

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF October 2, 2019 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; Giovanni Verani, Ex-Officio – Town Manager; Ted Combes, Town Council Ex-Officio; Jake Butler, member; Ann Chiampa (alternate member); Peter Commerford (alternate member) and Roger Fillio (alternate member)

Also Present: John R. Trottier, P.E., Assistant Director of Public Works and Engineering; Town Planner Colleen Mailloux

Chairman Rugg called the meeting to order at 7:00 PM, explained the exit and emergency procedures, and began with the Pledge of Allegiance. He appointed A. Chiampa to vote for S. Benson and P. Commerford to vote for A. Sypek.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Member M. Soares made a motion to approve the minutes of September 4, 2019, as presented.

R. Brideau seconded the motion.

The motion was granted 7-0-2, with M. Soares and C. Davies abstaining. The Chair voted in the affirmative.

Member M. Soares made a motion to approve the minutes of September 11, 2019, as presented.

R. Brideau seconded the motion.

The motion was granted 8-0-1, 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 for the construction of an accessory outbuilding and associated site improvements, 11 Liberty Drive, Map 16 Lot 60-9, Zoned IND-II, AmeriGas Propane, LP (Owner & Applicant)

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

Member M. Soares made a motion to find that this project is not of developmental impact.

R. Brideau seconded the motion.

The motion was granted 9-0-0. The Chair voted in the affirmative.

C. DISCUSSIONS WITH TOWN STAFF:

Town Planner Mailloux told the Board that there is a request for an extension on deadlines to meet the conditions of approval from 244 Nashua Road Townhouses site plan. She noted the project was conditionally approved on June 5, 2019 and would expire tomorrow and the applicant has requested an extension to address New Hampshire Department of Transportation (NHDOT) permit conditions. She said Staff is recommending an extension of six months, which would be a date of April 1, 2020.

Member M. Soares made a motion to grant a six month extension request to 244 Nashua Road Townhouses site plan related to NHDOT permit conditions until April 1, 2020.

R. Brideau seconded the motion.

The motion was granted 9-0-0. The Chair voted in the affirmative.

Town Planner Mailloux informed the Board that there will be a virtual stakeholder meeting on October 15, 2019 at 6 p.m. in the Moose Hill Conference Room about the Town's participation in the AARP Age Friendly Communities Initiatives concerning affordability of senior housing. Chairman Rugg told the Board that in September two former Planning Board members had passed away, Jim Anagnos and Dana Coons. He extended condolences to the families and recognized their service to the Town.

III. Old Business- N/A

IV. New Plans/Public Hearings

- A. Application for formal review of a site plan for an elderly housing development consisting of 28 single family units and 14 duplex units, and associated site improvements, 48 Old Nashua Road, Map 3 Lot 155, Zoned AR-1, DFC Development, LLC (Owner & Applicant)

Chairman Rugg read the case into the record. J. Trottier told the Board that there are no outstanding checklist items and recommends the application be accepted as

complete.

M. Soares made a motion to accept the application as complete per Staff's Recommendation Memorandum dated October 2, 2019.

R. Brideau seconded the motion.

The motion was granted 9-0-0. The Chair voted in the affirmative.

Chairman Rugg noted that the 65-day time clock had started.

Doug MacGuire, PE from The Dubay Group, Inc., 84 Range Road, Windham, NH addressed the Board. D. MacGuire said he is here tonight to present a 55+ development located off Old Nashua Road. He noted that he was before the Board for this project conceptually about a year ago and said that the plans are fairly similar to the conceptual idea presented. He pointed out that their goal was to submit something different than what is currently being offered in Londonderry for age-restricted housing. He commented that the units would be more affordable, more compact and smaller in overall footprint. He stated that the hopes of the developer was to make units that are more affordable so local residents who wish to downsize could stay in town and do so. He explained the project is located on 16 acres and they are proposing two different types of units, 28 single-detached units with an additional 14 duplex units in the rear of the development. He said it was to provide flexibility to offer different price points. He noted that the single-detached unit is a two story unit with a two car garage and 1,750 SF. He pointed out the duplex unit is a two story unit, single car garage and 1,500 SF. M. Soares asked how many bathrooms the units have. D. MacGuire said they are all two and a half baths. He commented that they could potentially put 114 units on this site, but they are proposing for 42 units and stated that they exceed the open space requirement. He said they are proposing community water and on-site septic for the residents. He stated that they are using shared beds for the septic, but said that every unit will have their own septic tank. He reviewed the plans with the Board noting they are proposing sidewalks, have views of the existing farmer's pond, walking trails with benches. He reviewed the drainage plan noting it to be a closed drainage system with catch basins that direct it to wet detention ponds. He presented the landscaping plan to the Board noting trees and heavy planting. He spoke about the backyards of the units with the Board.

Chairman Rugg opened it up to questions from the Board. J. Trottier reviewed the many outstanding design review items with the Board. He reviewed the seven waiver requests the applicant is requesting with the Board. Town Planner Mailloux reviewed the conditional use permit (CUP) with the Board that is associated with this project stating that the Conservation Commission supports approval with conditions. She said the conditions are that the plans show all conservation buffer boundaries, conservation buffer signs be installed before construction begins and there be a management plan and landscaping contract must both direct that there are to be no chemicals used or no turf grass planted in buffer and the management plan be reviewed annually. J. Trottier explained that based on the number of

outstanding items Staff recommends the Planning Board to continue further discussion of this application to November 13, 2019 meeting to allow the applicant to address outstanding issues related to DRC comments, engineering review comments and the number of waivers requested at this time. A. Chiampa said that building #1 did not have a sidewalk between it and building #2 and asked for one to be installed. D. MacGuire said that could be done. A. Chiampa asked who regulates the speed limit in the development. Town Planner Mailloux said the speed limit sign would be posted with a suggested speed limit in the development and would have to check with the Police Department on the patrolling. A. Chiampa asked if the 25 foot driveways have been used before. J. Trottier stated that they have been used in senior developments before. T. Combes asked about snow storage. D. MacGuire reviewed snow storage with the Board. T. Combes asked about trash pickup. D. MacGuire said the homeowners association (HOA) would contract for trash pickup. R. Brideau asked if any units would be handicap. D. MacGuire said that accommodations could be made if a potential buyer needs that. M. Soares asked what the price point would be. D. MacGuire responded that there is no target at this stage, but said that they would most likely be under the value of the current Mesiti developments. P. Commerford said that based on his calculations, he believes these units would be around \$400,000. He asked about why they are asking for a narrower roadway. D. MacGuire said that he has worked with the Fire Department on this as the driveway is over 40 feet long, they do not feel there will be any problems with cars blocking the roadway with a narrower road. P. Commerford asked about the traffic study. D. MacGuire said that for 55+ and older it has been proven that they are less intense and do not generate trips during the peak times. He said that the traffic study was submitted to the Town and there were no comments. Town Planner Mailloux noted that they did the short form analysis and the third party engineering consultant found the study met the requirements. P. Commerford voiced concern about the septic fields being daisy chained together and how that might affect the homeowner. D. MacGuire said that they are standalone septic tanks and are linked, but one would not affect any other. He said that the septic tanks are linked by pipes and pumped to the respective leach field. P. Commerford said in his opinion that is a poor design as the pumps can fail and then everyone can have a backup problem. D. MacGuire responded that he is correct and the pump system could fail, which would notify the HOA of the temporary failure and allow the HOA to take care of it. He stated that this is a very standard design. P. Commerford reiterated that he felt it was a poor design. Chairman Rugg commented that the state has looked at this design and approved it. P. Commerford responded that he understood that but believed this could pose a problem for the surrounding communities' drinking water with a backup. A. Chiampa commented that she lives on a pump septic system and it has a generator in case of pump failure and in winter storm power outages. D. MacGuire noted that they were not proposing a generator and pointed out that the HOA will determine the appropriate measures for this. R. Fillio asked if this would be a two pump system so if one pump fails the other can take over. D. MacGuire said it was a single pump, which is commonly used in residential areas. P. Commerford asked about using one well to service the whole site that would pump out 82,000 gallons per day that could potentially cause problems for the surrounding properties. D. MacGuire responded that there are many requirements for a community water

supply that are permitted through New Hampshire Department of Environmental Services (NHDES) and there is a report for this site.

Chairman Rugg opened it up to questions from the public.

Bill Basler, 40 Old Nashua Road addressed the Board. B. Basler voiced his concern for this project changing the demographics of the neighborhood as well as water and traffic concerns. He noted that he has lived here for over 40 years and knows that people are driving 50 mph on the road, which is not the right speed limit, and feels there will be major accidents with cars entering and exiting the road. He commented that he has a well that unfortunately could not be tested due to the depth of it and wondered about community water that other developments in the area have. Chairman Rugg told him that there is a current water study underway in Town as it is a big concern. B. Basler asked what a backup method would be if the well does not function. P. Commerford said that he believes it is a well-known fact that the Town does not have a good aquifer to draw off and people are drilling into bedrock, which is fine for single family, but not a development of this size.

Philip Lampro, 52 Old Nashua Road addressed the Board. P. Lampro told the Board that his well was tested and is not even 50 feet deep, so he has to be very careful with his water. He is very concerned about this. He noted that he has lived here for just about 50 years and asked what would happen if the water goes dry. M. Soares asked D. MacGuire why they have not looked in to have Pennichuck supply this development. D. MacGuire said this well is drilled into bedrock and is a high yield well producing 20,000 or 30,000 gallons per minute. He commented that the pump house, which is designed and reviewed by NHDES, has a massive storage tank below the building with a stored capacity so that this well is not running nonstop trying to keep up with all these homes. M. Soares stated that he did not answer her question. D. MacGuire said it was cost prohibited. M. Soares said that the more water we take from the ground the less we have and if there is another alternative should be investigated. D. MacGuire argued that this method pulls water from the ground and returns it to the ground and is the best method to use. P. Commerford said that is provided that all the septic work perfectly and said these developments should be on public water and public sewer.

Leona Lampro, 52 Old Nashua Road addressed the Board. L. Lampro said that they have lived here for 49 years and they bought the place because of the privacy. She voiced her concern about the number of houses that are going to be in her backyard. She also voiced a concern regarding the water at her house and how she has to manage it at times especially with a drought. She said that she feels as if they are putting the city into the country. R. Fillio made a comment that Pennichuck Water was denied recently their water tank, so is there a water capacity for this. P. Commerford said that he feels Pennichuck has the capacity as the water tank was going to be a backup to the current main tank. D. MacGuire explained that the well was already established prior to the applicant purchasing the property. He said that they hired Bruce Lewis, from Lewis Engineering, who specializes in community water supplies and he performed all the testing and submitted an application to the state for review at this time.

Chairman Rugg brought it back to the Board.

M. Soares made a motion to continue this application until the November 13, 2019 Planning Board meeting in order to allow the applicant to address outstanding issues relating to DRC and engineering review comments.

T. Combes seconded the motion.

The motion was granted, 9-0-0. The Chair voted in the affirmative.

Chairman Rugg noted that the plan is continued until November 13, 2019, at 7 p.m. at the Town Hall and this would be the only formal public notice.

V. Other

- A. Conceptual discussion on amendment/waivers to a previously approved subdivision (August 1, 2018), Woodmont Commons, sub-areas WC-4 and WC-5, 15 Pillsbury Road & Gilcreast Road, Map 10 Lot 41, Zoned PUD-1, Pillsbury Realty Development, LLC (Owner)

Chairman Rugg read the case into the record noting this was a conceptual discussion only for an exchange of ideas. Eric Jackson from The Stabile Companies, 20 Cotton Road #200, Nashua, NH, addressed the Board. E. Jackson told the Board that his firm is under contract for the 28 single-family homes off Gilcreast Road for Woodmont Commons. He reviewed the subdivision plans with the Board. He informed the Board that he wanted to discuss two items that they would be presenting at the November 6, 2019, meeting to get the Boards input. He discussed the apple trees on the plan noting that a site walk with an arborist revealed that the majority of the existing apple trees there have apple scab and cedar apple rust. He pointed out that the arborist told him that the apple trees cannot be restored due to the advanced disease. He said that they would like to remove all the apple trees and replace them with new, younger trees to act as the buffer. Chairman Rugg asked if the apple trees would be replaced with apple trees. E. Jackson said they would like to propose flowering crab apple trees as they are much hardier, more disease resistant and have a longer life span. Chairman Rugg commented that this was discussed during the Master Plan and directed the applicant to page 155 of the Woodmont Commons Planned Unit Development Master Plan (September 2013). E. Jackson said that he remembers that page as it stated that the replacement of the trees needs to be staggered. Chairman Rugg said that was correct, as all the trees would not be dying together. E. Jackson explained that he was here because they would like to ask for a waiver to this request in the Master Plan. Chairman Rugg said he thought the Woodmont Commons Planned Unit Development Master Plan (September 2013) would have to be amended. M. Soares asked how big the crab apple tree would be planted. E. Jackson said they are proposing 1-1/2 inch caliper crab apple tree that would be six to eight feet tall when planted and grow to 25 feet at full height. Town Planner Mailloux told the Board that this would not be an

amendment to the Woodmont Commons Planned Unit Development Master Plan (September 2013), but rather a modification specific to this subdivision plan. She further explained the Board would be voting on whether or not to approve replacing all the trees at one time rather than in a staggered fashion. She noted that there is gray area on what is exactly a "staggered fashion" and asked the Board for feedback on this. A. Chiampa said that this was not part of the Woodmont Commons Planned Unit Development Master Plan (September 2013), as it part of the Apple Way. Town Planner Mailloux responded that this part of Gilcreast is not part of the Apple Way scenic byway. A. Chiampa expressed her concern for using crab apple as the language was apple trees for apple trees. M. Soares said her frustration is that the current owner is not caring for the trees right now and that is why they are dying. She asked who would be responsible for taking care of the trees. Town Planner Mailloux told her the trees would be the responsibility of the home owners association (HOA) for this approved development. A. Chiampa said that she did not think it would be in the spirit of the PUD to change to crab apple trees. C. Davies expressed concern over the change to crab apple trees and should be apple trees with some crab apple trees as a filler if needed. T. Combes asked if crab apple trees were the only trees that were discussed. E. Jackson explained that this is the first project for their company with apple trees, and the arborist advised them to use crab apple trees, so that is where they focused their research. M. Soares pointed out that it is not the applicant's fault that the trees were not taken care of, but the language in the Woodmont Commons Planned Unit Development Master Plan (September 2013) states that "when needed apple trees will be replaced with apple trees." She said that the two rows should be apple trees and the crab apple trees could be the filler row in-between them. G. Verani said that he has 25 apple trees on his property and you need to prune them and take care of them. He said that he would be okay with the crab apples as they require less maintenance. J. Butler asked the caliper size of the crab apple trees he was proposing. E. Jackson said 1-1/2 inch caliper was their intent. J. Butler said in his opinion, he believes that is too small and suggested a 4 inch caliper tree. He said that he feels it does not matter what the species is, but rather the caliper of the tree if people requested them to block the view. Town Planner interjected that we can give additional input regarding the species of the trees, but the question tonight is on removing all the trees at one time with a replacement in full versus staying with the staggering requirement of the PUD. T. Combes asked if the soil would need to be replaced as well and asked if the soil might be contaminated. E. Jackson said that is a consideration. T. Combes said if the soil is contaminated than all the trees would have to be replaced. Town Planner Mailloux commented that if it is determined that the soil is contaminated and needs to be removed, it would still need to be approved by the Board. Chairman Rugg said that he feels like the Board needs to know about the soil and that would help them make a determination. He asked if an environmental engineer could come inform the Board. G. Verani asked if arsenic was found in the soil what would be done. Chairman Rugg said that there would need to be soil removal if they find arsenic. J. Butler said he would have them place all the trees all at once for a good look. M. Soares expressed concern about the need for public awareness and documentation regarding if the soil is contaminated and the need for a clear cut. She said that if there is no safety issue, she would like to see them staggered. R. Fillio suggested removing one row at a

time for growing. Chairman Rugg said that there needs to be more information from an environmental engineer on the soil and the remediation before making any assumptions. He suggested another conceptual discussion when the environmental engineer is done with his reports. G. Verani said he would like to know what the proposed crab apple tree looks like in comparison to the apple trees that are there now. M. Soares asked if someone started to take care of the current trees could they come back to life and then the first row could stay and the other rows could be staggered. A. Chiampa voiced her concern about setting a precedent with this for other developments. E. Jackson said that he would arrange for the engineer to come speak to the Board regarding the soil. He stated they have another waiver request regarding the finished coat of pavement before occupancy. He said that they would like to wait on the finished coat of pavement until the lots are all constructed, as there will be a ton of heavy trucks and machinery driving over the finished coat, which would ruin it. Chairman Rugg stated that the Board has granted a waiver request like this in the past and did not feel that would be an issue. M. Soares asked if the one acre home would be built first along Gilcreast. E. Jackson said it would be driven by when lots are sold. M. Soares asked what their price point was. E. Jackson said he believed the price point would be \$500,000 to \$600,000.

VI. Adjournment

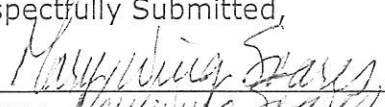
Member M. Soares made a motion to adjourn the meeting at approximately 9:00 p.m. Seconded by R. Brideau.

The motion was granted, 9-0-0.

The meeting adjourned at approximately 9:00 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,


Name: M. Soares
Title: Vice Chair

These minutes were accepted and approved on November 6, 2019, by a motion made by M. Soares and seconded by T. Combes.