

LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF SEPTEMBER 7, 2022, AT THE MOOSE HILL COUNCIL CHAMBERS

I. CALL TO ORDER

Members Present: Art Rugg, Chair; Al Sypek, Vice Chair; Jake Butler, Secretary; Lynn Wiles, Assistant Secretary; Jeff Penta, member; Ann Chiampa, member; Deb Paul, Ex-Officio – Town Council; Giovanni Verani, Town Manager – Ex-Officio (arrived at 7:05 p.m.); and Roger Fillio, alternate member

Also Present: Kellie Walsh, Town Planner; John Trottier, Director of Public Works and Engineering; and Laura Gandia, Associate Planner

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 A. Sypek made a motion to approve the minutes of August 3, 2022, as presented.

J. Butler seconded the motion.

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

Member A. Sypek made a motion to approve the minutes of August 10, 2022, as presented.

J. Butler seconded the motion.

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

B. REGIONAL IMPACT DETERMINATIONS: Town Planner Walsh informed the Board that she had two projects for their consideration this evening.

1. Application for design review of a subdivision plan to divide one lot into two, 190 Litchfield Road, Map 14 Lot 6, Zoned AR-1, Diane M. & Martin P. Boucher (Owners & Applicants)

2. Application for design review of a condominium conversion at Nine Button Drive, Map 7 Lot 132-22, Zoned AR-1, Brenda Kiss & Doreen Fugere (Owners & Applicants)

Member A. Sypek made a motion that these projects are not developments of regional impact.

J. Butler seconded the motion.

The motion was granted, 8-0-0. The Chair voted in the affirmative.

C. Discussion with Town Staff:

J. Trottier informed the Board that the culvert being replaced on Harvey Road is underway and there is alternating one-way traffic using a bypass Road. He encouraged everyone to go slow and be careful as the alternating one-way traffic will be used until completion of the project. Chairman Rugg asked if J. Trottier had an estimated time frame for completion. J. Trottier replied that the bypass road would be in place until the end of October.

III. Old Business

A. Public hearing on an application for formal review of a subdivision plan to subdivide one lot into three, 106 Wiley Hill Road, Map 5 Lot 12-1, Zoned AR-1, 106 Wiley Hill Road, LLC (Owner & Applicant) – continued from the August 10, 2022 meeting

Chairman Rugg read the case into the record noting it was continued from August 10, 2022. J. Trottier told the Board that there are no outstanding checklist items and recommends that the Board find the application complete.

A. Sypek made a motion to accept the application as complete per Staff Recommendation Memorandum dated September 7, 2022.

J. Penta seconded the motion.

The motion was granted, 8-0-0. The Chair voted in the affirmative.

Jeff Kevan, P.E., from TFMoran, Inc., 48 Constitution Drive, Bedford, NH, addressed the Board. J. Kevan informed the Board that this project is on an existing 12 acre parcel in the AR-1 zone and they are proposing to create two new lots. He reviewed the acreage of the lots with the Board. He explained that the project conforms to all the regulations in regards to size, frontage and setbacks. He reviewed the two waivers that they are requesting with the Board.

Chairman Rugg opened up the discussion to the Board. J. Trottier informed the Board that there are two waivers being requested this evening by the applicant as follows:

1. Waiver to section 4.01.C of the subdivision regulations to allow a scale of 1"=50' where a scale of 1"=40' is required. Staff supports the granting of this waiver as the plan sheets are legible in the requested scale.
2. Waiver to section 3.02.b.2 and 4.12.c.4 of the subdivision regulations and checklist item no. V.4 to not provide a proper monument (stone or concrete bound) at one of the frontage lot corners to lot 1. Staff supports the granting of this waiver as the placement of the stone/concrete bound would require disturbance of the rock wall and the regulations (section 3.02.b.2) provide for this type of marking in all other lot corners ("All other lot corners shall be marked either by a one (1)-inch diameter iron pipe or five-eighths (5/8)-inch steel rebar at least 30 inches in length or a drill hole set in existing stone walls).

He went on reviewing the remaining design review items with the Board. Town Planner Walsh mentioned that staff is reviewing the draft easement that has been provided. A. Chiampa asked if the applicant is widening the roadway. J. Trottier replied that they are not, but noted that they will need to do some shoulder improvements. A. Chiampa asked if J. Trottier thought this would cause a lot of destruction to the stonewalls. J. Trottier replied that the stonewalls can be relocated to the easement line. J. Penta asked if the applicant had any issues/concerns with the outstanding design review items. J. Kevan replied that he had no issues or concerns. L. Wiles asked if the existing house and barn would stay. J. Kevan replied that is what they are proposing right now. L. Wiles asked what a proposed 4K area on the middle lot was referencing. J. Kevan responded that both the state and most towns require the applicant to show a 4,000 SF receiving area, that is outside the well and house, to prove there is adequate room for a septic system to fit.

Chairman Rugg opened up the discussion to the public and there was none.

Chairman Rugg brought the discussion back to the Board.

A. Sypek made a motion to grant the applicant's requests for two waivers from section 4.01.C and sections 3.02. b.2, 4.12.c.4 and checklist item no. V.4 per Staff Recommendation Memorandum dated September 7, 2022.

J. Butler seconded the motion.

The motion was granted, 8-0-0. The Chair voted in the affirmative.

A. Sypek made a motion to grant conditional approval of the subdivision plan for 106 Wiley Hill Road, Map 5, Lot 12-1, Zoned AR-1, 106 Wiley Hill Road, LLC (Owner & Applicant), in accordance with plans prepared by TF Moran, dated March 17, 2022, last revised July 22, 2022, with the precedent conditions to be fulfilled within two years and prior to plan signature, and general and

subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum, dated September 7, 2022.

J. Butler seconded the motion.

The motion was granted, 8-0-0. 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/Stantec Review memo dated September 7, 2022.
2. The Owner's signature shall be provided on the plans.
3. The proposed Map and Lot numbers be verified with Assessing and updated on the plan, if necessary.
4. Draft easements shall be provided to the Town, reviewed for acceptance by the Town and shall be recorded at the Rockingham County Registry of Deeds, concurrent with the recording of the plans.
5. 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.
6. The Applicant shall provide checks for LCHIP and recording fees, made payable to the Rockingham County Registry of Deeds.
7. The Applicant shall note all general and subsequent conditions on the plan sheet to be recorded.
8. The Applicant shall note the approval of all waivers on the plans.
9. Outstanding third-party review fees, if any, shall be paid within 30 days of conditional approval.
10. Financial guarantee to be provided to the satisfaction of the Department of Engineering & Environmental Services.

11. The 2006 CO district signs should be removed and replaced with those shown on the plans.

12. Final planning and 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. 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.

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

IV. New Plans/Conceptual

V. Other

Chairman Rugg informed the Board that at next week's meeting there will be a workshop session on the Capital Improvement Plan (CIP). He said that the CIP Committee will be there and A. Kizak will send the Board information to review before the meeting. He went on noting that there will also be recommendations on updating the site plan and subdivision plan regulations at the next meeting as well. Town Planner Walsh told the Board that there will also be a conceptual discussion

for a thirteen lot subdivision at 11 Sargent Road. A. Chiampa noted that there is a historic house on this property from 1760 she believes. Chairman Rugg stated that this is probably on the town's list of historic places and thought that the Historical Society would like the opportunity to check it out. Chairman Rugg commented that there is still a decreasing school-aged population in town, noting that the last three years are on the School Boards webpage. He mentioned that over the last twenty years there has been a declining school population and this is not unique to Londonderry as it is happening in other towns. He said that he would send the numbers he has to Town Planner Walsh for her review. J. Penta asked how often the Growth Management plan is updated. Chairman Rugg replied that this is updated every year, which is basically looking at the growth in Londonderry with new dwelling permits and how this compares to the growth of surrounding towns. He stated that they never had to do anything with the school population, as it has been declining. D. Paul asked if environmental issues would affect this, such as water resources. Chairman Rugg replied that it does not. D. Paul expressed her opinion that she believes the town needs to fix infrastructure for water. She said that the town needs big enough pipes and pumping stations for adequate pressure. She commented that there is not enough pressure for the hydrants, as there is an 8-inch pipe feeding into a 16-inch pipe, that cannot get the water through. She remarked that the Growth Management should include water, sewer and traffic from now on. D. Paul noted that the Zoning Board of Adjustment (ZBA) is always having variances to the sign ordinance and thought this should be looked at as well. Chairman Rugg noted that this has been on the Board's agenda for a long time and will need a comprehensive evaluation. Town Planner Walsh agreed with Chairman Rugg noting this is on her list. J. Penta mentioned that the Londonderry Look Book is also in need of updating. Chairman Rugg said that this would be referred to the Heritage Commission. J. Butler asked if this could be done collaboratively between the Heritage Commission and the Planning Board. Chairman Rugg replied that this can be done collaboratively.

VI. Adjournment

Member A. Sypek made a motion to adjourn the meeting at approximately 7: 37 p.m. Seconded by J. Penta.

The motion was granted, 8-0-0.

The meeting adjourned at approximately 7:37 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,

Name: Jake Butler
Title: Secretary

These minutes were accepted and approved on October 5, 2022, by a motion made by A. Sypek and seconded by J. Butler.

STAFF RECOMMENDATION

To: Planning Board

Date: September 7, 2022

From: Kellie Walsh, Town Planner

John R. Trottier, PE, Director of Engineering & Environmental Services

Application: Application for formal review of a subdivision plan to subdivide one lot into three, 106 Wiley Hill Road, Map 5 Lot 12-1, Zoned AR-1, 106 Wiley Hill Road, LLC (Owner & Applicant)

- Completeness: There are no outstanding checklist items. Staff recommends that the Application be accepted as complete.

Board Action Required: Motion to accept the application as complete per Staff's Recommendation Memorandum dated September 7, 2022.

- Waivers: There are two waivers being requested for this project.
 1. Waiver to section 4.01.C of the subdivision regulations to allow a scale of 1"=50' where a scale of 1"=40' is required. Staff supports the granting of this waiver as the plan sheets are legible in the requested scale.
 2. Waiver to section 3.02.b.2 and 4.12.c.4 of the subdivision regulations and checklist item no. V.4 to not provide a proper monument (stone or concrete bound) at one of the frontage lot corners to lot 1. Staff supports the granting of this waiver as the placement of the stone/concrete bound would require disturbance of the rock wall and the regulations (section 3.02.b.2) provide for this type of marking in all other lot corners ("All other lot corners shall be marked either by a one (1)-inch diameter iron pipe or five-eighths (5/8)-inch steel rebar at least 30 inches in length or a drill hole set in existing stone walls).

Board Action Required: Motion to grant the applicant's requests for two waivers from section 4.01.C and sections 3.02. b.2, 4.12.c.4 and checklist item no. V.4 per Staff Recommendation Memorandum dated September 7, 2022.

- 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 the subdivision plan for 106 Wiley Hill Road, Map 5, Lot 12-1, Zoned AR-1, 106 Wiley Hill Road, LLC (Owner & Applicant), in accordance with plans prepared by TF Moran, dated March 17, 2022, last revised July 22, 2022, with the precedent conditions to be fulfilled within two years and prior to plan signature, and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum, dated September 7, 2022.

"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/Stantec Review memo dated September 7, 2022.
2. The Owner's signature shall be provided on the plans.
3. The proposed Map and Lot numbers be verified with Assessing and updated on the plan, if necessary.
4. Draft easements shall be provided to the Town, reviewed for acceptance by the Town and shall be recorded at the Rockingham County Registry of Deeds, concurrent with the recording of the plans.
5. 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.
6. The Applicant shall provide checks for LCHIP and recording fees, made payable to the Rockingham County Registry of Deeds.
7. The Applicant shall note all general and subsequent conditions on the plan sheet to be recorded.
8. The Applicant shall note the approval of all waivers on the plans.
9. Outstanding third-party review fees, if any, shall be paid within 30 days of conditional approval.
10. Financial guarantee to be provided to the satisfaction of the Department of Engineering & Environmental Services.
11. The 2006 CO district signs should be removed and replaced with those shown on the plans.
12. Final planning and 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. 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.
5. Prior to issuance of a certificate of occupancy, all site improvements and off-site improvements, if any, shall be completed.

MEMORANDUM

To: Planning Board

Date: September 7, 2022

From: Planning and Economic Development
Engineering & Environmental Services Dept.
Stantec Consulting Services, Inc.

Re: Tax Map 5 Lot 12-1
Proposed Subdivision
106 Wiley Hill Road

Owners: 106 Wiley Hill Road, LLC

TF Moran submitted plans and supporting information for the above-referenced project. DRC and the Town's engineering consultant, Stantec Consulting Services 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 submitted easement plan, topographic subdivision plan and driveway sight line plans – sheets 3-6 are at a scale of 1"=50 feet and do not comply with section 4.01.C of the regulations - maximum scale 1"=40 feet. The Applicant has submitted a written **waiver request** for this requirement for Planning Board consideration.
2. The Applicant has not provided a proper monument (stone or concrete bound) at one of the frontage lot corners to lot 1 per section 3.02.b.2 and 4.12.c.4 of the regulations and item V.4 of the checklist. The Applicant has submitted a written **waiver request** for this requirement for Planning Board consideration.
3. We recommend the Applicant address the following on the **Subdivision Plan, Easement Plan, and Topographical Plans:**
 - a. We recommend the Applicant update the 400 scale tax map plan on the cover sheet to properly label the proposed lots. In addition, we recommend a note be added to sheet 2 that identifies the street address of the lots consistent with the Assessor's comments.
 - b. The easement plan – Sheet 3- does not appear to indicate the length of the roadway widening easement segment that pertains to lot 12-1 or the length of the easement along the lot lines for segment upon lot 12-2. We recommend the easement metes and bounds information be updated to clarify the description of each easement segment on each lot and as acceptable to the Town.
 - c. Please indicate and label the location of the proposed reconstructed stone walls for the driveways on the topographic plan per section 4.16.A.14 of the regulations and item VII.1.n of the checklist.
 - d. We recommend the Applicant provide a post installation detail for the indicated conservation signs consistent with section 3.02.C. of the regulations in the plan set for proper construction.
4. We recommend the Applicant address the following relative to the revised **Sightline Plans** (driveway profiles):
 - a. All three plans (sheets 5-7) do not provide a certification for the sight distance per Exhibit D2 of the regulations. In addition, the north arrow on each sheet appears incorrect. Also, please correct the title blocks on sheets 6 and 7 to reflect the proper lots (i.e. 12-2 and 12-3) Please update the plans accordingly.
 - b. Profile B for lot 5-12-2 on sheet 6 does not label the proposed improvements to properly construct the driveway such as clearing limits, proposed grading along the roadway shoulder, existing roadway widening easement, proposed culverts, or demonstrate a low point is provided 10 feet from the edge of pavement to meet the requirements of the Town. The existing conditions information indicates a 230 contour that would be partially filled and

it is unclear how the existing roadway drainage would be affected by the proposed driveway. In addition, it appears the work would involve impacts to the existing stone wall that are unclear, including the location of the reconstructed wall. Please revise the plans to clarify the construction work associated with the driveway within the roadway and roadway widening easement for proper construction. A roadway shoulder improvement detail may be needed. We recommend the Applicant arrange a meeting with the Department of Engineering & Environmental Services to discuss the driveway design information under this application.

- c. Profile B for lot 5-12-3 on sheet 7 appears to be located across the corner portion of abutting lot Map 5 Lot 14 and requires a sight line easement. Please indicate the easement and provide an executed easement copy for the Planning Board's project file. In addition, the plan does not label the proposed improvements to properly construct the driveway such as clearing limits, proposed grading along the roadway shoulder, proposed culverts, or demonstrate a low point is provided 10 feet from the edge of pavement to meet the requirements of the Town. It is unclear, from the indicated spot elevations and grading design, how the existing roadway drainage would be affected by the proposed driveway. In addition, it appears the work would involve impacts to the existing stone wall with the location of the reconstructed wall not placed at the limits of the roadway widening easement as typically requested by the Town. Please revise the plans to clarify the construction work associated with the driveway within the roadway and roadway widening easement for proper construction acceptable to the Town. We recommend the Applicant arrange a meeting with the Department of Engineering & Environmental Services to discuss the driveway design information under this application.

5. We recommend the Applicant clarify/address the following relative to the previously submitted **Stormwater Management Report:**

- a. The report does not address the impacts to all abutting lots as required per section 3.08.b.3 of the regulations and item X.3.c of the checklist. This includes impacts to the roadway. Please provide a summary table in the report narrative that indicates the pre- and post-development impacts to each abutting lot and indicates no increase in runoff in accordance with the regulations is achieved as typically required by the Town.
- b. Predevelopment subcatchment 1 is incorrect since it is noted as all imperious (CN 98) and does not address the woods and open spaces of the existing site. Please review and revise the calculations accordingly. In addition, please update the post development calculations, as necessary.
- c. Please update the pre and post development drainage area plans to include the area of each subcatchment in accordance with section 3.08.b.7 and 8 of the Subdivision Regulations. In addition, please review and indicate the soil lines on the plans that appear missing.
- d. Please review and update the USGS map that does not appear to properly indicate the site location.

6. We recommend the Applicant verify the DRC comments for the project are adequately addressed as applicable:

- a. Please verify the comments of Planning Department have been adequately addressed with the Planning Department.
- b. Please verify the comments of Conservation Commission have been adequately addressed with the Conservation Commission.
- c. Please verify the comments of Heritage Commission have been adequately addressed with the Heritage Commission.

7. The Applicant has not provided the Owner's signature on the plans per section 4.12.C.16 of the Subdivision Plan Regulation and item V.16 of the checklist.

Board Action Items:

1. The Applicant has submitted two (2) written waiver requests to the Subdivision Regulations as noted in the letter dated May 12, 2022. The Board will need to consider each waiver request as part of the project review.

Board Information Items:

1. The Applicant has submitted draft easement deeds that are currently under review by the Town.