

1 **LONDONDERRY, NH PLANNING BOARD**  
2 **MINUTES OF THE MEETING OF OCTOBER 6, 2010 AT THE MOOSE HILL**  
3 **COUNCIL CHAMBERS**  
4

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

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

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

14 **Administrative Board Work**  
15

16 A. Adoption – Amendments to Planning Board Rules of Procedure  
17

18 T. Thompson stated that this is to make two changes in response to state law  
19 changes, to specify in our rules of procedure the role and responsibilities of  
20 alternate members and the amount of time required for the posting of  
21 minutes.  
22

23 **M. Soares made a motion to adopt the amended Planning Board Rules**  
24 **of Procedure. L. Wiles seconded the motion. No discussion. Vote on the**  
25 **motion: 7-0-0.** The amended Planning Board Rules of Procedure will be  
26 signed at the conclusion of the meeting.  
27

28 B. Extension Request – Young Subdivision – Request additional 3 months  
29

30 T. Thompson referenced the letter from Timothy Peloquin from Promised  
31 Land Survey, requesting a 3 month extension of the subdivision plans that  
32 will expire on October 7, 2010. He said there has finally been a breakthrough  
33 with the abutter, in terms of getting an easement to work out the offsite  
34 issue in regards to drainage and swale. Staff reported that they feel 3 months  
35 would be sufficient, but if the Board agrees, they recommend a 6 month  
36 extension to ensure there is enough time.  
37

38 **M. Soares made a motion to grant a 6 month extension for the Young**  
39 **subdivision. C. Tilgner seconded the motion. No discussion. Vote on**  
40 **the motion: 7-0-0.** Extension for 6 months was granted.  
41

42 C. Approval & Signing of Minutes – September 1 & 8  
43

44 **M. Soares made a motion to approve and sign the minutes from the**  
45 **September 1 meeting. L. Wiles seconded the motion. No discussion.**  
46 **Vote on the motion: 5-0-2** (C. Davies and C. Tilgner abstained because  
47 they were absent at the September 1 meeting).  
48

1 **M. Soares made a motion to approve and sign the minutes from the**  
2 **September 8 meeting. L. Wiles seconded the motion.** No discussion.  
3 **Vote on the motion: 5-0-2** (C. Davies and R. Brideau abstained because  
4 they were absent at the September 8 meeting).  
5

6 Minutes for September 1 and 8 are approved and will be signed at the  
7 conclusion of the meeting.  
8

9 D. Londonderry Freezer Warehouse – Proposed Fence

10  
11 T. Thompson referenced the letter from Katherine Weiss from Bedford Design  
12 Consultants, requesting permission to install a four foot chain link fence  
13 between the client’s lot and lot 15-125. The abutter recently cleared trees on  
14 their property in which a daycare center is run and the client is worried about  
15 children running into incoming truck traffic at Londonderry Freezer.  
16

17 Consensus of the Board was to have staff handle this administratively.  
18

19 E. Bosch Thermotechnology – Proposed “Snow Scraper”

20  
21 T. Thompson referenced the letter from Jeffrey Merritt from Keach Nordstrom  
22 Associates requesting direction as to the necessary level of site plan review  
23 that will be required for permitting the installation of a snow scraper at the  
24 facility to comply with the adoption of a recent state law to remove snow  
25 from the top surface of a trailer before departing onto public roadways.  
26 They asked the Board to consider that the permitting of this scraper structure  
27 be handled administratively, as the nature of the work associated with the  
28 installation of the structure is extremely minor.  
29 The Fire Department has approved the location of the scraper.  
30

31 Consensus of the Board was to have staff handle this administratively.  
32

33 F. Market Basket – Construction Modifications/Field Changes

34  
35 J. Trottier said this is in regards to the relocation of the Market Basket. He  
36 said they have finished the architectural changes to the building and there  
37 are 3 changes being proposed, all of which are associated with trash  
38 compacters. On the north corner of the building they are shifting the wall by  
39 5 feet to accommodate the compacter (with a ramp to the left-hand side of  
40 the compacter). On the east side of the building they need to widen the  
41 adjacent drive aisle 10 feet, regarding the swale and adding a fire lane and  
42 no parking signs at the back of the building. The fire department agreed to  
43 these changes as long as they provide a 20 foot minimum. The third  
44 compacter at the south of the building will involve moving the wall by 4 feet,  
45 adding the compacter, a set of stairs and adjusting some grades associated  
46 with the loading dock.  
47

48 Consensus of the Board was to have staff handle this administratively, and to  
49 have the changes reflected on the as-built.  
50

1 G. Discussions with Town Staff

2  
3 T. Thompson said that on Monday night the Town Council adopted the  
4 proposed changes to the zoning ordinance for number of units in multi-family  
5 buildings.

6  
7 T. Thompson mentioned that A. Garron brought up a question relative to AES  
8 and access to their property. He asked if the site plan indicated that the  
9 driveways were for emergency access. T. Thompson said the driveways are  
10 indicated on the site plan as emergency access, but that site plan has no  
11 force of law because it was an advisory plan only. The state pre-empts local  
12 regulation of energy creating facilities. At this point, the provisions for those  
13 being emergency access drives are unenforceable by the town because the  
14 town had no jurisdiction in the review of that project. He suggested that staff  
15 develop a letter requesting that AES utilize those drives as emergency access  
16 as shown on the plans, however there is no real enforcement authority that  
17 the town could impose on it. A. Rugg asked staff to draft a letter and send it  
18 to Granite Ridge with our request and copy our legislative delegation.

19  
20 A. Rugg said that on Monday night the Town Council appointed Chris Davies,  
21 Dana Coons and Lynn Wiles to go through their terms on the Planning Board.  
22 He also received an email from Steve Young stating that a group from South  
23 Korea is doing some research and wants to film our next meeting.

24  
25 **New Plans**

- 26  
27 A. Public Service Company of NH – Public Hearing pursuant to RSA 231:158 for  
28 removal and trimming of trees along Adams Road, a state designated Scenic  
29 Road.

30  
31 Bea Hebert, PSNH, said the trimming on Adams Road is part of our routine  
32 scheduled maintenance trimming. She said that all the residents living along  
33 that road have been notified.

34  
35 A. Rugg asked for public comment, but there was none.

- 36  
37 B. Home Depot USA, Inc., Map 7, Lot 119 – Public Hearing for an amendment to  
38 the approved site plan to indicate additional seasonal outdoor display areas  
39 and cart corrals.

40  
41 T. Thompson said that this plan was originally approved by the Board in  
42 2002. As part of the approved site plan, outdoor display of products is  
43 limited to 3 areas along the front of the building. The issue of outdoor  
44 display was a topic the Board spent considerable amount of time on during  
45 the review process. The Code Enforcement staff has been to the site many  
46 times over the years to enforce these restrictions on the store. At this point,  
47 Home Depot is seeking to amend the approved plans to allow for additional  
48 display areas, as well as adding 2 new locations for shopping carts in the  
49 main parking field.

50

1 Mark Derby, Cleveland, Waters & Bass (attorney representing Home Depot)  
2 and David Dardis, manager of Londonderry Home Depot presented their  
3 plans. M. Derby said they would like to expand the existing merchandise  
4 display area and to substitute 17 parking spaces with cart corral storage. He  
5 said their site will still have much more parking spaces than what is required.  
6 D. Dardis said that the majority of seasonal goods is displayed at the front of  
7 the store.

8  
9 T. Thompson said that completeness is not applicable, as this is an  
10 amendment to an approved site plan. He stated that because the request is a  
11 discretionary decision that must be made by the Planning Board, staff offers  
12 no recommendation on the proposed amendments. Should the Board approve  
13 the requested amendments, or approve a portion of the amendments, Staff  
14 recommends that any approval be a conditional approval and that the Board  
15 require that the appropriate sheets of the approved plan set (prepared by  
16 Hayner-Swanson and signed by the Board in 2002) be revised to incorporate  
17 the changes and be done in accordance with the requirements of the  
18 regulations (including appropriate professional endorsements).

19  
20 D. Coons voiced his concerns about the merchandise (i.e. sheds, plant  
21 displays) being stored on the east side of the building. He feels it's excessive  
22 and unsightly.

23  
24 M. Soares said she is concerned about tractor/trailers parking overnight in  
25 their lot and also leaving their trailers there while they travel around town.

26  
27 D. Dardis said they do not employ those drivers and when they are seen  
28 there, they are asked to move on.

29  
30 A. Rugg asked if there is room for people to walk underneath the roof along  
31 the display area. D. Dardis said he will address those concerns and all the  
32 concerns of the Board and of any member of the community.

33  
34 A. Rugg asked for public input, but there was none.

35  
36 **M. Soares made a motion to conditionally approve an amendment to**  
37 **an approved site plan with the following conditions:**

38  
39 **PRECEDENT CONDITIONS**

40  
41 All of the precedent conditions below must be met by the Applicant, at the  
42 expense of the Applicant, prior to certification of the plans by the Planning  
43 Board. Certification of the plans is required prior to commencement of any  
44 site work, any construction on the site or issuance of a building permit.

- 45  
46 1. All applicable sheets from the originally approved plan set (Hayner-  
47 Swanson plans) shall be revised to indicate the approved amendments,  
48 meeting all applicable requirements of the regulations (including  
49 professional endorsements).  
50

- 1           2.     The Applicant shall provide and indicate on the revised plan sheets an  
2           area within the display areas that is wide enough to be accessible for  
3           pedestrians to walk on the sidewalk (not in the fire lane or vehicle  
4           travel aisle).
- 5
- 6           3.     The Applicant shall provide a digital (electronic) copy of the amended  
7           sheets of the final plan sent to the Town at the time of signature by  
8           the Board in accordance with Section 2.05.n of the regulations.
- 9
- 10          4.     Financial guaranty if necessary.
- 11
- 12          5.     Final engineering review
- 13

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

20

21           **GENERAL AND SUBSEQUENT CONDITIONS**

22

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

24

- 25          1.     The project must be built and executed exactly as specified in the  
26           approved application package unless modifications are approved by the  
27           Planning Division & Department of Public Works, or if staff deems  
28           applicable, the Planning Board.
- 29
- 30          2.     All of the documentation submitted in the application package by the  
31           Applicant and any requirements imposed by other agencies are part of  
32           this approval unless otherwise updated, revised, clarified in some  
33           manner, or superseded in full or in part. In the case of conflicting  
34           information between documents, the most recent documentation and  
35           this notice herein shall generally be determining.
- 36
- 37          3.     It is the responsibility of the Applicant to obtain all other local, state,  
38           and federal permits, licenses, and approvals which may be required as  
39           part of this project (that were not received prior to certification of the  
40           plans). Contact the Building Division at extension 115 regarding  
41           building permits.
- 42

43           **L. Wiles seconded the motion.** No discussion. **Vote on the motion: 7-0-**  
44           **O.** Plan is conditionally approved.

45

1  
2 C. Firetree Realty Trust/McDonalds, Map 7, Lot 119-1 – Application Acceptance  
3 and Public Hearing for a Site Plan to renovate the exterior architecture of the  
4 existing facility and redesign drive-thru service windows.

5  
6 T. Thompson stated that there were no checklist items, and staff  
7 recommended the application be accepted as complete.

8  
9 **M. Soares made a motion to accept the application as complete. L**  
10 **Wiles seconded the motion.** No discussion. **Vote on the motion: 7-0-0.**  
11 Application accepted as complete.

12  
13 Chris Rice, TF Moran, Adam Guilmette, McDonald's USA, Emile Haddad,  
14 Owner/Operator presented their plans.

15 C. Rice said this includes a storage addition and a change to their drive-thru  
16 to accommodate two vehicles to place orders at the same time. They asked  
17 for a waiver for the traffic impact analysis.

18  
19 J. Trottier summarized the design review items from the staff  
20 recommendations memo and read the waiver requests into the record:

- 21  
22 1. The applicant is requesting a waiver to Section 3.14. The applicant has  
23 not provided plans a traffic impact analysis. Staff recommends  
24 **granting** the waiver, as the project does not increase the square  
25 footage of the restaurant use or seating area of the restaurant.  
26  
27 2. The applicant is requesting a waiver to Section 4.12.c. The applicant  
28 has not provided the topography for the entire parcel. Staff  
29 recommends **granting** the waiver, as sufficient topography is provided  
30 in the areas impacted by the project.

31  
32 T. Thompson said that assuming the waivers are granted, staff recommends  
33 conditional approval as outlined in the staff recommendation memo.

34  
35 A. Rugg asked for public input, but there was none.

36  
37 T. Thompson suggested that the Board address the lighting concerns  
38 (comment 6b - spillover of the lighting does not meet current standards).

39  
40 L. El-Azem asked if there is a life span on the current light fixtures that would  
41 require them to be replaced in the future. E. Haddad said the light fixtures  
42 have no specific life span and they currently have no plans to replace them.

43  
44 T. Thompson suggested making a general condition that at such time that  
45 McDonald's replaces the existing pole lighting, that they provide full cut-off  
46 fixtures in compliance with today's regulations.

47  
48 M. Soares asked if the Board does make this condition are they setting a  
49 precedent that when someone makes a major change they don't have to  
50 come into compliance with our regulations. T. Thompson said that is why this

1 question was asked. He said that this is a borderline plan in terms of the  
2 scope of the project. Given the fact that it's a relatively minor amount of site  
3 changes, that is why he asked the Board this question. If this was a  
4 wholesale redevelopment of the property, he would absolutely recommend  
5 that the lights be replaced.  
6

7 **M. Soares made a motion to grant both waivers based on the**  
8 **applicant's letter and staff recommendation. L. Wiles seconded the**  
9 **motion.** No discussion. **Vote on the motion: 7-0-0.** The waivers were  
10 granted.  
11

12 **M. Soares made a motion to conditionally approve the site plan with**  
13 **the following conditions:**  
14

15 "Applicant", herein, refers to the property owner, business owner, or  
16 organization submitting this application and to his/its agents, successors, and  
17 assigns.  
18

19 **PRECEDENT CONDITIONS**  
20

21 All of the precedent conditions below must be met by the Applicant, at the  
22 expense of the Applicant, prior to certification of the plans by the Planning  
23 Board. Certification of the plans is required prior to commencement of any  
24 site work, any construction on the site or issuance of a building permit.  
25

- 26 1. The Applicant shall clarify the following on sheet 2:
  - 27 a. Provide sanitary sewer information related to the sewer structures
  - 28 shown on the plan.
  - 29 b. Clarify the 3'x3' sign easements as indicated in the Gilcreast Road
  - 30 right of way.
  - 31
  - 32
- 33 2. The Applicant shall clarify the work associated with the utility
- 34 connection to the drive-thru boards on sheet 3. The Applicant shall
- 35 also provide any and all restoration requirements associated with the
- 36 utility connection on applicable sheets.  
37
- 38 3. The Applicant shall clarify and revise Note 5 on sheet 4 as necessary
- 39 (note indicates 2 proposed handicap spaces, it appears three will be
- 40 provided).  
41
- 42 4. The Applicant shall clarify the following on sheet 7:
  - 43 a. Indicate the sawcut limits associated with the proposed work.
  - 44 b. Revise the sidewalk and pavement section details to comply with
  - 45 the Town of Londonderry standards (for concrete sidewalks call for
  - 46 8-inches of crushed gravel. Standard for parking lot pavement
  - 47 section is 1-1/2' wearing course and 2-1/2' binder).
  - 48
  - 49 c. Provide a bollard detail.
  - 50 d. Clarify the ground line as indicated on the paved swale detail.

- 1
- 2 5. The Applicant shall clarify the following in the drainage memorandum:
- 3
- 4 a. The Applicant shall provide a statement regarding the pre vs. post
- 5 rate of runoff
- 6 b. The memorandum shall be professionally endorsed.
- 7
- 8 6. The Applicant shall address the following relative to the illumination
- 9 plans:
- 10
- 11 a. The Applicant shall provide a professional endorsement.
- 12 b. The Applicant shall verify (and note on the plans) that the proposed
- 13 new wall fixtures are full cut-off and in compliance with the
- 14 requirements of the regulations.
- 15
- 16 7. The Applicant shall add purple lilacs to the landscape plan as typically
- 17 required by the Planning Board.
- 18
- 19 8. The Applicant shall address the DRC Comments as applicable.
- 20
- 21 9. Note all waivers granted on the plan.
- 22
- 23 10. The Applicant shall provide a digital (electronic) copy of the complete
- 24 final plan sent to the Town at the time of signature by the Board in
- 25 accordance with Section 2.05.n of the regulations.
- 26
- 27 11. Financial guaranty if necessary.
- 28
- 29 12. Final engineering review
- 30

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

37  
38 **GENERAL AND SUBSEQUENT CONDITIONS**

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

- 41
- 42 1. If at any time in the future the applicant replaces the existing non-
- 43 conforming pole mounted exterior lighting on the site, the lighting shall
- 44 be replaced with fixtures that meet the requirements of Section 3.13 of
- 45 the Site Plan Regulations (full cut-off fixtures).
- 46
- 47 2. **No construction or site work for the amended site plan may be**
- 48 **undertaken until the pre-construction meeting with Town staff**
- 49 **has taken place, filing of an NPDES-EPA Permit and the site**



1           **restoration financial guaranty is in place with the Town.** Contact  
2 the Department of Public Works to arrange for this meeting.

3  
4           3. The project must be built and executed exactly as specified in the  
5 approved application package unless modifications are approved by the  
6 Planning Division & Department of Public Works, or if staff deems  
7 applicable, the Planning Board.

8  
9           4. All of the documentation submitted in the application package by the  
10 Applicant and any requirements imposed by other agencies are part of  
11 this approval unless otherwise updated, revised, clarified in some  
12 manner, or superseded in full or in part. In the case of conflicting  
13 information between documents, the most recent documentation and  
14 this notice herein shall generally be determining.

15  
16           5. All site improvements must be completed prior to the issuance of a  
17 certificate of occupancy. In accordance with Section 6.01.d of the Site  
18 Plan Regulations, in circumstances that prevent landscaping to be  
19 completed (due to weather conditions or other unique circumstance),  
20 the Building Division may issue a certificate of occupancy prior to the  
21 completion of landscaping improvements, if agreed upon by the  
22 Planning Division & Public Works Department, when a financial  
23 guaranty (see forms available from the Public Works Department) and  
24 agreement to complete improvements are placed with the Town. The  
25 landscaping shall be completed within 6 months from the issuance of  
26 the certificate of occupancy, or the Town shall utilize the financial  
27 guaranty to contract out the work to complete the improvements as  
28 stipulated in the agreement to complete landscaping improvements.  
29 **No other improvements shall be permitted to use a financial**  
30 **guaranty for their completion for purposes of receiving a**  
31 **certificate of occupancy.**

32  
33           6. As built site plans must to be submitted to the Public Works  
34 Department prior to the release of the Applicant's financial guaranty.

35  
36           7. All required Police and Fire impact fees must be paid prior to the  
37 issuance of a Certificate of Occupancy.

38  
39           8. It is the responsibility of the Applicant to obtain all other local, state,  
40 and federal permits, licenses, and approvals which may be required as  
41 part of this project (that were not received prior to certification of the  
42 plans). Contact the Building Division at extension 115 regarding  
43 building permits.

44  
45           **L. Wiles seconded the motion.** No discussion. **Vote on the motion: 7-0-**  
46 **O.** Plan was conditionally approved.

47

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23

**Other Business**

None.

**Adjournment:**

**M. Soares made a motion to adjourn the meeting. R. Brideau seconded the motion.** No discussion. **Vote on the motion: 7-0-0.** Meeting adjourned at 8:10PM.

These minutes prepared by Cathy Dirsra, Planning Division Secretary.

Respectfully Submitted,

Charles Tilgner, Secretary



**Public Service  
of New Hampshire**

Public Service Company of New Hampshire  
60 West Pennacook Street  
Manchester, NH 03104  
(603) 634-3527  
(603) 634-3593

The Northeast Utilities System

Sept. 2, 2010

Town of Londonderry  
Attn: David R. Caron, Town Manager  
268-B Mammoth Road  
Londonderry, NH 03053

Dear Mr. Caron:

This letter is to inform the Town of Londonderry that PSNH is planning to trim and remove trees and brush adjacent to many of its power lines within the town. This work is necessary to insure the safe distribution of power and to improve reliability of electric service for our customers. A map highlighting the areas to be trimmed is enclosed.

According to PSNH records, Adams Road has been designated as a scenic road by the Town. Please consider this letter to be a request from PSNH for a public hearing for the purpose of trimming and removal of trees on this and any other scenic roads within the proposed work area pursuant to RSA 231:158. Please inform this office of the date, time, and place of said meeting so that we may have a representative present.

PSNH specifications call for removal of brush and limbs less than four inches in diameter which are located within eight feet to the side of, ten feet below or fifteen feet above conductors. Larger trees or limbs which present a threat to PSNH lines or other equipment because of decay or other defect will be removed on a case by case basis. All work will be performed in accordance with accepted arboricultural standards.

PSNH has contracted with Asplundh Tree Expert Company to perform the actual trimming of trees. PSNH requires that our trimming contractors contact each landowner where trees are to be trimmed prior to commencement of work on that property. Individual concerns will be addressed at this time.

All brush and limbs cut on roadside locations will be chipped. In wooded, undeveloped locations, these chips may be dispersed into the woods, taking care not to allow chips to accumulate in piles or in ditches. Near developed land, the chips will be blown into a truck and disposed of off-site. The chips make a good mulch and are often given to nearby property owners for landscaping purposes. If a central dumping location could be arranged, PSNH would be happy to make any unclaimed chips available to the Town at no cost. Brush and limbs cut on inaccessible lines will be stacked to the side of the right-of-way and cut low to the ground. All wood will be left on site unless otherwise directed by the landowner.

SEP 3 2010

Work on those roads not designated as scenic has already begun.. This project will take the remainder of the year to complete.

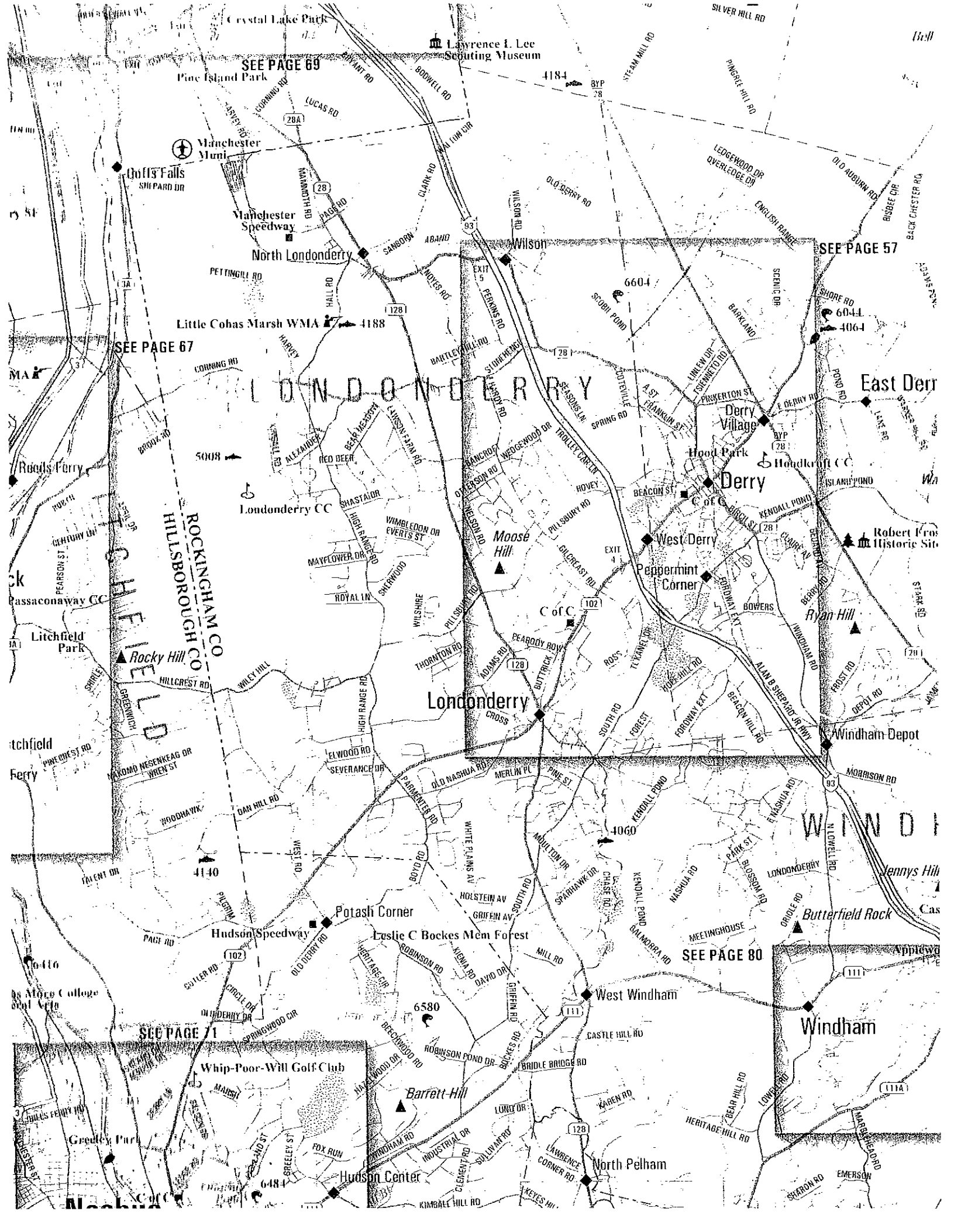
If you have any questions or comments, please feel free to contact me by U.S. mail at the above address, e-mail at [cranedr@nu.com](mailto:cranedr@nu.com), FAX at 634-3550, or telephone at 634-3867.

Thank you for your concern and assistance.

Respectfully,

A handwritten signature in black ink, appearing to read 'D R Crane', followed by a horizontal line extending to the right.

David R. Crane  
Arborist  
Preventive Maintenance Coordinator  
Public Service Co. of NH



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SEE PAGE 67

SEE PAGE 80

SEE PAGE 71

# LONDONDERRY

## Londonderry

## WINDHAM

## East Derry

## Derry

## West Derry

Londonderry CC

Moose Hill

Robert Frost Historic Site

Windham Depot

Potash Corner

Leslie C Boeckes Mem Forest

West Windham

Windham

Whip-Poor-Will Golf Club

Barrett Hill

North Pelham

Hudson Center

Manchester Muni

Lawrence I. Lee Scouting Museum

Manchester Speedway

Manchester Speedway

North Londonderry

Little Cobas Marsh WMA

Derry Village

Hood Park

Derry

West Derry

Peppermint Corner

Windham Depot

Jennys Hill

Butterfield Rock

Windham

Whip-Poor-Will Golf Club

Barrett Hill

North Pelham

Hudson Center

Manchester Muni

Lawrence I. Lee Scouting Museum

Manchester Speedway

Manchester Speedway

North Londonderry

Little Cobas Marsh WMA

Derry Village

Hood Park

Derry

West Derry

Peppermint Corner

Windham Depot

Jennys Hill

Butterfield Rock

Windham

Whip-Poor-Will Golf Club

Barrett Hill

North Pelham

Hudson Center