 waivers as stated in the letter of October 25, 2004 to the Planning Board. He said Mr. Higgins had applied to the Board of Adjustment to allow a fence 10 feet in height within the front setback of 40 feet to the perimeter of the development lot, which was granted in 2003. J.Trottier read the design review comments from Vollmer Associates. He said Staff supports the waivers requested in Item # 1 & 2. M. Cohen said there were 4 waivers requested. T. Thompson said that the utilities waiver is not applicable to existing homes with no change proposed and staff supports the other three. **J. Farrell motioned to grant waivers noted in letter of 10/25/04 to the Londonderry Planning Board as #2, 3 and 4. The waivers were to Section 3.10 High Intensity Soils Mapping (HISS); Section 4.16 Topographic survey; and Section 4.01 General to allow plan scale to be 1"=50' to allow entire site to be shown on 2 sheets; all with Staff's recommendations. Seconded by P. DiMarco. Vote: 8-0-0. Waivers granted.** M. Cohen went around the Board to see if there were any comments or questions. There were none. He then went to the public for comments. There were none.

A. Rugg motioned to approve the Richard & Debra Higgins Lot Line Adjustment Plan, Map 9, Lots 85, 85-1 & 57-10 with the following conditions:

1. **The Applicant shall clarify the boundary information (metes and bounds) at the northerly corner of lot 85-1 on sheets 2 and 4 for the roadway widening easement (distance along the lot line of 85 and 85-1) and provide the property line information along Pillsbury Road along lot 85-1. In addition, please provide the property line information along lot 85 near the end of the roadway widening easement on these sheets.**
2. **The Applicant shall clarify the location of existing overhead utility lines along Pillsbury Road on sheets 2 and 3. In addition, please correct the label for abutting lot 157-123 to 157-13 on sheet 1 consistent with the plan. Also, please correct the variance date to 2003 (vs. 2006) in note 9 on sheet 1.**
3. **The Applicant shall verify the DRC comments of the Assessing Department have been adequately addressed.**
4. **Note all waivers granted on the plans.**
5. **Provide financial guarantee if required.**
6. **All consultant fees to be paid within 30 days of conditional approval.**
7. **The Applicant shall provide a digital (electronic) copy of the complete final plan set to the Town at the time of signature by the Board in accordance with Section 2.06N of the Subdivision Regulations.**
8. **Final Engineering Review.**

Seconded by M. Soares. No discussion. Vote: 8-0-0. Lot line adjustment conditionally approved.

Robert Fahlin, Map 11, Lots 94 & 26-10 – Application Acceptance and Public Hearing for a Lot Line Adjustment – T.Thompson said that there were no outstanding checklist items and staff recommends the application be accepted as complete. **P. DiMarco motioned to accept the application of the Robert Fahlin Lot Line Adjustment plan, Map 11, Lots 94 & 26-10 as complete. Seconded by A. Rugg. No Discussion. Vote: 8-0-0.** R. Fahlin, owner of the lots, explained the lot lines and the frontage requirements. He said that after the property was surveyed, it was found that both lots had the required frontage and there was no need to curve the lot lines as discussed at the conceptual hearing. J.Trottier read the Design Review Items from the memo to the Planning Board dated February 2, 2005. Under the Board Action Items he read the applicant is requesting one waiver as noted in his letter dated February 2, 2005. T. Thompson said that when the plan was presented to the Board conceptually, the Board was willing to grant

the waiver request of Section 3.03E.3 because they needed to put the lot line at an odd angle. But, he said, at this point, they are showing they have the frontage requirement and no longer need to provide that odd angle. He said staff does not support granting the waiver. **J. Farrell motioned not to grant the waiver from Section 3.03E.3 per Staff's recommendation. Seconded by R. Brideau. Vote: 8-0-0. Waiver not granted.** M. Cohen asked if there were any comments from the public. Mark St. Cyr, Maureen Circle, asked for a clarification on the lot line. M. Cohen said that by regulation, you have to come perpendicular off the road for 100'. When they had the conceptual discussion, they did not have all the survey data in. He said the Board thought that they were dealing with less frontage, so they were going to allow the applicant to jog sooner in order to get existing items out of the lot line. M. Cohen said that there is now no reason to do the waiver with the way the lot is laid out since being surveyed. M. Cohen went around the Board for comments. **A. Rugg motioned to conditionally approve the Robert and Faith Fahlin Lot Line Adjustment, Map 11, Lots 94 and 26-10 with the following conditions:**

1. **The Applicant shall meet the requirements of Section 3.03.E of the Subdivision Regulations (100 feet minimum).**
2. **The Applicant's well radius for lot 94 shown on sheet T1 extends into the right of way of Harvey Road and does not comply with section 3.06.B of the Subdivision Regulations. The Applicant shall revise the well radius to comply with the regulations.**
3. **The Applicant has not provided a sight distance plan, profile or information for the existing driveway at lot 94 in accordance with the Subdivision Regulations and Exhibit D-2. The Applicant shall provide the driveway sight distance information including certification for lot 94 in the plan set as typically required by the Town.**
4. **The Applicant shall indicate proper monuments of all property line angle points per section 3.02 of the Subdivision Regulations. In addition, please note the NHDES subdivision approval number in note 11 of the subdivision plan.**
5. **The Applicant shall provide the signature of the other Owner (Faith Fahlin) on the plans. In addition, please provide the Owner's name in the title blocks and provide a title block on the cover sheet. Also, please revise the sheet number of the subdivision plan to S1 (vs. T1) consistent with the index on the cover sheet.**
6. **The Applicant shall remove the Planning Board signature block from the topographic plan in accordance with section 4.03.**
7. **The Applicant shall provide utility clearance letters for the proposed utility connection for lot 26-10 for the Planning Department's file. Please clarify the connection to the existing utility line and provide a trench construction detail for the proposed utility service in the plan set.**
8. **The Applicant shall revise the subdivision plan to address the following:**
 - A. **Please revise note 9 to indicate the proper number of sheets in the plan set.**
 - B. **Please provide a north arrow in the tax map and locus map and update the cover sheet and sheet T1 accordingly.**
 - C. **Please label the zoning of each abutter.**
 - D. **Please label the existing well on lot 94.**
 - E. **Please label the two squares with "x"s at the roadway pavement edge and driveway entrance to lot 94.**

- F. Please clarify note 10, which indicates a proposed driveway to lot 94. Lot 94 has an existing driveway.
 - G. Please review the plan references for spelling.
 - H. Please update sheet T1 accordingly.
9. The Applicant shall provide the endorsement of a certified soil scientist on sheet T1. In addition, please note the benchmark datum (USGS required) on the plan and note the plan as a Topographic/HISS plan in the title block.
 10. The lot size calculations indicate a soil type 368BH, which is not specified in section 4.03A and Table 2 of the Zoning Regulations. The Applicant shall verify the proposed lot size calculations meet the approval of the Zoning Officer. In addition, please update the minimum areas of the calculations (soil types 361B, C & D) consistent with the regulations.
 11. The topography shown on sheet SD1 appears to indicate the runoff from the downstream end of the proposed driveway culvert for lot 26-10 would be directed toward the roadway pavement edge. The Applicant shall discuss the proposed driveway and culvert (including any off site swale and grading improvements as may be necessary) for the project with the Department of Public Works. Please provide a shoulder improvement construction detail in the plan set meeting the approval of the Department of Public Works.
 12. Provide financial guarantee if required.
 13. All consultant fees to be paid within 30 days of conditional approval.
 14. The Applicant shall provide a digital (electronic) copy of the complete final plan set to the Town at the time of signature by the Board in accordance with Section 2.06N of the Subdivision regulations.
 15. Final Engineering Review.

Seconded by R. Brideau. No Discussion. Vote: 7-1-0. Lot Line Adjustment conditionally approved.

Rosencran Court Site Plan, Map 10, Lot 13 – Application Acceptance and Public Hearing for a Phasing Plan for the Conditionally Approved 36 Unit Elderly Housing Development - T.

Thompson said there was no checklist for this plan and this is a voluntary phasing plan consistent with the approved plan and he recommended it be accepted as complete. **A. Rugg motioned to accept the Phasing Plan for Rosencran Court, Map 10, Lot 13 as complete. Seconded by B. Farmer. Vote: 8-0-0. Plan accepted.** J. Szemplinski from Benchmark Engineering presented the plan to the Board for public hearing. He said this is for a 36 unit elderly housing development on the westerly side of Gilcreast Road that had been conditionally approved. The purpose of the plan is for the project to better manage the bonding and construction sequencing of the project, to construct the road and create 7 clusters of phasing. He said they were just requesting one waiver to allow the topcoat paving of Rosecran Court to be bonded until such time that driveways to each phase have been completed. J. Trotter read the memo dated February 2, 2005 from Timothy Thompson and the Public Works Department with comments. He said Staff supports the waiver in #4 of the comments concerning the bonding of the top coat of pavement. **P. DiMarco motioned to grant the waiver as requested in letter of January 18, 2005 to the Londonderry Planning Board of Section 6-601.d Finish Paving. Seconded by A. Rugg.**
Discussion: M. Cohen asked if the phasing on this has any impact on the building permits that are available. He asked if one year was going to be enough time as stated in #11 on the plan to

place the topcoat. T.Thompson said the year would run from the time of actual construction taking place. M. Cohen said should the motion be amended to reflect # 11 on the note on the drawing. **P. DiMarco amended the motion to include Item 11 on the plan. The motion now reads to grant the waiver as requested in letter of January 18, 2005 to the Londonderry Planning Board of Section 6-601.d Finish Paving and including a 1 ½ inch bituminous concrete topcoat shall be placed within one year from the date the base paving is completed. Landscape bonding shall be completed in accordance with Section 6-6.01d. Seconded by A.Rugg. Vote: 8-0-0. Waiver granted as amended.** M. Cohen opened the discussion to the Board. J. Farrell said that if they couldn't get enough permits by October, 2005 would they be coming in to ask for another extension. T. Thompson said the October, 2005 date is the date to get the final plan signed and they couldn't do any construction until that was signed and they meet all the conditions of approval. M. Soares asked about the restrictions on age. T. Thompson said it was 55 and over and it is noted on the plan. M.Cohen asked how that worked with the building permits. T. Thompson said they had priority in the scoring system. M. Cohen said he was concerned with the traffic at the intersection of Pillsbury Rd. and Gilcreast Road and wouldn't want to see the development go in before the off-site improvements were made. J.Trottier said these improvements were part of the \$2M that was asked for this year by Public Works Department in the CIP budget that was earmarked for this project but had been turned down by the Town Council. Discussion followed concerning the CIP and ways of prioritizing money for these road projects. M. Cohen said this improvement should be high on the list. A. Rugg said that basically we are at the mercy of the voters at Town Meeting. B. Farmer said that you are at the mercy of the Council's interpretation of the voter's tolerance of more debt. B. Farmer said that if the bond is paid to do this off-site improvement and the Town doesn't do the work within a specified time period, this is not an impact fee. T. Thompson said you can hold this bond until the work is done but the longer you wait, the Town's portion is growing everyday. He said the developer's portion is \$200,000, which stays the same, the Town's share is \$700,000 and engineering fees by the developer are \$100,000. He said this was at 2003 prices. The developer's portion is a percentage of the development's impact on the intersection. R. Szemplinski said the percentage is much greater than the development's impact. M. Cohen said he agrees. T. Thompson said the developer has done the engineering for the project that the town does not have to do. M. Cohen said if the Town can't come up with the \$700,000 the work doesn't get done. M. Cohen asked for input from the public. Phyllis Shea, resident of Pillsbury/Gilcreast Rd, voiced her concerns on the dangerous intersection. She said she can't get out of her driveway now, but the extra stop sign has cut down on the number of accidents. She would like the improvements to be done before more developments are put in. She said since the last time she met with the Planning Board, there were 3 cars in her yard within a 3 week period. She said they took down the trees that protected the front of her house. She said her house is now at risk. There have also been a number of deaths in these accidents. M. Cohen said he hoped she realized from the discussion that the Planning Board is limited as to what they can do and urged her to go to a Town Council meeting and voice her concerns with them. J. Farrell told her to use the local media to bring attention to this problem. B. Farmer said this was a direct impact of not going forward. B.Farmer told Ms. Shea this project would not be bonded again until next year in the December timeframe and it was too late for this year, but she should let her position be known to the Council. **J. Farrell motioned to conditionally approve the Rosecran Court Phasing Plan, Map 10, Lot 13 per the memorandum dated February 2, 2005 from Timothy Thompson and John Trottier with the following conditions:**

1. **The applicant shall clarify that the roadway and drainage improvements (detention pond and treatment swale) are part of Phase 1.**

2. **The applicant shall make the "Phase 2" Text bold, consistent with the labels for the other phases.**
3. **This phasing plan shall be made part of the Rosecran Court project plan set, and cannot be signed until all conditions of the site plan are met, including the payment for offsite improvements to the Town.**
4. **The Applicant shall provide a digital (electronic) copy of the complete final plan set (both the phasing plan, and the conditionally approved site plan) to the Town at the time of signature by the Board in accordance with section 2.06.N of the regulations.**
5. **Note new waiver to be put on plan.**
6. **All conditions of conditional approval of October 15, 2003 must be met.**

Seconded by R. Brideau. Vote: 8-0-0. Conditionally approved.

Discussion:

M. Cohen said that some thought has to be made on how to proceed with how to maintain our infrastructure. T. Thompson said the priority system is going to be completely different next year when they do the CIP with immediate need and safety concerns first. He said the system would be set up to help the Council in making those priority decisions. J. Farrell said that next year there would be 2 members from the Planning Board on the CIP committee, which should help the process. B. Farmer said he would draft something up regarding what was discussed tonight and send it to T. Thompson for the read file. J. Farrell said the Planning Board recommends the CIP; therefore they should go and present it to the Council. M.Cohen said he thought the \$2M that was asked for road improvements should have been broken down for each project.

Adjournment:

M. Soares motioned to adjourn at 8:45 PM. Seconded by J. Farrell

Vote: 8-0-0.

Meeting adjourned.

These minutes taped and typed by Christine Marra.

Respectfully Submitted,

Dana Coons, Secretary

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF February 9, 2005 AT THE NORTHGATE CONFERENCE ROOM

7:00 PM: Members Present: Mark Cohen, Chairman; John Farrell, Asst. Secretary (arriving at 7:40 PM); Rick Brideau, Ex-Officio; Brian Farmer, Ex-Officio; Charles Tilgner, Ex-Officio; Paul DiMarco; Mary Soares, (alternate); Art Rugg, Vice-Chair. (arriving at 7:10 PM).

Also Present: Tim Thompson, AICP; John Trottier, P. E.; André Garron, AICP and Christine Marra, Recording Secretary.

M. Cohen called the meeting to order at 7:00 PM. M. Cohen appointed M. Soares to vote for D. Coons. M. Cohen wanted to make the public aware of plans that had been continued or withdrawn before starting with tonight's agenda. The plans were as follows:

Fairwinds Properties Inc., Map 28, Lot 31-1- Cont'd Public Hearing for a Site Plan M.Cohen said they had requested a continuance and the only thing the Board would be discussing tonight would be the continuance.

Conceptual Discussion with Leo Rachon, Watts Rd. Subdivision withdrawn from tonight's agenda and will possibly be put on next month.

Conceptual Discussion- Back Lot Development withdrawn from tonight's agenda and will be put on next month's agenda.

Plans to sign: *Edwards Circle Subdivision, Map 1, Lot 71* – J. Trottier said all he had was the paper copies not the mylars, which were suppose to be delivered, so they were not ready to be signed.

Extension Request- Dunkin Donuts, Rt. 28.- T. Thompson said that the applicant has requested an extension of a Notice of Decision-Conditional Site Plan Approval granted on December 4, 2002 that is valid until February 28, 2005 in their letter of February 4, 2005 to André Garron. They were requesting additional time to finalize engineering comments with the NHDOT and Londonderry's Public Works Department. He said Staff supports this request. **P. DiMarco motioned to grant the extension request per letter from TF Moran, Inc. to André Garron of February 4, 2005 to run through the end of July, 2005. Seconded by R. Brideau. Vote: 6-0-0. No discussion. Extension granted.**

Extension Request – Astoria Londonderry, LLC – T. Thompson said in the applicant's letter of February 4, 2005 from Attorney Gregory Kirsch, a request for a 1-year extension until March 4, 2006 was received. The letter stated economic conditions as the reason. T. Thompson noted that there had been no changes to ordinances or regulations that would impact the approved plan. **C. Tilgner motioned to grant a one-year extension until March 4, 2006 per request in letter dated February 4, 2005. Seconded by R. Brideau. Vote: 6-0-1. Extension until March 4, 2006 granted.**

A. Rugg arrived at 7:10.

Discussions with Town Staff: J. Trottier addressed the Board and said he and Janusz Czyzowski will do a presentation on the new Sewer Facilities Plan and road improvements at the March 9, 2005 Planning Board meeting.

T.Thompson said the next letter was regarding a project that is currently in pre-application design

review for S & S Metals Recycling Storage Lot, Tax Map 15, Lot 66-1. He said there were some deadlines that were important to the Town Council and the Code Enforcement Officer in terms of relicensing the junkyard on that lot. He said part of those deadlines was to get the site plan approved for this lot. F. Holdsworth had given them a March 1, 2005 deadline to have the site plan approved. The letter from Michael O'Donnell from TF Moran states that there are some issues regarding permits that would not be available for the 2/15/05 deadline for submission for the March Planning Board meeting. F. Holdsworth agreed that if the applicant is willing to work with the Town staff, he would extend the deadline. He said this would be coming to the Board in April.

T. Thompson reminded everyone that there would be a meeting next week on February 16, 2005 at 7PM for a workshop to implement the Master Plan.

A. Garron addressed the Board regarding Senate Bill 143. He said that Mark Oswald, Dave Caron and he testified today before the Senate Municipal Affairs Committee towards adding open space to the current legislation for impact fees. He said they submitted their testimony in favor of adding the proposed wording into the current legislation. He said hopefully, in the near future, they would hear the results. Secondly, next month he will be submitting to the Board an amendment to the Flood Plain ordinance. He said FEMA has updated the flood maps. Currently the Town is operating under the FEMA insurance maps. Since they have updated the maps, changes have to be made to the current flood plain ordinance before May 17, 2005. He said they were not significant but if Londonderry did not do this, it could not participate in FEMA's flood plain insurance program. He said that after May 17, 2005, we could get this in digital form so it could be incorporated into GIS.

A. Rugg said he was notified that the Southern New Hampshire Planning Commission is having a meeting on 2/18/05 at 11AM regarding the I-93 road widening. He said he had the information on it and would pass it on to T. Thompson and A. Garron.

A. Garron said that on 2/17/05 the SNHPC was having a meeting on the transportation improvement program. He said it was going to be different this year than in the past whereas the 10-year plan is really a 14-year plan. He said without any new projects added to the plan, it will take approximately 14 years to complete all the projects in the existing plan. He said the State would not accept any new projects. He said if we wanted a project included in the plan, you would have to substitute it for another one already in the plan. He said at this point, he would not recommend taking anything out.

Cont'd Plans/Workshops/Public Hearings/Conceptual Discussions:

Fairwinds Properties Inc., Map 28, Lot 31-1- Cont'd Public Hearing for a Site Plan- M. Cohen said they were requesting a continuance until March 9, 2005 public hearing. T. Thompson said he had received a letter from Tal Allen, True Engineering on February 2, 2005 requesting the continuance due to the comments from staff and having to make significant changes to the building architecture as well as the drainage facilities and they are unable to complete all revisions in time for the application deadline. The letter also stated that the engineers were meeting with LHRA on 3/7/05 to obtain approval of the changes to the building and they agree to waive the 65 day clock under RSA 676:4. M. Cohen asked if this was their 2nd continuance? T. Allen said that after meeting with staff, he had to adjust drainage and make significant changes to the architecture as a result. He said all changes are now made and they are meeting with Staff on Friday of this week. M. Cohen said that it could be put off until the April meeting to make sure it was ready. T. Allen said these were changes that just came up and that's why it wasn't ready for

tonight. M. Cohen said if the plan was done per ordinance then there would be no comments. **C. Tilgner motioned to grant the continuance until 3/9/05 at 7PM per letter received from True Engineering dated 2/2/05. Seconded by A. Rugg. Discussion: Discussion followed regarding the plan being ready for the March meeting. P. DiMarco motioned to amend the previous motion to a continuance until the 2nd week in April, 2005.** M. Cohen asked T. Allen if he would prefer March or April. T. Allen said if he had Vollmer's comments before the deadline, he would be comfortable with 3/9/05. **Vote on original motion: 7-0-0. Fairwinds Properties Inc. Site Plan public hearing continued until 3/9/05. This would be the only notice.**

Public Hearing – Determination of Growth Sustainability – A. Garron addressed the Board regarding his memo to the Board dated 2/9/05. This determination by ordinance is an annual event that must occur before March 1st of each year. The criteria by which the determination is made is found in the ordinance under Section 1504. He said it also should be noted that based on the latest amendment to the ordinance back in 2002, we preserve the previous ordinance in 2001. He said every year that we make a determination; we also have to make a subsequent determination based on the 2001 ordinance. He proceeded to go through both sections. Part 1 read as follows: In accordance with Section 1504, Growth Management Determination, of the Londonderry Zoning Ordinance, a determination of unsustainable growth occurs when two of three of the following findings are made: A) 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; 1) The average number of permits authorized over the preceding six years is 129. In 2004, Londonderry authorized 177 permits (177>129). **Condition met.** B) 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). 1) The number of housing units authorized by the Londonderry Building Department grew by 2.1669% between 2003 and 2004; the number of housing units authorized by the building departments in abutting municipalities grew by 1.2995% between 2003 and 2004 (2.1669%>1.2995%). **Condition met.** He said that given that two of the three criteria have been met, staff recommends that the Planning Board make a determination that for 2005, the Town of Londonderry will be in a period of unsustainable growth and this decision will end on December 31, 2005. He said that the Staff recommends that the maximum sustainable rate of residential development be set at 128 permits as per Section 1504. M.Cohen suggested that the Board takes this in 2 pieces and see if any comments from the Board and the public on the current ordinance. P.DiMarco asked if some of the 177 permits issues last year were exempt from the ordinance. T. Thompson said yes, 3 projects that are received several permits were exempt, Vista Ridge, the Nevins and Londonderry Oaks. P. DiMarco asked what the third criteria was. A. Garron said the 3rd criteria has three subsections; schools, rate of growth exceeds that of the Town's other infrastructure other than schools, and the 3rd, did the capital budget exceed the total budget by 15%. T. Thompson said this is the first time that we have had growth management for 2 years in a row. **J. Farrell arrived at 7:40.** M. Cohen asked the public if they had any comments. J. DeCarolis, a developer of elderly communities in Town, mentioned his approved projects. His question was is the elderly still going to be kept from being exempt from the ordinance. T. Thompson said they are not exempt, but take priority in the ranking system. J. DeCarolis said that should be changed. M.Cohen said for him to get supporting data to the Staff as to why they needed to amend the ordinance and they would take it under advisement. A. Rugg agreed and said with this data possibly something could be done for next year. M. Cohen said it was too late for this year because a determination has to be made by March 1, 2005. J. DeCarolis asked if a straight affordable housing project such as the one he is proposing tonight would be exempt. T. Thompson said there are no exemptions but would take priority in the

ranking system. A. Garron went on to Part 2 (Evaluation of Previous GMO). He said the previous GMO is based on the 2001 amendment and explained there are some slight differences between the current GMO and this one. On the current GMO only 2 out of 3 conditions have to be met, on the past 2001 version 3 out of 3 conditions have to be met. The criteria in (A) is the same in both GMO's, so that condition is met. He said paragraph (B) is slightly different. In the current GMO there are 6 abutting towns that we compare to and in the 2001 GMO there are 8 municipalities that are abutting or nearby Londonderry that are compared. He said the second criteria is also met. He said the 3rd criteria is broken into 3 subsections. He said one of these subsections was met which was the 3rd subsection. "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 total of town and school capital expenditure for 2006-2001 is \$7,699,053. The total combined town and school appropriation for 2004-2005, as reported by the Finance Department, \$42,628,916. The total current capital expenditure compared to the total appropriation represents 18.06%, which exceeds the cap of 15% of the total combined appropriations; therefore this **condition is met**. M. Cohen said that in category (C), for clarification, only one part or subsection has to be met? T. Thompson said yes only one of those subparts have to be met. T. Thompson said given that 3 out of 3 conditions of the previous 2001 ordinance are met, he recommends that the Planning Board make a determination that for 2005, the Town of Londonderry will be in a period of unsustainable growth. M. Cohen asked if there were any comments from the public. There were none. **J. Farrell motioned that the Town of Londonderry is now in a period of unsustainable growth in accordance with the current growth management ordinance as well as the 2001 ordinance as presented by Staff and that the permit level be set for this year at 128 building permits in the allocation system described by Staff. Seconded by B. Farmer. Discussion: A. Rugg said this basically determines that we are in unsustainable growth. T. Thompson said yes that we will have a cap for 2005. Vote: 8-0-0. Planning Board has determined that Londonderry is in a period of unsustainable growth and building permits will be limited in 2005 to 128 permits.**

Workshop – Zoning Ordinance Amendments – Electronic Signs – T. Thompson explained the changes he made to the ordinance as a result of the last workshop. He said there were 2 changes on the first page regarding definitions for what a changeable copy sign is and an electronic message board sign. A. Rugg said the word "frequent" used in the definition should be changed. He explained the changes to the Ordinance Section 2304 on page 2 of his handout. The changes were taking out the exception for date, time or temperature signs in 2304.B and in C.1, taking out present language and adding "Animated, moving, flashing, and noise making signs are prohibited. Changeable electronic message board signs are prohibited in all zoning districts." In C.4 taking out the last sentence, which reads "Portions of a sign consisting solely of indicators of time, date and temperature are exempt from these restrictions." M. Soares asked if in the definition, could he take out the word frequent. T. Thompson said that he could. M. Cohen asked if there were any comments from the public. B. Mazzaglia asked if all electronic signs would not be allowed. T. Thompson said the manual reader board signs would be allowed to continue but any electronic signs with changing messages would be prohibited. M. Bove wanted to know if there were any signs of time and temperature. M. Cohen said there are none in Londonderry. It was decided to schedule a public hearing for these changes. T. Thompson said he would schedule the hearing with the flood zone hearing.

Edward, Alan, & Debra Ball, Map 13, Lots 91, 91-2, & 93 – Cont'd Public Hearing for a Lot Line Adjustment – J. Lavelle presented the plan to the Board. He said this is the third meeting that he has presented this plan to the Board. T. Thompson said there were 2 comments out of the

12 comments on the memo to the Planning Board from Public Works Department and Vollmer Associates that he had concerns about because they involved possibly needing conditional use permits which would require a separate public hearing with recommendations from the Conservation Commission. He said in the previous set of plans that he reviewed, the utility connection is located within the Conservation Overlay District. He said the second item was a proposed well which was in the previous submission that was in the Conservation Overlay which is now eliminated and they are showing an existing well for that lot, however they do not show that well being connected to any new home and this needs clarification since connection would impact the COD and require a Conditional Use Permit. M. Cohen asked why there were still so many comments and it was the third time back to the Board. J. Lavalley said he had a list of comments from Staff and he sent a letter back to Staff addressing those comments with the plans. He said if there were still additional comments after that, he didn't receive any. M. Cohen explained said that when the applicant submits plans to the Town's consultant engineer, the engineer's schedule is to get the comments back to staff in time for the meeting. T. Thompson said in the pre-application review the comments would go back to the applicant, but this was submitted as a formal application and the comments go from consultant to Staff to Planning Board. J. Lavalley said he wasn't fully aware of the procedure and he believed that he addressed all of the comments. M. Cohen said there is a system in place that would have allowed him to go back and forth with staff to address comments, before going to formal application. J.Lavalley said he would like to present to the Board the simple lot line adjustment that he was trying to accomplish. J. Farrell said did he want to withdraw his application and come back and work with staff and come back and present a simple lot line. J.Lavalley said he didn't believe that a conditional use permit would be necessary. A. Garron said the applicant received the comments since the last meeting and there were issues that he addressed based on the last hearing. Based on addressing those, some new information was submitted. The new information now results in a possible condition for conditional use permit. J.Lavalley said it looks like another continuance would be needed to meet with staff and clear up these issues and he would like to request this. M.Cohen said that because he is in the formal application process, staff would meet with him but until they get revised designs and until they are reviewed by the consultant engineers, he wouldn't see the comments until he comes back before the Board. J. Lavalley said he could get the comments from tonight and address those. T. Thompson said the applicant could withdraw the formal application and go back through design review. He also said fees would have to be collected for re-notification. J. Lavalley withdrew the application. No action needed.

Clark Farms Industrial Subdivision, Map 17, Lot 45 – Public Hearing as requested by Planning Board for discussion of tree removal on Clark Road – T. Thompson said to refresh the Board's memory this discussion refers to the Phase II of Jack's Bridge Road Subdivision which would create a cul-de-sac to the north of the Clark Road intersection and a cul-de-sac on Clark Road with an opti-con gate to restrict the industrial traffic from using Clark Road. During that public hearing the Planning Board and several abutters raised concerns about removing trees on Clark Road where the proposed cul-de-sac on Clark Road would be located. He said when the plan was conditionally approved the Planning Board basically said that they were moving forward with tree preservation and if the applicant wanted to remove the trees, they would have to come back before the Planning Board. He said the plan is not yet ready for signature, staff is working with the applicant and engineer to go through the final engineering review before approval but the applicant wanted to get the tree removal issue taken care of before getting the plan signed. Robert Davison, engineer from Haynor-Swanson presented the plan. He explained the location of the trees that should come down at the time of construction. He said the trees had very little limbs. J. Trottier said he looked at the trees and they are within the Town's right-of-way and he feels they should be removed. He said there is a vegetative buffer behind the trees. B. Farmer mentioned that in the past when some developers removed trees, they donated new

trees to the Town to place wherever. B. Farmer also mentioned if the stonewall was disturbed would they have to replace it. T. Thompson said that would be required. A. Rugg said this was a town problem with these trees in the right-of-way and would be a liability to the Town. J. Trottier agreed and said the roots would be disturbed during construction. M. Cohen asked if the public had any questions. L. Colte from 32 Clark Road said he didn't have a problem with trees as much as with the traffic going up and down Clark Road. He was wondering when the gate was going to be put up to stop construction trucks from using Clark Road. J. Trottier said part of the agreement was not to use Clark Road but with certain pieces of equipment, they had to use it. J. Trottier said they did allow them to use it at a minimum. He said that he did go to the site and talk to the contractor and he didn't know they were still using it. M. Cohen asked when the gate was going up. J. Trottier said in Phase II. T. Thompson said they are now working on Phase I. T. Thompson said the gate would go up when Phase II has final approval. J. White, resident of Clark Road, said they cut and cleared Jack's Bridge Road, why do they have to use Clark Road. He said they could use the 2 roads they have cut. A. Garron asked if Jack's Bridge Road was built enough to allow trucks to pass. J. Trottier said no the road was not ready, only cleared. M. Cohen said it was a condition of Phase II, which is not approved yet, not Phase I, and we could request they don't use the road but we couldn't force them. J. Trottier said he would speak with the contractor. J. White, resident, said that it was unanimous at the meeting in May that no trees would be removed on Clark Road only trimming as needed. T. Thompson read condition #15 of the approval which says that any tree cutting or cul-de-sac relocation should be brought back before the Board for an additional public hearing. M. Cohen said the Planning Board had not made a determination because we wanted the input from the Department of Public Works. He said the department is suggesting that these trees in the public right-of-way are going to cause problems if they are not removed. J. White said he thought that the plan was to keep it as rural as possible. M. Cohen asked how many trees would have to be removed. R. Davison said said 8. M. Cohen said that these trees would eventually have to be removed by the Town if they were a hazard to the snowplows, etc., so why not have the developers do it. C. Evans, developer, mentioned the truck traffic on Clark Road and that they are using it for temporary construction purposes for Phase I and they have the right to use it. He said they are waiting for the State approval for the second phase traffic study for Jack's Bridge Road. T. Thompson said the Town has not received a traffic study and is waiting for this before making comments regarding the Town portion of the roadway. T. Thompson said the action needed tonight would be to modify the Notice of Decision condition 15. **J. Farrell motioned to modify the Notice of Decision dated July 7, 2004 for the Clark Farms Industrial Subdivision, Map 17, Lot 45 for Condition #15 to read: The eight trees shown on the plan presented on February 9, 2005 to the Londonderry Planning Board shall be removed by the developer and a copy of the plan along with photos taken by the Public Works Department shall be submitted to Staff for the file. Seconded by R. Brideau. Vote: 8-0-0.**

Break: 9:00 PM

9:05 PM -Mazzaglia Family Trust, Map 6, Lot 75-4 – Public Hearing for a rezoning request, AR-1 to Commercial- B. Mazzaglia, trustee of the Mazzaglia Family Trust, addressed the Board and said he was requesting to change Lot 75-4 from AR-1 to C-3 for a professional office to be used for a real estate office. He explained the location of the lot which was on Mammoth Road, one lot north of Buttrick Road. He said on the corner of Mammoth Rd. and Rte. 102 is the Homestead Restaurant, then on the next lot is a horse farm, then his lot with an existing tudor style house. To the southerly border of the property is C-3 zoning and to the westerly border is C-1 and to the north is AR-1 and the east AR-1. He said all the neighbors have no objection to what he wants to do there. He said his goal was to put a professional office in that building. He purchased the property not knowing that there were concerns about commercial property along

Mammoth Road. Basically he said they were trying to square off the commercial area and make it C-3 zoning. He said the intent was to leave the property as is, other than some minor changes in the parking and drainage. He said they wanted to continue using the house as is. He said to the north is a very strong tree line separating the house from the abutting neighbor. He said from house to house it is about 210 feet. He said he knows the Board is concerned about commercial creep up Mammoth Road, but he feels that this wouldn't go any further and basically is just squaring off the commercial district and would lend to a transition area. T. Thompson said he has reviewed the request and discussed it with A. Garron. He read his memo dated February 9, 2005 to the Planning Board. He said in the Applicant's request he did not specify which Commercial District he wishes to rezone the parcel to. He said the parcel is 1.2 acres and irregularly shaped. Building envelopes with commercial zoning could prove to be difficult, as would the arrangement for parking and drainage facilities for any proposed development. He said the Planning Staff does not support the request as presented. He said the Planning Board has consistently stated that "commercial" creep off intersections with Rt. 102 and Rt. 128 is an issue the Board does not wish to make worse. This parcel, surrounded on 3 sides by AR-1, appears to be exactly the commercial creep the Planning Board desires to discourage. He said in summary, the rezoning does not have the backing of the Master Plan, the rezoning would result in "commercial creep", and commercial zoning would make the irregularly shaped lot difficult to develop. He said the Planning Department cannot recommend the rezoning as presented. A. Garron said he concurs with T. Thompson. R. Brideau agrees. J. Farrell said he would be opposed to it. B. Farmer asked what happens to the ability to operate the business there if the Board does not agree to rezoning. T. Thompson said that the applicant has applied to the Zoning Board of Adjustment for a Special Exception for a home occupation, which would limit the office area of the building to 25% and limit the number of outside employees to one. A. Rugg said that the Board and Council have had several discussions about commercial creep along Mammoth Road. He said that we have to draw the line somewhere and he doesn't look to it as squaring it off but as creating another problem. He said the Master Plan is very clear and he wouldn't support the rezoning. C. Tilgner said he does not support it. P. DiMarco said he does not support rezoning this parcel. M. Soares said she did not support it. M. Cohen said that he knows it is the applicant's intention to keep the property as a real estate office, but there is no guaranty of that if the property is sold. B. Mazzaglia said the building wouldn't be usable as a home office because that would allow only 1 employee. He asked about C-4. T. Thompson said that would still be inconsistent for that area. M. Cohen said that the Board would take public input at this time. C. Lynch, a neighbor on Mammoth Road, said the first she heard about this was from the public notice. She said her house was in the pictures that Mr. Mazzaglia was showing the Board, but he never spoke with her about this proposal. She said the natural squaring off of the commercial is Buttrick Road. She said this would create parking problems and would be hazardous for her driveway. R. Saulnier, a neighbor, said he thought C-3 would be better than C-4 as long as it would stay as a real estate office. He would be concerned if it was sold. M. Cohen said that we could not restrict use if it was allowed in that district. **J. Farrell motioned to recommend to the Town Council to deny the Mazzaglia Family Trust's request to rezone Map 6 Lot 75-4 per Staff's memorandum dated 2/9/05. Seconded by P. DiMarco. Vote: 8-0-0. Recommendation will be forwarded to the Town Council.**

Conceptual Discussion – Sturbridge of Londonderry – Subsidized Elderly Housing- Map 7, Lots 1-20 – Attorney John Michels presented a conceptual plan to the Board. He said that this site was the Old Londonderry site which was going to be a shopping center with 400 parking spaces which the Board approved a number of years ago. This zone is C-1 in a performance overlay district and what they are proposing is to basically change it to an AR-1 elderly that isn't subject to POD. He said what they are trying to do is build 11 buildings with 15 units each for a total of 165 units for subsidized elderly housing. He said 80% of the units would be 1 bedroom,

20% would be 2 bedrooms. He said there is a need for affordable housing in Londonderry and we must take care of the elderly. He said one way to come up with affordable housing is to go with the 1 bedroom units. He said this would be a HUD subsidized project. In order to bring this about, a few minor changes would have to be made to the ordinance. The elderly ordinance at the moment says the standard unit shall be a 2 bedroom unit and 6 units per acre. He said if they were to build regular elderly housing according to the ordinance, they could do 128 units, 256 bedrooms. With their project they would have 198 bedrooms. They would have less people, less impact. The units will be smaller than the average units now. According to the ordinance they are allowed 128 units and they are asking for 165. The other thing the ordinance says is every unit should have 2 parking spaces. He said he doesn't think that a lot of the people in subsidized projects are going to have 2 cars. He said if they could do something in the ordinance to match the number of parking spaces with the number of bedrooms. He said under this development that would require 220 parking spaces but under the current ordinance it would be 256 parking spaces. He said they were looking for some indication from the Board that what they are trying to do is going along with the Master Plan. They are trying to come up with affordable housing and if you look at sites around town, this is one of the few sites where this could be done. It has water and sewer and it lessens the impact on Route 102. He said in order to bring this about they would need a variance or a change in the ordinance. M. Cohen asked does the current ordinance require 2 bedrooms. T. Thompson said the standard dwelling unit shall be 2 bedrooms., the base population should not exceed an average of 2 persons per unit. T. Thompson said it is not clear wording. M. Cohen said this identifies a flaw. Jennifer McCord, from McCord Engineering Associates, said she had several conversations with Staff before coming here tonight and a conceptual discussion with Council. One thing that she added to the plan was the realignment of Meadow Drive with Route 102 to square off that intersection. She said this plan had much less traffic impact. J. Trottier said it was nice to see that they would be squaring up the intersection. T. Thompson said it would be appropriate to rezone back to AR-1 because under the C-1 the POD does allow for elderly housing but there were complex setback requirements, which would be hard to achieve. A. Garron said that all the roads should be privately owned and maintained. If there are changes to be made to the ordinance for subsidized elderly housing there may be some possibilities of really locking that down in the ordinance. T. Thompson said some specific provisions could be put in for affordable housing. R. Brideau mentioned that there were 165 units but no permits are available. J. Farrell said it was a nice transition. He expressed concerns about Golen Drive and to make sure the Fire Department is happy with the driveways. B. Farmer likes the idea of the subsidized elderly units. He wanted to know what the cost would be for the units. J. DeCarolis, developer, said that all the units would be rentals, \$861 a month for 1 bedroom and \$960 a month for 2 bedrooms. He explained that if you make \$17,000 a year or less, an elderly tenant could get up to 80% funding from HUD. A qualified person could live there for as little as \$250-\$300 a month. He said he is meeting next week with HUD to discuss. He said the heat and electricity is included. B. Farmer asked if this would be all elderly. J. DeCarolis said yes, that it what it is meant to be. He said there is no question that there is a need for this housing. He spoke with Derry Housing and they said they have 150 people on the waiting list and Salem has at times as many as 300. A. Rugg said there is a need for this and we should work with the developer to make it happen. He said not everyone would have cars so foot trails should be considered and also a safe way to cross Route 102. He also didn't like the name of Sturbridge and thought Old Londonderry would be better. C. Tilgner thought it was a good idea. P. DiMarco was concerned about the parking spaces. M. Soares likes the idea and thought the Planning Board should work with the developer to make it happen. M. Cohen said he was concerned about parking spaces and even though there was just a 1 bedroom unit, there could be 2 cars for that unit. He said this is now zoned commercial and if it was built out commercial it would generate more in taxes than residential and the town has to understand this. J. DeCarolis said that most places that exist in other towns have only one parking space per unit. He also said this may be tax-exempt property

but wouldn't know this until he met with HUD. M. Bove, Town Councilor, heard concerns at Town Council meetings about how people don't want to move out of town but can't afford to live here anymore because there is no affordable housing available. He said he had conversations with J. DeCarolis about the location of such a project and he told him to take a look at this lot because he thought it fits exactly what they wanted to do. It has access to sewer lines, water and benefits the communities around it. He said regarding the parking, they are also building a clubhouse and there will be parking there. He said there are some amenities such as washer and dryers in the units. He said you don't have to be on subsidized housing to live there, the rent is a fixed price. He said this gives people an option. He said this would be less traffic impact than a commercial development and we should be looking for the future. M. Cohen said, in summary, there is a view from the Board that this type of development is needed but there are lots of hurdles to overcome from an ordinance perspective. He said that the Board is interested in seeing this moving forward. He said there is a lot to be considered before doing a recommendation to the Council. J. Michels said as a procedural measure they will meet with staff some more because the project can't go on unless the zoning issues are taken care and work with them to come up with a proposal. M. Cohen said the Board is open to having a workshop meeting for proposed changes to the ordinance. He also mentioned that the tax impact of changing from commercial zoning to residential zoning should be examined and presented to the Board for consideration as well. A. Garron said it should be a concurring act that the zoning change and the changes to the ordinance occur at the same time.

Conceptual Discussion – TJW Survey – Map 6, Lot 38 – Tim Winings presented a plan for conceptual discussion for his lot on Mohawk and Granite Street. He said he had been before the Board a short time ago regarding the same site. He said the concern then was sight distance requirements. He said the plan now was to access through the corner lot and then having parking shared across the lot line. He said he understood that a variance would be required for that to allow parking in the buffer zone. He said T. Thompson said that because of the nature of the lot he would support that. T. Thompson said he just thought of something else, to combine the two lots. T. Winings said it was a possibility but he would like to be able to sell one lot separately. T. Thompson said there was no location along the frontage of the lot where they could meet any of the sight distance requirements of 365' in either direction. He said he thought a shared parking access would be something to encourage. He said if they were not combined lots it would need variances. J. Trottier said he would look at supporting a reduction in sight distance because it's a 90 degree turn and with an appropriate signage to slow traffic. A. Garron said a shared driveway would be advantageous. M. Soares asked about access from Granite Street. T. Winings said that would require condominium approval for a visibility easement, which they would not grant. A. Rugg said he would refer this to Staff. B. Farmer said that he would go with staff's recommendation. J. Farrell said he was strongly opposed. A. Garron said he is willing to go along with Public Works recommendation of granting a waiver for sight distance. M. Cohen said he was not pleased with this but doesn't want to prevent somebody from doing some development on this lot. He said combining the lots may help a lot. A. Garron said that a traffic report will have to be submitted and they would take a look at that. M. Cohen said that they would have to come up with something to alleviate the concerns about the traffic and sight distance. T. Winings said he is willing to work with creative ideas.

Conceptual Discussion – Arthur & Diana Cross, Map 6, Lot 79 – Subdivision – Wes Aspinwall from Ed Herbert's office presented a plan for conceptual discussion. He said the property is a proposed 7-lot subdivision. He said two of the lots are existing lots. He said he came to the Board with this at one prior meeting and had a lot of good input from the Board. He said the primary discussion at that time centered on the road, whether it would be left as a cul-de-sac as shown on the plan or if it would be constructed through to Crosby Lane. He said about half the

Board was in favor of connecting and the other half leaving as cul-de-sac. He said the general instruction was to get some input from the Conservation Commission. He said he had a meeting with the Conservation Commission concerning the conservation overlay district at that site. He said they issued a recommendation that they would like to see it not connected. He said they recommended to the Planning Board that they not require the developer to cross the wetland to connect to Crosby Lane. He said he thought it was a logical recommendation. He said he would like to know if he could continue with this plan as it is. T. Thompson said he would ideally like to see the road connected and given the recommendation of the Conservation Commission; it is something the Board would have to decide. Also, he said he would want to make sure that with the Conservation Overlay, that there would be enough building area on two of the lots. A. Garron said he would like an interconnection with the roads. He said if this is a low-grade wetland and a connection can be made, instead of having cul-de-sacs all over town, when connections can be made, it should be done. R. Brideau said he was in favor of connecting the roads. J. Farrell said he was not in favor. He said with it being connected it would cause greater traffic and safety hazard. B. Farmer said he would like to see it remain a cul-de-sac. A. Rugg also agreed with the cul-de-sac. C. Tilgner agreed. P. DiMarco agreed. M. Soares agreed. M. Cohen also agreed with the cul-de-sac. He said the majority of the Board says to go with the cul-de-sac with the Conservation Commission's recommendation. He also told the developer to be cautious of the buildable area as T. Thompson had mentioned.

Conceptual Discussion – Thomas Perrault – Change of Use at 130 Rockingham Rd. - Dr. Tom Perrault addressed the Board concerning a change of use at 130 Rockingham Road from retail to professional office in order for him to open a chiropractor's office and treatment facility. He said the lot is owned by the George Family Trust and is a C-2 zone. He said he is requesting one of the permitted uses, which is a professional office space. He said he didn't realize that a change of use was a significant issue. He said he was sent here by the Building Department when he went there for a sign permit. He said it is an unusual shaped plot. He read his statement, which he will provide to Staff. (attached) He said in summary he requests the Planning Board's support and permission to change use at 130 Rockingham Road from 2 retail businesses (130A and B) totaling 1760 sf to one professional office of 560 sf (130A) with 1192 sf of storage space (130B) without further development of the site under the existing site plan. M. Cohen said a change of use requires a site plan approval and abutters to be notified. T. Thompson said they were looking to see what the Board wants to see and what procedures they should follow through with. T. Thompson said the difficulty with this site is there is a tremendously large and wide curb-cut. The other issues are if you apply the green space standards to this lot the parking is non-conforming. The parking is designated as gravel. It does not comply with any of today's zoning or site plan regulations. He said this would be an extremely difficult lot to make conform to our ordinances and regulations. A. Garron had questions about the square footage being used for office space and treatment space. T. Perrault explained the waiting area, office, bathroom and treatment area locations. He explained he did not own the building but would be leasing it. He explained the parking spaces. T. Thompson said it was non-conforming parking. A. Garron suggested he contact the engineer who did the original site plan and go through our regulations with the business set up the way you want including the other tenants that are there; then he could make a list of what he complies with and what he doesn't comply with. Then meet with Staff to discuss. M. Cohen went around the Board for their input. R. Brideau said he would like this type of business at that location. J. Farrell said he would yield to Staff's recommendations. B. Farmer agreed. A. Rugg agreed. C. Tilgner agreed. P. DiMarco agreed. M. Soares agreed. M. Cohen said the owner of the property need to be a party to this and asked about C-3. T. Thompson said it would still have the same issues. M. Cohen told T. Perrault to work with staff on this project.

Planning Board Meeting
Wednesday 2/9/05- Final

Adjournment:

M. Soares motioned to adjourn at 11:15 PM. Seconded by J. Farrell

Vote: 8-0-0.

Meeting adjourned.

These minutes taped and typed by Christine Marra.

Respectfully Submitted,

Dana Coons, Secretary

LONDONDERRY, NH PLANNING BOARD
MINUTES OF THE MEETING OF March 2, 2005 AT THE NORTHGATE
CONFERENCE ROOM

7:00 PM: Members Present: Mark Cohen, Chairman; Rick Brideau, Ex-Officio; Brian Farmer, Ex-Officio; Charles Tilgner, Ex-Officio; Paul DiMarco; Art Rugg, Vice-Chair.; D. Stuart.

Also present: Tim Thompson, AICP; John Trottier, P. E. and Christine Marra, Recording Secretary.

M. Cohen called the meeting to order at 7:00 PM.

Plans to sign:

Rosecran Elderly Housing Site Plan, Map 10, Lot 13, Phases 1, 2, & 3- J. Trottier said this plan was conditionally approved by the Planning Board on October 15, 2003 and he read conditions 1-13. He said all conditions have been met. T. Thompson said that there was also a phasing plan, which the Planning Board had conditionally approved on February 2, 2005. J. Trottier read the conditions of that plan. T. Thompson said the applicant is asking the Board to sign Phases 1, 2 and 3 at this time. They will come back to the Board with future phases. **A. Rugg motioned to authorize the Chairman and Vice Chairman, due to the absence of the Secretary and Assistant Secretary, to sign the site plans including Phases 1, 2 and 3 for the Rosecran Elderly Housing, Map 10, Lot 13, since all the conditions of the Notices of Decision dated October 15, 2003 and February 2, 2005 have been met. Seconded by P. DiMarco.**
Discussion: B. Farmer wanted to know if condition #9, regarding the age 55 and over, was a deed restriction. T. Thompson said it was a condominium document restriction, which does get recorded at the Registry of Deeds. Vote: 7-0-0. M. Cohen said the plan would be signed at the conclusion of tonight's meeting.

Edwards Circle Subdivision, Map 1, Lot 71 –J. Trottier said this plan was conditionally approved by the Planning Board on June 9, 2004 and he read conditions 1-12. He said all conditions have been met. **A. Rugg motioned to authorize the Chairman and Vice Chairman, due to the absence of the Secretary and Assistant Secretary, to sign the Edwards Circle Subdivision plan, Map 1, Lot 71, since all the conditions of the Notice of Decision dated June 9, 2004 have been met. Seconded by R. Brideau. Vote: 7-0-0. No discussion.** M. Cohen said the plan would be signed at the conclusion of tonight's meeting.

Approval of Minutes: **A. Rugg motioned to approve the minutes of the February 2, 2005 Planning Board meeting as amended and to authorize the Vice Chairman, due to the absence of the Secretary and Assistant Secretary, to sign them. Seconded by P. DiMarco. Vote: 6-0-1.**

A. Rugg motioned to approve the minutes of the February 9, 2005 Planning Board meeting as amended and to authorize the Vice Chairman, due to the absence of the Secretary and Assistant Secretary, to sign them. Seconded by P. DiMarco. Vote: 6-0-1.

CIP Committee Recommendations - M. Cohen said that assuming that the Charter change is approved the Planning Board has to recommend to the Town Council, 2 members from the Planning Board to sit on the CIP Committee for the upcoming year. P. DiMarco said that he

would be interested and noted that John Farrell also had expressed his desire to serve in that capacity. R. Brideau also said he was interested. P. DiMarco said he would step down because R. Brideau and J. Farrell had more experience but he would still attend some of the meetings. **A. Rugg motioned to recommend John Farrell and Rick Brideau as members of the CIP Committee to the Town Council. Seconded by P. DiMarco. Vote: 7-0-0.** M. Cohen said that April 7, 2005 was scheduled to be the first meeting of the CIP Committee at 5:30 PM.

Discussions with Town Staff: T. Thompson said that the color copies of the Master Plan were in and he would be distributing them to the Steering Committee and Town Council members and to members of the Planning Board who wanted it in the near future. He said the final version is on the website and it can also be printed from there. He asked who would like a copy. He also said he could download it on to a CD. D. Stuart said she was on the Steering Committee so she would get one anyhow. P. DiMarco said it wasn't necessary. C. Tilgner said he would like a CD copy, as did A. Rugg. B. Farmer and R. Brideau said they would like a color copy.

T. Thompson reminded everyone that the second meeting of the Master Plan Implementation Task Force was on March 30, 2005 and would be held in the large conference room instead of Northgate. He also updated the Board on the Growth Management Ordinance. He said that he has more requests for permits than what is available, over 150 requests and only 128 permits are available so he will have to use the scoring system.

B. Farmer wanted to remind everyone present and in the television audience that Town Meeting is on Tuesday, March 8th to vote for town officials and other important town issues. He said Saturday, March 12th is the continuation of Town Meeting and a number of warrant articles and bond issues will be discussed and voted upon. He reminded people not to miss their opportunity to participate. He said it's very important to show up if you have an interest in how the Town is governed and the direction the Town takes. M. Cohen said it's important to realize that the vote on Tuesday doesn't necessarily kill anything; it can be revisited on Saturday for certain types of items, except for who gets elected. B. Farmer said that whoever shows up really controls what happens at Town Meeting.

A. Rugg mentioned that at next week's meeting, the Southern New Hampshire Planning Commission's new executive director would be here to meet the Board. He urged everyone to be present and also urged the Town Council members to attend.

Public Hearings –

Kenneth & Betty Young, Map 12, Lot 17-1- Application Acceptance and Public Hearing for a 2-lot subdivision - T. Thompson said the applicant did not go through pre-application Design Review and opted to submit the application as a formal application. He said there are 3 outstanding checklist items and he read the items from the memorandum dated 3/2/05 to the Planning Board from the Town's Public Works Department and the Town's engineering consultant, Vollmer Associates. He said the Staff recommends the Board determine that the application is incomplete or see if the applicant is willing to continue the application for application acceptance or withdraw and go back to design review and work with staff before coming back before the Board. M. Cohen asked the applicant to come forward. Mike Grainger from Grainger Engineering represented the Young's. M. Cohen said the application is not complete and the Board has to determine whether to accept the application. He said if the Board chooses not to accept the application, based on items that are not complete, the applicant has to start all over again. The applicant can authorize the Board to continue the application giving him more time to address those items or the applicant can withdraw the application and go through design review with Staff to make sure that when he comes before the Planning Board again, it is complete. He asked M. Grainger what he would like to do. M. Grainger said he would like a continuance. T. Thompson said that if the applicant opts to continue the application, it's still a

formal application and it will not go back and forth with staff; the memo will go directly to the Planning Board. M. Cohen suggested that the best way for the applicant to guaranty the application is complete is to work with Staff. M. Grainger requested to withdraw the application and reapply for design review to work with Staff. T. Thompson said no action was needed from the Board and abutters will have to be notified again when the application is ready for formal hearing. M. Cohen said that since this was advertised as a public hearing, did anyone from the public have any questions. A. Young asked what effect this would have on obtaining a building permit. M. Cohen said the plan has to be conditionally approved and signed before they could even apply for a permit. T. Thompson said that even if the plan were approved, the applicant would probably have to wait until next February for a permit because of the number of requests for permits he has this year. B. Farmer said that the applicant should still apply and get on the list.

Jeffco Land Services, LLC, Map 15, Lot 54 – Application Acceptance and Public Hearing for a 1,551 square foot Subway Restaurant – T. Thompson said that this application, like the previous one had also gone directly to a formal application and had not gone through pre-application Design Review. There were 2 outstanding checklist items and 19 design review items from Vollmer Associates. He said Staff recommends that the application be found incomplete, or the applicant continue the application acceptance and public hearing, or the applicant withdraw the formal application and work with staff in Design Review. Deb Dietz from TF Moran representing Jeffco Land Services asked to withdraw the application and to work with Staff on a design review application, but she said she wanted some guidance from the Board on a waiver request that they are requesting. M. Cohen said she could come back for another conceptual hearing, but the Board could not hear that now. D. Dietz then requested to withdraw and reapply for design review. No action from the Board was needed. M. Cohen asked if there were any comments from the public. There were none.

Adjournment:

B. Farmer motioned to adjourn at 8:00 PM. Seconded by P. DiMarco.

Vote: 7-0-0.

Meeting adjourned.

These minutes taped and typed by Christine Marra.

Respectfully Submitted,

Dana Coons, Secretary

LONDONDERRY, NH PLANNING BOARD
MINUTES OF THE MEETING OF March 9, 2005 AT THE NORTHGATE
CONFERENCE ROOM

7:00 PM: Members Present: Mark Cohen, Chairman; Art Rugg, Vice-Chair. John Farrell, Asst. Secretary (arriving at 7:15 PM); Rick Brideau, Ex-Officio; Brian Farmer, Ex-Officio; Charles Tilgner, Ex-Officio; Paul DiMarco; Dani-Jean Stuart; Mary Soares, (alternate).

Also Present: Tim Thompson, AICP; John Trottier, P. E.; André Garron, AICP; Janusz Czyzowski, P. E. and Christine Marra, Recording Secretary.

M. Cohen called the meeting to order at 7:00 PM. M. Cohen appointed M. Soares to vote for D. Coons. M. Cohen wanted to make the public aware of plans that had been withdrawn before starting with tonight's agenda. The plans were as follows:

Conceptual Discussion with Leo Rachon, Watts Rd. Subdivision withdrawn from tonight's agenda and will be scheduled for April 13, 2005.

Conceptual Discussion- Back Lot Development withdrawn from tonight's agenda and will be scheduled for April 13, 2005.

Administrative Board Work:

Introduction- David Preece – New Southern NH Planning Commission (SNHPC) Executive Director – A. Garron introduced SNHPC's new Executive Director, David Preece, who has come to us from California. D. Preece addressed the Board and spoke of the growth and challenges in this region, specifically in Derry and Londonderry. SNHPC is proposing to bring the 13 communities in this region together into one body and try to foster the communication, the cooperation and the coordination of this growth to preserve the uniqueness and beauty of New Hampshire and the quality of life. He said in the Spring of this year, he is planning a Planners roundtable with all the Planning Directors in the region to come together in a forum. The first topic of discussion will be the regional impact of what's happening in one town that affects towns surrounding it. Another project he will be instituting is a regional comprehensive plan. The SNHPC will also be helping other communities in the region to update their master plans. He said right now SNHPC is helping Londonderry with their hazardous mitigation plan, completing the build-out analysis for Londonderry and talking about updating the zoning and subdivision ordinances. M. Cohen asked if anyone had any questions for D. Preece. A. Rugg said that it was difficult to come to the SNHPC meetings because they were held in the middle of the day. M. Cohen asked if it was possible to have an evening meeting. D. Preece said that he would explore that option. M. Cohen said that we rely heavily on the SNHPC for traffic analysis and hoped that would continue. D. Preece said they had just hired a new traffic planner who has expertise in transit planning. He said they are advocating a new commuter rail that's being proposed from Nashua to Manchester and a future rail along I-93. A. Garron said that transportation is certainly an issue that a regional planning commission should be looking at to formulate a comprehensive plan for the future. A. Rugg agreed that all forms of transportation should be looked at. M. Cohen thanked D. Preece for coming in and said that Staff and the Board would keep in contact with him. **[J. Farrell arrived at 7:15PM]**

Zoning/Site Plan Regulations Discussion – Reformat & Parking – T. Thompson said that he and A. Garron were working with Behan Associates on reformatting the zoning ordinance. He said they were looking at making the ordinance a little more user friendly by breaking it down

into topics that make more sense, putting all the administration in one part and looking at town-wide districts. He said they are looking to take all the parking requirements and create a sole parking chapter that would apply town-wide regardless of the zoning district. One example that he gave is Harvey Industries' 505,000 sq. feet of facility and the parking requirements that probably are well beyond the scope of what they would ever need. Currently the only flexibility allowed is to design the future parking and the drainage and get it approved by the Planning Board. The other alternative, which Harvey Industries is taking, is to go to the Zoning Board of Adjustment to reduce the parking. He said that he and A. Garron had discussed a way to bring that power to the Planning Board on a case-to-case basis and apply some of the expertise the Planning Board has relative to parking. He said there are two ways to do this. One is to shift the parking requirements from the zoning ordinance to the site plan regulations, which would allow the Planning Board waiver authority and the second alternative is to add conditional use permit criteria to the zoning ordinance and allow the Planning Board to issue conditional use permits for certain types of parking reductions. He said this is not something that will happen with the reformat that they are doing right now but it is something that they think is worthwhile exploring. M. Cohen asked how you would control the future use of a building? A. Garron said that same question came up at the Zoning Board of Adjustment. He said one of the provisions that they added to the variance was that if another use takes over the building, that use still has to demonstrate whether the reduced parking meets that particular use. He said that a condition would be put on the subdivision and site plans. He said the reduction for Harvey Industries was 400 spaces. M. Cohen said that then it's not shown the site can support the parking spaces. A. Garron said that Harvey Industries did demonstrate that they could put the parking on the site. A. Garron said that strict provisions could be put on the plan. M. Cohen said he would like something that was very objective not subjective and not be confronted with every plan the Board looks at and start to analyze if that particular business can get by with fewer parking spaces. T. Thompson said he was looking for preference from the Board, site plan regulations versus conditional use permits for zoning. M. Cohen said there is a third alternative, which was not at all. M. Cohen went around the Board for their preferences. D. Stuart went with site plan regulations; P. DiMarco said yes to site plan regulations or conditional use permits; C. Tilgner wanted to wait to see what Staff proposes; B. Farmer said he thought site plan regulations would speed up the process, but would like to see a dry run on both options; J. Farrell went with site plan regulations; R. Brideau went with site plan regulations; M. Soares went with site plan regulations; M. Cohen said it should be limited to industrial property only. A. Rugg agreed to start with industrial properties.

Discussions with Town Staff: T. Thompson reminded everyone of the Master Plan Implementation Workshop being held on March 30, 2005 in the large conference room. B. Farmer thanked the Board for the year that he has served on the Board. He said the Council is currently working on liaison roles for its members. He said he would like to stay with the Planning board. He also mentioned that the CIP would include 2 members from the Planning Board and the Council was working on the recommendations.

Conceptual Discussions/Workshops/Public Hearings:

Public Hearing – Zoning Ordinance Amendments- Electronic Signs, Flood Zone- M. Cohen noted that in the read file there was a letter in support of the amendment for banning electronic signs. A. Garron summarized the proposed amendment concerning the flood zone. He said the proposed change is to amend Section 1701 of the Zoning ordinance to update reference to Federal Emergency Management Agency Flood Insurance Study maps. The failure of the Town to adopt these changes will result in the loss of flood insurance protection within the Town. He said most of the Towns throughout NH have the same ordinance if they are part of the flood insurance

program. He said that basically FEMA has redone the flood insurance rate maps. He said for Londonderry the only change is in the way the maps are presented. The old maps were just black and white maps whereas the new maps were in color and had one change on Commercial Lane to add a small flood area. The change they are proposing is to eliminate the one phrase in the ordinance Section 1701, second paragraph, “the Town of Londonderry, NH together with the associated Flood Insurance Rate Maps dated November 5, 1980”, and replace with Rockingham County, New Hampshire, dated May 17, 2005 or as amended, together with the associated Flood Insurance Map panels numbered...”. He said it then included the panel numbers. He said these maps would be in digital form after 5/17/05 when it is adopted. B. Farmer asked if this would be in the GIS. He said John Vogl, GIS Manager, had explained how the GIS worked and he found that very interesting and thought J. Vogl was doing a great job. A. Garron said that it would be in our GIS. He said this amendment has to be adopted by the Town before 5/17/05. He also said that he has a tutorial from FEMA’s website and he has 5 copies if anyone wanted one.

T. Thompson then discussed the electronic sign amendments. He said these have been discussed at 2 previous workshop meetings. He said the amendment was to Section II, Definitions, adding definitions for changeable copy signs and electronic message board signs and he read the definitions. He explained this amendment was needed for clarification of the ordinance. Also the amendment to Section 2304, Signs, clarifies the prohibition of electronic message board signs, and eliminates the “time and temperature” exemption for electronic signs. He said this eliminates the loophole. He read the changes to Section II Definitions and Section XXIII- Signs, B and C.

M. Cohen went around the Board for comments. All concurred these changes were necessary and agreed with the wording. M. Cohen asked if there were any comments from the public. There were none. **A. Rugg motioned to recommend to the Town Council to amend Section 1701 of the Londonderry Zoning Ordinance to update references to Federal Emergency Management Agency Flood Insurance Study maps and to amend Section 201 Definitions adding the definitions as presented and to amend Section 2304 to clarify the prohibition of electronic message board signs, and eliminating the “time and temperature” exemption for electronic signs as presented. Seconded by M. Soares. Vote: 9-0-0.**

Fairwinds Properties Inc., Map 28, Lot 31-1 – Con’t Public Hearing for a Site Plan for a 12,000 square foot office/warehouse building –

Tal Allen from True Engineering presented the plan and addressed the Board. He said they had addressed the comments from the last meeting but he hasn’t seen the most recent comments. T. Thompson said that this plan has been continued twice. He said at the last hearing there were concerns about the size of the building and some of the truck maneuverability at the site. He said the applicant has revised the plan and he asked T. Allen to summarize. T. Allen said they have widened the parking space to allow turning without having to do a 3-point turn for access to the loading bays, increased the basin size due to the increased riprap to accommodate the slopes, reduced the building size to accommodate the increase in runoff, reduced the front overhang to accommodate parking in the front of the building, adjusted the retaining wall and added swale. J. Trottier said the project is continued from the January 5, 2005 and February 9, 2005 Planning Board meetings. The applicant submitted revised plans and information and he read the Design Review Items numbered 1-5, with subparts in the memorandum to the Planning Board dated March 9, 2005. He also said the Board had granted two waivers to the Site Plan Regulations at the January 5, 2005 meeting. M. Cohen asked if these were all new comments. T. Allen said maybe 2 were repeats. T. Thompson said he wanted to point out to the Board that based on the waiver request granted last time, there is a lot more riprap on the latest design and his concern was the perimeter landscaping on the site was one of the primary reasons the Planning Board granted the waivers for the internal parking lot landscaping. He wanted to make sure this landscaping design worked with the revised riprap. A. Rugg was concerned about the riprap in the green areas and wanted to know what size trucks would be utilizing this area. T. Allen said

UPS style trucks. T. Thompson said it is noted on the plan what size truck this site would be limited to. C. Tilgner said he would be reluctant to approve with the amount of comments made in the memo and he would like to see it basically done and it's not done. T. Allen said he didn't think most of the comments were going to affect the actual design. M. Cohen said that was his opinion but what C. Tilgner was saying is that there is enough comments that he's not comfortable with it. C. Tilgner said it would take a long time to go through and understand what it would look like when all the changes are made. P. DiMarco agreed with C. Tilgner. He said there was not a clear picture of where this was going. D. Stuart agreed and commented that last week we had sent some people away who had not gone through the design review process who had 25 comments or more on their memo and if this project has gone through design review and still had this many comments, something is wrong. T. Thompson said that this project had gone through 2 design reviews and 2 revisions in the formal process. M. Cohen said the Board has three alternatives, conditional approval, reject the application or continue the application or a fourth alternative would be to withdraw the application and start over. T. Thompson said that if the plan were continued, they would have to waive the 65-day clock. J. Trottier said Staff's recommendation would be to withdraw and work with Staff and get the application to the point where it's presentable to the Board. T. Allen asked to withdraw the application. T. Thompson said the abutters would have to be re-notified when it's ready for formal hearing again.

Public Works Presentation – Sewer Facilities Plan- Janusz Czyzowski, Director of Public Works presented an update on the Wastewater Facilities Plan for the Town of Londonderry. He said a sewer facilities plan was prepared for the Town in the late 1970's. This update evaluates existing and future wastewater collection and treatment needs. He said the future wastewater needs are based on the Town's recently updated Master Plan, which was recently adopted in 2004. He explained how many users that the existing system serves and the two separate collection systems, North Londonderry and South Londonderry. He said North Londonderry handles 95% of the Town's flow whereas South Londonderry handles 5% of Town's flow. The majority of the Town is served by septic tanks and subsurface disposal fields. An average of 1.8 million gallons of septage from Londonderry is treated at the Manchester Treatment Plant. He explained the current wastewater flows and existing treatment capacity allocations. Growth and future flow projections were reviewed with the Planning Department and Department of Public Works and Engineering and growth areas for the next 20 years and beyond were identified, after a review of the new 2004 Master Plan. He spoke of the facilities needed to meet future needs and cost estimates. He said costs were estimated for all facilities to meet future needs would be \$33.8 Million. Costs to upgrade existing facilities and extend interceptor sewers to serve growth areas consistent with the Town's Master Plan to promote industrial and commercial development and address environmental concerns would be \$20 Million. The potential funding sources would be sewer connection fees, investment by Private developers, State aid grants (NHDES) for eligible facilities (20% of total project costs) and Town taxation. He said to raise funds entirely by connection fees for the first scenario would cost \$5,122 for typical house and for the second scenario would be \$3,033 per house. He then explained the other options of 50% connection fees and 50% by taxation or 67 % connection fees and 33% by taxes and other sources. He explained this wouldn't be built all at once; it would be time-based. B. Farmer said segments would come in the CIP process. B. Farmer asked what percentage of the Town could be serviced by sewer. J. Czyzowski said probably 20%. M. Cohen said tax revenues from industrial and commercial development would increase. A. Garron said in the airport area if 20 % gets developed you would get a good return on your investment. B. Farmer said at the airport there is the TIF district that would pay part of that and not be passed on to the residential taxpayer in certain areas of Town. M. Cohen said this was a good presentation and thanked J. Czyzowski.

Fox Tail Estates Subdivision Conceptual Discussion - T. Thompson said that this project has been in design review for about 2 ½ years and Staff is still working with the applicant on design review and they wanted to come before the Board to let them know what was coming up in the future with this project. Bill Davidson from Meridian Land Services presented the plan to the Board. He said the location of the development was West Road and Elwood Road. There is a 150' wide PSNH easement running through the property. The entire tract is approximately 96 acres and would have 35 building lots. There would be 2 internal roads, Little Fox Lane and Trumpet Lane. He said that they have gone through at least 2 engineering reviews and have received comments and done revisions accordingly concerning roadways. He said that they had a preliminary meeting with the Conservation Commission to discuss a detention basin. He said they wanted to come before the Board now and see what concerns the Board would have. J. Trottier said that the Public Works Department's concern was the intersection of Elwood Road and Trumpet Lane regarding the sight distance. He said Little Fox Lane had an 8% grade onto Elwood Road, which they discussed with the engineer, and the engineer has shifted the roadway to take care of that and it now meets the requirements. J. Czyzowski said that he had met in the field with the engineer and asked if that was the location they had discussed. B. Davidson said yes it was. T. Thompson said that because it was in a conservation overlay district, conditional use permits would be required. He said it is part of a named wetland so a 100' buffer would be needed and the development would be subject to phasing with a maximum of 15 lots per year. M. Cohen went around the Board to see if they had any questions. M. Soares said she was glad to see the applicant was going through the process and working with Staff. She wanted to know the length of the road. B. Davidson said it was about 2800 or 2900 feet. A. Rugg said the traffic impact would be a concern on West Road, but a traffic analysis would be done. P. DiMarco wanted to know the size of the lots. B. Davidson said they were 1 ½ acres to 2 acres. He also wanted to know if the roads would also be in phases. D. Stuart asked about pedestrian accessibility. B. Davidson said they had conversations with the Trailways and they had asked for a winding sidewalk connection. J. Czyzowski asked about the modifications to Elwood Road and the effect this would have on the existing driveways. B. Davidson said that is still in the design phase, but there should be no effect. M. Cohen asked if there were any questions from the public. Bill Hamilton, 3 Carrier Street, asked the location of his street on the plan and if there would be any impact on the Nesenkeag brook. B. Davidson said there wouldn't. M. Cohen asked if when Carrier Street was constructed, was this an area where there would be a future connection. B. Davidson said the grade was too steep in this area and a connection could not be done. J. Czyzowski said that a waiver from the 6% grade would be necessary and the Staff would be recommending that it be granted. Dennis Farant representing Harvest Village asked how this would affect them. B. Davidson said they were south of the development and there shouldn't be any effect on their drainage. A. Rugg asked if there were any plans for trails within the subdivision. B. Davidson said there were no plans but there is access along the easement. M. Soares suggested that they plan for an easement for a pathway.

Conceptual Discussion – Stonyfield Farms - Chris Rice from TF Moran, representing Stonyfield Farms addressed the Board regarding their future development plans. He said they were looking at a master plan for what their future needs would be. He said their immediate needs were a wastewater treatment facility, a cooler addition of 17,000 sq. ft., and a processing building and a milk receiving bay and a small temporary structure for a contractor building for welding and maintenance. He said the parking was previously approved and will be constructed. Jeff Clark from Stonyfield said the future plans were for doubling the wastewater treatment size and a boiler room addition and processing addition. Also a 30,000 square foot office building is planned. J. Trottier said he met with Stonyfield and his concern was the wastewater and the BOD levels and would look at it very closely. J. Czyzowski said he is meeting with Stonyfield tomorrow and his recommendation to the Board would be no further expansion of Stonyfield

until they have addressed the BOD levels in the wastewater. T. Thompson said he was encouraged that Stoneyfield wants to expand in Londonderry and Staff would like to work with them. C. Rice said that they are scheduled to go before the Conservation Commission on a conceptual level as well because there may be a small impact on the wetland. A. Garron said the customary issues such as traffic, drainage and sewer have to be resolved. C. Rice said they are waiting for a meeting with the DOT for a land exchange. A. Garron asked how many employees are there now. J. Clark said about 170 on site. A. Garron asked at full expansion how many would there be. J. Clark said that all depends if the offices stay on site. C. Rice said they are going to be doing a phased site plan with phase 1 being the treatment facility and the milk processing and receiving bay. He said Phase 2 would be the cooler. J. Clark said they would really like to start with the milk-receiving bay on the north end of the building. He said he hasn't been in to talk to J. Czynowski about the wastewater treatment but there is another committee who is in charge of that. He said they have told him that in the 2006 first quarter, \$2M has been allotted to build the treatment plant, which would be finished at the end of 2006. J. Czynowski said they would discuss that tomorrow at their meeting. M. Cohen said that the Board would go with Staff's recommendation. The Board agreed that they liked to see existing businesses expand in Londonderry. J. Clark said they would work with Staff on the wastewater treatment plant and the phasing.

Conceptual Discussion – Murray's Auto - T. Thompson said there wasn't anyone here representing Murray's Auto. He said Jim Smith, Building Inspector, suggested that they come before the Planning Board. DES suggested to Murray's that they construct a steel frame building around the area where they dismantle automobiles adjacent to the garage building in place. T. Thompson referred to a letter from Edward Dudek, President of Murray's Auto Recycling dated 2/24/04. He said a site plan would be necessary and that it would have to go through the process. B. Farmer said that Murray's is coming up for a renewal for their license. He said that Murray's has done a lot in the last few years in way of improvements. He thought this enclosure was a good idea. T. Thompson said there are zoning issues that have to be worked out with J. Smith also.

Adjournment:

J. Farrell motioned to adjourn at 9:45 PM. Seconded by P. DiMarco

Vote: 9-0-0.

Meeting adjourned.

These minutes taped and typed by Christine Marra.

Respectfully Submitted,

Dana Coons, Secretary

LONDONDERRY, NH PLANNING BOARD
MINUTES OF THE MEETING OF APRIL 6, 2005 AT THE NORTHGATE
CONFERENCE ROOM

7:00 PM: Members Present: Art Rugg, Vice-Chair. John Farrell, Asst. Secretary; Rick Brideau, Ex-Officio; Brian Farmer, Ex-Officio; Charles Tilgner, Ex-Officio; Paul DiMarco; Dani-Jean Stuart (arriving at 7:05 PM); Mary Soares, (alternate) (arriving at 7:10 PM).

Also Present: Tim Thompson, AICP; John Trottier, P. E. and Christine Marra, Recording Secretary.

A. Rugg called the meeting to order at 7:00 PM.

Administrative Board Work: T. Thompson suggested that the Board act on Item E, which is the election of Officers first. A. Rugg agreed. A. Rugg also mentioned that there were two resignations from the Planning Board in the past month, Mark Cohen and Gary Ciccone. He said that Dana Coons was away on business this week and would not be attending this week or next week's meeting and the Planning Board is going to need volunteers to fill 3 alternate positions.

J. Farrell suggested, that if everyone agreed, to move all the officers up a slot, then do a voice vote on a new Assistant Secretary. B. Farmer said that before the Board did that he suggested that the Planning Board recommend to the Town Council that Mary Soares, alternate member, become a full member of the Planning Board. He said the Council would feel comfortable with that recommendation. **P. DiMarco motioned to recommend Mary Soares as a full member of the Planning Board. Seconded by C. Tilgner. Vote: 6-0-0.** T. Thompson said that just to inform the public, Mary Soares would be recommended as a full member of the Board, therefore, there are no more alternate positions and the Board needs 3 alternate members in order to have a full Board.

A. Rugg appointed M. Soares to vote for D. Coons for this meeting.

J. Farrell motioned to move the Vice-Chairman, Art Rugg to Chairman; Secretary, Dana Coons to Vice-Chairman; Assistant Secretary, John Farrell to Secretary. Seconded by R. Brideau. Discussion: D. Stuart commented that with his combination of knowledge of NH RSA's and legal precedent and the studious and understated manner in which he behaves, A. Rugg makes the perfect choice to move to Chairman. Vote: 8-0-0. Motion to move all positions up is granted. R. Brideau motioned to nominate Paul DiMarco as Assistant Secretary. Seconded by C. Tilgner. Vote: 8-0-0. Paul DiMarco is voted Assistant Secretary.

A. Voluntary Merger – Delhan Management Company, LLC, Map 6, Lot 65A - T. Thompson said that this merger is the Delahunty Nursery occupied lot on Route 102 and a Parcel A which is a former State right-of-way that the State has deeded to Delahunty, which has been recorded and copies were provided for the file. He said Delahunty now owns both parcels. He said because the former right-of-way does not have a map and lot number, he had asked the applicant to come up with a plan to indicate where the area is located. He said this area adds about 4/10 of an acre to the Delahunty piece. T. Thompson said this would now solve all the issues of the off-site sign, etc. He said there was a payment by Delahunty to the State for the property. R. Brideau said a map and lot number have to be assigned to the State parcel. T. Thompson said it would be a temporary map and lot number for this year and next year would be part of Lot 65A. **J. Farrell motioned to authorize the Chairman to sign the Merger of Parcels under RSA 674:39-a for**

Tax Map 6, Lot 65A to combine land previously purchased with an abutting parcel recently acquired from the State of New Hampshire. Together the two (2) parcels will constitute the business premises of the owners. Seconded by D. Stuart. Vote 8-0-0. Merger granted.

B. Plans to Sign – Dunkin Donuts, Map 15, Lot 68 – A.Rugg said that any plans approved would be signed at the end of the meeting. J. Trottier read the conditions of approval for a Site Plan to construct a 2,000 sq. foot retail business for this application dated December 4, 2002. He said all conditions have been met with the exception of the #7-B request from Londonderry Trailways to build a sidewalk. That had been eliminated by the DOT, who refused to construct a sidewalk. **J. Farrell motioned to authorize the Chairman and Secretary to sign the plan for Dunkin Donuts, Map 15, Lot 68 since all the conditions have been met to the satisfaction of Staff. Seconded by R. Brideau. Discussion: M. Soares wanted to know why the stonewall was to be removed. T. Thompson said it was not a nice stonewall and was in disrepair. P. DiMarco had questions about the Police Department’s concern on traffic. T. Thompson said “no parking” signs would be placed on both sides of Rte. 28 and tractor-trailer deliveries had to be in off-peak hours. Vote: 8-0-0. Plan will be signed at the end of the meeting tonight.**

C. Approval of Minutes - J. Farrell motioned to authorize the Secretary to sign the March 2, 2005 Planning Board minutes as amended. Seconded by P. DiMarco. Vote: 8-0-0. J. Farrell motioned to authorize the Secretary to sign the March 9, 2005 Planning Board minutes as amended. Seconded by P. DiMarco. Vote: 8-0-0.

Discussion with Town Staff: T. Thompson referred to the copy of the letter in the Read File regarding Building Permit Authorization- Allocation Period 1 Summary and the Growth Management Ordinance. He said he had issued the remaining 122 allocation certificates for building permits for 2005. He said that the Town is now out of building permits for any project approved post-2001. He said a lottery was held for 3 projects that were all tied with the same amount of points. He said 76 permits had been requested but only 43 were available. He said they were relatively evenly distributed among the three projects. He said that 55 permits were denied including some from Vista Ridge, Jake Road, Rosecran, Tanager Landing and Edward Circle projects. T. Thompson said the CIP meeting was tomorrow night 4/7/05 at 5:30 in the Northgate Conference room. He reported on the Master Plan Implementation meeting and said that the Committee had identified all action item recommendations that could now be plugged into the implementation table. April 20, 2005 will be the next meeting. B. Farmer addressed the public to inform them that there were three alternate positions available on the Planning Board and interested parties should send a letter of interest to the Londonderry Town Council. The Town Council will make the appointments. J. Farrell said he heard that the Wetland Ordinance has been challenged. T. Thompson said he has not seen the lawsuit yet, but did have a letter from Jean Gagnon’s attorney and he did reply to that letter. J. Farrell asked where the land in question was. T. Thompson said on Enterprise Drive. B. Farmer said the Courts should decide the dispute. A. Rugg referred to an interesting article in the Read File concerning caps on the size of big box retailers in Bennington, VT. He said they wanted to put a 75,000 sq. ft. cap on all retail space.

B. Farmer said the Town Council will meet with the Derry Town Council on April 18, 2005 at 7PM regarding issues related to Exit 4A and other mutual interests, and any members who were interested were welcome to attend.

Public Hearings: Application Acceptance & Public Hearing for Frontline Construction, LLC, Map 16, Lots 48 & 48-1, Lot Line Adjustment – T. Thompson said that this plan requires a

continuance to May 4, 2005 because an abutter was incorrectly notified because the wrong information was submitted by the engineer, therefore the correct abutter was not notified. He said that a verbal continuance was necessary and the correct abutter would have to be notified via certified mail. **J. Farrell motioned to continue the hearing for Frontline Construction, Map 16, Lots 48 & 48-1 to 5/4/05 at 7 PM. Seconded by P. DiMarco. Discussion:** Aaron Fielder, owner of Frontline Construction addressed the Board and said he wasn't notified about the abutter problem. T. Thompson said that Aaron Fiedler's engineering firm, Meisner Brem Corp. had been notified by phone call on Monday, April 4, 2005 and by fax on April 6, 2005 at 2:00 PM. A. Fielder said he should have been notified as owner of the property. B. Farmer said the normal practice is for Staff to work with the engineer on the project. A. Fielder said he wanted some documentation that he was tabled. B. Farmer suggested that he send an email to T. Thompson and he will respond explaining the formal application process. He also said the memo with comments from our consultants and design review comments are only released at the hearing when the applicant bypasses the design review process and goes straight to formal application. T. Thompson gave Mr. Fielder a copy of the comments that he had faxed to Meisner Brem this afternoon. He said there were several items that needed to be addressed, and if the plan were heard tonight, the Staff would have recommended the application incomplete. J. Farrell said the engineer was not here tonight so obviously he knew the plan would not be heard. A. Rugg said that the owner should discuss this with his engineer. D. Stuart said this is why some people should go through the design review process with Staff before going directly to formal application. J. Farrell agreed that the applicant should work with Staff. **Vote: 8-0-0. A. Rugg said that this serves as Notice that the application acceptance and public hearing for Frontline Construction, Map 16, Lots 48 & 48-1 will be continued until May 4, 2005 at 7PM.**

Mary Soares complimented Tim Thompson for his handling of the Master Plan Implementation Committee and setting the action items and goals for implementation. She said that he was a credit to the Town for the work that he does.

Adjournment:

J. Farrell motioned to adjourn at 7:45 PM. Seconded by P. DiMarco

Vote: 8-0-0.

Meeting adjourned.

These minutes taped and typed by Christine Marra.

Respectfully Submitted,

John Farrell, Secretary

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF APRIL 13, 2005 AT THE NORTHGATE CONFERENCE ROOM

7:00 PM: Members Present: Art Rugg, Chairman, John Farrell, Secretary; Paul DiMarco, Asst. Secretary; Rick Brideau, Ex-Officio; Brian Farmer, Ex-Officio; Charles Tilgner, Ex-Officio; Dani-Jean Stuart; Mary Soares, (arriving at 7:05 PM).

Also Present: André Garron, AICP; Tim Thompson, AICP; John Trottier, P. E. and Christine Marra, Recording Secretary.

A. Rugg called the meeting to order at 7:00 PM.

Administrative Board Work:

Plans to Sign: Thibeault Corp. Site Plan, Map 17, Lot 13 - John Trottier read the conditions of approval on the Notice of Decision dated October 8, 2003. He said all of the conditions have been met. Paul DiMarco asked why this plan was conditionally approved 18 months ago and just being completed now. T. Thompson said that this was the result of a court settlement and it was under the old regulations. **P. DiMarco motioned to authorize the Chairman and Secretary to sign the site plan for Thibeault Corp., Map 17, Lot 13 since all conditions have been met to the satisfaction of Staff. Seconded by B. Farmer. Vote: 8-0-0. Motion is carried. Plan will be signed at the end of the meeting.**

Fahlin Lot Line Adjustment, Map 11, Lot 94 & 26-10 – John Trottier read the conditions of approval on the Notice of Decision dated February 2, 2005. He said all the conditions have been met. **J. Farrell motioned to authorize the Chairman and Secretary to sign the Lot Line Adjustment Plan for Robert and Faith Fahlin, Map 11, Lots 94 and 26-10 since all conditions have been met to the satisfaction of Staff. Seconded by Paul DiMarco. Vote: 8-0-0. Motion is carried. Plan will be signed at the end of the meeting.**

Discussions with Town Staff - T. Thompson reminded everyone of the Master Plan Implementation Meeting next Wed., April 20, 2005 at 7PM.

T. Thompson said he was approached by Tedeschi Food Shops concerning their property on Route 28. They are in the process of doing a land swap with DOT in order to do the park & ride project on Rte. 28. As part of the project, they are going to be relocating the driveway on the west side of the property. The question he had for the Board is this change is being driven by the DOT for the improvements to the Route 28 corridor. He asked if that would be something that the Planning Board (PB) would want to come in for a public hearing or is the PB comfortable with the change being done with an as-built site plan being submitted to the Town after it has been completed. A. Rugg said he thought it was all right as long as the use of the driveway does not change. T. Thompson said it increases the separation of the driveways. P. DiMarco asked if it would be reviewed by Staff when complete. T. Thompson said yes when it comes in as an as-built plan when complete.

A. Garron discussed the first CIP meeting that was held on April 7th to discuss the reorganization and reviewing of the process. He said they looked at suggestions from the Town Manager on how the process could be improved. The Committee took under advisement certain aspects of that recommendation as well as a criteria sheet to how each project is scored. They discussed organizing new criteria so it takes into consideration school projects and other projects as well. The committee is going to continue to meet on this process and eventually make their recommendations to the Planning Board. A. Garron also brought the Board up-to-date on the

reformatting of the zoning ordinance project with the help of Behan Planning Associates. He said that project is coming along and any changes will have to come before the Board and any changes to the Zoning Ordinance itself will have to be recommended to the Town Council.

John Farrell explained the leveling out of the bonding that was discussed at the CIP meeting. Also he said that T. Thompson brought in a document with a rating system for both Town and School projects to rate against equal criteria so that the committee can weight the projects versus more emotional decisions that were made in the past. T. Thompson said they would be listing the projects by prioritization.

B. Farmer said the Council had approved Mary Soares as a full member of the Planning Board at their last meeting. Also, he said the Council has received letters of interest for the alternate positions on the Board. He invited the Chairman to take part in the interview process. He also reminded members of the joint meeting with the Derry Town Council on April 18, 2005 to discuss mutual interest subjects and the new proposed Exit 4A.

Discussion- Active & Substantial Development (Site Plan & Subdivision Regulations)- T. Thompson discussed the proposed amendment that stems from a revision to State statute, RSA 674:39. He said that last year the legislature added a subpart that said the failure of a Planning Board to specify by regulation or as a condition of approval what shall constitute active and substantial development or building shall entitle the subdivision or site plan approved by the Planning Board to the four year exemption described in the statute. He said that what he attempted to do, and he reviewed it with the Department of Public Works, A. Garron, review consultants and the Town Attorney, is to amend the regulations to state what specifically will be considered active and substantial development in order for a project to be vested from changes in our ordinances and regulations. He read the changes to the Site Plan Regulations, 7.06.d.2, which eliminated the old language and added new language defining active & substantial development. He also referred to the Subdivision Regulations, and added a new 2.06.Q, which also defines active and substantial development. A. Garron said that he wanted to run this by legal counsel. P. DiMarco said that instead of leaving the regulations open-ended, we are clearly defining what constitutes the active and substantial development. A. Rugg said that the Board should proceed with a public hearing on this amendment after it has gone to legal counsel.

Conceptual Discussion – TARKKA Homes, Map 15, Lot 215-1 – Steve Keach from Keach-Nordstrom presented a plan for Paul Morin of TARKKA Homes, who was also present, for conceptual discussion. He said that previously a 70,000 sq. ft. self-storage facility had been proposed for this site. He said what they are proposing is an elderly housing project, 55 and older, which is permitted in the C-1 commercial district. He said the project would have access from Grenier Field Road at the same location where the self-storage facility had been approved. He said it would have a common drive built to street standards and they proposed a boulevard-type entrance with an island of sufficient width to accommodate some plantings. Also, all the units were 2 bedrooms senior units with 20 units that would have a width of 34 feet and 12 with a width of 40 feet. The wider units would have a 2-car garage. The buildings were 2-story but low-profile. He said because the property slopes from north to south, they would accommodate a sewerage pump station that would be privately owned and maintained. The site has public water. The purpose in being here is his client, Paul Morin is contemplating buying the property and is anxious before going ahead with this, to know what the Board thinks about it and to get any advice that the Board might want to give him. J. Trottier said the Boulevard would have to be built to Town standards, 28' of paved area with curbing and drainage. He said there is nothing in our regulations about boulevards so this would require a waiver to have the 14' on each side of the island. S. Leach said the cul-de-sac would have the full 28' roadway width and this would be a privately owned road. A. Rugg asked J.Trottier if this was doable. T. Thompson said they would need a waiver for the boulevard design. He said another part of the ordinance requires 2-

story buildings for elderly have an entrance at grade for the 2nd story or an elevator provided. He asked P. Morin if it was going to be 100% elderly. Mr. Morin said yes. Mr. Morin said there were not separate units on the second floor. T. Thompson said this would have to be an interpretation by J. Smith, the building inspector. A. Garron suggested taking a look at an access to the backside of the property and the traffic on Grenier Field Road would have to be looked at. R. Brideau said the abutters had been concerned about the storage facility and he thought this use would be better. He liked the boulevard design. J. Farrell liked the boulevard design and suggested walking trails for pedestrian's connection to Mammoth Road. He was not concerned with access on Grenier Field Road. B. Farmer liked the boulevard and was 14' wide enough. He also wanted to know if Staff was logging in the number of elderly projects the Town has and what is being proposed. C. Tilgner liked the boulevard design and thought it was a tax positive project. A. Rugg said it would not impact the schools. P. DiMarco liked the boulevard design with trees in the middle and liked the location. He thought it fits in with the Master Plan for that area. He asked about the parking. S. Keach said the ordinance requires 2 spaces per unit, plus these units had garages. He said they may spatter a few visitor spaces around the property. D. Stuart liked the boulevard design. P. DiMarco said this should go through design review before any formal application. M. Soares liked the boulevard design also. Paul Morin said the 2nd floor issue about elevators would be a difficult issue. He said the master bedroom is on the first floor and the second floor would normally be used as an office. A. Rugg suggested they talk with the building inspector and they would have to go to the ZBA for a variance. T. Thompson suggested they go for the variance when they are in design review.

Conceptual Discussion – Back Lot Development, Map 2, Lot 28-10 – Robert Davison from Haynor Swanson presented a conceptual plan for a parcel on the east side of Route 102 which was zoned AR-1 for a back lot development. It was 16 acres in size, has one existing house on the parcel and has access through a driveway that has an easement under the power lines. He said it was located in the overlay district for Route 102. He said what they would like to discuss relates to back lot issues which are in Section 410 of the zoning ordinance and overlay district issues, Section 804. He wanted to make sure they were interpreting the overlay district correctly. T. Thompson said he had met with Haynor Swanson a few weeks ago. He said this is an AR-1 district within the performance overlay district. He said the permitted uses in the underlying zone are allowed by conditional use permit in the overlay district. So the first thing the Planning Board would have to do is to grant a conditional use permit to allow a residential use in the overlay district. He said there are 5 criteria that would have to be met for that. He read the criteria from Section 804. He then read the criteria from Section 410 for back lot development. He said the requirement was to reach 3 of the 6 conditional use criteria. So the first thing was to meet the overlay criteria for residential use and the second was to reach 3 of the 6 criteria for back lot development. R. Davison said the intent is to leave open space consisting of 2.8 acres and 2.7 acres for the 2 lots at the front, a common driveway would be brought out to Route 102 for the other 3 lots. The reason for the back lot is these 3 lots would have no frontage on Route 102. A back lot has to be at least a half-acre in size according to the ordinance and also has to meet the requirements for HISS mapping for septic systems and it has to have at least 50 feet of frontage on a common driveway. T. Thompson said in order to do a back lot, you have to have a common driveway and you have to do a conservation easement over a minimum of 2 acres of roadside land and a minimum of 150' frontage for each back lot you create. So in this case, you need 450' of frontage and a minimum of 6 acres of open space. R. Davison said the present frontage is now 655' +/- and if they had a 50' foot right-of-way, that would be 600' frontage, and they now have 5.4 acres so they would have to decrease the size of one of the other lots. J. Trottier asked about the grade differences. T. Thompson said that the back lot development was really designed and put into place for the area of the apple orchards and he read the ordinance. A. Rugg said that it did preserve the view shed on Route 102 that the Board had talked about. A. Garron said he

didn't think that the back lot development was intended for something like this. M. Soares said she would be cautious to be enthusiastic about something like this. P. DiMarco asked who would own the open space. R. Davison said the Town or a land trust. C. Tilgner said he didn't see the downside of it if it meets the criteria. T. Thompson suggested they put together addressing the conditional use permit criteria and present it to the Board. A. Rugg suggested they come back to the Board for another conceptual discussion.

Conceptual Discussion – Jean Gagnon – Retail Site – Map 15, Lot 128 – Eric Mitchell presented a conceptual plan for Jemco Builders for a retail/office space on the corner of Mammoth Road and Smith Road near the intersection of Rte. 128 and Rte 28 behind the Mobil Gas Station. He said the main reason they were here tonight was to discuss with the Planning Board whether this lot could be taken out of the overlay district and leave the underlying C-2 zone. He said that through the use of creative landscaping and architecture design, the intent of the Route 28 overlay district could be achieved. He said the project could be designed with additional interior green space if the overlay setbacks are removed. He said the plan as it is now does meet the Overlay requirements. T. Thompson said this is the one lot that the Planning Board had discussed as to whether or not it should be included in the Performance Overlay District. T. Thompson said that he had a meeting with the applicant and had suggested that they try to rezone to C-2 district because they would get a better landscaping and parking design rather than have the POD constraints. He thought that it was a good project for that area. E. Mitchell said the site would have retail space on the lower level with a bank at one end and a restaurant at the other. The upper level would be office space. He said everything would face Mammoth Road with an entrance on Smith Road and another on Mammoth Road. J. Trottier said he didn't have any comments on the rezoning. He said he would have comments on the entry and exit on Smith Lane because it's kind of a crazy intersection. E. Mitchell said if they could have another curbcut on Mammoth Road they would consider it. A. Garron thought it was a good overall design and we would still get the general intent of the overlay district. R. Brideau was okay with the rezoning. J. Farrell said with the senior housing across the street, a crosswalk to connect with the retail would be good. He also agreed with the rezoning. B. Farmer said the Board struggled with this lot being in the POD in the first place and felt it should be taken out. C. Tilgner agreed. P. DiMarco agreed with taking it out of the POD also. He felt that two-story buildings were too tall for this area. D. Stuart was concerned with crosswalks because it was a hairy place as far as traffic goes. E. Mitchell said they would have to work with the DOT on this. M. Soares asked how many parking spaces did they need if the lot was taken out of the POD. E. Mitchell said that they had enough parking spaces to meet the requirements now and would not get rid of any but would open it up more and have more landscaping in front of the building. M. Soares asked if he would still need 160 parking spaces. E. Mitchell said yes. M. Soares was concerned about the drive-through traffic at the proposed bank. A. Rugg said that there should be some sound buffering. E. Mitchell said that would be done. He said there should also be some pathways within the parking lot for pedestrians.

VIP Discount Auto Center, Map 10, Lot 54 – Public hearing for an amendment to an approved Site Plan to show additional signage not on the originally approved plans. – Don Reid from Barlo Signs presented a plan showing an amendment to the site plan for VIP car wash plan showing additional signage. T. Thompson said the wall signs had already been approved by the Planning Board. He said all the other signs that were not on the approved site plan per the amended zoning ordinance that was approved last November would have to come back before the Planning Board and Jim Smith sent the applicant back here. D. Reid said that this was an automatic operation and basically the signs were informational, hazard and directional signs so the car wash can operate safely. He said the signs were not illuminated and the ambient light was sufficient. T. Thompson read the memo to the Planning Board addressing the design review

comments. A. Rugg asked if the plan met the current regulations. T. Thompson said everything appears to meet the ordinance requirements. A. Rugg went around the Board and everyone was all set. **J. Farrell motioned to accept the amended site plan for Signage for VIP Carwash, Map 10, Lot 54 per the conditions in memo dated April 13, 2005 as follows:**

- 1. The applicant shall provide full size sheets to be incorporated into the approved plan set. These sheets should be revised so that the title blocks are consistent with the approved plan set.**
- 2. The applicant shall update the cover sheet of the approved plan set, revising the sheet index and revision blocks to indicate the new sheets to be inserted into the set. The Planning Board will need to sign the revised cover sheet upon completion of the conditions of approval.**
- 3. The applicant shall indicate on the site plan where the proposed freestanding menu board sign will be located. The submitted information does not indicate where this sign will be located.**
- 4. The applicant shall verify compliance with all sign ordinance requirements with the Zoning Officer, and provide written confirmation of compliance for the Planning Department's file.**

Seconded by D. Stuart. Vote: 8-0-0. Amended signage plan is conditionally approved.

Conceptual Discussion, The Workout Club, Map 7, Lot 40-12- Ronald Tringale, President of the Workout Club presented a conceptual plan for expansion of his existing facility from 44,836 square feet to 78,043 square feet. He said this would include expanding the health club and the medical tenant facility and enhancing the interior. He said the expansion would either include a new pool or a basketball court, racquetball and track. He mentioned a letter from RAYS, a swim team at the Club that is in the file. He wasn't sure if they should expand for the pool to accommodate the RAYS team and the High School swim team or something for the basketball, racquetball and track. He didn't think it was feasible to do both. He said the medical facilities on the site would help financially. He said they were adding a scholarship program for high school students who worked at the facility and discounts for local businesses and municipal facilities. Christine Ulia, Swimming Coach at the High School, addressed the Board about the high school's program at the Workout Club and the need for a larger facility to hold their swim meets. Kent Warden, architect for the project, addressed the Board and explained the existing facility and parking. He said the only way to expand and to have the required parking was to replace the existing leachfield with chambers so that they can have parking on top of it. He said the ordinance requires 5 parking spaces per 1000 sq. ft. and they are currently built out at 4.5 per 1000 and in 6 years have never had a problem. He said that if R. Tringale builds out like he wants to do, he has a cross easement for 102 parking spaces behind the cinema, because they don't peak at the same time. He said that if they build out and use the proposed parking on the leachfield and the cinema parking, they come out with 4.85 spaces per 1000, just under the 5. He said they would be 19 spaces short of what they would need. He said if they were to cut back on the project, they could meet the requirements. J. Farrell asked about where the snow removal was going to go. K. Warden said they were in the process of working through this with engineering solutions. J. Farrell said if the applicant did the expansion he would be increasing the parking from 4.5 to 4.85 spaces, which would be increasing the ratio by 10% from what it is today, which currently does not meet the ordinance. K. Warden said there are 39 reserve spaces that had never been built and that if they had been needed, they would have built them. M. Soares had concerns about the parking for the swim meets. C. Ulia said the high school meets usually had buses transport the participants. M. Soares said there would still be parents coming to the meets. T. Thompson said that off-site parking is allowed as long as the entrance to the facility is not located anymore than 400' from the principal lot or by special exception. M. Soares said this wouldn't be a reason why she wouldn't be in favor of this plan but suggested that the buses move and come

back and get the kids instead of taking up all the spaces. J. Farrell said that this is a box development and if it were sold, it would need the required spaces. J. Trottier said his big issues were the sanitary sewer and drainage. T. Thompson said the main concern with the Board would be the comfort level on the parking. He said when the plan gets to design review, Staff and consultants would do their normal thorough review. A. Garron said if the site was expanded to 84,000 sq. ft, the cross easement would be needed. R. Tringale said he has the easement, but the town attorney has to review it. J. Farrell said that they would have to coordinate the parking and work with the traffic flow and this would have to be written into the site plan. K. Warden said that 32 parking spaces would be possible underneath the medical facility expansion. R. Tringale said they wanted to make it work and depending on the drainage, etc. would determine the size of the expansion. B. Farmer said that we would be looking to put restrictions on the site plan that could be enforced later on concerning the parking. A. Rugg said the size would be critical, parking accommodations, drainage and snow storage.

Adjournment:

J. Farrell motioned to adjourn at 10:30 PM. Seconded by C.Tilgner.

Vote: 8-0-0.

Meeting adjourned.

These minutes taped and typed by Christine Marra.

Respectfully Submitted,

John Farrell, Secretary

LONDONDERRY, NH PLANNING BOARD
MINUTES OF THE MEETING OF MAY 4, 2005 AT THE NORTHGATE
CONFERENCE ROOM

7:00 PM: Members Present: Art Rugg, Chairman, Dana Coons, Vice-Chair; John Farrell, Secretary (arrived at 7:55PM); Paul DiMarco, Asst. Secretary; Rick Brideau, Ex-Officio; Brian Farmer, Ex-Officio; Charles Tilgner, Ex-Officio; Valerie LePine and Tom Freda.

Also Present: Tim Thompson, AICP; John Trottier, P.E. and Christine Marra, Recording Secretary.

A. Rugg called the meeting to order at 7:00 PM. He welcomed Valerie LePine and Tom Freda as new alternate members. T. Thompson said he would have packets for them next week.

A. Rugg appointed V. LePine to vote for Dani-Jean Stuart and Tom Freda to vote for Mary Soares.

A. Rugg announced that Highwood Cold Storage, Map 13, Lot 108 withdrew their application, which had been scheduled for a public hearing tonight. He said that they were resubmitting their application for pre-application design review.

Administrative Board Work:

Plans to Sign: Milford Propane Site Plan, Map 2, Lot 27A-1 - John Trottier read the Administrative Review Committee's conditions of approval on the Notice of Decision dated March 15, 2005. He said all of the conditions have been met. **D. Coons motioned to authorize the Chairman and Secretary to sign the site plan for Milford Propane Site Plan, Map 2, Lot 27A-1 since all conditions have been met to the satisfaction of Staff. Seconded by P. DiMarco. Vote: 8-0-0. Motion is carried. Plan will be signed at the end of the meeting.**

Cracker Barrel Site Plan, Map 10, Lot 138 – John Trottier read the conditions of approval on the Notice of Decision dated April 12, 2005. He said all the conditions have been met. **D. Coons motioned to authorize the Chairman and Secretary to sign the Minor Site Plan addition for Cracker Barrel since all conditions have been met to the satisfaction of Staff. Seconded by P. DiMarco. Vote: 8-0-0. Motion is carried. Plan will be signed at the end of the meeting.**

Approval of Minutes: **D. Coons motioned to approve the minutes of the April 6, 2005 Planning Board meeting as amended and to authorize the Secretary to sign them. Seconded by R. Brideau. Vote: 5-0-3.**

D. Coons motioned to approve the minutes of the April 13, 2005 Planning Board meeting as amended and to authorize the Secretary to sign them. Seconded by R. Brideau. Vote: 5-0-3. Minutes will be signed at the end of the meeting.

Discussions with Town Staff - T. Thompson reminded everyone of the Master Plan Implementation Meeting on Wed., May 18, 2005 at 7PM. He also said there would be a workshop on the Zoning Ordinance Reformat next week and a second workshop at the June 8, 2005 meeting. On June 12, 2005 there will be the second meeting of the CIP at 7:00 to discuss the new process. T. Thompson said that André Garron, John Vogl and he were doing presentations on growth management and also internet resources and website developments on GIS at the NH Planner's Association meeting on May 19 & 20th at the annual Spring Conference.

Public Hearings:

Frontline Construction, LLC, Map 16, Lots 48 & 48-1, Lot Line Adjustment – T. Thompson said this plan was continued from a previous hearing because of the failure to notify 1 abutter. He said there was one checklist item, which was the applicant had not filled out the application checklist. D. Coons asked who was representing Frontline. Martin Finch from Meisner Brem Corporation said he represented the owner. T. Thompson said that on the April 6, 2005 memo, #4 on the Checklist Items mentioned that the applicant had not supplied the application checklist. M. Finch said he was not aware that it was missing and it was an oversight. T. Thompson said he did review the application and they have met all the other requirements except that. A. Rugg suggested that the applicant fill out the application and give it to T. Thompson to look at and then the hearing could be continued later on in tonight's meeting. P. DiMarco asked if this would be setting a precedent. A. Rugg said that the Board has the authority to handle the hearings in any order they wish. All hearings are scheduled for 7:00. T. Freda asked if M. Finch has the authority to fill out the application. A. Rugg said the owner was present and that after the checklist was filled out the Board would go back to this hearing.

Vibro-Meter Inc., Map 14, Lots 29-14 & 29-15 – T. Thompson said Edwards and Kelsey submitted revised plans and there were no outstanding checklist items. **D. Coons motioned to accept the plan as complete. Seconded by P. DiMarco. Discussion: none. Vote: 8-0-0. Application is accepted.** T. Thompson said the applicant had met with the Conservation Commission to clarify the overlay district and it was determined that no conditional use permit is required. Robert Prudhomme from Edwards and Kelsey presented the plan for Vibro-Meter Inc. He said that Ron Vadas, president of Vibro-Meter would like to address the Board. R. Vadas said that his business engineers and manufactures products for the aerospace and marine industries. He said they have been in their Manchester location for 40 years and have 140 employees. He said the business is expanding and they need a new location. He said this location is 3.2 miles from the current location. R. Prudhomme then went over the plan and said it was located on 2 lots on Aviation Park Drive which is zoned I-II. He showed the Board aerial photos of the property and explained that the land slopes west to east at a 10% grade. He said the low part is a wetland subject to the overlay district. He said the site was designed with that in mind and had the 100' buffers and they do not impact the wetlands at all. He said the facility would have 266 parking spaces and explained the overview of the site. He also explained where 2 – 20,000 sq. ft. additions in the future were planned and where the test facility area would be in the rear of the building. The test facility is a concrete pad with three concrete walls enclosing the area where testing of the equipment is done. He explained the landscaping plan and the use of purple lilac. J. Trottier addressed the Board and said that Edwards & Kelcey submitted drawings and information for this project and the DRC and the Town's engineering consultant, Vollmer Associates LLP reviewed the submitted plans and information, and review comments were forwarded to the Applicant's engineer. He said the Applicant submitted revised plans and information and he read the design review items from the memo to the Planning Board from Public Works Department dated May 4, 2005. There were 7 items plus 2 Board informational items (see file). T. Thompson said that Planning and Economic Development Department was pleased that Vibro-Meter is remaining in Londonderry. He said there will be associated impact fees for this project for the West Side Fire District and Police and any traffic that impacts the Route 28 corridor. He got an email from the Manchester Airport Authority, which stated that they wouldn't be able to attend tonight and have not reviewed the proposed building plan yet and wish to retain their right to review. **[John Farrell arrived at 7:55PM]** A. Rugg asked if there was any input from the Londonderry Housing and Redevelopment Authority. T. Thompson said he would check into that. R. Brideau said the land is now in current use and there would be a 10% penalty to take it out. He was also pleased with the parking. B. Farmer asked about the external testing area and if there were any environmental restrictions. R. Vadas said they have been performing testing for 40 years using ultra violet light to detect constituents of jet engine

combustion. (UV light is commonly used in spectrophotometric methods to detect specific molecules and/or compounds in a mixture.) He said the customer requires testing against the specifications. He said just a small amount of jet fuel is used in the testing. B. Farmer asked if the Fire Department is okay with this. T. Thompson said they were. D. Coons asked what type of screening would be used. R. Prudhomme explained the landscaping along the roadway. C. Tilgner had no questions. P. DiMarco said he thought the plan was well thought out. He asked about the storage of the hydrogen tanks. R. Prudhomme said there would be bollards to protect the tanks. V. LePine had no questions. T. Freda asked if the company vehicles would be kept on the property overnight. R. Vadas said there would be a snowplow truck and a company van that would be kept on the property and would be kept in the back lot screened from the right-of-way. A. Rugg asked if this had been before the Heritage Commission yet. T. Thompson said it would at the next meeting. A. Rugg asked if the hydrogen was liquefied. R. Prudhomme said yes. A. Rugg asked if there was any public input. There was none. D. Coons said that an area should be incorporated into the plan for storage of utility vehicles. **D. Coons motioned to conditionally approve the Vibro-Meter, Inc. Site Plan, Map 14, Lots 29-14 & 29-15, for a lot consolidation and site plan for a 60,500 square foot manufacturing facility, with a future expansion to 100,000 square feet with the following conditions:**

1. **The Applicant shall provide a proper monument along the southerly lot line on sheets 2 & 3 per section 3.02 of the regulations. In addition, please list the Town of Londonderry Sewer Discharge number in note 12 on sheet 1. Also, please verify with the Town if the approval of the L.H.R.A. is necessary for this project and obtain the approval as applicable.**
2. **The Applicant's lighting plan does not appear to indicate lighting levels at the property line along Aviation Park Drive. The levels are indicated to the edge of pavement. The Applicant shall revise the plan to indicate the levels at the property line and verify compliance with section 3.13 of the Site Plan Regulations (not to exceed 0.2 foot-candles). In addition, please indicate the conduit to the proposed sign lighting on the plan for proper construction.**
3. **The sight distance plan and profiles on sheet 28 are noted at a scale of 1"=50' horz. and 1"=5' vert. that do not comply with section 4.01.C of the regulations (1"=40' horz. max. and 1"=4' vert. max.). The Applicant shall revise the sight distance plan and profiles to comply with the regulations.**
4. **The Applicant shall address the following relative to the submitted drainage report:**
 - a. **Please revise the drain system to provide the minimum three feet of cover over the drainpipe at CB 4, CB10, CB11 and CB3A per section 3.07 of the regulations.**
 - b. **The detention basin pond routing analysis (pond 3) indicates the storage below the outlet structure invert of 316.60, which is typically not allowed by the Town. Please revise the analysis to indicate no storage below the outlet structure invert. Please verify a minimum 12" of freeboard above the 50-year elevation is provided in accordance with the regulations.**
 - c. **The post development area plans are not consistent with the latest design. In addition, the riprap calculations are not consistent with the latest design. Please revise the report as necessary meeting the approval of the Town.**
5. **The Applicant shall verify the location of the proposed fence along the ledge cut meets the approval of the Town and revise accordingly. In addition, please verify the proposed snow storage area located within the parking area on sheet 4 meets the approval of the Town.**

6. **The Applicant shall address/clarify the following on the grading & drainage plans – sheets 5, 6, 7 & 8:**
 - a. **Please provide a minimum swale embankment width of two feet for the swale along the top of ledge cut as typically requested by the Town and revise the details accordingly.**
 - b. **The headwall locations at outlet 1 and outlet 2 do not provide proper cover for the pipe and headwall at the indicated locations. In addition, please verify proper grading at the 18” FES outlet from the detention basin and a proper channel embankment are provided in this location. Please review and revise accordingly.**
 - c. **Please label the bottom width and depth of the vegetated swale along the edge of the parking area on sheet 8 and along the toe of the ledge cut on sheets 5 & 6 for proper construction. In addition, please clarify the high point of the swale on sheet 5.**
 - d. **Please provide spot elevations on the proposed level spreader for proper construction.**

7. **The Applicant shall address the following relative to the project details:**
 - a. **Please update the plans and detail to provide a minimum six feet of cover for sewer in the trench details and verify the proper cover is provided for the sewer profile.**
 - b. **Please provide a construction detail for the proposed gravel walk to the testing area in the plan set for proper construction.**

8. **The Applicant shall verify that the proposed building is in compliance with the requirements of the Manchester Airport approach zone (for building height) and provide documentation of the Airport/FAA approval for the Planning Department file.**

9. **Applicant shall provide financial guarantee if required.**

10. **All consultant fees to be paid within 30 days of conditional approval.**

11. **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.**

12. **Final Engineering Review.**

Seconded by J. Farrell. Discussion: none. Vote: 9-0-0. Plan is conditionally approved.

Frontline Construction, LLC, Map 16, Lots 48 & 48-1, Lot Line Adjustment (Con't) – T. Thompson said there were no outstanding checklist items. **D. Coons motioned to accept the application per Staff’s recommendation for Frontline Construction, LLC Lot Line Adjustment as complete. Seconded by J. Farrell. Discussion: none. Vote: 9-0-0. Application accepted.** Martin Finch, representing Frontline Construction, presented the plan to the Board, which was a lot line adjustment to a previously approved 7-lot subdivision. He said it would change the lot line on 2 lots. He said the main advantage is removing clutter from the front of the lots and putting the house on one lot to the rear. T. Thompson explained the boundaries of the proposed adjustment. He said this would also take care of the encroachment of the driveway, which was encroaching on the other lot when it was built. J. Trottier said that Meisner Brem Corporation submitted plans and information for this project under a formal application. He said

the DRC and the Town's engineering consultant, Vollmer Associates LLP reviewed the submitted plans and information and had 7 design review items, which he read from the memo to the Planning Board dated May 4, 2005 from the Engineering Department. He also said the applicant is requesting 2 waivers to the Subdivision Regulations as noted in his letters dated April 13, 2005. D. Coons asked what the Staff's position was on the waivers. T. Thompson said the first waiver was needed because it was the only way to accomplish providing adequate driveway access and the location of the house on the lot. J. Trottier said he did not support the second waiver regarding the scale. **D. Coons motioned to grant the applicant's request to a waiver of Section 3.03 E. of the Subdivision Regulations that requires side lot lines be tangent to the road for a distance of 100 feet, where the proposed new lot line is only 52.92 feet, in order to accomplish what the applicant is attempting to do and allow the driveway to remain in its own lot per Staff's recommendation. Seconded by J. Farrell. Discussion: P. DiMarco asked about the lot line and why couldn't the line be drawn straight. T. Thompson said because of the frontage. Vote: 7-2-0. Waiver granted.** M. Finch said on the second waiver concerning the scale, the 1"=50' scale shows more detail and agrees with the previous plan. **D. Coons motioned to grant the applicant's request to a waiver of Section 4.01 of the Subdivision Regulations to allow for a scale of 1" = 50'. He noted Staff does not support this waiver. Seconded by J. Farrell. Discussion: P. DiMarco asked why the original plan was at a 50 scale. T. Thompson said they needed to obtain a waiver and it was granted. P. DiMarco said since the existing plan has that scale, he would agree that this plan should. B. Farmer asked if this was accepted, would it affect the GIS. T. Thompson said it would not. Vote: 8-1-0. Waiver granted.** T. Thompson commented that Lot 48 is subject to the Growth Management Ordinance and would not get a permit until next year. A. Rugg asked if there was any public comment. There was none. **D. Coons motioned to conditionally approve Frontline Construction LLP, Lot Line Adjustment Plan, Map 16, Lots 48 & 48-1 with the following conditions:**

- 1. The Applicant shall provide a certification for the sight distance plan and profiles provided on sheet 1 in accordance Exhibit D-2 of the Subdivision Regulations. In addition, please revise the scale of the plan and profiles to comply with the regulations.**
- 2. The Applicant shall provide the Owner's signature on the plans.**
- 3. The Applicant shall indicate proper monuments along the property line angle points per section 3.02 of the Subdivision Regulations.**
- 4. The Applicant shall note the Zoning Board cases on sheet 2 in accordance with the regulations.**
- 5. The Applicant's abutter list name for Map 16 Lot 18 and Map 16, Lot 47 are not consistent with the name on the plans. In addition, the address number for Frontline Construction is 24 Welch Road on the plans, but is indicated as 23 Welch Road on the abutter list, plan title and notes. The Applicant shall verify the proper abutter names and proper address number and revise the plan and abutter list to be consistent.**
- 6. Note all waivers granted on the plan.**
- 7. Provide financial guarantee if required.**
- 8. All consultant fees to be paid within 30 days.**
- 9. The Applicant shall provide a digital (electronic) copy of the complete final plan set to the Town at the time of signature by the Board in accordance with section 2.06.N of the regulations.**
- 10. Final engineering review.**

Seconded by P. DiMarco. Discussion: none. Vote: 9-0-0. Plan is conditionally approved.

Jay Barrett, Map 5, Lot 58-1 – Application Acceptance and Public Hearing for a 9-lot subdivision - T. Thompson said that this plan has gone through the design review process several times and now has been submitted as a formal application. There are no outstanding checklist items and he recommended that the plan be accepted as complete. J. Farrell said there were a number of comments under the design review items and usually the Board doesn't accept this many comments. T. Thompson said the applicant has not seen the comments because this is a formal application and he will get a copy of them tonight. J. Farrell asked if T. Thompson was still recommending that the plan be accepted. T. Thompson said yes because they have no checklist items. B. Farmer said that the Board usually takes a count of the number of design review comments and does not usually look favorably on plans with more than 8 comments. He said that before a lot of time is spent, the Board usually makes a decision as to whether to start the hearing with so many comments outstanding. A. Rugg said there are a lot of comments and the hearing could be continued. T. Thompson said the applicant always has the option, once the application is accepted, to withdraw the application and go back to pre-application design review if they need to work with Staff in resolving these issues. **J. Farrell motioned to accept the application for Jay Barrett Subdivision, Map 5, Lot 58-1 as complete. Seconded by D. Coons. Discussion: none. Vote 9-0-0. Application accepted.** Raymond Shea from Sanford Surveying and Engineering, representing Jay Barrett, addressed the Board. He said this was a 14-acre parcel of land on Wiley Hill Road, which presently has a 2-story house on it. They are proposing 8 new lots for a total of 9 lots fronting on a new proposed cul-de-sac road. He discussed submitting a similar plan to staff, which required a waiver for a 25' radius on the right-of-way. After discussing with Staff, staff couldn't support that waiver. He discussed the existing house would be non-conforming with the lot reconfiguration and they proposed moving the house to front on the new road. J. Trottier asked if the Board wanted him to read all the comments. J. Farrell noted that all comments would have to be addressed. J. Trottier read #3, which concerned offsite improvements and visibility. J. Trottier said that sight distance is a big issue with this project. A. Rugg said the applicant could continue to a future date when these issues were resolved but would still be in the 65-day window. Discussion ensued about the options available. A. Rugg said the best advice he had was for the applicant to work in design review in which case the applicant would have to withdraw the application and start over. R. Finch requested to withdraw the application. A. Rugg asked if there were any comments from the public. Lynn E. Durland, an abutter, said her name was wrong on the plan, middle initial should be E. not F. She was concerned about the water table, sewer impact, wetland slope and visibility on Wiley Hill Road. She also wanted to know if the cul-de-sac was big enough for the school bus. T. Thompson said it was. A. Rugg said the application will be withdrawn and the applicant could work with Town Staff.

Reid Development LLC, Map 28, Lot 31-35- Application Acceptance and Public Hearing for a Conditional Use Permit and a Site Plan to construct a 3,600 square foot office/warehouse building - T. Thompson said T. F. Moran has worked with Town Staff through 3 design reviews and the applicant has submitted revised plans and information and there are no outstanding checklist items. He recommended that the application be accepted as complete. **D. Coons motioned to accept the application as complete for Reid Development LLC, Map 28, Lot 31-35. Seconded by J. Farrell. No discussion. Vote: 9-0-0. Application is accepted as complete.** Mike O'Donnell from TF Moran presented the plan for Reid Development. He said this was a 3.32 acre lot on which a 3,600 square foot office/warehouse building is proposed with 3 commercial/industrial units to be leased. He said the outdoor storage area will be screened with a stockade fence and plantings. He said the swale is the subject of a conditional use permit to allow construction of drainage within the conservation overlay district. He read into the record the applicant's responses to the conditional use permit criteria.

“1. This lot has a small developable area (16,178 SF). Stormwater treatment is required for this project by Town regulations. Since there is no way to locate both the development and the stormwater treatment swale within the developable area, a Conditional Use Permit is being requested to construct the swale within the CO District. Without the CU Permit, the land cannot be developed in the manner for which it was zoned.

2. This project does not propose any impact to wetlands. Disturbed areas will be stabilized with loam and seed or riprap immediately after grading is completed.

3. The Ferrotec Subdivision established this lot as a stormwater detention area for future developments in the subdivision. There are no abutting lots downstream of the site that can be used for treatment of stormwater generated on this site. Due to the small buildable area on the site, there are no places outside the CO district where stormwater treatment measures can be constructed.

4. This proposal allows the parcel to be developed in the manner for which it was zoned. This lot was designated as part of the Ferrotec Subdivision to be a detention area for runoff from upstream developments. Use of a portion of the CO District for the purpose of stormwater treatment is consistent with this intent. Due to the small developable area of the lot, there is no other place that the swale can be built. Approval of this CU Permit will allow the lot to be developed in the manner for which it was zoned.”

M.O'Donnell said the Conservation Commission has recommended against the approval of the application as designed because of their interpretation of the ordinance, which does not allow treatment swales as a conditional use in the buffer. M.O'Donnell said Section 904.8.1 of the Zoning Ordinance clearly states that drainage ways may be permitted in the Conservation Overlay District by Conditional Use Permit. He said they were advised by Town Staff that treatment swales are considered drainage ways. He said the Conservation Commission also states in its recommendation that filling the entire buffer area with drainage defeats the purpose of maintaining a vegetated buffer. He said the entire buffer area of the parcel measures 59,375 SF, only 12% of this is proposed to be disturbed. He said this area will be loamed and seeded so that it will re-vegetate and continue to serve as a buffer. It should also be pointed out that the approved Ferrotec Subdivision designated this wetland area as a stormwater retention area to be utilized by future development within the subdivision. The drainage design for this development accomplishes this intent.

M. O'Donnell said they are requesting a waiver from Section 3.11.g.1 of the Site Plan regulations for interior landscaping. He said the basis for this request is that the parking area and loading area share the same lot, which is screened with perimeter plantings in accordance with the regulations.

The second request is in accordance with Section 603.E.5 of the Zoning Ordinance, the applicant is requesting the Planning Board approve an exception to allow a driveway width greater than 24'. The additional width is necessary to allow trucks to utilize the paved driveway when entering and exiting the site without traveling on the adjacent grassed areas.

J. Trottier read the memo to the Planning Board dated May 4, 2005 from the Department of Public Works. He said TF Moran had submitted plans and information for the above project and DRC and Vollmer Associates had reviewed and forwarded comments to the applicant. The applicant revised the plans and J. Trottier read the design review items 1-6. T. Thompson said that Staff supports the waiver request in the applicant's letter of March 7, 2005.

D. Coons motioned that on Staff's recommendation to grant the waiver from Section 3.11.g.1 of the Site Plan Regulations for interior landscaping as requested in applicant's letter of March 7, 2005. Seconded by P. DiMarco. Discussion: none. Vote: 9-0-0. Waiver granted.

T. Thompson said this project is subject to the impact fees being due by the time of CO on the project. T. Thompson read the recommendations of the Conservation Commission dated April 1, 2005 regarding the Conditional Use Permit.

“ The Londonderry Conservation Commission has reviewed the above referenced application. Following discussion, the Commission voted 6-1 to recommend against the approval of the above application as designed. As we interpret the ordinance, it does not allow treatment swales as a conditional use in the buffer. We are very concerned that recent plans have not been designed with the intent of the ordinance in mind. Filling the entire buffer area of a parcel with drainage defeats the purpose of maintaining a vegetated buffer. In addition, while we were asked at the meeting to take hardship into consideration, we are not the entity that can make any decisions on any hardship issues.” T. Thompson said that in his interpretation of the ordinance, drainage ways are explicitly allowed by conditional use permit under the conservation overlay district. He said there is no doubt in his mind and in Public Works Department that a treatment swale is a drainage way, therefore it is a permitted use by the Planning Board granting a conditional use permit. He said that next week the Conservation Commission would be attending the meeting to discuss some of these issues. He said they may be asking for revisions. T. Thompson said with the small building area on the lot, the only other option is dredge and fill and the alternative for the drainage swale in the buffer is better and only 12% of the buffer is impacted. T. Thompson said he would recommend overriding the Conservation Commission’s recommendation based on interpretation of the ordinance that this is a permitted use. B. Farmer asked if this was explained to the Conservation Commission. T. Thompson said he spoke with Deb Lievens and suggested the Conservation Commission come in to talk with the Planning Board. B. Farmer said that if the Conservation Commission (CC) didn’t follow the technical definition of the ordinance, he has no problem voting against them. J. Farrell said he would not vote against the CC. D. Coons agreed with T. Thompson and would lean towards the owner’s right to develop land and felt the Planning Board had to be reasonable. R. Brideau said to grant the permit. J. Farrell said the Board should wait until next week and meet with the CC. B. Farmer was in favor of granting the permit. D. Coons said he would support the permit. C. Tilgner said it was a good engineering solution and it is not disturbing the wetland. P. DiMarco was in favor of the permit. V. LePine asked if drainage swales have been approved before. T. Thompson said yes depending on the amount of impact. T. Freda said if Staff supports it, he would accept that. A. Rugg said the Planning Board is the grantor of the conditional use permit. A. Rugg asked if the public had any comment. George Hermann, resident, said he was at the CC meeting and the concern was the impact to the buffer. He said the CC takes a stand that turf grass is not an acceptable use in the buffer. He said there are lots of encroachments in buffers across Town and the Board should consider precedent going forward. **D. Coons motioned, based on the previous discussion, to grant a Conditional Use Permit to allow a treatment swale in the Conservation Overlay District buffer zone as requested by the applicant, against the recommendation of the Conservation Commission, but based on the technical review of the ordinance this is a permitted use of the buffer zone and a better solution for the applicant. Seconded by J. Farrell. No Discussion. Vote: 8-1-0. Conditional Use Permit is granted.**

J. Farrell motioned to grant conditional approval to the Site Plan for Reid Development, LLC, Map 28, Lot 31-35 with the following conditions:

- 1. The Applicant shall address the following on the utilities plan – sheet 5:**
- 2. The Applicant shall provide a sewer manhole (vs. wye connection) along the sewer line. In addition, we recommend the 12” pvc pipe be replaced with an 8” pvc pipe to the same slope as the downstream 8” line. Please provide appropriate details in the plan set for the manhole. In addition, please note the Londonderry Sewer Discharge permit number on the cover sheet.**

3. **The Applicant shall provide a sewer easement along the frontage of Harvey Road for the proposed 8" pvc sewer line to extend a minimum of ten (10) feet beyond the proposed sewer manhole. In addition, we recommend the Applicant verify the sewer easement along the northerly property line is adequate (at least ten (10) feet from the existing sewer pipe location) for proper maintenance.**
4. **Please provide a note on the plan indicating no lighting is proposed for the sign as noted in the Applicant's response letter.**
5. **The Applicant shall revise the design to provide the minimum 12" cover over the proposed driveway culvert as required by the Town.**
6. **The Applicant shall update the plan title block on sheet A1 to include the Applicant's name in accordance with the regulations and consistent with the plan set.**
7. **The Applicant shall provide the L.H.R.A. signature on the plans in accordance with the regulations.**
8. **The Applicant shall address the following relative to the revised drainage report:**
9. **Please list each subcatchment area on all watershed plans in the report in accordance with the regulations.**
10. **The 18" pipe outlet at the existing detention basin will be modified as noted in the post development summary of the report and as indicated on sheet 4. Please verify the Town has agreed to the proposed changes to the detention basin outlet. If the Department of Public Works agrees to the work, we recommend the Applicant note on the plan that the existing headwall is to be removed, the pipe bell end cut and the headwall replaced to the approval of the Department of Public Works. In addition, please provide documentation a wetland permit is not required for the proposed work or provide a copy of the wetland permit for the proposed work for the Planning Department's file and note the approval number on the cover sheet.**
11. **The Applicant shall revise the 50' non-disturb buffer to 50' Conservation Overlay District on all plans.**
12. **Note all waivers and the conditional use permit on the plans.**
13. **Applicant shall provide financial guarantee if required.**
14. **All consultant fees to be paid within 30 days of conditional approval.**
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. **Final Engineering Review.**

Seconded by D. Coons. Vote: 9-0-0. Plan is conditionally approved.

Adjournment:

J. Farrell motioned to adjourn at 10:00 PM. Seconded by D. Coons.

Planning Board Meeting
Wednesday 5/4/05-Final

Vote: 9-0-0.

Meeting adjourned.

These minutes taped and typed by Christine Marra.

Respectfully Submitted,

John Farrell, Secretary

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF MAY 11, 2005 AT THE NORTHGATE**
3 **CONFERENCE ROOM**

4
5 7:00 PM: Members Present: Art Rugg, Chairman; John Farrell, Secretary (arrived at 7:05PM);
6 Paul DiMarco, Asst. Secretary; Rick Brideau, Ex-Officio; Brian Farmer, Ex-Officio (arrived
7 7:05PM); Charles Tilgner, Ex-Officio; alternates Valerie LePine and Tom Freda (arrived at
8 7:10PM).

9
10 Also Present: André Garron, AICP; Tim Thompson, AICP; Janusz Czyzowski and Christine
11 Marra, Recording Secretary.

12
13 A. Rugg called the meeting to order at 7:00 PM. He appointed Valerie LePine to vote for Dana
14 Coons.

15
16 **Administrative Board Work:**

17 ***Plans to Sign: Delhan Management Lot Consolidation Plan*** – T. Thompson said this plan has
18 to be recorded with the voluntary merger that was granted by the Planning Board last month. **P.**
19 **DiMarco motioned to authorize the Chairman and Secretary to sign the Delhan**
20 **Management Lot Consolidation Plan. Seconded by C. Tilgner. Vote: 6-0-0. Plan will be**
21 **signed at the end of the meeting.**

22
23 ***Discussions with Town Staff*** -T. Thompson said the second meeting of the CIP committee was
24 tomorrow night. They will be going over an updated project submission form for department
25 heads and committees to fill out in order to put together a schedule for those projects to be
26 submitted to the CIP. T. Thompson said a week from tonight is a meeting of the Master Plan
27 Implementation Committee where they hope to begin filling in timeframes for the action items.
28 T. Thompson said that last week Highwood Cold Storage withdrew their plan for an addition and
29 they will be submitting a new plan to be put on the agenda for June 1, 2005. He said the major
30 reason for the addition is a contract with a distribution firm and if they don't have their building
31 done by Oct. 1, 2005, the contract is going elsewhere, therefore they are under a time crunch. He
32 asked if the Planning Board could waive the 7-day deadline for submitting plans for signing so
33 they could come back on the June 8th meeting to have the plan signed providing it meets the
34 Board's approval. A. Rugg said that this is a substantial project for the tax base in Town. T.
35 Thompson said if the plans were back by June 3rd, he verified with Vollmer Associates that they
36 would have enough time to review the plan. P. DiMarco said he thought the Board should try to
37 work with them. T. Freda said he had no problem. V. LePine said it was okay with her if the
38 plans are submitted in a timely manner. C. Tilgner, B. Farmer, J. Farrell and R. Brideau all agreed.
39 T. Thompson mentioned the NH Planners Association's Spring Conference on the 19th and 20th
40 that he was attending with John Vogl and André Garron where they would all be doing
41 presentations. A. Garron mentioned that tomorrow night he would be attending a Leadership
42 Forum at St. Anselm's College conducted by the Greater Manchester Chamber of Commerce and
43 the State Department of Resource and Economic Development on Regional Economic
44 Development that he has been participating in over the last 6-8 months. The culmination of all of
45 their efforts will be presented. B. Farmer asked if the Board had received any notification that the
46 Londonderry Chamber of Commerce was reforming. A. Garron said he hadn't formally heard
47 anything. P. DiMarco said that he and Mary Soares were graduating from the Leadership
48 Londonderry group next Thursday. J. Farrell said he had noticed that outdoor uses at Home
49 Depot were expanding and wanted this passed on to Frank Holdsworth.

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6 **Cont'd Plans/Workshop/Public Hearings/Discussions:**
7

8 **A. Workshop –Conservation Overlay District –Clarifications with Conservation**

9 **Commission -** Deb Lievens from the Conservation Commission was present and said
10 that Mike Speltz was going to do a presentation but was unable to attend tonight. Tim
11 Thompson said there was an issue that arose last week concerning the issuance of a
12 conditional use permit allowing drainage swales. The Conservation Commission had
13 determined that drainage swales were not a permitted use in the overlay district and
14 recommended against approving the permit. T. Thompson said that a meeting was held
15 on Monday with Mike Speltz, D. Lievens, J. Czyzowski, J. Trotter, A. Garron and
16 himself on what was the overall intent of the conservation overlay district concerning the
17 buffer and the means to cleanse the water before it gets into the wetlands. He said they
18 discussed where disturbance was taking place, the amount of disturbance and the issue of
19 drainage swales. He said the consensus that was reached with D. Lievens and M. Speltz
20 was that drainage swales would continue to be permitted within the conservation overlay
21 district preferably in the outer 25' of the buffer or perpendicular through the buffer
22 straight to the wetland. He explained the diagram that was handed out which shows the
23 goals of the CUP:

- 24 **1. Maintain natural woody vegetation**
- 25 **2. Make linear impacts perpendicular to the buffer**
- 26 **3. If all conditions met keep impacts at outer edge of buffer**
- 27 **4. Prohibit uses imposing unacceptable impacts by uses otherwise permitted by**
28 **the CUP provisions.**

29 He said the Conservation Commission would make recommendations based on buffer
30 impacts either being perpendicular to the buffer or parallel to the buffer within the outer
31 25 feet. Deb Lievens said for background purposes the goals of the conditional use
32 permit are to maintain as much wooded vegetation as possible because it does pull out the
33 pollutants much better than grasses do. Also a concern was having several lots impacting
34 a buffer draining into the same stream. A. Rugg asked what is the acceptable percentage
35 of impact on the buffer. D. Lievens said that would be determined on a case-by-case
36 basis. J. Farrell said the intent of the overlay district was having stricter guidelines in the
37 ordinance because this is the drinking water for the Town. A. Garron said that they were
38 not looking to modify the ordinance but how to interpret it and how to minimize the
39 impact on the buffer. J. Czyzowski said the Public Works Department agrees with the
40 Conservation Commission that the buffer should not be disturbed and a developer should
41 only go to the Conservation Commission for a CUP if there is absolutely no way that they
42 can do otherwise. He said that he would permit parallel impacts rather than
43 perpendicular. He agreed that each request should be evaluated on a case-by-case basis.
44 He said detention basins and treatment swales are created to protect the wetlands. He
45 said the Conservation Commission could ask the developer to replace the vegetation that
46 was removed for the drainage swale and place it back on the slope. A. Rugg went around
47 the Board to see if they agreed. R. Brideau said he was okay with the case-by-case basis.
48 J. Farrell agreed. B. Farmer said this would open up for somebody to come back and say
49 it was allowed on one lot and not another. He felt that some definitive type of standard
50 has to be set. T. Thompson disagreed and said the way the CUP is set up, is strong
51 enough. A. Garron agreed. A. Rugg agreed on the case-by-case basis if the reasoning is

1 consistent. C. Tilgner agreed. P. DiMarco agreed. V. LePine agreed. T. Freda asked if
2 the Planning Board had the final determination. T. Thompson said yes, the Conservation
3 Commission makes the recommendation. J.Czyzowski agreed and said most engineers
4 don't want to go for a CUP because its an extra step, so they will try not to encroach on
5 the buffer. B. Farmer asked if a developer applies for a CUP should a guideline be
6 developed. T. Thompson said that this diagram could be used as a guideline. A. Rugg
7 asked D. Lievens if she was comfortable with this. D. Lievens said yes. A. Rugg asked
8 if there were any comments from the public. There were none.

9
10 **A. Rugg appointed Tom Freda to vote for Mary Soares.**

11
12 **B. Public Hearing on "Active & Substantial Development" amendments to Site and**
13 **Subdivision Regulations.** T. Thompson said the proposed amendments were prepared in
14 response to the updated RSA 674:39. He read the amendments:

- 15 • Amend Section 7.06.d.2 of the Site Plan Regulations to specify the amount of
16 development needed on a site to be considered "active and substantial
17 development" to trigger the 4 year Exemption in RSA 674:39.
- 18 • Add new Section 2.06.Q of the Subdivision Regulations to trigger the 4 year
19 Exemption in RSA 674:39.

20 He said that a workshop discussion was held on these amendments last month. The
21 language presented was the same in the site plan regulations but in the subdivision
22 regulations he added language under Section 2.i. regarding at least one
23 foundation/footing shall be installed in order to be considered active and substantial
24 development. He said the reason for the new amendments is the failure of the Planning
25 Board to define the criteria of active and substantial development by regulation or by
26 conditional approval will essentially give every project the 4-year exemption stated in
27 RSA 674:39 if it is not specified. T. Freda asked if the entire section Q will be added. T.
28 Thompson said yes. C.Tilgner said if the language is approved by the Town attorney, it
29 should be okay. V. LePine said she has no issue with this. P. DiMarco said he would
30 like the language strengthened, but wouldn't vote against it. It was the consensus of the
31 Board to go ahead and amend these regulations. A.Rugg asked if there were comments
32 from the public. There were none. **John Farrell motioned to adopt the Active and**
33 **Substantial Development amendments as presented by T. Thompson to amend**
34 **Section 7.06.d.2 of the Site Plan regulations and to add a new Section 2.06Q to the**
35 **Subdivision Regulations. Seconded by R. Brideau. Discussion: J. Farrell said the**
36 **language needed to be clarified. A. Rugg said the motion could be amended or**
37 **withdrawn. J. Farrell withdrew the motion. R. Brideau withdrew his second. T.**
38 **Thompson said to clarify part 2.i and ii the language "including all the following**
39 **within parenthesis" could be added to the Site Plan regulations and to Section 206Q,**
40 **2.i & ii of the Subdivision regulations.**

41
42 **J. Farrell motioned to adopt the Active and Substantial Development amendments**
43 **as presented by T. Thompson to amend Section 7.06.d.2 of the Site Plan regulations**
44 **and to add a new Section 2.06Q to the Subdivision Regulations and to include the**
45 **language "including all the following within parenthesis" to those sections presented**
46 **by T. Thompson. Seconded by B. Farmer. Vote: 7-1-0. (negative vote was C.**
47 **Tilgner) Motion carries.**

48
49 **Zoning Ordinance Reformat Discussion/Workshop** – T. Thompson said this first draft
50 of the reorganization of the zoning ordinance was done by M. Buser of Behan Associates
51 and Staff to make the ordinance easier to use. He said there were 4 sections: Practical

1 Zoning Administration, Zoning Districts, Town-Wide Regulations, and General
2 Administration. He said parking regulations have their own chapter. T. Thompson said
3 he would like the members to take this draft home and go through it and look at the new
4 items in bold text and next month there would be another workshop to discuss. A. Garron
5 said this was an accumulation of work done since last September.
6
7

8 ***JMJ Enterprises, LLC, Public Hearing for a Rezoning- Removal of the Rt. 28***

9 ***Performance Overlay District from Map 15, Lot 128.*** – Eric Mitchell, representing JMJ
10 Enterprises, Jean Gagnon, principal, addressed the Board. He said he was before the
11 Board last month for discussion on a general zoning change. He said this is the public
12 hearing for a formal request for a zoning change. Currently the zoning is C-II, which he
13 is not asking to be modified. He said what is being requested is to take the lot out of the
14 Route 28 Overlay District. He said the lot is on the corner of Mammoth Rd. and Smith
15 Lane. He said they don't have any frontage on Rte 28 and the reason they asked for relief
16 was if it was only under the C-II zone and not the POD, they are allowed to open up the
17 site a little because the setbacks are less stringent under C-II. He said it would allow
18 more parking closer to the street and to the south of the lot and more green space in front
19 of the building. He said the building design would be the same as required in the overlay
20 district. He said originally the Planning Board had debated whether to include this lot in
21 the POD. T. Thompson read the memo to the Planning Board dated 5/11/05. The memo
22 stated that the parcel is approximately 3.8 acres, and irregularly shaped, with the
23 Tennessee Gas Pipeline and wetlands encompassing the eastern portion of the property.
24 The building envelopes with the POD standards make site design flexibility difficult,
25 which is the primary reason for the requested rezoning. He also said the 2004 Master
26 plan identifies this area as an area for future redevelopment into mixed commercial uses
27 and this would be consistent with this aim of the Master Plan. He said Staff recommends
28 approval of the zoning change. A. Garron said a review would still have to be done by
29 the Heritage Commission. The consensus of the Board was favorable to the change. A.
30 Rugg said that the site plan would have to come back before the Board depending on the
31 rezoning. He asked if there were any questions from the public. Linda MacLeod, owner
32 of Lot 130 wanted to know where her lot was located in reference to this development.
33 E. Mitchell explained only Lot 128 was in the overlay, not Lot 129, which was next to
34 her lot. This site would incorporate lots 127, 128 and 129. L. MacLeod requested that a
35 fence be put in place between the lots. A. Rugg said that would be part of the overall
36 plan, not in this rezoning hearing. L. MacLeod asked if she would be notified again. A.
37 Rugg said yes she would when they came back with their site plan. E. Mitchell said that
38 they are required to put a buffer in between commercial and residential lots and it could
39 be landscaping or fencing and he would talk to Ms. MacLeod before the next hearing. **J.**
40 **Farrell motioned to recommend to the Town Council that Map 15, Lot 128 be**
41 **removed from the Route 28 Performance Overlay District with the condition that**
42 **the rezoning shall not become effective until the Planning Board approves the**
43 **associated site plan for the lot, consistent with the conceptual design reviewed by the**
44 **Board in April 2005. Seconded by P. DiMarco. Vote: 8-0-0. A recommendation**
45 **will be sent to the Town Council.** E. Mitchell asked when it would come before the
46 Council. T. Thompson said it required 2 readings and a public hearing at the Town
47 Council meeting. A notice would be put in the paper. He estimated the hearing would be
48 in late June.
49

50 ***HSL Real Estate Trust, Public Hearing for a Rezoning, From C-2 to AR-1 and***
51 ***Removal of the Rt. 102 Performance Overlay District from a portion of Map 2, Lot 27-***

1
2 Jack Szemplinski, Benchmark Engineering, Inc. presented this request for rezoning to the
3 Board. He said this was discussed as a conceptual plan 6 months ago. He said the plan
4 was to develop this parcel as elderly housing with a private road onto the site with 3
5 buildings two stories high, 8 units per floor and parking under the buildings.
6

7 T. Thompson said the applicant requested the Town rezone a portion of Map 2, Lot 27
8 (which will be subdivided into a new lot 27-8) from C-2 to AR-I, and the removal of the
9 Rt. 102 Performance Overlay District. The applicant seeks to subdivide the rezoned
10 portion of the property, and subsequently develop the lot as an elderly housing project.
11 The parcel is situated with frontage on both Rt. 102 and West Road. The rezoned portion
12 would use West Road for access. T. Thompson said Staff recommends rezoning because
13 it is appropriate for the area and is consistent with the Master Plan and with the
14 surrounding area. He said this rezoning shall not become effective until subdivision of
15 the lot is approved by the Planning Board, establishing a separate lot with frontage solely
16 on West Road. **J. Farrell motioned to recommend to the Town Council that a**
17 **portion of Map 2, Lot 27 be removed from the Route 102 Performance Overlay**
18 **District and be rezoned from C-2 to AR-I with the condition that this rezoning shall**
19 **not become effective until subdivision of the lot is approved by the Planning Board,**
20 **establishing a separate lot with frontage solely on West Road. Seconded by R.**
21 **Brideau. Vote: 8-0-0. Recommendation will go to the Town Council.**
22

23 *Conceptual Discussion – Change of Use – 3 Crosby Lane* – B. Mazzaglia addressed the
24 Board and said that they were in the process of purchasing Lot 64-1 known as the
25 Cranberry House. He said a portion of the building, approximately 1200 to 1700 sq. ft.,
26 would be used as office space for a real estate office. He said they are presently leasing
27 the space until a November 2005 closing. He said he had requested a temporary
28 certificate of occupancy from the Building Inspector that would be good through Nov.
29 2005. Jim Smith, Building Inspector, wanted to make sure that the Planning Board was
30 comfortable with this before issuing the permit. He said they would be submitting a Non-
31 Residential Site Plan by September 30, 2005 when they know the quantity of office space
32 required. He said there is adequate parking on the site. T. Thompson said that if the
33 Planning Board and the Building Inspector were comfortable with this plan, he would
34 like to see the existing condition plan updated and change some of the notes and have an
35 as-built plan submitted. B. Farmer said this is a historic building and would like the
36 Heritage Commission to look at it. A. Rugg said he would put that on for discussion at
37 the next Heritage Commission meeting. R. Brideau asked if there would be new signage.
38 B. Mazzaglia said there would be a temporary sign and when they came in with the site
39 plan they would like to request an off-site sign. A. Rugg said this was just discussion so
40 there was no need for a motion. The Board agreed to the procedure as outlined in the
41 letter from the applicant.
42

43 *Adjournment:*

44 **J. Farrell motioned to adjourn at 9:00. Seconded by R. Brideau. Vote 8-0-0.**
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46 **Meeting adjourned.**

1 These minutes taped and typed by Christine Marra.

2 Respectfully Submitted,

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7 John Farrell, Secretary

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF June 1, 2005 AT THE NORTHGATE CONFERENCE ROOM

7:00 PM: Members Present: Art Rugg, Chairman, Dana Coons, Vice-Chair; John Farrell, Secretary; Paul DiMarco, Asst. Secretary; Rick Brideau, Ex-Officio; Brian Farmer, Ex-Officio; Charles Tilgner, Ex-Officio; Mary Soares; Dani-Jean Stuart; Valerie LePine and Tom Freda.

Also Present: Tim Thompson, AICP; John Trottier, P.E. and Christine Marra, Recording Secretary.

A. Rugg called the meeting to order at 7:00 PM.

Administrative Board Work:

Extension Request- New England Gymnastics, Map 2, Lot 34-4- T. Thompson read a letter from Mary Ann Madore, owner of New England Gymnastics, dated May 31, 2005, requesting a one-year extension for Phase II of their site plan. He said this was the third extension request and the expiration date for Phase II is currently 8/14/05. T. Thompson said he did not have any issues with this request, as the site plan regulations have not changed. D. Coons asked if the requestor was present. T. Thompson said no. D. Coons said that there have already been two extensions and he would like the owner to explain. T. Thompson said that as long as there are no changes in the regulations, staff sees no problem in granting extensions. C. Tilgner asked what would happen if they were denied the extension. T. Thompson said if they didn't start construction before 8/14/05, Phase II would not be allowed to proceed and they would have to start the process all over again. P DiMarco asked if we could table this request and ask the owner to come in. A. Rugg said that could be done or just not act on the request tonight. M. Soares said she understands why they are requesting the extension because of personal events, but feels they should know when they will be ready to construct. D. Coons said he agrees with T. Thompson regarding the regulations not changing but does not like to grant more than 2 extensions. A. Rugg asked T. Thompson to request Ms. Madore come to the meeting next week and this request would not be acted upon tonight.

Approval of Minutes – J. Farrell motioned to approve the Planning Board minutes of 5/4/05 as amended and presented. Seconded by R. Brideau. Vote: 7-0-2. Minutes approved and will be signed at the end of the meeting.

J. Farrell motioned to approve the Planning Board minutes of 5/11/05 as amended and presented. Seconded by R. Brideau. Vote: 8-0-1. Minutes approved and will be signed at the end of the meeting.

Discussions with Town Staff: T. Thompson discussed with the Board a letter to be sent to Ronald MacLaren from André Garron concerning a road easement request for Map 15, Lot 61-1 owned by Mr. MacLaren. A. Garron wanted the consensus of the Board before sending the letter. T. Thompson said that as a result of offsite road improvements required by NHDOT associated with the Clark Farms Industrial Subdivision, Charles Evans was asked to approach Mr. MacLaren for a road improvement easement over his property on the corner of Symmes Drive and Rt. 28. Mr. MacLaren was concerned the easement will take away from development potential based on lot size. T. Thompson said that in A. Garron's letter, he assured Mr. MacLaren that the easement will not be deducted from the 1.1 acres of property of lot 61-1. He explained that lot 61-1 is serviced by municipal sewer and water and therefore not subject to HISS standards which means that only

a minimum of one acre and 150 ft. of frontage is required to meet zoning requirements. The Board agreed to allow A. Garron to send the letter.

T. Thompson said that a new intern was hired for the summer, Holly Burbee. She was unable to attend tonight's meeting but will be at the meeting next week. He assigned her two projects, the first was drafting zoning for the transfer of development rights or amenity zoning on the west side of Route 102, and the second project was drafting open space subdivision zoning to replace planned residential development zoning.

T. Thompson also said that at the Master Plan Implementation Meeting on May 18th, the implementation schedule was finalized and next week there would be a workshop discussion at the Planning Board meeting. He said there would also be a zoning reformat discussion and members were asked to do their homework.

A. Rugg told Board members that in the "Read File" there were 2 memos from the SNHPC regarding Projects for Transportation Enhancement Programs and Congestion Mitigation and Air Quality Funds. He asked that if anyone had any ideas for these programs, which included grants, to pass them along to A. Garron or T. Thompson.

Town of Londonderry/Moose Hill Orchards, Map 6, Lots 97 & 97-1- Application Acceptance and Public Hearing for a lot line adjustment – T. Thompson said there were no outstanding checklist items.

D. Coons motioned to accept the application for Town of Londonderry/Moose Hill Orchards Lot Line Adjustment, Map 6, Lots 97 & 97-1 as complete per Staff's recommendation. Seconded by P. DiMarco. Vote: 9-0-0. No discussion. Plan accepted as complete. Tony Marcotte, P.E. from Bedford Design representing the owners presented the plan. He explained that this project was brought about by the conservation easement/development rights agreements between the Town and Moose Hill Orchards completed several years ago. He said the plan just covers a lot line adjustment in which a 2-acre parcel will be added to the Town Forest which currently has 11.2 acres and this would increase it to 13.7 acres. He said a previous proposal for this lot was a town skating rink. He also said there were no changes in the drainage. J. Trottier read the design review comments from the memo to the Planning Board dated 6/1/05 from T. Thompson and himself. He said in comment #1 that the applicant has not provided HISS information per sections 3.10 of the Subdivision regulations and the applicant has requested a waiver. He said that Staff supports this waiver because there is no development proposed. He said comment #2 requests a waiver to utility clearance letters per section 3.05 of the subdivision regulations. He said Staff supports this waiver since there is no proposed utilities or improvements proposed at this time. He said on comment #3 the applicant is requesting a waiver for a boundary survey. He said Staff supports this because we have a plan on file. He read comments 4-7 of the memo. A. Rugg went around the Board for comments and it was the general consensus to agree with Staff in supporting the waivers. He asked if there was any public input. There was none. **J. Farrell motioned that on Staff's recommendation to grant the waivers from Section 3.10 of the Subdivision Regulations for a High Intensity Soil Study, Section 3.05 of the Subdivision Regulations requiring a Utility Clearance Letter and Section 4.12, C, 2, and 4.17, A, 23 of the Subdivision Regulations requiring a boundary and topographic survey as requested in applicant's letter of May 11, 2005. Seconded by P. DiMarco. Discussion: none. Vote: 9-0-0. Waivers granted.**

D. Coons motioned to conditionally approve the Lot Line Adjustment plan for Town of Londonderry/Moose Hill Orchards, Map 6, Lots 97 & 97-1 with the following conditions:

- 1. The Applicant shall provide a drainage letter, stamped by a PE, meeting the approval of the Public Works Department addressing any impact to stormwater runoff associated with the application.**
- 2. The Applicant shall provide the certification to the sight distance plan & profile on sheet 3.**

3. **The applicant shall complete the missing portions of the existing treeline for lot 97-1 on sheet 2.**
4. **The applicant shall revise note 9 on sheet 2 to state that “all sheets” are on file with the Town of Londonderry.**
5. **Note all waivers on the plan.**
6. **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.**
7. **Final Engineering Review.**

Seconded by P. DiMarco. Discussion: none. Vote: 9-0-0. Plan is conditionally approved.

Highwood Cold Storage, Map 13, Lot 108 – Application Acceptance and Public Hearing for a Conditional Use Permit and a Site Plan for a 24,604 square foot building addition – T.

Thompson said there were no outstanding checklist items. **D. Coons motioned to accept the application as complete with Staff’s recommendation. Seconded by M. Soares. Vote 9-0-0. Application is accepted.** Tony Marcotte from Bedford Design presented the plan on behalf of the owner regarding the 24,604 square foot addition to the freezer warehouse facility. He said the warehouse was built in 2003 and they were anticipating an addition at that time. He said they went to the Zoning Board in December of 2004 and received a variance for the reserved parking as part of the original site plan approval. He said with the addition, 21 parking spaces are required and they provided 29 additional spaces. He said they have worked with Staff on the drainage issues and have limited use of the conservation buffer and still provided the appropriate drainage. He said they have reached agreement with Staff on the design and discussed with the Conservation Commission. T.Marcotte said that at the previous meeting the drainage design was done on a site basis and was now done on a watershed basis. At the time of his meeting with Staff, Vollmer hadn’t completed their review. J. Trottier said that was correct, that when he met with T. Marcotte he didn’t have comments from Vollmer on the new design. He began reading the design review comments dated June 1, 2005 from Public Works Department and Vollmer Associates. He said on comment #1, the Applicant was requesting a waiver on the scale from section 4.01 of the regulations (1”=40’ max). The applicants overview plan were at a scale of 1”=50’. He said Staff supports the waiver because it allows the entire site to be shown on one sheet. J. Trottier continued with reading comment #2 concerning drainage. A.Rugg asked if he could give an overview of the technical aspects of these items. J. Farrell said that from the April 13, 2005 comments, which totaled 77 comments, until today’s comments, which totaled 23 comments, was a significant improvement. T. Thompson said this was a time-sensitive project because the applicant has a contract that needs to be met and this is the reason for the addition. He said this would provide 25,000 sq. ft. of taxable property for the Town and he urged the Planning Board’s consideration. He said the comments on the drainage are reasonable requests and should be able to be met. D. Stuart asked why this plan should be any different when the Planning Board does not usually accept plans with this many comments. T. Thompson said it is time-sensitive and it will still have to meet the Public Works Department’s approval before final plans are signed. D. Coons asked if it was time-sensitive why was it coming to the Board at the last minute. T. Thompson said he has seen significant progress on the plan. J.Farrell said he could understand the timeline from the business point of view and asked if the applicant was present. Ed Doherty, owner of Highwood Cold Storage, explained that when they did Phase I they purchased the extra green space in anticipation of future expansion. He said they have addressed all the requested items and have been good neighbors and will do whatever they have to do to meet approval. J. Farrell asked if they were willing to work with Staff to address the comments. E. Doherty said yes. T. Thompson said the Conservation Commission has reviewed the conditional use permit requested by the applicant and has recommended approval with placement of markers for the conservation easement. V. LePine asked what the procedure was if

conditional approval was granted. T. Thompson said they still would have to meet all conditions and the plan would have to be signed before construction begins. T. Thompson said at the last meeting the Board had agreed to waive the 7-day deadline to have the revised plans in for signing so the plans could be signed on June 8th. He said Vollmer Associates has agreed to do the review in time for next week's meeting. A. Rugg asked the Board members if they had any comments. R. Brideau said he would go along with Staff's recommendation. J. Farrell asked if the Fire Department was happy with the plan. T. Thompson said he would get confirmation from Captain Anstey. M. Soares asked if the comments on the watershed analysis can all be addressed. T. Thompson said he felt they could. A. Rugg asked if the public had any comments. Chuck Smith said he abuts the rear of the property and wanted to know if the building was within 50' of the boundary line. T. Marcotte said it was more than 60'. He also asked if Maine Drilling Co. would be blasting. T. Marcotte said that was not the intention. **D. Coons motioned that on Staff's recommendation to grant the waiver from Section 4.01.c of the Site Plan Regulations for the plan size of the overview plan, sheet 01 as requested in applicant's letter of April 17, 2005. Seconded by J. Farrell. Discussion: none. Vote: 9-0-0. Waiver granted.**

J. Farrell asked T. Thompson what did he want to tell the applicant to do? T. Thompson said the applicant would have to have the plans in by Friday, June 3, 2005 at 4:00 PM in order to be put on the agenda for next week. E. Doherty said the plans would be in on time. **D. Coons motioned to grant the applicant's request for a conditional use permit for improvements within the Conservation Overlay District adjacent to the Shields Brook. Seconded by J. Farrell. Vote: 9-0-0. Conditional Use Permit is granted.**

D. Coons motioned to grant conditional approval to the Highwood Cold Storage Site Plan, Map 13, Lot 108 with the following conditions:

1. **The Applicant shall address the following relative to the submitted drainage report:**
 - a. **The 25-year predevelopment calculations do not appear to be based on the existing inverts shown on the existing conditions plan and sheets SP-1 to SP-4. Please revise consistent with the existing conditions and verify all pipe sizes, pipe slopes, pipe lengths and inverts are consistent with the existing conditions information. Please revise the post development analysis and update the pipe summary table accordingly. Also, it appears these calculations are named POST DEV 25 REV C and the post development calculations are named POST. The predevelopment calculation shall be renamed in the report for clarity.**
 - b. **The current approved drainage report (last revised September 27, 2002) indicates Reach 5 with a Manning's n = 0.05 and Reach 6 with a Manning's n = 0.10, which are not consistent with the values of POST DEV 25 REV C (existing conditions). Please clarify and revise consistent with the existing report. In addition, under the post development condition, the Manning's n at Reach 5 changes. Please clarify.**
 - c. **The predevelopment site area is smaller than the post development area (9.970 Ac. pre- to 10.180 Ac. post). Please clarify.**
 - d. **Please clarify and label subcatchments 4187, 4188, Pond 1, 1S, 2S and 3S on the post development plan.**
 - e. **The 25-year post development reach TS2 indicates a 2' wide by 2' deep swale flowing at a depth of 1.67 feet. A level spreader shall be provided at the end of the swale to minimize erosion. Also a level spreader shall be provided at the end of TS3.**
 - f. **The 25-year post development analysis indicates the pipe size at reach POUT, and pipe lengths at reaches DMH15 and PP are not consistent with the information shown on the plans. Please review all pipe sizes and pipe lengths to be consistent between the report and plans.**

- g. **The 25-year post development pond routing analysis at pond 1 indicates the outlet weir with a width of 0.04' and top grate with a width of 3'x3' which is not consistent with the detail on sheet D3 of the project plan set (0.40 weir width and 3'x4' top grate). Please revise the analysis and detail to be consistent.**
 - h. **The 25-year peak elevation at pond 1 is indicated at elevation 316.52, which appears to submerge the pipe inlets and pipe runs to the pond. However, the analysis does not appear to account for this condition. Please review, clarify and revise as necessary.**
 - i. **Please provide a 50-year post development pond routing analysis for the proposed detention basin – pond 1. Please verify the minimum 12" of freeboard above the 50-year elevation is provided in accordance with the regulations.**
 - j. **The riprap ID of the calculations is not consistent with the labels of the analysis. Please revise the ID labels consistent with the analysis.**
 - k. **The values indicated in Table 1 and Table 2 are equal but the totals are different. Please clarify.**
 - l. **Please clarify the following relative to the drainage analysis for Shields Brook:**
 - i. **Pond 20 - Lower Shields Brook is analyzed with a surface area of 25 acres but is noted as only 5.4 acres in subcatchment 50 where it is located. Please clarify and revise to be consistent.**
 - ii. **Pond 60 – wetland as a pond with an area of 26 acres that does not appear to be identified in the subcatchment for which it is located (61?). Volume availability in wetland areas should be analysis based on the topography and associated estimate of storage available at each elevation in the identified natural valley storage area. Please review and revise accordingly**
 - iii. **The Manning's $n = 0.10$ for the stream reaches appears to be high. We would expect values between .035 to .065 depending on the stream since the flows are contained with the stream channels. Please clarify how the Manning's n value was determined and revise as necessary.**
 - iv. **Please revise this analysis and update the link flow (2L) relative to the site analysis. Please verify compliance with the regulations (no increase in runoff).**
- 2. **The Applicant shall address/clarify the following on the site and grading plans – sheets S1, S2 & S3:**
 - a. **The grading for the northerly embankment of treatment swale from the detention basin (TS1) on sheet S1 does not appear to provide a minimum two-foot wide embankment for the indicated 1.5 foot depth as typically required by the Town. Please note the detail on sheet D1 and the drainage report indicate this swale should have a depth of 2 feet (vs. 1.5 feet). Please review and revise as necessary to be consistent between the plan, detail and drainage report. In addition, please review the size of the proposed headwall at the TS1 that appears longer than the detail in the plan set and revise accordingly.**
 - b. **It appears two other treatment swales are proposed east of the detention basin swale, which are not labeled. Please label the length, width, and depth of each swale consistent with TS1 and verify the proper embankment width**

- for the indicated depth will be provided for each swale. Please verify the middle swale (TS2) can properly drain at the noted elevation of 312.66 that appears to be below the existing ground. Please review, revise and update accordingly.
- c. Please verify the riprap apron length at TS3 that appears to be less than required and revise as necessary.
 - d. The Applicant shall indicate the property line along the proposed truck maneuvering area. Please verify the location of the indicated silt fence that appears to be within the limits of the proposed grading in this area. In addition, please verify the grading and silt fence in this area does not encroach on the abutting lot. Please review and revise accordingly.
 - e. Please provide dimensions for the proposed headwall outlet behind the guardrail adjacent to the turn around (i.e. from CB 112) as noted on sheet D2 or a special detail of this headwall for proper construction.
 - f. The pipe outlet headwall located below the retaining wall adjacent to the access drive is shown to be offset and not consistent with the headwall detail in the plan set. Please provide a construction detail of this special structure in the plan set for proper construction. In addition, please provide additional proposed contour labels in this area and within the detention basin to clarify the grading intent.
 - g. The Applicant shall extend the 6-foot chain link along the top of ledge to end where the ledge is less than 6 feet high as typically required by the Town.
3. The Applicant shall address the DRC comments as applicable.
 - a. The Applicant shall verify the existing sewage disposal system is adequately designed to address the proposed building expansion with the Building Department and revise note 33 on sheet O1 if necessary.
 - b. The Applicant shall verify the number of hydrants and their location meets the approval of the Fire Department.
 4. Note all waivers on the plan.
 5. Conditional Use Permit shall be noted on Plan.
 6. 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.
 7. All consultants fees to be paid within 30 days of conditional approval.
 8. Provide financial guarantee if required.
 9. Final Engineering Review.

Seconded by B. Farrell. Vote: 9-0-0. It was noted that the 7-day deadline was waived for having the final plan submitted before signing and the final plan should be delivered to Staff by June 3, 2005 at 4PM for signing for the June 8, 2005 Planning Board meeting. Plan is conditionally approved.

Jeffco Land Services, LLC, Map 15, Lot 54 – Application Acceptance and Public Hearing for a 1551 square foot Subway Restaurant - T. Thompson said there were no outstanding checklist items. J. Farrell motioned to accept the application for Jeffco Land

Services, LLC, Map 15, Lot 54 as complete. Seconded by D. Coons. Vote: 9-0-0. Application accepted. Deb Dietz from TF Moran presented the plan to the Board. Jim Fitzgibbons, owner, was also present. D Dietz explained the detention for drainage and the NHDOT driveway permit, which was amended in May, 2005 and they now have. She said they had discussed underground detention storage with Staff and J. Czynowski didn't agree with that. She said the State had agreed that the drainage would go under Route 28 and then into the Park and Ride property detention area. She said they have requested two waivers in letters dated 2/15/05 and 4/22/05 and two Planning Board exceptions in letter dated 3/9/2005. She said they have provided road-widening easements. She said the Heritage Commission has reviewed the building design. D.Stuart asked about sidewalks on Perkins Road. D.Dietz said that they have provided an easement for sidewalks but it would make more sense for the other side of the street. She said the NHDOT has already proposed this. Some discussion followed concerning pedestrian crossing. J.Trottier read the memo to the Planning Board dated 6/1/05. He said that in comment #1, the applicant is requesting a waiver to Section 3.07.a.1 of the site plan regulations regarding the drainage system being designed so that the post development runoff rate does not exceed the pre-development runoff rate. He said Staff supports this request, however the Town will require an updated NHDOT permit and NHDOT letter meeting the approval of the Town. He said that in comment #2, the applicant is requesting a waiver from section 3.07.g of the site plan regulations regarding the pipe size, velocity and type. He said that Staff supports this waiver. J. Trotter read the board informational items which included the exceptions that are requested. The first exception was a 30-foot driveway width, which exceeds the maximum 24-feet per section 603.E.5 of the zoning regulations. The second was a loading area that faces a right-of-way that is subject to Planning Board review and requires screening per section 703.H of the zoning regulations. V. Lepine questioned the DOT permit. D. Dietz said that they will have it amended. She also asked if any traffic signal was proposed for that intersection. D. Dietz said no. J. Farrell asked how Staff felt about the exceptions. T. Thompson said he had no problem with them. B. Farmer asked about the sign bulbs. D. Dietz said it was a 1-bulb sign. P. DiMarco was concerned about the loading area and thought signs should be put on the building indicating this was a loading area and no parking signs should be posted. D. Stuart discussed the sidewalk proposal by the DOT on the other side of the street. She said a letter from the Londonderry Trailways should be sent to the DOT requesting a public hearing. She also was concerned about the elevation of the sign. T. Thompson said it was allowed up to a 30' height, but the applicant compromised with the Heritage Commission and is proposing a 20' sign. A. Rugg asked about snow storage. T. Thompson said it was noted and was sufficient. D. Coons asked about the hours of operation. Jim Fitzgibbons said it would be 9AM to 10PM but may be dictated by Subway. D. Coons said the loading area should be where the dumpster is located and that the entrance is not the proper area for a loading zone. Discussion followed on this. A. Rugg asked if there were any questions from the public. There were none. **D. Coons motioned that on Staff's recommendation to grant the waivers from Section 3.07.a.1 requiring post development runoff rate does not exceed the pre-development runoff rate and Section 3.07.g.3 of the Site Plan Regulations regarding pipe size, velocity and type as requested in applicant's letter of February 15, 2005 and revised April 22, 2005 with an updated DOT permit being**

provided allowing the 1.1 cfs increase of additional runoff and NHDOT letter meeting the approval of the Town. Seconded by J. Farrell. Discussion: none. Vote: 9-0-0. Waivers granted. D. Coons motioned to conditionally approve the site plan for Jeffco Land Services, LLC, Map 15, Lot 54 with the following conditions from memo to Planning Board dated 6/1/05:

1. A letter from NHDOT dated March 31, 2005 indicated the State would accept the increase in runoff and the language for the NHDOT Permit would be modified to satisfy the Town of Londonderry. An updated NHDOT permit was provided with this latest submission, but the permit does not state that the 1.1 cfs increase is allowed as noted in the report and in accordance with the NHDOT letter. The Applicant shall provide an updated NHDOT permit which specifically states the 1.1 cfs increase of additional runoff is allowed into the State's drainage system consistent with the report and NHDOT letter meeting the approval of the Town.
2. The Applicant shall revise the pipe cover for sewer to 6 feet minimum per NHDES & Town requirements in the detail on sheet 12. In addition, please indicate insulation over the sewer profile on sheet 13 consistent with the detail.
3. The applicant shall discuss the option of moving the loading space to the dumpster area with the zoning officer, and revise the plan accordingly if necessary.
4. Note waivers on the plan.
5. 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.
6. All consultants fees to be paid within 30 days of conditional approval.
7. Provide financial guarantee if required.
8. Final Engineering Review.

Seconded by M. Soares. Discussion: D. Coons wanted to amend the motion to include: item #3 above. M. Soares agreed. Vote: 9-0-0. Plan is conditionally approved.

Edward, Alan and Debra Ball, Map 13, Lot 91, 91-2 & 93 – Application Acceptance and Public Hearing for a Conditional Use Permit and a Lot Line Adjustment - T. Thompson said there were no checklist items. **J. Farrell motioned to accept the Ball Lot Line, Map 13, Lot 91, 91-2 & 93 application as complete. Seconded by B. Farrell. Vote: 9-0-0.** Jim Lavalley representing the owners presented the plan. He explained the lot line adjustments which increases one lot to 1 acre and lot 93 to 2.06 acres and decreasing the third lot to 7.09 acres but increasing the frontage to 150'. He said the applicant has requested a conditional use permit for the well location within 100' of the wetland. The Conservation Commission has recommended approval subject to placement of signs marking the wetland. He said they are also requesting two waivers as noted in their letters dated April 3, 2005 and June 1, 2005. The first waiver was from section 3.05 of the regulations that all proposed utilities shall be underground. He said this is not a subdivision and existing services are overhead. The second waiver was

regarding sight distance. J. Trottier read the design review items from the memo to the Planning Board dated June 1, 2005. He said this project was withdrawn from the 2/9/05 meeting and resubmitted. He said Staff supports the waiver from Section 3.05 concerning the overhead utilities and also supports the waiver for sight distances. He said the Conservation Commission recommends approval of the conditional use permit which was item 3. He read the additional items. A. Rugg went around the Board for comments and then to the public. There was no public comments. **J. Farrell motioned that on Staff's recommendation to grant the waivers from Section 3.05 requiring underground utilities and Section 3.09.F. 2. of the Site Plan Regulations regarding site distance as requested in applicant's letters of May 3, 2005 and June 1, 2005. Seconded by D. Coons. Vote: 9-0-0. Waivers are granted. J. Farrell motioned to grant a conditional use permit as recommended by the Conservation Commission and supported by Staff for a proposed well to serve lot 91 located in the Conservation Overlay District. Seconded by D. Coons. Vote: 9-0-0. Conditional Use Permit is granted. D. Coons motioned to conditionally approve the Ball Lot Line Adjustment Plan, Map 13, Lots 91, 91-2 & 93 with the following conditions:**

1. **The Applicants shall address the following relative to the resubmitted sight distance information – sheet 6:**
 - A. **The profile on sheet 7 does not indicate the limits of the Coteville Road right-of-way along abutting lot 92. Please indicate the right-of-way and obtain any sight distance easement at abutting lot 92 as applicable and provide a copy of the easement for the Planning Department's file.**
2. **The Applicant shall indicate the locations of the proposed signs to be placed along the COD as noted in the Applicant's response letter and recommended by the Conservation Commission. Please provide a sign and installation detail in the plan set for proper construction.**
3. **The Applicant shall provide the Owner's signature on all applicable sheets. In addition please provide a soil scientist endorsement on the appropriate plans.**
4. **The Applicant indicates a roadway maintenance easement along Coteville Road and a drainage easement at lot 93. The Applicant shall provide copies of the easements for review and approval by the Town.**
5. **Note Conditional Use Permit on Plan.**
6. **Note waivers on the 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 2.05.n of the regulations.**
8. **All consultants fees to be paid within 30 days of conditional approval.**
9. **Provide financial guarantee if required.**
10. **Final Engineering Review.**

Seconded by M. Soares. Vote: 9-0-0. Conditional approval is granted.

PSNH/Scobie Pond Substation, Map 13, Lot 110 & 111 – Application Acceptance & Public Hearing for a Conditional Use Permit and a Site Plan to expand the substation located off Brewster Road. – T. Thompson said there were no checklist items. **J.Farrell motioned to accept the application for PSNH/ Scobie Pond Substation , Map 13, Lot 110 & 111 as complete. Seconded by D. Coons. Vote: 9-0-0. Application is**

accepted. Joe Melleti from TF Moran representing PSNH presented the plan. David Plante from PSNH was also present. D. Plante explained that this was a 14.63 acre parcel of land with an existing 115 KV substation which they planned to expand. He said this was of regional importance to the area for reliability of electric service. J. Melleti explained the 2 treatment swales, the grading and showed the snow storage areas. He said there would be 2 employee parking spaces and 3 retaining walls. T. Thompson said they are requesting 7 waivers which are noted in their letters dated February 18, 2005, May 2, 2005 and June 1, 2005. He said they are also requesting a conditional use permit to allow wetland impacts and improvements within the Conservation Overlay District which includes impacts adjacent to the Shields Brook. He said the Conservation Commission was favorable to the permit at their 2/6/05 and 5/10/05 meetings. J.Trottier read the memo dated June 1, 2005 to the Planning Board. He read the design review items 1-6, which were 6 of the waivers requested. The 7th waiver was a waiver for fees in their letter of February 18, 2005. He said Staff supports the waivers. He also read board action item #2 regarding the conditional use permit. V. LePine asked where the access to the site was. J. Melleti said it was on Scobie Pond Road. R. Brideau asked about the noise this would generate. D. Plante said they have added sound barriers and have purchase new transformers. He said there will be no transformers on the new proposal.

A. Rugg asked if there were any comments from the public. There were none. . **D. Coons motioned that on Staff’s recommendation to grant the waivers from Section 4.14.f for a landscape plan; Section 4.16 for an illumination plan; Section 4.17 for a traffic impact analysis; Section 4.01.c. for boundary plan scale; Section 4.12.c.18.viii for existing trees greater than 15” in diameter, and species; Section 3.12 and 4.154 and item IX of the site plan application and checklist for the submission of building renderings and Section 2.04.b.4 for application fee as requested in applicant’s letters dated February 18, 2005, May 2, 2005 and June 1, 2005. Seconded by P. DiMarco. Vote: 9-0-0. 7 waivers are granted.**

D. Coons motioned to grant the conditional use permit on the recommendation of the Conservation Commission and Staff for the applicant’s proposed impact and improvements within the Conservation Overlay District which includes impacts adjacent to the Shields Brook within the COD. Seconded by P. DiMarco. Vote: 9-0-0. Conditional Use Permit is granted.

D. Coons motioned to conditionally approve the site plan for PSNH/ Scobie Pond Substation expansion with the following conditions:

1. **Note Conditional Use Permit and conditions on Plan.**
2. **Note all waivers on the plan.**

3. **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.**
4. **All consultants fees to be paid within 30 days of conditional approval.**
5. **Provide financial guarantee if required.**
6. **Final Engineering Review.**

Seconded by J. Farrell. Vote: 9-0-0. Plan is conditionally approved.

S & S Metals, Map 15, Lot 66-1 – Application Acceptance and Public Hearing for a Conditional Use Permit and a Site Plan to construct a storage lot. – T. Thompson said there are no checklist items. **J. Farrell motioned to accept the application for S & S Metals, Map 15, Lot 66-1 as complete. Seconded by R. Brideau. Vote 9-0-0. Application is accepted.** J. Melletti from TF Moran representing the owner Vic Salamone presented the plan. J. Melletti said the owner also owns lot 15/66 which is a recycling plant. He said that lot 66-1 is a proposed paved storage lot. He said the connecting drive to the adjacent lot requires a conditional use permit. J. Melletti also said a driveway permit was approved by the State. J. Trottier read the design review items from the memo to the Planning Board dated June 1, 2005. He then read the board action items. He said #1 is requesting an exception for a 36-foot driveway width, which exceeds the maximum 24-foot per section 603.E.5 of the zoning regulations. He said this request is in a letter from the Applicant dated March 9, 2005. He said in #2, the applicant is requesting an exception regarding screening. Also, in #3, the Applicant has provided easements which are under review by the Town attorney. T. Thompson said the Conservation Commission voted not to approve the treatment swales. He said that given the nature of the project and having worked with the applicant and as it is an existing situation, Staff recommends overriding the Conservation Commission and granting the conditional use permit, as this proposal pre-dates the understanding reached between the Board and Conservation Commission regarding treatment swales in the buffer. He also said the screening was adequate. D. Coons asked if this was long-term storage. T. Thompson said yes. A.Rugg asked if there were any comments from the public. There were none. **D. Coons motioned that based on Staff’s recommendation to override the Conservation Commission’s recommendation and grant the applicant’s request for a conditional use permit for the applicant’s proposed improvements within the Conservation Overlay District. Seconded by J. Farrell. Vote: 8-1-0. M. Soares voted negative. Conditional use permit is granted.**

D. Coons motioned to conditionally approve the site plan for S & S Metals, Map 15, Lot 66-1 with the following conditions:

1. **The Applicant shall update the riprap apron calculation table of the drainage report to indicate an 18” culvert (vs. 15”) at reach 81 consistent with the latest design.**
2. **The Applicant shall extend to the proposed riprap to the existing 24” culvert outlet under Rockingham Road on the grading plan, sheet 4, in the event that this project is constructed prior to extension of the cross culvert by others.**

- 3. The Applicant shall clarify the proposed contour labels at Rockingham Road and the 298 label in the storage area on sheet 6. In addition, please note a tack coat to be placed prior to placement of the bituminous curb in the detail on sheet 9.**
- 4. The Applicant shall note the NHDOT Driveway Permit number on the cover sheet.**
- 5. Note Conditional Use Permit on Plan.**
- 6. 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.**
- 7. All consultants fees to be paid within 30 days of conditional approval.**
- 8. Provide financial guarantee if required.**
- 9. Final Engineering Review.**
Seconded by R. Brideau. Vote: 9-0-0. Conditional approval granted.

Adjournment:

J. Farrell motioned to adjourn at 10:10 PM. Seconded by D. Stuart.

Vote: 9-0-0.

Meeting adjourned.

These minutes taped and typed by Christine Marra.

Respectfully Submitted,

John Farrell, Secretary

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF June 8, 2005 AT THE NORTHGATE CONFERENCE ROOM

7:00 PM: Members Present: Art Rugg, Chairman, Dana Coons, Vice-Chair; John Farrell, Secretary (arrived at 7:30), Paul DiMarco, Asst. Secretary; Rick Brideau, Ex-Officio; Brian Farmer, Ex-Officio; Charles Tilgner, Ex-Officio; Mary Soares (arrived 8:15); Valerie LePine and Tom Freda.

Also Present: Tim Thompson, AICP; John Trottier, P.E.; André Garron, AICP; Holly Burbee and Christine Marra, Recording Secretary.

A. Rugg called the meeting to order at 7:00 PM.

A. Rugg appointed Valerie LePine to vote for Dani-Jean Stuart, who was not present.

Administrative Board Work: T. Thompson introduced Holly Burbee, the new summer intern, to the Board. He said that he assigned her two projects, the first was drafting zoning for the transfer of development rights or amenity zoning on the west side of Route 102, and the second project was drafting open space subdivision zoning to replace planned residential development zoning.

Extension Request- New England Gymnastics – T. Thompson said that Staff supports granting an extension to the applicant based on there are no changes in the ordinance that would affect this project. He said that this is the third request for an extension and that the owner Mary Ann Madore was here to explain her reasons as requested by the Board last week. Ms. Madore said that because of financial reasons and family circumstances, construction funds are not yet available and they are requesting another extension for Phase II of their project. D. Coons asked how confident was she that a 1-year extension was going to be sufficient. M. Madore said she wasn't sure. D. Coons said that he didn't like extension after extension and would staff and the board consider 2 years. A. Garron said he wouldn't have a problem with that. D. Coons asked if they would need another letter or could a motion be made. T. Thompson said a motion could be made. P. DiMarco said that since there were no implications on the zoning ordinance, he had no concerns and thought it was a good idea. **B. Farmer motioned to grant a 2-year extension until 6/9/07 for Phase II of the New England Gymnastics site plan, Map 2, Lot 34-4 on Staff's recommendation. Seconded by D. Coons. No discussion. Vote: 7-0-0. Extension is granted.**

Extension Request – Doxon Realty Trust – Site Plan – T. Thompson said that in their letter of May 16, 2005, the applicant requested a one-year extension to their existing site plan approval. T. Thompson said that in April, 2005 a conceptual site plan for the same parcel was presented to the Board for an elderly housing project. He said they wish to move forward with that project but the applicant realized that approvals for this alternative land use will not be in place prior to the expiration of Doxon's existing approvals for a self-storage facility. He said since they are not able to guarantee Tarkka Homes will be successful in the permitting of the elderly housing project, they are requesting the extension to the existing plan. T. Thompson said that Staff supports this extension. **D. Coons motioned to grant a one-year extension until June 9, 2006 for Doxon Realty Trust, Map 15, Lot 215-1 on Staff's recommendation. Seconded by B. Farmer No discussion. Vote: 7-0-0. Extension is granted.**

Voluntary Merger – Bolis- Map 9, Lots 25 & 25-1 – A. Rugg read a merger document request form for these two lots. T. Thompson said he verified the owner was the same for both lots and Staff recommends the merger. **D. Coons motioned to authorize the Chairman to sign the merger document for Map 9, Lots 25 & 25-1 on Staff’s recommendation. Seconded by P. DiMarco. Vote: 7-0-0.**

Plans to Sign:

Vibrometer Site Plan, Map 14, Lots 29-14 & 29-15 – J. Trottier read the conditions of approval in the Notice of Decision dated 5/4/05. He said all conditions have been met. **D. Coons motioned to authorize the Chairman and Secretary to sign the plan for Vibrometer, Inc., Map 14, Lots 29-14 & 29-15 since all conditions have been met. Seconded by P. DiMarco. Vote 7-0-0. Plan will be signed at the end of the meeting.**

Highwood Cold Storage Site Plan, Map 13, Lot 108- J. Trottier read the conditions of approval on the Notice of Decision dated June 1, 2005. He said all the conditions concerning drainage in item #1 have been met, all site and grading plans have been addressed on item #2, all DRC comments have been addressed on item #3 and all conditions have been met on items 4-9. **D.Coons motioned to authorize the Chairman and Secretary to sign the plan for Highwood Cold Storage Site Plan, Map 13, Lot 108 since all conditions have been met. Seconded by P. Di Marco. Vote: 7-0-0. Plan will be signed at the end of the meeting.**

PSNH Scobie Pond Site Plan, Map 13, Lot 110 & 111- A. Rugg said this plan was conditionally approved last week and they had submitted plans to be signed this week after the usual 7-day review period for plans to be signed. T. Thompson read the letter from PSNH to the Planning Board requesting a waiver from the town policy requiring a seven day review period before the signing of the conditionally approved plan dated June 7, 2005. The letter stated that the only conditions of the approval were to update the requested waivers and conditional use permit conditions on the plans, which were all completed. T. Thompson said that Staff supports this request. D. Coons asked if they were requesting a waiver tonight. T. Thompson said this was only a waiver from town policy and did not have to be noted on the plan. **[J. Farrell arrived at 7:30]** J. Trottier went over the conditions on the Notice of Decision dated June 1, 2005. He said no final engineering review was necessary because the only conditions were the waivers and the conditional use permit being added to the plans. J. Melleti from TF Moran representing PSNH said the reason for the request is the project is a year-long project which requires outages and the outages cannot occur during the summer months. He said they were not aware of the 7-day policy. B. Farmer felt that PSNH has given a compelling reason to get this project started. C. Tilgner said that the Board should not hold it up. J. Farrell asked if the plan was signed, when would they start. Bob Gosling from PSNH said everything was ready to go and they just had to get the intent to cut permit. **D. Coons motioned to authorize the Chairman and Secretary to sign the plan for PSNH/Scobie Pond Site Plan, Map 13, Lot 110 & 111 since all conditions have been met. Seconded by J. Farrell. Vote: 8-0-0. Plan will be signed at the end of the meeting.**

Discussions with Town Staff: A. Garron said that he had met with the Town Council on Monday regarding a proposed Tax Increment Finance (TIF) District on Jacks Bridge Road. He said that Evco Corp. owned this property located on Tax Map 17, Lot 45, along with a few other lots. He said this was one of the sites in the Master Plan that is consistent for this type of development. B. Farmer, T. Thompson, and A. Garron generally explained what a TIF District is, and what it entails. This TIF District could be different than those typically developed, as the developer would build the infrastructure, and the TIF funds would be used to reimburse a portion of the

developer's costs (Typically TIF funds are used for bond payments on a bond obtained by a municipality to construct the infrastructure improvements).

D Coons said he thought we should proceed with caution and he asked what obligation would the Town be under if improvements started and the developer decides not to finish. J.Farrell asked if anyone else in the State has done this. A.Garron said he wasn't sure but it is not a new concept. B.Farmer asked how many acres would this affect. A.Garron said 308 acres under Evco Corp. B.Farmer asked if the conceptual plan shown to the council would need zoning changes. A.Garron said some could be accomplished under the C-1 district, some may require changes.

A.Rugg mentioned a forum that would be held at SNHPC on June 16, 2005 from 3-5 PM and encouraged everyone to attend.

Workshops/Conceptual Discussions/Public Hearings –

Helicopter Pad Discussion – Frank Holdsworth – F. Holdsworth said that the Town Manager had received an email from a resident in the area of Mammoth Road who was concerned with a helicopter in the area. F. Holdsworth said he went out to investigate and spoke with the owner of the helicopter. He said the owner told him he has had the helicopter for 5 years and never had any complaints. F. Holdsworth took pictures of the area and discussed the flight path over neighboring residents. He said there were no houses too close to the flight path that the owner said he takes. He said the lot is 2.5 acres, zoned AR-1 and $\frac{3}{4}$ of the lot is cleared. He said he has a landing area to the northwest side of the house and he also purchased a portable landing pad. He said the copter is stored to the south of the home in a portable garage. F. Holdsworth said the only case regarding helicopters in use in a residential area in the State was in Bedford. He said he spoke with Karen White, Bedford's Planning Director, who explained their regulations, which were: must have at least 5 acres, proof of certification from FAA and NH aeronautics, flight must be at proper elevation, copter must be housed so as not to be seen by abutters and no commercial use is allowed. F. Holdsworth said he felt that Londonderry is in need of regulation regarding the storage and operation of helicopters in the AR-1 or any other zone. T. Thompson asked if the Board wants to have this addressed. D. Coons asked if this was the only one in Town. T. Thompson said yes. J. Farrell said that you don't know what the Town will look like in 20 years from now and that maybe something should be done within the next 3 years. A. Rugg said he thought some regulation should be done on how to regulate helicopters within one year. B. Farmer said that the Bedford regulations could be used as a guide and the current situation will be grandfathered. T. Freda said that it could be regulated but not sure that the current one could be grandfathered. It was the general consensus that the Staff should get some good advice and information and go ahead and develop some regulation. T. Thompson said he could put it in the reformat process. F. Holdsworth said the Town's attorney, Bart Mayer was on a 2 month sabbatical. **[M. Soares arrived at 8:15].**

Conceptual Discussion- Tait Back Lot Development, Map 2, Lot 28-10 – Robert Davison of Haynor-Swanson, representing the owner of the lot, addressed the Board concerning this lot. He said that on 4/13/05 a conceptual discussion was presented for the consideration of a back lot development. He said that as a result of that meeting, the Board had requested that a response be developed in order for the Board to grant a conditional use permit. He said that in Section 410,C,2 of the Zoning Regulations, three out of six conditions must apply to the site. He went through the conditions outlined in his letter to the Board dated 5/16/05. He said the site meets three conditions, which were: the property proposed for Back Lot Development typifies Londonderry's rural and agricultural character, the elements of the Back Lot Development are arranged so as to protect valuable natural environments such as stream valleys, outstanding vegetation, water bodies or scenic views and the restricted land is reasonably contiguous, coherent and if the tract of land abuts adjacent permanently protected open space, it is connected

with it. He said the site is also in the Performance Overlay District and he explained the conditions for the Planning Board to grant a conditional use permit in the POD. He read the criteria numbered 1-5 in his letter and said it can be demonstrated that the 5 criteria can be satisfied. J. Trottier said he had a discussion before the meeting with the engineer and asked about the swale. R. Davison explained the culvert and the entrance. He said the easement would be built to Town standards but maintained by the owners. T. Thompson said it was a unique approach to the back lot development ordinance and may be appropriate for that area but the Board has to agree. A. Garron agreed with T. Thompson and said it does meet the 3 requirements. T. Thompson said he thought the roadway could be scaled back. The general consensus of the Board was in agreement with Staff. R. Davison said that he would be submitting a full set of plans shortly.

Conceptual Discussion – Elliot Medical Facility, Map 6, Lot 73 – A. Rugg said that the applicant was before the Heritage Commission recently concerning their building design. Ken Rhodes from CLD Engineers, Dick Anagnost, representing Elliot Hospital, Nick Middleton, architect, and Amy Sanders of CLD were present to discuss the proposal. A. Sanders explained that it was a multi-phase project with medical facilities to the north of Buttrick Road. She showed an overview of the area and explained that Elliot also owned the property on the south side of Buttrick Rd., which may be developed later. She said the plan meets the setbacks and green space. She said the landscaping in the rear of the building provides screening from the residential area. She said the ordinance requires 361 parking spaces. She said they are requesting to construct 210 spaces and have 151 in reserve, which leaves more green space. The water main will be extended up Buttrick Road and the subsurface disposal will be in the front and side of the building under the pavement. They are working with Keyspan for gas service and have conferred with PSNH and Verizon. She said the building would be 87,000 square feet with access on Buttrick Road and Mammoth Road. She said the stormwater management was conducted on the front parcel and would be in a drainage easement. The farmhouse on the property will remain temporarily under an agreement. She said a traffic study is being done and there are no wetlands on the site. Ms. Sanders said a driveway permit is being requested from the NHDOT for access off Mammoth Road. Nick Middleton, Cube3 Studios, architect, said this would be done in 3 phases. Phase 1 was the primary and urgent care facility, phase 2 was doctor's office condos and phase 3 was planned to be day surgeries. He said the Heritage Commission didn't like the primary entrance, so they changed it somewhat taking in the recommendations of the Heritage Commission. He said the rear entrance was also a result of the Heritage Commission meeting. J. Farrell asked how far the building was from the residential area. A. Sanders said it was 97 feet from the nearest lot line. She explained the landscaping and screening in the rear of the building. A. Rugg said he didn't like the siding and thought wood clapboard would be better. N. Middleton said that wasn't conducive to the style of the building but will look into it. D. Coons was not in favor of a secondary entrance on Mammoth Road. A. Sanders said they are working on a traffic report. J. Farrell asked if the facility was basically a hospital. N. Middleton said they are consolidating the Apple Tree Medical facility in Londonderry and a facility in Salem and adding on the urgent care and radiology. T. Thompson said the traffic would be the biggest component. He said the architectural design and landscaping is good. A. Garron agrees on the traffic and wants to see the report. He said the parcel is appropriately zoned in a C-3 area. M. Soares commended the style and elevation of the building and asked about the hours of operation. N. Middleton said the primary care would be 7-4 and the urgent care would be open until 11PM. The urgent care would have a separate rear entrance. T. Freda asked how many employees. Dick Anagnost said Phase I would have 23 doctors with varying schedules 2 to 3 days per week, 7 doctors would be full-time. He said there would be about 15-20 support staff. He said he does not have a count yet for Phase 2 and 3. T. Thompson said if the Town determines the parking is not sufficient, they do not have to come back to the Board but will have to build on the reserve

parking. V. LePine asked how many condo offices would there be. N. Middleton said that area would be 30,000 square feet and the number of condos would be determined by how much space was needed by the individual tenants. P. DiMarco said he supports the reserve parking spaces but thought there should be more parking spaces than the 210. D. Coons said he likes the design, layout and suggested purple lilac but did not want an entrance on Mammoth Road at all. J. Farrell said he would be interested in seeing the traffic study and suggested that the applicant approach the abutters. A Rugg asked if there were any questions from the public. M. Brown, resident, said that on the recommendation of the Heritage Commission a colonial traditional siding effect should be required. He said the Master Plan supports that new development in this area should reflect Londonderry's architecture. He complimented the applicant on the design and said this should be the end of commercial creep on Mammoth Road and was a good fit for the area. Marilyn Ham, Town Historian, asked what is happening to the homestead farm. N. Middleton said it would be removed for the entire development but not for Phase I. He said they will use some materials from the barn and will display historical information in their lobby. M. Ham said that the stone walls should be restored correctly. T. Thompson said this would be incorporated in the plan. A. Rugg suggested a reproduction of the homestead in the building. Chet Ham, resident, was also concerned about the stone walls. He said a backhoe took out part of a wall across the street. D. Anagnost said there wasn't any work done on the south side of the property and he will find out what occurred. There were no further questions. The applicant thanked the Board for their input.

Conceptual Discussion – Stonyfield Farms - Chris Rice from TF Moran, Inc. addressed the Board for a discussion of a building addition/master plan on Burton Drive. He said they would like to temporarily relocate their corporate offices to 23 Industrial Drive, a former Insight Technology site, while their present building addition is being constructed. He said they are requesting a waiver for a site plan since this is just a temporary change of use and the site has adequate parking. Jeff Clark, Project Manager for Stonyfield, said that this should take about 18 months. T. Thompson said this building predates site plan regulations, and there is no current site plan on file. If they used the building in the same manner as Insight, a site plan would not be required, however, this request is for purely office space, which is different from what Insight used the building for. T. Thompson said if the Board was comfortable with this as a temporary use, a 2-year timeframe should be set and at the deadline, a site plan would be required. C. Rice explained the phases for the construction at the Burton Drive facility. D. Coons asked about pick-up and delivery trips to the new facility when finished. J. Clark said that will come out when the plan is submitted with the traffic study. J. Trottier said staff has worked with the applicant and is satisfied. A. Garron said he was encouraged to see an existing Londonderry business expand. T. Thompson said a 2-year occupancy in the temporary office would be allowed but after 2 years, a site plan should be required. The Board agreed.

Zoning Ordinance Reformat Discussion/Workshop – T. Thompson addressed the Board regarding his summary memo dated 6/8/05 in which he explained the proposed organization/reformat of the Zoning Ordinance. He said it was broken down into 4 major sections: Practical Administration, Districts, Town-Wide Regulations and General Administration. He then explained the second memo dated 6/8/05 which was a summary of proposed changes/amendments other than those re-organizing sections. A. Garron said the wording was consistent with the last ordinance but this was reorganizing into sensible chapters. B. Farmer was concerned that something could be missed. T. Thompson said this has been reviewed several times with M. Buser, Jim Smith and André Garron. J. Smith, Building Inspector, addressed the Board and said he had gone over the definition section and found many duplicates and inconsistencies. He said it was a collection of amendments and very difficult to read. He also said this could be approached with writing over from scratch. T. Thompson said he

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wanted to know when to schedule a public hearing on the proposed reformat. A. Garron said the definition section was the only substantive change. A. Rugg suggested a public hearing in July. T. Thompson said he would e-mail the members the proposed changes before the meeting.

Master Plan Implementation Workshop – It was decided to hold this workshop next month beginning on the 7/6 meeting and continuing to 7/13 if necessary.

Adjournment:

M. Soares motioned to adjourn at 10:45 PM. Seconded by J. Farrell.

Vote: 9-0-0.

Meeting adjourned.

These minutes taped and typed by Christine Marra.

Respectfully Submitted,

John Farrell, Secretary

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF July 6, 2005 AT THE NORTHGATE CONFERENCE ROOM

7:00 PM: Members Present: Art Rugg, Chairman, Dana Coons, Vice-Chair; Paul DiMarco, Asst. Secretary; Rick Brideau, Ex-Officio; Brian Farmer, Ex-Officio; Charles Tilgner, Ex-Officio; Mary Soares (arrived at 8:00); Dani-Jean Stuart; Tom Freda (arrived at 7:10); Robb Nichols.

Also Present: Tim Thompson, AICP; John Trottier, P.E., Holly Burbee and Christine Marra, Recording Secretary.

A. Rugg called the meeting to order at 7:00 PM. He welcomed and introduced Robert Nichols as a new alternate member of the Board.

Administrative Board Work:

Voluntary Merger – Tamposi LTD Partnership – Map 28, Lots 21-16 & 21-21- T. Thompson said that he had verified the ownership of both lots was the same. **D. Coons motioned to authorize the Chairman to sign the merger document for Tamposi LTD Partnership, Map 28, Lots 21-16 & 21-21. Seconded by P. DiMarco. Vote: 7-0-0. Merger document will be signed.**

Approval of Minutes – D. Coons motioned to approve the Planning Board minutes of 6/1/05 as amended and presented. Seconded by P. DiMarco. Vote: 7-0-0. Minutes approved and will be signed at the end of the meeting.

D. Coons motioned to approve the Planning Board minutes of 6/8/05 as amended and presented. Seconded by P. DiMarco. Vote: 6-0-1. Minutes approved and will be signed at the end of the meeting.

[Tom Freda arrived at 7:10]

Discussions with Town Staff: T. Thompson discussed with the Board a questionnaire sent by the Southern New Hampshire Planning Commission regarding the updating of the regional comprehensive plan. He said he made copies for all the members to fill out, then the Board would look at the results at the first meeting in August and on August 10th consolidate answers into one document to be submitted to the SNHPC. He also read a letter request under RSA 674:54, Government Land Use Statute, from the Londonderry School District regarding their proposed addition construction at the North School. He said they wished to review the site design with the Planning Board at their earliest convenience. T. Thompson said he has scheduled them next week for a conceptual presentation to the Board. He said the Board has to make a determination as to whether they want to hold a public hearing under the governmental land use statute for issuing non-binding comments on the project. He said if they do want a public hearing it couldn't be scheduled until August because notices would have to be sent out. P. DiMarco asked if the Board held a public hearing would that delay their construction start. T. Thompson said that according to the State statute by submitting their request letter, they are free to proceed with construction within 30 days regardless of whether or not the Planning Board has determined to hold a public hearing. D. Coons said the public would be more aware if there was a public hearing. T. Thompson said that the meeting agenda was published in the newspaper for the July 13th meeting. D. Coons said he would be okay with going ahead with the conceptual hearing and make a final decision next week regarding a public hearing. B. Farmer said that the public has

been aware of the North School project and there were several presentations and he is comfortable with just having the conceptual discussion.

A. Rugg said there were several notices in the read file from SNHPC that the members should look at. He also said there would be an annual meeting and dinner of the SNHPC at the Back Room on September 9th that members should try to attend. **[A. Rugg appointed T. Freda to vote for J. Farrell and R. Nichols to vote for M. Soares.]**

Public Hearings/Workshops –

Londonderry Church of the Nazarene, Tax Map 3, Lot 135, Application Acceptance and Public Hearing for a Conditional Use Permit & Site Plan – T. Thompson said that the DRC and the Town's engineering consultant, Vollmer Associates LLP reviewed the submitted plans and information, and review comments were forwarded to the applicant's engineer. The Applicant submitted revised plans and information and there were 6 outstanding checklist items. T. Thompson read the items from the memo dated 7/6/05 to the Planning Board. He said given there are six outstanding checklist items, Staff does not recommend the application be accepted as complete. He said the Board could find the application incomplete or ask the applicant if they wish to withdraw the application at this time. A. Rugg told the Applicant that there are basically three things that could be done at this time, one is the Board deems the application incomplete, second, the applicant can continue the application until checklist items are all complete and third, the Applicant can withdraw the application and resubmit the application to the design review process. Peter Holden from Holden Engineering, representing the Londonderry Church of the Nazarene, said the items could be obtained in time but there are other items that need to be cleaned up. He said they would like to continue or table the application. T. Thompson said if they continued, there would be no back and forth comments with the applicant but if they withdrew and went back to design review instead of formal application, they could work with Staff. D. Coons said the Board would prefer that they work with Staff on design review. A. Rugg said the plan could be verbally withdrawn and the only additional cost would be for the notification of abutters. P. Holden agreed to withdraw. A. Rugg said abutters would be notified when another hearing was scheduled.

Dan's Floor Store, Tax Map 6, Lots 35-8 & 35-9, Application Acceptance and Public Hearing for a Site Plan for a proposed 8,436 sq. ft. two-story retail building at the Mohawk Drive/Meadow Drive intersection. - T. Thompson said there were no outstanding checklist items for this application, and that staff recommends it be accepted as complete. **D. Coons motioned to accept the application as complete with Staff's recommendation. Seconded by P. DiMarco. Vote 9-0-0. Application accepted.** Jeff Burd from Brown Engineering representing the owner Dan Barden and his daughter, Becky presented the plan to the Board. He said they are proposing to consolidate 2 parcels fronting on Mohawk Drive consisting of 2.1 acres in a C-I district to construct a 8,436 sq. ft. retail building. The westerly side would house Dan's Floor Store and on the easterly side they would sublease to similar type retail businesses. He said they are proposing 28 parking spaces and originally had proposed two driveways but were not able to get the sight distance from the neighbors. J. Trottier read the memo dated 7/6/05 to the Planning Board with the design review items #1-5. He also read the Board informational items. He said #1 of the informational items was the Applicant is proposing a driveway width of 32 feet, which exceeds the maximum 24 feet per section 603.E.5 of the Zoning Regulations. He said the Board can approve an exception up to 36 feet and this would be part of the project review. A. Rugg asked if the Staff had a recommendation on the driveway. J. Trottier said that when the Board approves the plan this would be part of the approval, and staff sees no issue with the wider driveway. T. Thompson said the "short" traffic analysis provided by the Applicant is an appropriate report format for assessing the proposed project's traffic impacts based on the Town's

regulations. P. DiMarco suggested that a “no parking” sign be placed on the back of the building. D. Coons asked how soon would they be coming in for the merger of the lots. T. Thompson said if they got conditional approval tonight, they could come in for the lot merger next week. D. Coons also asked if there were purple lilacs proposed on the site. T. Thompson said yes. T. Thompson said that Captain Anstey from the Fire Department wants 2 fire hydrants on the property and only one is proposed. He read an email from Captain Anstey dated 6/14/05 to Brown Engineering stating that the site would require 2 site fire hydrants. One in the rear (south side) of the building somewhere along the bituminous curb and one in the front adjacent to the 13 parking spaces where R2 is shown. T. Freda asked if the Planning Board can override the Fire Marshall. T. Thompson said that it is at the discretion of the Fire Marshall as to how many fire hydrants are needed and the Planning Board usually will go along with his wishes. A.Rugg asked if there were any questions from the public. There were none. **D. Coons motioned to conditionally approve the site plan for Dan’s Floor Store, Map 6, Lots 35-8 & 35-9 with the following conditions:**

- 1. The Applicant shall provide title blocks for the building elevations and sign detail consistent with the plan set and in accordance with section 4.02 and exhibit 1 of the regulations.**
- 2. The Applicant’s revised lighting plan indicates the sign lighting levels exceed 0.2 foot-candles along the Mohawk Drive right-of-way and does not comply with section 3.13 of the regulations. In addition, the lighting levels for the sign do not extend westerly beyond the abutting property line to clarify and address if the requirements are achieved along the westerly property line. The Applicant shall revise the design as necessary to comply with the regulations and meeting the approval of the Town. Please clarify the lighting levels along the westerly property line. In addition, please note the lighting fixtures are full cutoff, shielded and down cast as required by the regulations. Please include a detail for the proposed light pole, light pole base and mounting detail/base detail of the sign lighting that indicates the height of the fixtures consistent with the lighting levels indicated on the plan. Also, please note the units (foot-candles?) used for the indicated lighting levels on the plan and provide a legend and/or clarify which light types are used at the various locations for proper construction. Please also remove the Planning Board signature block from this sheet per section 4.03 of the regulations.**
- 3. The Applicant shall address the following relative to the project DRC comments as applicable:**
 - A. Please verify the comments of the Fire Department have been adequately addressed. The Applicant shall verify if one hydrant for this site is acceptable with the Fire Department and revise the grading-drainage-utility plan, sheet 3 as necessary.**
 - B. Please verify the comments of the Heritage Commission have been adequately addressed. We understand the Heritage Commission has requested the Applicant attend the next Heritage Commission meeting on July 21, 2005 to discuss the building and sign design. The Applicant shall coordinate this issue with the Heritage Commission & Planning Department.**
- 4. It appears the Applicant is proposing to consolidate the existing two lots under this project and has submitted a notice of proposed lot merger. The Planning Board shall address the lot merger issue prior to any approval of the project. Note 1 on sheet 1 should be updated to indicate the registry number for the merger. In**

addition, the Applicant shall indicate the approval number for the septic system in note 10 on the site plan.

- 5. The Applicant has noted the grate dimensions of the outlet structure are 3.0 feet by 2.25 feet in the latest drainage report that appears to be smaller than the top opening (as required by the regulations) of the outlet structure with an inside width of 3'-10" by 4'-10" indicated in the detail on sheet 6. The cross section detail of the structure indicated the grate is to be placed in a 2" shelf around the top of the structure, which does not appear to be properly represented in the top view of the detail. Please verify the proposed grate width in the drainage report and revise as necessary to be consistent with the detail in compliance with Exhibit D1 of the regulations. Please update the top view accordingly and as necessary for proper construction.**
- 6. 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.**
- 7. All consultant's fees to be paid within 30 days of conditional approval.**
- 8. Provide financial guarantee if required.**
- 9. Final Engineering Review.**

Seconded by P. DiMarco. Discussion: none. Vote: 9-0-0. Plan is conditionally approved.

Master Plan Implementation Workshop - T. Thompson explained his handout which was in two parts. Part 1 was the goals and action items for the Master Plan implementation by topics. Part 2, starting on page 21 was listing those responsible for implementation. He said there were 4 different categories, 1-3 years, 3-5 years 5+ years and on-going items. T. Thompson said a public hearing will have to take place in order to adopt the implementation schedule as part of the Master Plan. B. Farmer asked about the time periods. T. Thompson said that these are recommended time frames. D. Coons thanked T. Thompson for all of his hard work on this project and felt that the document did not need any further modifications and recommended that it go to a public hearing. B. Farmer asked if the groups involved would be briefed. T. Thompson said that once the implementation is adopted he would notify the chairmen of the various groups responsible for implementation. He will also invite them to the public hearing. **[M. Soares arrived 8:00]**. A. Rugg said to proceed with the public hearing on August 10, 2005.

Adjournment:

D. Coons motioned to adjourn at 8:00 PM. Seconded by R. Brideau.

Vote: 9-0-0.

Meeting adjourned.

These minutes taped and typed by Christine Marra.

Respectfully Submitted,

Planning Board Meeting
Wednesday 7/6/05-Final

John Farrell, Secretary

LONDONDERRY, NH PLANNING BOARD
MINUTES OF THE MEETING OF JULY 13, 2005 AT THE NORTHGATE
CONFERENCE ROOM

7:00 PM: Members Present: Art Rugg, Chairman, Dana Coons, Vice-Chair; John Farrell, Secretary; Paul DiMarco, Asst. Secretary; Rick Brideau, Ex-Officio; Brian Farmer, Ex-Officio; Charles Tilgner, Ex-Officio; Mary Soares; Valerie LePine; Tom Freda; Dani-Jean Stuart; Rob Nichols.

Also Present: Tim Thompson, AICP; John Trottier, P.E.; Holly Burbee and Christine Marra, Recording Secretary.

A. Rugg called the meeting to order at 7:00 PM.

Plans to Sign:

Subway Restaurant Site Plan, Map 15, Lot 54 – J. Trottier read the conditions of approval in the Notice of Decision dated 6/1/05. He said all conditions have been met. **D. Coons motioned to authorize the Chairman and Secretary to sign the site plan for Subway Restaurant, Map 15, Lot 54 since all conditions have been met. Seconded by J. Farrell. Vote 9-0-0. Plan will be signed at the end of the meeting.**

Clark Farms Industrial Center Subdivision, Map 17, Lot 45- J. Trottier read the conditions of approval on the Notice of Decision dated July 7, 2004 and February 9, 2005.

D. Coons motioned to authorize the Chairman and Secretary to sign the plan for Clark Farms Industrial Center Subdivision and the 2nd phase of the upgrade to Jack's Bridge Road, Map 17, Lot 45 since all conditions have been met. Seconded by M. Soares. Vote: 9-0-0. Plan will be signed at the end of the meeting.

Discussion – Vibro-Meter Site Plan – Changes: T. Thompson addressed the Board regarding the Vibro-Meter site plan and said the Applicant had taken a look at the site work and identified some areas where they would like to make some changes. He said that he and J. Trottier did not feel comfortable in approving these changes without the consent of the Board. He said he wanted the Board to determine whether these changes could be handled with an as-built plan or should it go to another public hearing. Robert Prudhomme from Edwards & Kelcey addressed the Board and said that this plan had been approved and signed back in June. He said since that time the Vibro-Meter team has expanded to include another new owner, developer, architect and contractor. They took a look at the approved site plan and gave some construction cost numbers on the project. They looked at ways to reduce the cost at the site as well as the building. He explained the proposed changes to the building making the office a two-story office building and redesigning the manufacturing portion. He handed out a proposal showing the modifications to the building and site. The changes on his bulleted list were: reduce grade of northeast drive from 8% to 5.5% to improve safety, site circulation remains unchanged, type and quantity of landscaping remain unchanged, illumination levels remain unchanged, storm drain systems in parking areas modified and utility layouts modified. The changes to the building were: one-story office to two-story office, 101,500 sf footprint to 87,600 sf footprint, 3 bay outbuilding to 2 bay outbuilding, parking-266 spaces (total) to 230 spaces Phase 1, 290 spaces buildout (total), impact area from 11.7 acres to 10.9 acres and total impervious area 6.5 acres to 6.2 acres. He explained their tight construction schedule. T. Thompson said typically in this situation it would come back to the Board and he needs the Board's guidance. Dennis McCarthy, the architect of the project,

addressed the Board regarding the building elevations. D. Stuart asked J. Trottier about the drainage calculations. J. Trottier said they would have to be updated. P. DiMarco questioned the outbuilding and the storing of plows, etc. The engineer said they would still be stored inside. D. Coons said he liked the new design but felt another public hearing would be necessary because this was too much of a major change to do on an as-built. B. Farmer asked if a public hearing were not held, what would the Board see on this. T. Thompson said they wouldn't see anything and the as-built plans would be submitted to the Town. B. Farmer asked about a height clearance. T. Thompson said they would have to get a new height clearance from the FAA. T. Thompson said he did discuss setting up an additional escrow account with the engineer in order to have Vollmer Associates do a full review of all the construction plans prior to the construction. J. Farrell asked when did T. Thompson find out about this. T. Thompson said last week. J. Farrell said the Fire Department would have to look at it again. He said that he thought the Board would be bending its rules for economic development and that is significant. M. Soares said she agreed with J. Farrell and this should not be a reason for pushing things through when due diligence hasn't been done by the builder. She said she was leaning towards a new public hearing. V. Lepine asked about the process. A. Rugg said there were two options, going with the as-built plans, which would show what has been built or having another public hearing. J. Farrell said he would like to hear from the owner of Vibro-Meter. Ryan Billigus from Andover Consulting Group, representing the owner, said they had evaluated the costs and this path they are proposing is a significant cost savings. After more discussion, the consensus of the Board was to hold another public hearing. A. Rugg said an August 10th public hearing could be set to present the changes to the site plan if the applicant had their plans in on time.

T. Thompson asked if anyone had completed their SNHPC survey to forward it to him

Workshops/Conceptual Discussions/Public Hearings –

Zoning Ordinance Reformat Public Hearing – T. Thompson addressed the Board and explained the reformatting of the zoning ordinance was being done to clarify the ordinance and make it easier to read and use. He said it was broken down into 4 major sections: Practical Administration, the Zoning Districts, Town-Wide Regulations and General Administration. He said they have taken all the existing sections of the ordinance and reorganized and renumbered them under that 4-section scheme. The basic changes were to add a permitted use table to the ordinance which will be inserted into Section 2, which is the districts; renaming of two sections, the noise overlay and the airport zoning district are being renamed respectively as the airport approach and height overlay districts; removed the handicap parking section of the ordinance and placed reference to it in the site plan regulations. He said it was out-of-date with the ADA regulations but the site plan regulations are current with the ADA; and added a title in the general town-wide regulations that deals with local excavation. He said that under the parking requirements, they created an Access and Parking Section, which would fall under the town-wide regulations. They have revised the amendment procedures, which presently refer to town meeting, to the current form of town government. He also said that some definitions have been deleted that are redundant and they have amended some other definitions. He also said that there would be a numbering system instead of the alphabetic system. T. Thompson recommended that the ordinance now be sent to the Town Council for adoption. Jim Smith, Zoning Officer/Building Inspector, addressed the Board and said he had concerns with the order of the ordinance. He said all ordinances he has dealt with have always had the definitions towards the front of the book, where these are in the rear. He also said the general regulations should be in the front. T. Thompson said he didn't necessarily disagree, but is comfortable with the proposed setup and wished that he had mentioned this before the public hearing. D. Coons said that most definitions are in the rear in technical data. J. Smith said that general regulations should be first, then the

specifics. B. Farmer said he was concerned that Staff wants to make additional changes. T. Thompson said this is the first step to reorganize the ordinance and it will need more work in the future. B. Farmer said it should be cleaned up before going to Town Council. T. Thompson said just the numbering would have to be cleaned up. J. Farrell said that a consultant had been hired for this project and said this is the way it should be laid out. T. Thompson said that at the workshop meeting, these concerns should have been worked out. J. Smith said that at the workshops, he didn't dwell on the layout just the definitions. P. DiMarco asked if all the definitions had been checked out. T. Thompson said yes. A. Rugg asked if there were any questions from the public. Mike Brown from the Zoning Board of Adjustment asked what version of the ordinance were they to use at next Tuesday's meeting. T. Thompson said that they could still use the old section #'s. Teresa Torrey, a resident, referred to page 164 and wanted to know who the charter appointed authority was. T. Thompson said the Town Council has the authority. **D. Coons motioned to send the Zoning Ordinance to the Town Council with the Planning Board's recommendation for their action. Seconded by P. DiMarco. Vote: 9-0-0.**

Conceptual Discussion – North School Additions – T. Thompson addressed the Board and said that he needed the Board's decision on whether to hold a public hearing on the plans for the North School addition. He said he had received a letter from Nathan Greenberg, Superintendent of Schools, requesting a meeting with the Planning Board to review the site design and the site development work. Tom Murphy from Holden Engineering representing the School District made his presentation. He said the major site work including a new access drive, expanded fire lane, additional parking, and the building addition footings must be completed prior to the start of the 2005-2006 school year. He apologized for not getting the conceptual plans in before this discussion. He said the 16,000 sq. ft. addition included 11 classrooms, 2 new bathrooms and would be a single-story split-face block. It also included a new sprinkler system. He said the existing drainage would be maintained and there was a slight increase in run-off. J. Trottier said he would like to look at the drainage calculations and plans and asked about the sight distance. T. Murphy said the sight distance would be improved. M. Soares asked if there would be a gate along the fire lane. T. Murphy said it was not intended to be a driveway. N. Greenberg said they have not made a decision on gates as yet. D. Coons asked if this expansion would fulfill the school's needs for how many years. N. Greenberg said for at least 15 years. P. DiMarco said he was not comfortable without having gates on the fire lane and felt they should consider it. He also asked if they were adding any signs and if they complied with the ordinance. T. Murphy said they were just moving the sign to the new entrance. T. Freda asked if the gas pipeline was on this property. T. Murphy said no it was not. D. Stuart asked about the access to the courtyard. T. Murphy explained the exits and entrances. R. Nichols asked about the 5' retaining wall and fence. T. Murphy said there is an existing fence that will be relocated and will meet the requirements. A. Rugg said that he would need the consensus of the Board on whether to hold a public hearing. The Board agreed there was no need for a public hearing. T. Murphy said he would provide the drainage calculations and sight distances to the Staff.

Workshop/Discussion – Open Space Subdivisions- Holly Burbee – H. Burbee, Community Planning intern, presented her research on Conservation Subdivisions as an alternative to conventional subdivisions. She thanked John Vogl, GIS Planner, for his help in preparing the graphics and Tim Thompson for his guidance. She said she needed Planning Board feedback on whether conservation subdivisions should be required in all cases or required at a certain lot size threshold or be completely voluntary. D. Coons asked if this was an alternative to the PRD. T. Thompson said this would replace the PRD section. H. Burbee explained that a conservation subdivision is an alternative site planning technique that concentrates dwelling units in a compact area to reserve undeveloped space elsewhere on the site. In this technique, lot sizes, setbacks, and frontage distances are minimized to allow open space. She explained the benefits of a

conservation subdivision which were: protected water quality, protected wildlife habitat, reduced infrastructure construction costs, reduced demand for publicly funded green space and a means for expanding public trails and greenways. She explained that it would be important that the ordinance be density neutral or nearly so i.e. that the density of the conservation subdivision be approximately the same as the conventional subdivision that could be built on the same site. Then this would assure the developer that he would receive as good a return on his investment. T. Thompson said that at this point, Holly needs some guidance from the Planning Board on how to proceed and could they read over her memos and on the August 10th meeting this would be discussed again. A. Rugg asked if there were any questions from the Board. R. Nichols said in general he was in favor of it. T. Freda said the open space concept saves on the infrastructure costs. He also asked who owns the open space. T. Thompson said that could be the Town, a land trust or a homeowner's association. He also said that based on the 2004 Master Plan, this is the way the Town wants to go. B. Farmer said this is another tool that could be used to gain open space and that the bonding program used now will not last forever. T. Thompson said the GIS system could be used to determine an overlay district where conservation subdivisions could be located. D. Coons said he liked the concept but it should not be required in all cases. He also said the open space should not go to the Town; there should be minimum lot sizes and incorporate multi-family units into the ordinance. M. Soares suggested emailing suggestions to T. Thompson and he would come back with the results. R. Brideau said he likes the concept but felt associations do not work. He said common land is taxed to the owners. A. Rugg went to the public. M. Brown said this should fall under the GMO and not be exempt.

Lunan Realty/Team Business Rezoning Request, Public Hearing – John Michels, representing the developer of the project addressed the Board and said the engineer for the project could not be here this evening and he requested the hearing be postponed or continued. **J. Farrell motioned to continue the Rezoning request of Lunan Realty, Map 7, Lots 132-1 – 132-20 at the request of the applicant to August 10, 2005 at 7PM. Seconded by R. Brideau. Vote 9-0-0. Hearing will be continued until August 10, 2005 at 7PM and this will be the only notice.** T. Thompson said it would be advertised in the newspaper only.

Conceptual Discussion – Tanager Landing Walking Trails – T. Thompson said he had received a letter dated June 29, 2005 from Ronald Mason, 1 Tanager Way, addressed to the Chairman of the Planning Board requesting a meeting regarding the proposed walking paths in the Tanager Landing development. Ryan Ouellette, 8 Tanager Way, representing the 9 current homeowners presented a petition to reclaim private property signed by all homeowners plus the developer requesting the Planning Board to reconsider putting walking paths in the Tanager Landing development. He asked who would be responsible for the maintenance of the trail and who's liable. He said he was against having the public going through private property for safety reasons also. Waneeta Mason, 1 Tanager Way, said the trail begins at the entrance to Tanager Way and was she was concerned with where people were going to park. She said the neighbors have young children and they feel it is an invasion of privacy and the neighborhood doesn't want it. Ron Mason, 1 Tanager Way, said there was a walking trail in Litchfield that was not maintained very well. Jay Sutherland, 4 Tanager Way, said he was not against trails, but didn't want them on personal property. A. Rugg said these were all valid concerns and now the Board is hearing how the residents feel about it. J. Trottier showed a copy of the plan, which showed the trail along the Litchfield/Londonderry line. He said it was an approved set of plans and showed the trails on the final signed plan. T. Thompson said the project was over 1 ½ years old and it was redesigned several times. He said that this trail was an integral part of the project and there were no objections at the public hearings. He said in order to change it, the plan would have to go through the process again and be recorded at the registry. The residents said they didn't want the trail and the developer, who also signed the petition, didn't want it. D. Stuart said that this was not

envisioned as a trail for everyone in Town, but was visualized for the residents of Tanager Way development to use. J. Mason said they do not need a trail, if it is not for the public, they do not need it. R. Mason said that 9 homes were sold and all the owners have signed the petition and felt that future owners would also agree. M. Soares asked if the developer was aware of the expense for new plans. B. Farmer asked where does the trail go. J. Trottier said it was internal to the subdivision. Discussion followed concerning the trail being a public easement. J. Farrell suggested the residents find out what their legal rights were with an attorney if the developer doesn't do anything with new plans. T. Freda asked who owns the easement. B. Farmer said if the Town owns the easement the Council can close it but he would like the legal opinion on that from the Town Attorney. He suggested the residents come through the Town Council and the Council will get the opinion from the Town attorney and then the residents can ask the Council to close the easement. T. Thompson said the easement has not been recorded as yet. A. Rugg said to have the developer come in and talk to the Board about a minor change to the site plan and the Board would put some thought to it and see what the best avenue to go would be and they should also contact the Town Council and get on their agenda. J. Farrell said the developer should get in touch with Town Staff to get things started.

Conceptual Discussion- Elliot Medical Facility – Amy Sanders from CLD Consulting Engineers addressed the Board with the applicant's changes to the site plan. She said the access onto Mammoth Road has been eliminated. The other issue was the proposed drainage for the property utilizing the area across the street, which is controlled by the same entity. She said it doesn't necessarily meet the regulations of the Board, which state that the runoff over this property line shall not increase. She said it does increase but is being mitigated across the street. T. Thompson said this would require a flowage rights easement. D. Coons asked if this would be under the road. A. Sanders said yes. J. Trottier said they could work out the details. T. Thompson said the design review by Vollmer was just completed and faxed to the engineer. He said there were a number of comments and they are trying to get on the August 3rd agenda. N. Middleton from Cube 3 Studio, the architects, addressed the Board regarding the changes to the elevations and the exterior material type. He said they went with the wood siding for the building instead of the stucco and the base of the building would be stone. He spoke about the house and barn, which is on the property now. He said the house could not be salvaged but the barn may be dismantled. He read a letter regarding senior health services proposed for the facility. M. Soares asked about trying to save trees on the site. A. Sanders said they are trying to save as much as possible and pointed out those trees. B. Farmer said they had done a good job and have taken the Board's comments into consideration. D. Stuart asked about elderly transportation. D. Anagnost said that there is a study ongoing regarding this matter. A. Rugg asked if the public had any questions. Barbara Mullen said she has a small business on Buttrick Road and was concerned about the traffic. T. Thompson said a traffic study would be done and submitted. N. Middleton said there are no emergency ambulances on a regular basis. A. Rugg said tonight was just a conceptual discussion to give guidance to the developer and on August 3rd the legal process would begin. Mrs. Anderson, an abutter said that the proposed leachfield for the facility is less than 25' from her well and that was her major concern. T. Thompson said that J. Smith had discussed the well issue and there was never a permit issued for it and no protective radius was ever established. N. Middleton said he would have the engineer look at it. D. Coons said that should the developer and the property owner come to an agreement, it would be just between them. A. Rugg also suggested a berm for a buffer. A. Sanders said there would be a buffer. M. Brown said the owner should be credited for honoring the height requirements on the sign. N. Middleton said they were meeting with the Heritage Commission next week.

M. Soares asked if the Board could discuss hours of operation for businesses and setting some limitations. T. Thompson said it was not a land use issue. A. Rugg said it would be more a

Planning Board Meeting
Wednesday 7/13/05-Final

Town Council issue. B. Farmer asked T. Thompson if he could have something prepared on this issue for their August Town Council meeting.

Adjournment:

C. Tilgner motioned to adjourn at 11:00 PM. Seconded by J. Farrell.

Vote: 9-0-0.

Meeting adjourned.

These minutes taped and typed by Christine Marra.

Respectfully Submitted,

John Farrell, Secretary

LONDONDERRY, NH PLANNING BOARD
MINUTES OF THE MEETING OF AUGUST 03, 2005

1
2
3 The Planning Board meeting of August 03, 2005 was called to order at 7:00 PM in the
4 Northgate Conference Room, 50 Nashua Road, Londonderry, NH.

5
6 **PRESENT: PLANNING BOARD; Chairman, Art Rugg; Vice Chairman, Dana**
7 **Coons, Asst. Secretary, Paul DiMarco; Ex-Officio, Rick Brideau; Ex-Officio and**
8 **Council Liaison, Brian Farmer; Ex-Officio, Charles Tilgner; Mary Soares;**
9 **Alternates, Tom Freda and Rob Nichols.**

10
11 **NOT PRESENT: Secretary John Farrell, Dani-Jean Stuart, Alternate Valerie LePine**

12
13 **ALSO PRESENT: Town Planner, Tim Thompson, AICP; Assist. Public Works**
14 **Director, John Trottier, P.E.; and Margo Lapietro, Executive Assistant.**

15
16 **CALL TO ORDER**

17
18 Chairman Rugg called the meeting to order at 7:00 P. M. and appointed Alternate Tom
19 Freda to vote for John Farrell and Alternate Rob Nichols to vote for Dani-Jean Stuart
20 who were both absent from the meeting.

21
22 **ADMINISTRATIVE BOARD WORK**

23
24 Plans to Sign:

25
26 **A. Town/Moose Hill Lot Line Adjustment – J. Trottier read the conditions of**
27 **approval in the Notice of Decision dated 6/1/05. He stated all conditions have**
28 **been met. D. Coons made a motion to authorize the Chairman and Secretary**
29 **to sign the site plans for Town/Moose Hill Lot Line Adjustment. Second by**
30 **Paul DiMarco. No discussion. Boards' vote 9-0-0.**

31
32 **B. VIP Carwash, Amended Sheets for Revised Signage - J. Trottier read the**
33 **conditions of approval in the Notice of Decision dated 4/13/05. He stated all**
34 **conditions have been met. D. Coons made a motion to authorize the**
35 **Chairman and Secretary to sign the site plans for VIP Carwash Amended**
36 **Sheets for Revised Signage. Second by Rick Brideau. No discussion.**
37 **Boards' vote 8-0-0.**

38
39 Approval of Minutes

40
41 **Dana Coons made a motion to approve the meeting minutes from July 6, 2005 as**
42 **amended. Second by Paul DiMarco. No discussion. Board's vote 8-0-0. P. DiMarco**
43 **questioned how to handle amendments to meeting minutes under the new methodology**
44 **applied to meeting minutes beginning 7/13/05. T. Thompson informed the Board that**

45 they should be in writing and submitted to the recording secretary. They can be approved
46 tonight as amended and included in the meeting minutes. Paul DiMarco had a change
47 and handed them to M. Lapietro for inclusion. T. Freda brought up the question of e-
48 mails sent among the Board Members. Chairman Rugg stated they are public
49 information and should be treated that way. T. Freda questioned if the e-mails should be
50 amended or included in the minutes. B. Farmer said it would be brought up with Staff
51 during discussions with Staff at this meeting. P. DiMarco amended the minutes to correct
52 the spelling of “set-up” on page 2 and in the second paragraph on page 3 the sentence “he
53 also asked if they were adding any signs”. He added to the end of that sentence, “and if
54 they complied with the ordinance”.

55

56 **Paul DiMarco made a motion to approve the meeting minutes from July 13, 2005 as**
57 **amended. Second by C. Tilgner.** Open to discussion. T. Freda questioned the
58 inclusion of e-mail with the acceptance of these minutes, can they be added later on.
59 Chairman Rugg said it would be discussed as part of “Board Work” with Town Staff and
60 will be in tonight’s meeting minutes. **Board’s vote 8-0-0.**

61

62 Discussions With Staff:

63

64 T. Thompson said the discussion scheduled on 8/10/05 for Conservation Subdivision has
65 been rescheduled to 9/14/05, Holly Burbee will be unavailable to present at the August
66 meeting.

67

68 Vibro-Meter Site Plan Amendment has been withdrawn. They have withdrawn from the
69 site entirely, have located another building within Londonderry that will not require a site
70 plan. Expecting some correspondence from them next week.

71

72 B. Farmer stated at the last Planning Board Meeting that a topic came up regarding trails
73 that generated some discussion via e-mail among members of the Planning Board outside
74 of the confines of the meeting. T. Freda stated that it is his belief that it is part of the
75 “Right to Know Law”. This brought up the subject of how to handle future e-mails. T.
76 Thompson stated per Town Attorney, we cannot do a mass distribution e-mail to enough
77 members to reach a quorum of the Planning Board. That would be considered a meeting.
78 B. Farmer stated he understood T. Freda’s opinion that we have to make the content of
79 the e-mails a matter of public record. It was agreed that T. Thompson’s courtesy copies
80 (cc’s) of the e-mails that were sent, would be made public. T. Thompson said they would
81 be added as an appendix to tonight’s meeting minutes. Chairman Rugg stated we would
82 follow Counsel’s suggestions. T. Thompson said the new method regarding meeting
83 minutes would be that they will be e-mailed for review but the amendments would be
84 discussed at the first meeting of the month and the secretary will sign minutes at the
85 second meeting. Chairman Rugg recommended that the members bring a hard copy of
86 the meeting minutes to the first meeting of the month, with their annotated corrections.
87 T. Freda pointed out that at his request, T. Thompson asked Town Counsel for
88 clarification on how to handle e-mail and he thinks the method reviewed tonight is
89 appropriate. He brought the issue up because he deals with some of those issues, he did
90 not bring it up because someone is doing something wrong intentionally. All agreed it

91 was a good idea it was brought up by a member of this board. T. Thompson stated 99.9%
92 of e-mails on the Planning Board deal with agendas or meeting minutes. B. Farmer
93 requested the agenda be e-mailed to board members in advance of the meeting. T.
94 Thompson stated that they are usually posted to the website but due to re-organization of
95 the website they have not been posted.

96
97 B. Farmer commented that they have heard in the last couple of years that Londonderry's
98 Planning Board makes it tough for developers. He brought up the Parrish Hills issue and
99 Elliott Hospital and compared the difference.

100
101 Town Council meeting being held on 8/18/05 to discuss the zoning ordinance reformat in
102 a public hearing.

103
104 M. Soares brought up again the issue of hours of operation for business and asked T.
105 Thompson if anything has been done since she brought it up at last months meeting. He
106 responded it was on his list, he would research. T. Thompson stated it is a general code
107 not land use and would be discussed at a later Town Council meeting as a general
108 ordinance. M. Soares expressed concern about "grandfathering", T. Thompson explained
109 it does not apply to a general ordinance.

110 111 PUBLIC HEARINGS

112
113 **Fairwinds Properties Inc., Map 28, Lot 31-1** – Application Acceptance and Public
114 Hearing for a Site Plan for a 12,000 s.f. office/warehouse building. T. Thompson stated
115 this project was before the Board January/February/March of this year. The Applicant
116 withdrew the application and reverted back to pre-application design review in March.
117 They have since submitted revised plans, no outstanding checklist items, Staff
118 recommends the application be accepted as complete. **D. Coons made a motion to**
119 **accept as complete the application of Fairwinds Properties Inc., Map 28, Lot 31-1.**
120 **Second by Rick Brideau.** No discussion **Board's vote 8-0-0.** Tom True from True
121 Engineering presented the plan for a mixed-use building. The drainage issues were being
122 addressed, cube delivery vans will be used on the premises, no outdoor storage,
123 underground utilities. J. Trottier read the design review comments. Chairman Rugg
124 asked J. Trottier if he had the two waivers that were requested, T. Thompson said it was
125 in the file, it was not re-submitted in this application because it was already granted. J.
126 Trottier stated the two waivers that were granted were for site plan regulations, Section 3
127 11, g.1.i for the interior landscaping located in the front of the building and the second
128 request was for Section 3.11.g.3 for internal landscaping in the areas of the rear of the
129 building at the loading area. T. Thompson stated Staff recommended both of those
130 waivers due to the fact that truck drivers were pulling into that area. P. DiMarco asked
131 for details on the design change impact. Chairman Rugg asked if the building renderings
132 were approved by the Heritage Commission, and T. Thompson stated they were. No
133 discussion from the public. **D. Coons made a motion to grant the applicant's request**
134 **for the two waivers that were previously granted at the January 5, 2005 Planning**
135 **Board meeting. Second by B. Farmer.** No discussion. **Board's vote 8-0-0. D. Coons**
136 **made a motion to conditionally approve the site plan for the proposed building at**

137 **Technology Dr. and Akira Way for Fairwinds Properties, Inc., Tax Map 28, Lot 31-**
138 **1 with the following conditions:**

139
140 **1. The Applicant shall address the following relative to the revised drainage**
141 **report:**

142 **A. The revised report does not contain predevelopment or post**
143 **development drainage area plans. Please provide predevelopment**
144 **and post development drainage area plans consistent with the latest**
145 **design in the report.**

146 **B. The top grate dimension in the pond routing calculations at pond 2 is**
147 **indicated as 2.00' x 2.00' and is not consistent with the detail and with**
148 **Exhibit D1 of the regulations (3.00' x 4.00' min.). Please review and**
149 **revise the calculations to be consistent between the report and plans**
150 **and in compliance with the regulations. In addition, please update the**
151 **top grate dimensions in the pond routing calculations for pond 1000P**
152 **accordingly. Please verify a minimum of 12" of freeboard is provided**
153 **above the 50-year elevation at each pond as required by the**
154 **regulations. In addition, please verify compliance with the regulations**
155 **(no increase in runoff).**

156
157 **2. The Applicant shall clarify/address the following relative to the site plan –**
158 **sheet 3:**

159 **A. The Applicant shall verify the proposed 316 contour grading at the**
160 **driveway culvert at inlet headwall #1 (invert = 316.23). In addition,**
161 **the Applicant shall verify proper cover over and along the pipe is**
162 **provided from the headwall to the driveway. Please review and**
163 **revise according.**

164 **B. The revised grading and spot elevation 318.52 along the lower**
165 **driveway does not appear to provide a proper shoulder for the**
166 **proposed curb near the culvert outlet at headwall #2 with this latest**
167 **submittal. Please note the revised grading in this area is also at a**
168 **slope of 2H:1V and requires riprap as typically requested by the**
169 **Town. In addition, it appears the proposed grading around the**
170 **headwall outlet is to be a grass swale. However, the spot elevations**
171 **and contour lines indicate the swale does not provide positive**
172 **drainage from the headwall outlet. The Applicant shall review and**
173 **revise the design as necessary to provide a proper shoulder for the**
174 **proposed curb along the driveway. Please label the proposed grading**
175 **in this area and provide riprap for slopes steeper than 3H:1V**
176 **consistent with the other proposed site grading. In addition, please**
177 **clarify that proper drainage will be provided at the culvert outlet and**
178 **label any swale (i.e. swale width and depth) to be constructed at this**
179 **location on the plan and provide a grass swale detail in the plan as**
180 **applicable. Also, the Applicant shall revise the riprap apron at the**
181 **outlet to extend along the swale.**

- 182 C. It appears a portion the detention basin 1 grading near the outlet
183 structure is steeper than the maximum 3H:1V slope. In addition, the
184 minimum four-foot berm width at the 50-year elevation does not
185 appear to be provided at this location in accordance with the
186 regulations. Please review and revise to comply with the regulations.
187 The drainage report shall be revised accordingly.
188
- 189 3. The Applicant shall provide a certification for the sight distance on sheet 10
190 in accordance with the regulations.
191
- 192 4. The Applicant shall revise the guardrail end section detail to provide proper
193 dimensions in English (vs. metric) for proper construction and consistent
194 with the other details in the plan set and dimensions of the separate guardrail
195 detail on sheet 8. In addition, please verify the proper guardrail height in
196 the detail (2'-7" vs. 27") on sheet 8.
197
- 198
- 199 5. All waivers granted shall be shown on the plan.
200
- 201 6. Final engineering review.
202
- 203 7. The Applicant shall provide a digital (electronic) copy of the complete final
204 plan sent to the Town at the time of signature by the Board in accordance with
205 Section 2.05.n of the regulations.
206
- 207 8. Outside consultant's fees shall be paid within 30 days of approval of plan.
208
- 209 9. Financial guaranty if necessary.
210

211 **Seconded by M. Soares.** No discussion. **Board's vote 8-0-0.** (D. Coons excused
212 himself from the meeting at 7:40 PM)
213

214 **Gap Mountain Development, Map 15, Lot 246** – Application Acceptance and Public
215 Hearing for a Condominium Conversion – T. Thompson stated there are no outstanding
216 checklist items, Staff recommends the Board accept the application as complete. **P.**
217 **DiMarco made a motion to accept the application for condominium conversion at**
218 **Grenier Field Road, Tax Map 15, Lot 246 as complete. Second by Rick Brideau.** No
219 discussion. **Board's vote 7-0-0.** Eric Mitchell from Eric Mitchell & Assoc., Inc.
220 presented the site plan for a two family condominium on a 3.3 acre lot that is serviced by
221 municipal water and sewer with 221 ft. of frontage. Buildings are existing, built
222 originally as a two family, showing it as a condominium, which is technically a sub-
223 division according to Town regulations. Each unit will have 3 bedrooms, zoning is AR1,
224 property not within 100 yr. regulatory flood plan, no wetlands on site, existing driveway
225 is acceptable. J. Trottier read the design comments. (D. Coons re-joined the meeting at
226 7:45 PM). P. DiMarco asked if the stonewalls could be taken down, T. Thompson stated
227 he doubted they would be moved because they are the lot line. He asked how it would be

228 enforced and T. Thompson said the Heritage Commission would notice. P. DiMarco
229 stated he would like it to be a condition of approval of the plan. He asked how the land is
230 divided. E. Mitchell stated each unit owns the building portion, they have limited
231 common area and then common area. He asked about property taxes and R. Brideau
232 stated they would be divided equally. A. Rugg asked if there was any public input. There
233 was none. **D. Coons made a motion to conditionally approve the condominium
234 conversion, Grenier Field Rd. for Gap Mtn. Development, Tax Map 15, Lot 246
235 with the following conditions listed in the memo to the Planning Board dated 8/3/05
236 from the Dir. of Public Works and Vollmer Assoc.:**

- 237
238 **1. The Applicant shall indicate the sight lines on the sight distance plan view for
239 the indicated profiles on sheet 4. In addition, the plan view appears to
240 indicate proposed grading and improvements to the site. However, the
241 drainage report letter provided states the only change to the site is in
242 ownership. Please clarify.**
- 243
244 **2. Sheet 1 indicates a culvert under Grenier Field Road with an inlet located on
245 the subject lot. A drainage easement shall be provided for proper
246 maintenance of the culvert. The Applicant shall discuss this issue with the
247 Department of Public Works.**
- 248
249 **3. Sheet 1 does not indicate or address the limits of wetlands on the subject lot.
250 The application checklist submitted notes none, but no information was
251 provided to clarify none exist on the site such as a letter from a certified
252 wetland scientist. The Applicant shall provide documentation to address no
253 wetlands exist on the site as typically required by the Town.**
- 254
255 **4. The Applicant shall address the DRC comments as applicable.**
- 256
257 **5. The stone walls shall be preserved.**
- 258
259 **6. Final engineering review.**
- 260
261 **7. The Applicant shall provide a digital (electronic) copy of the complete final
262 plan sent to the Town at the time of signature by the Board in accordance with
263 Section 2.05.n of the regulations.**
- 264
265 **8. Outside consultant's fees shall be paid within 30 days of approval of plan.**
- 266
267 **9. Financial guaranty if necessary.**

268
269 **Seconded by R. Brideau. No discussion. Board's vote 8-0-0.**

270
271 **13 Delta Drive LLC, Map 14, Lot 21-7** – Application Acceptance and Public Hearing
272 for a Site Plan to Construct a 35,753 Square Foot Industrial Facility – T. Thompson
273 stated there were no outstanding checklist items, Staff recommends the application be

274 accepted as complete. **D. Coons made a motion to accept as complete the application**
275 **for a site plan for 13 Delta Drive LLC, Map 14, Lot 21-7. Second by C. Tilgner.** No
276 discussion. **Board's vote 8-0-0.** Mark Walbren (sp) from Opechee Construction
277 presented the site plan. They propose a 36,000 s.f. multi-tenant facility on 3 acres of
278 land, propose 10 units in the building with 114 parking spaces, only 64 required, served
279 by water and sewer. Have two waiver requests for landscaping in the front and rear of
280 the building. J. Trottier read the design review items. T. Thompson stated that Item #2
281 in the letter dated 7/18/05 requesting the waivers, does not require a waiver and he does
282 support the waiver for Item #1. Open for Discussion. D. Coons questioned what type of
283 business they were targeting and if there was overnight parking or any outside storage.
284 M. Walbren said targeting small trade type business, no outside storage, possible
285 overnight parking but would not have any un-registered vehicles on the lot. M. Soares
286 questioned flat roof and why not reduce the parking spots since they were not needed. M.
287 Walbren said roof is up to code and better to build extra parking spaces now than later.
288 Chairman Rugg discussed signage, one sign will be located on corner of property,
289 potential for each tenant to have sign over entrances to building as depicted in conceptual
290 drawings. Open to Public, no discussion. **D. Coons made a motion to grant**
291 **applicant's request for waiver under section 3.1.1.g.1 for interior landscaping as**
292 **outlined in his letter of 7/18/05. Second by P. DiMarco. Board's vote 8-0-0. D.**
293 **Coons made a motion to conditionally approve site plan for Tax Map 14, Lot 21-7**
294 **for Delta Business Center with the following conditions:**

- 295
296 1. **The revised grading along the 24" pipe between DMH 1 the proposed**
297 **retaining wall and outlet does not appear to provide a minimum three feet of**
298 **cover per section 3.07 of the Site Plan Regulations. The Applicant shall**
299 **revise the grading and/or design as necessary to comply with the regulations.**
300
- 301 2. **The revised grading along the lower portion of detention pond 2 at FES 3 is**
302 **steeper than 3H:1V and does not comply with Exhibit D1 of the regulations**
303 **(3H:1V max.) Please revise the grading as necessary to comply with the**
304 **regulations.**
305
- 306 3. **The revised drainage report indicates reach S1-R is a 5.0-foot wide by 2.0-**
307 **foot deep swale. However, the revised grading at this location does not**
308 **appear to provide the 3H:1V embankment slope and minimum two-foot**
309 **embankment width along the easterly side of the swale (adjacent to the**
310 **property line with abutting lot 21-8). Please review and revise the grading**
311 **and/or analysis to be consistent.**
312
- 313 4. **The Applicant shall provide draft copies of the proposed sewer easement**
314 **along Delta Drive for review by the Town.**
315
- 316 5. **The Applicant shall note the Londonderry Sewer Discharge Permit number**
317 **in note 10 on sheet 2.**
318

- 319 **6. The project is located along a portion of Delta Drive and Kenniston Way.**
320 **The Applicant shall verify if off-site improvements to Delta Drive and/or**
321 **Kenniston Way will be necessary under this application with the Department**
322 **of Public Works.**
323
324 **7. No outside storage and no unregistered vehicles parked overnight shall be**
325 **noted on plan.**
326
327 **8. Final engineering review.**
328
329 **9. The Applicant shall provide a digital (electronic) copy of the complete final**
330 **plan sent to the Town at the time of signature by the Board in accordance**
331 **with Section 2.05.n of the regulations.**
332
333 **10. Outside consultant's fees shall be paid within 30 days of approval of plan.**
334
335 **11. Financial guaranty if necessary.**
336

337 **Seconded by P. DiMarco.** T. Freda questioned how this was going to be enforced, T.
338 Thompson replied Code Enforcement Officer and LPD. **Board's vote 8-0-0**
339

340 **Jay Barrett, Map 5, Lot 58-1** – Application Acceptance and Public Hearing for a 9 lot
341 subdivision. T. Thompson stated there were no checklist items, recommended the
342 application be accepted as complete. **D. Coons made a motion to accept as complete**
343 **the application of Jay Barrett, Map 5, Lot 58-1, Subdivision Plan Wiley Hill Road.**
344 **Second by R. Nichols.** Open to discussion, no comments. **Board's vote 8-0-0.** Ray
345 Shea from Sanford Surveying & Engineering presented the site plan. He stated that the
346 radius on the road was not acceptable to the Planning Board in the original submission.
347 He stated that they contacted the owner of the corner property and obtained some of his
348 property to help with the slope easement on that section of the road. Will move the road
349 over to improve the line of sight, talking with neighbor across the street about an
350 easement. J. Trottier read the design review items. B. Farmer stated he would feel more
351 comfortable if the lot line was established and future easements were obtained before
352 granting the conditional site plan. D. Coons said he was uncomfortable with the amount
353 of comments and the fact that nothing was concrete for the easement and site distance.
354 He said he would like to have the deeds done up with the easements. T. Thompson did
355 not recommend that – he stated we just need something documented that the property
356 owners agree to the easements. C. Tilgner, P. DiMarco and M. Soares all agreed with
357 the other members stating there were too many outstanding issues and a lot of the issues
358 were related to Item 2 of the Design Review Comments. D. Coons reminded the
359 applicant that the 65 days were in effect, T. Thompson stated that a continuance would be
360 appropriate. Open to Public. Lynn Durland, 114 West Road is a school bus driver and
361 she endorsed the concerns regarding the sight line. The section of road is extremely
362 dangerous when stopping to load and discharge students. Numerous accidents have
363 happened at that location. She also expressed concern with run-off. Jay Barrett, the
364 applicant, stated that the corner has always been a problem and the Town should do

365 something about it. A. Rugg stated the sight distance is a concern of the Board. D.
366 Coons made a motion to continue the application to 9/14/05 at 7:00 P.M. Second by
367 P. DiMarco. This will be the only public notification. Board's vote 8-0-0.
368

369 **OTHER BUSINESS**

370
371 None.

372 **ADJOURNMENT**

373
374 P. DiMarco made a motion to adjourn at 8:38 P. M. Seconded by C. Tilgner. Vote
375 unanimous.

376 Notes and Tapes by: Margo Lapietro Date: 08/03/05

377
378 Minutes Typed by: Margo Lapietro Date: 08/05/05

379 Submitted By: _____ Date: _____
380
381 John Farrell, Secretary

382
383 Approved: Planning Board Date: _____
384
385

386
387 **APPENDIX ATTACHED**
388
389

390 Appendix to 8/3/2004 Planning Board Minutes (E-Mails regarding Walking Paths)

391

392 Date: 7/14/2005

393 From: Dani-Jean Stuart

394 To: Planning Board, Sandra Lagueux

395

396 Dear Fellow Board Members,

397

398 It is quite distressing to me that the Board seems willing to subvert the process for
399 providing neighborhoods with quality, safe, internal access to outdoor recreation in the
400 form of pedestrian amenities.

401

402 Tanager Landing is one of the first projects to include the concept of neighborhood
403 pedestrian amenities, a concept that has been endorsed by the Planning Board and the
404 Town Council. Endorsed to the extent that it now exists as a legal item in our Site Plan
405 Regulations. This is a process that has been years in the making. It is, perhaps, the first
406 experiment, but one that seems will not be allowed to even come into existence at this
407 point.

408

409 I use the rather strong term "subvert" because I see our Board offering ways to
410 circumvent the process as completely undercutting the process itself. Suggestions that
411 range from "sometimes bark mulch gets raked away" to approaching the Town Council to
412 close the trail can --and I submit, WILL-- be used in the future by developers to argue
413 against even designing those amenities.

414

415 That having been said, perhaps in future the easement should be granted in a different
416 way. I don't know what that would be, I am not the legal expert.

417

418 I'd also like to remind the Board that the representatives from Tanager Way represent
419 roughly a third of the total buildout of that project. Perhaps the rest of their neighbors
420 will want those trails. It does occur to me to wonder whether the homeowners knew of
421 the proposed trails when they purchased their property. If so, it was of little concern to
422 them at the time. I'd also like to point out one of our favorite approaches when dealing
423 with people resistant to a currently required item: "Going forward, we don't know
424 whether or not the next person will want/do/use (xyz) so we're going to have you do it
425 anyway."

426

427 As for their concerns regarding crime, I will do my homework and look up the
428 information that refutes an increase in crime when trails exist in residential
429 neighborhoods. I also don't believe for a single moment that their neighborhood will
430 become a destination location. That is not the purpose for which it was designed and I
431 don't think anyone would know it was there if they hadn't drawn attention to it. As for
432 me, I'd love to own a half million dollar home with a system of trails accessed from my
433 back yard. I enjoy trail running with my dog but I ASSURE you the conservation areas
434 in town are a bigger draw than a small neighborhood would be. Frankly, I'm certain
435 those people were not there to have a discussion. Their minds were made up and they

436 were there to make a demand. I felt any input I might have made would have increased
437 the already contentious volume level and had no constructive result in the end except to
438 irritate them further.

439

440 I appreciate your taking the time to read this and want you to consider holding fast on this
441 one if it's legally possible. Barring that, I hope there will be time given to
442 finding/developing a better (and by that I mean defensible and irrefutable) way of
443 granting access in the future that might address some of the concerns voiced by the
444 homeowners.

445

446 Respectfully submitted,
447 Dani-Jean Stuart
448 Planning Board, Town of Londonderry
449 VP, Londonderry Trailways

450

451

452

453 Date: 7/14/2005
454 From: John Farrell
455 To: Planning Board, Sandra Lagueux

456

457 Good morning,

458

459 I think Dani Jean brings out an excellent point. The term subvert is defined in Webster as
460 to destroy completely; ruin. I think she picked the correct term. I also believe that this is
461 not just limited to a trailways conversation.

462

463 Let's take these one at a time.

464

465 With regards to trailways I was out of line and should not have made the comments about
466 the trails just going away after a period of time. But since we do not have a plan in place
467 to maintain the many trails we have been requesting in these neighborhoods that maybe
468 inevitable. I am not suggesting that trailways is at fault. It simply is a matter of
469 resources.

470

471 We have created many new regulations, rules and processes during the last several years.
472 I am slowly witnessing us subverting what we have put in place. Why? Many years,
473 hours and days have been spent creating a process.

474

475 Tanger trails; the people leading the charge last night were the folks who sold the
476 property to the developer. Dani Jean is correct they came in with a demand not a request.

477

478 As one planning board member I made some mistakes last night. I guess that all part of
479 being human. One third of the development is complete and everyone wants the trail
480 closed. I believe that we should stick to our regulations. If they want the easement

481 closed that are entitled to due process. They are also entitled to speak with the town
482 council.

483

484 Thank you for you time this morning.

485

486 John

487

488

489

490 Date: 7/14/2005

491 From: Brian Farmer

492 To: Planning Board, Sandra Lagueux

493

494 Greetings All,

495

496 The Tanager Landing issue has brought a different focus to the issue of walking trails as a
497 part of residential development. I would surmise that there are many different ways to
498 argue both sides, and that we could all go back and forth for days doing exactly that. I
499 myself find good and valid arguments on both sides of the issue. Not to repeat all of
500 those I'll stick with just a few points.

501

502 1 - Tim was correct in saying that public input was sought on this project and that the
503 developer did not object at any time to the trails. The unforeseen effect of this was that
504 the future property owners themselves were not part of the process; there was no way that
505 they could have been.

506

507 Now they are part of the process and part of the community. As one member of the
508 Planning Board I believe we have to listen to the property owners. I would have to
509 believe, given their passionate feelings on the issue, that they will lobby each new owner
510 as properties are sold. Rather than ten property owners, the next time there will be 15,
511 then maybe 25, potentially on up to the full build. Of course whether or not all of the
512 new property owners would join in the request to close the trail remains to be seen, but I
513 would imagine that many more would than wouldn't. Issues such as this have been
514 shown to create bonds among neighbors. I believe that a future owner of a property in
515 this development may end up being more concerned about the relationship with their
516 immediate neighbors than with the opinions of someone from across town.

517

518 2 - This is a trail completely internal to the development. It touches less than a third of
519 the properties with several of the lots being split by the trail thus impeding the privacy of
520 the homeowner no matter how you look at it. I, for one, am not willing to enforce a
521 belief that the potential benefits of this trail outweigh the right to some privacy in one's
522 backyard. I myself would give more credence to those property owners directly
523 affected by the trail than to those on the other side of the street or the other side of town.

524

525 3 - Getting it on the site plan for upcoming developments is the affordable way to
526 accomplish the goal of building more trails. It cost us nothing and is typical of the New

527 England frugal mindset. When viewed another way it looks like the Town is saying, "to
528 hell with the future property owners, we are here now and this is what we are going to do,
529 it cost us nothing so its the way to go". Some take comfort in saying that all future
530 homeowners "should know what they are buying" and "if they don't like it they can go
531 somewhere else". If that's the way we are going to be then lets creatively explore taking
532 that belief out to the extreme. If we are going to say to hell with the future members of
533 our community then why not say to hell with those who already live here. Lets support
534 taking easements of this type all over Town via eminent domain. This could be through
535 my yard or through the yards of any of my neighbors, friends or other property owners in
536 Londonderry. Lets create a map of where all of these hiking and biking trails should go
537 and then start the process of taking the land. Of course this way will cost us so lets start
538 floating bonds for a million or two a year to accomplish the taking. I am sure they will
539 all pass. Lets advocate the creation of a department to manage all of these trails and give
540 them a budget to maintain them. After all taxes are going to go up anyway so they might
541 as well go up for this. Of course the above is meant to be facetious. We should not go to
542 such an extreme any more than we should we force it on to the future members of our
543 community simply because its the cheap and easy way to accomplish a goal.

544

545 4 - The Tanager Landing problem illustrates to me that we have to find a better way to
546 accomplish getting trails into neighborhoods. The concept presented last night on open
547 space subdivisions holds real promise. In spite of the amount of work already done we
548 simply have more to do. We have to look at less intrusive routes for the trail itself, trails
549 that actually go somewhere, adequate parking as it is a public easement, looking at the
550 issue of whether or not it may be appropriate for a given development, designation of this
551 type of trail as private, etc.

552

553 Regards,

554

555 Brian Farmer

556

557 P.S. - Due to my dual role as one member of the Planning Board and one of five B.s, I
558 am always mindful of the fact that I must consider the role of the Town Council on issues
559 such as this. I will always advise members of the community to take up issues with the
560 Council. This is not an effort to subvert any other process, it is to remind or educate
561 those that may not know what there alternatives may be. After that I am only one person
562 with one vote on either board.

563

564

565

566 Date: 7/14/2005

567 From: Paul DiMarco

568 To: Planning Board, Sandra Lagueux

569

570 Hi everyone:

571

572 Wow, late night last night! Anyway, here are some of my thoughts and comments, in no
573 particular order:

574

575 - I remember being present for at least 2 discussions on the Tanager landings (I think it
576 was Deb Dietz of TFMoran who made the presentations). There was no objection to the
577 walking paths.

578

579 - It was previously mentioned by John that the folks who were at the meeting last night
580 are also the ones who sold the property to the developer. If that is indeed the case, you
581 think they would have come to the public hearings for the development and expressed
582 their concerns.

583

584 - I am having a difficult time sympathizing with the residents not knowing about the trail.
585 One person contracticted themselves last night when they said they didn't know about it,
586 then later said that her plot plan says there is an easement for a walking trail. She was
587 charged by emotion, not common sense.

588

589 - Their mention of crimes in the neighborhood has absolutely nothing to do with the trail
590 (it does not exist yet!). That is probably due to the construction and the traffic it brings.
591 Small petty thefts from unlocked vehicles and open garages is not uncommon in
592 Londonderry. People need to take responsibility for their own personal security and lock
593 their cars and close their garages. Don't try to blame it on a non-existent entity.

594

595 - Brian's point about the current residents lobbying the new residents is right on. There
596 will be considerable pressure placed on the new residents to sign a petition or participate
597 in whatever avenues they pursue. If a new resident is neutral to or against walking paths,
598 they will probably go along to avoid animosity from their neighbors.

599

600 - Although I did not particularly care for the approach some of the residents took last
601 night, I believe their concerns need to be looked at. I think we gave them a few good
602 alternatives. They can pursue having the developer modify the plans and go through the
603 public hearing process, or ask the town council to not accept the easement on behalf of
604 the town.

605

606 - There is one thing we should consider for future developments. We should ask that the
607 trails run along property lines. This should reduce some of the complaints from last night
608 (e.g. "The trail runs right next to my pool!")

609

610 Best regards,
611 Paul DiMarco

612

613

614

615 Date: 7/14/2005

616 From: Rick Brideau

617 To: Planning Board, Sandra Lagueux

618

619 Ahhh I just had a great walk down on tanager way. Somehow I find myself leaning on the
620 homeowners side if I had a half a million dollars invested in a home I wouldn't want
621 someone even my neighbor walking behind my house at any time they choose thank god
622 I work for the town and could never afford to put myself in that predicament I also see
623 the other side of the coin in which Tim was right buyer beware. I think these trails are a
624 great idea for Common land developments but not neighborhoods where each lot is
625 owned independently alright I didn't walk it but I did drive down the street

626

627

628

Rick

629

630

631

632 Date: 7/14/2005

633 From: Art Rugg

634 To: Planning Board, Sandra Lagueux

635

636 Hi All,

637

638 My real thinking about this started after last night's meeting. The Board has not
639 experienced a situation like we had last night dealing with the Tanager Way walking
640 trails. I think, and I am guilty, that we were reacting. I also think there is more to this than
641 meets the eye. Dani-Jean has given us a wake-up call. Discussion sessions are non-
642 binding, so the Board is not legally committed to anything that was said. We do need
643 time to think through this. There were some valid concerns raised that we had not thought
644 of when we developed the current regulations. Maybe we can improve our regulations
645 concerning walking trails. We do have food for thought. At this point, regardless of the
646 "discussion" last night, I would support sticking to our regulations. Dani-Jean has made a
647 very good point.

648

649

650

651 Date: 7/15/2005

652 From: Chuck Tilgner

653 To: Planning Board, Sandra Lagueux

654

655 Good Morning. All of your emails started me thinking as well. The one thing that I think
656 we can all agree on is that commercial, industrial and residential development are not all
657 appropriate everywhere. I think the same applies to trails and that is the discussion I think
658 we should be having. Chuck

659

660

661

662 From: Tim Thompson

663 Sent: 7/15/2005

664 To: Planning Board
665 Subject: Walking Trails

666

667

668 I will add an agenda item for August 10 regarding pedestrian accommodations (what the
669 regulations say, and how we treat them moving forward). Sandy Lagueux will be
670 attending to both discuss how things occurred with Tanager, and how we should move
671 forward.

672

673 Sandy recounted her recollection on Tanager to me....there were no DRC comments from
674 Trailways on the project. Through the course of the negotiations that were happening on
675 the project during the several meetings with the Planning Board (primarily directed at the
676 CO District impacts), the applicant's engineer was directed to meet with Trailways by the
677 Planning Board. The applicant's engineer was the one that suggested the layout of the
678 trails, not Londonderry Trailways. The project was approved with the trails as developed
679 by the applicant's engineer.

680

681 --

682 Timothy J. Thompson, AICP

683 Town Planner

684 Town of Londonderry, NH

685 <http://www.londonderrynh.org>

686 tthompson@londonderrynh.org

687 --

688 NNECAPA WebMaster

689 <http://www.nnecapa.org/>

690 --

691 "Growth is inevitable and desirable, but destruction of community
692 character is not. The question is not whether your part of the world is
693 going to change. The question is how." -- Edward T. McMahon, The
694 Conservation Fund

695 --

696

697

698

699

700

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF August 10, 2005 AT THE NORTHGATE**
3 **CONFERENCE ROOM**

4
5 7:00 PM: Members Present: Art Rugg, Chairman, John Farrell, Secretary [arrived at 8:10 PM];
6 Paul DiMarco, Asst. Secretary; Rick Brideau, Ex-Officio; Brian Farmer, Ex-Officio; Charles
7 Tilgner, Ex-Officio; Mary Soares; Tom Freda, alternate member, [arrived 7:10 PM]; Dani-Jean
8 Stuart; Rob Nichols, alternate member.

9
10 Also Present: Tim Thompson, AICP; John Trottier, P.E.; André Garron, AICP and Christine
11 Marra, Recording Secretary.

12
13 A. Rugg called the meeting to order at 7:00 PM.

14
15 *Plans to Sign:*

16
17 ***Grenier Field Rd. Condominium Conversion, Map 15, Lot 246*** – T. Thompson said that this
18 plan requires a waiver from the 7-day deadline to submit plans for signing before a meeting. He
19 said it did not require a motion but consensus of the Board and all conditions were satisfied. The
20 Board agreed to waive the 7-day deadline. J. Trottier read the conditions of approval in the
21 Notice of Decision dated 8/3/05. He said all conditions have been met. **P. DiMarco motioned to**
22 **authorize the Chairman and Secretary to sign the condominium conversion plan for**
23 **Grenier Field Rd./GAP Mountain Development, Map 15, Lot 246 since all conditions have**
24 **been met. Seconded by B. Farmer. Vote 7-0-0. Plan will be signed at the end of the**
25 **meeting.**

26
27 ***AES/Chase Brook Drive Subdivision, Map 11, Lots 24-1, 33-2, 33-4 & 33-6 through 33-2 for a***
28 ***lot consolidation and realignment of Chase Brook Drive-*** J. Trottier read the conditions of
29 approval on the Notice of Decision dated July 7, 2004. He said all the conditions have been met.
30 **[A. Rugg appointed T. Freda to vote for John Farrell, until his arrival, and Rob Nichols to**
31 **vote for Dana Coons, who was absent] P. DiMarco motioned to authorize the Chairman**
32 **and Secretary to sign the plan for AES/Chase Brook Drive, Map 11, Lots 24-1, 33-2, 33-4 &**
33 **33-6 through 33-20 since all conditions have been met. Seconded by C. Tilgner. Vote: 9-0-**
34 **0. Plan will be signed at the end of the meeting.**

35
36 ***Pennichuck Water/Avery Estates Community Water System Site Plan*** – J. Trottier said the
37 Administrative Review Committee held a meeting on Tuesday, July 19, 2005 to consider the
38 request for a proposed 10'6" X 6'6" addition at the Avery Estates Community Water System. He
39 said the plan was conditionally approved and read the conditions on the Notice of Decision dated
40 July 19, 2005. He said all conditions have been met. **P. DiMarco motioned to authorize the**
41 **Chairman and Secretary to sign the plan for Pennichuck Water/Avery Estates since all**
42 **conditions have been met. Seconded by R. Brideau. Vote 9-0-0. Plan will be signed at the**
43 **end of the meeting.**

44
45 ***Governmental Land Use Request – Manchester Airport (3 projects)*** – T. Thompson said the
46 Planning Board had received 3 letter notices from Kevin Dillon, Airport Director, Manchester
47 Airport regarding proposed projects. He said plans had been received regarding a Sand/Salt
48 Storage Facility but he had not received plans on the other two projects, one for the Pettengill
49 Parking Lot and the other for a Glycol Collection Facility. T. Thompson said that by State statute
50 RSA 674:54 Governmental Land Uses, and the Intermunicipal Agreement as amended on June

1 16, 2003, The Planning Board has the option to conduct public hearings relative to these projects
2 within 30 days after receipt of the notice. The Board agreed that a letter should be sent to request
3 a presentation of all three plans at a workshop meeting. A. Garron said a public hearing should
4 be held on the Salt/Sand Facility. The Board agreed. A letter will be sent to Kevin Dillon.

5
6 ***Extension Request – Reid Development LLC, Map 38, Lot 31-35*** – T. Thompson read a letter
7 addressed to the Planning Board from Michael O’Donnell of TF Moran Inc., representing Reid
8 Development which stated “The purpose of this letter is to request a six month extension of the
9 conditional approval granted on May 4, 2005 for the referenced project. The extension is needed
10 to allow sufficient time to address the final engineering review comments.” He said that Staff
11 recommends granting the extension. B. Farmer asked if the applicant was confident that this
12 could be completed in the 6 months. T. Thompson said yes they were. **P. DiMarco motioned to**
13 **grant a six-month extension of the conditional approval for Reid Development as requested**
14 **in their letter of August 8, 2005, which would extend the conditional approval to March 4,**
15 **2006. Seconded by R. Brideau. Vote: 9-0-0. Extension granted.**

16
17 ***Recommendation on appointment to SNHPC – David Dubai*** – A. Garron introduced David
18 Dubai to the Board and said that Mr. Dubai had inquired about an open position as a
19 representative from Londonderry to the SNHPC. A. Garron said he hoped the Board would
20 make a recommendation to the Town Council for this appointment. D. Dubai said he has been a
21 resident of Londonderry for the past 26 years and had been a commuter to Boston. He said he
22 now works in Manchester, which would allow him more time to volunteer for such a position.
23 He said he is a traffic engineer and hoped that would be of some value to the Commission. He
24 had met with the director of the Commission and attended a meeting to observe. P. DiMarco
25 asked A. Rugg how many representatives were there from Londonderry. A. Rugg said three. The
26 consensus of the Board was to make the recommendation. **P. DiMarco motioned to**
27 **recommend David Dubai for the position on the Southern New Hampshire Planning**
28 **Commission. Seconded by B. Farmer. Vote: 9-0-0.**

29
30 ***Signing of Minutes.***- A. Rugg said the minutes for the July 6, 2005 and July 13, 2005 meetings
31 were all approved and could be signed by P. DiMarco, Assistant Secretary in the absence of
32 J. Farrell, Secretary. Minutes were signed.

33
34 ***Discussions with Town Staff*** – T. Thompson read into the minutes a letter from Vibro-Meter,
35 Inc., Map 14, Lots 29-14 and 29-15 dated August 2, 2005 withdrawing their application for an
36 amendment to a previously approved site plan. They said they are not pursuing construction of
37 the approved site plan at that location and is seeking alternative locations.
38 T. Thompson said a CIP meeting would be held tomorrow night at 6PM in the Northgate
39 Conference Room. This meeting would be for the purpose of collecting project submissions from
40 the various department heads, commissions, etc. and scheduling further meetings.
41 A.Garron said the State has funded the CMAQ agreement and once it is signed the Town can
42 draw on it. He also said the GIS Phase I mapping is complete and we are well into the second
43 phase, which will be linked with the Town’s website. T. Thompson said you can’t get into the
44 website yet and it will be a couple of weeks before it’s done. A. Garron asked if any of the
45 members had their survey forms from the SNHPC filled out and if so to turn them into the office
46 before August 15, 2005.
47 Brian Farmer reminded everyone that next weekend was Old Home Days. He also said if anyone
48 had comments on the website, they could be emailed to him. A. Rugg asked him if there would
49 be tours of the new Town Office for Planning Board members before the move. B. Farmer said
50 he will email Dave Caron with this request.

1 A. Rugg reminded everyone about the SNHPC annual dinner to be held on September 9, 2005 at
2 the Puritan Back Room Restaurant in Manchester. He said the reply cards could be filled out and
3 returned to C. Marra. The Town pays for the dinner and one check will be mailed along with the
4 replies. A. Rugg said that in the “read” file there is a meeting agenda of the SNHPC I-93
5 Widening Committee. He said he is now a member of that committee. He said the purpose of the
6 committee is to inform the adjacent communities of the on-going programs associated with the I-
7 93 Widening Project and to provide the necessary assistance and education. He said that an
8 Intelligent Transportation Systems Committee (ITS) was established by the NHDOT to look at
9 intelligent traffic management during this project and to assist the affected towns to deal with the
10 impact. B. Farmer asked if there were minutes of meetings held regarding the I-93 Widening. A.
11 Garron said there were no formal meetings held; they had just met on a small scale. T. Thompson
12 said there is a link on the website concerning the DOT I-93 project website. B. Farmer said he
13 would like to be kept informed of any talks on the proposed Exit 4A and widening.

14
15 **Workshops/Conceptual Discussions/Public Hearings –**

16
17 ***Master Plan Implementation Schedule- Public Hearing for adoption into 2004 Master Plan –***

18 T. Thompson addressed the Board and said in the handout, pages 1-20 included the goals and
19 action items from the Master Plan and pages 21 – 50 was organized by responsibility. He said he
20 had emailed this schedule to all the Boards and committees that are impacted. He said that the
21 schedule now has to be adopted by the Board. A. Rugg went around the Board for input. All
22 members thought it looked great and thanked T. Thompson for all his work on it. B. Farmer said
23 that this was the culmination of almost 3 years worth of work by the Staff and volunteers who
24 attended many meetings. The Planning Board and Master Plan Steering Committee did
25 workshops on this particular table. He said there was a lot in there for all those different groups
26 to look at including the Planning Board, Recreation Committee, Town Council, Open Space Task
27 Force, Conservation Commission, Committees and the public for responsibility and there is
28 opportunity for people to step up as volunteers to help in this effort. A. Rugg asked for public
29 comments. There were none. **P. DiMarco motioned to adopt the Master Plan Implementation**
30 **Schedule into the 2004 Master Plan. Seconded by M. Soares. Vote: 9-0-0. Schedule is**
31 **adopted.**

32
33 ***Lunan Realty, Conceptual Discussion on GMO amendment for elderly housing and elderly***
34 ***housing zoning requirements –***

35 T. Thompson said that he had received two letters from Jennifer
36 McCourt of McCourt Engineering Associates. The first was asking the Planning Board to
37 recommend to the Town Council an amendment to the Growth Management of Innovative Land
38 Use Control Section of the Zoning Regulations Section XV. The second letter asked for
39 clarification of Section 1604A of the Zoning ordinance which required a minimum of 15 acres for
40 an elderly housing development. The project they are proposing is on four abutting lots that have
41 been perceived as one development and contains 21.97 acres. Attorney John Michels,
42 representing Lunan Realty, said there is several different parts of this presentation, one has to do
43 with the exemption from the GMO for elderly housing and Russ Thibeault from Applied
44 Economic Research will do a presentation on the economic impact of age-restricted housing in
45 Londonderry. R. Thibeault said he had a power-point presentation or a discussion summary,
46 whatever was the preference of the Board. T. Thompson said when the GMO was amended in
47 the 2001 the elderly housing exemption from the permit cap was removed, and was changed to a
48 priority point in the scoring system. B. Farmer asked if the Board could exempt a project on a
49 case-by-case basis. T. Thompson said that couldn't be done under the current ordinance without
50 a variance from the ZBA. B. Farrell asked if the State would allow us to change the ordinance.
51 T. Thompson said yes. R. Thibeault handed out his presentation, which he said was in generic
terms for Londonderry and not specific to Mr. DeCarolis' project. He explained that

1 Londonderry was a growth community, but has moderated in the last decade. He said the Town's
2 population is aging and there is increased demand for housing for age 55+. He said the school
3 age population is declining but still higher than the State average. He also said the Town's
4 housing inventory is diverse and home prices have almost tripled since 1997. **[John Farrell**
5 **arrived at 8:10]** He said the Town depends on property taxes for half of its revenues. More than
6 2/3 of property taxes go to the schools and public safety is the largest Town expenditure. He said
7 the 55+ restricted communities have very few school age children. He said there will be different
8 pressures on schools and the savings will be modest. Londonderry's tax base has risen sharply
9 with more non-residential. He said Londonderry has met its responsibilities and is in good shape.
10 He explained the estimated revenues from a hundred unit 2-bedroom complex and the estimated
11 municipal costs. In conclusion he said age-restricted housing in Londonderry will generate more
12 revenues than expenses; impact fees offset cost of required new facilities; expense allocation in
13 the analysis is probably high and principal factor: Schools equal 70% of Londonderry's property
14 taxes, age-restricted developments generate few school children. Discussion followed regarding
15 his presentation. T. Thompson read an email he received from Tom Dolan, Chairman of the
16 Town Council, which recommended that the Planning Board not alter the growth measures to
17 exempt any category of residential housing and to maintain the current growth policies. Attorney
18 J. Michels addressed the Board and said that in order to build the subsidized project they need to
19 do several things, one of which was to see if elderly subsidized housing could be exempt from the
20 GMO. He asked what would the Board prefer, should they work with Staff on amending the
21 ordinance, or go to the ZBA. He said they were looking for direction. J. Michels handed out their
22 proposed changes to Section XVI Elderly Housing. He said a new Section to apply to only non-
23 profit housing could read: A) Replace requirement per two bedroom units to allow one or two
24 bedroom units; B) Replace 6 unit per acre limit with 12 bedrooms per acre limit; C) Replace 2
25 parking spaces per unit with 1.2 parking spaces per one bedroom unit; D) Grant incentive for
26 doing 50% one bedroom units by lowering open space requirement from 70% to 65%.
27 A. Rugg asked Staff what were their thoughts. A. Garron said the ordinance says "will be 2
28 bedrooms" as opposed to "shall be", which leaves room for interpretation. T. Thompson said that
29 staff needs Planning Board guidance. A. Garron asked what is affordable. J. Michels explained
30 the HUD program which is non-profit and which would have a 30-year limit. J. DeCarolis
31 addressed the Board and said that if the Board approved this project it would be no different than
32 any other adult community. He said it would have to meet HUD conditions and NH Finance
33 conditions. He said that as manager of the project he would receive a fee. T. Thompson said
34 that there were 3 separate issues that the staff needs guidance with. 1. the Growth Management
35 Ordinance; 2. the language that Attorney Michels proposed for amendments; 3. Do the 4 separate
36 parcels meet the 15 acre requirement? A. Rugg went around the Board on the first question. R.
37 Brideau was in favor of changing the GMO to exempt subsidized elderly housing. M. Soares
38 asked how many elderly or over 55 units were on the books now. A. Garron said including those
39 that are proposed and under construction, 700-800 total. M. Soares said she was in favor of
40 changing the GMO. J. Farrell said he likes the project but a lot of effort was put in the GMO and
41 if this is not included in the capped growth, he is not in favor of changing it for subsidized
42 housing. C. Tilgner was also opposed to changing the ordinance. P. DiMarco was opposed. D.
43 Stuart was opposed and wanted to look into different ways of doing it. R. Nichols was also
44 opposed. T. Freda said no to changes. A. Rugg said he didn't want to tamper with the GMO.
45 M. Oswald, speaking as a realtor and a Town Councilor, commented on the GMO and said there
46 is a need for subsidized housing in Londonderry. He said that J. DeCarolis can meet this demand
47 and the Board should look at each case on its own merit. Jen McCourt, McCourt Engineering,
48 said there are very few developers willing to do this but Joe wants to do this for the community.
49 Mike Brown, former councilor, said he was involved in the creation of the GMO and
50 Londonderry's growth is well-managed because we have the GMO and thought an alternative
51 way to approach this was necessary. M. Soares asked if this was exempt from the GMO, would it

1 count towards the number of permits. T. Thompson said yes it would. P. DiMarco asked how
2 many points would this score. T. Thompson said 1 for elderly and 1 for affordable housing. J.
3 DeCarolis said he would need 45 permits per year for this project. A. Rugg said that allowing
4 this exemption would require more thought on the part of the Board and a decision wouldn't be
5 made tonight. T. Thompson asked about his point #2 about working on the elderly housing
6 ordinance with Attorney Michels. B. Farmer said to make sure nothing was left to interpretation.
7 A. Rugg and the Board agreed to have T. Thompson proceed with that. T. Thompson asked
8 about point #3, if the 4 separate parcels were consistent with the ordinance. The Board agreed
9 that it was.

10
11 ***Lunan Realty/Team Business, Continued Public Hearing, Rezoning Request*** – J. McCourt,
12 McCourt Engineering, representing Lunan Realty, said they were requesting rezoning Map 7,
13 Lots 132-1 through 132-20 from C-I to AR-1 and removing the Route 102 POD. She said they
14 had presented a conceptual plan for the property several months ago for affordable, Federal
15 Housing & Urban Development Authority (HUD) funded elderly housing development. She said
16 the C-I district and POD does not permit the type of buildings they are proposing, with 1-story on
17 one side and 2-story on the other. She went on to say this proposal provides a transition zone
18 between traditional single-family homes and the commercial zones along Route 102. She said
19 they are also extending sewer service into the area. T. Thompson read his memo dated 7/13/05
20 regarding their request and said the architecture of the proposed buildings appears to meet the
21 design guidelines of the site plan regulations and the aesthetic intent of the POD. He said the
22 Master Plan does not specifically target this area for residential development but one of the goals
23 of the Plan is to expand housing affordability. He said Staff recommends the Planning Board
24 recommend approval of the rezoning to the Town Council with the following condition: The
25 rezoning shall not become effective until the Planning Board approves the associated elderly
26 housing site plan for the lot, consistent with the conceptual design reviewed by the Board in
27 February 2005. B. Farmer said to add subsidized in the condition. The Board consensus
28 supported recommending the rezoning to the Town Council. When public input was requested,
29 there was no input. **B. Farmer motioned to recommend the rezoning request of Lunan
30 Realty/Team Business, Map 7, Lots 132-1 through 132-20 from C-I to AR-1 with the
31 conditions on the memo to the Planning Board dated July 13, 2005. Seconded by M.
32 Soares. Vote 9-0-0. Recommendation will be sent to the Town Council.**

33
34 ***Harvey Industries, Map 17, Lot 45, Conceptual Discussion*** – Zoltan Juhasz, from Daylor
35 Consulting Group, representing Harvey Industries made his conceptual discussion. He said the
36 project had been waiting for the subdivision of this parcel to be completed before moving forward
37 with their project. He said the owner of record is still the Evans Family and Harvey Industries is
38 purchasing the 43-acre parcel when all permits are obtained. Eric Jonrig, one of the owners of
39 Harvey Industries, said that they have been in business in New Hampshire for 25 years with a
40 warehouse in Salem and Manchester. He said their Huse Rd. facility in Manchester employs 400
41 people. The Londonderry facility will employ 500 people. Z. Juhasz said the parcel abuts some
42 residential and I-93. The access will be off of Jack's Bridge Road, which is under construction.
43 He said Clark Road would not be utilized. He said the building will be 390,000 square feet and is
44 adjacent to a wetland area. They have obtained a permit from the DES. The facility requires 490
45 parking spaces but they have obtained a variance from the Z BA for 450 spaces. He said the
46 landscaping plans are in design review. The architect for the project Bob Not sure last name,
47 gave an overview of the building which will be a 28' tall steel frame, masonry construction. The
48 color is gray with red trim. He pointed out the office areas, mezzanine areas and explained the
49 elevation along with the landscaping. T. Thompson explained that the subdivision had to happen
50 first before this could happen. J. Farrell wanted to know if they had approached any of the
51 abutters yet. Z. Juhasz said at the various meetings they have had in the permitting process,

1 abutters were notified. P. DiMarco asked if the I-93 expansion would be an issue with this
2 project. Z Juhasz said they had already taken that into consideration. T. Thompson said this
3 project was part of the subdivision traffic study that was already completed. P. DiMarco asked
4 what would be assembled at the facility. Bob ---- said windows and doors. Z. Juhasz said they
5 were going to try to get on the agenda for early September and they were trying to solve some
6 slope issues. T. Thompson said he thought those could be worked out. E. Jonrig asked if any site
7 work could be done before the final approval. A.Rugg said that when all conditions are met and
8 the plan is signed is when they could start construction.

9
10 **Workshop – Pedestrian/Bike Facilities** – T. Thompson said he had no set agenda on this subject
11 but due to the concerns on walking trails and the stewardship and monitoring, this workshop was
12 scheduled. T. Thompson read an email from Tom Dolan, Town Councilor, which suggested
13 working with the developer to place pathways in a more acceptable location on the properties in
14 question. He said it is unfortunate that new property owners are not aware of all site plan features
15 prior to sale. T. Thompson said that Londonderry Trailways had no comments on the Tanager
16 project walking trails. He also said he wanted more feedback other than just the Tanager project.
17 Sandy Lageaux from Londonderry Trailways said that the Tanager subdivision walking trails
18 were the engineer’s idea and said Trailways thought it was odd that the trails would go in the
19 backyards of some of the houses and they would never recommend that. D. Stuart said that this is
20 now a developer’s issue. B. Farmer said based on legal advice from the Town counsel, this is
21 viewed as a developer’s issue and the easement is on the site plan until the developer removes it.
22 S. Lageaux said she had come up with a plan regarding pathways which was if the development
23 was commercial it should be paved with a granite curb, if it was a large residential development it
24 should be a paved multi-use path 5’ wide adjacent to the roadway on the main artery of the
25 development with none required on the side streets. A small development would have no
26 requirements or a trail in the woods, perimeter only. J. Farrell said the regulations should be
27 defined so that this doesn’t happen again. R. Nichols was concerned whether proper disclosure
28 had been made regarding the physical location of the trail to home buyers. He suggested we also
29 investigate alternate solutions, which may address resident’s concerns of privacy and
30 stewardship. Potentially using additional restrictive language, for example: dawn-to-dusk hours
31 of ‘operation’, or required housing minimum setback distances from trails. He said it would
32 appear that ‘backyard’ trail right-of-ways typically may have very minimal restrictions. . T.
33 Thompson said that when the subdivision is developed, home locations are not determined. P.
34 DiMarco agrees with S. Lageaux’s concerns and also was concerned about snow removal. C.
35 Tilgner agreed with S. Lageaux and said there is enough public land for walking trails. M. Soares
36 agreed also. T. Thompson said the concept that Sandy has is good but not in all cases. J. Trottier
37 mentioned stewardship and the Town does not have a sidewalk plow. B. Farmer said he thought
38 this would be an enforcement issue to require residents to shovel sidewalks in front of their
39 property. Jeff Zall, attorney representing the Tanager Landing developers, thought that walking
40 trails were meant to skirt the perimeter. He said the developer wouldn’t object to removing the
41 trails to amend the plans. A. Garron asked if the developer would be willing to put a paved trail
42 in front along the roadway. T. Thompson said to have the developer make an appointment for a
43 conceptual meeting discussion with the Board. A. Rugg asked if the public had any comments.
44 Waneeta Mason said she was concerned about the liability with the trail on her land and her
45 insurance company was also concerned about it, which she had also brought up at the Town
46 Council meeting. B. Farmer said he would have the tapes of the Town Council meeting
47 researched.

48
49 **Walgreens Site Plan, Map 6, Lots 49, 51 & 52, Conceptual Discussion** – Earle Blatchford,
50 representing Mark Investments, Inc., addressed the Board to update them on the project’s status
51 in the design review/permitting process. He said they have received DRC and Vollmer

1 Associate's comments and met with Staff and Vollmer to discuss. He said most of the issues
2 were minor except for one concerning the interior parking lot landscaping requirement. He said
3 this was difficult to meet the requirement of the POD and would the Board entertain a waiver of
4 that requirement. A. Rugg asked how the Board felt about this. T. Thompson said this was a
5 unique sharing of the parking lot between the Bank of America and Walgreens and he would be
6 comfortable with this waiver because the front and side landscaping does meet the POD
7 requirements. The Board's consensus was to support the waiver. E. Blatchford said they have
8 submitted a traffic study to the State and have the conceptual approval. T. Thompson said when
9 the project becomes a formal application; a waiver for the DOT permit will be necessary as long
10 as the conceptual approval has been obtained. J. Farrell asked about a no left-turn sign for the
11 second entrance/exit on Mammoth Rd. and asked if they had met with the abutters on the corner
12 regarding their driveway. Giles Ham, Traffic Consultant for Walgreens, said this was not an
13 issue with the State or in the Vollmer comments on the traffic study. He said they have met with
14 the abutter and they have offered to move their driveway. J. Farrell asked J. Trotter to check with
15 Vollmer Associates on these issues.

16
17 ***Conceptual Discussion – Lot Line Adjustment 62 & 64 High Range Road -*** Timothy
18 Marschner, owner of Lot 6-112 and Lot 6-110-4, said he would like to adjust the lot line between
19 these parcels in order to meet setback requirements for his plan to construct a three-stall garage.
20 He said he has a buyer for Lot 6-110-4 who is agreeable to this lot line adjustment. T. Thompson
21 said this would require a waiver from Section 3.03E of the Subdivision regulations, which require
22 side lot lines be substantially at a right angle to the street line for a distance of 100 feet. T.
23 Thompson also said by doing a lot line adjustment, this would be considered a new lot and be
24 subject to the growth management ordinance. He said if the owner applied for a permit now,
25 before the adjustment, it would be exempt because the lot was created before 2001. The Board's
26 consensus was favorable to the lot line adjustment with the waiver.

27
28 ***Adjournment:***

29 **M. Soares motioned to adjourn at 11:45 PM. Seconded by J. Farrell.**

30 **Vote: 9-0-0.**

31 **Meeting adjourned.**

32 These minutes taped and typed by Christine Marra.

33 Respectfully Submitted,

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38 John Farrell, Secretary

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF September 7, 2005 AT THE NORTHGATE CONFERENCE ROOM

7:00 PM: Members Present: Art Rugg, Chairman; Dana Coons, Vice-Chair; Paul DiMarco, Asst. Secretary; Rick Brideau, Ex-Officio; Brian Farmer, Ex-Officio; Mary Soares; Tom Freda, alternate member; Rob Nichols, alternate member.

Also Present: John Trottier, P.E., André Garron, AICP and Christine Marra, Recording Secretary.

A. Rugg called the meeting to order at 7:00 PM. He appointed Tom Freda to vote for John Farrell, who was absent tonight.

Administrative Board Work:

Extension Request – Conditional Approval of S & S Metals Site Plan, Map 15, Lot 66-1 - André Garron read a letter from Michael T. O'Donnell, representing S & S Metals Recycling, which requested a six-month extension of the conditional approval granted on June 1, 2005 for the referenced project. The letter said the extension is needed to allow sufficient time to address the final engineering review comments. J. Trottier said that Staff has been working with the applicant on resolving the outstanding issues. D. Coons asked if the Board should consider extending it to one year. J. Trottier said it appears that the plan could be done in the six-month period and this was only for conditional approval. D. Coons said that the applicant should be at the meeting when requesting extensions. J. Trottier said he would relay that to the applicant for future reference. **D. Coons motioned to grant a six-month extension until November 30, 2005 for the conditional approval for S & S Metals Site Plan, Map 15, Lot 66-1. Seconded by M. Soares. No discussion. Vote- 7-0-0. Extension until November 30, 2005 is granted.**

Art Rugg appointed Rob Nichols to vote for Dani-Jean Stuart, who was absent tonight.

Extension Request- Temporary Occupancy of the Cranberry House – J. Trottier addressed the Board and said the applicant Barry T. Mazzaglia had sent a letter to T. Thompson requesting a 3-month extension for their Temporary Certificate of Occupancy. He said the applicant was in the process of purchasing Lot #64-1 and maintaining it as the Retail use as presently exists today with a portion of the building being used as office space. He said the Planning Board had approved a Temporary Certificate of Occupancy, which was good only through November of 2005 and they were to submit a site plan by September 30, 2005. They anticipate that they will not be able to meet the deadline. J. Trottier said it would be helpful for the applicant to be here to explain his reasons. P. DiMarco said we could request the applicant come back next week. A. Rugg said no action would be taken on this request tonight and staff should contact the applicant to request that he come to the meeting next week.

Approval of Minutes- August 3, 2005 – A. Rugg read his corrections to the minutes which were as follows: page 1: There are 9 voting members present (two alternates were appointed), so all votes taken subsequently should reflect this.
page 3: Line 121 at end, "where" should be "were"
page 6: Line 232 there should be inserted that when public input was requested, there was no input. All our public hearings should reflect this, to indicate that the public has had the opportunity for input.

D. Coons motioned to approve the minutes from August 3, 2005 as corrected. Seconded by P. DiMarco. Vote 8-0-0.

Approval of Minutes – August 10, 2005 – A. Rugg read his corrections, which were as follows:
page 1: Line 6 should indicate that Rob Nichols and Tom Freda are alternates.

page 1: Line 23 should have a vote number of 7-0-0 (Alternates were not appointed yet).

page 1: Line 29 should indicate that I appointed Rob Nichols to vote for Dana Coons (who was absent) and Tom Freda to vote for John Farrell until he arrives (8:10 PM). All the votes are correct at 9-0-0.

page 3: Line 46, "B. Farrell" I think should be "B. Farmer".

page 4: Line 12 should not that Tom Dolan is Chairman of the Town Council.

page 5, Line 24 and 25, I think that "B. Farrell" I think should be "B. Farmer".

page 5: Line 25 there should be inserted that when public input was requested, there was no input. All our public hearings should reflect this, to indicate that the public has had the opportunity for input.

R. Nichols read his corrections, which were as follows: LINE 24 Change FROM:
"R. Nichols was concerned on disclosure regarding setbacks from the homes."

Please change to:

"R. Nichols was concerned whether proper disclosure had been made regarding the physical location of the trail to home buyers. He suggested we also investigate alternate solutions, which may address resident's concerns of privacy and stewardship. Potentially using additional restrictive language, for example: dawn-to-dusk hours of 'operation,' or required housing minimum setback distances from trails. It would appear that 'backyard' Trail right-of-ways typically may have very minimal restrictions."

P. DiMarco motioned to approve the August 10, 2005 minutes as amended. Seconded by M. Soares. Vote: 7-0-1. D. Coons abstained.

Discussion with Town Staff: There was some discussion on the attendance policy of the Planning Board. A. Garron mentioned Dani-Jean Stuart's email regarding her absence tonight. B. Farmer said that when a member is to be absent they should notify the staff or the Chairman and they should not miss more than 3 meetings in a row.

A. Garron said the Town Offices would be closed next Thursday and Friday for the move to the new Town Hall. He said that the Town has signed the CMAQ agreement with the Department of Transportation and can move forward with the Pillsbury Rd./Mammoth Road sidewalk project. He said when the engineering work is done it will come before the Planning Board.

R. Brideau discussed the CIP meetings and the new rating system outlined by T. Thompson. He said T. Thompson did a great job, as everyone will see next week. M. Soares said the School Board was also very impressed with T. Thompson's work. B. Farmer said the Staff and the Committee has done a good job and the workshop and public hearing should be done in time for the ballot in March. P. DiMarco wanted to know if the entire CIP committee would be at the workshop meeting next week. R. Brideau said that T. Thompson has invited them all to attend. B. Farmer said that Walgreen's had asked for a meeting with him and John Farrell tonight at the Town offices to discuss their conceptual approach for their site plan that they came in with last

time. He said they had two left turns coming out of the parking lot that the Board felt was problematic to the future of that intersection. He said they laid out their reasons why they had to focus on the two left turns because it was basically a business plan decision. He said they are buying the property from Bank of America and then leasing it back to them and part of the lease terms is that the Bank not lose anything. If they made a right-turn only exit, the Bank would lose what they have now. He said they discussed the two cut-throughs or shared accesses that runs through the property and by eliminating one of them; it might mitigate a lot of the issues concerning the 2 left-hand turns. He said the Town's traffic engineer's consultant looked at it and made the recommendation and they also looked at the offsite improvements to Mammoth Rd. and Rte. 102, which were significant. D. Coons said this was a safety issue and they may have to live with it. B. Farmer said that the applicant understands the problem. A. Garron said they made it clear to the applicant that the Board may not agree. M. Soares wanted to know if the problem with the driveway of the neighbor across the street came up in their discussions. B. Farmer said the meeting had focused on the 2 left-hand turns and the Town's traffic expert would have to come to the meeting to explain the alternatives.

A. Rugg said that on Monday, 9/12/05, at the Town Council meeting, the zoning change for the DeCarolis project would be considered. Also the Londonderry Hazard Mitigation Plan was up for a public hearing and lowering the Town's speed limit is being considered.

D. Coons said that when an applicant requests extensions, they should come to the meeting to explain.

M. Soares talked about how other cities are dealing with elderly housing. She would like to know the percentages of the mix of single family homes, multi-family, elderly, etc. and what the statistics in Londonderry are right now, including conceptual plans and what is being built now. She said this is good knowledge to have to see what we want to have at the build out of the Town.

A. Garron said that in the next few months, by using the GIS, we will have the data available in the build out analysis that is being worked on by John Vogl. R. Brideau said that assessing has this information in their computer system and he will get a printout for next week.

A. Rugg spoke about SNHPC's meeting concerning NHDOT's Ten-Year Plan-Public Hearings. He said the next meeting for District 4, which includes Londonderry, would be held 9/27/05 in Derry at 7PM. He also discussed Bennington, VT's bylaw governing big-box retailers and passed the article around the Board. D. Coons said that in some towns in order to get around the restrictions, they are building 2 story buildings.

Public Hearings –

Harvey Industries, Map 17, Lot 45 – Application Acceptance and Public Hearing – J. Trottier said that in their letter of 9/7/05, Daylor Consulting Group, Inc. had requested a continuance until the October 5, 2005 meeting. **D. Coons motioned to continue the hearing until 10/5/05 as requested in the applicant's letter. Seconded by B. Farmer. No discussion. Vote: 8-0-0. Hearing will be continued until 10/5/05 and this will be the only notice.**

Stonyfield Farms, Map 14, Lot 44-13- Application Acceptance and Public Hearing- J. Trottier said that in their letter of 9/7/05, the applicant had requested a continuance until the 10/12/05 meeting. **D. Coons motioned to continue the hearing until 10/12/05 as requested in the applicant's letter. Seconded by R. Nichols. Discussion: T. Freda said the letter was not signed. A. Garron said that T. Thompson had a discussion with the applicant. B. Farmer said the applicants should sign the letters and fax them instead of emailing them. Vote: 7-1-0. T. Freda voted no. Hearing will be continued until 10/12/05 and this will be the only notice.**

Barbara DiLorenzo, Map 14, Lot 31- Application Acceptance and public hearing- A.Rugg said that this was a site plan to allow for an automotive repair facility and associated site improvements, previously operating without site plan approval. J.Trottier said there were no outstanding checklist items. **D. Coons motioned to accept the Barbara DiLorenzo site plan as complete. Seconded by P. DiMarco. No discussion. Vote: 8-0-0. Plan is accepted as complete.** David Walker from Bedford Design placed the plan up for the Board to view. Barbara DiLorenzo presented the plan. She said that in 1981 this piece of property was zoned industrial property and she had a business then. She said in 1998 they started the automotive repair business without a site plan and didn't think it was necessary because the property was already zoned commercial. She explained that the boundaries are all set and the Town has put in a swale, which does not show on the plan. Also, she said the leachfield is being moved and the plan has been submitted to the State. J. Trottier read the design review comments 1-7 in the memorandum to the Planning Board dated 9/7/05. He also read one Board informational item regarding proposed outside storage that is subject to Planning Board review and requires screening. He also read one Board Action Item, which is requesting a waiver to the Site Plan Regulations, which is noted on the Plan. He said no letter has been received requesting this waiver. He recommended the Applicant provide a letter to the Planning Board. A. Garron said that a short traffic analysis report has been submitted and it meets our requirements. R. Brideau asked if the workshop on the premises was still being used. B.DiLorenzo said yes she was using it. Discussion followed about storage in the setback area and the screening provided by a stockade fence. It was also noted that the stockade fence was extended onto the airport's land. D. Coons said there were lots of cars stored in front of the property and asked if they were going to be moved. M. DiLorenzo, Jr. said yes they would. D. Coons was concerned with granting a sight distance waiver noting the amount of traffic that will be generated in the future on Harvey Road due to the airport expansion. A. Rugg asked for public input. M. DiLorenzo, Jr. said the driveway has been there since 1940. D. Coons said that better sight distance is still needed. B. DiLorenzo said that some of the lilac bushes and vegetation could be removed. Dave Walker, Bedford Design said this was a tough location to obtain the sight distance. A. Rugg said they should work with J.Trottier and see what would be the best sight distance they can get without having to move the driveway. A. Garron said they would still need a waiver. D. Walker said they would get the letter for the waiver request and work with J.Trottier to get the maximum sight distance. J. Trottier said this would also involve regrading in the area. B. Farmer said if they got the maximum improvements to the area, a waiver could be granted. P. DiMarco asked if the hearing should be continued so they could work with staff. **D. Coons motioned to continue the site plan public hearing for Barbara DiLorenzo, Map 14, Lot 31 until 10/12/05 at 7PM. Seconded by M. Soares. Vote: 8-0-0. Plan is continued until 10/12/05 at 7PM.**

Adjournment:

M. Soares motioned to adjourn at 8:45 PM. Seconded by R. Brideau.

Vote: 8-0-0.

These minutes taped and typed by Christine Marra.

Respectfully Submitted,

John Farrell, Secretary

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF September 14, 2005 AT THE NORTHGATE CONFERENCE ROOM

7:00 PM: Members Present: Art Rugg, Chairman, Dana Coons, Vice-Chair; John Farrell, Secretary; Rick Brideau, Ex-Officio; Brian Farmer, Ex-Officio; Charles Tilgner, Ex-Officio; Mary Soares; Tom Freda, alternate member; Rob Nichols, alternate member.

Also Present: Tim Thompson, AICP; John Trottier, P.E.; André Garron, AICP; Holly Burbee, Intern; and Christine Marra, Recording Secretary.

A. Rugg called the meeting to order at 7:00 PM.

A. Rugg appointed Tom Freda, alternate, to vote for Paul DiMarco and Rob Nichols, alternate to vote for Dani-Jean Stuart.

Plans to Sign:

Delta Drive LLC Site Plan, Map 14, Lot 21-7 – John Trottier read the conditions of approval on the Notice of Decision dated August 3, 2005. He said all the conditions have been met. **Dana Coons motioned to authorize the Chairman and Secretary to sign the plan for Delta Drive LLC, Map 14, Lot 21-7 since all conditions have been met. Seconded by John Farrell. No discussion. Vote: 9-0-0. Plan will be signed at the conclusion of the meeting.**

TD BankNorth Minor Site Plan, Map 7, Lot 40-3 – John Trottier read the conditions of approval on the Notice of Decision dated July 12, 2005. He said all the conditions have been met. **Dana Coons motioned to authorize the Chairman and Secretary to sign the plan for TD BankNorth, Map 7, Lot 40-3 since all conditions have been met. Seconded by John Farrell. No discussion. Vote: 9-0-0. Plan will be signed at the conclusion of the meeting.**

Richard and Debra Higgins Lot Line Adjustment Plan, Map 9, Lots 85, 85-1 & 57-10 – John Trottier read the conditions on the Notice of Decision dated February 2, 2005. He said all the conditions have been met. **Dana Coons motioned to authorize the Chairman and Secretary to sign the plan for Richard and Debra Higgins, Map 9, Lots 85, 85-1 & 57-10 since all conditions have been met. Seconded by John Farrell. No discussion. Vote: 9-0-0. Plan will be signed at the conclusion of the meeting.**

Frontline Construction, Map 16, Lots 48 & 48-1 Lot Line Adjustment – John Trottier read the conditions of approval on the Notice of Decision dated May 4, 2005. He said all conditions have been met. **Dana Coons motioned to authorize the Chairman and Secretary to sign the plan for Frontline Construction, Map 16, Lots 48 & 48-1 since all conditions have been met. Seconded by John Farrell. No discussion. Vote: 9-0-0. Plan will be signed at the conclusion of the meeting.**

Fairwinds Properties Inc., Map 28, Lot 31-1 Site Plan – John Trottier read the conditions of approval on the Notice of Decision dated August 3, 2005. He said all the conditions have been met. **Dana Coons motioned to authorize the Chairman and Secretary to sign the plan for Fairwinds Properties Inc., Map 28, Lot 31-1 since all conditions have been met. Seconded by John Farrell. No discussion. Vote: 9-0-0. Plan will be signed at the conclusion of the meeting.**

Extension Request - Temporary Occupancy of the Cranberry House- Site Plan submission deadline of November – Barry Mazzaglia said that the Board had approved a temporary occupancy permit for the change of use at this location for his office giving him until November to submit a site plan. He said there have been a number of concerns, some of which have been resolved. He said the main reason for the delay was his attempt to obtain a surveyor. He now has retained Promised Land Surveyors and has been told by them that a plan can be prepared by November. He said he would like to request an extension of 3 months just to be sure. T. Thompson said it was only a matter of getting plans submitted. J. Farrell said that the Board only likes to give an extension once and asked if the 3 months would be enough. B. Mazzaglia said a 3-month extension until February, 2006 would safely cover it. D. Coons asked what were the Staff's feelings. T. Thompson said this was a Building Department issue. M. Soares said she thought they should ask for a 6-month extension until the first meeting in March. J. Farrell said it would have to be signed by the second meeting in March to meet that deadline. T. Thompson said in that case a public hearing would have to be held in February. **D. Coons motioned to grant the extension for a temporary occupancy permit until 3/8/06. Seconded by J. Farrell. No discussion. Vote 9-0-0.**

Letter from Cooper Financial re: Violation Notice at Map 11, Lot 11 - T. Thompson referred to a letter addressed to Frank Holdsworth, Compliance Officer, dated 9/13/05 from Kevin M. Cooper of Cooper Financial LLC. He said F. Holdsworth had sent Mr. Cooper a letter dated 8/31/05 regarding the placement of fill and loam on his property at Map 11, Lot 11 without proper approvals. D. Coons said he recalled that about 1 ½ years ago a conceptual subdivision plan had come in for that property. He said it was not appropriate to place these piles of fill on the property when no site plan or subdivision plan has been signed by the Planning Board. J. Farrell said no work is to be done on the property without an approved plan. Kevin Cooper addressed the Board and said that he bought the property in 2002 along with 4 other parcels. He said that they were informed in November, 2002 that the State of New Hampshire had identified some of the parcels could be subject to Eminent Domain for wetlands mitigation for the widening of Interstate 93. Also the Town identified some of the parcels as conservation land. He said for 2 years he had been working with the Town on moving forward with a subdivision plan on lot 11, which wouldn't be complete for another 6-12 weeks before submitting plans. He said he had some excess fill from another site that he was storing on the property and was not commencing any project for that lot. He said the fill has been surrounded by a silt fence and hay bales and the sides and top of the fill have been loamed and seeded. D. Coons said the ordinance was there for a reason and has he consulted with the neighbors on this. A. Rugg said this had to have site review because of environmental issues that could result and the watershed has to be protected. A. Rugg asked the Board if they agreed that this needed site review. All agreed that it did. T. Thompson said he would let F. Holdsworth know that this needs a site plan and F. Holdsworth could work out the 9/15/05 deadline with Mr. Cooper. J. Farrell said that the Board should have some feedback from F. Holdsworth within 30 days. The Board agreed.

Dan's Floor Store, Map 6, Lots 6-35-9 & 6-35-8, Notice of Merger – T. Thompson said this merger was necessary in order to complete the site plan process for Dan's Floor Store on these two lots. **J. Farrell motioned to authorize the Chairman to sign the Notice of Merger document for Map 6, Lots 6-35-9 and 6-35-8. Seconded by M. Soares. No discussion. Vote: 9-0-0.**

Discussions with Town Staff – T. Thompson reminded Board members that the Town offices would be closed on Thursday and Friday due to the move to the new Town Hall. The next meeting would be at the new building. D. Coons reported that the Southern New Hampshire Planning Commission annual banquet was very good and informative. He said Congressman Jeb

Bradley spoke and answered questions on the New Orleans disaster. Also Howard Brodsky spoke on ideas for attracting business to New Hampshire. A Rugg said he had heard from Valerie LePine concerning her attendance at Planning Board meetings as an alternate. She said that due to her new employment, she was trying to adjust her schedule so that by December she can attend the meetings. J. Farrell spoke about the recent house fire on Colonial Drive, which destroyed the home. He said the fire pond was ½ mile away. He suggested that discussion on this issue should take place soon.

Workshops/Conceptual Discussions/Public Hearings –

David Maurice, Map 6, Lot 88-4- Application Acceptance and Public Hearing for a condominium conversion – T. Thompson said that there were no outstanding checklist items, and recommended the application be accepted as complete. **J. Farrell motioned to accept the application for David Maurice as complete. Seconded by D. Coons. No discussion. Vote 9-0-0. Application accepted.** John Pohopek, representing the owner, presented the plan to the Board. A. Rugg explained that a condo conversion is a subdivision by statute. J. Pohopek explained that the land is not being subdivided, only on paper. The land is common land to both sides. J. Trottier read the memo to the Planning Board dated September 14, 2005, design review items 1-3 and the Board informational items. R. Brideau said that Unit A & B have to be reversed. A. Rugg asked for public input. There was none. **D. Coons motioned to conditionally approve the plan for David Maurice, Map 6, Lot 88-4 for a condominium conversion with the following conditions:**

1. **The Applicant shall provide a signature for the sight distance certification on sheet 3 and clarify the sight distance is achieved on the left side of the “A” profile. In addition, please indicate the sight line stationing on the plan view consistent with the profiles. Also, please update the title block consistent with sheets 1 and 2 and provide a revision block.**
2. **The Applicant shall address the following on sheet 1:**
 - A. **Please provide the Owner’s signature on the plan and sheet 2. In addition, please provide a signature for the certification on sheet 2.**
 - B. **Please update note 11 to indicate the sheets to be recorded (sheets 1 and 2).**
 - C. **Please note the existing and proposed use.**
 - D. **Please note the number of bedrooms.**
 - E. **Please indicate the zoning of each abutter.**
 - F. **Please verify the building setback shown along the 25’ R.O.W. with the Zoning Officer.**
3. **The Applicant shall address the DRC comments as applicable.**
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. **All consultant’s fees to be paid within 30 days of conditional approval.**
6. **Provide financial guarantee if required.**
7. **Final Engineering review.**
8. **The Applicant shall provide condominium conversion documents meeting the approval of the Town’s attorney.**

Seconded by B. Farmer. No discussion. Vote: 9-0-0. Plan is conditionally approved.

Workshop- Capital Improvement Plan 2007-2012 – T. Thompson addressed the Board and explained the CIP document is an advisory document to guide the Town Council and Budget Committee in the annual budgeting process. He explained the priority system 1-6 listed on page 6 of the handout. He then went over the priorities beginning with Priority 1, which was South Station Replacement at a cost of \$1,600,000. Priority 2, needed within 3 years included Open Space Protection, South School Renovations, North/West Station Replacement and Pettingill Road Upgrade. He said Priority 3, needed within 4-6 years included Police Department facility communications room and a new SAU office under School Department. Priority 4 can be placed on hold until after the 6-year scope included Auburn Road recreational facility, Central Station renovations and a Performing Arts Center. He then explained the spreadsheets with the tax impacts for each project noted. He said a public hearing would be held on October 12, 2005 on this plan. J. Farrell said the Staff had done an incredible job on the preparation of the CIP. John Silvestro, Chairman of the CIP Committee thanked all the committee members for an outstanding job on how they prioritized items and graded each item. He was also very pleased with how well the School and Town worked together on this project. M. Soares also commented on how well the CIP was received by the School Committee and they all thought T. Thompson did an incredible job in preparing it. J. Silvestro said this should be the plan for the next 6 years unless there is an emergency. M. Soares said if a project is not on the plan, it should be brought in by a citizen's petition. D. Coons said he was surprised that some items were not on the plan such as road bonds. B. Farmer said that this would be addressed at the Town Council. T. Thompson said an email was sent out 2 months before the deadline for submission for projects and there were ample opportunities for submittals. B. Farmer discussed the Performing Arts Center and thought that it should have had more of a priority and not have been taken off the plan for the next 6 years. He said the voters were surveyed at the last election and expressed an 82% interest in the Center with no dollar value. He said 75% of the voters supported the center using tax dollars. He referred to the Timberlane Performing Arts Center, which had an \$8M price when done, which would escalate to \$10M today with the architects and engineering costs at approximately \$1M. He said there are many groups who are willing to do fundraising programs to support this project, which could account for 15% of the costs. B. Farmer said that the land where this will go has to be identified which needs a coordinated effort and cooperation with the School Board. He said both the Town and School have to get together and make this part of the CIP and not do a citizen's petition. He said it should be on the plan. He said if it is not on the plan this year, a citizen's petition would be done next year. A. Rugg asked if there was any public input. Tom Dolan said that they haven't received any complaints about the roads this past winter. Larry Casey, a resident of 20 years, said he supports the performing arts center and the arts are important and should be addressed as a priority. J. Silvestro asked why couldn't the Town impose impact fees to start gathering funds for the center. T. Thompson read the RSA regarding impact fees and didn't think it allowed for that use. He said he would get a reading from the Town Counsel. J. Silvestro agreed that it should be researched. Greg DeCoteau, resident, said the performing arts center should be put back on the plan stating that the Town has found money for recreation fields and athletics but not for the arts. Bill Cardocki, resident, said he wasn't against any of the other items, but suggested maybe requiring more fire ponds. He said he thought because of the favorable performing arts survey, this would be on the ballot to vote on. J. O'Connor, resident, said some people are saying to just use private funds, but the School and the Town have a responsibility and it should be in the CIP now. Lynn McDonald, president of the Londonderry Women's Club, said they picked a project to raise funds for and chose the Cultural Arts Center and they have raised some money for this project. Liz Juster, a LHS teacher and drama club advisor also spoke in favor of the center. Other residents also spoke in favor of the cultural arts center. A. Rugg said there would be a public hearing on the CIP on October 12, 2005. Andy Soucy, music director at the High School, said there is a need for the facility and the gym is not even good for speaking. He said there are 1,100 students who play instruments. B.

Farmer said having the center in priority 4 is like moving it into infinity and it should be moved into a priority 3 in order to move forward with any plans. D. Coons asked if they are prevented from being re-evaluated next year. T. Thompson said no. M. Soares said if it was a priority 3 this would allow fund raising. **B. Farmer motioned to move the Cultural Performing Arts Center from a Priority 4 category to a Priority 3 category. Seconded by M. Soares. D. Coons motioned to amend the motion to keep the architect and engineering costs in Priority 3 and leave the construction part in Priority 4. Seconded by J. Farrell. T. Thompson said it would be cleaner to keep it all together. D. Coons and J. Farrell withdrew the amendment. Vote: 5-4-0. Motion passed. Cultural Performing Arts Center is moved to a Priority 3 category in the CIP. M. Soares motioned to propose the funding for A&E for 2011 and construction in 2012. Seconded by B. Farmer. Vote: 5-4-0. Motion carries.**

A Garron asked if the CIP Committee should reevaluate the system they used. B. Farmer asked that the rating of the projects submitted should not be done until after the presentations are made to the CIP committee. M. Soares said that for this type of project in order to get other types of funding, it has to be supported by the Town. She also noted that this is only an advisory document.

Workshop- Conservation Subdivisions – Holly Burbee presented her update on Conservation Subdivisions. She explained the difference between the conservation subdivisions, which is a development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas, and the conventional subdivisions, which consist of large tracts of land that are subdivided in a grid maximizing the number of lots according to density allowed under the zoning ordinance. She said she has done extensive research on other towns and has written a generic ordinance in her memo to replace the PRD in the present ordinance. She posted a map of Londonderry showing 10-20+ acre parcels in Londonderry's AR-1 zoning district, which were undeveloped. She also explained the two methods that could be used, which were the Calculation Method and the Yield Method. The Calculation Method is the maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning not including slopes over 25% of 5000 sq. ft. contiguous area, the 100-year floodplain and bodies of open water and wetlands that meet the definition of Army Corps of Engineers pursuant to the Clean Water Act. She said the Yield Method is the maximum number of lots is based on a conventional design plan, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible. She said she needed feedback from board members on the minimum lot size for a conservation subdivision. T. Thompson recommended 20+ acres was more appropriate. D. Coons agreed. A. Garron also agreed. Discussion followed on the methods. T. Thompson said the yield method was more involved, but should leave that alternative. He said 90% of developers will use the calculation method. R. Nichols suggested offering incentives to developers to use the yield method. T. Thompson said a minimum lot size was needed. D. Coons suggested not less than $\frac{3}{4}$ acre. T. Thompson said $\frac{1}{2}$ acre if sewer was available. Discussion also followed on the setback requirements. A. Rugg suggested 25' setbacks for the exterior and for individual lots, 15' side setback and 30' front setback and maintain the frontage requirements. T. Thompson said another workshop will be held concerning this. A. Rugg asked the members to email their suggestions to T. Thompson.

Tanager Landing Walking Trails Conceptual Discussion – Deb Dietz, from TF Moran, representing the developer, proposed some thoughts on the walking trails. She said the first proposal was to have the trails around the perimeter of the development leading to the Town conservation land in back. She said Litchfield did not support this, since part of this trail would be in Litchfield. They removed that portion at their request and left the portion just leading to the

conservation land. The next proposal was that the trail not go in at all. A. Garron said an alternative was a rural sidewalk the length of the roadway, which had been suggested by Londonderry Trailways. D. Coons said the trail is shown on the plan, but property owners were not apprised of it. Rich Lannan, developer, said he had been to every closing and every property owner knew about the trail. He said the trail sounded like a good idea at the time but didn't know about the impact it would have on the property owners. Jeff Zoll, attorney for the developer, said the plan is on record showing the walking trail and once it is on record the easement exists even though the Town Council has not signed the easement yet. He had a suggestion if the Planning Board votes to amend the plan to omit the walking trail, he would create a document to be signed by all owners and the Chairman of the Planning Board to release the easement. He said this release of easement would take care of eliminating the trail and the plan would not have to be modified. B. Farmer asked if he could forward this in writing to the Town Attorney for his review. Jeff Zoll said that to propose a sidewalk would require extensive engineering work which would be very expensive. He said the developer is willing to make a monetary contribution towards another trail in Town, possibly on Town land, and take this trail away. B. Farmer said Sandy Lageaux from the Trailways should be involved in this discussion. A. Rugg polled the Board for their consensus. The consensus was to eliminate the trail and take the money for another trail on Town land. A. Rugg said Staff should contact Trailways to present this plan and amending the plan to eliminate the easement.

Jay Barrett, Map 5, Lot 58-1 – Continued Public Hearing for a 9-lot Subdivision - Ray Shea from Sanford Surveying, representing the owner, explained the plan and the sight distance. He said they were attempting to get an easement from the abutters across the street in order to meet the sight distance requirement. J. Trottier read the design review comments in the memo to the Planning Board dated September 14, 2005. T. Thompson said the major issue was the sight distance and if they can reach an agreement with the abutter to have the 250' sight distance. B. Farrell asked about the cap on building permits. T. Thompson said they would have to wait until 2006. J. Farrell said that the agreement should be in place before the conditional approval. T. Thompson said if the hearing is continued, it would be the last continuance allowed, before the 65-day clock from RSA 676:4 would expire. Future continuances would have to be authorized by the applicant, or a decision would have to be made by the Board to deny the plan or conditionally approve it. A. Rugg said the easement would have to be in hand first. D. Coons asked applicant if he could get the signed document in place for the next meeting. R. Shea said he would try. A. Rugg asked for public input. There was none. **M. Soares motioned to continue the public hearing until 10/12/05 at 7PM. Seconded by R. Brideau. Vote: 9-0-0. This will be the only notice of the continued hearing.**

Workshop/Regional Impact Determinations: A. Garron referred to a memo he received from the Southern New Hampshire Planning Commission regarding developments of regional impact. He said that this memo included guidelines for communities in the SNHPC region to use when considering whether submitted proposals may be a development of regional impact. T. Thompson said he needed to know when we determine the regional impact; whether it be after the Board accepts the application or when the design review summary comes in from Staff. The Board agreed with the design review summary from Staff. B. Farmer said GIS should plot the area.

Adjournment:

M. Soares motioned to adjourn the meeting at 11:55 PM. Seconded by J. Farrell.

Vote 9-0-0.

Planning Board Meeting
Wednesday 9/14/05-Final

Meeting adjourned.

These minutes taped and typed by Christine Marra.

Respectfully Submitted,

John Farrell, Secretary

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF October 5, 2005 AT THE MOOSE HILL COUNCIL**
3 **CHAMBERS**
4

5 7:00 PM: Members Present: Art Rugg, Chairman, John Farrell, Secretary; Paul DiMarco, Asst.
6 Secretary; Rick Brideau, Ex-Officio; Brian Farmer, Ex-Officio (arrived at 7:55PM); Charles
7 Tilgner, Ex-Officio; Mary Soares; Tom Freda, alternate member (arrived at 7:20 PM); Rob
8 Nichols, alternate member.
9

10 Also Present: Tim Thompson, AICP; John Trottier, P.E. and Christine Marra, Recording
11 Secretary.
12

13 A. Rugg called the meeting to order at 7:00 PM. He appointed R. Nichols to vote for Dana
14 Coons who was absent tonight.
15

16 *Plans to Sign:*
17

18 ***Homestead Restaurant & Town of Londonderry, Map 6, Lot 71-1- Public Hearing-*** T.
19 Thompson explained that this hearing was being held to sign a Lot Consolidation plan which was
20 approved by the Planning Board conditionally in 1998, which adds a portion of the Old Buttrick
21 Road right-of-way owned by the Town to the Homestead's property on Map 6, Lot 71-1. He said
22 this was given to the Homestead in exchange for a septic easement, which would be located on
23 that property for the Fire Station across the street. He said the appropriate easements have been
24 received and Staff recommends the Planning Board sign the plan. Jack Szemplinski, representing
25 Homestead Restaurant, said this plan was needed to add this small piece of land to Lot 71-1 and
26 to show the septic system easement for the Fire Station. T. Thompson said the reason for the
27 public hearing was because of the time lapsed since the conditional approval. There were no
28 questions from the Board. A. Rugg asked if there was any public input. There was none. **P.**
29 **DiMarco motioned to authorize the Chairman and Secretary to sign the lot consolidation**
30 **plan for Map 6, Lot 71-1 at the recommendation of Staff. Seconded by C. Tilgner. No**
31 **discussion. Vote: 7-0-0. Plan will be signed at the end of the meeting.**
32

33 ***Homestead Restaurant Minor Site Plan, Map 6, Lot 71-1-*** J. Trottier said that the Planning
34 Board had conditionally approved the site plan to add a seasonal dining area (deck), handicapped
35 accessible ramp and air-lock at the front restaurant entrance on May 24, 2005. He said the Board
36 had agreed at the last meeting that since they all had copies of the Notice of Decisions, it was not
37 necessary for him to read through all the conditions. He said all conditions have been met and
38 Staff recommends the Board sign the plan. **J. Farrell motioned to authorize the Chairman**
39 **and Secretary to sign the Minor Site Plan for Homestead Restaurant, Map 6, Lot 71-1 since**
40 **all conditions have been met. Seconded by M. Soares. No discussion. Vote: 7-0-0. The**
41 **plan will be signed at the end of the meeting.**
42

43 ***David Maurice Condo Conversion, Map 6, Lot 88-4*** – J. Trottier said the Planning Board had
44 conditionally approved this plan for a condominium conversion on September 14, 2005. He said
45 all conditions have been met noted on the Notice of Decision dated September 14, 2005 and the
46 Staff recommends the Board sign the plan. **J. Farrell motioned to authorize the Chairman**
47 **and Secretary to sign the condominium conversion plan for David Maurice since all**
48 **conditions have been met. Seconded by R. Brideau. No discussion. Vote: 7-0-0. Plan will**
49 **be signed at the end of the meeting.**
50

1 **Plan to re-sign – Frontline Construction Lot Line Adjustment** – T. Thompson said this plan was
2 rejected at the Registry for some imperfections that needed to be corrected. He said the plan was
3 corrected and a new mylar made, which has to be signed. He said no vote was necessary. A.
4 Rugg said the plan will be signed at the end of the meeting.

5
6 **Approval of Minutes- 9/7/05 and 9/14/05 - J. Farrell motioned to approve the minutes of**
7 **9/7/05 with the noted changes. Seconded by P. DiMarco. Vote: 6-0-1.**

8 **A. Rugg said he had some changes on the 9/14/05 minutes that he would email to the**
9 **secretary. The changes were “on page 2, line 50 – Rod should be Howard; line 51 – delete**
10 **“the plans for the I-93 widening” and replace with “ideas for attracting business to New**
11 **Hampshire.” J. Farrell motioned to approve the minutes of 9/14/05 with these changes.**
12 **Seconded by R. Brideau. Vote: 6-0-1. Minutes are approved.**

13
14 **Determinations of Regional Impact: 12 projects** – T. Thompson said that according to RSA
15 36:56, the Board shall make a determination of Regional Impact for any project that is received
16 for their consideration. This was discussed at the September 14, 2005 meeting and if the Board
17 should determine that any project is a project of regional impact, the process for notifying the
18 impacted communities and Regional Planning Commissions will be undertaken by Staff. J.
19 Farrell asked if they could make one motion for all 12 projects if they all were not developments
20 of regional impact. T. Thompson said yes they could. **[T. Freda arrived at 7:20]. A. Rugg**
21 **appointed T. Freda to vote for D. Stuart.** J. Farrell asked why the elderly housing project was
22 not a project of regional impact. T. Thompson said it did not meet the threshold of the SNHPC
23 criteria. He said he will put the criteria of the SNHPC in a memo for future reference. He said
24 Staff recommends that all the projects in his memo of October 5, 2005 are not developments of
25 regional impact, as they do not meet any of the regional impact guidelines suggested by SNHPC.
26 **J. Farrell motioned that the Board determine the 12 projects in T. Thompson’s memo of**
27 **10/5/05 are not developments of regional impact. Seconded by P. DiMarco. No discussion.**
28 **Vote: 8-0-0.**

29
30 **Discussions with Town Staff - J. Trottier** said he would like to take the opportunity to announce
31 that Gilcreast Rd, from Cortland Street to Pillsbury Rd. will be closed from 10/10/05 until
32 10/28/05 and residents should seek alternate routes. He said the reason for the closure was the
33 off-site road improvements for the Rosecran Court development.
34 T. Thompson said that he will get an email out to the members with a copy of the third draft of
35 the C I P and they could make comments at the public hearing next week.
36 A. Rugg mentioned the 30th Annual Municipal Law Lecture Series sponsored by the Local
37 Government Center and Regional Planning Commissions to be held on the 3rd Wednesday of
38 October. A flyer is in the read file.
39 He also said that R. Nichols, B. Farmer and himself would follow-up on the information provided
40 by Russ Thibeault on elderly housing.

41 42 **Public Hearings**

43
44 **Harvey Industries, Map 17, Lot 45 – Continued Application Acceptance and Public Hearing**
45 **for a site plan and conditional use permit for a 389,435 square foot manufacturing facility. - T.**
46 Thompson said there were two items on the Checklist. The first concerned the NHDES Sewer
47 Discharge Permit, which has not been received yet. The Applicant was requesting a waiver of
48 section 4.13 for acceptance purposes. The second item concerned a sewer discharge permit per
49 sections 3.06.a and 4.13 of the site plan regulations and item XII.8 of the site plan application and
50 checklist. The applicant was also requesting a waiver of this requirement for acceptance
51 purposes. J. Trottier recommended granting the waiver and said he is working with the engineers.

1 T. Thompson said that #1 of the design review items was also requesting a waiver of section 4.01
2 of the regulations. He said sheets 1 and 15 are at a scale of 1"=100' which do not comply with
3 regulation of 1"=40' max. **J. Farrell motioned to grant the 3 waivers as requested by the**
4 **applicant in their letter of October 5, 2005. Seconded by P. DiMarco. Vote 8-0-0. Waivers**
5 **are granted. J. Farrell motioned that since there are no outstanding checklist items that**
6 **the application be accepted for Harvey Industries, Map 17, Lot 45-2. Seconded by R.**
7 **Brideau. Vote 8-0-0. Application is accepted.**

8 A. Rugg opened up the public hearing. Zoltan Juhasz, from Daylor Consulting Group Inc., made
9 his presentation to the Board. He described the building's location, which was at the end of
10 Jack's Bridge Road off of Route 28. He said this was part of a larger industrial subdivision
11 known as Clark Farms Industrial Center. He said Lot 45-2 contains 43 acres and they have
12 obtained a permit from the Town to clear the site. He said Harvey Industries manufactures
13 windows, doors and building products to sell to contractors wholesale. He said they have
14 obtained a variance for the parking from the ZBA for the project. Bob Dionne, the architect for
15 the project explained the layout of the building. **[B. Farmer arrived at 7:55]**. A. Rugg said
16 that white spruce should be substituted for the white pine in the landscaping plan. B. Dionne said
17 their lot line was 80' from the I-93 road widening. J. Farrell asked about snow storage. Z. Juhasz
18 pointed out the locations. Vinny Walsh, Vice President of Harvey Industries, said this would be
19 their largest facility in the area. J. Trottier read the design review items on the memo to the
20 Planning Board dated October 5, 2005. He said #1 was taken care of as one of the waivers and
21 Captain Anstey of the Fire Department was satisfied with the plans submitted to him for review,
22 which was #3 of the design review items. He said that under the Board action items, the
23 applicant is requesting 3 waivers to the site plan regulations as noted in his letter dated 10/5/05.
24 The Applicant is also proposing improvements within the Conservation Overlay District (COD),
25 which will require a conditional use permit approval by the Board. T. Thompson addressed the
26 Board and said the traffic was studied as part of the larger industrial subdivision plan. He also
27 said the lights have to be shielded on the signage. He then read the three recommendations of the
28 Conservation Commission in their letter dated 8/1/05 to the Planning Board. (Attached). T
29 Thompson said the Town is very pleased to have Harvey Industries locate in Londonderry. R.
30 Nichols commented on the driveway width. T. Thompson said it was not an issue, and was
31 designed to accommodate the large trucks entering and exiting the site. It was the consensus of
32 the Board that the plan was well done and they commended the engineers. J. Farrell
33 recommended that they work with the Fire Department for a solid plan on evacuation for
34 employees in the event of emergency. M. Soares said she thought they did a terrific presentation.
35 A. Rugg asked if there would be outside storage. Z. Juhasz said no. **J. Farrell motioned to**
36 **grant the conditional use permit with the three conditions in the letter to the Planning**
37 **Board from the Conservation Commission dated 8/1/05. (copy attached) Seconded by M.**
38 **Soares. No discussion. Vote 9-0-0. J. Farrell motioned to grant conditional approval to**
39 **Harvey Industries, Map 17, Lot 45-2 for a site plan for a 389,435 square foot manufacturing**
40 **facility with the following conditions:**

- 41
- 42 **1. The Applicant shall indicate the lighting levels of the site sign at the entrance drive**
43 **on sheet PH-1. In addition, please darken the electric lines to the light fixtures on**
44 **sheets EL-1A & EL-1B for clarity.**
45
- 46 **2. The Applicant shall address the following relative to the project details:**
 - 47 **A. The Applicant shall provide all pertinent sewer details including sewer**
48 **manholes and sewer trenches in the plan set and addressing testing**
49 **requirements for proper construction as typically required by the Town and**
50 **consistent with NHDES standards.**

- 1 **B. The revised sewer profile indicates portions of the 8” sewer line on sheets 24**
- 2 **and 25 will have 15 feet or more of cover over the pipe. In addition the pipe**
- 3 **from the observation manhole to the pump station will have 18 feet of cover.**
- 4 **Please verify the proposed PVC pipe is suitable (or if DI pipe is required) for**
- 5 **these depths and revise as necessary.**
- 6 **2. The applicant shall provide details of the proposed sign lighting, ensuring that it is**
- 7 **shielded, full-cut-off, and does not emit up-lighting, which is prohibited by the**
- 8 **regulations.**
- 9 **3. All waivers granted shall be shown on the plan.**
- 10 **4. The Conditional Use Permit shall be noted on Plan.**
- 11 **5. Outside consultant’s fees shall be paid within 30 days of conditional approval of**
- 12 **plan.**
- 13 **6. The Applicant shall provide a digital (electronic) copy of the complete final plan sent**
- 14 **to the Town at the time of signature by the Board in accordance with Section 2.05.n**
- 15 **of the regulations.**
- 16 **7. Financial guaranty if necessary.**
- 17 **8. Final engineering review.**
- 18 **Seconded by M. Soares. No discussion. Vote 9-0-0. Conditional approval is granted.**

19
20 *Elliot Health Systems, Map 6, Lot 73- Application Acceptance and Public Hearing for a site*
21 *plan to construct an 88,700 square foot medical office facility.* - T. Thompson there was only 1
22 checklist item and a waiver was being requested. The Applicant has not provided a NHDOT
23 permit for the necessary offsite improvements to NH Route 128 per section 4.13 of the Site Plan
24 regulations and Item XII of the Site Plan Application and Checklist. He said the applicant was
25 requesting this waiver in their letter of 9/20/05, for acceptance purposes, until they can obtain the
26 necessary permit and Staff supports this request. He said number 1 of the design review items is
27 requesting a second waiver of Section 3.07.a.1 concerning the drainage system, which is outlined
28 in the applicant’s letter of 9/20/05. He said Staff also supports this waiver. **J. Farrell motioned**
29 **to grant the two waivers requested by the applicant in their letters dated September 20,**
30 **2005 of Section 4.13 of site plan regulations and Item XII of the Site Plan Application and**
31 **checklist and Section 3.07.a.1 of the site plan regulations. Seconded by M. Soares. No**
32 **discussion. Vote: 9-0-0. Waivers are granted.** T. Thompson said staff recommends
33 application acceptance. **J. Farrell motioned to accept the application as complete as**
34 **recommended by Staff. Seconded by P. DiMarco. Vote 9-0-0.** Amy Sanders, CLD
35 Engineering, presented the plan to the Board. She said the plan included two properties, Lots 6-
36 73 and 6-31. The majority was on Lot 6-73. She said the existing farm and buildings would all
37 be demolished or removed. Also any stonewalls that are disturbed during construction will be
38 repaired. She explained the 3 drop-off areas and the off-site improvements to Route 128, which
39 are on review by the State. She said the regulations require 358 parking spaces and they will
40 construct 251, then on an as-needed basis. She explained the drainage system, which was in the
41 rear of the building and will cross Buttrick Road to a detention pond on Lot 31. She said the well
42 issue with the Andersons has been taken care of. Nick Middleton, architect for the project, said
43 that the Heritage Commission had granted them approval on the design of the buildings. He
44 explained the elevation of Phase I, which is a two-story building with another entrance in the rear
45 for urgent care. He said the lower level facing Mammoth Road is screened. The site sign is made
46 of stone with a New England character and internally illuminated. J. Trottier read the memo
47 dated October 5, 2005 to the Planning Board. He read number 2 – 10 of the design review items.
48 Number 1 was the waiver, which was already granted. T. Thompson said they had been before
49 the Heritage Commission and was he was pleased with their response. He also commented on the
50 landscaping being well designed. A. Rugg went around the Board for their comments. M. Soares
51 said it was well designed. J. Farrell asked if the fire hydrant issue had been addressed. T.

1 Thompson said yes it had. B. Farmer asked about working with the immediate abutter on their
2 well issue. A. Sanders said they will be able to provide service to the abutter at no cost to the
3 abutter. R. Nichols asked about the propane tank. A. Sanders said it was underground and would
4 contain 1,000 gallons. T Freda asked about the off-site improvements in design review comment
5 #2. T. Thompson said that he didn't have the cross-sections yet. Ken Rhodes, CLD Engineering,
6 spoke about the traffic analysis and the off-site improvements to Route 102. He said they will get
7 the final approval from the State when they address comment #5 concerning the utility plan. T.
8 Freda asked what the effect on traffic would this have going north on Mammoth Road. T.
9 Thompson said that is all explained in the traffic report. A. Rugg asked about snow storage. A.
10 Sanders said it would be on site but if there wasn't enough room, it would be trucked away. A.
11 Rugg also was concerned about the white pine shown in the landscaping. T. Thompson said it
12 would be appropriate to ask for spruce instead of pine. A. Rugg asked if there were any public
13 comments. Rick Saulnier, 7 Gardner Circle, said he was concerned with the placement of the
14 leachfield and handed out a paper outlining the suggested options that he had. He said he was
15 also concerned about the view and country setting of his neighborhood as well as the noise and
16 light pollution. He said a 10' high fence along the boundaries with abutters could act as a screen.
17 He was also concerned about the additional traffic on Buttrick Road. He said the Board should
18 evaluate having another entrance on Mammoth Road. A. Rugg said that the Board had discussed
19 this and decided it would be a safety problem if there was another entrance on Mammoth Road.
20 T. Thompson said the DOT was also leaning towards not allowing it. A. Rugg asked the engineer
21 if they had talked to all of the abutters. A. Sanders said the berm in the rear of the property will
22 act as a buffer and also the extensive vegetation that is proposed. She said the septic field has
23 been approved by the state and is 100' from the property line and they also meet the 75' well
24 radius. A. Anderson, abutter, said that the Elliot has agreed to hook her up to the water but was
25 concerned with what was to stop people from going on her property and felt a fence would deter
26 this. N. Middleton said that on behalf of Elliot Hospital they would commit to putting a fence on
27 the east side of the property. J. Farrell said that it should be worked out with the abutters as to
28 what kind of fence and the location. J. Farrell also asked how the Elliot would feel about hooking
29 up water to the other 7 homes on Gardner Circle. D. Anagnost, representing the Elliot, said he
30 could look into it but he has no authority to commit to that. M. Soares said that the Elliot
31 Hospital has been very cooperative with every request that has been made. **J. Farrell motioned**
32 **to conditionally approve the site plan for Elliot Medical Facility, Map 6, Lot 73 and 31 with**
33 **the following conditions:**
34
35

- 36 **1. The project is located along a portion of Buttrick Road and the plans indicate off-**
37 **site improvements along Buttrick Road and Old Buttrick Road will be necessary for**
38 **extension of utilities to serve the site including pavement sawcut. The Applicant**
39 **proposes additional pavement along Buttrick Road including an additional turn**
40 **lane at the intersection with Mammoth Road that was discussed at a meeting held**
41 **on July 2, 2005 with the Applicant's engineer. At the meeting, the Town had**
42 **requested specific roadway reconstruction with the water line installation. In**
43 **addition, complete plans for the project offsite improvements and indicated**
44 **roadway widening are not included with the latest submission. The Applicant shall**
45 **update the off-site improvements to Buttrick Road as necessary meeting the**
46 **requirements of the regulations and approval of the Town. The Applicant shall**
47 **provide an alignment and profile for Buttrick Road, shall provide a typical**
48 **shoulder improvement detail to clarify the lanes, pavement, shoulder and**
49 **embankment slopes in the plan set and shall provide roadway cross sections in the**
50 **plan set for proper construction.**
51

- 1 **2. The existing conditions plan for lot 31 indicates a significant portion of the right of**
2 **way of Buttrick Road is less than 25 feet from the centerline of the existing**
3 **pavement. We understand the Town typically requests a minimum 25 feet be**
4 **provided along existing roads for future widening. Please note a future widening**
5 **easement is provided on lot 73 only. The Applicant shall discuss this issue with the**
6 **Town. Please provide complete easement information meeting the approval of the**
7 **Town.**
8
- 9 **3. The Applicant shall address the following relative to the submitted drainage report:**
 - 10 **A. The analysis indicates subcatchment 50 (off-site improvements to Route 128)**
11 **draining to a culvert under the driveway to abutting lot 65. However, it**
12 **appears a portion of this subcatchment would likely drain to the swale and**
13 **wetlands in the vicinity of the culvert crossing Route 128 at approximate**
14 **station 16+80. Please review and revise accordingly and verify compliance**
15 **with the regulations (no increase in runoff).**
 - 16 **B. The drainage schedule indicates the drain line from ECB4 to ECB6 as 18"**
17 **but the existing conditions and analysis indicates a 15" pipe. In addition,**
18 **the length of pipe shown in the table and analysis (48') appears to be less**
19 **than scaled on the plans (approximately 225'+/-). Please review and revise**
20 **accordingly.**
- 21 **4. The Applicant's utility plan includes a connection to a water line along Old Buttrick**
22 **Road that is shown to be located approximately three feet from abutting lot 72-2**
23 **and would require an easement for construction. Please provide agreements and/or**
24 **easements as may be necessary for the proposed water line connection. Please**
25 **provide copies of the agreements/easements as applicable for review by the Town.**
26
- 27 **5. The Applicant shall address/clarify the following on the site layout plans - sheet**
28 **C2A, C2B, C2C:**
 - 29 **a. The plan indicates an end of pavement near the dumpster but does not**
30 **indicate the other edge of the temporary gravel drive. Please clarify. In**
31 **addition, please verify temporary gravel drive is acceptable to the Fire**
32 **Department and Town under phase 1 and provide a construction detail in**
33 **the plan set as applicable.**
 - 34 **b. The phase 1 plans indicate deferred parking areas that include curbing.**
35 **Please note a portion of the deferred parking is adjacent to a sidewalk and**
36 **curb. Will the curb be constructed in this location? Please clarify. In**
37 **addition, please clarify the limits of curbing to be installed if the deferred**
38 **parking is not constructed at this time for all phases for proper construction.**
39 **Please include appropriate details and notes as applicable.**
 - 40 **c. Please indicate the proposed roadway easement and water line easement on**
41 **the plans. This shall apply to all sheets.**
42
- 43 **6. The all season sight distance in the northerly direction shown on sheet C4 appears**
44 **to require reconstruction of the roadway based on the indicated proposed grading**
45 **shown between sta. 2+25 and 2+50 (up to a one foot cut) in the existing pavement**
46 **location of the plan view. Please review and revise and indicate all improvements**
47 **necessary to provide proper sight distance meeting the approval of the Town.**
48
- 49 **7. The Applicant shall address the comments of the NHDOT letter dated September**
50 **28, 2005 relative to the off-site improvements to Route 128 and provide final and**
51 **complete off-site improvement plans meeting the approval of NHDOT.**

- 1
- 2 **8. The Applicant shall provide a copy of the NHDES Sewage Disposal Permits for the**
- 3 **Planning Department files.**
- 4
- 5 **9. The Applicant shall address the comments of the Vollmer Associates LLP**
- 6 **memorandum relative to traffic and the off-site improvements dated October 5,**
- 7 **2005.**
- 8
- 9 **10. White pines shall be replaced with blue spruce on the landscaping plan.**
- 10
- 11 **11. All waivers granted shall be shown on the plan.**
- 12
- 13 **12. Outside consultant's fees shall be paid within 30 days of conditional approval of**
- 14 **plan.**
- 15
- 16 **13. The Applicant shall provide a digital (electronic) copy of the complete final plan**
- 17 **sent to the Town at the time of signature by the Board in accordance with Section**
- 18 **2.05.n of the regulations.**
- 19
- 20 **14. Financial guaranty if necessary.**
- 21
- 22 **15. Final engineering review**
- 23

24 **Seconded by M. Soares. No discussion. Vote: 8-1-0. T. Freda votes no. Motion carries.**
25 **Plan is conditionally approved.**

26
27 *Evans Family Limited Partnership/Freedom Park Associates, Map 17, Lot 45-1 & Map 15, Lot*
28 *103 – Application Acceptance and Public Hearing for a lot consolidation and 3 lot subdivision*
29 *– T. Thompson said there are no checklist items and Staff recommends the application be*
30 *accepted as complete. J. Farrell motioned to accept the application for a lot consolidation*
31 *and subdivision plan for Freedom Park Associates, Map 17, Lot 45-1 and Map 15, Lot 103*
32 *as complete as recommended by staff. Seconded by M. Soares. Vote: 9-0-0. Application*
33 *accepted. R. Davison from Haynor Swanson, representing the owner, presented the plan to the*
34 *Board. He said this plan is to consolidate the two lots and then subdivide them into 3 separate*
35 *lots. J. Trottier read the design review items from the memo dated October 5, 2005 to the*
36 *Planning Board. He said the first item was for a waiver request from Section 4.01 of the*
37 *regulations concerning the scale. He said that the Staff supports this waiver and there is a letter*
38 *from the applicant dated October 5, 2005 in the packet requesting the waiver. T. Thompson said*
39 *that the town has updated the FEMA maps adopted in May 2005, which was in one of the DRC*
40 *comments. P. DiMarco asked if the sewer easements were within the I-93 expansion. R. Davison*
41 *said the expansion boundaries were approximate information received from the DOT. R. Brideau*
42 *said the map and lot numbers have to be changed as noted on the Assessors DRC comments. A.*
43 *Rugg asked if the public had any comments. There were none. J. Farrell motioned to grant the*
44 *waiver requested in the applicant's letter dated October 5, 2005 as recommended by the*
45 *Staff. Seconded by P. DiMarco. No discussion. Vote: 9-0-0. Waiver is granted. J. Farrell*
46 *motioned to grant conditional approval with the following conditions:*

- 47
- 48 **1. The Applicant shall change the lot numbers on the plan to eliminate Lot 17-45-1 and**
- 49 **replace with Lot 15-103, which is the lot with the cell tower; the other two lots to be**
- 50 **numbered Lots 15-103-1 and 15-103-2.**
- 51 **2. The Applicant shall address the following on the subdivision plans:**

- 1 a. Please provide proper monuments at all new lot corner per section 3.02 of
- 2 the regulations. This shall apply to the topographic plans also.
- 3 b. Please clarify the proposed drainage easements shown as public or private.
- 4 Please verify all public easements meet the approval of the Town.
- 5 c. Sheet 4 indicated a future curb cut at abutting Lot 98 along Jack's Bridge
- 6 Road. Please clarify and verify this meets the approval of the Town.
- 7 d. It appears the most southerly portion of Jack's Bridge Road adjacent to
- 8 abutting lot 98-1 may not be Class V as noted on the plans. Please clarify
- 9 the limits of the class V road on the plan and note the status of the
- 10 remainder for clarity.
- 11 e. Please clarify if the access easement to the lease area on lot 45-1 is existing or
- 12 proposed on sheet 3.
- 13 f. Please indicate the zoning of each abutter.
- 14 g. Please label the existing building in the easement on lot 103. This shall apply
- 15 to the topographic plans.
- 16 3. The Applicant shall address the following on the topographic plans as applicable:
- 17 a. Please provide the metes and bounds for the lots per section 4.17.A.3 of the
- 18 regulations.
- 19 b. Please provide a north arrow on sheet 12.
- 20 c. Please provide the location, type size, and inverts of the existing water
- 21 systems, existing sewer systems, existing drain systems, and existing utilities
- 22 on the topographic plans or provide a note on the plan referencing the
- 23 location of the information.
- 24 4. The grading shown for lot 103-1 on sheet 14 appears to indicate the driveway does
- 25 not provide a low point a minimum ten feet off the edge of pavement as typically
- 26 required by the Town. Please dimension the driveway width and indicate the
- 27 pavement radius for proper construction. In addition, please review if a culvert is
- 28 necessary for this driveway. Please revise as necessary meeting the approval of the
- 29 Town.
- 30 5. The Applicant shall provide a revision block and title block on the cover sheet per
- 31 section 4.02 and 4.04 of the regulations.
- 32 6. The Applicant shall address the DRC Comments as applicable.
- 33 7. The Applicant shall note waiver granted on the plan.
- 34 8. Outside consultant's fees shall be paid within 30 days of conditional approval of
- 35 plan.
- 36 9. The Applicant shall provide a digital (electronic) copy of the complete final plan
- 37 sent to the Town at the time of signature by the Board in accordance with Section
- 38 2.05.n of the regulations.
- 39 10. Financial guaranty if necessary.
- 40 11. Final engineering review
- 41 **Seconded by R. Nichols. No discussion. Vote: 9-0-0. Plan is conditionally approved.**
- 42

43 **Other Business** – B. Farmer reported on the Governor's Council meeting that was held earlier
44 today in the Moose Hill Council Chambers. He said there was a question and answer period with
45 the Governor and Town Council. The Governor's Executive Council wanted to know if the
46 Town Council wants to go forward with the proposed Exit 4A. The Council said the goal was to
47 complete this at the same time as the road widening of I-93. He said the second issue discussed
48 was to re-address the access road from I-93 to the airport at the council level first. He also said
49 that in a side discussion with a representative of HUD, the elderly housing project that is being
50 proposed for Londonderry was discussed. He said he was told that HUD was not involved
51 whatsoever and the applicant should get certified by HUD before being approved. He was going

1 to suggest that a joint meeting with HUD be held with the Planning Board and the Town Council
2 so that HUD could explain the procedures.

3

4 **Adjournment:**

5

6 **M. Soares motioned to adjourn the meeting at 10:00 PM. Seconded by J. Farrell.**

7

8

9 These minutes taped and typed by Christine Marra.

10 Respectfully Submitted,

11

12

13

14

15 John Farrell, Secretary

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF October 12, 2005 AT THE NORTHGATE**
3 **CONFERENCE ROOM**

4
5 7:00 PM: Members Present: Art Rugg, Chairman, Dana Coons, Vice-Chair; John Farrell,
6 Secretary [arrived at 7:10PM]; P. DiMarco, Asst. Secretary; Rick Brideau, Ex-Officio; Brian
7 Farmer, Ex-Officio; Charles Tilgner, Ex-Officio; Mary Soares [arrived at 7:10]; Tom Freda,
8 alternate member [arrived at 7:12PM]; Rob Nichols, alternate member.

9
10 Also Present: Tim Thompson, AICP; John Trottier, P.E.; André Garron, AICP and Christine
11 Marra, Recording Secretary.

12 A. Rugg called the meeting to order at 7:00 PM.

13 A. Rugg appointed Rob Nichols, alternate to vote for Dani-Jean Stuart.

14
15 ***Plans to Sign:***

16 ***S & S Metals Site Plan, Map 15, Lot 66-1*** - J. Trottier read the conditions of approval from the
17 Planning Board Notice of Decision dated June 1, 2005. He said all conditions have been met and
18 recommended the Board sign the plan. **D. Coons motioned to authorize the Chairman and**
19 **Secretary sign the site plan for S & S Metals, Map 15, Lot 66-1 since all conditions have**
20 **been met. Seconded by R. Brideau. Vote 7-0-0. Plan will be signed at the end of the**
21 **meeting.**

22
23 **Determination of Regional Impact:** T. Thompson said there was only one project that was
24 submitted for determination of regional impact by the Planning Board. This project was a 3-lot
25 subdivision submitted by Edward J. Lafontaine, Map 11, Lot 77 on 10/4/05. He said Staff
26 recommends that the project is not a development of regional impact, as it does not meet any of
27 the regional impact guidelines suggested by Southern NH Planning Commission. **D. Coons**
28 **motioned to accept Staff's recommendation that this project for Map 11, Lot 77 is not of**
29 **regional impact. Seconded by P. DiMarco. Vote 7-0-0.**

30
31 ***Discussions with Town Staff*** – A. Garron spoke about the Hazard Mitigation (HazMit) Plan.
32 Southern NH Planning Commission (SNHPC) prepared the Hazard Mitigation plan through a
33 grant from FEMA. SNHPC is working to prepare a HazMit plan for each of the 13 communities
34 within its region. The HazMit planning committee consists of Rep. Sharon Carson, Lt. Paul
35 Fullone, Police Dept., John Trottier, Assistant DPW & Engineering Director, Mike Carrier, Fire
36 Chief, John Vogl, GIS Manager, Richard Canuel, Assistant Building Inspector and A. Garron
37 serving as chairman. The plan started in September of 2004. The Town Council adopted the plan
38 on September 12, 2005. The purpose of the plan is to help Londonderry think about measures to
39 put in place to help reduce damage caused by natural disasters. This plan differs from the Town's
40 emergency management plan in that it serves as a preventative plan as opposed to an emergency
41 response plan. The intent is to put the plan on the website for all to view.

42
43 **[T. Freda arrived at 7:12PM]**

44 T. Thompson announced that André Garron was going to be presented an award tomorrow at the
45 NH Planners' Association meeting for "Municipal Planner of the Year" for his outstanding work
46 over the years in Goffstown and now in Londonderry. The Board acknowledged that this was a
47 great honor and congratulated him. A. Rugg mentioned that there was going to be an Annual
48 Regional Economic Development & Infrastructure Summit at the Radisson/Center of NH in
49 Manchester on October 26, 2005 and encouraged anyone who could to attend.

50

1 **Public Hearing – 2007-2012 Capital Improvements Plan** – T Thompson explained that this was
2 the annual public hearing for the Capital Improvements Plan. He went through a power point
3 presentation which pointed out that the CIP is an advisory document that can serve a number of
4 purposes, which are: guide the Town Council, Budget Committee and School Board in the annual
5 budgeting process; contribute to stabilizing the Town’s real property tax rate; aid the
6 prioritization, coordination, and sequencing of various municipal improvements; inform residents,
7 business owners, and developers of planned improvements; provide the necessary legal basis for
8 ongoing administration and periodic updates of the Londonderry Growth Management Ordinance
9 and provide the necessary legal basis for continued administration and periodic updates of the
10 Londonderry Impact Fee Ordinance. He explained the Prioritization System used in the Plan and
11 what project fell within these priorities. A. Rugg asked the Board if they had any comments or
12 questions. P. DiMarco asked why the Police Department’s Facility was a priority 3 if it was a
13 matter of public safety. T. Thompson said this was to spread the impact of taxes and Chief Ryan
14 had said the current system’s lifespan will be ending around 2009. P. DiMarco also asked about
15 the Central Fire Station and thought it seems more urgent than a priority 4. J. Farrell, who was a
16 member to the CIP committee, said there were 3 pieces to the plan. South Station was the first
17 priority, North Station next and then Central. He said they did not determine that it was an
18 immediate need. T. Thompson explained the scoring system and how the department heads
19 scored first then the committee members scored. A. Rugg asked if there were any comments
20 from the public. J. Silvestro, CIP Committee Chairman from the Budget Committee, stated that
21 he didn’t think it was appropriate that the Planning Board voted to change one of the projects to a
22 Priority 3 from a 4 at the last meeting after everyone left. This was the Performing Arts Center,
23 which was sponsored by the Cultural Resources Committee. He said in reality it could be a
24 priority 5 and to put it where they did was generous because the project did not have any land or
25 plans. He said he thought the School Board should bring this project forward. J. Farrell said that
26 after a long debate on this project, it was decided to put it in a priority 4. He said that based on
27 public input at the last Planning Board workshop, the Planning Board voted to move it up. Bob
28 Lincoln asked about the 2 projects, which have an impact of almost 9 million dollars for FY2009,
29 the South School Renovations and the Pettengill Road upgrade. T. Thompson said the reason for
30 that was they had to go with the NH Department of Transportation schedule for the airport access
31 road because this will connect with it. J. Silvestro said that the Pettengill Rd. project will
32 generate tax revenues from the development of the approximately 800 acres of industrial property
33 in that area. A. Garron also said the project is moving forward to work together with the State to
34 connect the two roads. M. Soares said that residents should be made aware that this will not
35 increase their tax bills because of the additional revenues that will be created. Bill Godecke,
36 resident, asked about the procedures. A. Rugg said that at the previous workshop the Planning
37 Board had voted on one item to move it up in the prioritization of projects. He said that the
38 Planning Board has to now vote on adopting the CIP tonight so the budget committee, town
39 council and school board can use it as an advisory document to prepare the new budget. P.
40 DiMarco asked if once adopted does it have to go to the Town Council. T. Thompson said that
41 once adopted, it becomes an advisory document and does not have to go to Town Council, it is a
42 Planning Board document. C.C. Mitchell, resident, asked for clarification on conflicts of interest
43 on the voting of the cultural arts center. A. Rugg said that the only legal conflict of interest in
44 New Hampshire would be the ability to profit personally. J. Farrell said it is up to the individual
45 if he wants to recuse himself from voting on a particular subject. B. Farmer said that the Town
46 Council had assigned the Cultural Resources Committee to investigate the Arts Center project. J.
47 Farrell said he thought the Cultural Arts center was a good thing but a plan and land is needed.
48 D. Coons wanted to know how this project could be scored with no plan. J. Farrell said all
49 projects were presented on the same form. J. Silvestro said he thought the CIP should be adhered
50 to and he was not upset that the Planning Board changed the plan but was upset at the time they
51 did it. Steve Lee from the Cultural Resources Committee, said they were not specific on the

1 location of the land but said it would probably go on school owned land. J. Silvestro, speaking as
2 a citizen, said he believes it needs to be a school board project since the majority of use would be
3 by the schools. **J. Farrell motioned to adopt the Capital Improvements Plan as presented in**
4 **the current draft. Seconded by D. Coons. No discussion. Vote: 9-0-0. Plan is adopted.**
5 **J. Farrell left the meeting at 8:30 PM. A. Rugg appointed Tom Freda to vote for J. Farrell.**
6

7 **Stonyfield Farms, Inc., Map 14, Lot 44-13 Public Hearing** - Chris Rice, representing Stonyfield
8 Farms, Inc., explained to the Board that this was a two-phase, 157,507 square foot expansion to
9 the existing manufacturing facility and an industrial sewerage pre-treatment facility. He said
10 Phase 2 requires a full traffic study and they are only asking for Phase 1 approval tonight. He
11 said they are requesting 3 waivers, the first is waiver of section 4.01.C of the Site Plan regulations
12 regarding the scale, the second is a waiver of Section 3.09 and 3.11 of the regulations regarding
13 the proposed landscaping and the third is a waiver of Section 3.07 of the Site Plan regulations
14 regarding increase in runoff. He said they are also requesting a conditional use permit for
15 improvements within the Conservation Overlay District within and adjacent to the wetlands on
16 the site. He said the wetlands mitigation will be done as part of Phase 1. J. Trottier read the
17 design review items on the memo to the Planning Board dated 10/12/05. He said Staff supports
18 the waivers requested in comments 1-3. T. Thompson said that he has a copy of the
19 encroachment agreement regarding the impacts to abutting lot 44-30 indicating the abutter has
20 agreed to the increase runoff and encroachments. J. Trottier continued to read #'s 4-14 of the
21 design review items and the 3 Board action items, which were a merger of the existing parcels, 5
22 waivers to the site plan regulations as noted in the Applicant's letters dated August 19, 2005 and
23 September 23, 2005 and the requested conditional use permit. T. Thompson said that they would
24 only need 3 waivers, the other 2 have been resolved. T. Thompson said that he has a memo from
25 the Conservation Commission in which they voted to not recommend approval of the CUP as
26 presented because the impact is parallel with the buffer rather than perpendicular. The
27 Commission believes it does not have the authority according to the zoning regulations to
28 recommend approval of detention basins within the buffer. T. Thompson said he believes the
29 proposed improvements are consistent and recommended the Board override the Conservation
30 Commission because the detention basin is a drainage way. He also said not to use #11 as a
31 condition of approval and that Phase 2 would have to require another public hearing before the
32 Planning Board. A. Rugg asked the Board if they had any comments or questions. R. Nichols
33 questioned the first waiver request regarding the scale. T. Thompson said staff supports this
34 because this would make the plan consistent with previous plans for this site. M. Soares asked
35 about snow storage. C. Rice said they have provisions for storage and showed the locations on
36 the plan. A. Rugg asked if there was any public input. There was none. **D. Coons motioned to**
37 **approve the voluntary merger of parcels 14-44-13, 44-12 & 44-31. Seconded by M. Soares.**
38 **No discussion. Vote: 9-0-0. The merger will be signed at the end of the meeting.**
39 **D. Coons motioned to grant the 3 waivers as requested by the applicant in letters to the**
40 **Planning Board dated 8/19/05 and supported by Staff. Seconded by R. Nichols. No**
41 **discussion. Vote: 9-0-0. Waivers granted.**
42 **D. Coons motioned to grant the conditional use permit requested by the Applicant based on**
43 **Staff's recommendation, for improvements in the conservation overlay district. Seconded**
44 **by P. DiMarco. No discussion. Vote: 9-0-0. Conditional Use Permit is granted.**
45 **D Coons motioned to conditionally approve the Stonyfield Farms, Inc. Site Plan Addition**
46 **Plan, Phase 1 with the following conditions:**
47

- 48 1. **The encroachment plan - sheet E1- indicates a proposed drain easement adjacent to**
49 **the Town's existing easement on lot 44-30. Please clarify if this is to be a public or**
50 **private easement. Please verify all public easements meet the approval of the Town.**
51

- 1 **2. The Applicant shall address the following relative to the submitted drainage report:**
 - 2 **A. Reach 71 (roadway swale) was added to the revised existing conditions**
 - 3 **information for flow to the municipal detention basin #2 from the outlet**
 - 4 **from the twin 15” pipes under North Wentworth Avenue with this latest**
 - 5 **submission. However, the analysis does not appear to include the routing of**
 - 6 **Reach 70 through new reach 71 as implied by the existing topography. In**
 - 7 **addition, the existing topography provided does not appear to indicate**
 - 8 **existing grading associated with the 1 foot wide by 2 foot deep swale. Please**
 - 9 **update the analysis to address reach 70. In addition, please provide**
 - 10 **additional spot elevations to verify the geometry of the swale at this location**
 - 11 **is consistent with the existing conditions. Please update the post**
 - 12 **development analysis for phase 1 accordingly.**
 - 13 **B. The 50-year elevation appears to extend beyond the existing drain easement**
 - 14 **at pond 100. We recommend the Applicant provide a drainage easement to**
 - 15 **completely encompass the 50-year elevation at pond 100.**
 - 16 **C. The top grate elevation in the pond routing calculations at pond 600 under**
 - 17 **the post development condition for phases 1 and 2 is indicated at elevation**
 - 18 **320.00 and is not consistent with the detail on sheet 25 of the plan set (320.9).**
 - 19 **Please update the analysis rim elevations and detail rim elevation to be**
 - 20 **consistent.**
 - 21 **D. The minimum riprap apron length and bottom width for the paved flume in**
 - 22 **the riprap calculations for phase 1 are not consistent in the detail on sheet 23**
 - 23 **of the plan set. Please update the detail to be consistent with the riprap**
 - 24 **calculations.**
 - 25 **E. The report does not address the changes necessary under phase 2. Please**
 - 26 **revise the report as necessary to comply with the regulations.**
 - 27
- 28 **3. The revised building renderings provided with this latest submission (sheets A1, A2**
- 29 **& A3) are all noted as a master plan. The Applicant indicated in his response letter**
- 30 **that sheet A1 was for Phase 1, and sheet A2 was for phase 2. The plan titles shall be**
- 31 **revised to clarify the phases consistent with the Applicant’s response. In addition,**
- 32 **please remove the Owner’s signature block and remove the Planning Board**
- 33 **signature block per section 4.03 of the regulations.**
- 34
- 35 **4. The encroachment agreement with NHDOT states “...the design shall incorporate**
- 36 **appropriate measure to prevent utilization of the Sewer Connector Encroachment**
- 37 **as a means of access by wheeled vehicles from North Wentworth Avenue to or**
- 38 **through Tax Map 14, Lot 44-39”. The revised design does not address this issue.**
- 39 **Please clarify and label the measures to be used and provide appropriate details in**
- 40 **the plan set.**
- 41
- 42 **5. The revised site plan for phase 1 (sheet 8) appears to indicate two of the silos as**
- 43 **dashed that may not be constructed as part of phase 1. Please clarify with a note on**
- 44 **the plan and also label the proposed silos.**
- 45
- 46 **6. The Applicant shall note the NHDES Sewer Discharge Permit approval number on**
- 47 **the cover sheet. In addition, please note the Town of Londonderry Sewer Discharge**
- 48 **Permit number on the cover sheet.**
- 49
- 50 **7. The Applicant shall address the following relative to the stormwater management**
- 51 **plan for phase 1 - sheet 13:**

- 1 **A. The Applicant indicates additional grading to be performed in both existing**
- 2 **detention basins with this latest submittal that include additional impact to**
- 3 **Conservation Overlay District. Please indicate the erosion control measures**
- 4 **to be used in the vicinity of the proposed work and provide proposed**
- 5 **contour labels for the proposed grading in the westerly basin. In addition,**
- 6 **please update the limit of work line on the plan to include these areas.**
- 7 **Please update sheet 9 (grading and drainage plan) accordingly.**
- 8 **B. Please include the reference to the use of dandy bags at the catch basins**
- 9 **(that appears to be missing) in note 7 as indicated in the Applicant's**
- 10 **response letter. The plans for phase 2 shall be revised accordingly.**
- 11
- 12 **8. The Applicant shall address the following relative to the project details:**
- 13 **A. The revised sewer details on sheets 28 and 29 note screened gravel bedding**
- 14 **to stabilize the trench, which does not comply with the Town's**
- 15 **requirements. Please review and revise as necessary to meeting the approval**
- 16 **of the Town.**
- 17 **B. Please provide a sliding gate installation detail (reset as noted on the phase 1**
- 18 **site plan) in the plan set for proper construction.**
- 19
- 20 **C. Please dimension the height of the proposed guardrail along the concrete wall**
- 21 **section on sheet 26 and provide a detail for the attachment of the guardrail to**
- 22 **the top of wall for proper construction. In addition, please provide a detail to**
- 23 **attach (anchor) the chain link fence to the top of wall for proper construction.**
- 24
- 25 **9. The FAA Permit provided is noted as for the building, but does not include**
- 26 **temporary construction equipment such as cranes. Please clarify if another**
- 27 **FAA permit is necessary for temporary construction equipment and obtain**
- 28 **as applicable.**
- 29
- 30 **10. The Applicant shall address the DRC comments as applicable.**
- 31 **A. Please verify with the Fire Department that their comments have been**
- 32 **adequately addressed including verifying the proposed location and number of**
- 33 **hydrants.**
- 34 **B. Please verify with the Sewer Division that their comments have been adequately**
- 35 **addressed.**
- 36
- 37 **11. Conditional approval is for Phase 1 only, Phase 2 plans shall be submitted under**
- 38 **separate cover for review and approval at a later date for a public hearing with the**
- 39 **Planning Board.**
- 40
- 41 **12. The Conditional Use Permit shall be noted on Plan.**
- 42
- 43 **13. All waivers granted shall be shown on the plan.**
- 44
- 45 **14. Outside consultant's fees shall be paid within 30 days of approval of plan.**
- 46
- 47 **15. 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

1 **16. Financial guaranty if necessary.**

2
3 **17. Final engineering review**

4
5 **Seconded by R. Brideau. No discussion. Vote: 9-0-0. Plan for Stonyfield Farms, Inc. for**
6 **building addition, Phase 1 is conditionally approved.**

7
8 Jeff Clark from Stonyfield Farms asked if they could request an exception to start construction on
9 the pre-treatment facility before the November 2nd meeting and if there was some way they could
10 work with Staff. A. Rugg said that the plan would have to be signed before any construction or
11 site work could begin and the plan would have to be signed at a Planning Board meeting. T.
12 Thompson said to be consistent; a site plan would have to be signed before any work is done. A.
13 Rugg asked if the Board had a special meeting on 10/26/05, would that give the applicant
14 sufficient time to revise the plan and Staff to review it. C. Rice thought that would be reasonable.
15 A. Garron said that would leave one week for the applicant to make the corrections and one week
16 for review. P. DiMarco was concerned with setting a precedent on scheduling special meetings.
17 **M. Soares motioned to schedule a meeting on 10/26/05 in order to sign the plan for**
18 **Stonyfield Farms. Seconded by R. Brideau. No discussion. Vote: 8-1-0. P. DiMarco voted**
19 **no.**

20
21 ***Barbara DiLorenzo, Map 14, Lot 31 – Continued Public Hearing for a site plan to allow for an***
22 ***automotive repair facility and associated site improvements.*** – Dave Walker from Bedford
23 Design Consultants presented the plan to the Board. He said there were a couple of changes since
24 the last meeting, which includes the site distance for the access to the driveway. He said they
25 were requesting one waiver from Section 3.08.b.5 of the site plan regulations requiring 365 feet
26 site distance. He said the changes on the plan for the northerly and southerly site distance will
27 increase with removal of trees and brush and the northerly direction will also have grading. He
28 said these changes will increase the site distance to 323 feet. J. Trottier read the design review
29 items from the memo to the Planning Board dated October 12, 2005, #'s 1-6 and one Board
30 action item, which was the waiver request. He said he spoke with Tony Marcotte from Bedford
31 Design on the site distance and it is still unclear and he is not comfortable with their request. T.
32 Thompson commented on item #5 concerning the loading area. B. DiLorenzo said it may appear
33 to be not enough space but actually there is plenty of room. D. Walker said the metes and bounds
34 could be easily done. T. Thompson said verification would be needed for #5. M. Soares
35 commented on item #3 which referred to the landscape plan to address the removal/relocation of
36 plantings to achieve sight distance. B. Farmer asked if the hearing should be continued until
37 these items could be resolved. J. Trottier said he thought it should. D. Coons said he was not
38 willing to conditionally approve the plan tonight until better clarification on item #'s 1,2, & 3
39 from Staff was received. A. Rugg asked if there was any public input. There was none. **D.**
40 **Coons motioned to continue the site plan for Barbara DiLorenzo, Map 14, Lot 31 until**
41 **11/9/05. Seconded by M. Soares. No discussion. Vote 9-0-0. This will be the only notice of**
42 **a continued public hearing.**

43
44 ***Jay Barrett, Map 5, Lot 58-1 – Continued Public Hearing for a 9-lot subdivision*** – T.
45 Thompson said this plan had been before the Board on 9/14/05 and the main issue was receiving
46 an easement agreement from the George family across the street from the project. He said the
47 agreement was received this afternoon. He said the comments from the 9/14/05 memo were still
48 valid. D. Coons asked if the Staff was comfortable with the comments on 9/14/05. J. Trottier
49 went through the details of that memo to the Planning Board dated 9/14/05 and they were still the
50 same. T. Thompson said part of item #4 should be removed regarding the easements since they
51 have been received. A. Rugg asked if there was any public input. There was none. **D. Coons**

1 **motioned to conditionally approve the subdivision plan for Jay Barrett, Map 5, Lot 58-1**
2 **with the following conditions:**

- 3 **1. The Applicant shall revise the size of riprap apron #2 shown on sheet 4 to the**
4 **dimensions of the apron #2 calculations provided. In addition, please incorporate**
5 **the riprap apron #2 calculations in the drainage report and provide a complete,**
6 **updated and stamped drainage report for the Planning Department's file.**
- 7 **2. The Applicant should address the following on the plans:**
 - 8 **A. Please provide a proper monument at the angle point along Wiley Hill Road**
9 **at lot 59 per section 3.02 of the regulations.**
 - 10 **B. Please indicate the existing area and clarify the proposed area of lot 59 per**
11 **section 4.12.C.11 of the regulations. This shall apply to lot 58-1 also.**
 - 12 **C. Please provide an updated NHDES subdivision approval as noted in the**
13 **Applicant's response letter.**
 - 14 **D. Please remove the sight distance lines on sheet 1.**
- 15 **3. It appears the right of way along Wiley Hill Road along lot 59 is less than 25 feet**
16 **from the centerline of the existing pavement. We understand the Town typically**
17 **requests a minimum 25 feet be provided along existing roads for future widening.**
18 **The Applicant shall discuss this issue with the Town.**
- 19 **4. The Applicant's revised subdivision plan and intersection sight distance plan**
20 **indicate a visibility easement along Wiley Hill Road at abutting Lot 12. The**
21 **Applicant shall provide additional topography in the easement area on abutting lot**
22 **12 to clarify the improvements to achieve the required sight distance.**
- 23
- 24 **5. The Applicant shall note the station and offset for the proposed beginning of curb at**
25 **Wiley Hill Road on the roadway plan view (sheet 5) for proper construction.**
- 26
- 27 **6. The Applicant should address the following relative to the submitted traffic**
28 **information:**
 - 29 **A. Trip Distribution: The trip distribution percentages provided in the**
30 **response do not agree with the percentages presented in the June 24,**
31 **2005 traffic report. For example, to the east using Wiley Hill Road**
32 **(Route C) the report indicates 38.6% of site generated traffic will use**
33 **this route, while the response letter indicates 37.6% will use this route.**
34 **Similarly, to the west using Wiley Hill Road (Route A) the report**
35 **indicates 18.0% of site generated traffic will use this route while the**
36 **response letter indicates 11.2% will use this route. The Applicant shall**
37 **clarify this discrepancy. Additionally, Figure 2 in the traffic report**
38 **should indicate that the percentages are for both entering and exiting**
39 **trips rather than for just exiting.**
 - 40 **B. The Applicant shall incorporate the 2000 census journey to work data in**
41 **the traffic report and provide a complete, updated and stamped traffic**
42 **report for the Planning Department's file.**
- 43 **7. Outside consultant's fees shall be paid within 30 days of approval of plan.**
- 44
- 45 **8. The Applicant shall provide a digital (electronic) copy of the complete final plan**
46 **sent to the Town at the time of signature by the Board in accordance with Section**
47 **2.05.n of the regulations.**
- 48
- 49 **9. Financial guaranty if necessary.**

1
2 **9. Final engineering review**
3

4 **Seconded by R. Brideau. No discussion. Vote 9-0-0. Plan is conditionally approved.**
5

6 **Workshop - Conservation Subdivision Ordinance** – Holly Burbee made a power-point
7 presentation to the Board on her draft ordinance for conservation subdivisions. She explained the
8 subdivision alternatives, which were conventional or conservation. The conservation
9 subdivisions were intended for parcels in the AR-1 zoning district for 10-20 acre parcels of land.
10 She updated the Board on the progress since the last meeting. At that meeting it was
11 recommended that 20+ acres would be the minimum lot size for this type of subdivision. She
12 also explained the methods to determine lot size, which were the yield plan approach and the
13 calculation method. Holly also explained the Open Space permitted uses and prohibited uses and
14 the density bonuses. She went over the minimum requirements, which were ½ acre lots if sewer
15 is available. The Boulevard Design of roadways was discussed but she said more research is
16 needed on this design. The Board complimented Holly on a job well done as did T. Thompson
17 and A. Garron.
18

19 **Conceptual Discussion – Adult Day Care – Stacy Thrall** – A. Garron said that there is a need for
20 adult day cares in Town and he has had meetings with Stacy Thrall on this subject. Stacy Thrall
21 said she was a resident of Londonderry and said there was no specific zoning in our ordinance
22 that addresses adult day cares. She said she was here to request the zoning ordinance be updated
23 to include adult daycare homes as an alternative to nursing homes. She said there was one
24 commercial establishment near Exit 5 in Londonderry but explained home care was more
25 individualized attention than that of a commercial business, which was more institutional. She
26 said she did appear before the ZBA and it was a challenge to them because this is not in the
27 zoning, but now falls under a special exception for a home occupation. She did get approval for
28 her home adult daycare through the ZBA. A. Rugg said the ZBA is coming into the Planning
29 Board meeting on 11/9/05 and this will be discussed. S. Thrall submitted two letters, one from
30 Sara Landry of the Elder Affairs in Londonderry and the other from Ralph Johnson, Chairperson
31 of the Elder Affairs Committee. Both were in favor of home adult daycares.
32

33 **Conceptual Discussion – David Freedman – 10,000 SF building on Buttrick Rd.** – Nicole
34 Duquette from TF Moran addressed the Board regarding a conceptual plan for a Wellness Center
35 on Buttrick Road. She introduced David Freedman and Tim Ferris, who now own a similar
36 establishment called Bursey's Wellness Center in Wilton, NH. She said the lot has access off of
37 Buttrick Road and is in a C-1 zoning district. She said the site would include a 6,000 sq. ft.
38 market, the second portion would be suites or studios on the theme of the wellness center such as
39 a yoga studio or an acupuncturist and a third building would be a café area. She said there are 37
40 parking spaces proposed in front of the café and 46 spaces for the market. D. Freedman
41 explained the store would be a more natural food type of store including produce, frozen food,
42 vitamins, supplements and organic type foods. He said he thought there was a need for this in
43 Londonderry. N. Duquette said they would need visibility from Route 102 because this is a
44 single story building. A. Garron suggested a monumental type sign. T. Thompson said a traffic
45 study would be necessary. The general consensus of the Board was they liked the concept. A.
46 Rugg said that traffic would be a major concern and he recommended that they talk with the
47 abutters and let them know what's going on. He thought the design was good and suggested
48 utilizing as much of the natural vegetation as they could so they could be buffered from the
49 abutters.
50

51 A. Rugg said he had one item, which was a Planning Board Resolution that he would like

1 adopted by the Board tonight. This resolution formalizes a cooperative effort between the Board
2 and appropriate Town staff to secure the necessary data from Town records. The purpose is to
3 demographically profile the Town to supply hard, reliable information for maintenance of the
4 Town's Growth Management Ordinance (GMO) and in particular to determine current tax
5 positive and tax negative properties. He said an ad-hoc committee composed of the Planning
6 Board Chairman, Planning Board Ex-Officio from the Town Council and the Planning and
7 Economic Development Director will oversee this effort. The data acquisition methodology will
8 be developed by this committee and with alternate Planning Board member Rob Nichols. **D.**
9 **Coons motioned to approve this resolution. Seconded by C. Tilgner. Vote 9-0-0. Resolution**
10 **passed.**

11
12 **Adjournment:**

13
14 **M. Soares motioned to adjourn the meeting at 11:25 PM. Seconded by D. Coons.**

15
16 **Vote 9-0-0.**

17 **Meeting adjourned.**

18 These minutes taped and typed by Christine Marra.

19 Respectfully Submitted,

20

21

22

23

24 John Farrell, Secretary

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF November 2, 2005 AT THE MOOSE HILL COUNCIL**
3 **CHAMBERS**

4
5 7:00 PM: Members Present: Art Rugg, Chairman, Paul DiMarco, Asst. Secretary; Rick Brideau,
6 Ex-Officio; Brian Farmer, Ex-Officio; Charles Tilgner, Ex-Officio; Mary Soares (arrived at
7 7:05PM) Tom Freda, alternate member; Rob Nichols, alternate member.

8
9 Also Present: Tim Thompson, AICP; John Trottier, P.E. and Christine Marra, Recording
10 Secretary.

11
12 A. Rugg called the meeting to order at 7:00 PM. He appointed R. Nichols to vote for Dana
13 Coons who was absent tonight and Tom Freda to vote for Dani-Jean Stuart.

14
15 *Plans to Sign:*

16
17 ***Stonyfield Farms Phase I Site Plan, Map 14, Lot 44-13-*** J. Trottier said that the Planning Board
18 had considered the request of Stonyfield Farms for a two-phase, 157,507 square foot expansion to
19 the existing manufacturing facility and an industrial sewage pre-treatment facility. The Planning
20 Board conditionally approved Phase 1 of this plan. He said all the conditions noted on the Notice
21 of Decision dated October 12, 2005 have been met. **P. DiMarco motioned to authorize the**
22 **Chairman and Secretary to sign the Site Plan for Phase 1 of the Stonyfield Farms Site Plan,**
23 **Map 14, Lot 44-13 since all conditions have been met. Seconded by R. Nichols. No**
24 **discussion. Vote: 7-0-0. The plan will be signed at the end of the meeting.**

25
26 [M. Soares arrived at 7:05PM]

27
28 ***Harvey Industries Site Plan, Map 17, Lot 45-*** J. Trottier said that the Planning Board had
29 conditionally approved the Harvey Industries site plan for a 389,435 square foot manufacturing
30 facility on October 5, 2005. He said all conditions have been met and Staff recommends the
31 Board sign the plan. **P. DiMarco motioned to authorize the Chairman and Secretary to sign**
32 **the Site Plan for Harvey Industries, Map 17, Lot 45 since all conditions have been met.**
33 **Seconded by R. Brideau. No discussion. Vote: 8-0-0. The plan will be signed at the end of**
34 **the meeting.**

35
36 ***Reid Development Site Plan, Map 28, Lot 31-35*** – J. Trottier said the Planning Board had
37 conditionally approved this plan for a 3,600 square foot office/warehouse building on May 4,
38 2005. He said all conditions noted have been met and the Staff recommends the Board sign the
39 plan. **P. DiMarco motioned to authorize the Chairman and Secretary to sign the site plan**
40 **for Reid Development, LLC, Map 28, Lot 31-35 since all conditions have been met.**
41 **Seconded by R. Brideau. No discussion. Vote: 8-0-0. Plan will be signed at the end of the**
42 **meeting.**

43
44 ***Plan to re-sign – Homestead Restaurant Lot Line Adjustment*** – T. Thompson said this plan was
45 rejected at the Registry for some imperfections that needed to be corrected. He said the plan was
46 corrected and a new mylar made, which has to be signed. He said no vote was necessary. A.
47 Rugg said the plan will be signed at the end of the meeting.

48
49 ***Extension Request – Dan’s Floor Store Site Plan*** – T. Thompson said the applicant and
50 requested an extension to the November 6, 2005 deadline in their letter to him dated November 1,

1 2005. He said the applicant is working with Staff and will be ready for next week's meeting. **P. DiMarco motioned to grant the extension as requested in the applicant's letter until**
2 **December 14, 2005. Seconded by M. Soares. No discussion. Vote: 8-0-0. Extension is**
3 **granted until 12/14/05.**
4

5
6 **Approval of Minutes- 10/05/05 and 10/12/05 - P. DiMarco motioned to approve the minutes**
7 **of 10/05/05 as presented. Seconded by M. Soares. Vote: 8-0-0. Minutes are approved and**
8 **will be signed at next week's meeting.**

9 **A. Rugg said he had some changes on the 10/12/05 minutes, which were noted on the draft.**
10 **P. DiMarco motioned to approve the minutes of 10/12/05 with these changes. Seconded by**
11 **T Freda. Vote: 8-0-0. Minutes are approved and will be signed at next week's meeting.**
12

13 **Determinations of Regional Impact: 12 projects** – T. Thompson said that according to RSA
14 36:56, the Board shall make a determination of Regional Impact for any project that is received
15 for their consideration. He said only one project had been received which was for the
16 Londonderry Housing and Redevelopment Authority and the Town of Londonderry for a 3-lot
17 subdivision. He said Staff recommends that this project in his memo of November 2, 2005 is not
18 a development of regional impact, as it does not meet any of the regional impact guidelines
19 suggested by SNHPC. **P. DiMarco motioned that the Board determine the project in T.**
20 **Thompson's memo of 11/2/05 is not a development of regional impact. Seconded by B.**
21 **Farmer. B. Farmer asked if these were the lots by the Town garage. T. Thompson said yes.**
22 **Vote: 8-0-0.**
23

24 **Discussions with Town Staff** – T. Thompson said that the developer for the Nevins elderly
25 housing development was present to discuss some changes in their structural design for some of
26 the units. He wanted to ask the Board if this should require a public hearing. E. Pease from PD
27 Associates addressed the Board to explain they would like to add basements to some units. He
28 said the units that are already built are on slabs or have a 4' crawl space. He said some buyers are
29 requesting basements for additional storage space. R. Brideau asked if there were limitations on
30 finishing the basements. E. Pease said the only limitations were the number of residents allowed
31 in each unit, which was three, and that third person should be over 21 years of age. E. Pease said
32 they had approval from the EPA and they have the proper ventilation system proposed. M.
33 Soares asked T. Thompson what he recommended. T. Thompson said the change was
34 insignificant and is not changing the outward appearance and shouldn't require a public hearing
35 but that was a decision the Planning Board has to make. He also said the building code does not
36 consider the basement a second story. A. Rugg went around the Board for their opinion. It was
37 the consensus of the Board that a public hearing was not necessary.
38

39 J. Trottier gave an update of the improvements being done on Gilcreast Road. He said the road
40 should be re-opening this weekend. B. Farmer said the CIP would be submitted to the Town
41 Council on Monday night, November 7, 2005. T. Thompson said there would be a Leadership
42 Londonderry meeting on the 3rd Thursday of the month, November 17, 2005. B. Farmer also
43 wanted to remind everyone that there would be an open house for the Town Hall on Sat.,
44 November 5, 2005.
45

46 **Public Hearings**

47
48 **Kenneth & Betty Young , Map 12, Lot 17-1 – Application Acceptance and Public Hearing for a**
49 **2 lot subdivision** – T. Thompson said that Staff had reviewed the plan and there were no
50 outstanding checklist items and recommended the Board accept the application. **P. DiMarco**
51 **motioned to accept the application for Kenneth & Betty Young as complete. Seconded by**

1 **M. Soares. Vote 8-0-0. Application is accepted.** Mike Grainger from M. J. Grainer
2 Engineering, Inc. presented the 2-lot subdivision plan to the Board. He said he has obtained state
3 subdivision approval. J. Trottier read the memo to the Planning Board dated November 2, 2005
4 from the Public Works Department and Vollmer Associates, design review items 1-3 and 2 Board
5 Information Items. P. DiMarco asked about the size of the lots. M. Grainger said they were 1.1
6 acres and 1.3 acres. A. Rugg asked if there was any input from the public. There was none. A.
7 Rugg asked the Board members if they had any questions. There were none. **P. DiMarco**
8 **motioned to conditionally approve the subdivision plan for Kenneth & Betty Young, Map**
9 **12, Lot 17-1 with the following conditions:**

- 10
- 11 1. **The Applicant shall provide a professional engineer's stamp and signature on the**
12 **submitted drainage letter.**
- 13
- 14 2. **The Applicant's revised driveway sight distance plan and profile (sheet 3) indicates**
15 **improvements along Litchfield Road are necessary to achieve the necessary sight**
16 **distance for new lot 17-2. The Applicant shall discuss the proposed work with the**
17 **Town and clarify and/or address the following relative to the submitted sight**
18 **distance plan:**
 - 19 A. **The plan notes to "Construct Gutter to Town Specs" along a portion of**
20 **Litchfield Road. Please provide a typical cross section for the proposed**
21 **roadway shoulder improvement meeting the approval of the Department of**
22 **Public Works in the plan set.**
 - 23 B. **The plan (sheet 3) does not indicate any topography consistent with the**
24 **profile elevations. In addition, the stationing for the profile is not provided**
25 **in the plan view to clarify the required distance of 250 feet for sight distance**
26 **is provided. Please indicate the existing topography on the plan (USGS**
27 **Datum) and indicate stationing for the profile. This shall apply to sheet 4**
28 **accordingly.**
 - 29 C. **Please indicate the proposed grading along the sight lines to achieve the**
30 **required sight distance in the plan view as applicable. Will the existing pole**
31 **need to be relocated near the proposed driveway? Please clarify with a note**
32 **on the plan and provide a utility clearance letter that addresses the pole**
33 **relocation if applicable.**
 - 34 D. **A driveway culvert is indicated with this latest submittal for the proposed**
35 **driveway. Please indicate the inverts, pipe size, pipe type, length and slope**
36 **and end section (i.e. headwall, FES, etc.) for proper construction. Please**
37 **indicate any grading along the roadway shoulder and ditch line necessary to**
38 **maintain the runoff flow to and from the culvert. In addition, please**
39 **dimension the location (minimum 11 feet from edge of pavement) in**
40 **accordance with section 3.08.I of the regulations for proper placement.**
 - 41 E. **Please clarify the existing drain system associated with the catch basin near**
42 **Kelly Road and indicate and label any road side swales.**
- 43
- 44 3. **The Applicant shall provide the endorsement of a certified soil scientist (stamp and**
45 **signature) for the indicated HISS mapping on sheet 2.**
- 46
- 47 4. **Outside consultant's fees shall be paid within 30 days of conditional approval of**
48 **plan.**
- 49 5. **The Applicant shall provide a digital (electronic) copy of the complete final plan**
50 **sent to the Town at the time of signature by the Board in accordance with Section**
51 **2.05.n of the regulations.**

1 **6. Financial guaranty if necessary.**

2 **7. Final engineering review.**

3
4 **Seconded by M. Soares. No Discussion. Vote: 8-0-0. Plan is conditionally approved.**

5
6
7 ***Enterprise Rent-A-Car, Map 28, Lot 21-16 – Application Acceptance and Public Hearing-*** T.
8 Thompson said that the applicant had requested a continuance to 12/7/05 in order to obtain the
9 necessary permits and to take care of some design issues. T. Freda wanted to know why they
10 waited until today to request the continuance. T. Thompson explained the final review process
11 and the applicant didn't know until today that there were problems with the plan. M. Soares
12 asked how many times could a plan be continued. T. Thompson said the clock doesn't start until
13 the application is accepted. More discussion followed concerning continuances. **M. Soares**
14 **motioned to continue the Enterprise Rent-A-Car plan to 12/7/05 at 7 PM as outlined in the**
15 **fax to André Garron and Tim Thompson dated 11/2/05. Seconded by R. Brideau. Vote 8-0-**
16 **0. Plan is continued.**

17
18 **Other Business:** M. Soares asked if anything has been done about limiting the hours a business
19 can be in operation. B. Farmer said nothing has been formalized or brought to the Town Council.
20 T. Thompson said this type of regulation does not fall under a zoning ordinance. M. Soares asked
21 is it is possible to limit the early morning trash pick-up hours for businesses near residential areas.
22 T. Thompson said this would have to go before the Town Council.

23
24 **Adjournment:**

25
26 **P. DiMarco motioned to adjourn the meeting at 8:00 PM. Seconded by M. Soares.**
27 **Vote 8-0-0.**

28
29 **Meeting adjourned.**

30
31 These minutes taped and typed by Christine Marra.

32 Respectfully Submitted,

33
34
35
36
37 John Farrell, Secretary

LONDONDERRY, NH PLANNING BOARD
Minutes of the Meeting of November 9, 2005 at the Moose Hill Conference Room-Final

7:00 PM: Members Present: Art Rugg, Chairman; Brian Farmer, Ex-Officio (arrived at 7:05); John Farrell, Secretary; Paul DiMarco, Asst. Secretary; Chuck Tilgner, Ex-Officio; Rick Brideau, Ex-Officio; Mary Soares; Tom Freda, alternate (arrived at 7:20PM); Rob Nichols, alternate;

Also present: Andre Garron, AICP; Tim Thompson, AICP; and John Trottier, P.E. and Jaye Trottier, Recording Secretary.

A. Rugg called the meeting to order at 7:01.

Plans to Sign:

Dan's Floor Store, Map 6, Lots 35-8 & 35-9 – John Trottier referenced the Notice of Decision dated July 6, 2005. He said all conditions have been met **J. Farrell motioned to authorize the Chairman and Secretary to sign the site plan for Dan's Floor Store. R. Brideau seconded. Vote: 6-0-0. Plan will be signed at the end of the meeting.**

A. Rugg appointed R. Nichols to vote for Dana Coons.

B. Farmer arrived.

Clark Farms Phase II, Re-Subdivision, Map 15, Lot 103 & Map 17, Lot 45-1 - John Trottier referenced the Notice of Decision dated October 5, 2005. He said all conditions have been met. **J. Farrell motioned to authorize the Chairman and Secretary to sign the plan for Clark Farms Phase II, Re-Subdivision. Seconded by M. Soares. Vote: 8-0-0. Plan will be signed at the end of the meeting.**

A. Rugg stated that the ***Landings Waterline Relocation*** plan was rejected at the Registry and it needed to be resigned. T. Thompson said the necessary corrections had been made and that since it was already on record, no motion was needed. A. Rugg stated that all the plans would be signed after the meeting for the sake of time.

A. Rugg stated that the minutes for 10/5/05 and 10/12/05 have been signed.

Discussions with Town Staff - T. Thompson explained that the Town Council voted to recommend the Planning Board re-open a public hearing to amend the CIP and move the Cultural Arts Center proposal back to a priority 4 because otherwise it could affect the Town's bond rating. The following spoke: J. Farrell, A. Rugg and T. Thompson. M. Soares stated the CIP should stay as it is. A. Rugg said it just needed to be rescheduled at this point for a public hearing, that no debate was necessary now. J. Farrell asked about a deadline and T. Thompson responded that the Cultural Center was not in the current budget year so it could wait. (There was some discussion about having to open the entire document). **P. DiMarco made a motion to reopen the CIP public hearing to discuss the Cultural Arts Center regarding whether it**

should stay or be moved out of the 6-year plan for the Dec. 14th meeting at 7pm. J. Farrell seconded. The motion was approved, 7-1-0 (M. Soares objected).

T. Thompson mentioned that the NH Planner's Association award that was received by André Garron was mentioned at Monday night's Council meeting and André's family was brought in for the honor and recognition.

T. Thompson explained that a volunteer was needed for the Open Space Task Force to help update and revise that process, particularly in regards to the CIP. M. Soares asked how much of a time commitment it entailed. T. Thompson estimated around once a month. J. Farrell added the meetings lasted about 90 minutes on average. A. Garron said the process would last about 6 to 8 months. T. Thompson said it would be easier than the last time since the first group had laid the groundwork and also because of the new GIS capabilities. M. Soares said she was interested. P. DiMarco was also interested but was unsure about the time commitment. T. Thompson said M. Soares could be the PB volunteer and P. DiMarco the alternate. **B. Farmer made a motion to appoint M. Soares to the Open Space Task Force and appoint P. DiMarco as the alternate. J. Farrell seconded. The motion was approved, 8-0-0.**

(M. Soares made a comment about the flashing sign on Gilcrest Rd. to J. Trotter)

PUBLIC HEARINGS:

Conceptual Discussion- Exit 4 & Exit 5 Park & Rides – NHDOT - Bill Cass of the Department of Transportation (DOT) was present to discuss the park and ride at Exit 4 off of I-93 and the proposed park and ride at Exit 5. A new bus terminal would be built at Exit 4. It should be complete by summer, 2006.

Greg Gauch from the DOT's Bureau of Public Works (talking about exit 4 first) explained that a 45-foot grade differential determined where that new building would go to the east. It would be less than 2,400 square feet with a roof double that size. It would include a waiting room, ticket booth, bathrooms, a maintenance area and storage and would be open from 5am to 9pm. Most of the day it would be staffed. It would be up to Concord Trailways as to whether or not those hours would be expanded.

A. Rugg asked if any parking spaces would be lost. G. Gauch said around 20 would be taken up but that it was not a significant amount.

G. Gauch mentioned that cameras have been installed at this location with more to come. They have lowered the amount of vandalism happening there. B. Farmer asked who monitored those cameras and G. Gauch said they were web based (but not on a web site) at the DOT in Concord. P. DiMarco asked if the Londonderry PD couldn't somehow be involved in that. G. Gauch said it was being looked into. J. Farrell asked if the monitoring would be 24 hours a day. G. Gauch said it will be in the future.

A. Rugg inquired about their leachfield but G. Gauch said they were on public water and sewer. M. Soares commented on the cars parked along Garden Lane, asking whether or not they were commuters and whether their parking was legal. G. Gauch said they were commuters and that some people take advantage of the situation. M. Soares then asked that if 20 parking spaces were going to be lost, wouldn't the situation on Garden Lane only get worse? G. Gauch said

there would be plenty of parking on site. B. Farmer asked who was in charge of the lot and G. Gauch replied the State Police.

R. Nichols asked a question about lighting and G. Gauch responded. A. Rugg asked if there would be more parking lot lighting. G. Gauch said no, that there was a reasonable amount now. P. DiMarco asked about it being a public works project and whether or not a decision from the PB would be nonbinding as it's a State project. A. Rugg said it would be and T. Thompson added that it would be similar to an airport project and handled under the auspices of RSA 674:54.

B. Farmer asked about the plans. T. Thompson and A. Garron asked for digital plans and renderings.

J. Farrell asked about security again and said that currently it was poor to say the least. He said even Gauch himself had stated it was not 100% safe. G. Gauch said that was not entirely true and that there was bullet-proof glass at the ticket booth.

A. Rugg said improvements have been made at the exit 4 site over time.

B. Cass said they are working on a policy for sharing video data.

J. Farrell said that not having 24-hour monitoring is not fair to the guy stuck in the ticket booth.

A. Rugg asked for public comments:

Marilyn Ham- Who's responsible for trash cleanup, mowing, general appearance?

B. Cass- assumes it's the State when it's in the right of way.

M. Ham- can it be part of the approved plan? Answer: Yes.

Mike Brown- do towns handle the policing of the area?

A: It's between the State & local authorities, obviously local is more available.

M. Brown- Londonderry handles all those calls now.

B. Farmer- it's an enforcement issue. We don't want to add headcount over this and using our police takes them away from Londonderry issues. Need agreement with State police

J. Farrell- Need a 24 hour central station routing to the State

G. Gauch- We have traffic control center under construction.

J. Farrell- Important that cops know what they're getting into on that site.

No more public comment

B. Cass- Exit 5 park & ride will be next to Transfer Station, on Symmes Dr. Started as small project but it made sense to do full building & improvements to Route 28. Dunkin Donut's road upgrade will tie in with theirs. Talked about future expansion; drainage being set up with an eye towards the future.

The parking and building here are similar to exit 4 but larger. Will have administrative office too because it's expected to be the area hub for buses along I-93. Will also have a light maintenance facility; 14 buses are to be bought & parked there. The developer on Symmes & Jack's Bridge had to do some mitigation for traffic impacts & may provide overflow parking for park & ride. Improvements will be made to signalized intersections.

B. Farmer asked why State is building a State facility on State property as well as the maintenance building for a private company. G. Gauch- it would be on the Londonderry tax roles. Involves a lease and CMAC money. B. Farmer asked for follow up. P. DiMarco commented on not being able to have binding approval on State property/buildings.

M. Soares – will there be sidewalks on Rockingham? Yes, between signalized intersections on both sides. Open to discussing further sidewalks. M. Soares spoke more about sidewalks. B. Cass said the Town would maintain them.

A. Rugg- pedestrian lights? A: Yes- concurrent, not exclusive.

A. Rugg- how many spaces here?

G. Gauch- 456.

A. Rugg- will there be other providers? A: Yes but Trailways turned it down

B. Farmer- will there be airport shuttle service from here? A: Could be

M. Soares- will there be car rentals? A: no. Only shuttles, perhaps.

P. DiMarco- Any commercial vans? A: Yes. Private? A: No, only commercial.

P. DiMarco- asked if rail bed will be affected A: No. Won't the rail bed attract trouble? A: Hadn't considered it .

T. Freda asked about perimeter fencing. A: No fence along frontage, but fenced all around otherwise, especially with Exxon next door & transfer station, not sure about along the back side.

A. Rugg- public comment.

Mike Brown- asked about the land and maintenance. Are they fitting in with the goals of the Master Plan for that area? A. Garron- bus maintenance is okay in C-II.

A. Rugg- POD is on this part of 28.

T. Thompson- the area is not conducive for large Industrial uses because of the wetlands.

Barbara DiLorenzo- talked about security problems with the railroad bed bringing in trouble from 3 different towns.

P. DiMarco requested a public hearing & B. Farmer asked for electronic version of presentation.

ZBA workshop- Zoning Ordinance Suggested Changes:

Mark Officer, ZBA Chairman, presented. Also there from ZBA: Steve Lee, Yves Steger and Mike Brown

Accessory apartments- there are two criteria under this ordinance that prevent variances from being sought and are seen as a 'poison pill' by the ZBA.

Permitted uses (in general)- some uses are not addressed that should be like self storage in commercial areas, not just in industrial. Also, 'learning centers' like Oxford Learning and adult day care. Drive-ins need to be removed.

A. Rugg: re: accessory apartment issue- we don't want to impede the ZBA in their job.

T. Thompson: does the PB want to allow variances for accessory apts?

M. Officer: most apts requested these days are for in-laws specifically- it's a growing trend.

In favor of removing the prohibitive language from accessory apt section: R. Brideau, M. Soares, J. Farrell, B. Farmer (would like to see actual language first), same for C. Tilgner & P. DiMarco; R. Nichols & T. Freda both say ok.

T. Thompson noted that variances have been granted in the past for accessory apts despite the language.

Jim Smith became part of the conversation- he noted he doesn't think the 2 items preventing variances would hold up in court if someone challenged it.

This will need a second workshop

M. Officer: Special exceptions for home occupations- need to separate out when there are outside employees who never come to the home- they should be allowed & we should only restrict those who are at the residence.

B. Farmer asks about signage

M. Officer: Livestock issue- ordinance says you need 2 acres minimum for horses & livestock but does not say if there's a limit as to how many can be on those 2 acres or more.

P. DiMarco- what about if someone has 2 acres or more but a lot of it is unusable (e.g. wetlands)?

M. Officer- the issue of the 'secondary and incidental' requirement for home occupations- are day cares a secondary and incidental use of the property?

J. Smith- the descriptions of different daycares should be in the home occupation section of the ordinance, not in the definitions. T. Thompson said he's working on it.

J. Smith explains the '25% of living space' rule.

J. Farrell- are there State regulations for **adult** day care? J. Smith- yes but they're vague and it's a new concept to have it in a home setting.

M. Soares questions signage

B. Farmer asks what constitutes 25% and J. Smith explains.

T. Thompson suggests separating day cares out.

B. Farmer asked for clarification of 25% rule and daycares.

T. Freda asks about sign permits for home occupations.

Discussion of discrepancy over size of residential signs- 2 sf or 3 sf? It's says either one in 2 different place in the ordinance.

M. Officer: signs do help to locate residential businesses which helps limit traffic.

T. Freda and J. Smith discuss signs

M. Brown says the accessory apt issue is the most urgent when asked by A. Rugg.

Will continue workshop on Dec 14th & Public Hearing will be in Jan.

S. Lee asks about redoing the ordinances as a whole. T. Thompson explained time frame of 6 years. A. Garron explained how time consuming it is. S. Lee asked if a consultant will be used like the one for the Master Plan. A Garron said that some sections may call for a consultant. T. Thompson said especially the Airport section.

The PB and ZBA will get together again on Dec 14th.

Public Hearing – Site Plan & Subdivision Regulation Amendments – Flood Zone & CO

District Signage – T. Thompson said that amendments to site plan and subdivision regulations were necessary because of the updated FEMA Flood Insurance Study.

T. Thompson read from the legal notice in the packet about the amendments. P. DiMarco asked why 1.05B couldn't be stricken in its entirety; T. Thompson said because it's FEMA's language being used. A. Rugg asked for public comment- there was none.

T. Thompson reviewed the Conservation Overlay District signage requirements. The Conservation Commission had made some changes:

(taken from Conservation Commission minutes):

Section 5.06 a: add the words "at point shown on the plan" following the words CO District Boundary.

Section 5.06b: the word "minimum" should be replaced with the word "maximum". The signs need to be placed a maximum of 50 feet apart not a minimum of 50 feet.

Section 5.06d: the commission feels that stating an exact amount will require changes to the regulation in the future. By eliminating the wording "\$1.50" and replacing it with "for a cost incurred by the department." or some such wording.

The same changes should be made in section 3 of the subdivision regulations.

B. Farmer asked about the current square footage for the COD now. T. Thompson said the signs would be for recent and new plans/projects and can't be retroactive. B. Farmer asked if it could be voluntarily retroactive, perhaps have the Boy Scouts put the signs up. A. Garron said it could

be done voluntarily as well as retroactively on Town owned land. B. Farmer asked if the Conservation Commission could spearhead the project. George Herrmann (Consv. member) said yes. B. Farmer asked if older privately owned properties could be approached with a letter requesting they have the signs posted on their land. M. Soares asked about the posts they are put on and T. Thompson and G. Herrmann said they could be put on trees. It was mentioned it would make a good Eagle Project for someone. P. DiMarco asked about specifying the sign size if owners do it themselves. A. Garron said they would have to work with the Conservation Commission. A. Rugg asked for public comment- there was none.

J. Farrell made a motion to adopt the site plan and subdivision regulations as presented with proposed amendments regarding FEMA and COD signage. M. Soares seconded. The motion was approved, 8-0-0.

R. Brideau asked if T. Freda was a full member yet. He has not been sworn in but was appointed. Therefore, A. Rugg appointed Tom Freda to vote for Dani-Jean Stuart.

P. DiMarco made a motion to take a 5 minute break. R. Brideau seconded. Break commenced at 9:07.

Meeting reconvened at 9:13.

A. Rugg announced the **Conservation Subdivision Ordinance** workshop was postponed until the December 14th meeting.

Barbara DiLorenzo, Map 14, Lot 31 – Continued Public Hearing for a site plan to allow for an automotive repair facility and associated site improvements. -

Barbara DiLorenzo came before the Board. T. Thompson mentioned the 65 day clock under RSA 674:4 would be up after tonight's meeting, and the only way to continue the plan, if the Planning Board wanted to, was to get the applicant to waive the 65 day clock. Otherwise, a decision to conditionally approve or deny the plan was needed tonight..

Tony Marcotte of Bedford Design Consultants spoke, saying he made the requested changes from the last meeting except for some grading on Harvey Rd. They agreed to work with John Trottier if everything else is completed. The applicant is asking for a waiver from the 365 ft required to 308 ft. He also said the proposed septic was done by another firm so they have to check on it for the driveway widening. He reviewed the changes done. J. Trottier reviewed his design review comments. He said the waiver would be for 308 feet and mentioned a shoulder improvement that is needed. J. Trottier said those waivers typically aren't condoned and it is an existing condition but would be up to the Board. T. Thompson felt it could be waived. A. Garron agreed with T. Thompson. A. Rugg asked about the shoulder improvement. J. Trottier talked about the 3:1 slope with the ditch in the Town right of way. T. Thompson mentioned all the outside storage being out of the setbacks, etc and he felt it was okay to recommend approval. T. Thompson mentioned that the turnaround should be striped to prevent parking and it should be labeled on the plan. A. Garron had no further comments. **J. Farrell motioned to grant a waiver for a 323 foot sight distance when the regulations call for 365 feet, per recommendation from the Staff, with the existing driveway and additional improvements being done and meeting the approval of the Department of Public Works. M. Soares seconded.** Discussion: R. Brideau asked about the discrepancy between 308 ft. vs. 323 ft

previously mentioned. T. Thompson said it was 308 ft. B. DiLorenzo explained. **J. Farrell amended his motion to allow the waiver for the sight distance requirement from 323 ft to 308 ft. M. Soares seconded.** Discussion: P. DiMarco asked if there was any way to get the 365 ft without moving the driveway. Answer was no. P. DiMarco said he was hesitant about voting in favor. T. Thompson explained his support. **The motion was approved 9-0-0.** T. Thompson recommended that item #1 is needed except for the waiver. **J. Farrell motioned to conditionally approve the site plan for Map 14, Lot 31 with the following conditions:**

- 1. The Applicant shall provide a shoulder improvement plan meeting the approval of the Department of Public Works and obtain a grading easement at abutting Lot 29-1 as needed, meeting the approval of the Town. Please provide a detail of the proposed shoulder improvement in the plan set for proper construction.**
- 2. The revised site plan indicates the existing septic system is to be removed as part of the site development and a new system is to be installed along the driveway. Please verify the proposed grading to achieve the sight distance does not affect the proposed grading for the new septic system and indicate the proposed grading for the septic system on the plan. The Applicant shall include the updated septic design plan in the plan set, note the septic approval number in note 26 on sheet S1 and provide a copy of the approval for the Planning Department's file. The Applicant indicated in her response the septic grading was revised and approved plans will be provided when received.**
- 3. The Applicant shall provide a ten foot pavement rounding at the driveway entrance to adequately address the intended delivery vehicles turning into the site. Please update the plans and details accordingly.**
- 4. The Applicant shall address the following in the submitted and revised drainage report:**
 - A. The outlet structure detail in the plan set indicates the top of embankment at elevation 336.62 and does not provide the minimum of 12" freeboard above the 50-year elevation noted in the calculations (50-year elevation 335.68). Please revise the detail to provide the minimum 12" freeboard in accordance with the regulations. In addition, please label the detention basin sideslope as 3H:1V maximum in the detail in accordance with the regulations. Also, please adjust the outlet structure rim in the detail to be consistent with the elevation on the site plan.**
 - B. Please update the riprap apron detail in the plan set to provide the minimum length and bottom width in accordance with the riprap calculations.**
 - C. Please update reach 202R to provide a proper length and slope of the outlet pipe consistent with the plans.**
 - D. Please provide a headwall detail in the plan set for proper construction and revise the size of the headwall consistent with the detail.**
- 5. Waiver granted shall be noted on the Plan.**

6. **The turnaround area shall be striped to prevent parking and noted on the plan.**
7. **Outside consultant's fees shall be paid within 30 days of approval of the plan.**
8. **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 2.05n of the regulations.**
9. **Financial guaranty if necessary.**
10. **Final engineering review.**

M. Soares seconded the motion. The motion was approved, 9-0-0. T. Marcotte said they would work with J. Trottier on the shoulder and bond. T. Thompson said they have 120 days to complete.

Conceptual Discussion – Chet Ham – land off Plainview Dr. -

Chet Ham was joined by Realtor Tom Duffy regarding C. Ham's property on Plainview Dr. He said it has been up for sale for 14 years. He is looking for the right to develop the 20.5 acres as is. He said he exchanged property with the airport in 2002. All interested parties always back off buying because of the cul de sac and improvements required by the Planning Board. He asked that the Board consider this a hardship.

He claimed the cul de sac is unnecessary because of an agreement with abutting landowner Russell Walmarth- the parking lot can be used as a turn around and that is accepted by the Town. He said that when he swapped land with the Airport in 2002, he gave up his frontage on Harvey Road for lot 16 and frontage on Plainview. He asked what more is needed? T. Thompson said a cul de sac is still needed.

A. Garron said that when Opechee Const. came in a few years back, this issue came up. The Planning Board discussed an easement and that they had a consensus to allow despite staff recommendations to the contrary.

There was discussion about Alcumet expanding, and re-doing the cul de sac; they've been before the Conservation Commission already. (G. Herrmann confirmed this).

T. Duffy asked if Plainview is a Town road. There was discussion that it was dedicated but no deed was recorded. A. Rugg said that was a Town Council issue.

J. Farrell and M. Soares talked about Alcumet expanding. T. Thompson commented that the Conservation Commission stated the wetland on site was not large enough to have a COD buffer.

A. Garron talked about how it is not an issue of frontage but of the cul de sac because they do not want to rely on a private citizen's (Walmarth) parking lot with the liability, maintenance of the road, etc. J. Farrell asked a question about holding everyone to the same standard with existing conditions. A. Garron said the Planning Board could disagree with the staff.

B. Farmer asked C. Ham if he thought it was a frontage issue. C. Ham thought it was frontage and the cul de sac. T. Duffy concurred.

A. Garron talked about Astoria needing to build a cul de sac.

T. Duffy asked if they need a waiver for off site improvements. A. Rugg said no. T. Duffy talked about risks. J. Farrell asked how long the road is. T. Duffy said 685 ft.

C. Ham discussed frontage.

P. DiMarco asked about the deed for the road. A. Rugg said that was administrative.
J. Trottier talked about Class V roads and explained the cul de sac requirement. T. Duffy said a waiver is would be necessary.
A. Garron talked about a conceptual and non-binding consensus. J. Trottier said they should talk to Mr. Walmarth. T. Thompson suggested talking to Walmarth's engineer.
T. Duffy asked for guidance. Suggestion was made to talk to John Trottier about the deed.
C. Tilgner said there was a cloud over this subject because of the title.
M. Soares suggested working with Walmarth. C. Ham said Walmarth will work with him but that Walmarth has to develop his site first.
B. Farmer asked if the Town can take the road if not deeded. T. Thompson said to ask the Town attorney. A. Rugg said it becomes automatically the Town's after a certain period of time.
C. Ham asked the Board again what he could do. M. Soares said they need a plan. C. Ham clarified what they needed. T. Thompson said otherwise all you can get is a non-binding consensus. T. Duffy asked if they could get that. B. Farmer said yes but with a site plan and a resolution to the deed issue. C. Ham said the deed was not his issue. B. Farmer said to work with Walmarth.
A. Rugg asked for comments. T. Freda asked if agreeing lets Walmarth off the hook?
A. Rugg asked if the Board will require a cul de sac. J. Farrell said he could look favorably on it after looking at the alternatives and based on the site plan and its complexity. T. Freda agreed.
R. Nichols asked if they could look into the past agreement with Walmarth. A. Rugg said the minutes would show that. R. Nichols had no objection.
P. DiMarco said if the road is deeded properly, he has no objection. C. Tilgner said a cul de sac is ultimately needed for maintenance but he agreed with J. Farrell. M. Soares and R. Brideau were okay too.

Manchester Airport – Public Hearing under RSA 674:54 for a site plan to construct Parking Lot G. -

T. Thompson mentioned the Intermunicipal Agreement re RSA 674:54 regarding non-binding comments from the PB to the Airport. Kevin Dillon, Airport Director, Nils Gonzales and Rich Fixler were all present.
K. Dillon: The lot is at the south end of runway 35. Parking accounts for ½ of the Airport's revenues. He said they are looking at a 1,600-1,650 space lot so they can meet their peak parking demand at Easter.
N. Gonzales: Lot is on Map 14-45-1 at 1 Pettingill Rd. It's 11.3 acres of pavement with upper and lower lots.
He explained the bus entrance, customer entrance/exit with islands, ticket booths, etc. He also said they have letters from PSNH, Verizon, Adelphia and Manchester Water Works. The parcel is on town sewer. He said the overhead lights, i.e. like highway but recessed. He explained the overflow parking, long-term parking and future use potential for rental cars. The drainage was designed with DES guidelines and a site specific permit was obtained. Each lot has extensive detention basins and hoods for oil/water separation. He discussed the water treatment/drainage (50 yr storm, 2 yr. storm). He said that DES is handling water construction plans. Also the slopes would be covered with matting. Pre + post will be equal runoff.
J. Trottier said the storm water management report has not been submitted.
T. Thompson said there is no traffic impact analysis. Will there be a signal?

André Garron said the expanded runway and Pettingill- an open median is okay for now but traffic will impact the Airport's land and then Londonderry's. They have a copy of the concerns and it needs to be brought up at some point.

R. Nichols asked about parking producing ½ the revenue. K. Dillon said it amounted to \$22 million annually.

P. DiMarco discussed traffic and asked if they can address those issues. K. Dillon mentioned a customer service bus and said they would work with the Town. P. DiMarco stressed that it is needed.

A. Garron asked if it goes to a rental car facility, aesthetics are very important, and can they do underground wiring? It is the gateway to Londonderry's industrial area.

B. Farmer asked if conservation signs could be put up voluntarily.

J. Farrell asked about the wires as A. Garron did. N. Gonzales said the wires were out because of potential future uses- to make sure they could be relocated.

More comments were made by M. Soares, R. Brideau and A. Rugg about working with town staff & our development rules.

T. Thompson commented.

J. Farrell made a motion to recommend the following staff comments as non-binding:

1. The applicant has not provided several items required by the Application Checklist and the Site Plan regulations. The applicant should address the following:

A. The applicant has not provided copies of necessary permits with this plan set. The following should be addressed:

- i. The applicant should provide a copy of the FAA permit or verification that one is not needed as is usually stated by the Manchester Airport.**
- ii. The applicant should provide a copy of the NHDES Site Specific Permit in accordance with the regulations, and note the approval number on the plans.**
- iii. The applicant shall obtain a sewer discharge permit in accordance with the regulations.**

B. The applicant has not provided a Traffic Impact Analysis, which is required in accordance with section 3.14 of the site plan regulations. With 1650 parking spaces proposed, what impact would this have on Pettengill Road and Industrial Drive/Pettengill Road intersection. Will the traffic generated by this site require a signal at the Industrial Drive/Pettengill Road intersection or the Harvey Road/Pettingill Road intersection?

C. The applicant has not submitted the required Storm Water Management Report in accordance with Section 3.07 of the regulations. The applicant should submit a drainage report meeting the requirements of the Airport District section of the Zoning Ordinance and the site plan regulations.

D. The applicant has not submitted an illumination plan in accordance with section 3.13 of the site plan regulations. The applicant should provide an illumination plan showing that the site will not exceed 0.2 foot candles at the property line.

E. The applicant has not submitted a Landscape plan in accordance with

Section 3.09 of the site plan regulations. The applicant should provide a landscape plan indicating all proposed landscaping for the site.

- F. The applicant has not provided utility clearance letters in accordance with section 3.04 of the site plan regulations. The Manchester Airport is proposing to build a detention pond and entrance over AES's 20' wide water line easement. Do they have a letter from AES stating that the construction meets with their approval? The applicant should provide copies of all utility clearance letters for the Planning Department's files.**
- 2. The plans do not indicate the Conservation Overlay District boundaries on all sheets. Wetland buffers should be shown in accordance with Section 2.6.3 Conservation Overlay District (COD) in the zoning ordinance.**
 - 3. The project proposes work within the COD buffers. The COD requires a Conditional use permit for the part of the proposal intruding into the wetland buffers in accordance with section 2.6.3.4 of the COD in the zoning ordinance. The applicant should coordinate review of the buffer encroachments with the Conservation Commission for their recommendation on the Conditional Use Permit for the Planning Board.**
 - 4. Several years back, when the Airport upgraded Pettengill Road. The Town of Londonderry expressed a concern about the opening in the median between Harvey Road and Industrial Drive. The 2003 Design Charrette report predicts that 3.6 million square feet of commercial and industrial development could take place in this area. 3.6 million square feet of commercial and industrial development would generate in upwards of 40,000-vehicle trips/day within this area. The Town of Londonderry predicts that a four-lane highway will be required to address the traffic flow in this area in the future. When the four lane section is constructed and the development and traffic come to the area as predicted, then the opening, allowing the left turns onto Pettengill Road, will have to be addressed. The applicant should work to minimize the number of curb cuts on Pettengill Road. The queue at the Harvey Road/Pettengill Road alone may affect the entrance to this site. Staff would like to reaffirm its position that the open median, which will allow left turn from this site onto Pettengill Road, will need to be closed at such time when the Town constructs its four lane section throughout this area.**
 - 5. The Applicant is proposing improvements within the Pettengill Road right of way, which include driveways, culverts and swales and appear to conflict with the Town's proposed widening and design of Pettengill Road and will require removal and reconstruction for the future widening of Pettengill Road. In addition, the Town's future vision along the right-of-way also includes a thirty (30) foot wide utility easement along the frontage. The Applicant and the Applicant's engineer are aware of the Town's proposed widening and have previously been provided copies of the Town's proposed design for the widening of Pettengill Road. Additionally, the February 2002 Runway Expansion Plans prepared by the Airport by Edwards & Kelcey indicate the future 4 lane section of Pettingill Road. We recommend the Applicant revise the site design and provide any offsite improvements as necessary to properly address the Town's proposed widening meeting the approval of the Town.**

6. All proposed signage will need to be approved by the building inspector as per section 3.11.2.8. of the airport zoning district.
7. All proposed utilities, including wiring for light poles, shall be located underground in accordance with section 3.04 of the site plan regulations.
8. Show all easements on site in accordance with section 4.12 of site plan regulations. Our understanding is that there is a conservation easement on the parcel near the intersection of Harvey and Pettengill Roads.
9. We recommend the Applicant provide guardrail along the westerly parking area embankments indicated at 2H:1V and varying in height up to approximately fifteen (15) feet.
10. We recommend the Applicant provide curbing along the parking areas to properly manage stormwater runoff per section 2.5.2.4.9 of the Zoning Ordinance. We are concerned erosion of the steep embankments will occur and recommend the Applicant provide curbing along the parking areas.
11. The Applicant's submitted plans do not appear to comply with the standards of the Town Site Plan Regulations for surface water drainage control as required by section 2.5.2.5.1.1 of the Zoning Ordinance. Please note the following:
 - a. The minimum pipe size of 15" is not provided at the proposed "snow basins" per section 3.07.g of the regulations. Please revise to comply with the regulations.
 - b. The minimum cover of three (3) feet is not provided at CB1, CB 5, CB 6, CB7, CB 8, CB9, CB10, CB14, CB15, and CB 17 per section 3.07.g of the regulations. Please revise to comply with the regulations. In addition, please revise the drain trench detail on sheet 11 accordingly.
 - c. The required detention basin outlet structure – vertical slotted weir with overtopping grate is not provided per section 3.07.h of the regulations. Please revise to comply with the regulations.
12. The Applicant proposes to discharge runoff from a proposed detention basin to a roadside swale that appears to increase runoff to the Town's drainage system. Please clarify and address compliance with section 3.07 of the Site Plan Regulations (no increase in runoff) at this location.
13. The proposed 24" outlet pipe from the lower detention basin and the 12" driveway culvert appears to discharge at the same location and elevation. It appears the top of the proposed 24" pipe will be nearly at the same elevation as the roadway pavement and the existing swale may not have adequate depth for the proposed 24" pipe. Please revise the pipe outlet location and existing swale to provide adequate depth and capacity for the proposed pipe outlets meeting the approval of the Town. In addition, please address if additional erosion protection measures along the swale (such as riprap) will be necessary downstream of the outlet aprons and revise as necessary.
14. The upper detention basin discharges to a wetland area that extends onto abutting lot 45-2. Does this wetland have an outlet? Please clarify and address

compliance with section 3.07 of the Site Plan Regulations (no increase in runoff) at this location.

15. A portion of the embankment sideslope grading shown for the upper detention basin is less than 3H:1V and does not comply with the Town's typical section for a detention basin, Exhibit D-1. Please revise to comply with the regulations.
16. The applicant has not indicated snow storage on the plans in accordance with the site plan regulations.
17. The proposed pavement section of the parking area does not comply with section 3.11.b of the regulations. We recommend the applicant provide the full 4" pavement section in accordance with the regulations.
18. The applicant should provide a trench patch detail in the plan set.
19. The applicant indicates wooden guardrails on the site, which does not comply with section 3.08 (referring to the Subdivision regulations and NHDOT Standards) of the regulations. We recommend steel guardrail in accordance with NHDOT standards be provided on the site.
20. The applicant indicates slopes of 2:1 on the site, which is typically not permitted by the Town without rip-rap and filter fabric. We recommend the applicant provide rip rap and filter fabric on all 2:1 slopes.
21. The applicant should provide a minimum of 6' of cover over the sewer line as typically required by the Town.
22. Two of the driveways serving the site exceed 24' in width, which does not comply with the Zoning Ordinance, Section 3.10.1.5. The Planning Board may approve an exception up to a width of 36', however one of the driveways is designed at a width of 39'+. We recommend the applicant revise the driveways to meet the requirements of the Zoning Ordinance.
23. Verify number of Handicap spaces meets federal requirements.

M. Soares seconded. The motion was approved 9-0-0.

Adjournment:

M. Soares made a motion to adjourn at 10:35 PM. P. DiMarco seconded. The motion was approved, 9-0-0.

Meeting was adjourned.

Minutes taped by Jaye Trottier and typed by Christine Marra.
Respectfully submitted,

John Farrell, Secretary

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF December 7, 2005 AT THE MOOSE HILL COUNCIL CHAMBERS

7:00 PM: Members Present: Art Rugg, Chairman, Dana Coons, Vice-Chair; Paul DiMarco, Asst. Secretary; Rick Brideau, Ex-Officio; Brian Farmer, Ex-Officio (arrived at 7:15PM); Charles Tilgner, Ex-Officio; Tom Freda; Rob Nichols, alternate member.

Also Present: Tim Thompson, AICP; John Trottier, P.E. and Christine Marra, Recording Secretary.

A. Rugg called the meeting to order at 7:00 PM. He appointed R. Nichols to vote for J. Farrell who was absent tonight.

Plans to Re-Sign:

Clark Farms Industrial Center 3 Lot Subdivision- Rejected at Registry – T. Thompson said this plan had to be re-signed because it was rejected at the registry. He said a motion is not necessary. A. Rugg said it would be signed at the end of the meeting.

Approval of Minutes- 11/02/05 and 11/09/05 – A. Rugg went over the corrections that were made to the minutes. **D. Coons motioned to approve the minutes of 11/02/05 as presented with corrections. Seconded by P. DiMarco. Vote: 6-0-1. Minutes are approved and will be signed at next week's meeting.**

A. Rugg said he had some changes on the 11/09/05 minutes, which were noted on the draft. D. Coons motioned to approve the minutes of 10/12/05 with these changes. Seconded by R. Brideau. Vote: 6-0-1. Minutes are approved and will be signed at next week's meeting.

Determinations of Regional Impact: 3 projects – T. Thompson said that according to RSA 36:56, the Board shall make a determination of Regional Impact for any project that is received for their consideration. He said three projects had been received which were: Map 2, Lot 28-10 for William Tate for a back lot subdivision. He said Staff recommends that this project in his memo of December 7, 2005 is not a development of regional impact, as it does not meet any of the regional impact guidelines suggested by SNHPC. The second project was on Map 2, Lots 27-27 & 27-11 for Carl & Patricia Rennie for a lot line adjustment. He said Staff recommends that this project in his memo of December 7, 2005 is not a development of regional impact, as it does not meet any of the regional impact guidelines suggested by SNHPC. The third project was on Map 7, Lot 73-1 for Alliance Energy for a minor site plan. He said Staff recommends that this project in his memo of December 7, 2005 is not a development of regional impact, as it does not meet any of the regional impact guidelines suggested by SNHPC. **D. Coons motioned that the Board determined the projects in T. Thompson's memo of 12/7/05 are not developments of regional impact. Seconded by P. DiMarco. Vote: 7-0-0.**

Discussions with Town Staff – T. Thompson said that the conservation subdivision workshop scheduled for next week would be cancelled in order for him to spend more time on the zoning ordinance changes workshop scheduled for the same date. The conservation workshop will be held on 1/11/06. A. Rugg mentioned that there was information from SNHPC in the Read file regarding regional impact guidelines. Also he mentioned the meeting that was held last week on the Auburn Road Superfund site. **[B. Farmer arrived at 7:15 PM]** B. Farmer mentioned the budget process in ongoing and the first public hearing will be held on December 19, 2005.

Public Hearings

Enterprise Rent-A-Car, Map 28, Lot 21-16 – Continued Application Acceptance and Public Hearing for a site plan – T. Thompson said that he had received a letter from Sublime Civil Consultants, Inc., dated 12/7/05 requesting a continuance to the first meeting in January. He said the reason was they require additional time to address concerns raised during the review of the project. A. Rugg asked if these could be resolved by 1/4/06. T. Thompson said he thought they could. **D. Coons motioned to continue the application and public hearing until 1/4/06. Seconded by R. Nichols. Vote 8-0-0. Hearing is continued, this is the only public notice.**

LHRA/Town of Londonderry, Map 6, Lots 6, 6-1 & 6-2 – Application Acceptance and Public Hearing for a Lot Line Adjustment – T. Thompson said there were no outstanding checklist items and he would recommend the application is complete. **D. Coons motioned to accept the application for LHRA/Town of Londonderry as complete as recommended by Town Staff. Seconded by R. Nichols. Vote: 8-0-0. Application is accepted.** Jack Szemplinski, Benchmark Engineering, presented the plan on behalf of LHRA. He explained the lots were on High Range Road on the easterly side and were two lots that the LHRA owns on the sides of the driveway leading to the Town Garage. He said this proposal would increase the Town land from 8 acres to approximately 14 acres. He said the two house lots were duplex size. He said the stonewalls would be moved to give the Town more land and they will construct 2 detention areas. Three waivers were requested, 3.05 for Utilities, 3.04 for Grading and 3.10 HISS. J. Trottier said the plans have been reviewed and he read the design review comments to the Board in the memo dated 12/7/05. He said design review comment #1 was regarding the waivers requested from the subdivision regulations. He said Staff recommends all three waivers be granted. He continued reading 2-7. T. Thompson said that on comment #7, the applicant is to provide CO signs at the proposed “no-cut buffer.” A. Rugg asked the Board if they had any questions. P. DiMarco asked if this plan was just a lot line adjustment. T. Thompson said yes, but it is now subject to the Growth Management Ordinance because the adjustment is creating two new lots. D. Coons asked why the Town is not willing to move the gates to the highway department and have the driveway entrances off of their driveway instead of High Range Road. J. Trottier said there is a lot of traffic there during storms and for safety sake it should stay. B. Farmer wanted to know if this land was part of a trade of airport land that the Town owned. T. Thompson said yes it was, the land at the airport was being traded to the LHRA for the additional land being given to the town with this adjustment. A. Rugg asked for public input. Bob Lievens, Secretary of LHRA, was present said the present garage site was part of the entire lot that LHRA acquired from the US Army. He said recently it became clear the Town could use the additional property. He said this is when the land swap came to be. He said they want to sell the two lots as house lots and get them back on the tax rolls. He also said he had requested help from the Town and staff on this project and wanted to thank them. **D. Coons motioned to grant the 3 waivers requested in the letter from Benchmark Engineering dated 10/20/05 to the Planning Board, from Section 3.05 Utilities to allow utilizing existing overhead utilities to service 2 lots and Town Garage; from Section 3.04 Grading not to show existing topography; and from Section 3.10 High Intensity Soils Study not to perform or show on the plans a HISS, as recommended by Staff. Seconded by R. Brideau. Vote: 8-0-0. Waivers are granted.**
D. Coons motioned to conditionally approve the Lot Line Adjustment Plan for LHRA/Town of Londonderry, Map 6, Lots 6, 6-1 & 6-2 with the following conditions:

1. **The Applicant shall note the State Subdivision approval number in the notes on sheet 1 and revise note 5 on sheet 1 to list most current (2005) FEMA sheet(s)**

- used to identify 100-year Hazard area. Additionally, please clean up the conflicting road name text in the tax map sketch, and correct the address listed for the Town of Londonderry in the title blocks.
2. The applicant shall verify the lots meet the minimum lot size requirements of the Zoning Ordinance. It appears that the land in private drainage easements has not been removed from the calculations as required by the ordinance.
 3. Applicant shall address DRC comments as applicable.
 4. Please review and clarify invert elevations of existing 12-inch CMP crossing the driveway to Lot 6.
 5. Please review and provide appropriate swale detail for the outlet to the detention area on Lot 6-1.
 6. The applicant shall indicate CO District Signage on the plans in accordance with Section 3.02.C of the regulations at the proposed “no-cut buffer.”
 7. Note all waivers on the plan.
 8. Outside consultant’s fees shall be paid within 30 days of conditional approval of 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 2.05.n of the regulations.
 10. Financial guaranty if necessary.
 11. Final engineering review.

Seconded by P. DiMarco. Vote: 8-0-0. Plan is conditionally approved.

Mark Investments, LLC, Map 6, Lots 49, 51, & 52 – Application Acceptance and Public Hearing for a Lot Line Adjustment – T. Thompson said that there were 6 outstanding checklist items and Staff recommends that the application is incomplete. The Board can either find it incomplete, or the applicant can continue or withdraw from formal application. Earl Blatchford, representing Mark Investments asked if they could still proceed on the site plan and they would request to continue on the Lot Line Adjustment plan. T. Thompson said it would make sense to withdraw the application and come back with design review. E. Blatchford said the applicant will withdraw the application and come back with a revised application. A. Rugg said the Lot Line Adjustment plan for Mark Investments is **Withdrawn**.

Mark Investments, LLC, Map 6, Lots 49, 51, & 52 – Application Acceptance and Public Hearing for a Conditional Use Permit and a Site Plan to construct a 12, 256 sq foot Walgreens Pharmacy and associated improvements to the Bank of America Site and abandonment of a portion of Kendall Pond Road – T. Thompson said that there is one checklist item and the applicant is requesting a waiver to this requirement for the NHDOT Permit under Section 4.13 – Permits, to allow acceptance of the formal Site plan application. He said they have received and submitted a copy of the NHDOT letter approving the Traffic Study and Concept Plan for off-site road improvements prepared by Vanasse and Associates. He said if the Board agrees, he would recommend the application be accepted. B. Farmer said that 38 design review items was excessive and the Board didn’t usually hear an application with this many comments. T. Thompson said the applicant would like the application accepted so they could discuss and get the Board’s guidance on a few items. **D. Coons motioned to grant the waiver of Section 4.13 as outlined in the letter dated 11/21/05 from the applicant to Timothy Thompson for acceptance purposes only. Seconded by R. Brideau. Discussion: A. Rugg said that the permit is still required. Vote: 8-0-0. Waiver is granted. D. Coons motioned to accept the application as complete for the site plan and parking expansion of Walgreen’s and Bank of America. Seconded by R. Brideau. Vote: 8-0-0. Application is accepted.** A. Rugg said the applicant could give an overview of the project. E. Blatchford, Haynor Swanson, said the plan

does depend on the Lot Line adjustment. The proposed lots are 1 ½ acres for the Bank and 2 ¾ acres for Walgreens. Both lots are in the C-I and Route 102 POD and will be developed with shared facilities such as lighting, landscaping and drainage systems. He said there was a single entrance off of Nashua Road (Rte. 102) and 3 driveways being proposed on Mammoth Road. There will be no change to the bank building and Walgreens will be a 1-story, 1,256 sf building with a 2 lane pharmacy drive-thru and a bypass lane. There are currently 25 parking spaces and they are proposing to remove 8 spaces and reconstruct 26 spaces for the bank. He said Walgreens requires 62 spaces and they are providing 64. The water is being provided by Pennichuck Water Works and the septic is on-site under the parking lot. He explained the rezoning from AR-1 to C-1 a year ago. They have applied for and received a dredge and fill permit to fill 2 areas on the site. He said a Conditional Use Permit is required for disturbing wetlands. The Conservation Commission has made a positive recommendation for that. Other permits received were: NHDES, site specific, DES septic and the conceptual NHDOT approval of traffic study and off-site improvements. He said the drainage system meets the Town requirement as well as the State's. He said the landscaping meets the requirements of the POD and they are requesting a waiver of 3.11.g.1 of the regulations to allow 2% interior landscaping in the front parking area, and 6.4% interior landscaping in the side parking area.. He said they are also requesting a waiver of 3.13.c.12 regarding site lighting. B. Farmer asked if the developer is taking care of the moving of the abutter's driveway as requested. The developer, Robert Korff said yes. E. Blatchford said the Heritage Commission reviewed and recommended the elevations. He also said that Michael Cassavoy, the architect for the project, was here to answer any questions. Giles Ham, traffic consultant from Vanasse & Associates, said they have worked with Staff on the traffic improvements and they have conditional approval from the State DOT. He discussed some of the improvements, which included widening of Route 102 eastbound. He said Mammoth Road will be widened with additional shoulder area. T. Thompson said that Gerry Fortin from Vollmer Associates was here if the Board had any questions for him. John Trottier read some of the design review items from the memo to the Planning Board, dated 12/7/05. He read item #1, which was requesting a waiver for the landscaping in the parking lot. T. Thompson said that Staff supports this waiver. J. Trottier continued with #2, which also requested a waiver concerning lighting. T. Thompson said that Staff also supports this waiver along the common property line. He read #5 and #7 concerning the drainage and also #8 regarding the site grading plan. He also read #9B regarding the residential driveway for Map 6, Lot 48 and #12 concerning the septic system. He then read #1 and #3 of the Board information items. E. Blatchford, addressing #1 of the Board information items, explained the loading areas and said that they did talk about it with the Staff and said it appeared to be adequate. He said that #3 additional improvements to Route 102/128 intersection are proposed as part of the Elliot Health Systems plan. B. Farmer said that they should coordinate with the Elliot with these improvements. T. Thompson also said item #15D recommends a "No Truck" sign be installed. T. Thompson then read into the record a letter from the Conservation Commission, dated 11/18/05, regarding the conditional use permit for wetlands buffer impacts, which recommended approval. A. Rugg then went around the Board for their comments. B. Farmer had a question on the lot line adjustment and easement and would this easement be deeded to the Town. E. Blatchford said yes it would. B. Farmer also mentioned the routing through the site for trucks and said the entrance off of Route 102 should be marked one-way. E. Blatchford said yes they could do that but hadn't planned on restricting it. D. Coons said he would agree with a "No Truck" sign. Gerry Fortin referred to comment #15C regarding the loading areas and the requirements asked to be put on the plan and the auto-turn schematics for the indicated routes and note the indicated delivery vehicle on the plan. T. Freda wanted to know the ownership of the parcels. E. Blatchford said there were 3 separate owners right now and Mark Investments has an option on all 3 lots. R. Nichols was concerned that there may be a back-up of vehicles onto Route 102 when traveling eastbound at the turn-off, based on the increased traffic. E. Blatchford said the volume is not

significant. Additionally R. Nichols agreed with the philosophy of making Bank of America's (BOA) first right-hand turn entrance an "in only," for safety purposes, when traveling southbound on Rt. 128. However he noted that this would certainly create a cumbersome 270-degree traffic pattern within the BOA parking lot, when returning back to Rt. 128 from the ATM drive-thru. He wondered if BOA would approve, based on their original request to minimize any changes to their current operational configuration. A. Rugg said safety was a concern regarding pedestrian movement in the parking lot. E. Blatchford said they added a pedestrian way, which would be painted and clearly marked. A. Rugg asked if there was any public input. Chris Lawson, 168 Mammoth Road, said this would put more exposure on her property and would prefer the trucks come off Route 102 and not Mammoth Rd. She was also concerned about the lighting. E. Blatchford said there would be trees in the buffer. Mr. Lawson said that tractor trailers get off at Exit 3 from Rte. I-93 and come north on Mammoth Road to avoid the weigh station. B. Farmer said the State legislature is trying to prohibit trucks from doing that. D. Trow, 169 Mammoth Road, was concerned with the wetlands and if there would be an increase in run-off. A. Rugg said there is still a lot of requirements that have to be met. E. Blatchford asked if the Board could consider the 2 waivers and the conditional use permit tonight. **D. Coons motioned to grant the requested conditional use permit based on Staff's recommendation and the recommendation of the Conservation Commission in their letter of 11/18/05. Seconded by P. DiMarco. Vote: 8-0-0. Conditional Use permit is granted. D. Coons motioned to grant the waivers requested in item #1, from 3.11.g of the regulations regarding the landscaping and in item #2, from 3.13.c.12 of the regulations regarding the lighting. Seconded by R. Brideau. Vote: 8-0-0. 2 waivers are granted. D. Coons motioned to continue the site plan for Mark Investments until 1/11/06 at 7PM. Seconded by R. Brideau. Vote: 8-0-0. Hearing is continued. This is the only public notice.**

Edward J. Lafontaine, Map 11, Lot 77- Application Acceptance and Public Hearing for a 3 lot subdivision – T. Thompson said there were no outstanding checklist items, and recommended the application be accepted as complete. **D. Coons motioned to accept the plan for Edward Lafontaine as complete. Seconded by R. Brideau. Vote: 8-0-0. Application is accepted.** Jack Szemplinski, Benchmark Engineering, said this was a 4 ½ acre parcel at the northwest corner of High Range Road and Alexander Road and is being divided into 3 residential lots, the rear lot sized for a duplex. He said the sight distances on High Range Road are not good and easements are being given to the Town. He said they are requesting a waiver to use existing overhead utilities. He said they have received permits for subdivision approval from the State and 3 septic approvals. J. Trottier read the comments from the memo dated 12/7/05 to the Planning Board from the Public Works Department and Vollmer Associates. He read item #1, which requested the waiver to utilize overhead lines. He said that Staff supports this waiver. He then read the remainder of the items 2-8. T. Thompson mentioned the DRC comment #5, which says the duplex will be converted to a condo. The condo conversion will need to be approved by the Planning Board separately from this application. He said #6 mentions the existing dwelling does not meet the setback requirements from High Range Rd. The applicant shall verify with the Zoning Officer if an equitable waiver or variance is necessary. A. Rugg asked if there were any comments from the public. Beverly Murfitt, 42 Alexander Rd., was concerned about the water table with the addition of these new lots. J. Szemplinski explained where the major brook was in the area. D. Coons asked who was responsible if they drilled a new well and an abutter loses water. J. Szemplinski said that owners of property own well-drilling rights on their property for residential wells. B. Murfitt asked if the existing house was going to have water from Pennichuck Water Works why not the other 2 lots. J. Szemplinski said because of the expense and tearing up the road. **D. Coons motioned to grant the waiver requested by the applicant in their letter of 10/3/05 as recommended by Staff to utilize overhead lines. Seconded by R. Nichols. Vote:**

8-0-0. Waiver is granted. D. Coons motioned to conditionally approve the subdivision plan for Edward J. Lafontaine, Map 11, Lot 77 with the following conditions:

1. The lot size calculations for new lot 77-1 and 77-2 do not exclude the private drain easement area as required per section 2.3.1.3.1.4.10 of the Zoning Ordinance. Please revise the lots and calculations as necessary to meet the requirements of the regulations and the approval of the Zoning Officer. In addition, the Applicant shall verify the revised lot size and calculations for lot 77-2 (the six bedroom duplex) meets the requirements of the regulations and the approval of the Zoning Officer.
2. The spot elevation for lot 77-2 on sheet 5 (elevation 276.7) does not provide a low point a minimum of 10 feet off the edge of pavement as typically required by the Town. Please review and revise a necessary meeting the approval of the Town.
3. The Applicant shall clarify the proposed erosion control measures on sheet 11 that appear to be obliterated by the COD line.
4. The proposed detention basin outlet structure does not appear to be constructible based on the noted elevations and dimensions. Please note the top of the outlet pipe would be within the top slab of the structure. Please review and revise. In addition, please update the outlet structure detail to clarify the top grate opening is a minimum of 3' by 4' per exhibit D-1 of the regulations.
5. Please update the drainpipe trench detail to provide acceptable bedding and provide a pipe end section detail in the plan set for proper construction.
6. Please address the following relative to the submitted drainage report:
 - A. Please provide a summary table in the report that indicates the pre and post development impacts to each abutter and compliance with the regulations (no increase in runoff).
 - B. The report does not include runoff calculations that address subcatchment HR. Please document the changes to HR in the report.
 - C. Under the post development condition, the plan indicates the entire roof of the proposed buildings will be directed to the detention pond. Please clarify how this will be accomplished.
 - D. Please update the outlet protection detail to provide the minimum size riprap apron (length and width) consistent with the calculations.
7. The Applicant shall address the DRC comments as applicable.
8. Note waiver granted on plan.
9. Outside consultant's fees shall be paid within 30 days of approval of plan.
10. 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.
11. Financial guaranty if necessary.

12. Final engineering review

Seconded by P. DiMarco. Vote: 8-0-0. Plan is conditionally approved.

Manchester Motor Freight, Map 14, Lot 44-34 – Application Acceptance and Public Hearing for a site plan – T. Thompson said there were no outstanding checklist items and recommended the application be accepted as complete. **D. Coons motioned that the application for Manchester Motor Freight be accepted as recommended by Staff. Seconded by R. Brideau. Vote: 8-0-0. Application is accepted.** Jeff Kavan, from TF Moran, said the property was on Wentworth Ave. and contained 4 acres and was in the I-2 district. He said the trucks coming into the facility were independent truckers and currently there are 4 trucks that come on a daily basis. He said the total parking calls for 21 passenger car spaces and 7 tractor-trailer spaces plus container spaces. He said it was a very low impact development and only 2 acres would be disturbed. He said the tree coverage would be preserved and they have added evergreen for buffering. The architecture takes on the look of an old train station. J. Trottier read the memo to the Planning Board dated 12/7/05 from Public Works Department and Vollmer Associates. He said item # 1 requested a waiver of 3.11.g of the regulations regarding parking lot landscaping. He said that Staff supports this waiver. He then read items #2 and 3 and Board informational items 1-3. T. Thompson said signs should be added to the conservation district buffer. He read a letter from Sustainable Design- Eco Park, which said they had reviewed the project and it meets the requirements of the Eco Park. D. Coons said he thought the plan looked great and asked about the wording for item #3. T. Thompson said when the NOD goes out the “recommends” are changed to “shall”. P. DiMarco said he liked the look and asked how the trailers would back into the spaces. J. Kavan explained. P. DiMarco also asked if there would be any hazardous materials. J. Kavan said no. D. Coons asked where the outside storage was. J. Kavan said it was a temporary container area for short-term storage. A. Rugg asked about signage. J. Kavan said it is not a site for customers and there is no signage proposed right now. A. Rugg asked for public input. There was none. **D. Coons motioned to grant the waiver requested by the Applicant in his letter of 6/1/05 as recommended by Staff. Seconded by P. DiMarco. Vote: 8-0-0. Waiver is granted. D. Coons motioned to conditionally approve the site plan for Manchester Motor Freight, Map 14, Lot 44-34 with the following conditions:**

1. **The Applicant shall address the following relative to the project details:**
 - A. **Please clarify the noted reference to the Town of Londonderry in the notes of the thrust blocking detail. We assume this detail is for the water line. The Applicant shall verify the design meets the standards and requirements of the water utility company (Manchester Water Works). Please clarify and revise accordingly.**
 - B. **The level spreader with riprap detail does not address how the level lip of the level spreader will be achieved using riprap as proposed. Please clarify and revise as necessary.**
 - C. **Please update the outlet apron detail on sheet 11 to provide the proper W up (6') for aprons 4 and 5 consistent with the latest riprap calculations submitted.**
 - D. **Please revise the grate opening dimensions of the outlet structure to provide the minimum top opening (3'-0" by 4'-0") required by Exhibit D1 of the regulations.**
 - E. **Please revise note 5 of the house sewer details on sheet 12 to remove the reference to gravel relative to bedding as typically required by the Town.**
 - F. **The rim elevation at outlet structure 2 is labeled at elevation 303.0 and has a 15 " outlet pipe with an invert elevation of 302.0 which does not appear to be**

constructible at the indicated elevations. Please review and revise the design as necessary for constructability and revise the detail accordingly. In addition, please update the drainage report accordingly.

- 2. The Applicant has provided responses to the project DRC comments with a previous submission and the Applicant shall verify with each department that their DRC comments have been adequately addressed.**
- 3. The waiver granted shall be shown on the plan.**
- 4. Outside consultant's fees shall be paid within 30 days of approval of plan.**
- 5. 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.**
- 6. Financial guaranty if necessary.**
- 7. Final engineering review**

Seconded by P. DiMarco. Vote: 8-0-0. Plan is conditionally approved.

Stephen Gontarz, Map 18, Lots 15-6- Application Acceptance and Public Hearing for a Condominium conversion – T. Thompson said there were no checklist items and recommended accepting the application as complete. **D. Coons motioned to accept the application for Stephen Gontarz as complete as recommended by Staff. Seconded by R. Nichols. Vote: 8-0-0. Application is accepted.** Justin Ziemba from Promised Land Survey said this property was located at 6 Walton Circle and it was a duplex being converted to condominiums. J. Trottier read the memo to the Planning Board dated 12/7/05 from the Public Works Department and Vollmer Associates. He said comment #1 is a request for a waiver for sight distance, which he does not support but T. Thompson does. He read comments #2 & 3 and said the legal documents are still under review by the Town Attorney. A. Rugg asked if the Board had any questions. T. Freda asked about the sight distance. J. Ziemba said this was an existing driveway and it would mean ripping up the driveway. T. Thompson said since it was existing, he supports the request for waiver. A. Rugg asked if the public had any input. There was none. **D. Coons motioned to grant the waiver requested by the applicant in his letter of 11/3/05 since it is an existing condition and the expense is greater than the benefit. Seconded by R. Brideau. Vote: 7-1-0. Waiver is granted.** **D. Coons motioned to conditionally approve the condo conversion for Stephen Gontarz, Map 18, Lot 15-6 as outlined in memo including items 2 and 3. T. Thompson said that part of Item #1 should be retained. D. Coons modified his motion to include part of item #1. Conditional approval includes the following:**

- 1. The Applicant shall provide proper certification per Exhibit D-2 on the sight distance plans for each driveway on sheets 3 and 4.**
- 2. The Applicant shall provide the Owner's signature on the plans.**
- 3. The Applicant shall address the following on sheet 1:**
 - A. Please indicate the existing drainage systems along Walton Circle.**
 - B. Please include note Q per section 4.11 in the notes on the plan.**

4. **The waiver granted shall be shown on the plan.**
5. **Outside consultant's fees shall be paid within 30 days of approval of plan.**
6. **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.**
7. **Financial guaranty if necessary.**
8. **Final engineering review**

Seconded by B. Farmer. Vote: 8-0-0. Plan is conditionally approved.

Nancy R. Stearns, Map 6, Lot 33-7 – Application Acceptance and Public Hearing for a Condominium Conversion – T. Thompson said that one abutter had not been notified which was lot 88-2 and by State law all abutters have to be notified of a public hearing within 10 days of the hearing. D. Coons said if the Board goes forward and accepts the application that starts the 65-day clock. J. Ziemba, Promised Land Survey, said they would move forward with the acceptance but would want to continue the hearing. T. Thompson said there were no checklist items and would recommend acceptance of the application as complete. **D. Coons motioned to accept the application as complete. Seconded by P. DiMarco. Vote: 8-0-0. Application is accepted. D. Coons motioned to continue the public hearing for Nancy R. Stearns, Map 6, Lot 33-7 until January 4, 2006 at 7PM. Seconded by R. Nichols. Vote: 8-0-0. Application is continued.** A. Rugg said all abutters would be re-notified.

James & Sherry Radzelovage, Map 12, Lot 15 & 15-1- Application Acceptance and Public Hearing for a Lot Line Adjustment – T. Thompson said there were no checklist items and staff would recommend accepting the application as complete. **D. Coons motioned to accept the application as complete as recommended by Staff. Seconded by R. Brideau. Vote: 8-0-0. Application is accepted.** J. Ziemba said this was a lot line adjustment between 30 & 34 Litchfield Road taking 1/3 of an acre from the Shuler property and adding it to the Radzelovage property. He said they are requesting one waiver for the plan scale to allow the entire parcel to fit on one sheet. J. Trottier read the comments from the memo to the Planning Board dated 12/7/05 from the Public Works Department and Vollmer Associates. He said that Staff supports the request for waiver noted in item #1. A. Rugg went around the Board for comments. There were none. He asked for public input. Dr. Shuler was present and said James Radzelovage was his son-in-law and explained why they wanted the adjustment. **D. Coons motioned to grant the applicant's request for waiver as noted in his letter dated 11/3/05 and as recommended by Staff. Seconded by R. Nichols. Vote: 8-0-0. Waiver is granted. D. Coons motioned to conditionally approve the lot line adjustment plan for Radzelovage/Shuler, Map 12, Lot 15 & 15-1 with the following conditions:**

1. **The Applicant shall provide the Owner's signature on the plans as applicable.**
2. **The Applicant shall provide proper monuments along the perimeter lot lines at the angle point in accordance with section 3.02 of the regulations.**

3. **The Applicant shall revise the tax map on sheet 1 to darken the new lot line under this application and dash the existing line for clarity as typically required by the Assessing Department.**
4. **Waiver granted shall be shown on the plan.**
5. **Outside consultant's fees shall be paid within 30 days of approval of plan.**
6. **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.**
7. **Financial guaranty if necessary.**
8. **Final engineering review**

Seconded by R. Brideau. Vote: 8-0-0. Plan is conditionally approved.

Paul Martin, Map 6, Lot 83 & 81- Application Acceptance and Public Hearing for a Lot line adjustment – T. Thompson said there were two checklist items. He said Item #1 would require a variance and the Planning Board could not grant a waiver. He said Staff does not support Item # 2 which requests a waiver of the HISS plan. He recommended the application be found incomplete, or have the applicant continue or withdraw the formal application. D. Coons said he would not support a waiver on item #2. The consensus of the Board was not to support the waiver. A. Rugg said the Board could vote to not accept the application or the applicant could withdraw. Paul Martin said that they were asking for a waiver for the wetland issue and the lot line adjustment was not even measurably close to the wetlands. T. Thompson said he would still have to get a variance from the ZBA. J. Trottier said it still needs a soil scientist stamp. P. Martin asked if the ZBA grants a variance is it then a non-issue. T. Thompson said the Planning Board would still have to grant a waiver with the ZBA's variance. P. Martin said this was a 14 acre existing buildable lot. D. Coons said that he would be changing the size of the lots and this change could make it nonconforming. T. Freda said that you have to prove that it still is a buildable lot. A. Rugg said the application needs a variance and a wetlands stamp. P. Martin said he would withdraw the application and work with Staff. A. Rugg said the application for Paul Martin, Map 6, Lot 83 & 81 is **withdrawn**.

Alfred & Pauline Elliott, Map 9, Lot 80 & Map 12, Lot 143-1 – Application Acceptance and Public Hearing for a Lot Line Adjustment – T. Thompson said there were 2 checklist items. He said Staff supports the waivers regarding utility clearance letters and above ground utilities. He said that if the waivers are granted, staff recommends the application be accepted as complete. **D. Coons motioned to grant the waiver to checklist item #1 from 3.06 of the regulations for the utility item only. Seconded by R. Brideau. Vote: 8-0-0. Waiver is granted. D. Coons motioned to accept the application as complete as recommended by Staff. Seconded by R. Brideau. Vote: 8-0-0. Application is accepted.** J. Ziembra, from Promised Land Survey, said the applicant owns both lots and is adjusting the boundary to bring the lot into compliance for the pool. J. Trottier read the memo to the Planning Board dated 12/7/05 from the Public Works Department and Vollmer Associates. He said he does not support Item #1, which is a request for a waiver on the proposed lot line not providing the minimum length or maximum angle in accordance with Section 3.03.Eof the Subdivision regulations. He said he also does not support the waiver request of the sight

distance in Item #2. He then read items 3-9. T. Thompson said he was in support of the waiver request for the existing driveway sight distance. A. Rugg asked the Board if they had any comments. C. Tilgner didn't understand item #1. J. Ziembra said the reason for the plan was to bring the pool into compliance. A. Rugg asked if there was any public input. There was none. **D. Coons motioned to grant the waiver for Item #2 regarding the sight distance for the existing driveway as recommended by T. Thompson. Seconded by R. Brideau. Vote: 8-0-0. Waiver is granted. D. Coons motioned to deny waiver for Item #1 waiver of Section 3.03.E of the subdivision regulations regarding the lot line minimum length or maximum angle. Seconded by C. Tilgner. Vote: 5-3-0. Waiver is denied. D. Coons motioned to conditionally approve the lot line adjustment for Alfred & Pauline Elliott with the following conditions:**

- 1. The Applicant's proposed lot line does not provide the minimum length or maximum angle in accordance with Section 3.03.E of the Subdivision Regulations. Applicant shall revise proposed lot line to meet the regulation.**
- 2. Please indicate the roadway and lot lines on each sight distance plan (sheets 4,5, and 6) and clarify if an easement is necessary at abutting lot 81 for the B profile at lot 80 on sheet 4.**
- 3. The Applicant indicates the NHDES Subdivision Approval is not applicable on the application checklist and in his response. However, it is unknown if the area taken from lot 143-1 included any portion of the designed septic area under the subdivision plan that created the lot. The Applicant shall clarify that the designed septic area under the subdivision plan that created lot 143-1 is not impacted under this application, or obtain a NHDES subdivision approval, note the approval number on the plan and provide copies of the applicable permit approvals for the Planning Department's files.**
- 4. The Applicant's topographic plan, sheet 2, does not indicate any HISS information (as noted in the soil lot sizing calculations) in accordance with the regulations. Please clarify and update the plan in accordance with the regulations. In addition, please clarify the existing topography on the plan that appears faint in portions.**
- 5. The Applicant's topographic plan, sheet 2, indicates an existing retaining wall that extends into the Town's right of way (ROW). The Applicant has noted a portion of the wall is to be removed on the plan with this latest submittal. In addition, the plan notes one of the existing driveways is to be removed. The Applicant shall clarify the limits of wall and pavement removal with sawcut lines for proper construction as typically requested by the Town.**
- 6. The Applicant shall address the following on sheet 3 and update sheet 2 accordingly:**
 - A. Please indicate the location of overhead wires.**
 - B. Please indicate the southerly ROW of Bancroft Road and easterly ROW of Hardy Road on the plans.**
 - C. Indicate the existing septic system, wells and retaining walls on the plan. In addition, please note the status of the existing wells and clarify the limits of wall removal on the plan consistent with sheet 2.**
 - D. The Applicant shall verify the revised general highway maintenance easement that now includes the existing culvert meets the approval of the Town.**
- 7. The Applicant shall verify the benchmark elevation for TBM 3 on sheet 2 (106.87?) that does not appear to be consistent with the indicated topography (at elevation 460+/-) and revise accordingly.**
- 8. The Applicant shall provide the Owner's signature on the plans as applicable.**
- 9. The Applicant shall provide a driveway apron detail for new lot 143-1 in the plan set for the indicated driveway for proper construction. Please indicate the proper driveway width and pavement rounding required by the Town. In addition, it**

- appears a culvert may be necessary for the driveway. Please review if a culvert is necessary for this driveway with the Town and revise as necessary.**
- 10. All waivers granted shall be indicated on plan.**
 - 11. Outside consultant's fees shall be paid within 30 days of approval of plan.**
 - 12. 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 2.05n of the regulations.**
 - 13. Financial guaranty if necessary.**
 - 14. Final engineering review.**

Seconded by R. Brideau. Discussion: P. DiMarco asked if the Board would see the final plan. T. Thompson said yes, when it comes in for signature. Vote: 8-0-0. Plan is conditionally approved.

Adjournment:

R. Brideau motioned to adjourn the meeting at 10:55 PM. Seconded by P. DiMarco. Vote 8-0-0.

Meeting adjourned.

These minutes taped and typed by Christine Marra.

Respectfully Submitted,

John Farrell, Secretary

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF December 14, 2005 AT THE MOOSE HILL COUNCIL CHAMBERS

7:00 PM: Members Present: Art Rugg, Chairman, Dana Coons, Vice-Chair; Paul DiMarco, Asst. Secretary; Rick Brideau, Ex-Officio; Brian Farmer, Ex-Officio (arrived at 7:35PM); Tom Freda (arrived at 7:30PM); Rob Nichols, alternate member.

Also Present: Tim Thompson, AICP; John Trottier, P.E.; André Garron, AICP and Christine Marra, Recording Secretary.

A. Rugg called the meeting to order at 7:00 PM. He appointed R. Nichols to vote for M. Soares who was absent tonight.

Signing of Minutes- 11/02/05 and 11/09/05 – A. Rugg said that Paul DiMarco, Asst. Secretary would sign the minutes that were approved at last week's meeting in the absence of John Farrell, Secretary.

Discussions with Town Staff – J. Trottier said that the developer of Whittemore Estates, Jim McKenna, had been scheduled to come in tonight to request a waiver to paving of the parking areas for this project. He decided not to request this waiver and wait until Spring for the paving, therefore, there is not need to discuss the project at this time.

A. Garron gave an update on the CTAP, (Community Technical Assistance Program), which has a grant for 3.5M to be used by 26 communities for Technical assistance as part of the I-93 Mitigation package. He said a meeting was held on December 1, 2005, which went well with lots of ideas and suggestions. The next meeting is scheduled for 1/19/06 to start the planning process and they hope to finish the sessions by June to have a final plan. He also mentioned both he and T. Thompson attended the Southern New Hampshire Planning Commission's meetings on the Comprehensive Regional Plan for this region, which includes 13 communities. He said several chapters of the Plan have been completed. He said that it is Town Report time and he needs the Chairman to put something together for this purpose. Finally, he mentioned the Growth Management Ordinance and that a determination would be needed by the Planning Board prior to March 1, 2006.

Dana Coons wanted to thank Rick Brideau for the article he sent to everyone on the Chester growth problems.

Public Hearings/Workshops/Conceptual Discussions

Public Hearing -Amendment to FY 2007-2012 Capital Improvements Plan (CIP) – A. Rugg said that the amendment in question regarded the proposed Cultural Arts Center, which right now was a Priority 3 on the CIP. T. Thompson said a motion had been made by P. DiMarco at the last hearing to open up to a public hearing an amendment to the CIP to shift this project from a Priority 3 back to a Priority 4, which would take it out of the scope of the 6-year program. He said the Town Council was concerned about the impact this would have on the bond rating for the Town. A. Rugg went around the Board for comments. There were no issues. He asked for public input. There was none. **D. Coons made a motion that based on Staff and Council recommendations, to reclassify the Cultural Arts Center from a Priority 3 to a Priority 4 for the CIP. Seconded by P. DiMarco. Vote: 5-0-0. Motion passes.**

Workshop – Jacks Bridge TIF District Update/F1 Zone Creation – JHT Associates – T. Thompson said that in June, André Garron had presented the concept of a TIF District for the Charlie Evans property, which had been presented to him by Mr. Evans. Mr. Evans had been working with JHT Associates on a conceptual plan for his property, which would extend from I-93, along Jacks Bridge Road west to Route 128, which JHT Associates presented tonight. Jeff Taylor, from JHT Associates, introduced his associates, Steve Whitman and Jack Dugan and Charles Evans, the landowner. Also present was Gerry Fortin from Vollmer Associates, who was working on the road designs for the project. J. Taylor said there were 2 projects, one was the Exit 5 Tax Increment Financing District (TIF) and the other was the Pettingill Road Re-zoning project. He said part of his team was working on writing the zoning for the proposed district. He said both projects are recommended to contain elements of a local airport access road. He said both could contain a variety of similar uses, and utilize similar zoning language. He said the initial discussion was with the Town Council on June 6, 2005. The basic plan was to use the TIF Process to establish a development framework and road network that is consistent with previous planning efforts and tonight was a status report before going back to the Town Council. He went over a TIF Refresher with T. Thompson as part of his presentation. He said TIF (Tax Increment Finance) district is a tool available to use for financing public infrastructure. A. Garron said that in 1985 the State adopted enabling legislation to allow this. He said the Town Council needs to adopt provisions of RSA 162-K in order to move forward. J. Taylor said in order to use this tool, you have to have a geographic area set up. He said they will be meeting in January with the Town Council, but wanted to let the Planning Board know what was happening first. He said in order to stimulate new development, voters authorize the issuance of a bond to pay for improvements outlined in the TIF Plan, then tax revenues generated by new development are dedicated to paying for the bond. He said, therefore, existing taxpayers do not have to pay for the public improvements, but do receive the benefit of the revenue from the new taxable property when the bond is paid off. He showed a conceptual drawing, which was done by Terrence DeWan & Associates, Landscape Architects & Planners from Yarmouth, Maine. He said a mixed use looked like a good idea and it showed office/warehouse space of 1,267,000 SF total (including Harvey Industries); office buildings space of 104,000 SF total, retail mixed use 110,000 SF per story and residential 56 lots plus 3 apartment buildings with 10 units each. **[T. Freda arrived at 7:30PM]**. Gerry Fortin addressed the Board and said he did the roadway planning. He said he had worked on Pettengill Road design at the airport and was looking to develop a similar type roadway in this arterial road. He showed the Board a drawing of a typical roadway and a full right-of-way developed by the NHDOT. Tom Farmer, the landscape architect, said that they looked at various ways to develop the land in a maximum build-out. He said they have developed land standards, which would consolidate land uses where possible. **[B. Farmer arrived at 7:35]**. He said the plan follows the 2003 design charette and the 2004 Master Plan. It requires additional land at the end of Clark Road, proposes some re-alignment of Page Road and would require some zoning changes to put housing near Page Road. He said the next step was to meet with the Town Council, finalize cost estimates and development plans and standards. He said the goal was to have hearings and adopt package by April 1, 2006. A. Rugg said this plan fits into the Master plan as was envisioned. T. Freda asked about the 3 properties that were needed to acquire for the plan. J. Taylor said they would need the properties but not the structures. T. Freda asked what would happen if the property was not acquired. J. Taylor said the project could not move forward as planned. P. DiMarco said he likes the concept but there are a lot of wetlands where the road is proposed. J. Taylor said they have attempted to avoid the wetlands but there are some impacts. D. Coons said he was concerned with the retail proposed along Route 28. B. Farmer was concerned with the acquisition of the additional property needed, which had 3 residential homes, and didn't want any eminent domain proceedings to take place. A. Garron said that eminent domain never came up in the meetings, but negotiations with the property owners would have to take place. B. Farmer said private acquisition was okay, but not eminent domain proceedings. D.

Coons also agreed that the Town Council would probably not go with eminent domain and the developer will have to negotiate with the homeowners. Steve Whitman addressed the Board regarding the Pettingill Road zoning and design charrette south of the airport. He said zoning changes are needed to accommodate recommendations in the Charrette Report and Master Plan. He said the basic concept was to develop a district to accommodate multiple uses in an environmentally sensitive manner with plenty of open space protection. He said this could be accomplished with a Flexible Industrial District (FI). He said all parcels must include a minimum of 1/3 open space and some activities will require a Conditional Use Permit. The intent is to provide retail and commercial services for those who work there. J. Taylor summarized first the Pettingill Road TIF District and the new FI zoning district needed, which is ready for Planning Board review and consideration. He also summarized the Exit 5 TIF District, which is ready for review by Town Council. T. Thompson said the FI District proposals are in the package handed out to the Planning Board and members should take time to go through them and there will be another workshop in January, 2006 on this subject.

Workshop – Zoning Ordinance Changes suggested by ZBA – T. Thompson went through a powerpoint presentation to the Board on proposed amendments to the Zoning Ordinance. He said additionally the Building Department suggested a change for “Open House” real estate signs. The summary of changes were as follows: Livestock, modified from Concord’s Zoning Ordinance; Accessory Apartments, removed sections dealing with variances and added language that they are not permitted in back lot subdivisions; Elderly housing, to correct an error; Commercial District Uses, will do during the re-write of the ordinance; Home Occupations, adding clarifying language and fencing for day cares; vehicle access & parking, no changes until the rewrite; Signs, added new language; Special Exceptions, added clarifying language; Enforcement, removed a section; and Definitions. Steve Lee and Mark Officer of the Zoning Board were present. M. Officer said the entire zoning ordinance has to be looked at and rewritten and because of all the additions, some of it did not make sense. T. Freda asked if there were any models of any other ordinances that they could use. T. Thompson said there are some chapters that could be borrowed but he would still have to do the entire ordinance. Some discussion followed on the livestock language. T. Freda asked what the difference was between a public nuisance and a private nuisance. T. Thompson said that if the code enforcement officer has to deal with it then it’s a public nuisance. A. Garron suggested removing “public”. T. Thompson said to use swine in place of piggery. D. Coons asked who makes determination if a nuisance. F. Holdsworth, Code Enforcement Officer, said that 2 acres of land is needed in order to raise chickens. M. Officer said that being allowed to have livestock on 2 acres might be too hard to enforce and more structure in 2.3.1.4.4.6 “standards” is needed. He also said that on 2.3.1.7.9 regarding “variances from this Section...” being stricken, legal advice should be sought from the Town’s legal counsel. T. Freda had a question on the accessory apartment deed addendum and if it would go to a new owner. T. Thompson said he would look into the language. T. Thompson said that the Elderly Housing section was confusing; he found the intent and reworded it. As he continued, T. Thompson said that he added some clarifying language to the Home Occupations section and definitions relating to adult day care centers and child day cares. R. Nichols suggested to change “come” to “work” in section 3.12.1.5 regarding allowing additional employees as long as they work off-site. S. Lee said the definitions need work. Discussion followed regarding the sign ordinance and real estate open house signs. A new section was added 3.11.2.6.8.1, which allowed open house signs off-site for a 5 day period and they should have a permit. D. Coons asked about political signs. F. Holdsworth said they were regulated by the State. T. Freda asked about newspaper boxes that have the name of the newspaper and could that be considered an off-premise sign. Discussion followed and T. Thompson said he would deal with it in the rewrite and have the town attorney look at the off premise sign language. T. Thompson said that he would draft language for the adult daycare and discuss at the next

workshop. A. Rugg asked for public input. Mark Oswald said that 2 days is sufficient for open house signs. T. Thompson said there would be another workshop next month.

Conceptual Discussion – Richard Malone – Map 15, Lot 166-1 – R. Malone presented his conceptual plan for an over 55 community in a village setting on 4.5 acres on Old Mammoth Road. He said the housing would be appropriate to the North Londonderry village area. He said it is across the street from the Londonderry Senior Center. There is a 30-foot right-of-way coming in from Mammoth Road and there is also a 36 foot right-of-way near the railroad track, but he didn't use that. He said the land is dry except for a seasonal stream along Rockingham Road. He is proposing 27 two-bedroom units with 1 or 2 car garages. He would like a project barn instead a swimming pool. J. Trottier said the access road would require 28 feet of pavement and the sight distance is a problem. He also said drainage would be a concern. T. Thompson said he would need variances and waivers and 1200 feet was required for a cul-de-sac. He said it was a good concept for the elderly and is more appropriate to the area than a commercial development but a lot of details and requirements need to be taken care of. R. Malone said this type of development is consistent with the charrette and Master Plan for this area. A. Garron said "pedestrian friendly" issues may come up such as sidewalks to the senior center. T. Thompson suggested he get his engineer to come in and talk with Staff to work out some details. T. Freda asked how many floors the units would have. R. Malone said one. T. Thompson said if he had two, an elevator would be required for an elderly development. D. Coons asked if the roadway or driveway would be private. R. Malone said yes. A. Rugg thought it was a good idea for the area.

Conceptual Discussion – Rene Martinez- 512 Mammoth Road – Todd Connors from Sublime Engineering represented the owner Rene Martinez to request a change of use from a craft store to a hair salon. He said the property is located on the corner of Old Mammoth Road and Sanborn Road and has a residential house on it. He had a copy of a site plan that was approved by the Planning Board in 1992, which showed 1,200 square feet of the house was to be used as a craft store. Ms. Martinez wants to change the use to use the house as a residential structure, remove the craft store and change the garage to a hair salon with a single chair. He said in order for her to proceed she needs the approval of the Planning Board. Installation of water and sewer to the garage will be necessary, restriping of the parking spaces and changing the driveway because of the sight distance. The entrance would be on Sanborn Rd. and the exit on Mammoth Road. T. Connors asked if the Board would be agreeable to several waivers: drainage report; traffic report; survey certificate; parking field does not meet requirements or geometric standards and is an existing condition; landscape and lighting plan; building renderings and utility clearance letters. J. Trottier said the site plan was for a craft shop and now the change in use requires a site plan. His concern was the drainage and said there was no room for a detention pond. A. Garron said it was determined by the building inspector that a site plan was necessary. A. Garron asked the size of the garage. R. Martinez said it was 600 square feet, which included some office space. T. Connors said it would be used for her office or someone else's. T. Thompson said that because of the ponding of water in the parking lot, he would not recommend a waiver for drainage. R. Brideau asked if it was a residential lot. T. Connors said it was zoned C-II and had 16,000 sq. ft. D. Coons said he would not waive the drainage but suggested looking at doing something else such as angle parking and getting a variance also consider a ramp for wheelchair access. T. Connors said there is nowhere to culvert the water out or to put a detention pond and a waiver is definitely needed. J. Trottier suggested a flowage rights or easement with the abutter. T. Connors said that was not a solution, they do not have the money to buy a flowage easement. R. Nichols said this was a pre-existing condition and would like to work with the applicant. T. Thompson said if the Board is comfortable with that, they could do it; they did not have to follow staff's recommendations. A. Rugg polled the Board. R. Nichols said he would support the drainage waiver as did T. Freda, P. DiMarco, B. Farmer, R. Brideau and A. Rugg. D. Coons said

if they get rid of 1 parking space and change the use of the office, he would support it. T. Thompson asked if this plan should be heard at the Administrative Review Committee as a minor site plan or at a Planning Board hearing. The Board agreed that it should come back to the Planning Board.

Conceptual Discussion – Joe DiCarlo – 2 Litchfield Road – Joe and Marcy DiCarlo met with the Board to discuss re-zoning their property, which is currently residential. They said the location of their home, which sits six feet from Mammoth Road, on a corner where three other roads intersect, Bartley Hill Rd., Stonehenge and Litchfield, with traffic traveling at an average speed of 40-45 mph makes a residential sale of their home difficult. They said the house has historical relevance and is being investigated by the historical society. They said they are not asking for a variance to allow any changes to the historical significance of the antique home or to increase the traffic flow. They said they are asking consideration for a commercial re-zoning to allow a professional office. They said they have met with the public works department regarding access and parking for such a proposed site and their draft meets all the requirements and sight guidelines to allow ample parking and access on Litchfield Road. They asked the Board to consider the historical relevance of this antique structure, which if sold in a residential sale would have no guarantee for its protection or preservation. They are asking for a re-zoning with restrictions, similar to the Robie House. T. Thompson explained that the Town cannot place conditions on a rezoning for uses, once it is rezoned, any use permitted in the district could potentially be established. Both T. Thompson and A. Garron emphasized that the Master Plan did not support any commercial rezoning along Mammoth Road. The Board empathized with the DiCarlos, but it was the general consensus that this did not fit with the Master Plan for that area and the Board did not feel rezoning was appropriate at this time.

Adjournment: R. Brideau made a motion to adjourn at 11:30 PM. Seconded by D. Coons. Vote: 7-0-0.

Meeting adjourned.

These minutes taped and typed by Christine Marra.

Respectfully Submitted,

John Farrell, Secretary