

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF FEBRUARY 3, 2010 AT THE MOOSE HILL**
3 **COUNCIL CHAMBERS**
4

5 7:00 PM: Members Present: Art Rugg; John Farrell; Rick Brideau, CNHA, Ex-
6 Officio; Paul DiMarco, Ex-Officio; George Herrmann, Ex-Officio; Charles Tilgner,
7 P.E.; Mary Soares; Laura El-Azem; Chris Davies, alternate member; Cole Melendy,
8 P.E., alternate member
9

10 Also Present: Tim Thompson, AICP; John Trottier, P.E.; Cathy Dirsra, Planning
11 Division Secretary
12

13 A. Rugg called the meeting to order at 7 PM. A. Rugg appointed C. Davies to vote
14 for L. Wiles and C. Melendy to vote for L. El-Azem.
15

16 **Administrative Board Work**
17

18 A. Approval and Signing of Minutes – January 6 & 13
19

20 **M. Soares made a motion to approve and sign the minutes from the**
21 **January 6 meeting. P. DiMarco seconded the motion.** No discussion.
22 **Vote on the motion: 9-0-0.**
23

24 **J. Farrell made a motion to approve and sign the minutes from the**
25 **January 13 meeting. R. Brideau seconded the motion.** No discussion.
26 **Vote on the motion: 7-0-2.**

27 (P. DiMarco & C. Melendy abstained because they were absent from the
28 January 13 meeting).
29

30 Minutes for January 6 and 13 are approved and will be signed at the
31 conclusion of the meeting.
32

33 B. Discussions with Town Staff
34

35 T. Thompson said the Town Council did adopt the workforce housing
36 amendments. They directed staff to ask the Planning Board to consider a
37 reduction in the number of units allowed per building across all multi-family
38 developments in town from 24 to 16 units. He asked the Board how, when
39 and where they would like to follow-up on this. A. Rugg said that historically
40 the number of 24 units goes back to the year 2000, when the Town revised
41 the multi-family (R-III) district. This was partly due to similarities in other
42 towns, i.e. Bedford. A. Rugg feels that changing the number of units may
43 cause some problems for the town in a legal sense. P. DiMarco said that legal
44 counsel, Bart Mayer, was consulted on this and he said that he was
45 comfortable with the change as long as it was reduced consistently across the
46 board. T. Thompson said that after reading that same email from B. Mayer,
47 he feels that is where he limited his examination of the issue, in that you
48 could lower it to 16, but you had to do it consistently across the board. He
49 doesn't feel that he went beyond that in the way of implications.

1 T. Thompson said that the workforce ordinance that was adopted by the
2 Town Council for multi-family inclusionary allows up to 10 units per acre, but
3 limits the number of units in a building to 24, which was reduced from the
4 original proposal of 36.

5
6 L. El-Azem arrived at 7:10pm. C. Melendy returned to alternate member
7 status.

8
9 T. Thompson said that the preliminary staff concern is that given the basis
10 and rationale the legislature used for requiring towns to have provisions for
11 workforce housing is an attempt to allow for developments to be built at a
12 more cost effective manner, so that the cost savings and development costs
13 can then be passed on to the buyer or the renter. He said that staff is
14 concerned that the change in density from 24 units per building to 16 would
15 mean higher costs (more infrastructure, buildings, parking, drainage). T.
16 Thompson said that if the number of units were changed again, then all 3
17 ordinances would need to be changed and that would involve separate public
18 hearings for each one. The Board consensus was to direct staff to ask the
19 Town Manager to ask Town Council what rationale prompts them to ask for
20 16 units and also to consult with legal counsel. J. Farrell said that the Board
21 should ask the Town Manager for clarification in regards to the email from B.
22 Mayer on this matter.

23
24 **New Plans**

- 25
26 A. Richard & Debra Higgins, Map 9, Lots 85 & 85-1 - Application Acceptance and
27 Public Hearing for a lot line adjustment.

28
29 T. Thompson stated that there were no checklist items, and staff
30 recommended the application be accepted as complete.

31
32 **J. Farrell made a motion to accept the application as complete. R.**
33 **Brideau seconded the motion. No discussion. Vote on the motion: 9-0-**
34 **0. Application accepted as complete.**

35
36 Joseph Maynard from Benchmark Engineering presented the plans for a lot
37 line adjustment. He said that a year ago the ZBA granted them a variance to
38 allow reduced frontage where Winding Pond Road intersects Mr. Higgins
39 property. The proposal is to readjust the lot line so that the back house has
40 frontage on Winding Pond Road and they will be reconstructing a new
41 driveway for that home off the end of the cul-de-sac that exists now,
42 therefore, giving this lot its own access and eliminating the shared driveway
43 that the two properties currently have. They have requested a conditional use
44 permit for some grading within the conditional overlay district, right along the
45 edge of where the driveway comes in on Winding Pond Road.

46
47 J. Trottier summarized the design review items from the DPW/Stantec memo
48 and read the waiver request into the record:
49

- 1 1. The applicant is requesting a waiver to Section 4.01 of the regulations.
2 The applicant has not provided plans at a 40 scale. Staff recommends
3 **granting** the waiver, as sufficient detail is shown at the 50 scale
4 provided and it allows the entirety of the parcels to be shown on 1
5 sheet each.
6
- 7 2. The applicant is requesting a waiver to Sections 3.10 and 3.11 of the
8 regulations. The applicant has not provided HISS for the entirety of lot
9 85-1, and has not provided an updated wetland delineation for the
10 project. Staff recommends **granting** the waiver, as sufficient
11 information has been provided to verify the lots meet the minimum
12 requirements of the zoning ordinance, and the applicant has provided
13 wetland mapping from a previously approved recent project.
14
- 15 3. The applicant is requesting a waiver to Section 3.05 of the regulations.
16 The applicant has not provided underground utilities. Staff
17 recommends **granting** the waiver, as the existing utilities are
18 overhead, and no new construction is proposed as part of this project.
19

20 T. Thompson stated that staff recommends granting the conditional use
21 permit, per the recommendation of the Conservation Commission, and
22 conditional approval of the lot line adjustment per the staff recommendation
23 memo.
24

25 A. Rugg asked for public input, but there was none.
26

27 **J. Farrell made a motion to grant Conditional Use Permit per the**
28 **recommendation of the Conservation Commission and staff. R.**
29 **Brideau seconded the motion. No Discussion. Vote on the motion: 9-0-**
30 **0. Conditional Use Permit granted.**
31

32 **J. Farrell made a motion to grant the 4 waivers based on the**
33 **applicant's letter and staff recommendation. R. Brideau seconded the**
34 **motion. No discussion. Vote on the motion: 9-0-0. Waivers granted.**
35

36 "Applicant", herein, refers to the property owner, business owner, or
37 organization submitting this application and to his/its agents, successors, and
38 assigns.
39

40 **J. Farrell made a motion to conditionally approve the lot line**
41 **adjustment plan with the following conditions:**
42

43 **PRECEDENT CONDITIONS**
44

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

- 1 1. **The Applicant shall indicate the new NHDES Subdivision approval**
2 **number in note 10 on sheet 1 of the plan set.**
3
- 4 2. We note the Zoning Board of Adjustment Case No.: 1/21/2009-2
5 indicates several conditions including abandonment of the common
6 driveway and approvals from the Attorney General's Office. We note
7 some the proposed conditions are noted on the revised plans and the
8 Applicant notes that amendments to appropriate documents will be
9 conducted in the response letter. The Applicant shall update and provide
10 appropriate documents meeting approval of the Conservation
11 Commission and provide copies to the Planning Division for their file.
12
- 13 3. The Applicant shall address the following on the Lot Line Adjustment
14 Plan:
15 A. The Applicant shall update and provide a certification on the plans in
16 accordance with section 4.12.A of the regulations. This shall apply
17 to all applicable sheets.
18 B. It appears several monuments are missing along Pillsbury Road per
19 section 3.02 of the regulations. The Applicant notes the monuments
20 were previously set in the response letter, but this is not
21 represented on this latest submittal. The Applicant shall review and
22 update as necessary in accordance with the regulations.
23
- 24 4. The Applicant shall note all waivers and the conditional use permit on
25 the plan.
26
- 27 5. The Applicant shall provide a digital (electronic) copy of the complete
28 final plan sent to the Town at the time of signature by the Board in
29 accordance with Section 2.06.N of the regulations.
30
- 31 6. The applicant shall provide a check for \$25 (made payable to the
32 *Rockingham County Registry of Deeds*) to pay for the LCHIP tax that
33 became effective on recording of all plans and documents at the registry
34 on July 1, 2008.
35
- 36 7. The applicant shall note all general and subsequent conditions on the
37 plans **(must be on a sheet to be recorded)**, per the new
38 requirements of RSA 676:3.
39
- 40 8. Outside consultant's fees shall be paid within 30 days of approval of
41 plan.
42
- 43 9. Financial guaranty if necessary.
44
- 45 10. Final engineering review
46

47 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
48 certified the approval is considered final. If these conditions are not met
49 within 2 years to the day of the meeting at which the Planning Board grants
50 conditional approval the board's approval will be considered to have lapsed

1 and re-submission of the application will be required. See RSA 674:39 on
2 vesting.

3
4 **GENERAL AND SUBSEQUENT CONDITIONS**

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

- 7
8 1. **No construction or site work for the may be undertaken until**
9 **the pre-construction meeting with Town staff has taken place,**
10 **filing of an NPDES-EPA Permit and the site restoration financial**
11 **guaranty is in place with the Town.** Contact the Department of
12 Public Works to arrange for this meeting (if applicable).
13
14 2. The project must be built and executed exactly as specified in the
15 approved application package unless modifications are approved by the
16 Planning Department & Department of Public Works, or if staff deems
17 applicable, the Planning Board.
18
19 3. All of the documentation submitted in the application package by the
20 applicant and any requirements imposed by other agencies are part of
21 this approval unless otherwise updated, revised, clarified in some
22 manner, or superseded in full or in part. In the case of conflicting
23 information between documents, the most recent documentation and
24 this notice herein shall generally be determining.
25
26 4. It is the responsibility of the applicant to obtain all other local, state,
27 and federal permits, licenses, and approvals which may be required as
28 part of this project (that were not received prior to certification of the
29 plans). Contact the Building Division at extension 115 regarding
30 building permits.
31

32 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 9-**
33 **0-0.** Plan is conditionally approved.

34
35 **Other Business**

36 None

37
38 **Adjournment:**

39
40 **J. Farrell made a motion to adjourn the meeting. R. Brideau seconded the**
41 **motion.** No discussion. **Vote on the motion: 9-0-0.** Meeting adjourned at 7:45
42 PM.

43
44 These minutes prepared by Cathy Dirsra, Planning Division Secretary.

45
46
47 Respectfully Submitted,

48
49
50 Mary Wing Soares, Secretary