LONDONDERRY, NH PLANNING BOARD
MINUTES OF THE MEETING OF AUGUST 13, 2014 AT THE MOOSE HILL COUNCIL CHAMBERS

Members Present: Art Rugg; Mary Soares; Lynn Wiles; Laura El-Azem; Rick Brideau, CNHA, Ex-Officio; John Laferriere, Ex-Officio; and Al Sypek, alternate member

Also Present: Cynthia May, ASLA, Town Planner and Planning and Economic Development Department Manager; John R. Trottier, P.E., Assistant Director of Public Works and Engineering; and Jaye Trottier, Associate Planner

A. Rugg called the meeting to order at 7:00 PM. He appointed A. Sypek to vote for Chris Davies.

Administrative Board Work

A. Discussions with Town Staff

• Stonehenge Road Cell Tower (Map 13 Lot 53A)

  C. May stated that the Senior Building Inspector recently consulted with her about a proposed addition of an equipment shed and an associated expansion of the fenced in area at the existing Verizon cell tower at 94 Stonehenge Road (see Attachment #1). She said such requests are handled administratively by Staff and the information is being presented to the Board for informational purposes. A. Rugg asked for questions or input from the Board. There were none.

• Old Home Day Week

  M. Soares reminded the public that the annual Old Home Day celebration has commenced and gave a brief synopsis of scheduled events.

• Annual SNHPC Meeting

  A. Rugg announced that the annual meeting of the Southern New Hampshire Planning Commission will take place September 12, 2014.

Public Hearings/Workshops/Conceptual Discussions

A. Ballinger Properties, LLC and Five-N-Associates General Partnership (Owners And Applicants), Map 28 Lots 17-3 and 17-4 – Application Acceptance and Public Hearing for formal review of a subdivision plan to adjust the lot line between Lots 17-3 and 17-4, 28 and 30 Industrial Drive, Zoned GB.

  J. R. Trottier stated there were four checklist items that have associated waiver requests. Assuming the Board grants the waivers, he said Staff recommends the application be accepted as complete.
1. Section 4.12.c.18 which requires that setbacks be shown on the plan. Staff recommends granting the waiver because the setbacks will be shown on the associated Milton CAT site plan.

2. Section 4.12.C.19.vi which requires that gravel drives be shown on the plan. This is an active gravel pit and the location of gravel drives is not fixed. Staff recommends granting the waiver because the driveways are not fixed.

3. Section 3.09.F.2 which requires that proper driveway sight distance is provided to the lots. Lot 28-17-4 is currently unbuildable, and Lot 28-17-3 shares access over an existing access easement for Lot 28-18-4, where adequate sight distance was previously established. Staff recommends granting the waiver because there is an established curb cut serving this lot and the adjacent parcel, for which driveway sight distance is confirmed on the associated Milton CAT site plan.

4. Section 4.12.C.22 which requires that existing overhead utilities be shown on the boundary plan. The overhead utilities are typically associated with specific site development, and the locations altered, which is why they are not appropriate for placement on boundary plans. Staff recommends granting the waiver because the Milton CAT site plan will accommodate the location of overhead utilities. Staff finds that all four waiver requests meet the spirit and intent of the regulations.

M. Soares made a motion to approve the applicant’s request for the four (4) waivers listed, as outlined in Staff’s Recommendation Memo dated August 13, 2014. L. Wiles seconded the motion. No discussion. Vote on the motion: 7-0-0.

M. Soares made a motion to accept the application as complete per Staff’s Recommendation memo dated August 13, 2014. L. Wiles seconded the motion. No discussion. Vote on the motion: 7-0-0.

A. Rugg noted that this acceptance initiates the 65 day time frame for the Board to render a decision under RSA 676:4.

Engineer John O’Neil of Mooar Hill Road in Hollis, NH explained that the proposed lot line adjustment would relocate the property line between Lots 17-3 and 17-4 on Map 28, which were previously subdivided circa 1996. Doing so will accommodate the warehouse facility proposed by Milton CAT (see next agenda item).

A. Rugg asked for Staff input.

J. R. Trottier read the waiver request into the record from the Staff Recommendation memo:

1. Section 3.02 which requires that boundary monuments be set at
specified points and regular intervals. The waiver is in reference to Lot 28-17-4, which is unbuildable. Monuments will be set as part of any future subdivision creating frontage on a Class V or better road for this lot. Staff recommends granting the waiver for the reasons stated by the Applicant.

J. R. Trottier summarized the engineering review letter (see Attachment #2).

C. May noted a precedent condition will be added to the Notice of Decision, should the Board grant approval of the subdivision, which requests that the applicant provide an additional 20 feet along the southern boundary of an existing drainage easement on the site to ensure its future maintenance.

A. Rugg asked for comments and questions from the Board.

There were none.

A. Rugg asked for public input.

There was none.

M. Soares made a motion to approve the applicant’s request for the waiver as outlined in Staff’s Recommendation Memo dated August 13, 2014. L. Wiles seconded the motion. No discussion. Vote on the motion: 7-0-0.

M. Soares made a motion to grant final approval to the subdivision plan for Milton CAT (Applicant), Map 28 Lots 17-3 and 17-4, a lot line adjustment between Lots 17-3 and 17-4, in accordance with the plans prepared by John O’Neil LLC, dated June 26, 2014, with the precedent conditions to be fulfilled within two (2) years of the approval and prior to plan signature, including the additional condition as outlined by Staff regarding the drainage easement, and the general and subsequent conditions of approval to be fulfilled as noted in the Staff memo, dated August 13, 2014. L. Wiles seconded the motion. No discussion. Vote on the motion: 7-0-0.

B. Ballinger Properties, LLC and Five-N-Associates General Partnership (Owners, 28 and 30 Industrial Drive, Map 28 Lots 17-3 and 17-4, Zoned GB); Tana Properties Limited Partnership (Owner, 20 Rear Industrial Drive, Map 28 Lot 20-5, Zoned GB); and Milton CAT, Inc. (Applicant) – Application Acceptance and Public Hearing for formal review of a site plan to construct a 2-story warehouse facility with service and office space and associated improvements at 28 and 30 Industrial Drive and 20 Rear Industrial Drive.

J. R. Trottier stated there was one checklist item that has associated waiver request for acceptance purposes only. Assuming the Board grants the waiver as such, he said Staff recommends the application be accepted as complete.

1. Section 2.05.a.9 and 4.18.i of the Site Plan Regulations and Item II.5 of the Checklist requiring easement deeds, protective covenants or other legal documents to indicate that the owner of abutting Lot 34 (Public
Service of New Hampshire) has agreed to proposed driveways and grading located across their lot to enable the applicant to access Lot 20-5. Staff recommends granting the waiver for acceptance purposes only.

M. Soares made a motion to approve the applicant’s request for the waiver listed for acceptance purposes only, as outlined in Staff’s Recommendation memo dated August 13, 2014. L. Wiles seconded the motion. No discussion. Vote on the motion: 7-0-0.

M. Soares made a motion to accept the application as complete. L. Wiles seconded the motion. No discussion. Vote on the motion: 7-0-0.

A. Rugg noted that this acceptance initiates the 65 day time frame for the Board to render a decision under RSA 676:4.

Engineer Gary Collette of AMEC and Brad Farrin, Corporate Facilities Manager of Milton CAT, introduced the project design team and provided a brief description of the proposed site plan (see Attachment #3). The applicant was recently granted a variance by the Zoning Board of Adjustment to allow development of Lot 20-5 without the required road frontage. Of the total 33.5 acres included in the three lots, 23 acres will be developed. The main building will be two stories with a footprint of 84,109 square feet. A utility building to its south will provide the servicing of vehicles.

Access to the site will come from an existing driveway off of Industrial Drive that is shared with Kluber Lubrication to the south on Lot 18-4. B. Farrin stated he has met with representatives of Kluber to discuss any concerns they might have with the proposed visual screening between their lot and Milton CAT’s abutting equipment display area at the front of their site. He reported that they were accepting of the proposed landscape design and added that Milton CAT will continue their contact with Kluber through the construction phase of the project. G. Collette reviewed the various vehicle storage areas on the site (p.4 of Attachment #3), noting those to be used for vehicle storage that will be out of direct site of the public and those to be used specifically for the display of new equipment. The former will be paved with recycled asphalt and the latter will feature crushed stone. The display area at the front of Lot 17-3 will be screened with intermittent vegetation in front of a 6-foot chain link security fence.

The storage area behind the main building will house a Yard Manager who will take the precaution of making sure any vehicles leaking fluids are moved to the utility building. This was added to the plan to address concerns of the Conservation Commission about vehicle fluids seeping through the recycled asphalt. G. Collette noted that Best Management Practices used by Milton CAT for petroleum storage were included in the applicant’s submission package. The Conservation Commission also requested that no snow storage be located on lot 20-5 due to the potential for road salt to enter the adjacent wetlands and Little Cohas Brook. G. Collette explained that snow storage will be
restricted to two locations on the main lot.

A wildlife biologist hired by the applicant confirmed that there are no endangered species on the site, nor does any potential wildlife habitat exist since the site is a former gravel pit. Some wildlife habitat was found within the utility corridor owned by Public Service of New Hampshire that separates Lot 20-5 from Lots 17-3 and 17-4. B. Farrin stated that the State Fish & Game Division of the Department of Environmental Services has requested $20,000 from the applicant in order to perform wildlife habitat mitigation work. Because approval of the applicant’s Alteration of Terrain (AoT) rests in part with the Fish & Game Division, the applicant has been informed by that Division that the permit will not be approved until the mitigation funds are in place. B. Farrin explained that although Milton CAT disagrees with this requirement because there is no potential habitat on their site, they are opting to fulfill the requirement in the interest of obtaining the requisite AoT permit without delaying their development schedule. He did, however, address the issue with the Town Manager.

Gary Collette reviewed the parking areas and vehicle circulation around the site and presented views of the building elevations (p. 5). B. Farrin noted the similarity of this proposed facility to Milton CAT’s Clifton Park, NY facility (p. 9). A. Rugg added that the Heritage Commission had recommended approval of the facility as it was presented to them with a request to add purple lilacs to the plant listing in the landscape plan.

Conclusions of the applicant’s fiscal impact analysis (see Attachment #4) indicate that an estimated $189,121 a year in gross tax revenues will be generated by the development. With an anticipated cost impact on Town services and infrastructure of $74,690 per year, the net positive fiscal impact for the town comes to $114,431. G. Collette noted that the cost to the Town could be as low as approximately $40,000 since no public roads or public trash collection are associated with the development and because of input received from the Fire and Police Departments.

A. Rugg asked for Staff input.

C. May read the two waiver requests to the Gateway Business Ordinance into the record from the Staff Recommendation memo:

1. The applicant has requested a waiver to Section 2.7.2.5 of the Londonderry Zoning Ordinance requiring the incorporation of Transportation Demand Management techniques in the operation of the proposed facility and that the proposed development should meet the “Certified” level of LEED (Leadership in Energy and Environmental Design). The ordinance allows the Planning Board to waive both requirements of this section where it is shown that the standards impose an unreasonable burden on development of the property within the GB district. Staff supports granting the waiver to the Transportation Demand Management techniques because Milton CAT will implement the requirements informally. The nature of their operations is such that
employees arrive and depart at various times, minimizing peak hour and
overall trips to their facilities. Staff supports granting the waiver to the
LEED certification because they will employ responsible site design
principles and energy efficient techniques where practical for this type of
facility.

2. The applicant has requested a waiver to Section 2.7.2.6.2 of the
Londonderry Zoning Ordinance requiring that all outdoor storage be
visually screened from streets, arterials, and adjacent properties, and
that no storage will be permitted between a frontage street and the front
of the building. Staff supports granting the waiver because outdoor
storage of used and equipment to be serviced will be located to the rear
of the facility, and adequately screened. Equipment display areas located
at the front of the site will be intermittently screened to soften the
views, while still permitting their new equipment to be visible from the
street. They also met with the adjacent business owner for their input.

A. Rugg entertained Board input.

A. Sypek asked about requirements for handling contaminated water in the
wash bays of the utility building. G. Collette explained that the wash bay is
preceded by a prewash bay, from which water is drained through a filter
system and either reused or discharged through an oil and water separator
before entering the sewer system. A. Sypek then verified with G. Collette that
the applicant has a maintenance plan in place for the oil and water separator.

A. Rugg asked for public input.

Aside from John O’Neil, the engineer associated with the subdivision, speaking
in favor of the project, there was no other public input.

M. Soares made a motion to approve the Applicant’s request for two
(2) waivers to the Ordinance as outlined in Staff’s Recommendation
Memo dated August 13, 2014. L. Wiles seconded the motion. No
discussion. Vote on the motion: 7-0-0.

J. R. Trottier read the eight waiver requests to the Site Plan Regulations into
the record from the Staff Recommendation memo:

1. Section 3.07.g.1 requiring a minimum pipe diameter in any storm drain
system to be 15". Staff recommends granting the waiver because it
enables the Applicant to minimize fill quantities for the project site and
to maintain NHDES water quality standards.

2. Section 3.07.g.3 requiring a minimum depth of cover for storm drain
lines of 36" from the top of pipe to finished grade, where a pipe cover of
21" at the most up-gradient stormwater collection basins is proposed.
Staff recommends granting the waiver because it enables the Applicant
to minimize fill quantities for the project site and to maintain NHDES
water quality standards.
3. Section 3.09.e.2 requiring screening of outside storage. Section 3.09.e.4 permits the Planning Board, at its discretion, to make adjustments to the location and density of screening depending on the circumstances of the proposed site plan. Staff recommends **granting** the waiver because the area is intended to be limited to the display of new Milton CAT equipment.

4. Section 3.11.g.1.i requiring a minimum of 10% of the overall interior area of a parking lot located in front of the principal building to be dedicated to landscaped areas. Staff recommends **granting** the waiver because the parking lot is set back 400 feet from the public ROW, and behind the display area, and landscaping is provided around the perimeter of the lot.

5. Section 3.11.g.6.i requiring landscaping with a 50% vertical opacity, 3.5 foot high along parking lots facing a street. Staff recommends **granting** the waiver because the parking lot is set back a distance from the public ROW, and behind the display area. There is also a 6 foot high berm directly east and adjacent to the parking lot.

6. Section 4.01.c requiring a maximum plan scale of 1” = 40’. Staff recommends **granting** the waiver because the required information is adequately provided at 1” = 80’ scale for the existing conditions, overall site plan and the erosion control and construction sequencing plans.

7. Section 3.11.g.5 requiring a perimeter shade tree ratio of 1 tree per 20 feet of the lot’s perimeter. Staff recommends **granting** the waiver because the parking lot is set back 400 feet from the public ROW, and behind the display area. There is also a 6 foot high berm directly east and adjacent to the parking lot, and the Applicant has provided 40 of the 47 trees required.

8. Sections 3.13.c.3 and 3.13.c.12 of the Site Plan Regulations to allow light in excess of 0.2 foot-candles at the property line. The foot-candle limit will be exceeded at the shared driveway entrance to the site. Staff recommends **granting** the waiver because a lighted driveway intersection is safer, and the spillover does not impact any residential abutters. The waiver is limited to the driveway entrance only.

J. R. Trottier summarized the engineering review letter (see Attachment #5). The second Board Informational Item, he noted, was included to make the Board aware that approval of the plan as presented would include approval of a driveway width of 32 feet, which exceeds the maximum width of 24 feet allowed under Town regulations. The Board is permitted, however, to specifically approve an exception to that limit of up to 36 feet. He said Staff supports the exception of a 32 foot driveway width.

C. May noted a precedent condition to be included in the Notice of Decision, should the Board grant approval of the site plan, which will state "The Applicant shall work with the Town to finalize a development agreement. All
conditions of approval shall be incorporated into the Development Agreement, to be approved by the Town Attorney."

C. May the four Conditional Use Permit requests into the record from the Staff Recommendation memo:

1. The Applicant has requested a Conditional Use Permit to allow Sales of Heavy Equipment as an Accessory Use. The application meets the criteria as outlined in Section 2.7.3 and Section 2.2 Use Table of the Ordinance. Staff agrees that the applicant has demonstrated that they meet the spirit and intent of the CUP criteria and recommends granting the Conditional Use Permit to permit the sales of heavy equipment as an accessory use.

2. The Applicant has requested a Conditional Use Permit to allow site lighting fixtures to exceed the maximum mounting height of 25-feet required under Section 3.10.13.5.3. The application meets the criteria as outlined in Section 2.7.3.5.1 of the Ordinance. Staff agrees that the applicant has demonstrated that they meet the spirit and intent of the CUP criteria and recommends granting the Conditional Use Permit. The 30-foot mounting height allows fewer poles and better dispersion of light from the fixtures. The light pole heights will be lower than the height of the building.

3. The Applicant has requested a Conditional Use Permit to allow an increase in the percentage of permitted outside storage area. The storage of equipment to be serviced will be toward the back of the site and behind structures. New equipment only will be located in the designated areas in the front of the lot. Staff agrees that the applicant has demonstrated that they meet the spirit and intent of the CUP criteria and recommends granting the Conditional Use Permit.

4. The Applicant has requested a Conditional Use Permit to allow a total of 197 parking spaces where 412 spaces are required under the Ordinance. Milton CAT has other sites that have been in operation for years, so they are able to document the actual parking area needed for their use. The proposed equipment storage areas would provide enough space for additional parking, should the need arise. The application meets the criteria as outlined in Section 2.7.3.5.1 of the Ordinance. Staff agrees that the applicant has demonstrated that they meet the spirit and intent of the CUP criteria and recommends granting the Conditional Use Permit.

A. Rugg asked for additional comments and questions from the Board.

M. Soares requested that a covered walkway be provided for the benefit of the employees from their parking area to the building entrance. B. Farrin appreciated the concept but stated it would not be practical under the design presented.
A. Rugg asked for public input. There was none.

M. Soares made a motion to approve the Applicant’s request for eight (8) waivers to the Site Plan Regulations as outlined in Staff’s Recommendation Memo dated August 13, 2014. L. Wiles seconded the motion. No discussion. **Vote on the motion: 7-0-0.**

M. Soares made a motion to approve the Applicant’s request for Conditional Use Permits numbered 1 through 4 as outlined in Staff’s Recommendation Memorandum Dated August 13, 2014. L. Wiles seconded the motion. No discussion. **Vote on the motion: 7-0-0.**

M. Soares made a motion to grant final approval to the site plan for Milton CAT (Applicant), Map 28 Lots 17-3, 17-4 & 20-5, to construct a 2-story warehouse facility with service and office space and associated improvements at 28 and 30 Industrial Drive and 20 Rear Industrial Drive, Zoned GB, in accordance with the plans prepared by AMEC Environment & Infrastructure, dated June 11, 2014, and last revised July 24, 2014, with the precedent conditions to be fulfilled within 120 days of the approval and prior to plan signature, and the general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memo, dated August 13, 2014. L. Wiles seconded the motion. No discussion. **Vote on the motion: 7-0-0.**

C. Planning Board Signature Policy Amendments – Public Hearing for Proposed Amendments to Section 2.06 of the Subdivision Regulations, Sections 2.05 and 7.06 of the Site Plan Regulations and Section 7 of the Planning Board Rules of Procedure to increase the expediency of site and subdivision plan signature procedures.

C. May stated that the proposed amendments to the subdivision and site plan regulations as well as the Board’s Rules of Procedure have been reviewed and amended by the Board previously and have met with the approval of the Town Attorney. She read through the recommended changes (see Attachment #6), noting the revised Planning Board signature blocks that will allow any regular member to sign a plan, whereas the current block specifies the Chair and Secretary. The amendments will aid developers in starting their approved projects because they will not have to wait for plan to be signed at a Planning Board meeting.

A. Rugg asked for Board input.

M. Soares verified with Staff that the Board will not need to arrange a special meeting in order to have a plan signed outside of a regular meeting date. She also confirmed that the regular members who do sign the plan do not need to write in their position on the Board. She asked how Board members will be kept informed of those plans have been signed outside of a meeting. C. May replied that Staff can report at each meeting about any plans having been signed. She added that since the Board’s annual elections of officers has already taken place in 2014, the Board could vote now to make all regular
members designees of the Chair and Secretary.

A. Rugg asked for input from the public.

Ann Chiampa, 28 Wedgewood Drive, asked if Board members would be required to print their name or Board position in the signature block. A. Rugg replied that it would not be required, adding that research of the State RSAs did not reveal any such requirement.

There was no further public input.

A. Rugg entertained a motion to approve the amendments.

**M. Soares made a motion to approve the changes as outlined in the information provided by Staff on August 13, 2014.** L. Wiles seconded. No discussion. **The motion was approved, 7-0-0.**

A. Rugg stated that as Chair, he designated himself, M. Soares, L. Wiles, L. El-Azem, Chris Davies, Scott Benson, Jim Butler, J. Laferriere, and R. Brideau as designees.

**L. Wiles made a motion to approve of the Chairman’s recommended designee list.** M. Soares seconded the motion. No discussion. **Vote on the motion, 7-0-0.**

**Other Business**

There was no other business.

**Adjournment:**

**M. Soares made a motion to adjourn the meeting.** R. Brideau seconded the motion. **Vote on the motion: 7-0-0.**

The meeting adjourned at 8:10 PM.

These minutes prepared by Associate Planner Jaye Trottier

Respectfully Submitted,

Lynn Wiles, Secretary
MEMORANDUM

To: Planning Board        Date: August 13, 2014

From: Planning and Economic Development
       Department of Public Works & Engineering
       Stantec Consulting Services, Inc.

Re: Tax Map 28 Lots 17-3 & 17-4
Lot Line Adjustment Plan
28 Industrial Drive

Owners: Ballinger Properties &
Five -N- Associates

John J. O’Neil LLC submitted plans and supporting information for the above-referenced project. DRC and the Town’s engineering consultant, Stantec Consulting Services Inc. reviewed the submitted plans and information, and review comments were forwarded to the Applicant’s engineer. We offer the following comments:

Checklist Items:

1. The Applicant has not provided driveway site distance plans in accordance with Section 3.09.F and Exhibit D3 of the regulations and item III.34 of the checklist. The Applicant has submitted a waiver request for this requirement.

2. The Applicant has not indicated the building setbacks on the plans per section 4.12.c.18 and item V.18 of the checklist. The Applicant has submitted a waiver request for this requirement.

3. The Applicant has not indicated the gravel drives on the plans per section 4.12.c.19.vi and item V.19 of the checklist. The Applicant has submitted a waiver request for this requirement.

4. The Applicant has not indicated the overhead utility lines on the plans per section 4.12.c.22 and item V.22 of the checklist. The Applicant has submitted a waiver request for this requirement.

Design Review Items:

1. The Applicant has not provided proper monuments per section 3.02 and 4.12.c.4 of the regulations and item V.4 of the checklist. We note that two property lines are in excess of 1,000 feet and require monuments in accordance with Section 3.02 of the regulations. The Applicant has submitted a waiver request for this requirement.

2. We recommend the Applicant address/clarify the following on the lot line adjustment plans, sheets 1 and 2:
   a. Please provide the Owner signatures on the plans as applicable per section 4.12.c.16 of the Regulations and item III.27 of the checklist.
   b. Please indicate the abutting lot labeled PSNH on the plans and provide the name and address on sheet 2 per section 4.12.c.5 of the Regulations and item III.15 of the checklist, and update sheet 3 accordingly.
c. Please provide a wetland scientist professional endorsement on sheet 2 in accordance with Section 4.12.c.15 of the Regulations and item III.23 of the checklist.
d. Please clarify/indicate the limits of the existing “Brita Access Easement” as labeled on sheet 2 and 3.
e. Please verify the new lot designations on the plan are acceptable with the Assessor per item V.10 of the checklist.
f. Please provide a revision block on sheet 2 per section 4.04 of the regulations.
g. Please update the tax map plan on sheet 1 to properly indicate abutting lot 28-18-4 (vs. 17-3).

3. We recommend the Applicant verify the project DRC comments have been adequately addressed with each Department.

**Board Action Item:**

1. The Applicant is requesting five (5) waivers to the Subdivision Regulations as noted in his letter dated July 18, 2014. The Board will need to consider each waiver under this application.

**Board Information Item:**

1. The Applicant has obtained a variance under case 7/16/2014-3 for the proposed lot configuration indicates new lot 28-17-4 will not have any frontage on a class V or better road.
August 13, 2014

Milton CAT
Londonderry, NH Facility
1. MAIN BUILDING - NORTH

2. MAIN BUILDING - EAST

3. MAIN BUILDING - SOUTH

4. MAIN BUILDING - WEST

Amec

Milton CAT
Existing Facilities
North Reading, MA Facility
Founded in 1960 by Jack Milton, led today by Chris Milton, Dealer Principal
800 employees, 13 locations
Earthmoving Equipment and Power Systems
Senior Management team members average 20+ years at the company
Fiscal Impact Analysis
Milton Cat
Londonderry, NH

July 24, 2014

Prepared By
Fougere Planning & Development, Inc.
Milton Cat
FISCAL IMPACT ANALYSIS

July 27, 2014

A. Introduction

Fougere Planning and Development has been engaged by Milton Cat to undertake this Fiscal Impact Analysis to outline the potential financial ramifications to the Town of Londonderry from the proposal to construct an 112,096 square foot industrial complex off Industrial Drive. Milton Cat sells and services large earthmoving equipment; this New Hampshire location will employ 125 workers. The project site consists of three existing lots totaling approximately 33.5 acres; although a majority of the site usage will be limited to approximately 23.7 acres. The site plan notes future use of approximately 38,700 square feet of area for equipment storage on adjoining Lot 28/20-5. Parking for 190 vehicles will be provided along with equipment storage and display areas. All on-site roads and trash pickup will be privately maintained; public water and sewer will service the site with user fees covering all costs. It is my professional opinion and based upon the analysis provided here, that the proposed Milton Cat facility will have a positive fiscal impact on Londonderry and will create few demands for service.

B. Local Trends

Population

Census figures report that from 2000 to 2010 Londonderry’s population increased from 23,236 to 24,129, showing a 3.8% growth rate over the 10 year period. This growth rate is substantially lower than previous census periods, with population rates increasing 47% from 1980 – 1990 and 14.53% from 1990 – 2000. Over the last ten years Londonderry’s growth rate was 5th out of 7 regional communities; Table 1. The New Hampshire Office of Energy and Planning estimates Londonderry’s 2011 population to be 24,132.
Table 1  
Region Census 2000 – 2010

<table>
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<th>Region</th>
<th>2000</th>
<th>2010</th>
<th>% change</th>
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<tr>
<td>Windham</td>
<td>10,709</td>
<td>13,592</td>
<td>26.92%</td>
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<tr>
<td>Litchfield</td>
<td>7,360</td>
<td>8,271</td>
<td>12.38%</td>
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<tr>
<td>Hudson</td>
<td>22,928</td>
<td>24,467</td>
<td>6.71%</td>
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<tr>
<td>Auburn</td>
<td>4,682</td>
<td>4,953</td>
<td>5.79%</td>
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<tr>
<td>Londonderry</td>
<td>23,236</td>
<td>24,129</td>
<td>3.84%</td>
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<tr>
<td>Manchester</td>
<td>107,006</td>
<td>109,565</td>
<td>2.39%</td>
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<tr>
<td>Derry</td>
<td>34,021</td>
<td>33,109</td>
<td>-2.68%</td>
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</table>

Residential Construction

Like much of New Hampshire, residential construction market began to deteriorate in the middle of the last decade and underwent a significant decline when the “Great Recession” enveloped the Country in 2009. Single family home construction is only now beginning to improve locally, Figure 1, with multi-family still lagging behind; although a number of multi-family projects have been approved recently and are presently in the pipeline for construction. In speaking with realtors around the State, strong activity is very localized but is improving overall over past year activity levels.

Figure 1
Budgets

Over the past five years Department town budgets have increased 9.9%, averaging just under a 2% increase per year; Table 2. The Capital Outlay budget, along with the Public Safety showed the largest increases during this time period. Not surprisingly the Public Safety budget is the largest municipal line item encompassing 46.3% of the entire 2013 expenditure. The Police and Fire Departments have very measurable impacts as the result of changes in land use and along with schools, often see an increased demand for services as growth increases in a community.

Table 2
Year End Budgets\(^1\)

<table>
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<tr>
<th>Departments</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>% Change 2009 - 2013</th>
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<tbody>
<tr>
<td>General</td>
<td>$3,012,487</td>
<td>$2,929,828</td>
<td>$3,264,043</td>
<td>$3,386,765</td>
<td>$3,075,912</td>
<td>2.11%</td>
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<tr>
<td>Public Safety</td>
<td>$11,932,980</td>
<td>$12,291,199</td>
<td>$12,642,797</td>
<td>$12,814,322</td>
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<td>13.90%</td>
</tr>
<tr>
<td>Highway &amp; Streets</td>
<td>$3,364,600</td>
<td>$3,082,476</td>
<td>$3,042,461</td>
<td>$2,554,791</td>
<td>$3,095,221</td>
<td>-8.01%</td>
</tr>
<tr>
<td>Sanitation</td>
<td>$1,804,100</td>
<td>$1,882,694</td>
<td>$1,811,568</td>
<td>$1,902,722</td>
<td>$1,877,215</td>
<td>4.05%</td>
</tr>
<tr>
<td>Health/Welfare</td>
<td>$163,733</td>
<td>$164,853</td>
<td>$174,928</td>
<td>$125,816</td>
<td>$109,142</td>
<td>-33.34%</td>
</tr>
<tr>
<td>Culture/Recreation</td>
<td>$1,385,987</td>
<td>$1,445,295</td>
<td>$1,351,525</td>
<td>$1,653,577</td>
<td>$1,575,818</td>
<td>13.70%</td>
</tr>
<tr>
<td>Conservation</td>
<td>$0</td>
<td>$3,416</td>
<td>$2,011</td>
<td>$3,156</td>
<td>$1,571</td>
<td>0.00%</td>
</tr>
<tr>
<td>Economic Development</td>
<td>$449,867</td>
<td>$453,087</td>
<td>$422,655</td>
<td>$408,499</td>
<td>$484,711</td>
<td>7.75%</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>$1,679,200</td>
<td>$1,034,107</td>
<td>$2,948,809</td>
<td>$1,274,924</td>
<td>$2,599,721</td>
<td>54.82%</td>
</tr>
<tr>
<td>Debt Service</td>
<td>$2,855,269</td>
<td>$2,841,768</td>
<td>$2,798,301</td>
<td>$2,854,563</td>
<td>$2,889,521</td>
<td>1.20%</td>
</tr>
<tr>
<td>Total</td>
<td>$26,648,223</td>
<td>$26,128,723</td>
<td>$28,459,098</td>
<td>$26,979,135</td>
<td>$29,300,849</td>
<td>9.95%</td>
</tr>
</tbody>
</table>

Unemployment

New Hampshire continues to be one of the leaders in the nation with a low unemployment rate and for June of this year is rated 7th lowest in the country and second best in New England behind Vermont. Table 3 outlines figures from May/2014 comparing Londonderry with the region and the country. This low unemployment rate has created a job shortage in some segments of the economy, with construction trade and manufacturing employers looking to increase their hiring. With the opening of the new exit off the Everett Turnpike, a significant area of industrial land located south of the Manchester Airport has

\(^1\) 2013 Town Report, page c-107
opened up for development creating significant opportunities for Londonderry to take advantage of the current positive economic conditions. The subject of this Report, Milton Cat, along with a number of other companies have targeted this area of the community to take advantage of its access and proximity to the airport. This positive trend will not only increase job growth for the region, but provide Londonderry with a positive fiscal revenue source.

<table>
<thead>
<tr>
<th>Area</th>
<th>May 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States</td>
<td>6.3%</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>4.4%</td>
</tr>
<tr>
<td>Rockingham County</td>
<td>4.6%</td>
</tr>
<tr>
<td>Nashua NECTA</td>
<td>4.5%</td>
</tr>
<tr>
<td>Londonderry</td>
<td>4.4%</td>
</tr>
</tbody>
</table>

2 NH Empl. Security
C. Methodology Approach

There are a number of methodologies used to estimate fiscal impacts of development projects. The Per Capita Multiplier Method is the most often used to determine municipal cost allocation but is limited to residential applications. Given the non-residential nature of this proposal, the Consultant has chosen to use the Employment Anticipation Method\(^3\) to assess fiscal impacts on the Town of Londonderry. The Employment Anticipation Method is a marginal costing technique that relies on the relationship between local commercial and industrial employment levels and per capita municipal costs. The model predicts a change in municipal costs based on an anticipated change in local employment levels and per capita municipal costs for various town departments. Given that a correlation can exist between the number of employees working at a facility and the potential demands those employees may have on local services, the use of this mythology is supportable. The findings from this analysis are further supported by research conducted on like facilities in the northeast.

It should be noted that, in most cases, industrial land uses place the least amount of fiscal impact on a community as compared with other land uses.

D. Local Revenues From Development

a. Property Taxes

Local property taxes provide the bulk of municipal revenues for New Hampshire communities. The 2013 Tax Rate for Londonderry is $21.10. Figure 2 outlines the breakdown of the tax rate; for this analysis the County portion of the tax rate will not be included in any calculation.

Table 4 outlines the projected municipal tax revenue that will be generated by the proposed project based upon the anticipated assessed value; these revenues do not include County taxes. The consultant reviewed similar buildings owned by the Applicant to arrive at a projected building value. Local land values were used to arrive at the estimate site value and is supported by the proposed lease/purchase agreement the applicant holds with the property owner.

<table>
<thead>
<tr>
<th></th>
<th>Land Value</th>
<th>Building Value</th>
<th>Total Project Value</th>
<th>Projected Tax Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Anticipated Tax Revenue</strong></td>
<td>33.5 acres</td>
<td>112,096 Sq. Ft.</td>
<td></td>
<td>$20.19</td>
</tr>
<tr>
<td><strong>Land Value</strong></td>
<td>$119,000/ acre</td>
<td>$48/ Sq. Ft.</td>
<td>$9,367,108</td>
<td>$189,121</td>
</tr>
<tr>
<td><strong>Building Value</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Project Value</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Projected Tax Revenue</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
E. Fiscal Analysis

As noted above, the Employment Anticipation Method is a marginal costing technique that relies on the relationship between local commercial and industrial employment levels and per capita municipal costs. The model predicts a change in municipal costs based on an anticipated change in local employment levels and per capita municipal costs for various town departments. The proposed Milton Cat facility will employ 125 people and based upon the relationship of current municipal costs, per capita costs, expenditure multipliers, a breakdown of individual department costs, Town costs have been projected; Table 5.

<table>
<thead>
<tr>
<th>Departments</th>
<th>Fiscal 2013</th>
<th>Per Capita Expenditure</th>
<th>Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>$3,079,035</td>
<td>$127.56</td>
<td>$693</td>
</tr>
<tr>
<td>Public Safety</td>
<td>$13,494,545</td>
<td>$559.08</td>
<td>$27,326</td>
</tr>
<tr>
<td>Highway &amp; Streets⁵</td>
<td>$5,023,005</td>
<td>$208.10</td>
<td>$18,773</td>
</tr>
<tr>
<td>Health/Welfare</td>
<td>$184,504</td>
<td>$7.64</td>
<td>$240</td>
</tr>
<tr>
<td>Recreation/Culture</td>
<td>$1,582,167</td>
<td>$65.55</td>
<td>$7,970</td>
</tr>
<tr>
<td>Statutory/Unclassified</td>
<td>$1,938,074</td>
<td>$49.64</td>
<td>$12,016</td>
</tr>
<tr>
<td>Debt Service</td>
<td>$2,894,853</td>
<td>$119.93</td>
<td>$7,671</td>
</tr>
<tr>
<td></td>
<td>$27,456,183</td>
<td></td>
<td>$74,690</td>
</tr>
</tbody>
</table>

Based upon the Employment Anticipation calculation, the proposed Milton Cat facility will create a $74,690 fiscal demand on the community, with Public Safety and the Highway/Street Department’s bearing the brunt of this impact. It should be noted that is a

⁴ Final Budget, June 2013 Town Report, page c90.
⁵ Includes Sanitation.
very conservative estimate and as argued below, will most likely be much less than this methodology outlines.

At this time, a “level of service” exists in Londonderry to serve the community. This existing service level, for the most part, addresses the needs of the community through existing tax collections. As new development occurs, pressures are placed on some departments to address increased demands while other departments see little if any impacts. In reviewing each of the potential impacted town departments noted above, a truer picture of anticipated cost impacts can be determined.

Given the nature of the proposed development project few significant impacts are anticipated. Any required off site road improvements will be addressed during the Planning Board approval process. Solid waste generated by the project will be removed by a private hauler. Any sewer and water expenses will be offset through user fees. All of the proposed new roads will be private and all maintenance expense will be paid for by the project owner. This is not to infer that no costs will occur as a result of this project. Measurable impacts will certainly be felt by a few Town departments but to a very small degree.

**Police & Fire Departments**

As outlined above, the Public Safety budget has the largest municipal budget line item and as such, it was critical to explore in more detail what level of impact the proposed project could have on these Departments. To gain a firm understanding of degree of this impact Fougere Planning & Development, Inc. collected emergency call data from seven like facilities from across the northeast totaling 371,000 square feet of space. Table 6 outlines the findings from this research.
### Table 6
Average Calls: Police-Fire-Ambulance

<table>
<thead>
<tr>
<th>Project</th>
<th>Town</th>
<th>Sq. Ft</th>
<th>Avg. Call Per Year</th>
<th>Total Police Calls 2011 - 13</th>
<th>Avg. Call Per Unit</th>
<th>Projected Calls</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chappel Tractor</td>
<td>Milford</td>
<td>30,494</td>
<td>10.67</td>
<td>32</td>
<td>0.00035</td>
<td></td>
</tr>
<tr>
<td>T-Quip Construction</td>
<td>Londonderry</td>
<td>9,240</td>
<td>1.67</td>
<td>5</td>
<td>0.00018</td>
<td></td>
</tr>
<tr>
<td>Milton Cat</td>
<td>Scarborough, Maine&lt;sup&gt;8&lt;/sup&gt;</td>
<td>37,956</td>
<td>10.33</td>
<td>31</td>
<td>0.00027</td>
<td></td>
</tr>
<tr>
<td>Milton Cat</td>
<td>Hopkinton, NH</td>
<td>64,578</td>
<td>0.00</td>
<td>0</td>
<td>0.00000</td>
<td></td>
</tr>
<tr>
<td>Milton Cat</td>
<td>Warner, NH</td>
<td>43,460</td>
<td>0.33</td>
<td>1</td>
<td>0.00001</td>
<td></td>
</tr>
<tr>
<td>Milton Cat</td>
<td>Clifton Park, NY</td>
<td>73,926</td>
<td>0.67</td>
<td>2</td>
<td>0.00001</td>
<td></td>
</tr>
<tr>
<td>Milton Cat</td>
<td>Batavia, NY</td>
<td>111,761</td>
<td>1.00</td>
<td>3</td>
<td>0.00001</td>
<td></td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Projected</strong></td>
<td>Londonderry</td>
<td>112,096</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project</th>
<th>Town</th>
<th>Sq. Ft</th>
<th>Avg. Call Per Year</th>
<th>Total Fire Calls 2011 - 13</th>
<th>Avg. Call Per Unit</th>
<th>Projected Calls</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chappel Tractor</td>
<td>Milford</td>
<td>30,494</td>
<td>0.33</td>
<td>1</td>
<td>0.00001</td>
<td></td>
</tr>
<tr>
<td>T-Quip Construction</td>
<td>Londonderry</td>
<td>9,240</td>
<td>0.00</td>
<td>0</td>
<td>0.00000</td>
<td></td>
</tr>
<tr>
<td>Milton Cat</td>
<td>Scarborough, Maine&lt;sup&gt;8&lt;/sup&gt;</td>
<td>37,956</td>
<td>4.00</td>
<td>12</td>
<td>0.00011</td>
<td></td>
</tr>
<tr>
<td>Milton Cat</td>
<td>Hopkinton, NH</td>
<td>64,578</td>
<td>0.00</td>
<td>0</td>
<td>0.00000</td>
<td></td>
</tr>
<tr>
<td>Milton Cat</td>
<td>Warner, NH</td>
<td>43,460</td>
<td>0.00</td>
<td>0</td>
<td>0.00000</td>
<td></td>
</tr>
<tr>
<td>Milton Cat</td>
<td>Clifton Park, NY</td>
<td>73,926</td>
<td>1.00</td>
<td>3</td>
<td>0.00001</td>
<td></td>
</tr>
<tr>
<td>Milton Cat</td>
<td>Batavia, NY</td>
<td>111,761</td>
<td>0.00</td>
<td>0</td>
<td>0.00000</td>
<td></td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Projected</strong></td>
<td>Londonderry</td>
<td>112,096</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project</th>
<th>Town</th>
<th>Sq. Ft</th>
<th>Avg. Call Per Year</th>
<th>Total Amb. Calls 2011 - 13</th>
<th>Avg. Call Per Unit</th>
<th>Projected Calls 265 Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chappel Tractor</td>
<td>Milford</td>
<td>30,494</td>
<td>0.33</td>
<td>1</td>
<td>0.00001</td>
<td></td>
</tr>
<tr>
<td>T-Quip Construction</td>
<td>Londonderry</td>
<td>9,240</td>
<td>0.00</td>
<td>0</td>
<td>0.00000</td>
<td></td>
</tr>
<tr>
<td>Milton Cat</td>
<td>Scarborough, Maine&lt;sup&gt;8&lt;/sup&gt;</td>
<td>37,956</td>
<td>1.00</td>
<td>3</td>
<td>0.00003</td>
<td></td>
</tr>
<tr>
<td>Milton Cat</td>
<td>Hopkinton, NH</td>
<td>64,578</td>
<td>0.33</td>
<td>1</td>
<td>0.00001</td>
<td></td>
</tr>
<tr>
<td>Milton Cat</td>
<td>Warner, NH</td>
<td>43,460</td>
<td>0.00</td>
<td>0</td>
<td>0.00000</td>
<td></td>
</tr>
<tr>
<td>Milton Cat</td>
<td>Clifton Park, NY</td>
<td>73,926</td>
<td>0.00</td>
<td>0</td>
<td>0.00000</td>
<td></td>
</tr>
<tr>
<td>Milton Cat</td>
<td>Batavia, NY</td>
<td>111,761</td>
<td>0.00</td>
<td>0</td>
<td>0.00000</td>
<td></td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Projected</strong></td>
<td>Londonderry</td>
<td>112,096</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---
<sup>8</sup> The dispatch department noted that this site had alarm activation issues which impacted the call volume to this location.
In general the projected calls to all Public Safety Departments will be minimal. The Police Department will see the largest increase in call volume with 7 projected calls. To put the call volume into perspective, the Department received 22,901 calls in 2013 (440 per week) and 26,336 calls in 2012; Table 7. To explore these findings further, we met with Police Chief Bill Hart. In reviewing our projections, he felt the call examples researched were sufficient and the projected call volumes reasonable; although he did feel they would receive a few more calls than noted; the Chief did not believe this project would have any fiscal impact on his Department. He confirmed the noted supposition that industrial uses place few demands on his Department. He conveyed a story that during the construction of the power plant a number of calls came into the Department to address problems occurring during construction. Since the project has been operational, they rarely have had to visit the property. The Chief believes this project, along with others proposed in the southern Airport neighborhood are a positive change for the community.

<table>
<thead>
<tr>
<th>Table 7</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police &amp; Fire Calls 2010 - 2013</td>
</tr>
<tr>
<td>2010</td>
</tr>
<tr>
<td>Police Calls</td>
</tr>
<tr>
<td>Fire</td>
</tr>
<tr>
<td>Rescue &amp; Emergency</td>
</tr>
</tbody>
</table>

We also met with the Fire Department to review our findings, sitting down with Fire Chief O’Brien and Battalion Chief Cardwell. A much more modest projected call volume is anticipated for this Department, with 6 fire calls projected and 1 ambulance call. Compared to the call volume detailed in Table 7, these projected volumes are extremely minor. Both Chief’s felt the projected call volumes were reasonable and did not believe they would vary considerable. The facility would be inspected yearly by the Department; but no other demands would be placed on the Fire Department from this use. The Chiefs did not believe any fiscal impact would occur from this project.
**Other Departments**

As with the Public Safety Departments; few additional demands are expected on other Town Departments. The road providing access to the site is presently a town road and is maintained by the community, no new public roads will be constructed for the project placing few demands on the Highways & Street Department. Employees and visitors will travel over existing roads to access site and various impacts could occur from this activity. If employees of Milton Cat move to Londonderry, then additional impacts could occur; but these would be minimal.

**Other Benefits**

Other economic benefits are projected as a result of the proposed development, including additional meals taxes, local economic growth, and new construction jobs. Local suppliers will see an increase in activity to service the new facility. The construction phase will infuse a significant economic boost into the local and regional economy, with dozens of tradesmen involved with building the project and millions of dollars spent on construction supplies and materials.
F. Conclusion & Summary

Based upon the findings in this Report the proposed Milton Cat facility will generate $189,121 in gross yearly tax revenue. The anticipated fiscal impact to the Town of Londonderry is estimated to be $74,690 for town services; resulting with a positive fiscal impact of approximately $114,431. Based upon the additional research conducted for this analysis and the particulars of this project, it can be reasonably argued that the fiscal impact upon the community will be under $40,000 a year.

Key findings supporting this conclusion include:

- The proposed project will include all private roads and trash collection.
- Calls to the Police Department are projected in increase by only 7, with a total of 22,901 received by the Department in 2013. The Chief believes no fiscal impact will occur to his Department.
- Calls to the Fire Department will be marginal, the Chief believes no fiscal impact will occur to his Department.
- The project will generate approximately $189,121 in gross taxes per year.
- An estimated $114,431 yearly positive fiscal impact will occur in the community, with a higher positive impact most likely to occur.
MEMORANDUM

To: Planning Board
Community Development Department

From: Planning and Economic Development
Department of Public Works & Engineering
Stantec Consulting Services, Inc.

Date: August 13, 2014

Re: Map 28 Lots 17-3, 17-4 & 20-5
Proposed Site Plan for
Southworth-Milton, Inc.
30 Industrial Drive

Owner: Ballinger Properties/5-N-Assoc
Applicant: Southworth-Milton, Inc.

AMEC submitted plans and information for the above-referenced project. DRC and the Town’s engineering consultant, Stantec Consulting Services Inc. reviewed the submitted plans and information, and review comments were forwarded to the Applicant’s engineer. The Applicant submitted revised plans and information and we offer the following comments:

Checklist Items

1. The Applicant’s proposed development design includes lot 20-5 with driveways and grading shown and located across abutting lot 34 Map 28 owned by Public Service of New Hampshire to access this separate lot, but the application did not include easement deeds, protective covenants or other legal documents that indicates the Owner of abutting Lot 34 has agreed to the proposed improvements indicated across abutting Lot 34 shown on the project plans per section 2.05.a.9 and 4.18.i of the Site Plan Regulations and item II.5 of the Checklist. We recommend the Applicant provide written documentation from the abutter at Lot 34 agreeing to the proposed improvements indicated on and across the abutting property for the Planning Department’s file. The Applicant has submitted a waiver request for this requirement.

Design Review Items:

Gateway Business District Zoning Ordinance

1. Under Section 2.7.2.5 of the Gateway Business District Zoning Ordinance, the Applicant’s transportation operations do not fully meet the standards required by the TMD techniques. In addition, Applicant’s building design does not fully meet the Sustainable Site and Building Design requirements as specified in Section 2.7.2.5. The Applicant has submitted a waiver request for these requirements under Section 2.7.2.5.

2. The Applicant’s outdoor storage is not adequately screened, as specified in Section 2.7.2.6.2 of the Gateway Business District Zoning Ordinance. The Applicant has submitted a waiver request for this requirement.

Site Plan Regulations

3. The Applicant’s drainage pipe design indicates some pipes with less than the minimum 15” diameter, which does not comply with item 3.07.g.1 of the Site Plan Regulations. We
recommend the Applicant update the design to provide the minimum pipe size in compliance with the regulations. The Applicant has submitted a waiver request for this requirement.

4. The Applicant’s drainage pipe design indicates several pipes with less than the minimum three (3) feet of cover, which does not comply with item 3.07.g.3 of the Site Plan Regulations. We recommend the Applicant update the design to provide the minimum cover in compliance with the regulations and as typically required by the Town. The Applicant has submitted a waiver request for this requirement.

5. The Applicant’s proposed landscaping does not provide the necessary screening of the proposed outdoor storage areas, per section 3.09.e.2 of the Site Plan Regulations. The Applicant has submitted a waiver request for this requirement.

6. The Applicant’s proposed landscaping does not provide the minimum 10% interior landscape area within the parking lots per section 3.11.3.g.1.i of the Site Plan Regulations. The Applicant has submitted a waiver request for this requirement.

7. The Applicant’s proposed landscaping does not provide the required 50% vertical opacity, 3.5’ high along the parking lot, facing the street per section 3.11.g.6 of the Site Plan Regulations. The Applicant has submitted a waiver request for this requirement.

8. The Applicant’s proposed landscaping does not provide one (1) tree per 20 feet around the parking lot perimeter per section 3.11.3.g.5 of the Site Plan Regulations. The Applicant has submitted a waiver request for this requirement.

9. The overall existing conditions plan, overall site plan and the two erosion control plans are at a scale of 1”=80’ and do not comply the maximum 1”=40’ per item 4.01c of the regulations. The Applicant has submitted a waiver request for this requirement.

10. The Applicant’s revised site light plans indicate portions of the proposed site lighting exceed the 0.2 lumens beyond the property line and do not comply with section 3.13.c.3 of the Site Plan Regulations. The Applicant has submitted a waiver request for this requirement.

11. The proposed site plan requires a NHDES Alteration of Terrain Permit and a Londonderry Sewer Discharge Permit. We recommend the Applicant obtain all project permits, indicate the permit approval numbers on sheet 1 of 35, and provide copies of all permits for the Planning Division files per section 4.13 of the Site Plan Regulations.

12. We recommend the Applicant update the revised site plan—sheet C103 to indicate guardrail (vs. bollards) along the southerly driveway adjacent to the sediment and forebay area. In addition, we recommend guardrail be provided along the steep slope of the detention pond southwest of the utility building. Also, please update the notes on the cover sheet to include the note indicating which plans are to be on file at the Town in accordance with the regulations.
13. We recommend the Applicant address the following on the revised site utilities plans:
   a. The revised sewer design now includes a new location for SMH5 with a stub that
      appears to be at the same location as the storm drain outlet on sheet C-107. Please
      review and revise to eliminate conflicts.
   b. The revised water line indicates hydrants to be placed behind the guardrails at the
      north and south sides of the site. Please verify these locations are acceptable to the
      Fire Department. We recommend the Applicant provide details for proper
      construction to address/provide a suitable access to the hydrants at the guardrails
      acceptable to the Fire Department.
   c. Please indicate the pipe type of the existing and proposed gas line in accordance
      with the regulations.

14. We recommend the Applicant address the following on the revised grading plans:
   a. The revised embankment grading at sediment forebay #1 and sand filter #1 does
      not comply with the 3H:1V as required by Exhibit D108 of the Town’s standard
      details. The Applicant shall revise the design in accordance with the Exhibit D108.
   b. Most of revised drainage pipe outlets still do not include the installation of a
      headwall or flared end section as previously requested in accordance with section
      4.14.a.20.i.e of the regulation and as identified in the Town’s standard details D105,
      D106 and D107. Please update the design accordingly and include or reference the
      Town’s typical details as applicable.
   c. We recommend additional spot elevations be provided in the parking lot corners and
      storage area corners on sheet C-108 to clarify the grading intent and for proper
      construction.
   d. The drain pipe from CB12 to CB8 is labeled as a 12” on sheet C-108 and 15” on
      sheet C-107 and we recommend the label on sheet C-108 be updated to 15” to
      comply with the regulations. In addition, the outlet pipe from Sand filter bed 3 on
      sheet C-108 is labeled as 12”, but noted as 15” in the drainage analysis we
      recommend the label on sheet C-108 be updated to 15” consistent with the analysis.
   e. The drainage design includes connection to existing drainage systems that flow off-
      site to abutting lot 17-4, but the existing conditions plans or the site plan notes do
      not appear to address flowage rights. It is unknown if these rights are part of the
      Applicant’s agreement with the Owner. Please clarify and provide documentation
      for the Planning Department’s file.

15. The Applicant’s temporary driveway sight distance profiles on sheet C201 indicate sight
    lines located outside the existing right of way shown for Industrial Drive and upon abutting
    lot 34. We recommend the Applicant obtain sight distance easements for those areas and
    provide copies for the Planning Department’s file.

16. We recommend the Applicant address the following on the sewer profile plan:
   a. Please indicate the necessary clay trench dam in the profile view.
   b. Please update to include the inverts of the pipes from the buildings consistent with
      the utility plan as typically requested by the Sewer Division.
17. We recommend the Applicant address/clarify the following on the construction details for the project:
   a. The proposed outlet structure detail on sheet C-508 indicates SB#1 and SB#2 are not constructible based upon the difference of the pipe inverts and the top grate for the 24” and 36” outlet pipes. Please revise to be constructible. The drainage report shall be updated accordingly.
   b. The outlet structure detail indicates four (4) structures, but the grading plan indicates seven (7) structures. Please update the detail to include all structures.
   c. The submitted post development drainage area plan included in the site plan set does not indicate the updated site layout and grading indicated in the site plan set. Please update the plan and verify the post development subcatchment areas are consistent with the latest design.

18. We recommend the Applicant address the following relative to the project drainage report:
   a. The revised analysis at ponds SF-1, SF-2, SF-3 use infiltration as a measure to address post development runoff for the 25-year event that is typically not allowed by the Town since it does not address all season conditions. Please update the analysis to eliminate infiltration and verify compliance with the Town regulations is achieved (no increase in runoff).
   b. The revised analysis at ponds SF-1, SF-2, SF-3 appears to indicate the Town’s standard outlet structure Exhibit D108 is not provided. Please update the design and analysis to indicate and provide the Town’s standard outlet structure.
   c. The revised analysis at ponds SF-1, SF-2, SF-3 use infiltration as a measure to address post development runoff for the 50-year event that is typically not allowed by the Town since it does not address all season conditions. Please update the analysis to eliminate infiltration and verify the minimum 12” freeboard above the 50-elevations to the top of embankment at each basin is achieved in accordance with regulations.
   d. The revised analysis includes a summary table indicating several abutters are impacted by the increase in runoff proposed by the Applicant, which does not comply with the regulations. We recommend the Applicant arrange a meeting with the Department of Public Works to discuss the revised design and update acceptable to the Department of Public Works.
   e. The revised analysis still appears to indicate that the small sized roof drain pipes are intended to pond water on the building rooftops. In addition, the revised analysis appears to indicate roof ponds are used in the project design to mitigate the runoff, but pond routing analysis does not appear to indicate the minimum 12 inches of freeboard is provided as required per section 3.08.b.10 of the regulations. We are concerned that under winter conditions (ice and snow on the roof) this design will not function as intended, and does meet the requirements of the regulations. We recommend that the Applicant discuss this proposed design approach with the Department of Public Works and Building Department as this does not appear to be an appropriate stormwater detention method and does not appear to be properly modeled.
19. We recommend the Applicant verify the DRC comments for the project are adequately addressed as applicable:
   a. Please verify the comments of the Assessing Department have been adequately addressed with the Assessing Department.
   b. Please verify the comments of the Conservation Committee have been adequately addressed with the Conservation Committee.
   c. Please verify the comments of the Fire Department have been adequately addressed with the Fire Department.
   d. Please verify the comments of the Planning & Economic Development Department have been adequately addressed with the Planning & Economic Development Department.
   e. Please verify the comments of the Sewer Division have been adequately addressed with the Sewer Division.

**Board Action Items:**

1. The Applicant is requesting two (2) waivers to the Zoning Ordinance and eight (8) waivers to the Site Plan Regulations as noted in his revised letter dated July 24, 2014. The Board will need to consider each waiver request under this application.

2. The Applicant is requesting a Zoning Ordinance Conditional Use Permit for the project with relief of four (4) standards of the Ordinance as noted in his revised letter dated July 24, 2014. The Board will need to consider each relief request under this application.

**Board Informational Items:**

1. This project is contingent upon approval of a separate lot line adjustment of existing Lots 17-3 and 17-4 to create the new lot configuration as indicated on the site plan with this submission. The separate lot line adjustment application to create the subject lot 17-3 shown in the project plans is currently under review by the Town.

2. The Applicant’s proposed driveway at Industrial Drive has a driveway pavement width of approximately 32 feet at the right of way line (without roundings) that exceeds the maximum 24 feet per item 3.10.5.5 of the Zoning Ordinance and does not comply with item 3.10.5.5 of the Zoning Ordinance. We understand the Planning Board can specifically approve an exception to 36 feet. The Board will need to consider the driveway width as part of the review.
SUBDIVISION REGULATIONS to SECTION 2.06

K. **Board Action:** The Board shall act to approve, conditionally approve, or disapprove an application within the timeframe consistent with NH RSA § 676:4, as most recently amended, unless it deems more time necessary, in which case the Board must either obtain a written consent from the Applicant for an extension of a specified period or obtain in writing from the Town Council an extension of time not to exceed ninety (90) days. The Board shall take action as follows:

1. If the Board grants approval of an application as submitted, the plan shall be signed and dated by the Chairman and Secretary (or their designee); and the plan is made available for recording in the Registry of Deeds;
2. If the Board disapproves of an application, the Board shall state the grounds for disapproval in writing; and
3. If the Board grants conditional approval of an application, the conditions shall be stated in writing and the plan shall not be signed and released for recording until fulfillment of such conditions, except such conditions as relate to the use of the property after subdivision and/or development of the property.

L. **Compliance with Conditions of Approval.** In order to determine fulfillment of conditions of approval, the Board shall hold a public hearing with notice as required in Section 2.02 B to receive evidence of compliance or non-compliance. No public hearing is required for conditions which are: (a) minor plan changes compliance with which is administrative and does not involve discretionary judgment; (b) conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or (c) conditions with regard to the Applicant's possession of permits and approval granted by other Boards or agencies.

M. **Time Limits for Fulfilling Conditions:** Conditional approval shall be null and void unless all precedent conditions necessary for release and recording of the plan are fulfilled within twenty-four (24) months of conditional approval. The Board may grant an extension, upon written request filed with the Board at least fourteen (14) days prior to expiration of conditional approval, stating the extenuating circumstances justifying an extension.

N. **Board Signature:** Prior to obtaining Board signature, the Applicant shall submit two (2) complete paper print plan sets and supporting documents as required in Section 4.19 with a letter explaining how the Applicant addressed the conditions of approval. This shall include final and complete reports for all items submitted during review for the Town of Londonderry's file. The Chairman and Secretary of the Board (or their designee) shall endorse a reproducible mylar, and four (4) paper copies of the approved plan(s) meeting the conditions of approval upon receipt of an executed bond for all improvements, excluding buildings. The Planning Department shall retain a reproducible and four (4) paper copies with supporting documents for Town of Londonderry records.
SUBDIVISION REGULATIONS SECTION 4.03

SECTION 4 SPECIFICATIONS FOR PLANS AND DOCUMENTS

4.01 GENERAL

A. Preparer: All site plans shall be prepared and stamped by a professional engineer. Boundary monuments shall be certified by a licensed land surveyor.

B. Paper details: all plans shall be prepared on sheets not less than 34"x 22".

C. Scale: Horizontal: Boundary Plans 1" = 100' (maximum)
          All other plans 1" = 40' (maximum)  
          Vertical: 1" = 5' (maximum)
          Cross Section: 1" = 5' (horizontal and vertical)

4.02 TITLE BLOCK: The title block shall be located as shown in Exhibit 6. The Title Block shall be shown on each sheet of the site plans. The following information shall be shown in the title block:

A. Drawing title;
B. Name of subdivision;
C. Location of subdivision;
D. Tax map and lot #s of subject parcel(s);
E. Name and address of owner(s);
F. Date of plan;
G. Scale of plan;
H. Sheet number;
J. Name, address, and telephone number of design firm;
J. Name and address of Applicant.

4.03 PLANNING BOARD SIGNATURE BLOCK: The signature block shall be located as shown in Exhibit 6. The signature block shall be placed on the title sheet and any sheet that is to be recorded.

| Approved by the Londonderry, NH Planning Board for Phase _________ on Date: __________ |
| Certified by: ____________________________________________________________________ |
| chairman: ________________________________________________________________________ |
| Secretary: ______________________________________________________________________ |

| Approved by the Londonderry, NH Planning Board for Phase _______ on Date: ____________ |
| Certified by: ____________________________________________________________________ |

4.04 REVISION BLOCK: The revision block shall be placed on each sheet of the plans located as shown in Exhibit 6.
SITE PLAN REGULATIONS AMENDMENTS to SECTION 2.05

**k. Board Action:** The Board shall act to approve, conditionally approve, or disapprove an application within the timeframe consistent with NH RSA § 676:4, as most recently amended, unless it deems more time necessary, in which case the Board must either obtain a written consent from the Applicant for an extension of a specified period or obtain in writing from the Town Council an extension of time not to exceed ninety (90) days. The Board shall take action as follows:

1. If the Board grants approval of an application as submitted, the plan shall be signed and dated by the Chairman and Secretary [or their designees]; and the plan is made available for filing with the Planning Department and the building department may issue permits as appropriate;
2. If the Board disapproves of an application, the Board shall state the grounds for disapproval in writing; and
3. If the Board grants conditional approval of an application, the conditions shall be stated in writing and the plan shall not be signed and released for permit issuance until fulfillment of such conditions.

**l. Compliance with Conditions of Approval:** In order to determine fulfillment of discretionary conditions of approval, the Board shall hold a public hearing with notice as required in Section 2.02b to receive evidence of compliance or non-compliance. No public hearing is required for conditions which are:

1. minor plan changes compliance with which is administrative and does not involve discretionary judgment;
2. conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or
3. conditions with regard to the Applicant's possession of permits and approval granted by other Boards or agencies.

**m. Time Limits for Fulfilling Conditions:** See section 7.06

**n. Board Signature:** Prior to obtaining Board signature, the Applicant shall submit two (2) complete paper print plan sets and supporting documents as required in Section 4.19 with a letter explaining how the Applicant addressed the conditions of approval. This shall include final and complete reports for all items submitted during review for the Town of Londonderry's file. The Chairman and Secretary of the Board [or their designees] shall endorse a reproducible mylar, and four (4) paper copies of the approved plan(s) meeting the conditions of approval upon receipt of an executed bond for all improvements, excluding buildings. The Planning Department shall retain a reproducible and four (4) paper copies with supporting documents for Town of Londonderry records.
SECTION 4 SPECIFICATIONS FOR SITE PLANS AND DOCUMENTS

4.01 GENERAL

a. **Preparer:** All site plans shall be prepared and stamped by a professional engineer. Boundary monuments shall be certified by a licensed land surveyor.

b. **Paper details:** all plans shall be prepared on sheets not less than 34"x 22".

c. **Scale:**
   - Horizontal: Boundary Plans 1" = 100' (maximum)
   - Vertical: All other plans 1" = 40' (maximum)
   - Cross Section: 1" = 4' (maximum)

4.02 TITLE BLOCK: The title block shall be located as shown in Exhibit 2. The Title Block shall be shown on each sheet of the site plans. The following information shall be shown in the title block:

a. Drawing title;
b. Name of site plan;
c. Location of site plan;
d. Tax map and lot #s of subject parcel(s);
e. Name and address of owner(s);
f. Date of plan;
g. Scale of plan;
h. Sheet number;
i. Name, address, and telephone number of design firm;
j. Name and address of Applicant.

4.03 PLANNING BOARD SIGNATURE BLOCK: The signature block shall be located as shown in Exhibit 2. The Signature Block shall be placed on the cover sheet, site plan, and landscape plan.

4.04 REVISION BLOCK: The revision block shall be placed on each sheet of the plans.
SITE PLAN REGULATIONS AMENDMENTS to SECTION 7.06

7.06 ACTION of the BOARD:

a. Within the appropriate time frames as established by NH RSA § 676:4, the Board shall approve, conditionally approve, or disapprove the application. The reasons for disapproval of a plan shall be stated in the record of the Board. Approval of a plan shall be endorsed on the plan by the chairman and the secretary of the Board. The time to act may be extended in accordance with NH RSA §676:4f.

b. All conditional approvals are valid for a period of not more than 120 days, unless the Planning Board, at their discretion, chooses to extend the number of days required to meet precedent conditions. All precedent conditions of approval must be met within this an 120-day period (or time period established by the Planning Board at time of conditional approval) or the approval shall be considered null and void. In cases where extenuating circumstances prevent the meeting of precedent conditions within 120 days, the applicant may request an extension, to be filed (in writing and with justification) with the Board no later than 14 days prior to the expiration date of the conditions. The Planning Board shall then vote on whether or not to grant such extensions.

c. All certified (signed by the Planning Board chair and secretary [or their designee]) site plans must obtain a building permit within 1 year from the date the plan was signed. Failure to obtain a building permit within 1 year will render the approval null and void. In cases where extenuating circumstances prevent the receipt of a building permit within 1 year, the applicant may request an extension of not more than 1 additional year. Such request must be filed (in writing and with justification) with the Board no later than 14 days prior to expiration. The Planning Board shall then vote on whether or not to grant such extensions.
6.9. The Board makes any appropriate motions regarding conditional approval, denial, or continuance of the application.

6.10. The Chairman shall indicate whether the hearing is closed or continued pending the submission of additional material or information or the correction of noted deficiencies. In the case of a continuance, additional notice is not required if the date, time and place of the continuation is made known at the adjournment.

7. DECISIONS

7.1. The Board shall render a written decision within 65 days of the date of acceptance of a completed application, subject to extension or waiver as provided in RSA 676:4.

7.2. Notice of decision will be made available for public inspection at the Planning Department within 72 hours after the decision is made as required in RSA 676:3. If the application is disapproved, the Board shall provide the applicant with written reason for this disapproval.

7.3. Plans approved for signature (and recording as appropriate) or conditionally approved as stated above, shall be signed by the Planning Board chair and Planning Board secretary or their designees, who shall be regular members of the Planning Board. Designees shall be appointed annually at the same meeting in the month of April as the election of officers.