

## **LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF May 12, 2021, Via a Zoom remote meeting**

### **I. CALL TO ORDER**

Members Present via a ZOOM remote meeting: Art Rugg, Chair; Chris Davies, Vice Chair; Al Sypek, Secretary; Jake Butler, Assistant Secretary; Ann Chiampa, member; Jeff Penta, member; Giovanni Verani, Ex-Officio – Town Manager ; Deb Paul, Town Council Ex-officio; Roger Fillio; alternate member; Lynn Wiles, alternate member

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

Chairman Rugg called the meeting to order at 7:00, and noted as Chair of the Londonderry Planning Board, due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically. He started the meeting by taking roll call attendance. He said that when a member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under Right to Know Law.

### **II. ADMINISTRATIVE BOARD WORK**

A. APPROVAL OF MINUTES: N/A

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

1. Application for design review of a site plan application for the construction of a 5,000 SF clubhouse and associated site improvements, 5 Lund Street (Litchfield) Map 8 Lots 12 & 13, Londonderry, Zoned AR-1, Londonderry Fish & Game (Owner & Applicant)
2. Application for design review for a site plan for a trucking terminal and associated site improvements, 15 Rockingham Road, Map 13 Lot 99, Zoned C-II, Alfred, Jr. & Nicole Pittore (Owners) and Pittore Bros. Paving (Applicant)

**Member C. Davies made a motion to find the application for design review of a site plan application for the construction of a 5,000 SF clubhouse and associated site improvements, 5 Lund Street (Litchfield) Map 8 Lots 12 & 13, Londonderry, Zoned AR-1,**

**Londonderry Fish & Game (Owner & Applicant) is not of developmental impact.**

**J. Butler seconded the motion.**

**The motion was granted, 7-0-1, with A. Sypek abstaining, by a roll call vote. The Chair voted in the affirmative.**

**Member C. Davies made a motion to find the application for design review for a site plan for a trucking terminal and associated site improvements, 15 Rockingham Road, Map 13 Lot 99, Zoned C-II, Alfred, Jr. & Nicole Pittore (Owners) and Pittore Bros. Paving (Applicant) is not of developmental impact.**

**J. Butler seconded the motion.**

**The motion was granted, 8-0-0, by a roll call vote. The Chair voted in the affirmative.**

C. Discussion with Town Staff: N/A

### **III. Old Business**

A. Application for formal review of a site plan for an elderly housing development with 44 townhouse units and associated site improvements, 8 Gilcreast Road, Map 7 Lot 105, Zoned AR-1, 81.5 Kendall Pond Road, Derry Tax Map 0217-6, and 83.5 Kendall Pond Road, Derry Tax Map 0217-7, N.H. Sustainable Communities, LLC (Applicant) and Property Possible, Inc. (Owner) – continued from the April 7, 2021 meeting

Chairman Rugg read the case into the record noting that it has been continued from the April 7, 2021, meeting. J. Trottier informed the Board that there are no outstanding checklist items and recommends that the Board accept the application as complete.

**C. Davies made a motion to accept the application as complete per Staff's Recommendation Memorandum dated May 12, 2021.**

**J. Butler seconded the motion.**

**The motion was granted, 8-0-0, by a roll call vote. The Chair voted in the affirmative.**

Chairman Rugg noted that the 65-day time clock has started. Nathan Chamberlin, P.E. from Fieldstone Land Consultants, PLLC, 206 Elm Street, Milford, NH, addressed the Board. N. Chamberlin told the Board that the site is an old gravel pit that was recently used by Audley for the 1-93 expansion. He reviewed the plans with the Board starting with the condominium site plan sheet. He went over the

building types, noting that they have duplexes, a tri-plex and a five-plex, and each unit is one and half stories with full basements and one car garage. He added that there are 11 buildings proposed with a total of 44 units. He pointed out that the town line runs through the parcel, having an acre and a half in Derry and the bulk of the development will be in Londonderry with seven acres. He went over the off-site improvements noting that they are extending the water line from South Road to Gilcreast Road at the entrance to the site. He commented that they are proposing a walking trail along the perimeter of the site. He said that they will be serviced by on-site septic. He mentioned that all but two buildings will have 10-foot by 10-foot decks, and there are two instances where the decks would have encroached into a setback, so they have proposed patios instead. He noted that they are proposing a community gazebo and community garden. He stated that the driveway for each unit is 18-feet, which would allow two cars to park in them. He remarked that the site will be curbed with closed drainage for the most part, except a portion of Castlerock Road, which will have open drainage with shoulders up to the first driveways and then it will be curbed. He reviewed the open space requirement for the ordinance noting it requires 40% and they have approximately 65%. He went on noting the building coverage is 18% and the impervious coverage is 35%. He said that the project needs and Alteration of Terrain (AOT) permit, which has been filed for. He pointed out that they just found out recently that Beaver Brook in Derry is in the Shoreland Protection, so they have filed for that permit as well. He discussed the grading and drainage, lighting and landscaping plan with the Board. He explained the two waivers that they are requesting, noting one is from the Site Plan Regulations and the other is from the Zoning Ordinance. He concluded that he believes the remaining staff comments are minor and can be worked out.

Chairman Rugg opened up the discussion to questions from the Board. J. Trottier informed the Board that the applicant is requesting one waiver of the Site Plan Regulations and one waiver from the Londonderry Zoning Ordinance as follows:

1. The Applicant has requested a waiver from Section 3.08.b.8 of the Site Plan Regulations to not provide 365' of sight distance for the internal intersection of Castlerock Drive and Sheffield Way. Staff **supports** granting the waiver as the design speed of 25 mph requires a sight distance of 125 feet, and the Applicant has demonstrated that intersection sight distance of 225' is provided, which exceeds the AASHTO design guideline.
2. The Applicant has requested a waiver from Section 5.6.4.G.1 of the Londonderry Zoning Ordinance to not provide paved sidewalks within the development. Staff **supports** granting the waiver as the reduced speeds throughout the development are conducive to pedestrian access without dedicated sidewalks, because there are no sidewalks along Gilcreast Road that would be connected to this development, and because the Applicant has provided an alternative to the sidewalk- a walking trail through the site.

He reviewed the remaining design review comments with the Board. Town Planner Mailloux reminded the Board that the elderly housing ordinance has been rescinded,

but this application was submitted prior to the change of the zoning ordinance. C. Davies asked what the restrictions are with the elderly housing ordinance. Town Planner Mailloux replied that it is exactly what was in the ordinance before, such as one resident must be 55+ or older and confirming that the condominium documents comply with the age restrictions. C. Davies asked if this was regarding the affordable elderly housing ordinance or the 55+ and older ordinance. Town Planner Mailloux replied that it is the 55+ and older ordinance. A. Sypek asked if this was a community septic system or if each building is going to have their own leach field. N. Chamberlin replied that it was going to be a community septic system. A. Sypek asked where they plan to store snow. N. Chamberlin replied that it is shown on the site plan, specifically in areas around the perimeter. A. Chiampa asked if the nature trails are paved. N. Chamberlin responded that they are not. He stated that within the wetland buffer the trail would be \_\_\_ layer and when you get passed the wetland buffer it will be a crushed stone and gravel path. A. Chiampa asked if the town standards require paved trails for seniors. Town Planner Mailloux replied that there is no such requirement, but the requirement in the ordinance is regarding sidewalks, for which they are asking for a waiver as they are proposing the trails instead. A. Chiampa asked the minimum length of a driveway. J. Trottier replied that it would be at least 20 feet, as a parking space is 9 feet by 20 feet. A. Chiampa asked about a driveway in the cul-de-sac that is only 18 feet in length. J. Trottier responded that he would take a look at it. A. Chiampa voiced her opinion, that she does not like having unpaved sidewalks for seniors. She asked if there could be an area in the street, such as a bike lane, for seniors to walk. J. Trottier replied that such an idea has not been proposed in Londonderry. J. Butler asked the length of the driveway of Unit 7a, as it seems a little off. N. Chamberlin replied that the cul-de-sac has been done to town regulations, but the driveway does come into the cul-de-sac. J. Butler asked for J. Trottier's input. J. Trottier commented that they would take a look at this as there are going to be dumpsters out there and look at the turning radius of the garbage truck and fire department trucks. J. Butler mentioned that since the driveway for 7a is short, perhaps someone's vehicle would encroach into the cul-de-sac, which would create problems, so maybe unit 7a could be eliminated. He gave his recommendations on the landscaping plan, such as eliminating white pines and replacing them with a Serbian Spruce. He noted that between buildings 7, 8 & 9 there are legacy sugar maples and scarlet oak trees which would get too big there, so he suggested Cleveland pear or spring snow crab trees and Bloodgood Japanese maples respectively. Chairman Rugg asked where the purple lilacs are located. N. Chamberlin reviewed where the purple lilacs are on the plan. J. Penta asked if there was a maintenance plan for the walking trails. N. Chamberlin replied that would be up to the condominium association. Town Planner Mailloux mentioned that would be well documented in the condominium documents. J. Penta asked if there would be any lighting on the trails. N. Chamberlin replied they would not. G. Verani asked if some of the buildings encroach in Derry. N. Chamberlin replied that the buildings do not, but the decks are in Derry. G. Verani asked how this is handled from an assessing standpoint. Town Planner Mailloux replied that from an assessment perspective, they would coordinate with Derry's Assessing Department. She added that N. Chamberlin has communicated to her that there is no need for Derry's Planning Board to review and sign off on this application as the work being done in Derry is limited to the decks and stormwater.

She went on to note that the Planning Department will be doing the normal third-party inspections during construction, including inspection of the work being done in Derry, for which the Building Department will be issuing the permits. L Wiles commented that he took a look at the specs for a 2021 Ford F150, and it would not fit in the driveway proposed for unit 7a and this should be looked into. He asked if they can tie into waste water treatment plant in Derry if the sewer lines come down far enough on Gilcreast. J. Trottier reviewed both north and south proposals to tie into the sewer lines, noting that they are both too far to work. Chairman Rugg summarized that J. Butler's comments regarding changing the proposed trees and the length of the driveway for 7a should be included in the conditional approval.

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

**C. Davies made a motion to approve waiver #1 to the site plans regulations regarding site distance in accordance with Staff's recommendation memorandum dated May 12, 2021.**

**J. Butler seconded the motion.**

**The motion was granted, 8-0-0, by a roll call vote. The Chair voted in the affirmative.**

**C. Davies made a motion to approve waiver #2 regarding not providing paved sidewalks within the development of the zoning ordinance in accordance with Staff's recommendation memorandum dated May 12, 2021.**

**J. Butler seconded the motion.**

**The motion was granted, 7-1-0, by a roll call vote. The Chair voted in the affirmative. A. Chiampa voted in opposition as she feels sidewalks are needed for the safety of the residents when walking around the development.**

C. Davies asked how the Chair wanted to handle the landscaping items and driveway. J. Trottier cautioned about dictating what type of tree to plant in the development and suggested having N. Chamberlin take the suggestions back to the landscape architect and present another proposal. Town Planner Mailloux suggested adding an additional condition that the landscaping plan will be reviewed and revised per the discussion at the meeting this evening and changes to be finalized with staff. She recommended adding another condition that the plan be revised appropriately to the satisfaction of staff to resolve the concern regarding the driveway that does meet the minimum driveway length requirement. J. Butler asked if this application should be continued due to the issues, specifically the length of the driveway for unit 7a. Town Planner Mailloux replied that she did not believe so, but it is up to the Board.

**C. Davies made a motion to grant conditional approval of the Sheffield Estates site plan for an elderly housing development with 45 townhouse units and associated site improvements, 8 Gilcreast Road, Map 7 Lot 105, Zoned AR-1, 81.5 Kendall Pond Road, Derry Tax Map 0217-6, and 83.5 Kendall Pond Road, Derry Tax Map 0217-7, N.H Sustainable Communities, LLC (Applicant) and Property Possible, Inc. (Owner) in accordance with plans prepared by Fieldstone Land Consultants, PLLC, dated September 18, 2020, last revised April 16, 2021 with the precedent conditions to be fulfilled within 120 days of the approval and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum, dated May 12, 2021.**

**J. Butler seconded the motion.**

**The motion was granted, 8-0-0, by a roll call vote. 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/HTA review memo dated May 12, 2021.
2. Checks for recording fees and LCHIP shall be submitted to the Town, payable to Rockingham County Registry of Deeds.
3. All required permits and approvals shall be obtained and noted on the plan, including NHDES Alteration of Terrain Permit, NHDES Subdivision Approval, and any others that may be required.
4. The Applicant shall note all waivers granted on the plan.
5. The Applicant shall provide the roadway widening/drainage easement for review and approval by the Town. Upon approval an executed easement document shall be submitted for recording.
6. All condominium documents associated shall be approved and submitted for recording with the condominium plan.

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. Third-party review fees shall be paid within 30 days of conditional site plan approval.

9. Financial guarantees be provided to the satisfaction of the Department of Public Works and Engineering.

10. Final engineering review.

11. The landscaping plan shall be reviewed and revised per the Board's May 12, 2021 discussion to the satisfaction of Town Staff.

12. The site plan shall be revised to ensure compliance with driveway compliance for building 7A.

**PLEASE NOTE** - Once these precedent conditions are met and the plans are certified, the approval is considered final. If these conditions are not met within 120 days to the day of the meeting at which the Planning Board grants conditional 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 site-restoration financial guaranty with the Town. Contact the Department of Public Works to arrange the pre-construction meeting.

2. Plans must be signed and condominium site plans recorded prior to requesting a pre-construction meeting with the Town.

3. 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.

4. 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.

5. Fire department access roads shall be provided at the start of the project and maintained throughout construction. Fire department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.

6. 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.

7. All site improvements and off-site improvements must be completed in accordance with the approved plan prior to the issuance of a certificate of occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstance), the Building Division may issue a certificate of occupancy prior to the completion of landscaping improvements, if agreed upon by the Planning Division & Public Works Department, when a financial guaranty (see forms available from the Public Works Department) and agreement to complete improvements are placed with the Town. The landscaping shall be completed within 6 months from the issuance of the certificate of occupancy, or the Town shall utilize the financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. *No other improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving a certificate of occupancy.*

8. As built site plans must to be submitted to the Public Works Department prior to the release of the applicant's financial guaranty.

#### **IV. Conceptual Discussions**

A. Conceptual review and non-binding discussion of a proposed Application for design review of a site plan amendment for Block 2 of Woodmont Commons to construct a 19,792 SF two story medical office building, Map 10 Lot 41, Pillsbury Road & Michels Way, Map 10 Lot 41, Zoned C-I & PUD, Woodmont Commons Planned Unit Development, Pillsbury Realty Development, LLC (Owner) and LD 2020 LLC (Applicant)

Chairman Rugg informed the Board that a conceptual discussion is a nonbinding review and comments. Town Planner Mailloux gave some background, stating that the applicant submitted a narrative last Friday for staff to review and discuss with the Town Attorney regarding if the parking lot alignment with the street complies with the PUD Master Plan. She stated that the off-street parking requirements for the PUD Master Plan, state : "that except in subareas WC-1GL, WC-12 and on flex blocks surface parking lots shall generally not abut any streets other than lanes and should generally be located behind buildings." She explained that the narrative was written to prove that the proposed block meets the requirements of a flex block, so the parking requirement would not apply. She mentioned that she spoke to Attorney Ramsdell yesterday that they both came to the agreement that this meets

the definition of a flex block, so therefore, the parking may be located abutting the street, which does not require a waiver. She went on noting that the flex block requires the primary entry of the building to be oriented to the street. She added that the applicant has identified the building as a flex building and flex lot, of which there are additional standards that the applicant will have to meet. She commented that even though the narrative did not speak to the requirements of a flex building, she and Attorney Ramsdell looked at the architectural standards of the PUD Master Plan, and based on their review it appears that no waivers to the architectural standards would be required. She pointed out that there are also architectural guidelines in the PUD Master Plan, with the presumption that the guidelines shall be met. She went on stating that if an architectural guideline is not met, the applicant should explain the reason why it is not met and demonstrate compliance with the overall PUD Master Plan. She mentioned the guidelines because the guidelines are related to the orientation of the building on the street. She told the Board that she received more information from the applicant this evening, but she has not reviewed it yet. She summarized her findings noting that the applicant meets the flex block definition, so there is no waiver needed for the parking orientation layout, and they meet the architectural standards based on a preliminary review. She added that the remaining question is the determination and compliance with the architectural guidelines. She asked the Board to listen to the applicant and give some feedback on the proposed layouts, as well as if there is any information related to the architectural guidelines. Chairman Rugg commented that the PUD Master Plan is a guide and it sets the design, but it is really up to the Board to apply what it would like there. Chris Nickerson, developer on behalf of Derry Medical addressed the Board. C. Nickerson thanked Town Planner Mailloux for helping facilitate some of the conversations regarding the use of the flex block, flex lot and flex building, along with the interpretation of these within the PUD Master Plan over the past few days. He explained that they are calling this building a boutique independent medical community, noting the business that hope to move here are DMC Primary Care, Derry Imaging Center, Spindel Eye, a lab company, Derm Skin Health, Bedford Commons OB/GYN, Granite State GI and Londonderry Physical Therapy. He said that they have had conversations regarding the uses inside the building, stating they have a mix of clinical office space, clerical or administrative space, professional services and a small retail component. He added that on this block, Pillsbury has more plans for two other buildings, which will further increase the mix of uses with retail space and a bank/financial institution. He reviewed the application process, noting they first submitted a design review application in January of 2021, went to the Conservation Commission in February of 2021, went to the Heritage Commission in March of 2021, and the first conceptual Planning Board meeting in April of 2021. He commented that the Board concluded that layout D was the preferred alternative from the first conceptual meeting. He mentioned that they went back to the Heritage Commission on May 5, 2021, and presented architectural renderings along with material selections. He said that they went over some color selections for the materials on the building and had some general discussion regarding the landscaping with the Heritage Commission. He stated that they incorporated any comments they received into the plan that is in front of the Board this evening. He noted that some other comments regarding extending the fence for screening of the parking along Governor Bell Drive is not

shown on this plan, but they will incorporate into the final plan set. He commented that they would like to review the architectural standards on the renderings that they provided tonight, incorporate any additional comments that they Board might have to this plan and in an ideal world meet the June 17, 2021, deadline for a July Planning Board meeting. Chairman Rugg stopped the applicant at this point stating that the Board is just learning about the flex area and building type and felt there would be another conceptual meeting needed. C. Nickerson apologized that they submitted a late memo this evening outlining the architectural standards. Chairman Rugg interjected that he believes this is a premature discussion right now, as the Board has not received or viewed the memo. He added that the Board will have to get caught up and the applicant will probably be back for another conceptual discussion, but first will have to present to the Heritage Commission again. Jeff Kevan, P. E., from TF Moran Inc. addressed the Board. J. Kevan stated that the plan on the screen is layout D that the Board had liked last time. Chairman Rugg asked if this design meets the flex architectural standards and architectural guidelines. J. Kevan replied that it did. Chairman Rugg stated that he has to demonstrate this for both staff and the Board tonight. J. Kevan commented that the first item they wanted to review with the Board is where the parking is laid out and oriented. Chairman Rugg asked what the difference in the parking is from what they are proposing to what has been discussed and the flex requirements. J. Kevan responded that they have shown that this block complies with the definition of a flex block in the PUD Master Plan. Chairman Rugg said that the Board does not have any material about this. J. Kevan stated that they have supplied that. Chairman Rugg remarked that this information is to be supplied before a meeting, as it is the proper thing to do. Town Planner Mailloux clarified that the flex block information is what she summarized earlier regarding the parking lot layout. She added that the flex building requirements came through this evening and has not been reviewed yet. Chairman Rugg stated that they do not need to talk about the flex building requirements this evening, as it has not been reviewed by staff. J. Kevan asked if he meant the architecture. Chairman Rugg replied that was correct, noting the building location might even change. J. Kevan stated that was what they were going to discuss this evening. Chairman Rugg said that the Board needs to know if the architectural guidelines and architectural standards are met and they do not have this information yet. J. Kevan mentioned that he thought the Board had this information on the flex block. Chairman Rugg asked if J. Kevan understood. J. Kevan replied that he did. Chairman Rugg asked for him to continue. J. Kevan stated that as discussed, the plan on the screen demonstrates the flex block, which includes an office building and an office retail building. He pointed out that the requirements for a flex block state that the perimeter cannot exceed 4,000 SF, noting that this block is 1,750 SF. Chairman Rugg interjected stating that he does not have any information on architectural standards. J. Kevan replied that he has not gone over the architectural standards. Chairman Rugg commented again that the Board does not have any information on this either and the applicant needs to review this before they come back to the Board. J. Kevan acknowledged that he understands this, stating that last time they were before the Board, the Board selected a layout they liked the best. Chairman Rugg interrupted stating that that was the old design that they proposed, as they Board was not discussing flex blocks previously. He added that he feels it is too premature for the Board to discuss this.

J. Kevan explained that there are three different definitions to be discussed starting with block type, which has been defined as a flex block with staff and Attorney Ramsdell where the parking configuration is allowed. Chairman Rugg suggested that he would like the Board to discuss if they agree with what staff and Attorney Ramsdell have proposed. Town Planner Mailloux stated that the Board should discuss and review if they agree with staff and Attorney Ramsdell that the flex block definition applies. She went on stating that if the Board agrees, this means the parking is permitted to abut the street.

Chairman Rugg asked the Board for input. C. Davies, A. Sypek and A. Chiampa asked for more information. J. Butler asked if the Town Attorney agreed that this would be considered a flex block. Town Planner Mailloux replied that is correct on the flex block, but not the flex building and flex lot. J. Butler said that he would defer at this point to allow staff more time. J. Penta asked a procedural question regarding a conceptual discussion. Town Planner Mailloux replied that he is correct, the applicant would come back to the Board regardless of the discussion this evening. J. Penta and D. Paul stated they would also like to defer at this time. G. Verani asked if the users the applicant mentioned that would be coming to this building would be shutting down their current facility. C. Nickerson spoke candidly that the users are up against a time constraint and need to keep things moving as quickly as reasonable. G. Verani voiced his concern about users/businesses coming from the community instead of outside the community, which will leave vacant lots in town. J. Kevan remarked that the users are going to move to a new facility whether at this location or elsewhere because they have outgrown their current facility. C. Nickerson replied that was correct, noting that they would love to come to Woodmont as they believe this is the place to be, but there is land ready and open in Derry. G. Verani said he would defer as well. R. Fillio stated that he would like more information. L. Wiles commented that he has no problem moving forward with option D and the Board should not get into the marketing of Woodmont, but rather let the market dictate that. Chairman Rugg affirmed that it appears the Board needs more information about the flex building, and the applicant should meet with staff to discuss this. He stated that the applicant should meet with the Heritage Commission on May 27, 2021, and then another conceptual discussion with the Board in June. Brett Allard, Esq. at Bernstein, Shur, Sawyer & Nelson, P.A., 670 North Commercial Street, Suite 1120, Manchester, NH spoke to the Board noting that he wrote the memo regarding the narrative of a flex block and could discuss this further with the Board. Chairman Rugg stated that he does not think that would be helpful at the present time. J. Butler asked if Town Planner Mailloux has had enough time to go through this and analyze it in regards to a flex block. Town Planner Mailloux reiterated that she and Attorney Ramsdell agree that this meets the definition of a flex block. She went on to note that they believe the architectural standards have been met, but they need additional documentation to review the architectural guidelines. A. Chiampa asked what section of the PUD Master Plan deals with a flex block. Town Planner Mailloux replied that the flex block is in Section 2.3.2 or page 118 on the PUD Master Plan. She said that the building type is a separate section, under Section 2.4.2. or page 202 and 203 of the PUD Master Plan. She explained that the flex building is split into standards and guidelines, of which the standards are mandatory and appear to have been met,

but the guidelines need to be reviewed. Chairman Rugg offered his opinion, that the critical part is how this all fits together, as it comes from two different sections. J. Butler asked if the Board could hold a special meeting before the next scheduled one, so the applicant would not have to wait as long. Town Planner Mailloux replied that the Board can hold a special meeting, noting it would still be a conceptual discussion. Chairman Rugg said that he would like to have a full Board for this type of discussion, noting that the Heritage Commission did not feel comfortable making a decision at their special meeting. J. Butler asked if Chairman Rugg said that the Heritage Commission did not feel comfortable making a decision. Chairman Rugg replied that was correct as they wanted more input from staff and Attorney Ramsdell. C. Nickerson commented that it feels like they are getting bounced back and forth between two boards with the same refrain of not enough information. Chairman Rugg said that it should tell him something if both Boards feel like they need more information. C. Nickerson remarked that he understand that, but the information the Heritage Commission requested has been provided to the Planning Board this evening, of which the Planning Board stated they need more information. Chairman Rugg stated that it was changed to a flex area, which is new and the Board needs to digest this information and then discuss this. C. Nickerson respectfully disagreed with Chairman Rugg's characterization, as they are presenting the same plan that the Board recommended at the last conceptual discussion, pointing out that at the time they did not define what type of block they were working with. He added that when they presented to the Heritage Commission, they requested the block be defined, which they did and staff and Attorney Ramsdell have reviewed. He expressed his frustration that they feel like they are being given a run around or ignored, and would like some type of constructive feedback on the building and architecture, because they want to be here. He added that in most communities, they are embraced, and apologized if they offended the Board in some way. Chairman Rugg stated that staff and Attorney Ramsdell have determined this is a flex block, but not the architectural standards and guidelines, which is the next step. R. Fillio stated that he would be available for a special meeting if needed. Chairman Rugg said he thought the Board needs more information from staff before setting up a special meeting. The Board was amenable for a special meeting and would work on getting a date. Town Planner said that May 19, 2021, and May 26, 2021, would work.

## **V. Other**

A. Sypek asked if any other Board members received an email today regarding a survey from an applicant that presented a conceptual discussion about auto sales. Town Planner Mailloux asked for A. Sypek to forward the email to her, so she could look into it, as she is not aware of anything like this.

Chairman Rugg discussed the possibility of resuming in-person meetings in July of 2021. J. Butler asked if they could meet in the gymnasium. Town Planner Mailloux reviewed the logistical issues with meetings in the gymnasium.

## **VI. Adjournment**

**Member C. Davies made a motion to adjourn the meeting at approximately 8:59 p.m. Seconded by J. Butler .**

**The motion was granted by a unanimous roll call vote, 8-0-0.**

**The meeting adjourned at approximately 8:59 PM.**

These minutes were prepared by Beth Morrison.

Respectfully Submitted,

  
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Name: AL Sypek  
Title: Secretary

These minutes were accepted and approved on June 2, 2021, by a motion made by C. Davies and seconded by J. Penta.

## STAFF RECOMMENDATION

**To:** Planning Board  
**From:** Colleen P. Mailloux, AICP, Town Planner  
John R. Trottier, PE, Director of PW&E

**Date:** May 12, 2021

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**Application:** Application for formal review of a site plan for an elderly housing development with 44 townhouse units and associated site improvements, 8 Gilcreast Road, Map 7 Lot 105, Zoned AR-1, 81.5 Kendall Pond Road, Derry Tax Map 0217-6, and 83.5 Kendall Pond Road, Derry Tax Map 0217-7, N.H. Sustainable Communities, LLC (Applicant) and Property Possible, Inc. (Owner)

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

**Board Action Required: Make a motion to accept the application as complete per Staff Recommendation memorandum dated May 12, 2021.**

- Waivers: The applicant is requesting one waiver of the Site Plan Regulations and one waiver from the Londonderry Zoning Ordinance as follows:
  1. The Applicant has requested a waiver from Section 3.08.b.8 of the Site Plan Regulations to not provide 365' of sight distance for the internal intersection of Castlerock Drive and Sheffield Way. Staff **supports** granting the waiver as the design speed of 25 mph requires a sight distance of 125 feet, and the Applicant has demonstrated that intersection sight distance of 225' is provided, which exceeds the AASHTO design guideline.
  2. The Applicant has requested a waiver from Section 5.6.4.G.1 of the Londonderry Zoning Ordinance to not provide paved sidewalks within the development. Staff **supports** granting the waiver as the reduced speeds throughout the development are conducive to pedestrian access without dedicated sidewalks, because there are no sidewalks along Gilcreast Road that would be connected to this development, and because the Applicant has provided an alternative to the sidewalk- a walking trail through the site.

**Board Action Required: Motion to approve the Applicant's request for the above waivers as outlined in the Staff recommendation memorandum dated May 12, 2021.**

- 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 Sheffield Estates site plan for an elderly housing development with 45 townhouse units and associated site improvements, 8 Gilcreast Road, Map 7 Lot 105, Zoned AR-1, 81.5 Kendall Pond Road, Derry Tax Map 0217-6, and 83.5 Kendall Pond Road, Derry Tax Map 0217-7, N.H.**

**Sustainable Communities, LLC (Applicant) and Property Possible, Inc. (Owner) in accordance with plans prepared by Fieldstone Land Consultants, PLLC, dated September 18, 2020, last revised April 16, 2021 with the precedent conditions to be fulfilled within 120 days of the approval and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum, dated May 12, 2021.**

“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/HTA review memo dated May 12, 2021.
2. Checks for recording fees and LCHIP shall be submitted to the Town, payable to Rockingham County Registry of Deeds.
3. All required permits and approvals shall be obtained and noted on the plan, including NHDES Alteration of Terrain Permit, NHDES Subdivision Approval, and any others that may be required.
4. The Applicant shall note all waivers granted on the plan.
5. The Applicant shall provide the roadway widening/drainage easement for review and approval by the Town. Upon approval an executed easement document shall be submitted for recording.
6. All condominium documents associated shall be approved and submitted for recording with the condominium plan.
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. Third-party review fees shall be paid within 30 days of conditional site plan approval.
9. Financial guarantees be provided to the satisfaction of the Department of Public Works

and Engineering.

10. Final engineering review.

**PLEASE NOTE** - Once these precedent conditions are met and the plans are certified, the approval is considered final. If these conditions are not met within 120 days to the day of the meeting at which the Planning Board grants conditional 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 site-restoration financial guaranty with the Town. Contact the Department of Public Works to arrange the pre-construction meeting.
2. Plans must be signed and condominium site plans recorded prior to requesting a pre-construction meeting with the Town.
3. 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.
4. 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.
5. Fire department access roads shall be provided at the start of the project and maintained throughout construction. Fire department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.
6. 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.
7. All site improvements and off-site improvements must be completed in accordance with the approved plan prior to the issuance of a certificate of occupancy. In accordance with

Section 6.01.d of the Site Plan Regulations, in circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstance), the Building Division may issue a certificate of occupancy prior to the completion of landscaping improvements, if agreed upon by the Planning Division & Public Works Department, when a financial guaranty (see forms available from the Public Works Department) and agreement to complete improvements are placed with the Town. The landscaping shall be completed within 6 months from the issuance of the certificate of occupancy, or the Town shall utilize the financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. *No other improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving a certificate of occupancy.*

8. As built site plans must to be submitted to the Public Works Department prior to the release of the applicant's financial guaranty.

## MEMORANDUM

To: Planning Board

Date: May 12, 2021

From: Planning and Economic Development  
Department of Public Works & Engineering  
Hoyle, Tanner & Associates, Inc.

Re: Sheffield Estates Condominium  
Proposed Elderly Housing  
Development  
Tax Map 7, Lot 105 (Londonderry)  
Tax Map 2, Lot 17-6 (Derry)

Owner: N.H. Sustainable Communities  
Applicant: N.H. Sustainable Communities

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Fieldstone Land Consultants, PLLC submitted plans and supporting information for the above-referenced project. DRC and the Town's engineering consultant, Hoyle, Tanner and Associates, 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:

### Checklist Items:

1. There are no checklist items.

### Design Review Items:

1. The Applicant has proposed an intersection that does not provide the 365 foot sight distance requirement for 3 or more unit drives, and has submitted a written waiver request from Londonderry Site Plan Regulations (LSPR) 3.08.b.8.'s requirement for consideration.
2. The Applicant has not provided sidewalks within the site as required by Londonderry Zoning Ordinance (LZO) 5.6.4.G.1 and LSPR 3.08.c. Applicant has provided a written waiver request from this requirement.
3. This project includes work within the Town of Derry. The Applicant provided evidence that Derry will assume that Londonderry will be responsible for all elements of inspection.
4. The Applicant has provided a notation for an easement to the Town that includes property 25' from the centerline of Gilcreast Road to allow for future road widening. The Applicant should provide easement documents related to the future road widening easement per LSPR 4.18.d.
5. The Applicant should provide copies of secured permits in accordance with LSPR 4.18.e. and provide the permit approval numbers on the plan set.
6. All road names and street addressing should be confirmed with the Road Name Committee and the condominium site plan sheet should be updated accordingly. Proposed parcel IDs for the condominium units should be confirmed with Assessing and the condominium site plan sheet should be updated accordingly.
7. We recommend that the Applicant address the following items related to the **Master Site Plan (2 of 22)**:
  - a. As required by LSPR 4.04.K., the Applicant has shown a location for a bike rack near the Gazebo, however, a detail for the rack should be provided.

- b. LSPR 4.04.R. requires waste container pad locations and screening to be shown on the plan. The Applicant has depicted a location for a dumpster, however; the proposed area is not fully dimensioned, and dumpster pad and enclosure details do not appear to coincide with the depicted area. Additionally, due to the proposed location on the cul-de-sac, the Applicant should show how the truck will access the dumpster.
8. We recommend that the Applicant address the following items related to the **Grading & Drainage Plan Sheet (10 of 22)**:
  - a. The Applicant removed the proposed swale text from the plan set and the proposed swale model from HydroCAD, however the water still flows in a graded low point between buildings 7 and 8 from the eastern end to the western end of the buildings. The slope of the "swale" is minimal, and it receives roof top runoff. The Applicant should confirm the flows in the swale will not produce standing water and that the slope of the "swale" is enough to keep the flow moving (minimum of 1% slope).
  - b. The Applicant is proposing to discharge flow from a new pipe into the Town's right-of-way (FES 2, next to Castlerock Drive). The Applicant should revise the discharge location such that the associated riprap remains on the subject parcel.
  - c. The project abuts town-owned drainage features. The Applicant should confirm that the proposed easement to the Town is 20 feet around the drainage structures and 10 feet off the pipe as typically requested by the Town.
9. We recommend that the Applicant address the following items related to the **Site Utility Plan Sheet (11 of 22)**:
  - a. We recommend that the Applicant discuss with Staff the proposed water main within Gilcreast and South Roads to confirm that the design is acceptable to the Town.
10. We recommend that the Applicant address the following items related to the **Construction Details Sheet (18 of 22)**:
  - a. The Applicant should update the note added to correct the name of the required reference to the Town of Londonderry Typical Details for Site and Roadway Infrastructure.
11. We recommend that the Applicant address the following items related to the **Stormwater Management Report**:
  - a. Although the executive summary in the drainage report notes that the calculations were performed to account for frozen ground conditions, the Applicant has modeled two existing ponds with an "exfiltration" aspect. Since the Town does not allow infiltration to be considered as part of stormwater management calculations, the calculations should be revised to exclude the exfiltration aspect. The HydroCAD nodes E2P and 201P still show exfiltration. The Applicant should remove the exfiltration from the HydroCAD model.
  - b. The Applicant should correct the discrepancy related to Subcatch 301 and 302 between the HydroCAD routing diagram and the post-development plans.

12. The Applicant should verify that all design review comments for the project are adequately addressed as applicable:
  - a. Please verify the comments of the Planning Department have been adequately addressed with the Planning Department.
  - b. Please verify the comments of the Fire Department have been adequately addressed with the Fire Department.
  - c. Please verify the comments of the Conservation Commission have been adequately addressed with the Conservation Commission.
  - d. Please verify the comments of the Heritage Commission have been adequately addressed with the Heritage Commission.

**Board Action Items:**

1. The Applicant submitted written waiver requests to one (1) of the Site Plan Regulations (LSPR) 3.08.b.8. and one waiver from the Zoning Ordinance Section 5.6.4.g.1 requirements as noted in the submittal dated April 2021. The Board will need to consider each waiver request as part of the project review.