

LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF JANUARY 11, 2023, AT THE MOOSE HILL COUNCIL CHAMBERS

I. CALL TO ORDER

Members Present: Art Rugg, Chair; Jake Butler, Secretary; Lynn Wiles, Assistant Secretary; Giovanni Verani, Ex-Officio – Town Manager; Deb Paul, Ex-Officio – Town Council; Jeff Penta, member; and Jason Knights, alternate member

Also Present: Kellie Caron, Assistant Town Manager/Director of PED; John Trottier, Director of Public Works and Engineering; Laura Gandia, Associate Planner; and Beth Morrison, Recording Secretary

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

II. ADMINISTRATIVE BOARD WORK

- A. APPROVAL OF MINUTES: N/A
- B. REGIONAL IMPACT DETERMINATIONS: Town Planner Walsh informed the Board that she had no projects for their consideration this evening.
- C. Discussion with Town Staff: Chairman Rugg told the Board that the rezoning request from the Rail Trail is going before the Town Council. He said that both L. Wiles and J. Penta have been reappointed as alternate members to the Southern New Hampshire Planning Commission (SNHPC).

III. Old Business

A. Public hearing on an application for formal review of a site plan for a trucking terminal and associated site improvements, 15 Rockingham Road, Map 13 Lot 99, Zoned C-II, Alfred, Jr. & Nicole Pittore (Owners) and Pittore Bros. Paving (Applicant) – continued from the December 14, 2022 meeting

J. Trottier informed the Board that there three outstanding checklist items and assuming the Board grants the waivers, all checklist items would be addressed, and staff would recommend the application be accepted as complete. He reviewed the checklist items as follows:

1. The Applicant is requesting a waiver from sections 3.13 and 4.16 of the site plan regulations and item VIII of the checklist to waive the requirement of providing an illumination plan. He said that staff supports the granting of the waiver as no new lighting is proposed as part of the project.

2. The Applicant is requesting a waiver from sections 3.12 and 4.15 of the site plan regulations and item IX of the checklist to waive the requirement of providing building renderings and general appearance information. He said that staff supports the granting of the waiver as the building already exists and there are no proposed changes.

3. The Applicant is requesting a waiver from section 4.12.c.19.vii and checklist item VI.v of the regulations to waive the requirement of indicating trees greater than 15" in diameter and species. He said that staff supports the granting of the waiver as the site is already developed and the existing tree lines are shown.

J. Butler made a motion to grant three waivers related to items VIII, IX, and VI.v of the checklist.

J. Knights seconded the motion.

The motion was granted, 7-0-0. The Chair voted in the affirmative.

J. Butler made a motion to accept the application as complete per Staff Recommendation Memorandum dated January 11, 2023.

G. Verani seconded the motion.

The motion was granted, 7-0-0. The Chair voted in the affirmative.

Chairman Rugg informed the applicant that the 65-day time clock has started. Eric Mitchell, from Eric Mitchell & Associates, Inc., 106 South River Road, Bedford, NH, addressed the Board. Tom Hildreth, Esq. from McLane Middleton, 900 Elm Street, 10th Floor, Manchester, NH was in attendance as well. E. Mitchell told the Board that the site is a two-acre lot, zoned C-II, with an existing single-family house and is being used as parking for Pittore Bros. Paving. He went on noting that the applicant has owned the property since 2006 and there were variances granted in 2008 for uses in the Conservation Overlay District (COD). He explained to the Board that they reapplied for the site plan last spring, and they were informed they had to reapply for the variances that were granted in 2008. He stated that it was later determined that they did not have to reapply as long as they meet the requirements of the original 2008 variances. He reviewed the proposal noting that the single-family residence on the site is preexisting, nonconforming use as it is zoned commercial. He pointed out that they do not run a business out of here, it is simply for parking and to store their vehicles. He noted that the site itself is in the COD and that they have a 100-foot setback from the edge of the brook and 50-foot from the edge of the wetland. He mentioned that the site is in the floodplain as well and there was a complaint that fill might have been put in the floodplain. He commented that a report was needed from FEMA that the fill will not cause any increase to the flood levels that are out there. He said that the study was done and approved by Stantec and FEMA that determined the fill will not increase any of the flood elevations. He remarked that they are

cleaning up part of the site by reducing the amount of pavement, and putting in granite curb and a detention pond. He added that the water will not run towards the wetland as it is now. He said that they have a Conditional Use Permit (CUP) to allow the detention pond and landscaping in the COD. He mentioned that they asked for waivers for acceptance only and some are for the plan details. He reviewed the six waiver requests with the Board as follows: utility clearance letters, driveway width, building and design standards, outdoor lighting standards, landscape design standards and tree diameter.

Chairman Rugg opened the discussion up the Board. J. Trottier reviewed the outstanding three waivers with the Board as follows:

1. The Applicant is requesting a waiver from section 3.04 of the site plan regulations to waive the requirement of providing utility clearance letters. He said that staff supports the granting of the waiver as the existing residence is serviced by local utilities and there are no new proposed utilities to service the site.
2. The Applicant is requesting a waiver from section 3.10 of the site plan regulations to allow the landscaping as presented reflecting the existing landscape on site. He said that staff supports the granting of the waiver as no new landscaping is proposed as part of the project.
3. The Applicant is requesting a waiver from section 3.08.b.6 of the site plan regulations to allow a driveway 40 feet in width where only 36 feet are allowed by an exception approved by the Planning Board. He said that staff supports the granting of this waiver due to the configuration of the site and for allowing trucks and other vehicles access to the site.

He summarized the remaining design review items with the Board. K. Caron noted that the 2008 variances were determined to be valid by the Zoning Administrator and the Board can review the minutes for reference. L. Wiles asked if there was any encroachment into the Rail Trail. E. Mitchell replied that there will be no encroachment into the Rail Trail. L. Wiles asked if the Rail Trail is zoned AR-1 here. K. Caron replied that it is and that relief was received in 2008 with the variances.

Chairman Rugg asked for public input and there was none.

Chairman Rugg brought the discussion back to the Board as there was no further public input.

J. Butler made a motion to grant the applicant's request for three waivers as outlined in the Staff Recommendation Memorandum dated January 11, 2023.

L. Wiles seconded the motion.

The motion was granted, 7-0-0. The Chair voted in the affirmative.

J. Butler made a motion to grant approval of the Conditional Use Permit (CUP) for 12,000 SF of temporary of buffer impact within the Conservation Overlay District for drainage improvements (detention pond), Alfred, Jr. & Nicole Pittore (Owners) and Pittore Bros. Paving (Applicant).

L. Wiles seconded the motion.

The motion was granted, 7-0-0. The Chair voted in the affirmative.

J. Butler made a motion to grant conditional approval of a site plan for a trucking terminal and associated site improvements, 15 Rockingham Road, Map 13 Lot 99, Zoned C-II, Alfred, Jr. & Nicole Pittore (Owners) and Pittore Bros. Paving (Applicant) in accordance with plans prepared by Eric C. Mitchell & Associates Inc., dated July 11, 2008 last revised November 8, 2022 with the precedent conditions to be fulfilled within 120 days of the approval and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum dated January 11, 2023.

L. Wiles seconded the motion.

The motion was granted, 7-0-0. The Chair voted in the affirmative.

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

PRECEDENT CONDITIONS

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

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Engineering & Environmental Services/Stantec review memo dated January 11, 2023.
2. Owner's signature shall be provided on the plans.
3. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Town of Londonderry Site Plan regulations.
4. Third-party review fees shall be paid within 30 days of conditional site

plan approval.

5. Financial guarantees be provided to the satisfaction of the Department of Engineering & Environmental Services.

6. Final engineering review.

PLEASE NOTE – If these conditions are not met within 120 days of the meeting at which the Planning Board grants approval, the Board's approval will be considered to have lapsed and re-submission of the application will be required.

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. No construction or site work, as indicated on this plan, may be undertaken until a pre-construction meeting with Town staff has taken place, filing of an NPDES – EPA Permit (if required), and posting of the site-restoration financial guaranty with the Town. Contact the Department of Engineering & Environmental Services to arrange the pre-construction meeting.
2. The project must be built and executed as specified in the approved application package unless modifications are approved by the Planning Department & Department of Engineering & Environmental Services, or, if Staff deems applicable, the Planning Board.
3. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
4. Fire department access roads shall be provided at the start of the project and maintained throughout construction. Fire department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.
5. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals which may be required as part of this project (that were not received prior to certification of the plans). Contact the Building Division at extension 115 regarding building permits.
6. Prior to issuance of a certificate of occupancy, all site improvements and off-site improvements shall be completed in accordance with the plan approved by the Planning Board. In accordance with Section 6.01.d of the Site Plan Regulations, in circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstance), the Building Division may issue a certificate of occupancy prior to the completion of landscaping improvements, if agreed upon by the Planning Division & Department of Engineering &

Environmental Services, when a financial guaranty (see forms available from the Engineering Department) and agreement to complete improvements are placed with the Town. The landscaping shall be completed within 6 months from the issuance of the certificate of occupancy, or the Town shall utilize the financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. No other improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving a certificate of occupancy.

7. As built site plans must to be submitted to the Department of Engineering & Environmental Services prior to the release of the applicant's financial guaranty.
B. Public hearing on an application for formal review of a site plan amendment for the construction of a proposed 6,000 SF convenience store with drive through, and gas station with 16 fueling stations and 3 diesel fueling stations, 174 Rockingham Road, Map 15 Lot 61, Zoned C-II and RTE 28 Performance Overlay District and 178 Rockingham Road, Map 15 Lot 61-7, Zoned C-II and RTE 28 POD, 2V Londonderry, LLC & 2V Londonderry West, LLC (Owners) and New Sunset Realty (Applicant) – continued from the December 7, 2022, meeting

Chairman Rugg read the application into the record. J. Trottier pointed out that the application was accepted as complete at the December 7, 2022, meeting and the Board granted three waivers. He pointed out that at the meeting staff recommended continuing the application to allow the applicant to address some outstanding items related to traffic and signage. He noted that the traffic issues were related to which driveway most people would access the site from and drive up window queue calculations. He said that they were concerned about traffic coming in off Symmes Drive and getting clogged up and causing issues. He mentioned that they held a meeting subsequent to the December 7, 2022, meeting with the applicant and traffic engineers. He explained that the applicant performed a sensitivity analysis looking at the intersection and the results were nearly identical to the previous information. He went on noting that the applicant monitored Irving, Honey Dew and Mobile at Exit 4 looking at their queue lengths and the results indicated that the maximum length of 11 cars to 12 cars is 30 seconds or less. He commented that 10 cars should be adequate and they will add some additional paving markings, such as a rectangle box stating do not block the intersection. He mentioned that the other outstanding issues are related to the underground storage tank and the revised sewer discharge permit. He noted that staff is confident to proceed ahead.

Robert Duval, P.E. from TF Moran, Inc., 48 Constitution Drive, Bedford, NH, as well as Ari Pollack, Esq. from Gallagher, Callahan & Gartell, Concord, NH addressed the Board. A. Pollack told the Board that they prepared and filed applications with the state for the underground storage tank approvals and the town will receive notification of this from the New Hampshire Department of Environmental Services (NHDES), but they have a courtesy copy tonight for staff. He explained that there was discussion at the last meeting regarding building and site signage and if they would need to go before the Zoning Board of Adjustment (ZBA). He went on noting that the plan set before the Board this evening is compliant with building and site signage. (J. Butler left at 7:32 – 7:34) He added that they can walk into the Code

Enforcement office and get a sign permit as it stands or may pursue relief from the ZBA.

Chairman Rugg opened the discussion up to Board. J. Trottier reviewed the remaining design review items with the Board. K. Caron said that the architectural sheets were submitted separately and will need to be added to the full plan set when they submit for signature.

Chairman Rugg asked for public input and there was none.

Chairman Rugg brought the discussion back to the Board as there was no further public input.

J. Butler made a motion to grant conditional approval of a site plan amendment for the construction of a proposed 6,000 SF convenience store with drive through, and gas station with 16 fueling stations and 3 diesel fueling stations, 174 Rockingham Road, Map 15 Lot 61, Zoned C-II and RTE 28 Performance Overlay District and 178 Rockingham Road, Map 15 Lot 61-7, Zoned C-II and RTE 28 POD, 2V Londonderry, LLC & 2V Londonderry West, LLC (Owners) and New Sunset Realty (Applicant) in accordance with plans prepared TF Moran, Inc., dated August 17, 2022, last revised December 22, 2022, with the precedent conditions to be fulfilled within 120 days of the approval and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum, dated January 11, 2023.

G. Verani seconded the motion.

The motion was granted, 7-0-0. The Chair voted in the affirmative.

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

PRECEDENT CONDITIONS

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

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Public Works & Engineering/Stantec review memo and traffic memo dated January 11, 2023.
2. Waivers requested shall be noted as such on the plan.
3. The Applicant shall provide the Owner's signature(s) on the plans.

4. The Applicant submitted revised building renderings separate from the December 22, 2022 formal submission. The Applicant will be required to include the building rendering sheets in the full site plan set.
5. All required permits and approvals shall be obtained and noted on the plan. The Applicant shall indicate the permit approval numbers on the cover sheet and provide copies of all permits for the Planning Division files.
6. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Site Plan Regulations.
7. Outstanding third-party review fees, if any, shall be paid within 30 days of conditional site plan approval.
8. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
9. Final engineering review.

PLEASE NOTE – If these conditions are not met within 120 days of the meeting at which the Planning Board grants approval, the Board's approval will be considered to have lapsed and re-submission of the application will be required. See RSA 674:39 on vesting.

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. **No construction or site work may be undertaken until a pre-construction meeting with Town staff has taken place, filing of an NPDES – EPA Permit (if required), and posting of the site-restoration financial guaranty with the Town.** Contact the Department of Public Works to arrange the pre-construction meeting.
2. The project must be built and executed as specified in the approved application package unless modifications are approved by the Planning Department & Department of Public Works, or, if Staff deems applicable, the Planning Board.
3. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
4. Fire department access shall be provided at the start of the project and maintained throughout construction. Fire department access shall be designed

and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.

5. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals which may be required as part of this project (that were not received prior to certification of the plans). Contact the Building Division at extension 115 regarding building permits.
6. All site improvements and off-site improvements must be completed in accordance with the approved plan prior to the issuance of a certificate of occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstance), the Building Division may issue a certificate of occupancy prior to the completion of landscaping improvements, if agreed upon by the Planning Division & Public Works Department, when a financial guaranty (see forms available from the Public Works Department) and agreement to complete improvements are placed with the Town. The landscaping shall be completed within 6 months from the issuance of the certificate of occupancy, or the Town shall utilize the financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. **No other improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving a certificate of occupancy.**
7. As built site plans must to be submitted to the Public Works Department prior to the release of the applicant's financial guaranty.

C. Public hearing on changes to the scoring criteria for the Capital Improvement Plan (CIP). The proposed criteria can be viewed online or during business hours in the Planning & Economic Development Department - continued from the January 4, 2023 meeting)

Chairman Rugg read the application into the record. Amy Kizak, GIS Manager/Comprehensive Planner, addressed the Board. A. Kizak reviewed the proposed change to the scoring criteria moving forward for the next round of CIP projects. She read the proposed language to the Board.

Chairman Rugg opened up the discussion to the Board and there was none.

Chairman Rugg asked for public input and there was none.

Chairman Rugg brought the discussion back to the Board as there was no further public input.

J. Butler made a motion to adopt the new scoring criteria for the Capital Improvement Plan (CIP).

J. Penta seconded the motion.

The motion was granted, 7-0-0. The Chair voted in the affirmative.

IV. New Plans/Conceptual Plans

A. Public hearing on an application for a Conditional Use Permit (CUP) for 1,800 SF of temporary wetland impact and 3,996 SF (wet) and 4,331 SF (stream) of temporary wetland buffer impact for the proposed Scobie Substation T30, T90, N124 and B172 Structure Replacement Project for work within the Conservation Overlay District for the proposed replacement of existing optical ground wire along the existing Transmission Line Right of Way (ROW), Five Brewster Road (Map 13 Lot 110, Zoned AR-1) Public Service Company of New Hampshire d/b/a Eversource Energy (Owner & Applicant)

Chairman Rugg read the case into the record. K. Caron told the Board that the application can be accepted as complete.

J. Butler made a motion to accept the application as complete as outlined in the Staff Recommendation Memorandum dated January 11, 2023.

J. Knights seconded the motion.

The motion was granted, 7-0-0. The Chair voted in the affirmative.

Chairman Rugg informed the applicant that the 65-day time clock has started. Scott Egan, from AECOM, 1115 Elm Street, Suite 401, Manchester, NH, and Ashley Friend from Eversource, addressed the Board. S. Egan told the Board that Eversource is replacing the old laminated wooden structures throughout the state that are showing signs of decay, cracking and damage from woodpeckers. He explained that they are replacing 10 laminated wooden structures with steel structures and the new structures will be in the same location or roughly 10-feet from the old structures. He added that the new steel structures might be three-feet to five-feet taller to adjust for some of the current standards. He noted that six out of the ten structures are located in Londonderry. He reviewed the wetland delineation that was performed in July of 2022 with the Board. He noted out that Shields Brook cuts between the two substations. He pointed out that the only way to access the three structures on the T-30 side is to cross two wetlands. He mentioned that there is a current project in the final stages of construction there with an existing access road, so they will put new timber mating for the wetland crossing. He remarked that the project is expected to start in April and will run approximately eight weeks including restoration.

Chairman Rugg opened up the discussion to the Board. K. Caron told the Board that they went before the Conservation Commission last evening, and they recommended approval of the CUP. G. Verani asked about the wetland crossing. S. Egan replied that they will place new timber mating and use the current access. J. Penta asked about the process of notifying abutters in the area. A. Friend replied that abutter notifications are sent prior to field work, which has already happened, and then another round of

letters would be sent regarding pre-construction as well as after everything is completed. J. Trottier commented that usually people do not read their mail, so they call the Department of Public Works & Engineering (DPW) and he explains it or gives them Ashley's phone number. Chairman Rugg asked if she would meet with a resident if needed. A. Friend replied that they do.

Chairman Rugg asked for public input and there was none.

Chairman Rugg brought the discussion back to the Board as there was no further public input.

J. Butler made a motion to grant approval of the Conditional Use Permit (CUP) for 1,800 SF of temporary wetland impact and 3,996 SF (wet) and 4,331 SF (stream) of temporary wetland buffer impact for the proposed Scobie Substation T30, T90, N124 and B172 Structure Replacement Project for work within the Conservation Overlay District for the proposed replacement of existing optical ground wire along the existing Transmission Line Right of Way (ROW), Five Brewster Road (Map 13 Lot 110, Zoned AR-1) Public Service Company of New Hampshire d/b/a Eversource Energy (Owner & Applicant).

D. Paul seconded the motion.

The motion was granted, 7-0-0. The Chair voted in the affirmative.

V. Other

VI. Adjournment

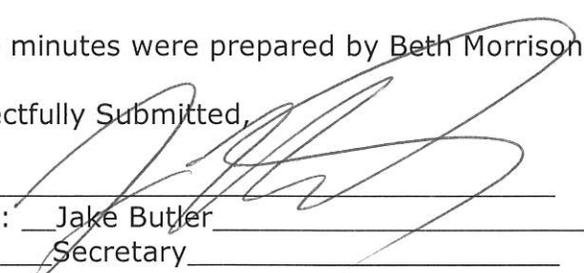
Member J. Butler made a motion to adjourn the meeting at approximately 7:58 p.m. Seconded by J. Penta.

The motion was granted, 7-0-0.

The meeting adjourned at approximately 7:58 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,


Name: Jake Butler

Title: Secretary

These minutes were accepted and approved on February 8, 2023, by a motion made by

 A. Sypek and seconded by L. Wiles

STAFF RECOMMENDATION

To: Planning Board

Date: January 11, 2023

From: Kellie Caron, Assistant TM | Director of Economic Development

John R. Trottier, PE, Director of Engineering & Environmental Services

Application: Application acceptance and public hearing for formal review of a site plan for a trucking terminal and associated site improvements, 15 Rockingham Road, Map 13 Lot 99, Zoned C-II, Alfred, Jr. & Nicole Pittore (Owners) and Pittore Bros. Paving (Applicant).

- **Completeness:** The Applicant has requested waivers from three checklist items (see below). Assuming the Board grants the requested waivers, all checklist items would be addressed, and staff would recommend the acceptance of the plan.
 1. The Applicant is requesting a waiver from sections 3.13 and 4.16 of the site plan regulations and item VIII of the checklist to waive the requirement of providing an illumination plan. Staff ***supports*** the granting of the waiver as no new lighting is proposed as part of the project.
 2. The Applicant is requesting a waiver from sections 3.12 and 4.15 of the site plan regulations and item IX of the checklist to waive the requirement of providing building renderings and general appearance information. Staff ***supports*** the granting of the waiver as the building already exists and there are no proposed changes.
 3. The Applicant is requesting a waiver from section 4.12.c.19.vii and checklist item VI.v of the regulations to waive the requirement of indicating trees greater than 15" in diameter and species. Staff ***supports*** the granting of the waiver as the site is already developed and the existing tree lines are shown.

Board Action Required: Motion to grant three waivers related to items VIII, IX, and VI.v of the checklist.

Board Action Required: Motion to accept the application as complete per Staff Recommendation Memorandum dated January 11, 2023.

- **Waivers:** There are three waiver requests for this application.
 1. The Applicant is requesting a waiver from section 3.04 of the site plan regulations to waive the requirement of providing utility clearance letters. Staff ***supports*** the granting of the waiver as the existing residence is serviced by local utilities and there are no new proposed utilities to service the site.
 2. The Applicant is requesting a waiver from section 3.10 of the site plan regulations to allow the landscaping as presented reflecting the existing landscape on site. Staff ***supports*** the granting of the waiver as no new landscaping is proposed as part of the project.

3. The Applicant is requesting a waiver from section 3.08.b.6 of the site plan regulations to allow a driveway 40 feet in width where only 36 feet are allowed by an exception approved by the Planning Board. Staff **supports** the granting of this waiver due to the configuration of the site and for allowing trucks and other vehicles access to the site.

Board Action Required: Motion to grant the applicant’s request for three waivers as outlined in the Staff Recommendation Memorandum dated January 11, 2023.

- **Conditional Use Permit:** The applicant is requesting a Conditional Use Permit (CUP) per Londonderry Zoning Ordinance Section 4.6.1.4.A.1.
 1. The Applicant has requested a Conditional Use Permit to allow a permitted use in the Conservation Overlay District. The Applicant seeks to do work within the Conservation Overlay District relating to drainage improvements (detention pond) for the site. The Conservation Commission has recommended approval of the CUP on April 26, 2022.
- **Recommendation:** Based on the information available to date, Staff recommends that the Planning Board APPROVE the CUP.

Board Action Required: Motion to grant approval of the Conditional Use Permit (CUP) for 12,000 SF of temporary of buffer impact within the Conservation Overlay District for drainage improvements (detention pond), Alfred, Jr. & Nicole Pittore (Owners) and Pittore Bros. Paving (Applicant).

Board Action Required: Motion to grant conditional approval of a site plan for a trucking terminal and associated site improvements, 15 Rockingham Road, Map 13 Lot 99, Zoned C-II, Alfred, Jr. & Nicole Pittore (Owners) and Pittore Bros. Paving (Applicant) in accordance with plans prepared by Eric C. Mitchell & Associates Inc., dated July 11, 2008 last revised November 8, 2022 with the precedent conditions to be fulfilled within 120 days of the approval and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum dated January 11, 2023.

“Applicant”, herein, refers to the property owner, business owner, or organization submitting this application and to his/its agents, successors, and assigns.

PRECEDENT CONDITIONS

All of the precedent conditions below must be met by the Applicant, at the expense of the Applicant, prior to certification of the plans by the Planning Board. Certification of the plans is required prior to commencement of any site work, any construction on the

site or issuance of a building permit.

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Engineering & Environmental Services/Stantec review memo dated January 11, 2023.
2. Owner's signature shall be provided on the plans.
3. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Town of Londonderry Site Plan regulations.
4. Third-party review fees shall be paid within 30 days of conditional site plan approval.
5. Financial guarantees be provided to the satisfaction of the Department of Engineering & Environmental Services.
6. Final engineering review.

PLEASE NOTE – If these conditions are not met within 120 days of the meeting at which the Planning Board grants approval, the Board's approval will be considered to have lapsed and re-submission of the application will be required.

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. No construction or site work, as indicated on this plan, may be undertaken until a pre-construction meeting with Town staff has taken place, filing of an NPDES – EPA Permit (if required), and posting of the site-restoration financial guaranty with the Town. Contact the Department of Engineering & Environmental Services to arrange the pre-construction meeting.
2. The project must be built and executed as specified in the approved application package unless modifications are approved by the Planning Department & Department of Engineering & Environmental Services, or, if Staff deems applicable, the Planning Board.
3. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.

4. Fire department access roads shall be provided at the start of the project and maintained throughout construction. Fire department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.
5. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals which may be required as part of this project (that were not received prior to certification of the plans). Contact the Building Division at extension 115 regarding building permits.
6. Prior to issuance of a certificate of occupancy, all site improvements and off-site improvements shall be completed in accordance with the plan approved by the Planning Board. In accordance with Section 6.01.d of the Site Plan Regulations, in circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstance), the Building Division may issue a certificate of occupancy prior to the completion of landscaping improvements, if agreed upon by the Planning Division & Department of Engineering & Environmental Services, when a financial guaranty (see forms available from the Engineering Department) and agreement to complete improvements are placed with the Town. The landscaping shall be completed within 6 months from the issuance of the certificate of occupancy, or the Town shall utilize the financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. No other improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving a certificate of occupancy.
7. As built site plans must to be submitted to the Department of Engineering & Environmental Services prior to the release of the applicant's financial guaranty.

MEMORANDUM

To: Planning Board

Date: January 11, 2023

From: Planning and Economic Development
Engineering & Environmental Services Dept.
Stantec Consulting Services, Inc.

Re: Proposed Change in Use Site Plan
Pittore Bros. Paving
Tax Map 13, Lot 99
15 Rockingham Road

Owner : Alfred Jr. & Nicole Pittore

Eric C. Mitchell & Assoc., Inc 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. The Applicant submitted revised plans and information and we offer the following comments:

Checklist Items:

1. The Applicant has not provided an Illumination Plan or lighting details for this project application per sections 3.13 and 4.16 of the Site Plan Regulation and item VIII of the checklist. The Applicant has submitted a **written waiver request** to this requirement for Planning Board consideration.
2. The Applicant has not provided Building Renderings and General Appearance information for this project application per sections 3.12 and 4.15 of the Site Plan Regulation and item IX of the checklist. The Applicant has submitted a **written waiver request** to this requirement for Planning Board consideration.
3. The Applicant has not provided/indicated the trees greater than 15" in diameter and species per section 4.12.c.19.vii of the regulations. The Applicant has submitted a **written waiver request** to this requirement for Planning Board consideration.

Design Review Items:

1. The Applicant's proposed access drive at Rockingham Road is approximately 40 feet at the ROW without the radii and does not comply with section 3.08.b.6 of the Site Plan Regulations (24-foot maximum). We understand the Planning Board can grant an exception to 36 feet. The Applicant has submitted a **written waiver request** to this requirement for Planning Board consideration.
2. We recommend the Applicant clarify/address the following on the **Site Plan, and Grading, Drainage and Utilities, and Erosion Control Plans:**
 - a. Please update the project site plan and all other sheets to label the concrete block bin north of the parking lot to be removed similar to the others and as noted in the response letter.
 - b. It is unclear as to the design intent at the pinch point of the detention pond shown on the grading plan. Please provide a construction detail to demonstrate the proposed pond width in this location and the top of embankment slope that includes the minimum shoulder width to support the proposed curb along the driveway for proper construction. The detail noted in the previous response letter is absent from the submitted plans.
3. The revised plan indicates the existing pavement at the southwest corner adjacent to the rail trail is now to remain and be used as parking. However, it appears this area is at elevation 307 and lower than the adjacent pavement and curbing at proposed elevation 308. It is unclear

how this area drains to the detention basin as depicted in the drainage report. As commented in previous reviews, ***“The proposed 308 contour in the vicinity of the proposed curb along the southeasterly portion of the site indicates filling in the existing paved area. Will this require removal of the existing pavement? Please clarify with notes on the plan and indicate limits of work (pavement removal) for proper construction”***.

4. The revised plans do not indicate the limits of the Conservation Overlay District (COD) associated with Shields Brook as defined in Section 4.6.1.2.A.3 and Section 4.6.1.10 of the Zoning Ordinance. We note that a majority of the proposed improvements to construct the detention basin are within this COD area and require a Conditional Use Permit (CUP). Please update the plans accordingly.
5. We recommend the Applicant clarify/address the location of the weir notch beginning elevation “U” in the detail that does not appear to be properly shown on sheet 9. In addition, please indicate and clarify the footing width, depth, and length for proper construction.
6. We recommend the Applicant address the following relative to the previously submitted (May 2022) **Project Drainage Report**:
 - a. The updated report does not address/describe the twin 48" RCP driveway culverts. Please revise the proposed conditions to provide appropriate information that properly describes the proposed/current conditions acceptable to the Town.
 - b. The revised report includes riprap apron calculations for the curb opening and the outlet structure apron, but the grading plan and apron detail in the plan set do not properly identify the stone size or blanket thickness consistent with the report for proper construction. Please update the plan set accordingly for proper construction.
 - a. The updated report now includes an operation and maintenance (O&M) manual for the stormwater management system. Please update to include winter maintenance such as snow removal and deicing methods as required by the Stormwater Regulations including training and certification in accordance with Env-Wq 2203. Maintenance of the driveway, sidewalk, and parking area such as sweeping to remove accumulated sediments should also be noted. This shall include reporting annual salt usage. In addition, please update sheet 11 to show the proposed snow storage locations.
 - c. Please update the record keeping section 6 of the O&M to state copies of the operation and maintenance inspection reports shall be filed with the Town on an annual basis. In addition, we recommend the O&M be placed in the plan set as typically requested by the Engineering & Environmental Services Department.
 - d. The post development plan does not properly indicate the post development conditions associated with the most recent proposed site development plan. Please update the plan consistent with the latest design.
7. A Town of Londonderry Stormwater Permit is needed for the proposed stormwater system under this revised development. The Applicant should submit for and obtain all project permits, indicate the permit approval numbers on the cover sheet and provide copies of all permits for the Planning Department files per sections 4.13 and 4.18.e of the Site Plan Regulations and Item XII of the Site Plan Application & Checklist.
8. We recommend the Applicant update the traffic information noted in the September 6, 2022 memorandum as acceptable to the Town.
9. We recommend the Applicant verify the DRC comments for the project are adequately addressed as applicable:

- a. Please verify the comments of Planning Department have been adequately addressed with the Planning Department.
- b. Please verify the comments of Conservation Commission have been adequately addressed with the Conservation Commission.
- c. Please verify the comments of Heritage Commission have been adequately addressed with the Heritage Commission.
- d. Please verify the comments of Fire Department have been adequately addressed with the Fire Department.
- e. Please verify the comments of Zoning Board of Adjustment have been adequately addressed with the Zoning Board of Adjustment.

Board Action Items:

1. The Applicant has submitted written waiver requests for four (4) requirements of the Site Plan Regulations as noted in the letters dated May 19, 2022, April 14, 2022 and November 8, 2021. The Board will need to consider each of the waiver requests as part of the project review.
2. The Applicant is proposing improvements within the Conservation Overlay District (COD) that will require a Conditional Use Permit (CUP) approval by the Planning Board. The Board will need to consider the Conditional Use Permit as part of the review.

STAFF RECOMMENDATION

To: Planning Board

Date: January 11, 2023

From: Kellie Caron, Asst. Town Manager/Director of Economic Development
John R. Trottier, PE, Director of Engineering & Environmental Services

Application: Application for formal review of a site plan amendment for the construction of a proposed 6,000 SF convenience store with drive through, and gas station with 16 fueling stations and 3 diesel fueling stations, 174 Rockingham Road, Map 15 Lot 61, Zoned C-II and RTE 28 Performance Overlay District and 178 Rockingham Road, Map 15 Lot 61-7, Zoned C-II and RTE 28 POD, 2V Londonderry, LLC & 2V Londonderry West, LLC (Owners) and New Sunset Realty (Applicant).

- **Background:** This application is continued from December 7, 2022.
- **Completeness:** The application was accepted as complete on December 7, 2022.
- **Waivers:** The Board granted three waiver requests on December 7, 2022.
- **Recommendation:**
If, after discussion of the traffic information presented, the Board is comfortable that the concerns raised have been adequately addressed, Staff recommends that the Planning Board **CONDITIONALLY APPROVE** this application with the Notice of Decision to read substantially as follows:

Board Action Required: Motion to grant conditional approval of a site plan amendment for the construction of a proposed 6,000 SF convenience store with drive through, and gas station with 16 fueling stations and 3 diesel fueling stations, 174 Rockingham Road, Map 15 Lot 61, Zoned C-II and RTE 28 Performance Overlay District and 178 Rockingham Road, Map 15 Lot 61-7, Zoned C-II and RTE 28 POD, 2V Londonderry, LLC & 2V Londonderry West, LLC (Owners) and New Sunset Realty (Applicant) in accordance with plans prepared TF Moran, Inc., dated August 17, 2022, last revised December 22, 2022, with the precedent conditions to be fulfilled within 120 days of the approval and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum, dated January 11, 2023.

“Applicant”, herein, refers to the property owner, business owner, or organization submitting this application and to his/its agents, successors, and assigns.

PRECEDENT CONDITIONS

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

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Public Works & Engineering/Stantec review memo and traffic memo dated January 11, 2023.
2. Waivers requested shall be noted as such on the plan.
3. The Applicant shall provide the Owner's signature(s) on the plans.
4. The Applicant submitted revised building renderings separate from the December 22, 2022 formal submission. The Applicant will be required to include the building rendering sheets in the full site plan set.
5. All required permits and approvals shall be obtained and noted on the plan. The Applicant shall indicate the permit approval numbers on the cover sheet and provide copies of all permits for the Planning Division files.
6. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Site Plan Regulations.
7. Outstanding third-party review fees, if any, shall be paid within 30 days of conditional site plan approval.
8. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
9. Final engineering review.

PLEASE NOTE – If these conditions are not met within 120 days of the meeting at which the Planning Board grants approval, the Board's approval will be considered to have lapsed and re-submission of the application will be required. See RSA 674:39 on vesting.

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. **No construction or site work may be undertaken until a pre-construction meeting with Town staff has taken place, filing of an NPDES – EPA Permit (if required), and posting of the site-restoration financial guaranty with the Town.** Contact the Department of Public Works to arrange the pre-construction meeting.
2. The project must be built and executed as specified in the approved application package unless modifications are approved by the Planning Department & Department of Public Works, or, if Staff deems applicable, the Planning Board.

3. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
4. Fire department access shall be provided at the start of the project and maintained throughout construction. Fire department access shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.
5. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals which may be required as part of this project (that were not received prior to certification of the plans). Contact the Building Division at extension 115 regarding building permits.
6. All site improvements and off-site improvements must be completed in accordance with the approved plan prior to the issuance of a certificate of occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstance), the Building Division may issue a certificate of occupancy prior to the completion of landscaping improvements, if agreed upon by the Planning Division & Public Works Department, when a financial guaranty (see forms available from the Public Works Department) and agreement to complete improvements are placed with the Town. The landscaping shall be completed within 6 months from the issuance of the certificate of occupancy, or the Town shall utilize the financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. **No other improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving a certificate of occupancy.**
7. As built site plans must to be submitted to the Public Works Department prior to the release of the applicant's financial guaranty.

MEMORANDUM

To: Planning Board

Date: January 11, 2023

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

Re: Map 15 Lots 61 and 61-7
Proposed Site Development Plan
Gas Station/Convenience Store
174 & 178 Rockingham Road

Owners: 2V Londonderry LLC

This project is continued from the December 7, 2022 Planning Board meeting. The Applicant submitted revised plans and information and we offer the following comments:

Design Review Items:

1. The Applicant's signature was not provided on the cover sheet, existing conditions plan and site plan in accordance with section 4.03.C of the regulations. Please update the plans accordingly.
2. The Applicant has not provided copies of NHDES Underground Storage Tank (UST) Permit application as previously requested and per section 4.13 of the Site Plan Regulations to demonstrate the permits have been submitted per the application. We understand an update to the Town of Londonderry Sewer Discharge Permit has been submitted for the project. In addition, the Town of Londonderry Stormwater Discharge Permit was obtained for the previous design. Updated permits are required to be obtained consistent with the current design. The submitted cover sheet does not list the updated permit information. The Applicant should obtain all project permits for this latest design, indicate the permit approval numbers on the cover sheet and provide copies of all permit approvals for the Planning Department files per sections 4.13 and 4.18.e of the Site Plan Regulations and Item XII of the Site Plan Application & Checklist.
3. The Applicant has revised the driveway entrances on the submitted plans which include rumble strips, but the proposed driveway pavement radii information is absent. Please label/provide additional driveway pavement information for proper construction.
4. The Applicant has provided an updated sewer plan and profile – sheet 7 - with this submission. We recommend the Applicant address the following as acceptable to the Sewer Division:
 - a. A separate sewer line profile for the grease trap is absent. Please update the plan accordingly.
 - b. The grease trap invert out in the plan view (315.54) does not match the profile invert (316.54). Please revise to be consistent.
 - c. Please provide a detail for the access manholes at the finish grade to service the grease trap for proper construction.
 - d. The grease trap detail design note 3 stated the design is for 1-5 feet of cover and does not meet the cover depth of approximately 7 feet. Please revise the design to be representative of the site and to address the access manholes to cleanout covers.
 - e. The sewer profile indicates a drop sewer manhole is required, but a detail of the required drop manhole to the Town's specifications was absent from the submission. Please update the design accordingly and as acceptable to the Sewer Division.
5. The Applicant has revised the stormwater system configuration with this latest submission to relocate 2 chambers to address the propose light pole placed within the stormwater system. However, information relative to the proposed light pole placed over the underground stormwater system demonstrating it can be properly constructed without impacting the

stormwater system was absent from the submission as previously requested. Please provide additional information (documentation) that the design meets the requirements of the stormwater chamber manufacturer. In addition, please provide information that the submitted stormwater modification is part of the approved NHDES AoT permit for the project.

6. The Applicant's submitted site plan set is incomplete and does not include the architectural plans or lighting plans noted on the cover sheet. In addition, the plans and details of the proposed fueling facilities are absent from the project submission as requested previously. Please update the plan set accordingly acceptable to the Town.
7. We recommend the Applicant address the traffic review comments noted in Stantec's January 11, 2023 memo relative to the traffic report.
8. We recommend the Applicant verify the DRC comments for the project are adequately addressed as applicable:
 - a. Please verify the comments of Planning Department have been adequately addressed with the Planning Department.
 - b. Please verify the comments of the Sewer Division have been adequately addressed with the Sewer Division.
 - c. Please verify the comments of Conservation Commission have been adequately addressed with the Conservation Commission.
 - d. Please verify the comments of Fire Department have been adequately addressed with the Fire Department (confirm hydrants approval).
 - e. Please verify the comments of Heritage Commission have been adequately addressed with the Commission.

Board Information Items:

1. The Planning Board granted the waiver for the Landscape Performance Standards for the front buffer area per section 4.6.7.7.D.1.a of the Route 28 Performance Overlay District on December 7, 2022.
2. The Planning Board granted the waiver to section 4.14.b.1 of the Site Plan Regulations for the existing conditions plan on December 7, 2022.
3. The Planning Board granted the waiver to section 3.07.g.3 of the Site Plan Regulations for minimum three feet of cover over the proposed drain pipes on December 7, 2022.
4. The Applicant's proposed access drive at Symmes Drive is dimensioned as 30 feet and does not comply with section 3.08.b.6 of the Site Plan Regulations (24-foot maximum). In addition, the Applicant driveway at Route 28 is dimensioned at 35 feet and does not comply with section 3.08b.6 of the regulations. We understand the Planning Board can grant an exception up to 36 feet.
5. The Applicant received final site plan approval for a different site configuration in January 2021 at this location and began construction in Spring 2021 which ceased in August 2021.
6. The Applicant is still proposing improvements within the Conservation Overlay District (COD) for which the Planning Board has previously granted a Conditional Use Permit (CUP) approval.

7. The Applicant's revised stormwater design proposes to utilize a single constructed underground stormwater storage area. We note that the plan elevations imply the underground stormwater area is to be five to seven feet below the existing ground. We note that the submitted stormwater report includes the NRCS soil information that indicates the existing groundwater table at 18 to 37 inches (1.5 to 3 feet) with test pits confirming the water table depth. As presented, the proposed storm water system would be placed below the water table with an underdrain system which does not comply with the NHDES Stormwater design guidelines. It is our understanding that NHDES has previously approved a similar design for the site.



Stantec Consulting Services Inc.
5 Dartmouth Drive, Suite 200, Auburn NH 03032

MEMORANDUM

To: Ms. Kellie Caron
Community Development Department

Date: January 11, 2023

Cc: Mr. John Trottier, P.E.
Engineering & Environmental Services Dept.

Re: Proposed Development at 174
& 178 Rockingham Road (NH 28)
Traffic Impact and Access Study
Review

From: David J. DeBaie, PE, PTOE
Michael Leach
Stantec Consulting Services Inc.

Owner: 2V Londonderry LLC
Project No. 179450084

Stantec has received the Dec 22, 2022 TFM responses to the Stantec comments discussed during December 15, 2022 meeting with the Town and the Applicant.

Stantec's remaining comments/questions are:

1. We recommend the Applicant provide the Synchro analyses files for the provided sensitivity analyses summary results included in a revised and complete project traffic study addendum document for the Town's project file. In addition, we recommend the electronic Synchro analyses files for the project be provided to the Town for information and use for future projects that impact the signal.
2. As discussed at the meeting held with the Applicant, we recommend the Applicant obtain and provide the NHDOT timing plans used in the analysis for the Symmes Drive/ NH Route 28 traffic signal including the time of day coordination plans, as applicable, in a traffic addendum.

STAFF RECOMMENDATION

To: Planning Board

Date: January 11, 2023

From: Kellie Caron, Assistant TM | Director of Economic Development

John R. Trottier, PE, Director of Engineering & Environmental Services

Application: Application for for a Conditional Use Permit (CUP) for 1,800 SF of temporary wetland impact and 3,996 SF (wet) and 4,331 SF (stream) of temporary wetland buffer impact for the proposed Scobie Substation T30, T90, N124 and B172 Structure Replacement Project for work within the Conservation Overlay District for the proposed replacement of existing optical ground wire along the existing Transmission Line Right of Way (ROW), Five Brewster Road (Map 13 Lot 110, Zoned AR-1) Public Service Company of New Hampshire d/b/a Eversource Energy (Owner & Applicant)

- Completeness: Staff recommends the Conditional Use Permit application be accepted as complete.

Board Action Required: **Motion to accept the application as complete per Staff's Recommendation Memorandum dated January 11, 2023.**

- Conditional Use Permit: The applicant is requesting a Conditional Use Permit (CUP) per Londonderry Zoning Ordinance Section 4.6.1.4.A.1.
 1. The Applicant has requested a Conditional Use Permit to allow a permitted use in the Conservation Overlay District. Eversource Energy seeks to do work within the wetland and Conservation Overlay District relating to replacement of existing transmission line structures in the utility ROW. The Conservation Commission has recommended approval of the CUP on January 10, 2023.

- Recommendation: Based on the information available to date, Staff recommends that the Planning Board APPROVE the CUP with the Notice of Decision to read substantially as follows:

Board Action Required: **Motion to grant approval of the Conditional Use Permit (CUP) for 1,800 SF of temporary wetland impact and 3,996 SF (wet) and 4,331 SF (stream) of temporary wetland buffer impact for the proposed Scobie Substation T30, T90, N124 and B172 Structure Replacement Project for work within the Conservation Overlay District for the proposed replacement of existing optical ground wire along the existing Transmission Line Right of Way (ROW), Five Brewster Road (Map 13 Lot 110, Zoned AR-1) Public Service Company of New Hampshire d/b/a Eversource Energy (Owner & Applicant).**