

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF AUGUST 8, 2018 AT THE MOOSE HILL COUNCIL CHAMBERS

I. CALL TO ORDER

Members Present: Art Rugg, Chair; Mary Wing Soares, Vice Chair; Rick Brideau, Ex-Officio – Town Employee; Chris Davies, Secretary; Leitha Reilly, member; Al Sypek, member; Jim Butler, Town Council Ex-Officio; Scott Benson, Assistant Secretary; Peter Commerford (alternate member); Roger Fillio (alternate member); Ann Chiampa (alternate member)

Also Present: John R. Trottier, P.E., Assistant Director of Public Works and Engineering; Colleen Mailloux, Town Planner; Laura Gandia, Associate Planner and Beth Morrison, Recording Secretary

Chairman Rugg called the meeting to order at 7:00 PM, explained the exit and emergency procedures, and began with the Pledge of Allegiance.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Member M. Soares made a motion to approve the minutes of July 11, 2018, as presented.

R. Brideau seconded the motion.

The motion was granted 6-0-1, with M. Soares abstaining. The Chair voted in the affirmative.

B. REGIONAL IMPACT DETERMINATIONS: Town Planner Mailloux informed the Board that she had one project for their consideration.

1. Application for design review of a subdivision plan to subdivide one lot into three, Six Harvey Road, Map 11 Lot 93, Zoned AR-1, John G. and Elaine H. Tadiello (Owners) and DHB Homes (Applicant)

Town Planner Mailloux recommended that the Board find the project not a development of regional impact as it does not meet the criteria set forth by the Southern New Hampshire Regional Planning Commission.

M. Soares made a motion to find this project is not of regional impact.

R. Brideau seconded the motion.

The motion was granted, 7-0-0. The Chair voted in the affirmative.

C. DISCUSSIONS WITH TOWN STAFF:

1. Extension request on a previously approved subdivision plan (2012), 9 Akira Way, Map 28 Lot 31, Zoned Ind-II, Telescope Investments, LLC (Applicant) and L-3 Insight Technology, Inc. (Owner)

John Cronin, Esq., from Cronin Bisson & Zalinsky, P.C., Attorneys at Law, Manchester, NH addressed the Board. J. Cronin explained that the applicant came before the Board in 2012 with the plan, and in order to execute the plan, they had to build a road. He stated that the applicant hopes to build the buildings at some point in time, but are in a growth phase, so therefore do not want to build a road right now to nowhere. He stated the applicant has been in before the Board for extensions and the bond has always been extended. He asked the Board for another extension for the applicants for two years. He asked the Board if there were any questions.

Chairman Rugg asked for both Staff and Board input at this time. L. Reilly asked why the extension was for two years. J. Cronin stated that was a statutory time frame.

M. Soares made a motion to grant the extension request on a previously approved subdivision plan (2012), 9 Akira Way, Map 28 Lot 31, Zoned Ind-II, Telescope Investments, LLC (Applicant) and L-3 Insight Technology, Inc. (Owner) until August 8, 2018

R. Brideau seconded the motion.

The motion was granted, 7-0-0. The Chair voted in the affirmative.

Chairman Rugg informed the Board that the CIP meeting is tomorrow at 6 p.m. and all are welcome. He also informed the Board that the Southern New Hampshire Planning Commission (SNHPC) dinner is September 7, 2018, at Fratello's and anyone interested should contact Laura Gandia. Mary Soares wanted to remind everyone that next week is Old Home Days.

III. OLD BUSINESS

- A. **Application for formal review of a proposed 83 lot conservation subdivision, Lorden Commons Phases 2, 3 and 4 - 17 Old Derry Road, Map 16, Lot 38, Zoned AR-1, Lorden Commons, LLC (Owner) and Chinburg Properties, Inc. (Applicant) – continued from the April 5, 2017 meeting**

Chairman Rugg read the case into record noting it was continued from April 5, 2017. John Trotter reviewed the history of the case for the Board. He stated that the application was accepted on January 4, 2017, and the public hearing was

continued in order to perform a hydrogeological study regarding concerns of potential impacts to wells and the water supply. He noted on April 5, 2017, the Board made a motion that the applicant be continued indefinitely and new abutter notification was sent. He stated the revised formal application package was received on July 19, 2018, and new abutter notices sent out. He stated that on January 4, 2017, the Board granted three waiver requests. He pointed out that the applicant is requesting an additional waiver to Section 3.09.r.3, to allow a slope greater than six percent. He noted that Staff supports granting this waiver. Town Planner Mailloux also reviewed the Conditional Use Permit (CUP) that the Board approved on January 4, 2017.

Jason Lopez, from Keach-Nordstrom Associates, 10 Commerce Park N # 3B, Bedford, NH, addressed the Board and noted that Eric Chinburg, President of Chinburg Properties and Paul Kerrigan, Chief Operating Officer at Chinburg Properties was with him as well. J. Lopez noted that the last time he was before the Board on April 5, 2017, the application was continued to look at water line extension from Manchester and Derry to the property instead of individual wells. He stated that there was question regarding the franchise area and ownership of the franchise area, which ultimately the applicant had to hire an attorney to research. He stated that it was determined that there was no ownership of the franchise over this property, which made the property available for franchise by any entity that could serve it. He stated that the two entities that have water in this area are the town of Derry and Manchester Water Works (MWW). He explained that the applicant has approached Derry and went before their Town Council, where it was approved that Derry will work with the applicant to extend from the Londonderry and Derry town line in a northerly direction up Old Derry Road and enter into the site at Clover Lane. He stated from there a 1500 foot water line extension would continue through Phases 2, 3, and 4. He stated that a formal agreement has been reached by the town of Derry and MWW. He noted that MWW is the wholesale water supplier to the town of Derry. He stated that a formal agreement was made between the town of Derry and the applicant to supply water to the site. He noted that the applicant is scheduled to go before the Public Utilities Commission (PUC) for a pre-hearing conference on September 6, 2018. He stated that the applicant has obtained the Alteration of Terrain (AOT) permit, the wetlands permit, and is working with J. Trottier on the sewer permit. He noted that the draft easement, deeds and covenants have recently been sent to Staff for review.

Chairman Rugg opened it up to questions from the Board. J. Trottier reviewed the design review comments with the Board. A. Chiampa asked what side of Old Derry Road will the water line be on. J. Lopez stated it would be coming down the south side and enter to Clover Lane. A. Chiampa asked if Phase 1 will also be receiving the water supply. J. Lopez explained that the applicant first had to establish a franchise area and has included the entire parcel, which includes Phase 1 in that. He noted that in the petition to the PUC they have included the whole franchise area so should there be a need in the future they will have a water line in place and it could be used for Phase 1. C. Davies asked what phase Clover Lane and Calla Road would be connected. J. Lopez stated that there is a

limitation of the number of homes that can be built within a year and maybe it would be Phase 3 at this point. C. Davies asked if the Board could make a condition that the water line get pulled through into Calla Road in Phase 3. Town Planner Mailloux stated that in her opinion, she does not think the Board has the authority to impose a condition that the water be extended into Phase 1 as well. She recommended that the applicant work with the existing home owners of Phase 1 regarding water extension. C. Davies asked if it would be a legal matter. Town Planner Mailloux stated it would be a civil matter. M. Soares asked from an engineering standpoint does it help the home owners in Phase 1. J. Trottier stated that he is not a hydrogeologist, but in his opinion, he thought the water line would be better than adding another 85 wells. A. Rugg stated that the case tonight is dealing with Phase 2, 3 and 4, not Phase 1, but expects that the water will be extended into Phase 1 at some point, but there is no definitive time at this point. J. Lopez stated that he did not know the timeline for completion of the project, as they need PUC approval to start the process.

Chairman Rugg opened it up to the public.

Mike Boyle, 15A Old Derry Road and 15 Old Derry Road, addressed the Board. He stated that he has lived here for 37 years and when the blasting was performed on Calla Road, he ended up sustaining cracks in the foundation of both homes, noting the second property was only two years old at the time. He stated that the blasting company at the time came to his property and left a meter, but said the cracks were not caused by their blasting; however, he now has water in both basements, which is a big concern for him. He noted that his wells are 25 feet and 50 feet from the property line and feels that the new blasting will affect his wells. He pointed out a discrepancy on the note section of the plan that deals with blasting, which he read from the plan: "contact properties within 2000 feet of the project to obtain permission to test drinking water, test for nitrates and nitrites. If the property grants permission, then the property does not require testing." He questioned why the applicant would only be testing for nitrates and nitrites as he had his water tested recently and there were a lot more minerals on the test than just nitrates and nitrites. He requested that there be a third party, other than Chinburg Properties, maybe someone the Town of Londonderry sets up, to test the wells during this time. He also requested that the Town of Londonderry would set up a bond that would cover any damage to his property that is caused by blasting. J. Trottier stated that he believes there is a typographical error in the notes and J. Lopez agreed stating that it should say: "if the property owner does not grant permission, that property does not require testing." J. Trottier stated that because of the blasting on I-93, there is now a requirement for nitrates and nitrites. M. Boyle asked why they are not testing for Radon. J. Trottier stated that he would have to contact New Hampshire Department of Environmental Services (NHDES) regarding their blasting protocols. Town Planner Mailloux noted that the town does not have any blasting protocols within the site plan regulations. M. Soares stated that M. Boyle is looking for the Town to hire an independent third party company to perform the testing. J. Trottier stated that the Town does not have any expertise in this area, so it is done by a third party. J. Lopez read from the AOT permit condition

#7, monitoring for ground water private wells to the Board. M. Boyle again requested that an independent third party be contracted by the Town of Londonderry, not Chinburg Properties for the well testing. He expressed his opinion that this is a disaster waiting to happen. He asked if his wells are destroyed who pays for them to be fixed. J. Lopez stated that the blasting company would pay for them. He also stated that at the January 4, 2017, meeting he presented the Board some traffic accident occurrences that have occurred in front of his house and still thinks that traffic is going to be an issue.

Tim Boyle, 15A Old Derry Road and 15 Old Derry Road, addressed the Board. Boyle stated that there is no map that shows where the construction is in relation to his property and it would be nice to be able to visualize.

Mike Boyle, 15A Old Derry Road and 15 Old Derry Road, addressed the Board again. He expressed his concern for the project again. He stated that he would not have a problem suing the Town of Londonderry for any damages to his properties.

Chuck Armstrong, 4 Iris Lane, addressed the Board. He stated that he made recommendations to address Phase 1 regarding water and feels disappointed in the response. He stated that someone from Chinburg had tested their water and they never got a response, until he called to look into it. He stated the answer he got was "his water is good" with no numbers, values or statistics. He voiced his concern regarding the lack of support from Chinburg to the residents and to the Board. He is disappointed that Chinburg did not address all the options for the water extension. He thanked the Board for all their time and effort on this.

Gerald LeBlanc, 7 Calla Road, addressed the Board. He stated that he knew he signed a contract for a private well, but why were these issues with the water not brought up sooner, so that Phase 1 could have public water as well. A. Rugg stated that the initial conceptual discussion indicated that public water would be supplied, but that in further conceptual discussions and site plan hearings, the water source would be private wells, and that the Planning Board has no jurisdiction to determine the water source. J. LeBlanc asked how close the blasting would be to his property. J. Trottier stated it would be about 800 feet from Clover Lane.

Dustin Moreault, 26 Calla Road, addressed the Board. He stated that his water had failed for a couple of things and the sellers had to pay for additional filtration systems. He stated that he has owned two houses prior and never had issues with those wells, and is alarmed that there are issues with his well, as it is only a couple years old. He asked for the company to review what is being tested and requested a pH level, radon and other minerals be added to the testing. He voiced his opinion, that there is reactiveness and not proactiveness dealing with the water issue. M. Soares stated that when the applicant first came before the Board, and the problems with the wells were found, the Board asked the applicant to do a water survey. She stated she would like to see the applicant reach out to Phase 1 residents and communicate what the cost of bringing water

to them would be. She stated that the Board does not have the power to make the applicant bring the water to Phase 1. A. Rugg voiced his opinion that the applicant communicate with the abutters as much as possible.

Meg Ivey, 8 Calla Road, addressed the Board. She stated that she is on her second well to date at her current property. She stated that at the last meeting she provided the Board with her water test results, such as high iron, nitrates. She has two small children and is concerned about their drinking water. She stated that last time Chinburg went around to houses to ask the residents how their wells were and if you were not home, you missed speaking to someone. She would like to request a letter be sent out with a date of when a representative will be at your property, so you can prepare. She noted that if Chinburg will not pay for it and the town cannot make them, why can't the town pitch in to help with the cost. She read from a 2011 Planning Board section of minutes: "if the wells were installed and failed, the residents of the town will take on the expense of hooking up to public water." M. Soares stated that she remembers when a past subdivision put a warrant article on the ballot for funding for water and asked the town to help pay for it. C. Davies stated that the Town Council has the power to make Chinburg hook up the water to Phase 1. A. Rugg recommended that she speak to Kevin Smith, Town Manager, about this issue. M. Ivey asked how the residents can be made aware of when the blasting is going to happen and when their wells will be tested. J. Trottier suggested sending out this information via certified letter, but cannot know the exact date the blasting will occur. J. Lopez stated that he did not know the state's protocol on this, but would research it.

Eric Chinburg, addressed the Board. He stated that his company reached out by email with responses from about 21 to 22 residents, which was about half the residents emailed. He stated that his company went in to visit 12 residents to help them set up filtration systems. He gave his email: e.chinburg@chinburg.com and stated that anyone could email him with questions or concerns and he will email you back, noting it might not be the response you wanted. He stated that they did look into running the water line through to Phase 1 and it would cost \$1.3 million dollars, which is just not feasible at this time. He suggested that there be one or two spokespeople for the neighborhood to handle communications. He stated that he would be happy to notify residents of blasting through email. He stated that the blasting companies hire independent third party companies to measure and if there was to be a problem the blasting companies have insurance to cover this.

Joseph Luszcz, 22 Calla Road, addressed the Board. He stated he moved in to his house in March and was unaware of any of the history. He noted that he inquired at the Town Hall prior to the purchase to ask if there were any problems with wells in the area and the answer he received was that one person had a problem, but that this resident left their lawn irrigation on when they went on vacation, so it was not perceived as a problem. He asked why the testing for the water is only for nitrates and nitrites and not more comprehensive testing. E. Chinburg stated that he does not know the requirements, but suggested to get an email list going

for the neighborhood, and if someone would like a standard potability test that runs between \$50 and \$70, he would be happy to do this for them.

Chuck Armstrong, 4 Iris Lane, addressed the Board again. He asked why the residents would have to pay for this water testing. E. Chinburg stated that he just offered to pay for the water testing. C. Armstrong requested the water test.

Jim Tullis, 4 Calla Road, addressed the Board. He stated that he has a background in architecture and developing plans. He stated that in his opinion, getting rid of 14 lots at the bottom of the plan or redoing the plans. He stated that it would be nice if the applicant presented other options for the development. He expressed his opinion, that an area of open space could be used differently than what is planned, and asked the Board not to accept this plan as set in stone.

Celeste Bourque, 14 Iris Lane, addressed the Board. She asked E. Chinburg what would have been an acceptable cost for him to extend the water into Phase 1. She also asked if she could be given the option to pay the difference. She stated in her opinion, she felt disappointed that she was not given an option. E. Chinburg expressed his sympathy for her feeling disappointed. He stated that there was no way for him to absorb the cost of extending the water to Phase 1. He also stated that there are people in the neighborhood who have water that is working fine and did not think they would like to go in paying for the water extension. C. Bourque stated that he did not know that for a fact and she would like to know what an acceptable cost would have been. A. Rugg stated that he did not think anyone knew the answer to this question.

Gail Gardocki, 10 Sheridan Drive, addressed the Board. She stated she is an abutter on the side closest to Phase 1. She noted that she has a well on her property with wonderful water pressure until the blasting started for Phase 1. She can only do one load of laundry per day and cannot irrigate her lawn. She asked if she could be put on the list for a water test when the blasting starts. M. Soares stated that Mr. Chinburg has declared that his company will pay for the water test at their expense, if you are one of the residents that gets a notice to test your well. J. Lopez stated that there will be a ground water monitoring plan that will be dictated by NHDES, which will delineate the testing. E. Chinburg stated he would make that plan available for residents to view by email. M. Soares explained that with a rough calculation, she estimates it would cost about \$26,000 for each individual to tap into the water line. E. Chinburg interjected that would only be to get the main water line down the road, then there would be a connection fee and the resident would have to pay for water usage.

Mike Boyle, 15A Old Derry Road and 15 Old Derry Road, addressed the Board again. He asked E. Chinburg to connect his house to the water line because of the proximity of his house in relation to Phase 2. A. Rugg asked M. Boyle to privately discuss this with E. Chinburg. J. Lopez stated that they will be required to put stubs to properties that they pass on Old Derry Road. He stated that the home owner would then have to deal with the Town of Derry, as they will accept

ownership and maintenance. M. Soares asked if M. Boyle would be able to make a connection to the water. J. Lopez stated that he would and there would be fees associated with that.

As there was no further public input, Chairman Rugg it back to the Board.

M. Soares made a motion to approve the applicant’s request for the above waiver from Section 3.09.R.3 of the Subdivision Regulations as outlined in Staff’s recommendation memorandum dated August 8, 2018.

R. Brideau seconded the motion.

The motion was granted, 7-0-0. The Chair voted in the affirmative.

M. Soares made a motion to grant conditional approval of a proposed 83 lot conservation subdivision, Lorden Commons, Phases 2, 3 and 4, 17 Old Derry Road, Map 16 Lot 38, Zoned AR-1, Lorden Commons, LLC (Owner) and Chinburg Properties, Inc. (Applicant) in accordance with plans prepared by Keach-Nordstrom Associates, Inc. dated July 15, last revised March 12, 2018 with the following precedent conditions to be fulfilled within two years and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated August 8, 2018.

R. Brideau seconded the motion.

The motion was granted, 7-0-0. The Chair voted in the affirmative.

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

PRECEDENT CONDITIONS

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

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Public Works & Engineering/Tighe & Bond review memo dated August 8, 2018.
2. The Applicant shall submit to the Town all documents demonstrating approval of the water connection by the Derry Town Council and the NH Public Utilities Commission.

3. The Applicant shall provide the Owner's signature(s) on the plans.
4. Required permits and permit approval numbers shall be noted on the plan.
5. Legal documents shall be reviewed and approved by the Town, including the Home Owners Association documents, roadway deeds, open space deeds, sewer, water, slope, drainage and visibility easements,
6. A plan for the management of the open space be provided to the satisfaction of the Town.
7. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.
8. The Applicant shall provide a check for \$25 (made payable to the Rockingham County Registry of Deeds) for LCHIP.
9. The Applicant shall note all general and subsequent conditions on the plans.
10. Outstanding third-party review fees, if any, shall be paid within 30 days of conditional site plan approval.
11. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
12. Final engineering review.

PLEASE NOTE – If these conditions are not met within two (2) years of the meeting at which the Planning Board grants approval, the Board's approval will be considered to have lapsed and re-submission of the application will be required. See RSA 674:39 on vesting.

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. No construction or site work for the subdivision may be undertaken until a pre-construction meeting with Town staff has taken place, filing of an NPDES – EPA Permit (if required), and posting of the appropriate financial guaranty with the Town. Contact the Department of Public Works to arrange the pre-construction meeting.
2. The project must be built and executed as specified in the approved application package unless modifications are approved by the Planning Department & Department of Public Works, or, if Staff deems applicable, the Planning Board.

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

4. Prior to issuance of a certificate of occupancy, all site improvements and off-site improvements shall be completed.

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

IV. New Plans/Non-Binding Conceptual Discussions - N/A

V. Other Business -

A. Elderly Housing Limitation – Annual Review

Town Planner Mailloux informed the Board that this was time for the annual update on elderly housing. She stated that as of this week there are currently 755 approved and/or built units, which constitutes 9.2% of the total current housing in Londonderry. She stated that in Londonderry the 55+ population constitutes a total of 27.9% of the total population. She stated that because of these numbers the elderly housing limitation is not in affect. She pointed out that there has been an increase since last year, where the total percentage of 55+ housing units was 7.4%. She asked if the Board has any questions for her. A. Rugg asked if she had looked at the density bonus and if it is needed at this point. Town Planner Mailloux stated that the Town has recognized Sanborn Crossing as affordable elderly housing and would encourage other developers like this, instead of just age restricted developers that are not affordable. M. Soares asked how much land is actually left in Londonderry for development. Town Planner Mailloux stated that Amy Kizak recently did an analysis on this and she would get this information out to the Board. C. Davies asked what is considered affordable elderly housing. Town Planner Mailloux stated that she would like someone from New Hampshire Housing and Finance to come in and speak with the Board about this. A. Chiampa recommended that the Town talk to the seniors in town to see what would be affordable to them. Town Planner Mailloux stated that she recently met with AARP to look at an age friendly initiative, and AARP will present this information to Town Council next week. She stated that the initiative looks at transportation, food, housing, etc., and hopes that the Town Council will approve it. L. Reilly stated that she does not see a statistic for what is coming down the pipe for development. Town Planner Mailloux stated that would be Cross Farm with another 178 units pending. S. Benson asked when she thought Cross Farm would start building. Town Planner Mailloux stated those were in the design review process right now. L. Reilly asked if the percentage of elderly housing was something that the Town came up with or the state. Town

Planner Mailloux stated it was very unique to Londonderry. M. Soares explained that the elderly housing ordinance came about when there were impact fees for children and everyone was coming to Londonderry with elderly housing to avoid paying the impact fees. She also stated that she is worried about what happens to the elderly housing once the elderly population dies, as this housing is restricted. She stated that the Town at the time picked a number of what they thought elderly housing should not exceed and this was 10-15 years ago. L. Reilly stated that was fine back then but wondered if this works now. Town Planner Mailloux stated that for the Towns definition of elderly housing, at least one person has to be over 55, but there are some developments that have further restrictions where no resident living in the development can be younger than the age of 55. She stated that she agreed with L. Reilly and the metric should be further discussed on how to arrive at a percentage of elderly housing. R. Fillio stated that as an elderly resident of Londonderry, he could not afford to sell his current house and buy in either Cross Farm or Sanborn, so he does not think they are affordable for seniors.

VI. ADJOURNMENT

Member M. Soares made a motion to adjourn the meeting at approximately 9:00 p.m. Seconded by R. Brideau.

The motion was granted, 7-0-0.

The meeting adjourned at approximately 9:00 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,



Name: Chris Davies
 Title: Secretary

These minutes were accepted and approved on September 5, 2018 by a motion made by M. Soares and seconded by C. Davies.

STAFF MEMORANDUM

To: Planning Board
From: Colleen P. Mailloux, AICP, Town Planner
John R. Trottier, PE, Assist. Dir. Of DPW

Date: August 8, 2018

Application: Application for formal review of a proposed 83 lot conservation subdivision, Lorden Commons Phases 2, 3 and 4, 17 Old Derry Road, Map 16 Lot 38, Zoned AR-1, Lorden Commons, LLC (Owner) and Chinburg Properties, Inc. (Applicant)

The Planning Board accepted this application as complete on January 4, 2017. The public hearing on this application was continued to allow review of the hydrogeological study and to address concerns regarding potential impacts on abutting wells and investigation of a municipal water supply. On April 5, 2017, the Planning Board granted a motion that the application be tabled indefinitely with new abutter notification to be sent upon determination of a date certain for a public hearing as requested by the applicant. A revised formal application package was submitted on July 19, 2018, abutters have been notified and this public hearing has been duly posted.

- Waivers: On January 4, 2017, the Planning Board approved the following waivers to the Subdivision Regulations:
 - Section 4.01c to allow a plan scale greater than 1"=40' for Topographic Subdivision Plans (granted on January 4, 2017).
 - Section 3.11.A.1 for using alternative methods of wetland identification on a portion of the site (granted on January 4, 2017).
 - Section 3.09K to allow for Right of Way side slopes in fill greater than 4:1 (granted on January 4, 2017).

The Applicant is requesting one additional waiver to the Subdivision Regulations:

1. Section 3.09.R.3 of the Subdivision Regulations to allow a roadway slope of greater than 6%. Under this section of the Regulations, the Planning Board may grant a waiver to allow the maximum grade to exceed 6% where the following conditions are met:
 - a. Maximum allowable grade is 8%
 - b. Maximum length of such grade is 500 feet
 - c. No other slope greater than 6% occurs within 500 feet, and
 - d. The Applicant shall provide written justification for the design

The waiver is being requested for the intersection of Clover Lane with Old Derry Road. Staff **supports** the request for a waiver as the applicant has provided a flat area adjacent to Old Derry Road, as required by the regulations. The site meets all of the criteria of Section 3.09R.3 for a waiver, and by granting the waiver, the Board will limit the need for excessive cuts on the site.

Board Action Required: Motion to approve the Applicant's request for the above waiver to the Subdivision Regulations as outlined in Staff's recommendation memorandum dated August 8, 2018

- **Conditional Use Permit:** On January 4, 2017, the Planning Board approved the Applicant's request for a Conditional Use Permit for 11,620 square feet of impact within the Conservation Overlay District associated with the construction of the Calla Road extension.
- **Recommendation:** Based on the information available to date, Staff recommends that the Planning Board **CONDITIONALLY APPROVE** this application with the Notice of Decision to read substantially as follows:

Board Action Required: Motion to grant conditional approval of a proposed 83 lot conservation subdivision, Lorden Commons, Phases 2, 3 and 4, 17 Old Derry Road, Map 16 Lot 38, Zoned AR-1, Lorden Commons, LLC (Owner) and Chinburg Properties, Inc. (Applicant) in accordance with plans prepared by Keach-Nordstrom Associates, Inc. dated July 15, last revised March 12, 2018 with the following precedent conditions to be fulfilled within two years and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated August 8, 2018.

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

PRECEDENT CONDITIONS

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

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Public Works & Engineering/Tighe & Bond review memo dated August 8, 2018.
2. The Applicant shall submit to the Town all documents demonstrating approval of the water connection by the Derry Town Council and the NH Public Utilities Commission.
3. The Applicant shall provide the Owner's signature(s) on the plans.
4. Required permits and permit approval numbers shall be noted on the plan.

5. Legal documents shall be reviewed and approved by the Town, including the Home Owners Association documents, roadway deeds, open space deeds, sewer, water, slope, drainage and visibility easements,
6. A plan for the management of the open space be provided to the satisfaction of the Town.
7. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.
8. The Applicant shall provide a check for \$25 (made payable to the Rockingham County Registry of Deeds) for LCHIP.
9. The Applicant shall note all general and subsequent conditions on the plans.
10. Outstanding third-party review fees, if any, shall be paid within 30 days of conditional site plan approval.
11. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
12. Final engineering review.

PLEASE NOTE – If these conditions are not met within two (2) years of the meeting at which the Planning Board grants approval, the Board’s approval will be considered to have lapsed and re-submission of the application will be required. See RSA 674:39 on vesting.

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. No construction or site work for the subdivision may be undertaken until a pre-construction meeting with Town staff has taken place, filing of an NPDES – EPA Permit (if required), and posting of the appropriate financial guaranty with the Town. Contact the Department of Public Works to arrange the pre-construction meeting.
2. The project must be built and executed as specified in the approved application package unless modifications are approved by the Planning Department & Department of Public Works, or, if Staff deems applicable, the Planning Board.
3. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case

of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.

4. Prior to issuance of a certificate of occupancy, all site improvements and off-site improvements shall be completed.
5. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals which may be required as part of this project (that were not received prior to certification of the plans). Contact the Building Division at extension 115 regarding building permits.

MEMORANDUM

To: Planning Board

Date: August 8, 2018

From: Planning and Economic Development
Department of Public Works & Engineering
Tighe & Bond, Inc.

Re: Map #: 16 Lot #: 38
Lorden Commons
Formal Subdivision Application
17 Old Derry Road

Owner: Lorden Commons, LLC
Applicant: Chinburg Properties, Inc.

Keach-Nordstrom Associates, Inc. submitted plans and supporting information for the above-referenced project. The DRC and the Town's engineering consultant, Tighe & Bond, Inc. reviewed the submitted plans and information, and review comments were forwarded to the Applicant's engineer. The Applicant submitted revised plans and information and we offer the following comments:

Design Review Items:

1. The Applicant has submitted a **Waiver Request** from Section 3.09.R.3 of the Subdivision Regulations to allow a roadway slope of greater than 8%.
2. The Applicant should coordinate off-site improvements with the Town of Londonderry Public Works Department;
3. The Applicant should submit an Open Space Management Plan as required in Section 3.3.6.B11.c. of the Londonderry Zoning Ordinance;
4. The Applicant should provide an engineer's stamp and signature on all plans in the plan set; there are several sheets that are missing one or both;
5. The Applicant should address the following comments relative to the Notes sheet, Sheet 1 of 71:
 - a. Note 2A should be revised to clarify phasing intent to the satisfaction of the Town.
6. The Applicant should address the following comments relative to the Residential Subdivision Plans, Sheets 3-14 of 71:
 - a. The Applicant has submitted an email from the Zoning Officer stating that the Applicant must determine the significance of separate wetland segments. The Applicant should indicate how the importance of each segment was determined by submitting a wetland study with methodology.
7. The Applicant should address the following comments relative to the Topographic Subdivision Plan, Sheets 23 and 28 of 71:
 - a. The Roadway, Drainage, and Utility Easement should be called out on the plans.
8. The Applicant should address the following comments relative to the Clover Lane Roadway Plan, Sheet 32 of 71:
 - a. Add the rim elevation of CB#86;

- b. The proposed drain pipe crossing Clover Lane out of CB#86 should be called out on the plans, along with the outlet structure;
 - c. Please clarify whether or not the 15" CMP drain pipe crossing Old Derry Road is proposed to be replaced by a 15" HDPE pipe;
 - d. Please address any change in the drainage design as a result of the addition of CB#86 and submit a revised drainage report;
 - e. Call out the proposed hydrant and gate valves, tees, thrust block, etc.;
 - f. Call out the capping of the proposed water line stub after the proposed fire hydrant.
9. The Applicant should address the following comments relative to the Clover Lane Roadway Profile, Sheet 36 of 71:
- a. Label the rim elevation of CB#86, and label the outlet pipe;
10. The Applicant should address the following comments relative to the Clover Lane Roadway Profile, Sheet 39 of 71:
- a. The label for FMH#1 has been cut off at the bottom of the sheet.
11. The Applicant should address the following comments relative to the Calla Road Extension Plan and Profile, Sheet 40 of 71:
- a. Call out the proposed hydrant on the plan view, as well as any details on capping the water main;
 - b. The water/sewer crossing near 20+75 should be called out with elevations on the profile view.
12. The Applicant should address the following comments relative to the Calla Road Extension Plan and Profile, Sheet 41 of 71:
- a. Call out the proposed hydrant on the plan view.
13. The Applicant should address the following comments relative to the Calla Road Extension Plan and Profile, Sheet 42 of 71:
- a. The label for SMH#113 has been cut off at the bottom right of the sheet.
14. The Applicant should address the following comments relative to the Grading, Drainage, and Erosion Control Plan, Sheet 48 of 71:

- a. Call out the outlet structure out of CB#86;
 - b. Call out the pipe size and type exiting CB#86;
 - c. Please clarify whether or not the 15" CMP drain pipe crossing Old Derry Road is proposed to be replaced by a 15" HDPE pipe as called out on Sheet 32 of 71;
 - d. Inlet protection should be proposed at CB#86, and outlet protection should be detailed for the outlet structure.
15. The Applicant should address the following comments relative to the Utility Plans, Sheets 49-54 of 71:
- a. All proposed hydrants, gate valves, tees, thrust blocks, etc. should be called out on the plans.
16. The Applicant should address the following comments relative to the Construction Details, Sheets 61-71 of 71:
- a. The Applicant provided an additional exhibit attachment accounting for standing water up to the weir elevations if the lower orifices are plugged; however, there is a typo stating that the ponds will not function as intended with all outlets clear and free flowing, which should be fixed;
 - b. The Applicant has indicated that fire hydrant locations have been reviewed with the Fire Department on March 7, 2018. The Applicant should provide written confirmation from the Fire Department.
17. The Applicant should verify that all DRC comments have been addressed:
- a. The Applicant should verify that comments from the Planning and Economic Development Division have been adequately addressed.
 - b. The Applicant should verify that comments from the Conservation Commission have been adequately addressed.
 - c. The Applicant should verify that comments from the Fire Department have been adequately addressed.
 - d. The Applicant should verify that comments from the Police Department have been adequately addressed.
 - e. The Applicant should verify that the comments from the Sewer Division have been adequately addressed.

18. Written approval should be obtained from Derry for the proposed water system.
19. Written approval should be obtained from the NH Public Utilities Commission of the franchise request of the Town of Derry to provide service to the property.

Board Informational Items:

1. On January 4, 2017, the Planning Board accepted this application as complete.
2. On January 4, 2017, the Planning Board approved three waivers to the Subdivision Regulations per the Applicant's waiver request letter.
3. On January 4, 2017, the Planning Board approved the Applicant's request for a Conditional Use Permit for work within the Conservation Overlay District.

Board Action Items:

1. The Applicant is requesting one waiver to the Subdivision Regulations which the Board has not yet acted upon, as noted in the Applicant's waiver request letter dated March 15, 2018. The Board will need to consider this waiver under this application.



Town of Londonderry
Planning and Economic Development Department

268B Mammoth Road
Londonderry, NH 03053
Phone 603.432.1100 x 134
www.londonderrynh.org

To: Art Rugg, Chairman, Londonderry Planning Board

From: Colleen Mailloux, AICP, Town Planner

Date: August 8, 2018

Re: Annual Status Update – Limitation on the Number of Elderly Housing Units

The Town of Londonderry includes 10 Over-55 (Elderly Housing) communities, consisting of 631 built and 755 approved units. A breakdown of units by community follows:

Community	Existing Units	Approved Units
Buttrick Village	40	40
Cohas Landing	44	44
Cross Farm	0	22
Forest Hills	65	65
Grand Estate	110	110
Harvest Village	45	45
Hickory Woods	98	98
The Nevins	128	128
Parrish Hills	37	37
Sanborn Crossing	0	102
Sugarplum Lane	36	36
Trail Haven Estates	28	28
Total	631	755

Based on the 2012-2016 US Census American Community Survey (ACS) Demographic and Housing estimates, the Town of Londonderry had a total of 8,218 housing units in 2016, with the total (existing and proposed) age restricted units accounting for 9.2% of the current supply.

According to the same reporting, the Town of Londonderry had a total 2016 population of 24,656. The population 55 years and older was 6,884 or 27.9% of the total.

Whereas the percentage of elderly housing units (9.2%) is less than the percentage of persons age 55 (27.9%) or older, the limitation on the number of elderly housing units per section 3.6.6.A is not in effect at this time.

Source: ACS Demographic and Housing Estimates, 2012-2016 American Community Survey 5-Year Estimates. Data selected for Londonderry town, Rockingham County, New Hampshire.