

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF March 2, 2011 AT THE MOOSE HILL**
3 **COUNCIL CHAMBERS**
4

5 Members Present: Art Rugg; Mary Soares; Charles Tilgner, P.E.; Laura El-Azem;
6 Chris Davies; Rick Brideau, CNHA, Ex-Officio; Dana Coons, alternate member;
7 Leitha Reilly, alternate member.
8

9 Also Present: Tim Thompson, AICP; John Trottier, P.E.; Libby Canuel, Community
10 Development Secretary
11

12 A. Rugg called the meeting to order at 7 PM. A. Rugg appointed
13 D. Coons to vote for Lynn Wiles.
14

15 **Administrative Board Work**
16

17 A. Approval & Signing of Minutes – February 9, 2011
18

19 **D. Coons made a motion to approve and sign the minutes from the**
20 **February 9, 2011 meeting. R. Brideau seconded the motion.** No
21 discussion. **Vote on the motion: 5-0-2**
22 (M. Soares & C. Davies abstained since they were absent at the February
23 9 meeting).
24

25
26 B. Discussions with Town Staff
27

28 John Trottier stated the Public Works Department has been approached by
29 the residents at Sugarplum Hill, the 55 and older residential community
30 just south of the intersection of Gilcreast & Pillsbury Road, asking about the
31 access restriction placed on the site by the Planning Board when it was
32 approved in March of 2005. J. Trottier read the access restriction into the
33 record; "Until such time as the Gilcreast Road and Pillsbury Road
34 intersection improvements are completed by the Town of Londonderry, the
35 access to the Sugarplum Hill community will be restricted to right turn in
36 and right turn out only." The residents are asking if this restriction could
37 be lifted and restricted to right turn out only during peak hours.
38

39 T. Thompson stated because this restriction was part of the signed plan by
40 the Planning Board, he feels to change or modify this restriction would
41 require an amendment to the plan to note such changes to the modification
42 and restriction and require a public hearing by the Planning Board.
43

44 D. Coons stated he would prefer to leave the existing restriction for safety
45 reasons because it is always a busy intersection.
46

47 T. Thompson asked the Board is if they want to handle it administratively
48 or if it would require a public hearing. T. Thompson recommends a public
49 hearing which would entail a formal request with a revised sheet with the

1 proposed modification and pay for legal notice and abutter notification.

2
3 C. Tilgner asked if anything has been changed since 2005 and T. Thompson
4 responded saying the intersection has not been changed.

5
6 J. Trottier stated they now have 6 years of history for the developed site to
7 determine the peak hours, 4 to 6 and 7 to 9, and should be restricted to
8 right in and right out only during those hours.

9
10 M. Soares asked J. Trottier if he feels it would be safe during off peak hours
11 in which he replied yes.

12
13 A. Rugg stated the abutters should have input because of the traffic
14 concerns and L. Al-Azem stated it makes sense to have a public hearing to
15 hear what people have to say.

16
17 T. Thompson stated because it is on the plans and signed by the Board,
18 there should be public hearing.

19
20 Consensus of the Board is to require a public hearing for the change to the
21 plan.

22
23 T. Thompson reminded the Board of the March 7th Town Council meeting
24 for the rezoning of the Freezer Warehouse from POD/C-II to IND-I to
25 accommodate their expansion, which had Planning Board approval in
26 January. Next week's agenda will be busy with the Woodmont's continued
27 POD conceptual workshop, the public hearing on the impact fee
28 methodology and a conceptual discussion for a proposed 94 unit elderly
29 housing project off of West Road and Rte. 102. In addition, next Tuesday
30 are elections and Saturday is the Budgetary Town Meeting at the High
31 School Cafeteria.

32
33 A. Rugg mentioned the final draft of the Regional Economic Development
34 plan for the Southern New Hampshire Planning Commission is on their
35 website for review at www.snhpc.org and citizens will have the month of
36 March to comment on it.

37
38 **New Plans**

39
40 B. Chinburg Builders Inc. & Waste Management of NH Inc., Map 16, Lots 38 &
41 60-3 – Application Acceptance and Public Hearing for a Lot Line adjustment.

42
43 T. Thompson referenced the letter from Jonathan Ring from Jones & Beach
44 Engineers Inc. requesting a continuance to April 13, 2011 so they can
45 address checklist items that need to be resolved.

46
47 **D. Coons made a motion to continue the application acceptance and**
48 **the public hearing to April 13, 2011 at 7pm. R. Brideau seconded**
49 **the motion. No discussion. Vote on the motion: 7-0-0.** Hearing

1 continued to April 13, 2011 at 7PM. A. Rugg said this will be the only public
2 notice.

- 3
4 A. RHP Investments LLC, Map 6, Lot 33A – Design Review Meeting for a Site
5 Plan for a change of use (former fire station to office/storage use).

6
7 T. Thompson presented some background this project and stated it was
8 presented conceptually to the Planning Board on December 8, 2010. At that
9 time, the Board indicated its willingness to work with the applicant to get
10 the project through the site plan review process. The applicant filed a
11 formal application in January, which was noticed for public hearing on
12 February 2. After an initial review of the project, staff recommended that
13 the applicant withdraw the application to Design Review, as many
14 application checklist items were not provided, and no waiver requests were
15 provided. The applicant did withdraw to Design Review, and requested this
16 Design Review meeting with the Planning Board which is postponed from
17 the February 9, 2011 meeting.

18
19 Elmer Pease, PD Associates, representing the owner RHP Investments,
20 mentioned meeting with the Board back in December when the property
21 was obtained through foreclosure. He had a prospective buyer interested in
22 the property and was looking for permission to get an occupancy permit,
23 but he stated our regulations have no provision for that and any change of
24 use requires site plan process. He stated due to the uniqueness and size of
25 the project, he would fall under the minor site plan approval for change of
26 use under the Site Plan Regulations. After his discussions and
27 recommendations from the Board back in December, he did apply for seven
28 variances, to cover the minor site plan criteria items, which were all
29 granted. His concern now is still having to go through the site plan process
30 and being required to use exhibit 4 which is a 12 page application. He read
31 through the checklist items missing from the application and commented
32 where he disagreed with staff as well as noting where he would apply for
33 waivers.

34
35 T. Thompson continued with staff recommendations, stating all applicants
36 must proceed through the normal regulatory review process and staff has
37 been and continues to be willing to work with the applicant. One particular
38 concern of the Building Division is that any new use will require an update
39 of the septic system meeting current requirements. J. Trottier and T.
40 Thompson also noted that the applicant will need to verify with DOT if any
41 updates are required since this will be a change of use where traffic can
42 empty onto a state road. The Board, staff and E. Pease all agreed that
43 numerous waivers will be required. T. Thompson requested direction and
44 feedback from the Board as to how to proceed. While there was some
45 discussion about the inability to get around an ordinance versus the desire
46 to allow exceptions in certain circumstances, there was consensus that the
47 process simply needs to be followed. A. Rugg confirmed the
48 recommendation that the applicant meet with staff.
49

1 M. Soares asked what the use was going to be and E. Pease replied the
2 company Freedom Renewable Energy Technologies hopes to use the
3 building as a small office and storage for their product. He added all their
4 work is done off site.

5
6 E. Pease stated he will return to the Board next month.

7
8 B. Chinburg Builders Inc., Map 16, Lot 38 – Application Acceptance and Public
9 Hearing for a 51 lot (Phase I) Conservation Subdivision and Conditional Use
10 Permit.

11
12 T. Thompson stated that there were no checklist items, and staff
13 recommended the application be accepted as complete.

14
15 **M. Soars made a motion to accept the application as complete.**

16 **D. Coons seconded the motion.** No discussion. **Vote on the motion:**
17 **7-0-0.** Application accepted as complete.

18
19 A. Rugg mentioned that this starts the 65 day time frame under RSA 676:4.

20
21 Jonathan Ring from Jones & Beach Eng., Inc., was joined by Eric Chinberg
22 and Dave Lauze of Chinberg Builders, Mark West their wetland consultant &
23 Steven Parnaw their traffic engineer.

24
25 Jonathan Ring presented Phase I, 50 lots, of the Lorden Estates
26 Conservation subdivision. He has filed for all the State permits; alteration of
27 terrain, wetlands permit and a sewer discharge permit. The project is
28 proposed to be on private sewer that will cross over to Waste
29 Management's land by an easement and allow it to run into the public
30 sewer. He added there is 6350 sq. ft. of temporary wetland impact to install
31 the sewer pipe through those areas. They did meet with Conservation
32 Commission to discuss the temporary impact as well as the 51,900 ft. of
33 conservation overlay district buffer impact. The project will have individual
34 wells for each house lot and 26 acres of open space surrounding the lots
35 which complies with the conservation subdivision requirement of 40% of the
36 land be placed in conservation. The lots all conform to the minimum
37 requirements of ½ acre lots and 50 ft. of road frontage and will be three
38 bedroom homes. [He then summarized the requested waivers.](#)

39
40 T. Thompson recommends granting the waivers as stated in the staff
41 recommendation memo, and summarized below, and also granting the
42 conditional use permit as recommended by the Conservation Commission:

- 43
44 1. *The applicant is requesting a waiver to Section 3.09.R of the regulations.*
45 *The applicant is proposing a short section of road with a slope in excess of*
46 *6%. Staff recommends granting the waiver, as the area of steeper slope is*
47 *limited, and meets the requirements for the waiver to be granted as*
48 *specified in the regulations (regulations allow for a waiver up to an 8%*
49 *grade).*
50 2. *The applicant is requesting a waiver to Section 3.08.G of the regulations.*

1 *The applicant has not provided the minimum 3 feet of cover over two*
 2 *drainage pipes. Staff recommends granting the waiver, as the pipes are not*
 3 *located under any roadway pavement, and prevents the need for additional*
 4 *wetland impacts.*

5 3. *The applicant is requesting a waiver to Section 3.04.A and 4.17.A of the*
 6 *regulations. The applicant has not provided topography for the entirety of*
 7 *the lot. Staff recommends granting the waiver, as sufficient topography and*
 8 *soils have been provided to ensure lots meet the minimum requirements of*
 9 *the ordinance, and the area of the lot where topography is not provided is*
 10 *not proposed for development at this time (but will be provided upon*
 11 *development of future phases of the development).*

12 4. *The applicant is requesting a waiver to Section 3.02.C of the regulations.*
 13 *The applicant has not provided CO District signage within the entirety of the*
 14 *project. Staff recommends granting the waiver, as signage is provided per*
 15 *the requirements of the regulations for the areas to be developed (as well as*
 16 *recommended by the Conservation Commission for the Conditional Use*
 17 *Permit) and the remaining area will be developed in future phases, requiring*
 18 *CO District signage at that time.*

19
 20 T. Thompson stated this is a complex application and being the first
 21 conservation subdivision the Town has reviewed under our ordinance, they
 22 have made good progress through the design review process. They still
 23 have some design & regulatory issues to address relative to the drainage,
 24 sewer utility, open space management protection requirement, and a few
 25 design items. T. Thompson said he looks forward to continuing to work
 26 with the applicant to address the remaining comments, completing the lot
 27 line adjustment, and the abandonment of the old Class VI roadway which
 28 runs through the property. T. Thompson recommends a continuance of
 29 application to April 13, 2011.

30
 31 J. Trottier summarized the application review items, board action items &
 32 board information items from the Public Works Department.

33
 34 T. Thompson stated they had a full traffic study of the entire build out of
 35 the subdivision and at this time they have satisfied the traffic study
 36 requirements for Phase I and will not require any additional off site
 37 improvements. He went on to say future phases will call for added public
 38 hearings and approvals with the likelihood of off site improvements being
 39 required.

40
 41 D. Coons asked if any water surveys have been done due to the concern of
 42 each home having its own well creating a lot of draw from the aquifer.
 43 J. Ring stated they have not done specific surveys however due to the
 44 house being small three bedrooms homes, he's confident the drillers will be
 45 able to find the yield they need to accommodate the project. T. Thompson
 46 stated they originally looked into hooking up to municipal water, but it was
 47 a considerable distance away. J. Ring stated the worse case down the line
 48 would be to place a community water system someplace on the project
 49 which would pipe back into it. A. Rugg mentioned a water line that goes
 50 down Auburn Road.

1
2 A. Rugg asked for public input, but there was none.
3

4 **D. Coons made a motion to grant all four waivers based on the**
5 **applicant's letter and staff recommendation. R. Brideau seconded**
6 **the motion.** No discussion. **Vote on the motion: 7-0-0.** All **four** waivers
7 are granted.
8

9 **D. Coons made a motion to grant Conditional Use Permit per the**
10 **recommendation of the Conservation Commission and staff. R.**
11 **Brideau seconded the motion.** No Discussion. **Vote on the motion: 7-**
12 **0-0.** Conditional Use Permit granted.
13

14 **D. Coons made a motion to continue the public hearing to April 13,**
15 **2011 at 7pm. R. Brideau seconded the motion.** No discussion. **Vote**
16 **on the motion: 7-0-0.** Hearing continued to April 13, 2011 at 7PM. A.
17 Rugg said this will be the only public notice.
18

19 **Adjournment:**

20
21 **C. Tilgner made a motion to adjourn the meeting. R. Brideau**
22 **seconded the motion.** No discussion. **Vote on the motion: 7-0-0.**
23 Meeting adjourned at 8:12 PM.
24

25 These minutes prepared by Libby Canuel and Jaye Trottier, Community
26 Development Secretaries.
27

28
29
30 Respectfully Submitted,
31

32
33
34 Charles Tilgner, Secretary