

**LONDONDERRY ZONING BOARD OF ADJUSTMENT  
268B MAMMOTH ROAD  
LONDONDERRY, NH 03053**

**MINUTES FROM 09/18/19 MEETING**

The meeting was called to order at 7:00 p.m. Members introduced themselves. The following members were present: Neil Dunn, Chair; Jacqueline Benard, Vice Chair; Jim Tirabassi, Clerk; Suzanne Brunelle, member; Bill Berardino, member; Brendan O'Brien, alternate member and Mitch Feig, alternate member. Also, in attendance were Laura Gandia, Associate Planner; Richard Canuel, Chief Building Inspector, Health Officer, Zoning Administrator & Code Enforcement Officer and Beth Morrison, Recording Secretary. Chairman Dunn reviewed the hearing procedures.

**I. APPROVAL OF MINUTES**

**J. Tirabassi made a motion to accept the August 21, 2019, minutes as presented.**

**The motion was seconded by S. Brunelle.**

**The motion was granted, 4-0-1.**

**II. REPORT BY TOWN COUNCIL – N/A**

**III. REGIONAL IMPACT DETERMINATIONS:** Members J. Benard and B. O'Brien recused themselves from this case. Chairman Dunn made M. Feig a voting member.

**J. Tirabassi made a motion that the Board find that CASE NO. 8/21/19-3, a request for a variance from LZO section 4.2.1.3.4.D to allow a water tank 156 feet in height, where only 35 feet in height is allowed, Seven Rear Gordon Drive, Map 10, Lot 142, Zoned AR-1, Pennichuck East Utility, Inc. (Owner & Applicant) is not of regional impact.**

**The motion was seconded by S. Brunelle.**

**The motion was granted, 5-0-0.**

Member J. Benard and B. O'Brien came back to the Board for this case. Member S. Brunelle recused herself from this case. Chairman Dunn made M. Feig a voting member for this case.

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40 **J. Tirabassi made a motion that the Board find that CASE NO. 7/17/19-5, a request for**  
41 **a variance from LZO 7.6.D.5.d to allow a free standing sign to be placed 0 feet from the**  
42 **property line where 10 feet is required, 6A Kitty Hawk Landing, Map 17 Lot 5-6, Zoned**  
43 **IND-I, Falling Water, LLC (Owner) and Jutras Signs (Applicant) is not of regional impact.**  
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45 **The motion was seconded by M. Feig.**  
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47 **The motion was granted, 5-0-0.**  
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49 Member J. Benard and B. O'Brien came back to the Board for this case.  
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51 **J. Tirabassi made a motion that that the Board find that CASE NO. 9/18/19-1, a request**  
52 **for a variance from LZO 4.6.1.6.A.1 to allow in the conservation overlay district the**  
53 **construction of an addition (45 SF impact) on a dwelling that did not exist prior to the**  
54 **adoption of section 4.6.1 Conservation Overlay District that is otherwise prohibited,**  
55 **Eight Tanager Way, Map 5 Lot 10-34, Zoned AR-1, Ouellette Family Trust (Owner) and**  
56 **Jeff Moulton (Applicant)**  
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58 **The motion was seconded by S. Brunelle.**  
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60 **The motion was granted, 5-0-0.**  
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#### 62 IV. PUBLIC HEARING OF CASES 63

64 **A. CASE NO. 8/21/19-3: Request for a variance from LZO section 4.2.1.3.4.D to allow a water**  
65 **tank 156 feet in height, where only 35 feet in height is allowed, Seven Rear Gordon Drive, Map**  
66 **10, Lot 142, Zoned AR-1, Pennichuck East Utility, Inc. (Owner & Applicant) – continued from**  
67 **the August 21, 2019 meeting**  
68

69 J. Tirabassi read the case into the record noting the case was continued from the August 21, 2019,  
70 meeting. Members J. Benard and B. O'Brien recused themselves from this case. Patricia Panciocco, Esq.,  
71 from Panciocco Law, One Club Acre Lane, Bedford, NH, addressed the Board. P. Panciocco told the Board  
72 that John Boisvert, Chief Engineer from Pennichuck East Utility, Inc., 25 Manchester Street, NH, as well  
73 as Ken Clinton, President of Meridian Land Services, Inc., 31 Old Nashua Road, #2, Amherst, NH and  
74 Devon Smith, P.E., Project Engineer, Underwood Engineers, are in the audience and will address the  
75 Board tonight. P. Panciocco pointed out for the record the typographical error in her zoning citation on

her application noting the correct zoning reference is 4.2.1.3.D. She added that said error was not material to the matter proceeding.

N. Dunn told the applicant that he was requesting that all participants try to be cognizant of the time and condense the material presented in relation to the five points of law. P. Panciocco said she would do her best to stick to the five points of law, but felt that with the number of people from the community here tonight, they would also need to explain why a water tank is needed. She said that they are here tonight to request a variance to have a water tank that is 156 feet high at Seven Rear Gordon Drive on an eight acre parcel. She noted that Pennichuck East Utility (PEU) acquired the property in 1986 and the deed restricts the use of this property proposed by a covenant to provide public water for surrounding lots in the development and as regulated by the Public Utilities Commission (PUC). She explained that in Section 4.2.1.3.D the height of a structure is limited to 35 feet on this parcel with exception of agricultural structures, such as a barn. She commented that PEU must comply with all New Hampshire Department of Environmental Services (NHDES) rules as well as PUC's rules to serve the public.

John Boisvert, Chief engineer for (PEU) addressed the Board. J. Boisvert informed the Board that PEU has been observing the numbers for Londonderry getting close to the regional limits of what their pumps, source and supply can deliver into the Londonderry system. He told the Board that PEU has to deliver both domestic needs, as well as fire protection, and with the growth in Londonderry, the domestic demand runs into the capacity for fire protection. He pointed out that this project is not here because of the Woodmont Commons development stating that PEU would be before the Board even if Woodmont was not being developed. He said that there is a relationship between Woodmont and PEU as Woodmont is going to contribute to the cost of the water tank.

Ken Clinton, President of Meridian Land Services, Inc., addressed the Board. K. Clinton reviewed the existing features of the property with the Board, noting that access to the property is through and "unnamed way" of Gordon Drive that was created in the 1970s with the subdivision. He said that the property was surveyed and flagged for wetlands and the tank is proposed in the middle third of the lot as far as possible from any neighboring properties. He noted that there will not be an office or facilities on the lot, only a water tank that will be inspected and maintained on a periodic basis. He pointed out that to the right of the "unnamed way" is near the Martin residence, which is the closest house to the tank with a natural tree buffer of 160 feet.

John Boisvert addressed the Board again. He referenced a power point presentation that was submitted to the Town this afternoon. He reviewed the Town's water system where it comes in from Manchester Water Works (MWW) down to Mountain Home Estates booster station, which sets the pressure throughout most of Londonderry. He noted that this serves about 1,100 customers. He said that the pumps are not going to be able to keep up with the demands of normal growth plus Woodmont

Commons. He said that PEU could put larger pumps in, but cannot draw the amount of water from MWW, and therefore water needs to be stored somewhere in this system for use during the peak hours. He commented that one of the benefits of having an elevated water tank would be resiliency, stating that if a water main breaks there is now water that is being stored in the system that they can rely upon. He said that the tank has the lowest life cycle cost and Woodmont Commons has offered to pay 51% of the cost of the tank. He explained that they looked at 14 other sites where the tank would be at a reasonable height from an engineering perspective. He pointed out that all but two of the fourteen sites are in residential neighborhoods. He told the Board that if the tank was constructed at another site on Route 102 it would have to be approximately 250 feet high to maintain flows and pressure of the system. He said that if the tank was constructed at other sites, PEU would have to construct somewhere between 8,000 and 10,000 feet of water main to provide services as opposed to a tank. He presented pictures for the Board of other water tanks for them to review.

Patricia Panciocco addressed the Board again. P. Panciocco reiterated that Woodmont Commons is not the reason they are here before the Board tonight. She said that the normal growth of the town is a factor for the need of the water tank. She stated that this site has been picked as the best option for a water tank. She then reviewed the five criteria for the granting of the variance:

- (1) The granting of the variance is not contrary to the public interest: because it will not threaten the health, safety or welfare of the general public. She also noted that in her opinion, she does not believe that the 35 foot height limit in the ordinance was ever intended for a water tower, but for residential homes. She said the tank will not produce noise, have no traffic, be screened and serviced once a week.
- (2) The spirit of the ordinance is observed: because it will not alter the essential character of the neighborhood as it will make no noise, produce no traffic and will be screened as best as possible.
- (3) Substantial justice is done: because the loss to PEU is a loss suffered by the public because the only other option to expand the capacity of the Londonderry Core Water System is a much more costly upgrade of the pumps at the North Station and the water mains along Mammoth Road. She added that strict enforcement provides no public benefit, especially when the public can only gain by the water tank's installation.
- (4) Values of surrounding properties are not diminished: because the water tank will be set as far back as possible from Gordon Drive on the southerly side and most likely will not be seen from Gordon Drive.
- (5) There is no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because the property is unique as it has no legal frontage and was intended to accommodate water equipment for the benefit of Gordon Drive residents. She stated that the proposed use is a reasonable one.



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152 Chairman Dunn asked if the Board had any questions.  
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154 S. Brunelle asked about the easement deed language regarding the water pump station. J. Boisvert  
155 responded that the water pump station is not there anymore as it was abandoned a few years back. S.  
156 Brunelle discussed that the easement granting or allowing the property to be used for water versus it  
157 being restricted to just water use. P. Panciocco explained that the warranty deed (Exhibit 1) for the  
158 property noted at Book 2581 Page 189 at the Registry of Deeds states: "this conveyance is made subject  
159 to the duty of the grantee and his heir's successors and assigned to provide adequate water to all the  
160 lots currently connected to the well situated on said lot. This conveyance is made subject to the further  
161 condition that the water shall be provided and the water, the well and any equipment and fixtures that  
162 are pertinent to the well, shall be maintained in accordance with the standards and regulations  
163 promulgated by the New Hampshire Public Utility Commission and other public agencies that have  
164 jurisdiction over the supply of public water." J. Boisvert told the Board that the wells that were on this  
165 site were in poor quality and their predecessor ran pipe line up Hovey Road to the east and connected it  
166 to the Londonderry Core System as their replacement source of water. He noted that due to the growth  
167 of Londonderry this system is in diminished capacity to meet the needs of the public and the water tank  
168 would service the needs of Londonderry. P. Panciocco provided the Board with a plan number, B-10440,  
169 (Exhibit 1-A) recorded in the Registry of Deeds, which labels this lot as a water supply lot. S. Brunelle  
170 asked how the Fire Department would use this water for fires. J. Boisvert said that this water tank will  
171 be connected through pipe lines to the distribution system that is connected to the existing fire hydrant  
172 lines now. S. Brunelle stated that she has never seen a fire hydrant in Londonderry. Chairman Dunn noted  
173 that there are a few wherever residents have public water. J. Tirabassi asked what the decrease in the  
174 flow per minute would be if the tank was lowered by ten feet. J. Boisvert responded that it would  
175 decrease a couple pounds per square inch and two to three pounds up in the higher elevations. J.  
176 Tirabassi asked why there is a difference in pressure in the households in Londonderry. J. Boisvert  
177 explained that the pressure is relative to the houses elevation in relation to the pump. Chairman Dunn  
178 asked about noise, stating that he heard there are pumps at the location that will make noise. J. Boisvert  
179 stated that there are no pumps and the tank will not make noise. Chairman Dunn said that it seems like  
180 the Mountain Home station is going into failure and this would only add to the failure. J. Boisvert  
181 explained that by no means are the Mountain Home station is going into failure, but rather the pumps  
182 currently in the station are not large enough to supply the demands of Londonderry without storage on  
183 the upstream side. He added that even if PEU upsizes the pumps, there are limitations on what they can  
184 draw from Manchester. S. Brunelle told the applicant that she has two issues with this application, which  
185 are altering the essential character of the neighborhood and the possible impact to the values of the  
186 surrounding properties. She asked if the applicant had anything to present regarding the impact to the  
187 value of the surrounding properties. P. Panciocco responded that they do not, as their position is this  
188 tank is a public utility that is a basic need to the public at large. She added that this is a heavily wooded

lot and the tank is being placed as far away from the residences that currently exist. J. Tirabassi asked what PEU has at the station for pumps. J. Boisvert answered that there are three pumps at the Mountain Home station that can provide up to 2,400 gallons a minute, however, they look at the capacity of a system and one of the pumps has the potential to fail at some point in time, so it would be 1,500 gallons a minute. J. Tirabassi asked if the size of the pumps could be increased instead of building a water tank. J. Boisvert said that the pumps could be increased a small amount perhaps, but the issue is when drawing more water the pressures can drop below the minimum flows on the line coming down Mammoth Road, which in turn could cause a contamination issue or backflow. N. Dunn asked if they had backflow preventers. J. Boisvert said that state law requires PEU to have backflow preventers for commercial or industrial use, but not residential at this time. Chairman Dunn read from the deed noting it said "the conveyance is made subject to the duty of the grantee and its heirs, successors and assigned to provide adequate water to all lots currently connected," which would be Gordon Drive and wondered how that translates to the public at large. J. Boisvert responded that when PEU bought this, the system was already connected to the existing public water system supplying all the other residents in the town of Londonderry. S. Brunelle asked for the percentage of the population in Londonderry that uses Pennichuck. J. Boisvert stated that he did not have the exact numbers, but he believed it to be 1,800 to 2,000 customers at this point in time. He added that NHDES has them at a population of 3,300, but he was unsure of how they arrived at their figures.

Chairman Dunn opened it up to the public.

J. Tirabassi read a letter (Exhibit A) in opposition to the record. Chairman Dunn asked for clarification regarding notification of abutters. L. Gandia replied that notification of abutters is governed by state statute.

Matt Augeri, 34 Kitt Lane, addressed the Board in opposition to the variance. M. Augeri voiced his concern about the power point presentation the applicant presented to the Board that was received an hour ago. Chairman Dunn asked for clarification about public records. L. Gandia responded the power point is a public records and available to the public. She noted that many residents have called or come in to the office and have received all the information that she had available at the time of the request. M. Augeri said that he believes the variance violates the first and fourth point of law. He presented a drawing, which was extracted from a drawing submitted by Pennichuck, noting that the water tank would be four to five times the allowable height of the current zoning ordinance. He said that he believes the tank will an eyesore to the horizon, as well as covered by graffiti and is not in the best interest of the public. He commented that he thinks there must be better alternatives to what has been presented tonight. He said that it is his opinion that this will lower his property value and surrounding property values. He presented the Board with a petition (Exhibit B) of residents against the variance.

Don Ally, 41 Wiley Hill Road, addressed the Board in opposition of the variance. D. Ally said in his opinion as he is a realtor with over 25 years of experience, this will negatively affect the property values of the surrounding homes. He said that he has been a resident of Londonderry for 32 years now and does not believe a water tank in a residential area is the best choice. He offered a suggestion of building the water tank in a parking lot at Market Basket and then the people who by homes/apartments that are built around the tower will be fully aware of what they are buying. He added that the spirit of the ordinance would be violated, as there is a 35 feet height limit so there would not be a structure greater than that built in this residential area.

Greta Swisher, 15 Bear Meadow Road, addressed the Board in opposition of the variance. G. Swisher told the Board that she is also a realtor and she concurs with D. Ally that the values of the surrounding properties will be negatively affected by the water tank.

Karen Martin, 28 Gordon Drive, addressed the Board in opposition to the variance. K. Martin informed the Board that she is a direct abutter, whom was mentioned by K. Clinton, and there are no dense trees that will block her view of the tank. She voiced her concern regarding the second point of law regarding how safe the area has been described as she believes the land in questions is unstable as the vernal pools in the spring are located in different areas. She said that after living in this house for thirty years, she is experiencing water in her basement now and had to have a sump pump installed. She stated that Woodmont is a development of over 600 acres and as this tank will benefit them, it should be placed on their land.

Chairman Dunn brought the discussion back to the applicant to answer questions. He asked about noise. J. Boisvert told the Board that the water tank will make no noise as there is no pump station there. Chairman Dunn asked if there was a water tank that residents could listen to and make sure there is no noise. J. Boisvert responded that there is one at Salisbury, Exeter and Portsmouth that they could listen to. Chairman Dunn asked about wetlands and vernal pools moving over time. J. Boisvert said that they had a geotechnical consultant who confirmed that the foundation conditions are okay for this type of water tank.

John Ferreira, 58 Hovey Road, addressed the Board in opposition to the variance. J. Ferreira informed the Board that the cable company years ago had asked for a variance in this location to exceed the 35 feet height restriction for a tower and additional satellite dishes. He told the Board that the variance was denied and the same criteria would apply. He expressed his concern that the water tank would alter the essential character of the neighborhood, as the conveyance in the deed was for the residents of Gordon Drive neighborhood only. He added that he believed this would be contrary to the public interest. He asked if they had asked Woodmont to build a water tank on their property. He also asked what the rate increase would be for all the users of the PEU system if the cost was not abated by Woodmont and the

tower was built elsewhere. Chairman Dunn told him that these questions would be for the Planning Board and are out of the purview of this Board.

Rachel Lessard, 38 Kitt Lane, addressed the Board in opposition to the variance. R. Lessard said that she has lived here for 32 years and was always under the impression that this piece of land in question was a water well system for the Gordon Drive residents. She expressed her concern that the water tank will decrease her property value.

Linda Boles, 57 Hovey Road, addressed the Board in opposition to the variance. L. Boles submitted aerial pictures (Exhibit C) to the Board of the parcel in questions that show there are not dense woods that would block the water tower from the neighborhood. She pointed out that when PEU went before the Planning Board for the conceptual discussion, Chairman Rugg told PEU to reach out to the concerned neighbors to hear the concerns or issues. She said that PEU did not reach out and this was disappointing to her as they have a lot of language in their variance request noting that they are going to be good neighbors. She said that she echoes the concerns of her neighbors that her property value will be decreased.

Leanne Augeri, 34 Kitt Lane, addressed the Board in opposition to the variance. L. Augeri commented that she believes the variance will be contrary to the public interest because of the noise of construction, potential blasting, excavation, vehicles and traffic noise. She expressed her concern regarding the potential impact to the wetlands and vernal pools in relation to the wildlife. She added that wetlands act as water filtration systems according to the Environmental Protection Agency (EPA) and could affect water quality to the neighborhood. She told the Board that this water tank should be built in a dry, commercial area, not a residential one.

Julianne Mauceri, One Dragonfly Way, addressed the Board in opposition to the variance. J. Mauceri commented that she is concerned about the size of the base of the water tank and what might be allowed to be built on top of the water tank. She specifically asked if there would be blasting for this project and if it would impact the surrounding wells. She added that she believes the value of her home would be diminished.

Richard Dillon, 23 Gordon Drive, addressed the Board in opposition to the variance. R. Dillon stated that variances should be granted when there are no other options. He told the Board that other towns have addressed these same concerns utilizing other design options, citing Manchester's two tanks that hold three million gallons of water that are well below the tree lines. He submitted a picture (Exhibit D) of Manchester's two tanks. He reviewed the PEU's two proposals to address this problem, noting the first option is to upgrade the existing pump and capacity along with pipeline upgrades and the second was the water tank that would provide 100% fire flow to Woodmont and to buffer peak demand fluctuations.

He read John Boisvert's testimony when he was before the PUC for approval of the 51% contribution from Woodmont Commons stating, "because a larger storage tank is necessary to serve Woodmont Commons. It is of considerable expense, it does not benefit the entire water system and is not a main extension project" and submitted it (Exhibit E) for the Board. He noted that during the master planning for Woodmont, the Woodmont developers stated there was an adequate water supply in order for the plan approval to take place, and questioned the validity of the master plan data. He reviewed slide 11 of the applicant's power point presentation with the Board noting there is an option for a water tank on Woodmont, as well as other sites in town. He stated that in his opinion, the values of the surrounding property values would be diminished.

Chairman Dunn asked the applicant to address the questions that were presented during public comments. J. Boisvert told the Board that when PEU has a project that does not fall within the PUC's tariff requirements they have to get a special contract and go before the PUC. He stated that if Woodmont Commons were not a part of this, the tank would be smaller and less storage would be needed, but the height would not change. He pointed out that the height of the two tanks in Manchester would not supply the appropriate pressure for Londonderry. He explained that during testing they did not encounter any ledge until 18 feet and the foundation for the tank would be at eight feet, so they do not anticipate any blasting for this project. He added that it is also common to build facilities where there is groundwater in respect to the questions regarding the wetlands. P. Panciocco asked if the Board would be willing to continue the case in order for the applicant to address the concerns of the abutters and specifically look further into the impact to the values of the homes by professional studies.

Matt Augeri, 34 Kitt Lane, addressed the Board again in opposition. M. Augeri told the Board that it is unacceptable to him for the case to be continued as the applicant had time to prepare and submit a realtor appraisal.

Marc Bourque, 26 Gordon Drive, addressed the Board in opposition to the variance. M. Bourque expressed his concern that the property values are going to be diminished and the trees will not conceal the water tank.

Robert Saur, Four Mountain Home Road, addressed the Board in opposition to the variance. R. Saur told the Board that he believed a statement made by the applicant in their application regarding water tanks in Londonderry to be incorrect, as there currently are tanks in north Londonderry. He said that PEU is servicing about 20% of the town with his research, so this project is not for the whole town, but just those residents they service. He added that there are other alternatives that have not been presented and did not believe there was any hardship to the applicant.

Walter Stocks, 39 Gordon Drive, addressed the Board in opposition to the variance. W. Stocks presented the Board (Exhibit F) two plans from 1974 that designate the parcel in question for recreational and water supply. He asked if the applicant had submitted a plan to the Fire Department for their comments. He presented the Board with a picture of a tank (Exhibit G) that he took today for their review. Chairman Dunn told him that the Fire Department would have comments during a site plan with the Planning Board.

Ray Breslin, Three Gary Drive, addressed the Board in opposition to the variance. R. Breslin said that there are other options that have not been explored and should be. He asked who would pay the 49% of the tank if Woodmont is paying 51%. He asked if the Board had seen the water quality study that had been completed. Chairman Dunn asked L. Gandia about the study. L. Gandia said the study was completed, but she did not have any information regarding it.

John Romanowski, Five Spring Road, addressed the Board in opposition to the variance. J. Romanowski pointed out that the estimated cost of replacing the lines and pumps is \$3,100,000 and the tank costs \$2,835,000 for a difference of roughly \$275,000. He went on further to say that the \$275,000 over 30 years comes out to about \$9,100 a year spread out between 3,000 PEU customers equals \$3.00 per year for a customer to not build a tank. He expressed concern that the tank will have a limited capacity and is a band-aid rather than solving the problem of Londonderry needing more water. He said that he felt the water tank would be contrary to the public interest as it would not solve the problem and the property values would be diminished. He presented the Board with a picture (Exhibit H) of a water tank for their review.

Chairman Dunn called for a five minute break. J. Benard left the meeting at 10:20 p.m.

Chairman Dunn called the meeting back to order after the five minute break.

Helen Provencher, Nine Gordon Drive, addressed the Board in opposition to the variance. H. Provencher stated that this tank would absolutely affect her property value as she used to be a realtor for over 25 years. She presented the neighborhood covenants (Exhibit I) to the Board for their review. She asked if there was a pump station in the south part of town to service Home Depot.

J. Boisvert said that the Mountain Home station has a maximum capacity of 2,400 gallons a minute and south Londonderry has a 1,300 gallon a minute capacity. He stated that if a pump were out of service and they lost the south Londonderry pump, they could only supply 658 gallons a minute to south Londonderry. He noted that the south Londonderry pump does not get water up to Gordon Drive. He told the Board that the 49% left to pay for the tank would come from an agreement with MWW that if a tank is built in Londonderry the water rate will decrease by about \$.25 per cubic foot.

378  
379 David Nease, 11 Faye Lane, addressed the Board in opposition of the variance. D. Nease asked if they  
380 were going to put any red beacons on top of this tank for air traffic. He also said that it is common after  
381 a tank is built to lease space to cell phone towers at this site as well and asked if there were any plans to  
382 do this. He asked if Woodmont would still pay 51% if the tank was placed on their land.  
383  
384 Gary Maffei, 30 Wedgewood Drive, addressed the Board in opposition to the variance. G. Maffei told the  
385 Board that he would not have built his house here, 30 years ago, if a water tank was there.  
386  
387 Jim Kenney, 34 Gordon Drive addressed the Board in opposition of the variance. J. Kenney told the Board  
388 that there are roughly 200 homes in the neighborhood and if each of those homes lost 10% of their  
389 property value that would equal seven million dollars in reduction.  
390  
391 Bill Kenney, 42 Gordon Drive, addressed the Board in opposition. B. Kenney told the Board that he  
392 believes this tank will decrease the property values of the neighborhood.  
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394 Jack Martin, 28 Gordon Drive, addressed the Board in opposition. J. Martin told the Board that he is  
395 worried about crime with the tank. He said that he had dirt mounds put over the opening to Spring Road  
396 before and does not want it to be reopened.  
397  
398 Karen Martin, 28 Gordon Drive, addressed the Board again in opposition. K. Martin read the Board an  
399 email (Exhibit J) that she received from her neighbor who could not be at the meeting.  
400  
401 John Ferreria, 58 Hovey Road, addressed the Board again in opposition. J. Ferreria told the Board that  
402 they have faith in PEU to go back before the PUC and work out an alternative rather than this water tank.  
403  
404 Chairman Dunn asked if the Board had any questions, as there was no further public comment. He asked  
405 if any light beacons would be needed for this tank. J. Boisvert said that no beacons are needed. Chairman  
406 Dunn asked if they would be leasing out the space to cell phone towers. J. Boisvert responded that they  
407 would not. He noted that they have contacted the Fire Department to let them know that they would  
408 allow a spot on the tank for their communication. Chairman Dunn asked if Woodmont would still cover  
409 the cost if the tank was placed in their property. J. Boisvert said that he could not answer that question.  
410 Chairman Dunn asked J. Boisvert if he ever asked to place the tank on Woodmont property. J. Boisvert  
411 responded that it did not come up in their discussion, but Woodmont is aware of other sites on property  
412 that they own suitable for a water tank. Chairman Dunn asked about security concerns. J. Boisvert said  
413 there would be gates and video surveillance. B. Berardino asked how frequently a tank is inspected. J.  
414 Boisvert said it would be checked once a week. B. Berardino asked if the tank is cleaned. J. Boisvert said  
415 the inside of the tank is inspected once every five years. B. Berardino asked if any bacteria could form. J.

Boisvert said the water is disinfected when they receive it from MWW. B. Berardino asked if there was a way to get up to the top of the tank. J. Boisvert said through the doors on the pedestal with a ladder system on the inside. B. Berardino asked about a fence around it. J. Boisvert said the fence would be eight feet high with barbwire. B. Berardino said that would pose a safety issue for the kids in the neighborhood. J. Tirabassi asked about a breakdown of the cost analysis regarding the alternative options. J. Boisvert suggested that they could provide the Board with a formal engineering study if the case were to be continued. Chairman Dunn said that he feels that PEU has presented the alternative options already and does not think a formal study is needed nor would it assist the Board. J. Tirabassi said in his opinion, he would like more definitive results or studies. He asked if the tank was feasible on Woodmont land. J. Boisvert responded that it technically was feasible.

Ray Breslin, Three Gary Drive, addressed the Board in opposition again. R. Breslin asked why the tank was not placed on Woodmont's property to begin with.

P. Panciocco asked the Board for a continuance for 60 days to be able to get an evaluation on the impact to the values of the homes.

Matt Augeri, 34 Kitt Lane, addressed the Board again in opposition to the variance. M. Augeri told the Board that he did not think the Board should continue the case based on their lack of planning and presenting.

P. Panciocco expressed concern over the testimony presented and the lack of testimony comparing property values with and without a water tank. Chairman Dunn said that he thought the applicant asked for a continuance because there was a lot of information to present. P. Panciocco answered they were continued because the agenda was full and they were at the end of the agenda and might not be reached. Chairman Dunn polled the Board for their input.

**B. Berardino made a motion to continue with CASE NO. 8/21/19-3 tonight.**

**The motion was seconded by M. Feig.**

**The motion was granted, 4-1-0.**

The Board closed public input and began its deliberation.

- (1) The variance would be contrary to the public interest: because it would alter the essential character of the neighborhood and is not consistent with the uses allowed in the AR-1 district.



(2) The spirit of the ordinance would not be observed: because the spirit is to protect residential neighborhoods and limit height.

(3) Substantial justice would not be done: because the loss to the public would outweigh any gain to the applicant.

(4) Values of the property would be diminished: because the Board received a significant amount of testimony from abutters and nearby residents as well as from two real estate agents that the values would be diminished.

(5) There is a fair and substantial relationship that exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: because there is no uniqueness to the property and there are other viable options for the tank to be placed. The proposed use is not a reasonable one.

**S. Brunelle made a motion in CASE NO. 8/21/19-3 to deny the request for a variance from LZO section 4.2.1.3.4.D to allow a water tank 156 feet in height, where only 35 feet in height is allowed, Seven Rear Gordon Drive, Map 10, Lot 142, Zoned AR-1, Pennichuck East Utility, Inc. (Owner & Applicant)**

**B. Berardino seconded the motion.**

**The motion was granted, 4-0-1. The applicant's request for a variance was denied.**

Chairman Dunn polled the Board to see if they wanted to continue or go to the overflow meeting. The consensus was to keep going with the cases. S. Brunelle left the meeting at this time, 11:15 p.m.

**B. CASE NO. 7/17/19-5: Request for a variance from LZO 7.6.D.5.d to allow a free standing sign to be placed 0 feet from the property line where 10 feet is required, 6A Kitty Hawk Landing, Map 17 Lot 5-6, Zoned IND-I, Falling Water, LLC (Owner) and Jutras Signs (Applicant) - continued from August 21, 2019 meeting**

J. Tirabassi read the case into the record noting that it was continued from the August 21, 2019, meeting and there are no previous zoning cases. B. O'Brien came back to the Board at this point. Cathy Champagne from Jutras Signs, Inc., 30 Harvey Road, Bedford, NH addressed the Board. C. Champagne told the Board that she has some pictures (Exhibit A) for them to help clarify where the signs would be located, as that is why the case was continued last month. She reviewed the pictures with the Board noting where the signs would be. Chairman Dunn asked her why they could not have the sign 10 feet from the property line for Item 2 Option C. L. Gandia commented that the variance is for one sign only and points to the appropriate sign in question. Chairman Dunn asked if the sign in question was Item 1

Option C in the pictures. C. Champagne responded that was correct. Chairman Dunn asked why this sign could not go 10 feet into the property line. C. Champagne answered that the land is very rocky, has a swale that dips down quite a bit and a customer would never see it. R. Canuel noted that he accompanied the applicant out to the site stating that she is correct in her statement that if the sign was placed at the 10 foot setback from the property line, the sign would be completely ineffective for the business. Chairman Dunn asked if the brush or rocks were cleared and a path was made for the sign to be 10 feet off the property line. R. Canuel said that would not help much at all due to the line of sight. Chairman Dunn said that the five points were read at the last meeting and asked if there were any changes. C. Champagne said they are the same.

She then reviewed the five criteria for the granting of the variance:

- (1) The granting of the variance is not contrary to the public interest: because the signs would not have an adverse effect on the health, safety or welfare of the general public.
- (2) The spirit of the ordinance is observed: because it will not encourage visual clutter and by placing the signs ten feet from the property line the public is not best served.
- (3) Substantial justice is done: because the loss to the applicant would outweigh any gain to the general public.
- (4) Values of surrounding properties are not diminished: because it would not alter the essential character of the neighborhood.
- (5) There is no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because the wooded area for sign #1 and the large expanse for sign #2 make it ineffective for the proposed sign. She stated that the proposed use is a reasonable one.

Chairman Dunn asked for public input and there was none.

The Board closed public input and began its deliberation.

- (1) The variance would not be contrary to the public interest: because it would not threaten the health, safety or welfare of the general public and would provide proper signage to the area.
- (2) The spirit of the ordinance would be observed: because it would threaten the health, safety or welfare of the general public or alter the essential character of the neighborhood.
- (3) Substantial justice would be done: because the loss to the applicant is greater than any gain to the public.
- (4) Values of the property would not be diminished: because it would not alter the essential character of the neighborhood.

(5) There is no fair and substantial relationship that exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: because the sign ordinance is to cut down on visual clutter and for people to know where they are going and placing the sign at the property line allows for this. The proposed use is a reasonable one.

**J. Tirabassi made a motion in CASE NO. 7/17/19-5 to grant the request for a variance from LZO 7.6.D.5.d to allow a free standing sign to be placed 0 feet from the property line where 10 feet is required, 6A Kitty Hawk Landing, Map 17 Lot 5-6, Zoned IND-I, Falling Water, LLC (Owner) and Jutras Signs (Applicant) with the following condition:**

**1. The sign will be noted as Item 1 Option C on Exhibit A**

**B. Berardino seconded the motion.**

**The motion was granted, 5-0-0. The applicant's request for a variance was granted.**

**C. CASE NO. 9/18/19-1: Request for a variance from LZO 4.6.1.6.A.1 to allow in the conservation overlay district the construction of an addition (45 SF impact) on a dwelling that did not exist prior to the adoption of section 4.6.1 Conservation Overlay District that is otherwise prohibited, Eight Tanager Way, Map 5 Lot 10-34, Zoned AR-1, Ouellette Family Trust (Owner) and Jeff Moulton (Applicant)**

Chairman Dunn asked how the case made it on this month's agenda, as it was after the deadline for applications to be received by the Board. He also asked if the Board was in good standing with the its rules of procedures and statutes and expressed concern in doing to right thing in relation to the fiduciary responsibility of the Board. L. Gandia told the Board that the Town Manager made the decision to allow this case to be on this month's agenda due to the special circumstances of the case. Chairman Dunn asked if the Town Manager explained what the special circumstances were or asked for opinion from legal counsel. L. Gandia stated that she is not aware of conversations the Town Manager may or may not have had, but noted the applicant did meet all the statutory and notice requirements. Ryan Ouellette addressed the Board. R. Ouellette explained that he spoke to the Town Manager about notifying abutters and since all abutters had written letters in favor of allowing the addition as a whole, not necessarily a specific variance, he was under the impression this was why he was allowed on this month's agenda. Chairman Dunn told the applicant that he appreciated the explanation, but said that it is specific to not being in compliance with the Board's rules and procedures. He told the Board that this is his opinion and asked for the rest of the Board to weight in. B. Berardino said that he felt there should be no exceptions and the rules and procedures should be followed. Chairman Dunn suggested the case be continued so

the Board could ask legal counsel to review it. M. Feig asked what specifically N. Dunn was questioning. Chairman Dunn told M. Feig that the rules and procedures said the deadline to submit an application was August 20, 2019, for this month's meeting, and the case was heard on August 21, 2019 noting the deadline had passed. He said at first he thought this was a mistake and the case should be on next month's agenda. R. Ouellette said he thought the Town Manager had spoken to the Town Attorney. Chairman Dunn pointed out that had input been provided from the Town Attorney, he would feel better moving forward with the case, but unfortunately, it was not.

**J. Tirabassi made a motion to continue CASE NO. 9/18/19-1: Request for a variance from LZO 4.6.1.6.A.1 to allow in the conservation overlay district the construction of an addition (45 SF impact) on a dwelling that did not exist prior to the adoption of section 4.6.1 Conservation Overlay District that is otherwise prohibited, Eight Tanager Way, Map 5 Lot 10-34, Zoned AR-1, Ouellette Family Trust (Owner) and Jeff Moulton (Applicant) until October 16, 2019 to obtain input from the Town attorney.**

**B. O'Brien seconded the motion.**

**The motion was granted, 5-0-0. The applicant's case was continued until October 16, 2019.**

**II. Other business: N/A**

### **Adjournment:**

**B. Berardino made a motion to adjourn at 11:41 p.m.**

**J. Tirabassi seconded the motion.**

**The motion was granted, 5-0-0. The meeting adjourned at 11:41 p.m.**

RESPECTFULLY SUBMITTED,

\_\_\_\_\_  
CLERK

TYPED AND TRANSCRIBED BY Beth Morrison, Recording Secretary.

**APPROVED (X)** WITH A MOTION MADE BY \_\_\_\_\_, SECONDED BY \_\_\_\_\_, \_\_\_\_ - \_\_\_\_ - \_\_\_\_.

Exhibit 1  
Case # 8/21/93

012581 P0189

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That Robert W. Christian of  
P.O. Box 452 Windham, New Hampshire GRANTS TO Southern New  
Hampshire Water Company, Inc. a New Hampshire Corporation with its  
offices at 8 Winn Avenue, Hudson, New Hampshire,  
with WARRANTY COVENANTS

A certain tract or parcel of land with the improvements and  
buildings thereon situated in Londonderry, Rockingham County, New  
Hampshire shown on a Plan entitled "Town of Londonderry, N.H., Map  
10 Parcel, 142", owned by Gordon Homes, Inc. Emerson Lane, Pelham,  
N.H., dated July, 1981, which Plan is recorded at the Rockingham  
County Registry of Deeds as Plan #B-10440. Parcel 10-142 is more  
particularly bounded and described as follows:

Beginning at the Northeast corner of the within described  
lot; thence, along a stone wall South 14° - 19'; East a distance  
of 120 feet; thence continuing along said stone wall South 33° -  
44' East a distance of 187 feet; thence continuing along said  
stone wall South 30° - 02' East a distance of 136.1 feet to the  
intersection of another stone wall; thence South 77° - 04' - 30"  
West 670.2 feet to a point on said stone wall; thence South 67° -  
08' West along said stone wall 66.4 feet to a point; thence along  
said stone wall South 28° - 23' West a distance of 79 feet to a  
point; thence South 53° - 19' West a distance of 152.5 feet to the  
southwest corner of the premises; thence along another stone wall  
North 17° West a distance of 635 feet to the corner of another  
stone wall; thence North 86° - 41' - 15" East, a distance of  
605.76 feet to a point; thence North 71° - 44' - 10" East a  
distance of 266.98 feet to the point of beginning.

Containing 9.30 acres, more or less.

This conveyance is made subject to the duty of the grantee,  
and his heirs, successors and assigns, to provide adequate water  
to all lots currently connected to the well situated on said lot.  
This conveyance is made subject to the further condition that the  
water shall be provided, and the water, the well, and any  
equipment and fixtures appurtenant to the well shall be maintained  
according to the standards and regulations promulgated by the New  
Hampshire Public Utilities Commission and any other public agency  
which has jurisdiction over the supply of public water.

Being the same premises conveyed to Grantor by deed of Gordon  
Homes, Inc. recorded at Book 2404, Page 918 of the Rockingham  
County Registry of Deeds.

The within grantor, releases to said grantee all rights of  
homestead and other interests therein.

See Declaration relative to N.H. Transfer Tax Stamps recorded herewith  
as Docket # 00883

JAN 7 4 21 PM '86  
Rockingham County  
Registry of Deeds

Signed this 5 day of January, 1986

POLICY WATER SYSTEMS, INC.

Robert W. Christian  
Robert Christian, Individually

STATE OF NEW HAMPSHIRE  
ROCKINGHAM, SS

January 6, 1986

Personally appeared Robert Christian, Individually, known to me, or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes therein contained.

Before me, N. J. C. M. M.  
Justice of the Peace/Notary Public

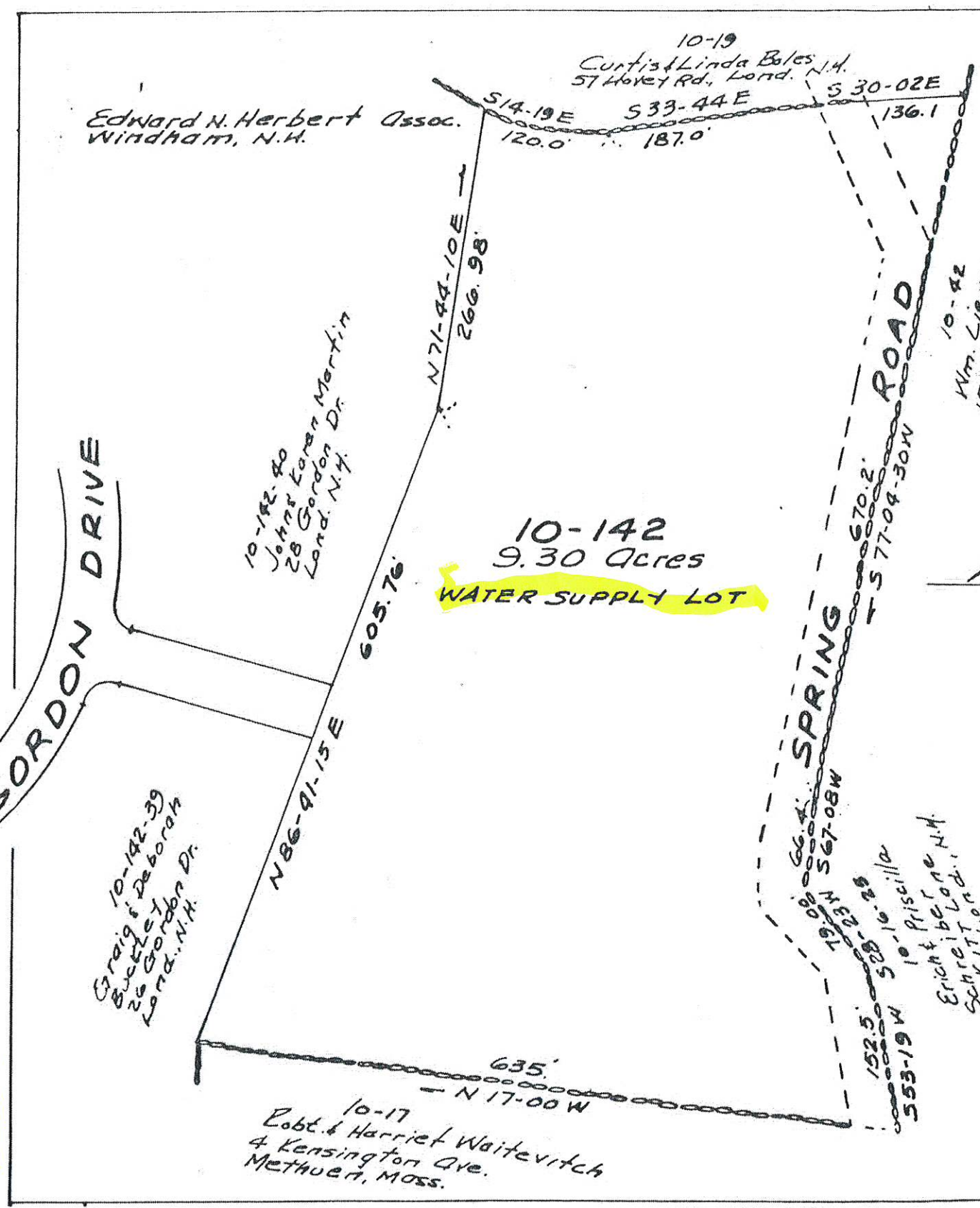
EJB-21 (23)



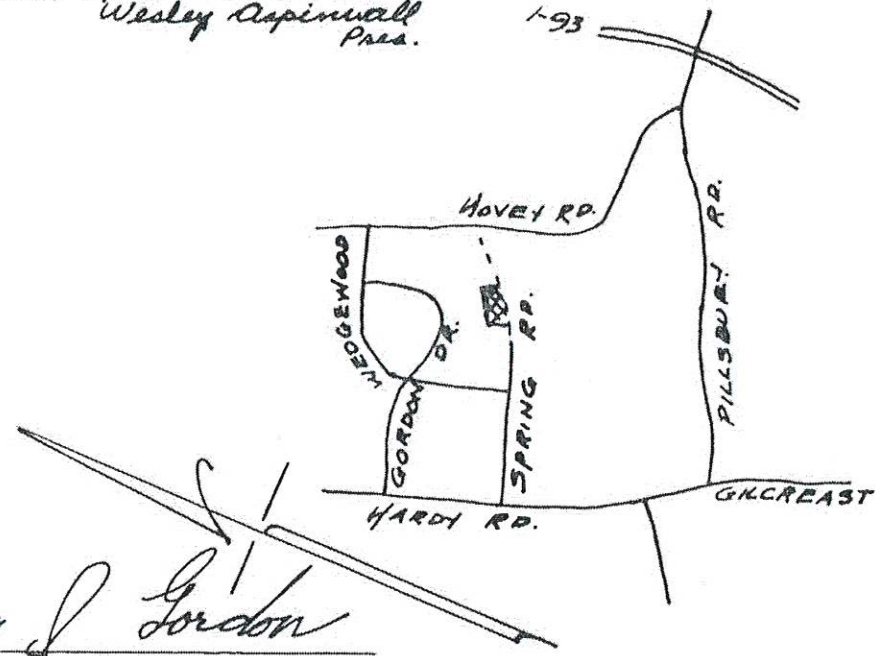
Cover # 18/21/19-3  
Exhibit 1-A

OCT 20 8 55 AM '01

22131

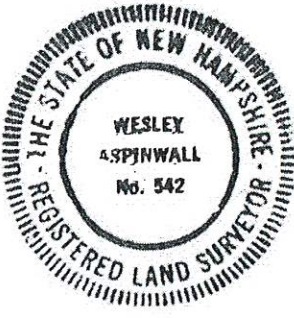


I certify that the field work necessary for this plan has an error of closure less than 1 part in 5000.  
Wesley Aspinwall  
Pssa.



William J. Gordon

TOWN OF LONDONDERRY N.H.	
MAP 10 PARCEL 142	
OWNER	GORDON HOMES, INC. EMERSON LANE PELHAM, N.H.
DATE	JULY, 1981 SCALE 1"=120'
APPROVED BY LONDONDERRY PLANNING BOARD for recording purpose only.	
ON	8-12-81
CHAIRMAN	[Signature]
SECRETARY	[Signature]
CERTIFIED BY	



B-10440

Ed Herbert

7



Exhibit A  
Case # 8/21/19-3

**Laura Gandia**

---

**Subject:**

FW: Regarding case no: 8/21/19-3

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**From:** Jim Belanger <[jimbelanger@comcast.net](mailto:jimbelanger@comcast.net)>

**Sent:** Sunday, August 18, 2019 5:50 PM

**To:** Neil Dunn; Jacqueline Benard; Jim Tirabassi; Bill Berardino; Suzanne Brunelle; Mitchell Feig; Brendan OBrien

**Subject:** Regarding case no: 8/21/19-3

Attn: Zoning Board of Adjustment, Londonderry NH

Regarding case no: 8/21/19-3

As I am unavailable to be present in person to present feedback on case 8/21/19-3, I feel it important to email the zoning board with concerns.

I would like to thank the neighbors that have brought this case to my attention and have circulated a petition that all members of my family have signed. I have been a resident of Londonderry for 21 years and appreciate the neighborhood and neighbors that surround me.

It is important to note that I reside at 36 Gordon Drive and was never notified by the town in writing of this case. The property of the proposed structure does not directly abut my property but will be in line of sight of my property. With the proposed structure being at 156 feet in height, any residence within line of sight should have been notified in writing as real estate value will be negatively impacted. The applicant may tell the town, residents and board that housing values will not be impacted, but numerous articles I have read during research show negative real estate value to surrounding communities.

It's my understanding that the proposed structure will be necessary to support the current demands of the Woodmont project and the location was decided due to the area being a high point for the project. The current neighborhoods should not be burdened with lower real estate values due to the decision to bring Woodmont into the town of Londonderry. The current statute allows for no structure to be over 35 feet within the zoned area. This statute was placed to assure the residences within the zones area have no structures that have negative impact on real estate values.

Through my research, I have also learned that water towers typically recharge at night. During this time, a steady throbbing sound is produced which is heard in surrounding areas. The impact of the sound during recharge will also lead to lower real estate values but will be disturbing to the surrounding neighborhoods.

Aside from real estate values, I would like to mention the possible safety factors of having a large water structure. The applicant will probably state that water towers are safe and don't leak. A simple search on Google can show that isn't true. Leaks do occur and with the size of the proposed structure could be harmful any neighborhood within proximity.

I can go through and show numerous reasons why the structure should not be built. In the end, the decision will come before the board for decision. The applicant has suggested the tank being in the shape of an apple.



The irony of this is virtually all apple trees are being removed from the area. There is no way to change the shape on an eyesore to make it less than one.

The boards only sound decision to make is to deny the applicants variance. If you feel that enough information hasn't been provided to make that decision, then I also suggest a continuance so line of sight residences can be notified to provide proper feedback.

Thank You,

James Belanger  
36 Gordon Drive  
Londonderry NH

Case # 8/21/19-3

August 13, 2019

This petition is to appeal to the Zoning Board to deny Pennichuck Water Works to obtain a variance to build a Water Tower. This tower will be clearly visible to Birchville Estates and surrounding neighborhoods. The height of this tower will be 156 feet high, more than twice the height of most treetops in this area.

We feel this tower is not esthetically suited to our well established neighborhoods. A setting that has been developed over half a century ago as a small, quiet, quaint country neighborhood.

Since there is currently a 35 foot allowance this tower will significantly extends the limit. Some have had to redesign their house plans because of their plans were not in compliance. As home owners we are concerned that this tower will affect the value of our homes, especially if we desire to sell in the future.

We question why the Woodmont developers have not planned for a tower on their property, as they stated in their initial proposal and plans to the town.

Finally, we were told at the June meeting that Pennichuck would be reaching out to us, the neighbors, to arrange a meeting so our concerns could be discussed before this meeting August 21, 2019. Unfortunately we have not heard from anyone.

We hope the variance to build this water tower will be denied.

Respectfully yours.

JOHN J. MARTIN 28 Gordon Dr. Londonderry NH  
Karen Martin " " "

Jim Dea 110 Fieldstone Londonderry NH  
Scott Martin 93 Hall Rd Londonderry NH

Marie Martin 93 Hall Rd Londonderry NH

Ashley Martin 93 Hall Rd Londonderry NH

Gene Ghivis 91 Auburn Rd Londonderry NH

STEVE COSTA 162 WINTERWOOD DRIVE LONDONDERRY, NH

AMAL JAIN 40 Gordon Dr Londonderry, NH

Marcia Tarab 40 Gordon Dr Londonderry NH

Shaunda Belanger 36 Gordon Dr Londerry, NH

Adrianna Belanger 36 Gordon Dr Londonderry, NH

August 13, 2019

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Respectfully yours.

<u>Marilyn Hark</u>	<u>39 Gordon Dr</u>	<u>Londonderry, 03053</u>
<u>Stella Blachette</u>	<u>3 Judy Dr</u>	<u>Londonderry NH 03053</u>
<u>Kynda Duffin</u>	<u>7 Judy Drive</u>	<u>Londonderry 03053</u>
<u>Eric Wickham</u>	<u>11 Judy Drive</u>	<u>Londonderry 03053</u>
<u>D. H. Hark</u>	<u>17 Judy Drive</u>	<u>Londonderry 03053</u>
<u>Tim Hark</u>	<u>19 Judy Dr.</u>	<u>Londonderry NH</u>
<u>Kurt Pease</u>	<u>5 Judy Dr</u>	<u>Londonderry NH</u>
<u>Craig Payson</u>	<u>24 Judy Drive</u>	<u>Londonderry, NH</u>
<u>Frank Quinn</u>	<u>14 Gordon Dr.</u>	<u>Londonderry, N.H.</u>
<u>Shirley Quinn</u>	<u>14 Gordon Dr.</u>	<u>Londonderry, N.H.</u>
<u>Rachel Linn</u>	<u>38 Kitt Ln</u>	<u>Londonderry, NH</u>
<u>Michael Linn</u>	<u>38 Kitt Ln</u>	<u>Londonderry, NH</u>
<u>Jackie Mcloon</u>	<u>19 Kitt lane</u>	<u>Londonderry NH 03053</u>



August 13, 2019

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Since there is currently a 35 foot allowance this tower will significantly extends the limit. Some have had to redesign their house plans because of their plans were not in compliance. As home owners we are concerned that this tower will affect the value of our homes, especially if we desire to sell in the future.

We question why the Woodmont developers have not planned for a tower on their property, as they stated in their initial proposal and plans to the town.

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We hope the variance to build this water tower will be denied.

Respectfully yours,

Walter Jones 39 GORDON DR LONDONDERRY, NH 03053

Ann Edge 6 JUDY DR LONDONDERRY, NH 03053

Carl Nelson 12 Judy Dr Londonderry NH 03053

Melissa DeVlaminck 14 Judy Dr Londonderry NH 03053

Laron Perry 26 Judy Dr Londonderry, NH 03053

Shirley Boff 27 Judy Dr. Londonderry NH 03053

Karen Sievert 10 Judy Dr. Londonderry NH

LEANNE AUGER 34 KITT LONDONDERRY, NH

LORI Dillon 23 Gordon Dr Londonderry NH 03053

Richard Dillon 23 Gordon Dr Londonderry NH 03053

Julianne Maw 1 Dragonfly way Londonderry NH 03053

[Signature] 1 Dragonfly way Londonderry NH 03053

August 13, 2019

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Respectfully yours,

<u>Jane Bell</u>	<u>17 Kitt Ln</u>	<u><del>770 1280</del></u>
<u>Dave Bell</u>	<u>28 Kitt Ln</u>	
<u>L. Costa</u>	<u>25 Kitt Ln</u>	
<u>J.M. Costa</u>	<u>25 Kitt Ln</u>	
<u>Megan Costa</u>	<u>25 Kitt Lane</u>	
<u>Kyle Bartecci</u>	<u>25 Kitt Lane</u>	
<u>Matt Auler</u>	<u>34 Kitt</u>	
<u>Mathew Morgan</u>	<u>310 Kitt Lane</u>	
<u>Wynne</u>	<u>36 Kitt Lane</u>	
<u>Ken Howe</u>	<u>22 Kitt Lane</u>	
<u>David Claffie</u>	<u>78 Wedgewood</u>	
<u>Beth Claffie</u>		
<u>Debi Paul</u>	<u>118 Hardy Rd</u>	



August 13, 2019

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Respectfully yours.

Sean Russell 20 Wedgewood Drive 978.473.1017

Vingina Landry 27 Wedgewood Dr.

William D. Lipp 27 Wedgewood Dr.

Patricia S. Squires 24 Wedgewood Dr.

William D. Lipp 25 Wedgewood Dr.

Karen C. Murphy 25 Wedgewood Dr. 603 434-9879

Patricia S. Squires 29 Gordon Dr. 603 434-5038

Paul Cutler 29 Gordon Dr. 603-434-5038

Bonnie Brathwaite 18 Kitt Lane 603-437-8231

Robert D. Dufford 18 Kitt Lane 617-256-4824

Kevin Bailey 16 GARY Drive

Roberta Eastman 20 Kitt Ln

August 13, 2019

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Respectfully yours,

[Signature] 24 Gordon Dr 818-4498

Dean Schuy 22 Gordon Dr 432 3078

[Signature] " "

[Signature] 21 Gordon Drive 603 759 8358

Jessica [Signature] 21 Gordon Drive

Jay Dean O'Connor 18 Gordon Dr 603 475 2161

[Signature] 18 Gordon Dr 603 548-6058

[Signature] 19 Gordon Dr 978-397-5873 UPT

Truda Cornett 38 Gordon Dr.

Steven Cornett 38 Gordon Dr

[Signature] 17 Gordon

Thomas Dan 16 Gordon Dr

Justine Dawn 16 Gordon Dr

August 13, 2019

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Respectfully yours.

Karen Dion-Bentley

Barb Dion

Ray Dion 603 275-5081

James Dion 34 Gordon Dr. 437-5505

30 Gordon Dr

30 Gordon Dr

Lay Medeiros 25 Gordon Dr. 490-3964

Vanessa Medeiros 25 Gordon Dr 490-8671

Calvin Medeiros 25 Gordon Dr

Abonch Bourque 26 Gordon Dr 432-0381

Marc Bourque 26 Gordon Dr. 432-0381

Eric Bourque 26 Gordon Dr 432-0381

Regin Fader 246 Gordon Dr. 818-4498



August 13, 2019

This petition is to appeal to the Zoning Board to deny Pennichuck Water Works to obtain a variance to build a Water Tower. This tower will be clearly visible to Birchville Estates and surrounding neighborhoods. The height of this tower will be 156 feet high, more than twice the height of most treetops in this area.

We feel this tower is not esthetically suited to our well established neighborhoods. A setting that has been developed over half a century ago as a small, quiet, quaint country neighborhood.

Since there is currently a 35 foot allowance this tower will significantly extends the limit. Some have had to redesign their house plans because of their plans were not in compliance. As home owners we are concerned that this tower will affect the value of our homes, especially if we desire to sell in the future.

We question why the Woodmont developers have not planned for a tower on their property, as they stated in their initial proposal and plans to the town.

Finally, we were told at the June meeting that Pennichuck would be reaching out to us, the neighbors, to arrange a meeting so our concerns could be discussed before this meeting August 21, 2019. Unfortunately we have not heard from anyone.

We hope the variance to build this water tower will be denied.

Respectfully yours.

<u>Ann Kuning</u>	<u>42 GORDON DR</u>
<u>Rae Kuning</u>	<u>42 Gordon Dr.</u>
<u>Robert Humphrey</u>	<u>37 GORDON DR.</u>
<u>Bruce Welby</u>	<u>41 Gordons Drive</u>
<u>Lanea Humphreys</u>	<u>37 GORDON DRIVE</u>
<u>Chas Kistakes</u>	<u>32 Gordon Drive - 937-5521</u>
<u>Joan Rougie</u>	<u>44 Gordon Drive</u>
<u>Bob Rougier</u>	<u>44 Gordon Drive.</u>
<u>Deven Cornett</u>	<u>38 GORDON Drive</u>
<u>JB</u>	<u>33 Gordon DRIVE</u>
<u>Cari Brinkley</u>	<u>33 Gordon DRIVE</u>
<u>Jim Belanger</u>	<u>36 Gordon Drive.</u>

Post poned until 9/18

August 13, 2019

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*[Handwritten signatures and names follow]*

<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Gail Lusby	Dennis Kach	Justine Oates
Duffy Connors	Betty M	Jim V. Adams
Carlene Whitwell	Mahm	Sepe Kinkuit
MDJ HKS	B. Mahan	Phyllis
Wade	(Navarro)	
Chris Gyle	Peter Navarro	Mr + Mrs Peter + Connie MacInnis
Kenn Gault	Sharon Gault	
Debra Lica	M. Lica	Mr + Mrs Elizabeth Duggan
M. Lica	Sharon	
Eric Kump	Bob Roberts	
Robin Benson		
M. Kimberly Bears	Paul M. Bears	



August 13, 2019

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Respectfully yours.

Barbara C. Pedley 101 Roquois Circle Londerry

Chris Duffy 1066 Pillsbury Rd Londonderry

John Coland 40 McIntire Rd Londonderry

George McLoughlin 54 Holstein Ave Londonderry

Mark Spagnone 50 Nashua Rd Londonderry

Donald MacPherson 3 Constitution Dr Londonderry

Michael Turner 18 Lake Hood Dr Londonderry

Alexis [Signature] Londonderry

Maria Roger 5 Crosby Ln Londonderry

Doreen Bleeth 34 Brewster Rd Londonderry

San Antonio 7 Garden Dr. Londonderry

Lauren Ambrosio 76 Garden Dr. Londonderry

John Romanowski 5 Spring Rd Londonderry, NH

Ellen Romanowski 5 Spring Rd Londonderry, NH

August 13, 2019

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Respectfully yours.

58 Hovey Rd	Bedeau	
388 HOVEY RD.	John Lem	
29 Kimball Rd	Bob Paul	
30 Wedgewood Dr	Betty & Gary Maffei	
32 KIDWICK	ABULY	
5 Wedgewood Dr.	Julia + Brian Paakum	
12 WEDGEWOOD DR	John Reule	Loraine Reale
Chris Paul	118 Lady	
6 OVERLOOK AVE	GUEHN DO Y LA	
Scott C. Martin	93 Hall Rd	G. M.
Marte Martin	93 Hall Rd	Marte Martin
9 Gordon Dr	Helen Provencier	H. Provencier
9 GORDON DR	DANIELLE PROVENCIER	Danielle Provencier
9 GORDON DR	RENE PROVENCIER	Rene Provencier





Property Information

Property ID 010 142 0  
Location 7 REAR GORDON DR  
Owner PENNICHUCK EAST UTILITY, INC



MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT

Town of Londonderry, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 05/11/2018  
Data updated 06/05/2018

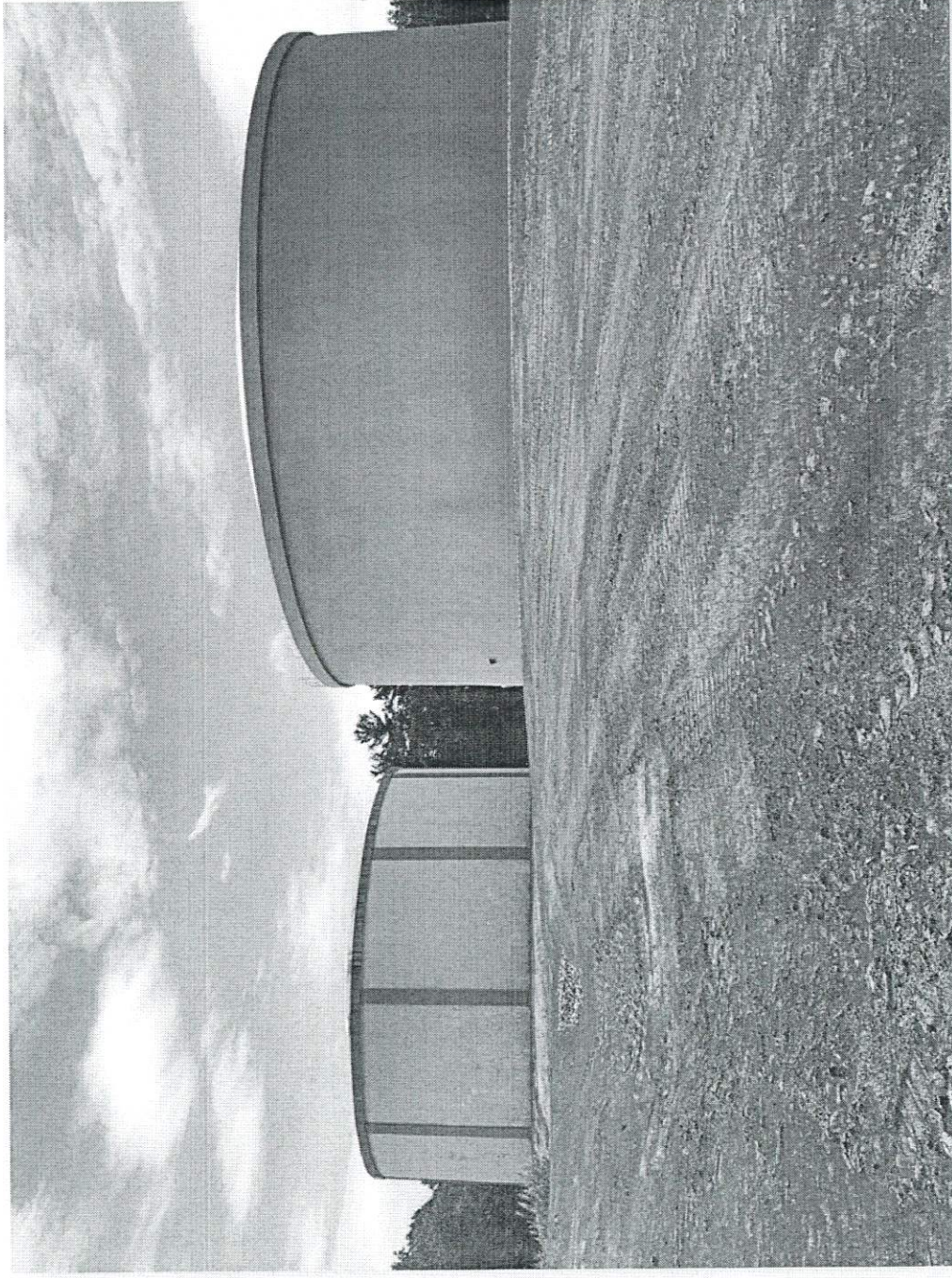


9/17/2019

Exhibit B

Case # 8/21/19-3

(1) City of Manchester, NH Water Works - Posts



 City of Manchester, NH Water Works  
· August 19 ·

Like      Comment      Share



Write a comment...



Exhibit E

Case # 8/21/19-3

**STATEMENT OF THE SPECIAL CIRCUMSTANCES**

1. Pursuant to N.H. Code Admin. R. Puc 1606.02(b), Pennichuck East Utility, Inc. ("PEU") submits this statement that special circumstances exist that warrant a departure from its general tariff schedules.

2. Woodmont Commons Planned Unit Development ("Woodmont Commons") in Londonderry has asked PEU to provide water service to the development. Demand from the development is anticipated to be approximately 405,488 GPD which is much larger than the projected growth in the Londonderry core system.

3. PEU anticipated building a water storage tank to meet the projected growth needs of the core system, however, a larger storage tank will be needed to serve Woodmont Commons.

4. PEU's tariff does not directly address the costs to provide service to Woodmont Commons. PEU's tariff (Original Page 35 and First Revised Page 36) enables PEU to collect from customers, in advance, for the cost of constructing main extensions necessary to serve the new customer. Also, System Upgrade Fees (Second Revised Page 37) may be charged to customers for the construction of new water facilities. Neither of these provisions, however, fit the circumstance at hand. Pursuant to paragraph 5 on First Revised Page 36, "[s]pecial contracts will be negotiated whenever in the opinion of the Company this regular extension tariff should not be used or is not feasible or economical. Each special contract shall be submitted to the Commission for approval."

5. Because a larger storage tank is necessary to serve Woodmont Commons, it is of considerable expense, it does not benefit the entire water system, and it is not a main extension project, PEU believes the situation fits paragraph 5 of First Revised Page 36 and that special circumstances exist.

< End of Document >

21. HEADINGS

The headings in each section of this Agreement are for the convenience of reference only and do not form a part hereof and in no way modify or shall be used to interpret or construe the meaning of this Agreement.

22. COMPLIANCE WITH THE LAW

Each party hereto agrees that it is responsible at its own expense for compliance with all laws and agrees to indemnify, defend, and save harmless the other party from any claim by a third-party arising out of or related to non-compliance with law.

23. COUNTERPARTS

This Agreement may be signed in several counterparts, each of which shall be deemed an original and such counterparts shall constitute one and the same instrument.

24. SEVERABILITY

If any term or provision herein shall be judicially determined to be void or of no effect, such determination shall not affect the validity of the remaining terms and provisions.

25. AUTHORITY

Each party represents that it has undertaken all actions necessary for corporate approval of this Agreement, and that the person signing the Agreement has the authority to bind the respective party.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be signed by their authorized representatives:

PILLSBURY REALTY DEVELOPMENT, LLC

\_\_\_\_\_  
Witness

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

PENNICHUCK EAST UTILITY, INC.

\_\_\_\_\_  
Witness

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_



## REFUNDS

8. In the event that the Water Storage Tank project costs come in lower than the total of the Anticipated Project Phases estimates such that there is an overpayment by Pillsbury, PEU shall refund Pillsbury the appropriate percentage of unused funds no later than forty-five (45) days after the Operational Date.

9. PEU shall maintain financial and operating records of the construction and use of the Water Storage Tank and these records shall be available for inspection by Pillsbury or its agent at the office of PEU during regular business hours.

## CONSTRUCTION OF TANK

10. PEU agrees to apply for and obtain all required permits and government approvals, including but not limited to, those required by the NHPUC and the NHDES, in addition to required State and local permits.

11. PEU agrees to prepare all plans, specifications, and other design documents necessary for the tank project, and to make such documents available to Pillsbury for review and comment.

12. PEU agrees to issue an invitation to bidders for the tank project to pre-qualified contractors acceptable to PEU, to secure bids for the required construction services through a competitive bidding method, and to award the contract(s) for **construction to the lowest, responsible and responsive bidder.**

13. PEU agrees to supervise, administer, coordinate, and oversee construction of the tank project.

## LAWS AND REGULATORY APPROVAL

### 14. GOVERNING LAW AND VENUE

This Agreement shall be governed, construed, and interpreted by, and in accordance with, the laws of the State of New Hampshire. Any actions concerning enforcement of this Agreement or in any way relating to the subject matter of this Agreement shall be adjudicated by the NHPUC, or its successor for resolution of the dispute. Each party to this Agreement expressly agrees to submit to such jurisdiction and venue as required by the NHPUC or its successor.

## ADDITIONAL PROVISIONS

### 15. AMENDMENT

No waiver or modification of this Agreement or of any covenant, condition, or limitation contained herein shall be valid unless it is in writing and of a subsequent date, duly signed by the Parties hereto, and subject to any required approval of the NHPUC. No evidence of any waiver or modification shall be offered or received in evidence in any proceeding, arbitration, or litigation between the Parties hereto arising out of or affecting this Agreement, or the rights or obligations of the parties hereunder, unless such waiver or modification is in writing and duly signed by the Parties.

SPECIAL CONTRACT FOR WATER SUPPLY SERVICE

This special contract for water supply service ("Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2018 by and between Pennichuck East Utility, Inc. ("PEU"), a regulated public utility pursuant to RSA 362:2, with an address of 25 Manchester Street, Merrimack, New Hampshire 03054, and Pillsbury Realty Development, LLC ("Pillsbury"), a registered New Hampshire business and principal developer of the Woodmont Commons Planned Unit Development ("Woodmont Commons") (together, "Parties").

RECITALS

WHEREAS, PEU was authorized by the N.H. Public Utilities Commission ("NHPUC") to provide water service in portions of the Town of Londonderry. See, Docket No. DE 86-230, Order No. 18,691, *Southern New Hampshire Water Company, Inc.*, (May 29, 1987) (approving transfer of franchise to Pennichuck Corporation), Docket No. DE 86-230, Order No. 18,760, *Southern New Hampshire Water Company, Inc.*, (July 14, 1987) (approving Southern's request to provide service to undisputed area of Londonderry and conditionally approving franchise to disputed area), and Docket No. DE 86-230, Order No. 18,807, *Southern New Hampshire Water Company, Inc.*, (Sept. 1, 1987) (rescinding awarding disputed franchise area and ordering that disputed area is not awarded to either Southern or Manchester Water Works).

WHEREAS, Pillsbury has received approval from the Town of Londonderry to construct the Woodmont Commons on approximately 603 acres of land near Rt. 102 and Interstate 93 at Exit 4 and proposed Exit 4A. The \$1 billion development is being constructed over the course of several phases and will include new mixed-use buildings, homes, offices, a hotel, retail space, medical and professional offices, and agricultural areas.

WHEREAS, the Woodmont Commons development is located within PEU's authorized franchise area in the Town of Londonderry.

WHEREAS, to meet the future water service needs of PEU and the commercial and residential customers within Woodmont Commons, and, in particular, the Woodmont Commons' fire protection needs, and to satisfy the requirements of the New Hampshire Department of Environmental Services ("NHDES"), PEU is upgrading its system and is constructing an elevated composite-style (concrete pedestal and steel tank) water storage tank ("Water Storage Tank") with a capacity of 1.1 million gallons on PEU-owned land adjacent to Woodmont Commons. The construction budget for the Water Storage Tank is approximately \$2.835 million dollars.

WHEREAS, absent the Woodmont Commons development and based on its growth projections, PEU would not have a present need to construct a water storage tank, and would not necessarily size the water storage tank as proposed.

NOW, THEREFORE, in consideration of the mutual agreements and promises set forth herein and other good and valuable consideration, the receipt and sufficient of which are hereby acknowledged, the Parties agree as follows:



### CERIFIED OPERATOR VERIFICATION

State rules require Distribution Grade 2 for this water system. Following are operators listed in our database for this system:

<u>Operator</u>	<u>Certificate No.</u>	<u>Treatment Level</u>	<u>Distribution Level</u>
Chris Countie	1426	4	4

### ISSUES AND RECOMMENDATIONS

#### Growth and Expansion of Distribution System

Currently a new development is proposed in the Town of Londonderry entitled Woodmont Commons. In a letter dated October 10, 2017, PEU provided estimated water demand for the Londonderry core water system. This proposed development will increase water demand by an estimated 227,000 gpd. In addition, Future growth in Londonderry is expected to increase demand by 89,000 gpd over the next decade. Total future demand is estimated at 940,000 gpd.

According to the letter, Woodmont Commons also requires 3,500 gpm. Fire flow protection. New development cannot be approved until an agreement is reached and PEU can confirm sufficient flow and pressure is available.

The PEU letter identified two options to address the need for future capacity throughout the distribution system. One option is to upgrade the existing pumping capacity along with significant pipeline upgrades. The second option is to construct an elevated storage tank at a strategic location which would be designed to provide 100% fire flow required by Woodmont Commons and as well as buffer peak daily demand fluctuations.

I can be reached at 271-2948 or [Richard.skarinka@des.nh.gov](mailto:Richard.skarinka@des.nh.gov) if there are any questions regarding this survey report.

Sincerely,



Richard Skarinka, P.E.

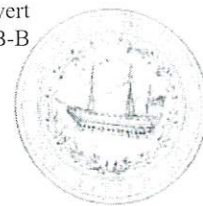
Drinking Water and Groundwater Bureau

cc. Chris Countie, Water Supply Manager



The State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

Testimony of John J. Boisvert  
Attachment JJB-B



Robert R. Scott, Commissioner

January 9, 2018

DONALD WARE  
PENNICHUCK EAST UTILITIES  
PO BOX 1947  
MERRIMACK NH 03054-1947

Subject: MWS Londonderry, PEU Londonderry EPA # 1391010  
Sanitary Survey 2017

Dear Mr. Ware:

On December 19, 2017 a staff member from the Department of Environmental Services (DES) conducted a sanitary survey on the PEU Londonderry Core water system. The purpose of the sanitary survey is to review the capacity of the system's source, treatment, distribution, and management to continuously produce safe drinking water. We would like to thank Chris Countie Water Supply Manager, for his assistance in conducting this survey.

#### SUMMARY

The PEU Londonderry Core water system obtains all of its water from the Manchester Water Works. The system is well maintained and is overseen by competent and conscientious operators. Water quality meets all drinking water quality standards, and the system is in compliance with action levels for lead and copper at customers' taps.

We note that substantial expansion and growth is proposed for this area of Londonderry. Pennichuck East Utility (PEU) holds the franchise rights to serve water to any new development. PEU has documented that addition pumping capacity along with substantial water main upgrades or storage is needed to address this growth. For any new development which requires DES approval, PEU and/or the developer will need to document that there is sufficient capacity, pressure, and storage to meet both existing and proposed water users demands.

Be advised that Manchester Water Works is developing a new source of water supply and is subject to Env-Wq 2101 Water Conservation. In accordance with Env-Wq 2101.02(c)(7), a consecutive water system that receives water from a wholesale system is also subject to Env-Wq 2101 as of the new source activation date. For more specific information contact Stacey Herbold at 271-6685 or [Stacey.herbold@des.nh.gov](mailto:Stacey.herbold@des.nh.gov).

#### SYSTEM DESCRIPTION

The PEU/Londonderry core water system serves an estimated population of about 4,765 through about 1,243 service connections primarily in the southeasterly section of the Town of Londonderry. The system also serves about 200 service connections within the Mountain Home

PEU share Financing			Attachment JJB A - Schedule 5		
COBANK					
Term	25	Years			
	300	Months			
Interest Rate	5.5	% Annual			
	0.4583	%Monthly	Monthly (as decimal)	0.004583	
Principal	\$ 1,393,579				
P&I	\$8,557.79	per Month			
P&I	\$102,693.51	per Year			
NH State Revolving Fund (SRF)					
Term	30	Years			
	360	Months			
Interest Rate	2.424	% Annual			
	0.202	% Monthly	Monthly (as decimal)	0.00202	
Principal	\$ 1,393,579				
P&I	\$5,451.41	per Month			
P&I	\$65,416.96	per Year			
NH Drinking Water & Groundwater Trust Fund (NHDWGTF)					
Term	40	Years			
	480	Months			
Interest Rate	3.34	% Annual			
	0.2783	% Monthly	Monthly (as decimal)	0.002783	
Principal	\$ 1,393,579				
P&I	\$5,265.69	per Month			
P&I	\$63,188.28	per Year			
Annual Purchased Water Volume					
Tank complete					
Average Day	382,402	Gallons			
Yearly	139,576,800	Gallons	186,600	CCF per Year	
MWW Rate without Tank	\$ 1.450	per CCF	Cost per Year without Tank	\$ 270,570.00	
MWW Rate with Tank	\$ 1.109	per CCF	Cost per Year with Tank	\$ 206,939.40	
			Savings per Year	\$ 63,630.60	
Buildout					
Average Day	877,506	Gallons			
Yearly	320,289,530	Gallons	428,195	CCF per Year	
MWW Rate without Tank	\$ 1.450	per CCF	Cost per Year without Tank	\$ 620,882.11	
MWW Rate with Tank	\$ 1.109	per CCF	Cost per Year with Tank	\$ 474,867.77	
			Savings per Year	\$ 146,014.34	

Schedule 4		Volume	Allocated Cost	PEU Londonderry Core %	Cost Share PEU
Cost Share					
Fire Flow Volume	630,000	gallons	\$ 1,623,682	45.714%	\$ 742,255
Domestic Volume	470,000	gallons	\$ 1,211,318	53.770%	\$ 651,324
Estimated Tank Cost			\$ 2,835,000		\$ 1,393,579

Schedule 2		Wastewater Flow GPD	Comments
Woodmont Commons Demand Woodmont Commons Phase/Section			
1-GL Phase 1		26,428	Redevelopment of Existing Properties - No New Demand
		59,265	Redevelopment of Existing Properties - No New Demand
1		100,361	New Development
2		64,640	New Development
3		-	No Development
4		12,850	New Development
5		4,950	New Development
6		7,200	New Development
7		10,800	New Development
8		106,960	New Development
9		23,400	New Development
10		30,740	New Development
11		10,800	New Development
12		280,675	New Development
Total Woodmont Commons Demand		653,376	
Less Redevelopment 1-GL & Ph1		567,683	
Additional Woodmont Commons Demand		567,683	Divide WW by 1.4 Max. Day Factor for Ave. Day of
			405,488 GPD

\*Flow Estimates provided to PEU by Woodmont Commons

\*Flow Estimates provided to PEU by Woodmont Commons



1   **Q.**    Do you have an opinion as to whether the proposed special contract with  
2           Woodmont Commons is in the public interest?

3   **A.**    Yes. I believe that the proposed PEU-Woodmont Commons special contract is  
4           just and reasonable for both Woodmont and all of PEU's customers and consistent  
5           with the public interest.

6   **Q.**    Does that complete your testimony?

7   **A.**    Yes.



1 Fees (Second Revised Page 37) may be charged customers for the construction of  
2 new water facilities. Pursuant to paragraph 5 on First Revised Page 36, “[s]pecial  
3 contracts will be negotiated whenever in the opinion of the Company this regular  
4 extension tariff should not be used or is not feasible or economical. Each special  
5 contract shall be submitted to the Commission for approval.” Because a larger  
6 storage tank is necessary to serve Woodmont Commons, the larger tank is of  
7 considerable expense and does not benefit the entire water system, and it is not a  
8 main extension project, PEU believes special circumstances exist and that  
9 Commission approval is necessary. Please see the attached Statement of Special  
10 Circumstances (Attachment JJB-D).

11 **VIII. Public Interest Considerations**

12 **Q. Why should PEU enter a special contract for Woodmont Commons?**

13 **A.** Woodmont Commons is a unique planned community with a variety of uses that  
14 will resemble a stand-alone town. Its water service needs are unique as compared  
15 to PEU’s existing customers. If PEU did not partner with Pillsbury to share in the  
16 cost of the proposed water storage tank, Pillsbury would face very high costs to  
17 secure water supply for fire protection and these costs could adversely affect the  
18 Woodmont Commons project. Partnering with PEU allows Pillsbury to secure  
19 cost-effective water service for Woodmont Commons.

20 **Q. Please identify the public benefits of the proposed contract.**

21 **A.** PEU’s water system in Londonderry will ultimately be more robust and be better  
22 able to meet future growth needs.

23 **Q. Please identify the benefits to PEU and its customers as a result of the**

1 of the estimated tank cost or \$1,441,421. The cost of the storage tank associated  
2 with future (non-Woodmont Commons) customer growth is proposed to be  
3 funded by a system upgrade fee on new customer growth, and by existing  
4 customers through decreased purchased water costs. PEU will receive a lower  
5 volumetric rate from MWW once the storage tank is completed and in-service.  
6 The system upgrade fee on new customer growth is allowed by PEU's existing  
7 tariff.

8 **Q. Is there any overlap between the proposed tank project and the proposed**  
9 **surcharge to customers (Qualified Capital Project Annual Adjustment**  
10 **Charge or "QCPAC"), PEU has requested in its rate case, Docket No. DW**  
11 **17-128?**

12 **A.** The Company will not earn a return or seek to recover from customers  
13 contributed capital from Pillsbury. The Company will track its costs associated  
14 with the tank project and anticipates submitting the costs not paid for by Pillsbury  
15 for approval as part of PEU's proposed QCPAC program, should the QCPAC  
16 program be approved by the Commission in docket DW 17-128.

17 **VI. Terms of the Special Contract**

18 **Q. Please summarize the key terms of the proposed contract.**

19 **A.** The terms are more fully described in the contract (Attachment JJB-C) but  
20 essentially, Pillsbury will pay for 51% of the cost for PEU to construct a 1.1  
21 million-gallon water storage tank. Pillsbury will make periodic payments  
22 according to a schedule attached to the special contract. PEU will oversee the  
23 construction of the water storage tank. After the tank is in service and Pillsbury

1 approximately 256 GPD per equivalent meter unit (EMU). An equivalent meter  
2 is the standard 5/8-inch meter (a 5/8-inch meter equals 1 EMU) while larger  
3 diameter meters equate to more than one EMU. The existing Londonderry Core  
4 has roughly 1,100 meters equating to approximately 1,494 EMUs. Between 2006  
5 through 2015 approximately 35 new customers per year were added to the  
6 Londonderry Core. The Company estimates future (non-Woodmont Commons)  
7 growth in Londonderry to be at the annual growth rate of 35 customers per year  
8 resulting in an additional 350 customers over 10 years. The additional 350  
9 customers equates to 350 EMUs. The total Londonderry Core EMUs is estimated  
10 at 1,844 EMUs. Woodmont Commons projects an average day demand of  
11 405,488 GPD. The Woodmont Commons demand equates to 1,584 EMUs  
12 (405,488 GPD/256 GPD per EMU). The combined total projected EMUs is equal  
13 to 3,427. Woodmont Commons is 46% of the total while the Londonderry Core is  
14 about 54% of the total. Therefore, Woodmont Commons is responsible for about  
15 46% of the cost of the tank and PEU is responsible for about 54% of cost of the  
16 tank associated with domestic demand.

17 Fire flow demand is the other component of the required tank volume.

18 Woodmont Commons anticipates a 3,500 GPM fire flow requirement, for a  
19 duration of 60 minutes, plus an additional 1,100 GPM for 120 minutes. The  
20 Londonderry Core requires 2,400 GPM in the low-pressure zone for 120 minutes.  
21 The required fire flow volume for the Londonderry Core is 288,000 gallons  
22 (2,400 GPM x 120 minutes). The required fire flow volume for Woodmont  
23 Commons is 342,000 gallons (1,100 GPM x 120 minutes plus 3,500 GPM x 60

1 pipe upgrades would, PEU prefers to address the future growth in Londonderry by  
2 constructing the water storage tank.

3 **Q. Is the water storage tank within PEU's capital improvement plan?**

4 **A.** Yes.

5 **Q. Please describe.**

6 **A.** PEU prepares an Annual and a Three-Year Capital Budget. In the most recent  
7 2018-2020 budget/forecast, dated January 2018, PEU included the tank. The  
8 Company would have considered constructing a smaller tank, if not for the  
9 Woodmont Common project, because the existing Londonderry fire flow  
10 requirements for the Company's current system in Londonderry are less than what  
11 would be required including Woodmont, and future average day demand would  
12 be less, as well.

13 **Q. How long does PEU expect construction of the storage tank to take?**

14 **A.** PEU anticipates the design and permitting of the storage tank to take six months.  
15 Construction of the tank generally takes eighteen months, or two construction  
16 seasons. Ideally, design and permitting could be done over a winter and put out to  
17 bid in the spring. This timing would allow concrete to be poured for the base in  
18 the summer/fall. The steel tank would be fabricated in the second spring/summer,  
19 and then painted in late summer. An estimate of the construction phases is  
20 attached to the special contract.

21 **V. Cost to Serve Woodmont Commons**

22 **Q. How did PEU determine the estimated fees contained in the proposed**  
23 **contract?**



1 with The Home Depot. Under the contract, PEU must maintain an available fire  
2 flow of 2,400 GPM.

3 **IV. Growth Projections and Sanitary Survey**

4 **Q. Please describe the projected future water demand anticipated by PEU in**  
5 **Londonderry.**

6 **A.** As can be seen on Attachment JJB-A, Schedule 1, Londonderry Core Demand  
7 Estimates, and Schedule 2, Woodmont Commons Demand, the present Core  
8 Londonderry system demand is approximately 382,402 gallons per day ("GPD").  
9 Over the next ten years, PEU anticipates future growth in Londonderry to increase  
10 water demand by about 89,000 GPD based on average customer growth between  
11 2006 and 2015. At present, in the 610 Zone, the Woodmont Commons consists  
12 mostly of redevelopment of existing developed properties that were existing PEU  
13 customers. As development progresses into previously undeveloped property,  
14 this will create new demand on the Core Londonderry system. Woodmont  
15 Commons' new development is estimated to increase demand by approximately  
16 405,488 GPD. This brings the total estimated future demand over the next ten  
17 years to approximately 877,506 GPD. Maximum day demand in the Londonderry  
18 Core increases by a factor of 1.4 times average day demand resulting in a  
19 maximum day demand of 1,228,508 GPD. The demand for fire flows will also  
20 increase. For example, Woodmont Commons will require 3,500 GPM fire flow  
21 protection as opposed to 2,400 GPM in the 498 Zone. A map of Woodmont  
22 Commons is attached as Attachment JJB-A, Page 7.

23 **Q. Are there any regulatory restrictions on growth in PEU's Londonderry Core**

1 Maine as a Project Engineer from 1986 to 1989 and by Underwood Engineers of  
2 Portsmouth, New Hampshire as a project Engineer from 1985 to 1986.

3 **Q. What are your responsibilities as Chief Engineer?**

4 **A.** I am responsible for the planning, design, permitting, construction, and startup of  
5 major capital projects, including pipelines, reservoirs/dams, building structures,  
6 pumping facilities, treatment facilities, and groundwater supplies. I also oversee  
7 and direct Asset Management Initiatives of PWW and PEU and provide regular  
8 technical assistance to the Water Supply Department, Operations Department,  
9 Customer Service Department, and Senior Management.

10 **II. Purpose of Testimony and Background of Water System**

11 **Q. What is the purpose of your testimony?**

12 **A.** I will be providing details of the Company's need to address projected growth in  
13 the Londonderry Core system as well as growth in the Woodmont Commons  
14 Planned Unit Development ("Woodmont Commons"). I will also explain why the  
15 payments proposed in the special contract with Pillsbury Realty Development,  
16 LLC, ("Pillsbury") the principal developer of Woodmont Commons, are just and  
17 reasonable and consistent with the public interest.

18 **III. Description of Londonderry Water System**

19 **Q. Please describe PEU's water system in Londonderry.**

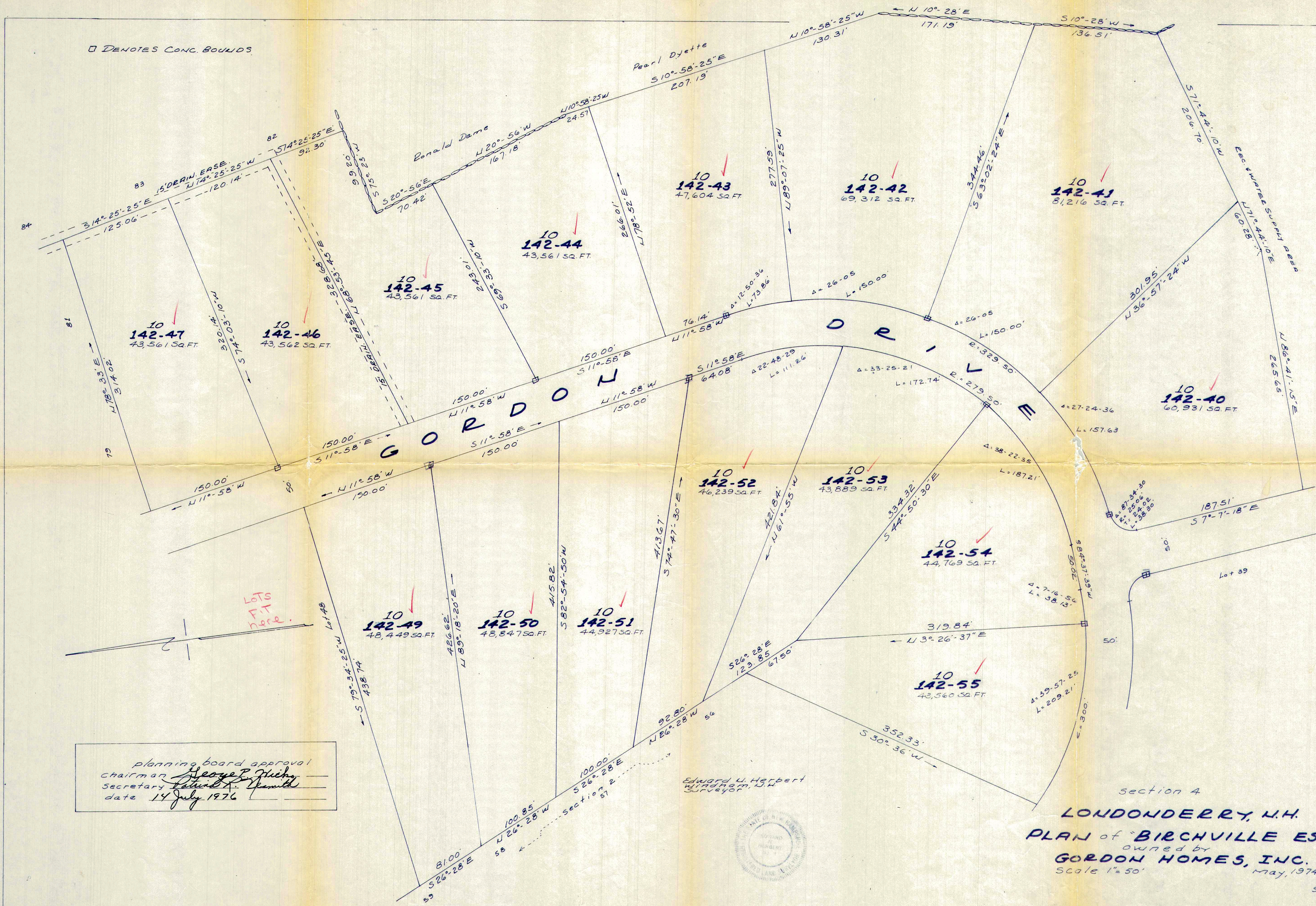
20 **A.** PEU serves an estimated 4,165 people through approximately 1,243 service  
21 connections in the southeasterly section of Londonderry. This system constitutes  
22 PEU's Core Londonderry system. The system also serves about 200 service  
23 connections within the Mountain Home Estates development ("Mountain





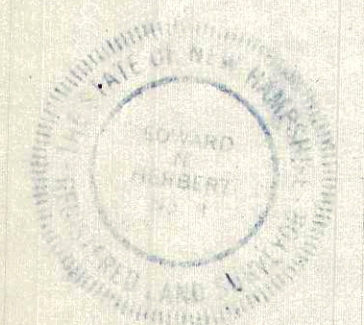


□ DENOTES CONC. BOUNDS



planning board approval  
Chairman George J. Hickey  
Secretary Edward W. Herbert  
date 14 July 1976

Edward W. Herbert  
Surveyor



section 4  
LONDONDERRY, N.H.  
PLAN of "BIRCHVILLE EST."  
owned by  
GORDON HOMES, INC.  
Scale 1"=50'  
May, 1974

Sheet 3 of 3

7/14/76  
10-142



Exhibit 6  
Case # 8/21/19-3

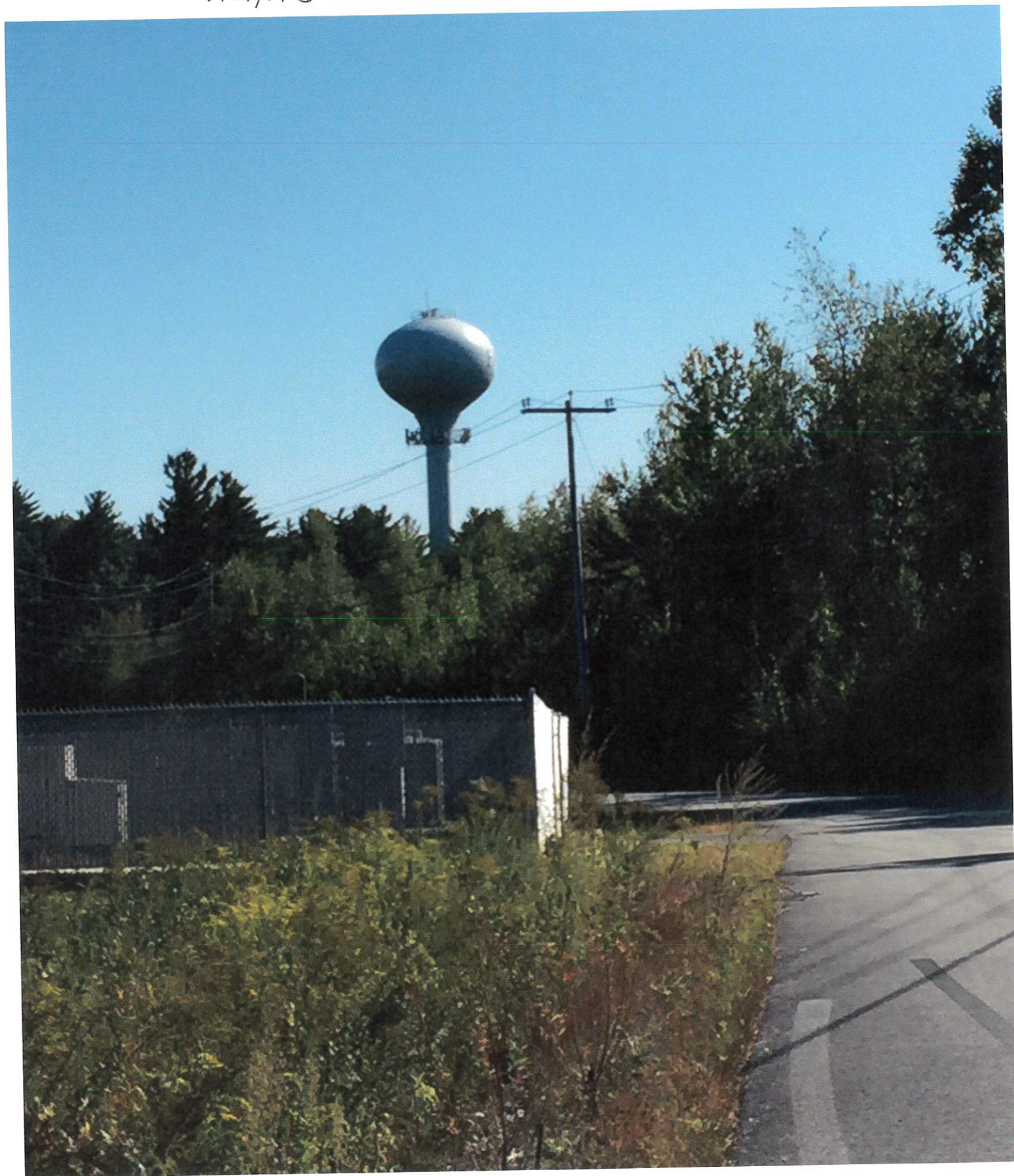




Exhibit #  
Case # 8/21/13

Exhibit 1  
Joby Romanowski  
5 Spring Rd  
Londonderry, NH  
9/18/13



level ground has tower tank → locate @ Woodmont  
 Patriots location - 9/18/13 town meeting

Exhibit TC  
Case # 8/21/19-3

2211-1347

PROTECTIVE COVENANTS

WHEREAS, Gordon Homes, Inc. of Salem, County of Rockingham, State of New Hampshire, has caused to be subdivided certain land in Londonderry, County of Rockingham, State of New Hampshire, as shown on plan entitled "Section 1, Londonderry, N. H., Plan of Birchville Estates, owned by Gordon Homes, Inc., July, 1973," Edward N. Herbert, Surveyor, AND "Section 2, Londonderry, N. H., Plan of Birchville Estates, owned by Gordon Homes, Inc., July, 1973," Edward N. Herbert, Surveyor, and

WHEREAS, Gordon Homes, Inc., intends to convey the lots as shown on said plan, intending that each of said lots conveyed shall be used for residential purposes;

NOW THEREFORE, Gordon Homes, Inc., does hereby adopt and establish the following Protective Covenants for said development and these Covenants from a condition of said of all lots in said subdivision:

1. No lot shall be used for other than residential purpose, except as may be indicated on said recorded plan.
2. No building shall be erected, altered, placed or permitted to remain on any lot other than one or two family dwellings not to exceed two stories in height and a private garage for not more than two cars and a separate outbuilding not larger than 12 x 12 feet and no more than one story in height appurtenant to the particular dwelling and not to be located any further front in the lot than the line of the rear of the dwelling, which shall be designed and of the same quality as the main house buildings.
3. All buildings shall be constructed on permanent foundations and finished in a workmanlike manner in accordance with accepted building codes and practices in the area, and shall conform generally in valuation, quality of workmanship and appearance to other dwellings in said development. No dwelling shall occupy less than 800 square feet of land for one story building and not less than 600 square feet of land for a two story building and each building shall be set back from the street line at least 35 feet, from any side line at least 15 feet, except where the side line shall be upon a street, in which case the set back from said street line shall be 25 feet and 25 feet to the rear lot line on any interior lot. No lot shall have less than one acre.
4. Easements for installation and maintenance of utilities

OCT 3 12 53 PM '73  
REC'D ROCKINGHAM COUNTY  
REGISTRY OF DEEDS

and drainage facilities are reserved as shown on the recorded plan. Within these easements, no structure planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels in the easements, or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.

5. No activity shall be carried on or no conditions shall be allowed to continue upon any lot which may be or may become incompatible or detrimental to a residential area or any annoyance or nuisance to the neighborhood.
6. No sign of any kind shall be displayed to the public view on any lot except one sign of not more than 5 square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.
7. No farm, domestic or wild animals shall be kept, maintained or raised on the premises, except dogs, cats or other commonly accepted household pets, and horses or ponies for riding, provided they are not kept, bred, or maintained for commercial purposes and do not create a nuisance because of noise, odor or other cause.
8. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.
9. No individual sewage-disposal system shall be permitted on any lot unless such system is designed, located and construction in accordance with the requirements, standards and recommendations of the local and State authorities. Approval of such system as installed shall be obtained from such authority as may be required.
10. No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two and six feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The



- 3 -

same sight-line limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

11. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 30 days from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of 10 years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part.
12. Said owners, and every person hereinafter having any right, title and interest in any lot in said subdivision, shall have the right to prevent or stop violation of any of these restrictions by proceedings at law or in equity against any person or persons violating or attempting to violate any covenants, either to restrain violation or to recover damages. Failure of the owners, or any lot owner, to enforce any restrictions or covenants contained herein shall in no event be deemed a waiver of the right to do so thereafter.
13. Invalidity of any one of these covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

The said GORDON HOMES, INC. does further specify that a copy of these restrictions and covenants shall be recorded in the Rockingham County Registry of Deeds and by reference incorporated in and made a part of all deeds conveying any interest in land or buildings in said development executed by the said Gordon Homes, Inc., its successors or their assigns, after the date of this instrument.

WITNESS its hand and corporate seal this 1st day of  
October, 1973.

Patricia A. Aldrich

GORDON HOMES, INC.  
By: William J. Gordon  
William J. Gordon, President.

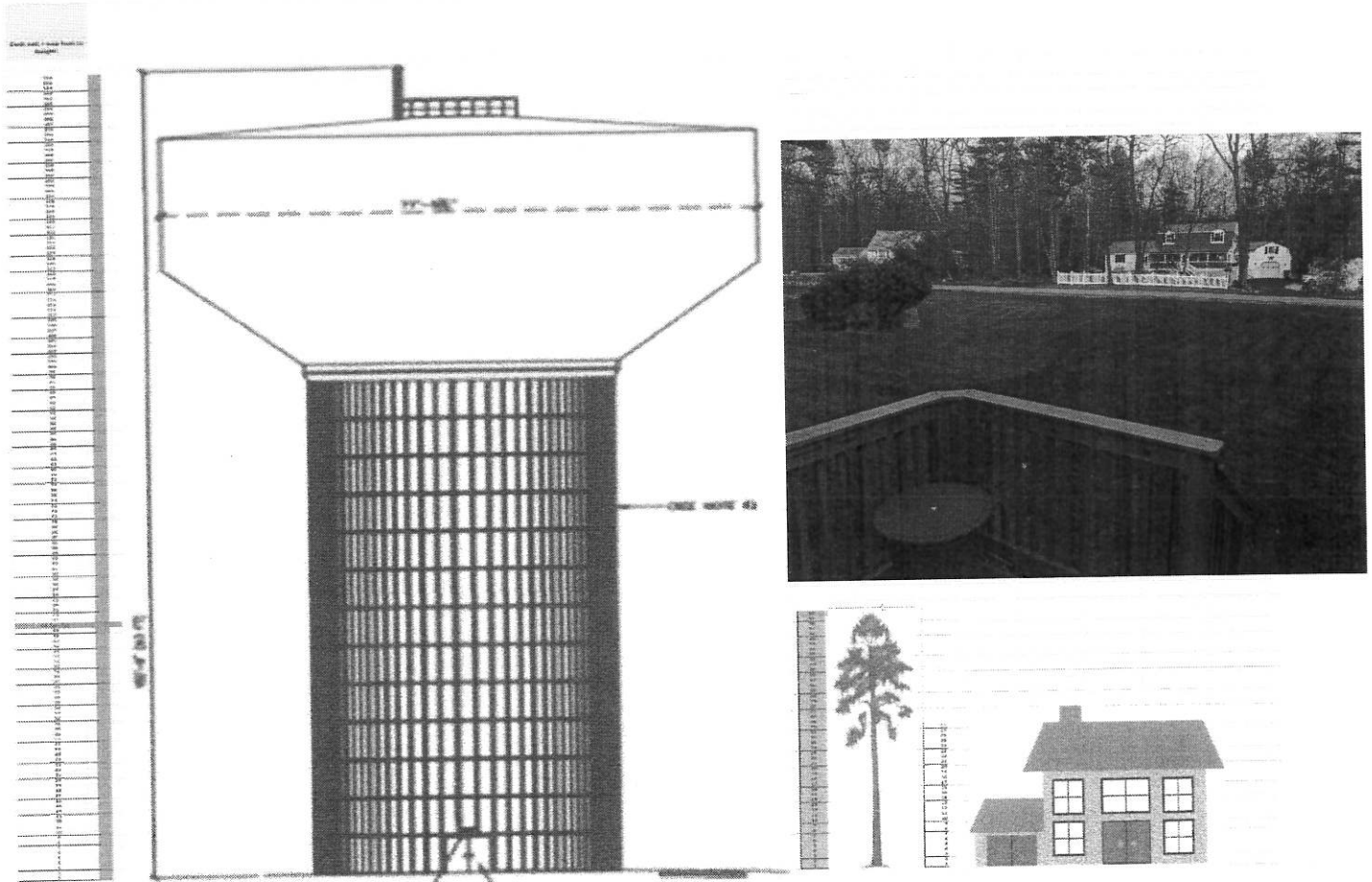
Exhibit J Case # 8/21/19-3

Lou and Vanessa Medeiros at 25 Gordon Drive, we have been tax payers in Londonderry since 1996 and moved here for the small town atmosphere.

We voted down the expansion at the Market Basket Development location due to economic/ecological stresses that would develop from such an addition. More schools, buses, traffic, police, fire stations, etc. which will affect Londonderry and now this monstrosity of a water tower.

With this planned 156' tower, we will look out our front window and see this all year long. The trees during the summer will not completely hide a tower of this height and will have even a better view during the winter months (which are typically long in NE). Below will be the view from our front window. This will be terrible.

This should be placed by the new development on the Market Basket property area. It will blend better with the complexes that are 3 and 4 stories. There is a section close to the highway that would be out of the way and not in view of many homes. We have seen towers built on flat land by the ocean with high water tables so there should be other options. Also in Londonderry we have a large majority of tax paying homes that wells.



**Approximate height comparison:** 156 foot tall tower - 50 foot tall tree - 28 foot tall home  
(Width not drawn to scale.)

# For Pennichuck Variance Case No. 8/21/19-3 Exhibit K

NAME	ADDRESS	FOR OR AGAINST CASE	DO YOU WANT TO SPEAK
Dotti & Guleria	148 Oakview Dr.	yes	
BRENT & LYNN DITACK	13 TROLLY CAR LANE	AGAINST	No
FRANK DEFILIPPI	27 GORDON DRIVE	AGAINST	No
Gina Federico	41 Wedgewood Drive	AGAINST	NO
GARY WOLF	11 WEDGEWOOD DR	AGAINST	NO
Samantha Blanchette	3 JUDY DR	AGAINST	NO
Ronald Blanchette	8 JUDY DR	AGAINST	NO
Jeff Moulton	DERRY 5 TAYLOR BROOKLN,	CASE NO. 8/18/19-1	YES
MATT AUGER	34 KITT LANE	AGAINST	YES
LEANNE AUGER	34 KITT LANE	AGAINST	YES
Karen Martin	28 Gordon Dr.	AGAINST	YES
RAY BRESLIN	3 GARY DRIVE	AGAINST	YES
JOHN J. MARTIN	28 GORDON DR.	AGAINST	NO
Richard Dillon	23 Gordon Drive	Against	Yes
Lori Dillon	23 Gordon Dr	against	maybe
Boles Linda	57 Hovey Rd	Against	yes
Clarrisa Novarro	2 Woodbine D	Against	yes



# For Pennichuck Variance Case No. 8/21/19-3

NAME	ADDRESS	FOR OR AGAINST CASE	DO YOU WANT TO SPEAK
MANIL TARANTU	40 GORDON DR	AGAINST	NO
Marcia Taranto	"	Against	NO
Bruce Walker	41 Gordon Dr.	AGAINST	No.
Robert Humphreys	37 GORDON DR	AGAINST	No
Bill Kenney	42 GORDON DR	AGAINST	NO
Gary + Betty Maffei	30 Wedgewood Dr	against	no
ANDREA BALDWIN	32 KITT LANE	AGAINST	NO
Kathy Morgan	36 Kitt Lane	Against	No
Julia Paakkonen	5 Wedgewood Dr.	Against	NO
Brian Paakkonen	"	Against	No
Glenn Douglas	6 OVERLOOK AVE	"	NO
Rachel Lessard	38 Kitt Ln.	Against	Yes
Michael Lessard	38 Kitt Ln	AGAINST	yes
Scott C. Martin	93 Hall Rd	AGAINST	NO.
Marie C. Martin	93 Hall Rd.	AGAINST	NO
Helen Provencher	9 Gordon Dr	Against	yes
DANIELLE PROVENCHER	9 GORDON DR	AGAINST	NO



# For Pennichuck Variance Case No. 8/21/19-3

NAME	ADDRESS	FOR OR AGAINST CASE	DO YOU WANT TO SPEAK
RENE PROVENCHER	9 GORDON DR	AGAINST	NO
JAMES PRATT	1 BITTERSWEET LN.	AGAINST	NO
DENISE PRATT	1 BITTERSWEET LN	AGAINST	NO
WALTER STOCKS	39 GORDON DR	AGAINST	YES
Marilyn Stocks	39 Gordon Dr	against	no
Justine Dates	20 So Parrish Dr	against	NO
Janice Koblenzer	27 Kitt Lane	Against	NO
Elizabeth Russell	6 Wedgewood Dr	Against	NO
George Russell	6 Wedgewood Dr	Against	NO
Robert Saur	4 Mountain Home Rd	Against	Yes
Margaret Saur	4 Mountain Home Rd	Against	Yes
David Waddell	21 King John Dr	AGAINST	NO
Greta Swisher	15 Bear Meadow Rd	against	yes
Donald Almy	41 Wiley Hill Rd	Against	yes
Bill O'CONNOR	18 GORDON DR	AGAINST	NO
Paul Pelland	37 Wedgewood Dr	AGAINST	no
Elin Pelland	37 Wedgewood Dr	against	no

**For Pennichuck Variance Case No. 8/21/19-3**

[illegible]