

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF APRIL 7, 2010 AT THE MOOSE HILL**
3 **COUNCIL CHAMBERS**
4

5 7:00 PM: Members Present: Art Rugg; Mary Soares; John Farrell, Ex-Officio; Rick
6 Brideau, CNHA, Ex-Officio; George Herrmann, Ex-Officio; Charles Tilgner, P.E.;
7 Laura El-Azem; Chris Davies, alternate member; Cole Melendy, P.E., alternate
8 member
9

10 Also Present: Tim Thompson, AICP; John Trottier, P.E.; Cathy Dirsra, Planning
11 Division Secretary
12

13 A. Rugg called the meeting to order at 7 PM. A. Rugg noted that J. Farrell was
14 selected by the Town Council to be their Ex-Officio on the Planning Board.
15

16 **Administrative Board Work**
17

18 A. Election of Officers
19

20 J. Farrell made a motion to elect M. Soares to Vice Chair, R. Brideau
21 seconded the motion. No discussion. Vote on the motion 7-0-0.
22

23 M. Soares made a motion to elect A. Rugg be Chair, R. Brideau seconded the
24 motion. No discussion. Vote on the motion 6-0-1 (A. Rugg abstained)
25

26 A. Rugg appointed C. Davies to vote for L. Wiles
27

28 M. Soares made a motion to elect C. Tilgner as Secretary, R. Brideau
29 seconded the motion. No discussion. Vote on the motion 8-0-0
30

31 J. Farrell made a motion to elect L. Wiles assistant secretary, R. Brideau
32 seconded the motion. No discussion. Vote on the motion 8-0-0
33

34 J. Farrell made a motion to appoint A. Rugg as the Planning Board
35 representative to the Heritage Commission, R. Brideau seconded the motion.
36 No discussion. Vote on the motion 8-0-0
37

38 J. Farrell made a motion to appoint M. Soares and R. Brideau as the Planning
39 Board representatives to the CIP committee, C. Tilgner seconded the motion.
40 No discussion. Vote on the motion 8-0-0
41

42 J. Farrell made a motion to recommend to the Town Council that C. Davies be
43 moved to a full member of the Planning Board (term ends 12/31/10) to
44 replace his former seat vacated by his election to the Town Council, R.
45 Brideau seconded the motion. No discussion. Vote on the motion 8-0-0. A.
46 Rugg said he will send a recommendation to the Town Council.
47
48
49

1 B. Extension Request - LHRA Bus Terminal Site Plan

2
3 T. Thompson referenced the letter from Paul Donehue, Londonderry Housing
4 & Redevelopment Authority (LHRA), requesting an additional one year
5 extension of the site plans that will expire on April 9, 2010. T. Thompson
6 said that staff is supportive of that request.

7
8 **J. Farrell made a motion to grant a one year extension to April 9,**
9 **2011. R. Brideau seconded the motion.** No discussion. **Vote on the**
10 **motion: 8-0-0.** Extension for one year was granted.

11
12 C. Extension Request - Young Subdivision

13
14 T. Thompson referenced the letter from Timothy Peloquin, Promised Land
15 Survey, requesting a 6 month extension of the subdivision plans that will
16 expire on April 7, 2010. This is the third extension request. They are awaiting
17 final review and approval from Town staff, and want to give ample time for
18 their review and final comment. Upon their final review and acceptance, an
19 appropriate bond will need to be put in place for the construction of this
20 driveway within the Town's Right of Way, and the setting of final monuments.
21 T. Thompson said that staff is supportive of the request for a 6 month
22 extension.

23
24 **J. Farrell made a motion to grant a 6 month extension to October 7,**
25 **2010. R. Brideau seconded the motion.** No discussion. **Vote on the**
26 **motion: 8-0-0.** Extension for 6 months was granted.

27
28 D. Extension Request - Water Wonders Site Plan

29
30 T. Thompson referenced the letter from William Davidson, Hoyle, Tanner &
31 Associates, requesting a one year extension of the site plans that will expire
32 on May 6, 2010. They are currently in the process of resubmitting their
33 revised left turn lane design. They expect to submit the final package
34 beginning of April. T. Thompson said that staff is supportive of that request.

35
36 **J. Farrell made a motion to grant a one year extension to May 6,**
37 **2011. R. Brideau seconded the motion.** No discussion. **Vote on the**
38 **motion: 8-0-0.** Extension for one year was granted.

39
40 E. Extension Request – DiFava Fire Protection Site Plan

41
42 T. Thompson referenced the letter from Todd Connors, Sublime Civil
43 Consultants, requesting a 60 day extension of the site plans that will expire
44 on April 7, 2010. The additional time will be necessary to finalize exhibits for
45 final approval and endorsement by the Planning Board. T. Thompson said
46 that staff is supportive of that request.

47
48 **J. Farrell made a motion to grant a 60 day extension to June 6, 2010.**
49 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 8-**
50 **0-0.** Extension for 60 days was granted.

1
2 F. Reinstatement & Extension Request – Unicast Expansion Site Plan, Map 28,
3 Lot 21-1
4

5 T. Thompson referenced the letter from Nicholas Golon, TF Moran, requesting
6 reaffirmation of the conditional approval that has expired. This plan was
7 approved by the Planning Board in March 2008. It did receive a one year
8 extension to March 12, 2010. T. Thompson said the plan has expired at this
9 point, however, there have been no changes to ordinances and regulations
10 that impact this plan and that staff would support the reinstatement of the
11 approval at this time and a one year extension.
12

13 *C. Melendy arrived at 7:12PM*
14

15 **J. Farrell made a motion to reaffirm approval and grant a one year**
16 **extension of this plan to April 7, 2011. R. Brideau seconded the**
17 **motion. No discussion. Vote on the motion: 8-0-0.**
18

19 G. Approval and Signing of Minutes – March 10
20

21 **J. Farrell made a motion to approve and sign the minutes from the**
22 **March 10 meeting. R. Brideau seconded the motion. No discussion.**
23 **Vote on the motion: 6-0-2.**

24 (M. Soares and G. Herrmann abstained because they were absent at the
25 March 10 meeting).
26

27 Minutes for March 10 are approved and will be signed at the conclusion of the
28 meeting.
29

30 H. Discussions with Town Staff
31

32 T. Thompson said he and J. Trottier met with the Building Inspector, Richard
33 Canuel, and Giovanni Verani (on behalf of Patricia Verani) regarding 217
34 Rockingham Road. On March 15, 2010 P. Verani allowed Brown Limousine to
35 park limousines on her lot and use a small portion of the building. They have
36 about 10 limousines that will be parked on the lot. It's a month-to-month
37 lease and is looked at as a temporary lease, while they seek for alternative
38 tenants that could make better use of the property. Code enforcement said
39 that the tenant constituted a change in use and would require a site plan,
40 which is not economically feasible for a temporary tenant paying \$1,000 a
41 month. After meeting with the town staff on April 6, they are asking the
42 Planning Board to provide direction to the town staff regarding the level of
43 site plan review that would be required to bring this change of use into
44 compliance (see attached letter from G. Verani). T. Thompson asked the
45 Board if they would allow staff to review this plan. The Board was comfortable
46 with staff reviewing this plan, based on a term no longer than one year. The
47 Board was comfortable with staff reviewing this issue, conditioned upon:

- 48 1. A copy of the existing approved site plan shall be redlined by Town
49 staff and the applicant to specifically indicate where parking is to take
50 place on the site. Parking should not be at the front of the building.

1 The applicant will need to sign a copy of the redlined plan, indicating
2 their agreement to the parking locations.

3 2. The temporary use of the property is valid for 1 year (until April 7,
4 2011). If at that time the use is to continue, it will be required to
5 return to the Planning Board.

6 3. The parking area to be utilized should be striped on the pavement at
7 the site. DPW will coordinate with the applicant.

8
9 A. Rugg said Saturday May 10 there is the annual NH OEP Planning & Zoning
10 conference in Nashua.

11
12
13 **Public Hearings**

14
15 A. Jean Gagnon, Map 15, Lot 3 - Public Hearing for an amendment to the
16 previously approved Elizabeth Meadows Subdivision.

17
18 T. Thompson said completeness is not applicable, as this is an amendment to
19 an approved subdivision. This plan was originally approved by the Board in
20 2007 and signed in 2009. The applicant wishes to change the plans to
21 service the lots by on-site septic rather than the approved connections to
22 municipal sewer.

23
24 Eric Mitchell presented the plans on behalf of Jean Gagnon.

25
26 The public sewer would be pumped from the two houses out to the street to
27 get to the drainage manhole because of the elevation of the crossing for the
28 brook. Originally this plan was brought before the Board as having more lots.
29 They propose on-site septic instead of connecting into the municipal sewer.

30
31 J. Trottier referenced the memo with staff recommendations.

32
33 A. Rugg asked for public input.

34
35 William Dembro, 12 Hall Rd, is concerned about what the septic systems will
36 do to affect the water on his property. E. Mitchell said the two lots are high
37 and dry, but if W. Dembro has a concern they would be glad to come out and
38 look at it. W. Dembro also said there was an agreement with Jean's son to
39 take down some trees on W. Dembro's property. T. Thompson said that
40 because it was on the original plans, it still is required to be done. J. Trottier
41 told W. Dembro that they are aware of the situation and they will ensure that
42 it doesn't cause any problems for him.

43
44 There was no further public comment.

45
46 **J. Farrell made a motion to conditionally approve the amendments to**
47 **the approved subdivision with the following conditions:**
48

1
2 "Applicant", herein, refers to the property owner, business owner, or
3 organization submitting this application and to his/its agents, successors, and
4 assigns.

5
6 **PRECEDENT CONDITIONS**

7
8 All of the precedent conditions below must be met by the applicant, at the
9 expense of the applicant, prior to certification of the plans by the Planning
10 Board. Certification of the plans is required prior to commencement of any
11 site work, any construction on the site or issuance of a building permit.

- 12
13 1. The applicant shall obtain, and provide a copy of the permit for the
14 Town's files, NHDES Subdivision approval.
15
16 2. The applicant shall provide lot size calculations for the lots as required by
17 Section 2.3.1.3.1.4, Table 2 of the Zoning Ordinance to verify that the
18 lots meet the minimum lot size requirements.
19
20 3. The applicant shall revise/clarify the following notes on Sheet 1:
21
22 a. Note 1 - Revise note to indicate the final lot areas of Lot #3 and Lot
23 #3-5.
24 b. Note 2 – Revise note to indicate both lots #3 and #3-5 are located in
25 the AR-1 zone. Additionally, revise the note to indicate that
26 minimum lot area is based on HISS requirements per Londonderry
27 Zoning Ordinance.
28 c. Note 4 – Revise note to indicate Comcast as the CATV provider.
29 d. Note 8 – Indicate NHDES Subdivision Approval number upon receipt.
30 e. Note 21 – Indicates a waiver, however, no waivers are required for
31 this application. Remove the waiver note and replace with a note
32 referencing the conditional use permit from the previously approved
33 subdivision plan (Reference plan No. 2).
34
35 4. The applicant shall provide Owners signature on Sheet 1.
36
37 5. It appears the as-built location of the twin culverts are not centered
38 within the proposed 20-foot by 30-foot drainage easement. The
39 applicant shall revise location of easement so that culverts are centered
40 in easement.
41
42 6. The applicant shall revise notes on Sheets 3 and 4 to indicate latest FIRM
43 maps (2005 vs. 1980), and the final lot areas of Lot #3 and Lot #3-5.
44
45 7. The applicant shall clarify the following on sheet 5:
46
47 a. Provide the size, type and end treatment of existing culverts.
48 b. Clarify the as-built invert information, which currently lists three
49 inverts in and one invert out.
50

- 1 8. The applicant shall clarify the following on sheet 6:
 - 2 a. Owner of Map 15 Lot 176.
 - 3 b. Remove the reference to "sewer profile" in the title block.
 - 4
- 5 9. The applicant shall clarify the following on sheet 7:
 - 6 a. End section detail shown, plan does not indicate one to be provided.
 - 7 b. Clarify what the Double Net Coconut Blanket specification and
 - 8 reference to installation instructions is for.
 - 9 c. Clarify what the Channel Installation instructions are for.
 - 10
- 11 10. The Engineer indicates that the common driveway twin culvert boulder
12 headwall be approved as built and the use of Vmax3 stabilization
13 blanket. The Applicant shall provide a revised Drainage Summary Report
14 reflecting the as-built existing conditions, ensure there is no increase in
15 runoff to abutters, and impact to adjacent lots due to backwater effects.
16 Additionally the applicant shall provide design data and details for the
17 proposed Vmax3 stabilization blanket.
- 18
- 19 11. The NHDES Dredge and Fill Permit number noted on sheet 1, note 8
20 (Permit 2006-02682) is for the installation of a 15-inch by 45-foot
21 culvert. The proposed plan is for twin culverts. The applicant shall
22 update the NHDES wetlands permit accordingly.
23
- 24 12. The Applicant shall provide a digital (electronic) copy of the complete
25 final plan sent to the Town at the time of signature by the Board in
26 accordance with Section 2.06.N of the regulations.
27
- 28 13. The applicant shall provide a check for \$25 (made payable to the
29 Rockingham County Registry of Deeds) to pay for the LCHIP tax that
30 became effective on recording of all plans and documents at the registry
31 on July 1, 2008.
32
- 33 14. The applicant shall note all general and subsequent conditions on the
34 plans (***must be on a sheet to be recorded***), per the new requirements
35 of RSA 676:3.
36
- 37 15. Financial guaranty if necessary.
- 38
- 39 16. Final engineering review
40

41 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
42 certified the approval is considered final. If these conditions are not met
43 within **2 years** to the day of the meeting at which the Planning Board grants
44 conditional approval the board's approval will be considered to have lapsed
45 and re-submission of the application will be required. See RSA 674:39 on
46 vesting.
47

1
2 **GENERAL AND SUBSEQUENT CONDITIONS**
3

4 All of the conditions below are attached to this approval.
5

- 6 1. **No construction or site work for the amended subdivision may be**
7 **undertaken until the pre-construction meeting with Town staff**
8 **has taken place, filing of an NPDES-EPA Permit and the site**
9 **restoration financial guaranty is in place with the Town (as**
10 **applicable).** Contact the Department of Public Works to arrange for this
11 meeting.
12
13 2. The project must be built and executed exactly as specified in the
14 approved application package unless modifications are approved by the
15 Planning Department & Department of Public Works, or if staff deems
16 applicable, the Planning Board.
17
18 3. All of the documentation submitted in the application package by the
19 applicant and any requirements imposed by other agencies are part of
20 this approval unless otherwise updated, revised, clarified in some
21 manner, or superseded in full or in part. In the case of conflicting
22 information between documents, the most recent documentation and
23 this notice herein shall generally be determining.
24
25 4. All site improvements must be completed prior to the issuance of a
26 certificate of occupancy.
27
28 5. All required School, Library, Recreation, Traffic, Police, and Fire impact
29 fees must be paid prior to the issuance of a Certificates of Occupancy for
30 the newly created lots.
31
32 6. It is the responsibility of the applicant to obtain all other local, state, and
33 federal permits, licenses, and approvals which may be required as part
34 of this project (that were not received prior to certification of the plans).
35 Contact the Building Division at extension 115 regarding building
36 permits.
37

38 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 8-**
39 **0-0.** Plan is conditionally approved.
40

- 41 B. The Nevins Retirement Cooperative Assoc, Map 7, Lot 122 - Public Hearing
42 for an amendment to the previously approved Nevins Elderly Housing Site
43 Plan to reorient certain driveways and correct certain building street
44 addresses.
45

46 T. Thompson said completeness is not applicable, as this is an amendment to
47 an approved site plan. This plan is to amend the approved Nevins Elderly
48 Housing Site Plan to modify driveway locations and street addresses for 3
49 homes in the development. Because this project was approved as a site plan,
50 it requires an amendment to the approved plans from the Planning Board.

1
2 Joseph Maynard presented their plans. They would like to relocate 3
3 driveways, which would require an address change.
4

5 J. Trottier referenced the memo with staff recommendations.
6

7 T. Thompson said asked the Board to waive the 7 days deadline for signature
8

9 A. Rugg asked for public input, but there was none.
10

11 **J. Farrell made a motion to conditionally approve the amendments to**
12 **the approved site plan with the following conditions and to waive the**
13 **7 days deadline for signature:**
14

15 "Applicant", herein, refers to the property owner, business owner, or
16 organization submitting this application and to his/its agents, successors, and
17 assigns.
18

19 **PRECEDENT CONDITIONS**
20

21 All of the precedent conditions below must be met by the applicant, at the
22 expense of the applicant, prior to certification of the plans by the Planning
23 Board. Certification of the plans is required prior to commencement of any
24 site work, any construction on the site or issuance of a building permit.
25

- 26 1. The applicant shall revise the roadway name of "Eayers Range Drive" to
27 "Eayers Range Road" on both sheets.
28
- 29 2. The applicant shall revise the plan reference #1 to refer to all owners of
30 record and appropriate addresses on both sheets.
31
- 32 3. The applicant shall correct the spelling of the Sheet 2 plan title.
33
- 34 4. The applicant shall provide a digital (electronic) copy of the complete
35 final plan sent to the Town at the time of signature by the Board in
36 accordance with Section 2.05.n of the regulations.
37
- 38 5. Final engineering review
39

40 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
41 certified the approval is considered final. If these conditions are not met
42 within 120 days to the day of the meeting at which the Planning Board grants
43 conditional approval the board's approval will be considered to have lapsed
44 and re-submission of the application will be required. See RSA 674:39 on
45 vesting.
46

1 **GENERAL AND SUBSEQUENT CONDITIONS**

2
3 All of the conditions below are attached to this approval.

- 4
5 1. **No construction or site work for the amended site plan may be**
6 **undertaken until the pre-construction meeting with Town staff**
7 **has taken place, filing of an NPDES-EPA Permit and the site**
8 **restoration financial guaranty is in place with the Town.** Contact
9 the Department of Public Works to arrange for this meeting.
10
11 2. The project must be built and executed exactly as specified in the
12 approved application package unless modifications are approved by the
13 Planning Division & Department of Public Works, or if staff deems
14 applicable, the Planning Board.
15
16 3. All of the documentation submitted in the application package by the
17 applicant and any requirements imposed by other agencies are part of
18 this approval unless otherwise updated, revised, clarified in some
19 manner, or superseded in full or in part. In the case of conflicting
20 information between documents, the most recent documentation and
21 this notice herein shall generally be determining.
22
23 4. All site improvements must be completed prior to the issuance of a
24 certificate of occupancy. In accordance with Section 6.01.d of the Site
25 Plan Regulations, in circumstances that prevent landscaping to be
26 completed (due to weather conditions or other unique circumstance), the
27 Building Division may issue a certificate of occupancy prior to the
28 completion of landscaping improvements, if agreed upon by the Planning
29 Division & Public Works Department, when a financial guaranty (see
30 forms available from the Public Works Department) and agreement to
31 complete improvements are placed with the Town. The landscaping
32 shall be completed within 6 months from the issuance of the certificate
33 of occupancy, or the Town shall utilize the financial guaranty to contract
34 out the work to complete the improvements as stipulated in the
35 agreement to complete landscaping improvements. **No other**
36 **improvements shall be permitted to use a financial guaranty for**
37 **their completion for purposes of receiving a certificate of**
38 **occupancy.**
39
40 5. As built site plans must to be submitted to the Public Works Department
41 prior to the release of the applicant's financial guaranty.
42
43 6. It is the responsibility of the applicant to obtain all other local, state, and
44 federal permits, licenses, and approvals which may be required as part
45 of this project (that were not received prior to certification of the plans).
46 Contact the Building Division at extension 115 regarding building
47 permits.
48

49 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 8-**
50 **0-0.** Plan is conditionally approved.

1
2 C. KAKE Preserve, LLC, Map 14, Lot 29-10 - Application Acceptance and Public
3 Hearing for a Site Plan and Conditional Use Permit to construct a 16,600
4 square foot commercial building.

5
6 T. Thompson stated that there were no checklist items, and staff
7 recommends the application be accepted as complete.

8
9 **M. Soares made a motion to accept the application as complete. J.**
10 **Farrell seconded the motion.** No discussion. **Vote on the motion: 8-0-0.**
11 Application accepted as complete.

12
13 Todd Connors, Sublime Civil Consultants and Eric Skinner, principal for KAKE
14 Preserve LLC, presented their plans. The parcel is located at 3 Aviation Park
15 Drive and is on the corner of Harvey Road and Aviation Park Drive. The parcel
16 is currently vacant, is approximately 4 1/3 acres and is located in the Ind-II
17 zone. The site plan proposes 2 phase construction. Phase 1 would consist of a
18 building with a footprint of 14,400 sq. ft. and some additional mezzanine
19 space (about 1200 sq ft). Phase 2 is on the westerly corner of the building
20 and would be a 2200 sq ft addition. The proposed use is general flexible
21 industrial park. They are dividing the Phase 1 building into 10 units and each
22 unit would have typical office area up front and some high base space in the
23 back, to be used for assembly, storage, light manufacturing. Primary tenant
24 for the building is a landscape contractor and they would like to use the back
25 of the property for storage of typical landscape materials. Phase 2 building
26 doesn't require a lot of parking spaces, but does need employee parking.
27 They are making a change to the plan in regards to the concerns of the
28 building inspector. They will make the access wider going around the back of
29 the building. The site will be served by municipal water, sewer and natural
30 gas. The site will have 3 detention ponds. All permit applications to the state
31 have been submitted. The project also requires a conditional use permit and
32 the application has been submitted. The conservation commission has
33 approved the plans. They also have a waiver request for relief of the
34 requirements for the all-season sight distance.

35
36 J. Trottier summarized the design review items from the DPW/Stantec memo
37 and read the waiver request into the record:

38
39 The applicant is requesting a waiver to Section 3.08.b.5. The applicant has
40 not provided the minimum 1.5' of clearance for the all-season sight
41 distance. Staff recommends granting the waiver, as the area where 1.5' is
42 not provided is in the travel way of Akira Way, and will be cleared of snow
43 when any vehicles are traveling the roadway.

44
45 T. Thompson stated that staff recommends granting the conditional use
46 permit, per the recommendation of the Conservation Commission.

47
48 Because the applicant has met with the Zoning Officer and has come up with
49 a solution to the zoning compliance issue raised in comment # 2 of the DPW
50 review memo and the Building Division's DRC comments, staff is comfortable

1 with the project moving forward. Based upon the information available to
2 date the Staff recommends conditional approval. T. Thompson recommended
3 that we add a subsequent condition to request that the applicant come back
4 before the Board in regards to the signage.

5
6 A. Rugg asked for public input, but there was none.

7
8 **J. Farrell made a motion to grant the waiver based on the applicant's**
9 **letter and staff recommendation. R. Brideau seconded the motion.** No
10 discussion. **Vote on the motion: 8-0-0.** Waiver granted.

11
12 **J. Farrell made a motion to grant Conditional Use Permit per the**
13 **recommendation of staff and the Conservation Commission. R.**
14 **Brideau seconded the motion.** No Discussion. **Vote on the motion: 8-0-**
15 **0.** Conditional Use Permit granted.

16
17 **J. Farrell made a motion to conditionally approve the site plan with**
18 **the following conditions:**

19
20 "Applicant", herein, refers to the property owner, business owner, or
21 organization submitting this application and to his/its agents, successors, and
22 assigns.

23
24 **PRECEDENT CONDITIONS**

25
26 All of the precedent conditions below must be met by the applicant, at the
27 expense of the applicant, prior to certification of the plans by the Planning
28 Board. Certification of the plans is required prior to commencement of any
29 site work, any construction on the site or issuance of a building permit.

- 30
31 1. The applicant shall revise the site design for the loading areas per the
32 direction given by the Zoning Officer on April 7, 2010 to address the
33 compliance issue raised by the Building Division in their DRC comments.
34 The revisions must meet the approval of the Building Division and the
35 Department of Public Works prior to final approval of the site plan by the
36 Planning Board.
- 37
38 2. The applicant's design does not provide proper loading bays (minimum
39 14'x48') at loading doors/bays 1 and 2 at the west end of the building
40 and at the 1st door/bay at the east end of the building in accordance
41 with section 2.5.1.3.7.3 of the Zoning Ordinance as stated in the
42 Building Division's DRC Comments. A loading area for phase 2 does not
43 appear to be indicated. In addition, the Applicant's design at the 1st
44 door/bay at the east end of the building appears to block access to the
45 rear of the building. It is unclear how the designated SU delivery vehicle
46 will properly access these locations. The Applicant shall provide a site
47 design in compliance with the regulations.

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3. The applicant's building rendering, provided with this submission, appears to indicate the entirety of the front portion of the proposed building could have a mezzanine, but the site plan does not indicate the area(s) intended for this use. We note the listed mezzanine area is 1,200 SF. The Applicant shall update the plan to indicate the location(s) for clarity.
4. **The Applicant shall address the following relative to the submitted project drainage report:**
 - a. The Applicant's drainage design appears to include wetland detention ponds designed to maintain a permanent water depth varying from two to four feet, but the pond condition (CN=100) is not included/addressed in the associated subcatchments of the 25-year calculations that were provided with this submission. The Applicant shall update the design to properly address the pond conditions. The Applicant shall verify compliance with the regulations (no increase in runoff).
 - b. The 25-year analysis indicates the flow to CB 1 (Pond 10) will be in excess of 2 CFS. The Applicant shall indicate a double grate catch basin be provided at this location or grate capacity analysis provided to justify the single grate design. The Applicant shall review and revise accordingly.
5. The Applicant's project details include several details, such as typical outlet structure at detention basins, cape cod berm, sewer trench, and Drop sewer manhole, that are not consistent with the Town's recently adopted "Typical Details for Site and Roadway Infrastructure". The Applicant shall revise the details to comply with the Towns' details or remove all typical details that conflict with the Town standards as typically requested by the Town.
6. The Applicant indicates the NHDES Site Specific permit and Federal Aviation Administration permit applications have been submitted for the project on the application checklist. The Applicant shall obtain all project permits, indicate the permit approval numbers on the cover sheet and provide copies of all permits for the Planning Division files. The Applicant notes copies will be forwarded upon receipt in the response letter.
7. The Applicant shall provide a professional endorsement (stamp and signature) for the indicated wetlands on the existing conditions plan.
8. The Applicant shall verify the Fire Department has approved the new hydrant location at the driveway shown on the utility plan and verify if any additional hydrants are necessary at the site. The Applicant notes confirmation from the Fire Department will be forwarded upon receipt in the response letter.

- 1 9. The Applicant shall verify the DRC comments of the Building Division
2 have been adequately addressed with the Building Division.
3
- 4 10. Note all waivers and the conditional use permit granted on the plan.
5
- 6 11. The Applicant shall provide a digital (electronic) copy of the complete
7 final plan sent to the Town at the time of signature by the Board in
8 accordance with Section 2.05.n of the regulations.
9
- 10 12. Outside consultant's fees shall be paid within 30 days of approval of
11 plan.
12
- 13 13. Financial guaranty if necessary.
14
- 15 14. Final engineering review
16

17 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
18 certified the approval is considered final. If these conditions are not met
19 within **6 months** to the day of the meeting at which the Planning Board
20 grants conditional approval the board's approval will be considered to have
21 lapsed and re-submission of the application will be required. See RSA 674:39
22 on vesting.
23

24 **GENERAL AND SUBSEQUENT CONDITIONS**

25 All of the conditions below are attached to this approval.
26

- 27
- 28 1. The Applicant shall return to the Planning Board for a public hearing to
29 review and approve any signage design prior to any construction
30 commencing on signage at the site. The Applicant shall obtain a
31 recommendation from the Heritage Commission on the design prior to
32 the Planning Board hearing
33
- 34 2. **No construction or site work for the amended site plan may be**
35 **undertaken until the pre-construction meeting with Town staff**
36 **has taken place, filing of an NPDES-EPA Permit and the site**
37 **restoration financial guaranty is in place with the Town.** Contact
38 the Department of Public Works to arrange for this meeting.
39
- 40 3. The project must be built and executed exactly as specified in the
41 approved application package unless modifications are approved by the
42 Planning Division & Department of Public Works, or if staff deems
43 applicable, the Planning Board.
44
- 45 4. All of the documentation submitted in the application package by the
46 applicant and any requirements imposed by other agencies are part of
47 this approval unless otherwise updated, revised, clarified in some
48 manner, or superseded in full or in part. In the case of conflicting
49 information between documents, the most recent documentation and
50 this notice herein shall generally be determining.

- 1
2
3
4 5. All site improvements must be completed prior to the issuance of a
5 certificate of occupancy. In accordance with Section 6.01.d of the Site
6 Plan Regulations, in circumstances that prevent landscaping to be
7 completed (due to weather conditions or other unique circumstance),
8 the Building Division may issue a certificate of occupancy prior to the
9 completion of landscaping improvements, if agreed upon by the Planning
10 Division & Public Works Department, when a financial guaranty (see
11 forms available from the Public Works Department) and agreement to
12 complete improvements are placed with the Town. The landscaping
13 shall be completed within 6 months from the issuance of the certificate
14 of occupancy, or the Town shall utilize the financial guaranty to contract
15 out the work to complete the improvements as stipulated in the
16 agreement to complete landscaping improvements. **No other**
17 **improvements shall be permitted to use a financial guaranty for**
18 **their completion for purposes of receiving a certificate of**
19 **occupancy.**
20
21 6. As built site plans must to be submitted to the Public Works Department
22 prior to the release of the applicant's financial guaranty.
23
24 7. All required Traffic, Police, and Fire impact fees must be paid prior to the
25 issuance of a Certificate of Occupancy.
26
27 8. It is the responsibility of the applicant to obtain all other local, state, and
28 federal permits, licenses, and approvals which may be required as part
29 of this project (that were not received prior to certification of the plans).
30 Contact the Building Division at extension 115 regarding building
31 permits.
32

33 **R. Brideau seconded the motion. No discussion. Vote on the motion: 8-**
34 **0-0.** Plan is conditionally approved.
35

- 36 D. SMT Tracey Lane Holdings, LLC, Map 2, Lots 34 & 34-3 - Application
37 Acceptance and Public Hearing for a Site Plan to construct an expansion of
38 parking, loading and display areas to the previously approved Reeds Ferry
39 Small Buildings project.
40

41 T. Thompson stated there is one outstanding checklist item, which is a waiver
42 request. Assuming the Planning Board grants the waiver, staff recommends
43 the application be accepted as complete. The applicant is requesting a
44 waiver to Section 3.14. The applicant has not provided a traffic impact
45 analysis. Staff recommends granting the waiver, as the expansion of the site
46 does not represent any increase to the floor area of the facility and will have
47 no impact to traffic generation.
48

49 *A. Rugg temporary left the room*
50

1 **J. Farrell made a motion to grant the waiver to section 3.14 of the**
2 **regulations based on the applicant's letter and staff recommendation.**
3 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 7-**
4 **0-0.** Waiver was granted.

5
6 T. Thompson said that seeing the waiver has been granted, staff recommends
7 accepting the application as complete.

8
9 **J. Farrell made a motion to accept the application as complete. R.**
10 **Brideau seconded the motion.** No discussion. **Vote on the motion: 7-0-**
11 **0.** Application accepted as complete.

12
13 *A. Rugg returned to the room.*

14
15 Jeff Merritt, Keach-Nordstrom Associates, the civil site engineers and land
16 surveyors for this project. He said that the applicant wants to expand the
17 plan that was approved by the Board in 2008. They propose a little expansion
18 of the truck maneuvering area on the east side of the building, a second
19 driveway off of the main road that it fronts on, as well as a "shed garden"
20 along Route 102. The shed garden consists of stonedust paths and
21 landscaping. Reeds Ferry makes various sheds and gazebos. That area will be
22 used to showcase the products that they manufacture and erect on peoples
23 lots. They also need to go before the town of Hudson because is located in
24 both Londonderry and Hudson. They also have a requirement to obtain an
25 alteration of terrain permit from NHDES for this project, because the
26 previously approved project and the expansion exceed 100,000 sq ft of land
27 disturbance. The permit is pending and they anticipate receiving it in the next
28 week or so. They are scheduled to attend the Hudson Planning Board meeting
29 next Wednesday.

30
31 J. Trottier summarized the design review items from the DPW/Stantec memo.

32
33 T. Thompson said staff recommends conditional approval as outlined in the
34 staff recommendation memo. He noted a couple precedent conditions;
35 1) To combine the lots via a voluntary merger. Staff recommends holding off
36 on this recommendation until the project is ready to receive final approval
37 from the Planning Board, so they can take care of both at the same time.
38 2) Relative to the informational item on the DPW memo, because this was
39 declared as regional impact, if there are any comments that we receive
40 before this is signed by the Planning Board for the regional planning
41 commissions we ask that they address those. Under general and subsequent
42 conditions, we note that the applicant will need to obtain final site plan
43 approval from the town of Hudson prior to commencement of construction on
44 the property.

45
46 T. Thompson added that during the conceptual discussion he made some
47 reference to the Route 102 performance overlay district (POD). The lot that
48 fronts on Route 102 is currently located in overlay district. He said that his
49 comments were erroneous because he forgot about the provision in our
50 ordinance that allows for expansion of existing facilities to fall under the

1 requirements of the underlying zoning. He did encourage the applicant, and
2 they graciously did keep the landscaping in compliance with what the POD
3 would have required. He appreciates that and their willingness to do that, but
4 they are following the standards of the underlying zone.

5
6 A. Rugg asked for public input, but there was none.

7
8 **J. Farrell made a motion to conditionally approve the site plan with**
9 **the following conditions:**

10
11 "Applicant", herein, refers to the property owner, business owner, or
12 organization submitting this application and to his/its agents, successors, and
13 assigns.

14
15 **PRECEDENT CONDITIONS**

16
17 All of the precedent conditions below must be met by the applicant, at the
18 expense of the applicant, prior to certification of the plans by the Planning
19 Board. Certification of the plans is required prior to commencement of any
20 site work, any construction on the site or issuance of a building permit.

- 21
22 1. The applicant shall combine the lots via voluntary merger prior to final
23 approval of the site plan.
24
25 2. Because the project was declared to be of regional impact, the applicant
26 shall address any comments from the Regional Planning Commissions (if
27 any are received prior to final approval of the project. To date there
28 have been no comments from either SNHPC or NRPC.).
29
30 3. The Applicant indicates the NHDES Site Specific permit application has
31 been submitted on the application checklist. The Applicant shall obtain
32 all project permits, indicate the permit approval numbers in note 24 on
33 the cover sheet, and provide copies of all permits for the Planning
34 Division files.
35
36 4. Note all waivers granted on the plan.
37
38 5. The Applicant shall provide a digital (electronic) copy of the complete
39 final plan sent to the Town at the time of signature by the Board in
40 accordance with Section 2.05.n of the regulations.
41
42 6. Outside consultant's fees shall be paid within 30 days of approval of
43 plan.
44
45 7. Financial guaranty if necessary.
46
47 8. Final engineering review
48

49 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
50 certified the approval is considered final. If these conditions are not met

1 within **120 days** to the day of the meeting at which the Planning Board
2 grants conditional approval the board's approval will be considered to have
3 lapsed and re-submission of the application will be required. See RSA 674:39
4 on vesting.

5
6 **GENERAL AND SUBSEQUENT CONDITIONS**

7
8 All of the conditions below are attached to this approval.

- 9
10 1. The applicant shall obtain final site plan approval from the Town of
11 Hudson prior to commencement of construction on the property.
12
13 2. **No construction or site work for the amended site plan may be**
14 **undertaken until the pre-construction meeting with Town staff**
15 **has taken place, filing of an NPDES-EPA Permit and the site**
16 **restoration financial guaranty is in place with the Town.** Contact
17 the Department of Public Works to arrange for this meeting.
18
19 3. The project must be built and executed exactly as specified in the
20 approved application package unless modifications are approved by the
21 Planning Division & Department of Public Works, or if staff deems
22 applicable, the Planning Board.
23
24 4. All of the documentation submitted in the application package by the
25 applicant and any requirements imposed by other agencies are part of
26 this approval unless otherwise updated, revised, clarified in some
27 manner, or superseded in full or in part. In the case of conflicting
28 information between documents, the most recent documentation and
29 this notice herein shall generally be determining.
30
31 5. All site improvements must be completed prior to the issuance of a
32 certificate of occupancy. In accordance with Section 6.01.d of the Site
33 Plan Regulations, in circumstances that prevent landscaping to be
34 completed (due to weather conditions or other unique circumstance), the
35 Building Division may issue a certificate of occupancy prior to the
36 completion of landscaping improvements, if agreed upon by the Planning
37 Division & Public Works Department, when a financial guaranty (see
38 forms available from the Public Works Department) and agreement to
39 complete improvements are placed with the Town. The landscaping
40 shall be completed within 6 months from the issuance of the certificate
41 of occupancy, or the Town shall utilize the financial guaranty to contract
42 out the work to complete the improvements as stipulated in the
43 agreement to complete landscaping improvements. **No other**
44 **improvements shall be permitted to use a financial guaranty for**
45 **their completion for purposes of receiving a certificate of**
46 **occupancy.**
47
48 6. As built site plans must to be submitted to the Public Works Department
49 prior to the release of the applicant's financial guaranty.
50

1 7. All required Traffic, Police, and Fire impact fees from the original
2 approval must be paid prior to the issuance of a Certificate of
3 Occupancy.
4

5 8. It is the responsibility of the applicant to obtain all other local, state, and
6 federal permits, licenses, and approvals which may be required as part
7 of this project (that were not received prior to certification of the plans).
8 Contact the Building Division at extension 115 regarding building
9 permits.
10

11 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 8-**
12 **0-0.** Plan is conditionally approved.
13

14 **Other Business**

15
16 None.
17

18 **Adjournment:**

19
20 **M. Soares made a motion to adjourn the meeting. G. Herrmann seconded**
21 **the motion.** No discussion. **Vote on the motion: 8-0-0.** Meeting adjourned at
22 8:15 PM.
23

24
25
26 These minutes prepared by Cathy Dirsra, Planning Division Secretary.
27

28
29
30 Respectfully Submitted,
31

32
33
34 Charles Tilgner, Secretary
35

April 6th, 2010

Planning Board - Town of Londonderry, NH
268 B Mammoth Road
Londonderry, NH 03053

Re: 217 Rockingham Road

Dear Planning Board,

I am writing to you today on behalf of Patricia Verani, owner of 217 Rockingham Road. On March 15th, 2010 she allowed Brown Limousines to park Limousines on her lot and use a small portion of the building. They have approximately 10 Limousines that will be parked on the lot. This is a month to month lease and is looked at it as a temporary lease while we seek alternative tenant(s) that can make better use of the property.

The code enforcement officer contacted me on March 29th and informed me that the tenant change constitutes a change in use and would require a site plan. I informed Richard that a fully engineered site plan and planning board review was beyond what we could afford to do for a temporary tenant that was paying \$1,000 per month. However, the income received from the temporary tenant was very much welcomed by my mother to cover taxes and other holding charges on the property while we market for another tenant. So, I would be willing to do something that was not as expensive, for example designate on the existing site plan on file where the Limo's are parking. Richard suggested a meeting with the Town Staff.

Based upon a recommendation from members of the Town Staff during a meeting held on 4/6, I'm requesting on behalf of Patricia Verani that the Planning Board provide appropriate direction to Town Staff regarding the level of site plan review that would be required in order to bring a change of use into compliance.

From a property perspective, please keep in mind that this use is an allowed us by zoning. Brown Limousines is a fellow tax payer in the Town of Londonderry, and owner of the property across the street. The Limo's have been parked across the street the last three years; so it is not a major impact to the neighborhood and actually is a less intense use then the retail use that the site plan is currently approved for. The real estate economy that we are currently experiencing requires uses to be more creative then we used to.

From a personal perspective, my mother is an 83 year old woman, on a fixed income, who has been a long term resident, a taxpayer and contributor to this town for over 60 years.

I know Londonderry is trying to be a business friendly environment, and in my opinion, working with smaller landlords, that have been long term residence and contributors to the town would be considered business friendly. Please let us know.

Best regards,

Giovanni Verani

On behalf of Patricia Verani