

**LONDONDERRY, NH PLANNING BOARD
MINUTES OF THE MEETING OF AUGUST 1, 2018 AT THE MOOSE HILL
COUNCIL CHAMBERS**

I. CALL TO ORDER

Members Present: Art Rugg, Chair; Rick Brideau, Ex-Officio – Town Employee; Leitha Reilly, member; Al Sypek, member; Jim Butler, Town Council Ex-Officio; Peter Commerford (alternate member); Roger Fillio (alternate member); Ann Chiampa (alternate member)

Also Present: John R. Trottier, P.E., Assistant Director of Public Works and Engineering; Colleen Mailloux, Town Planner and Laura Gandia, Associate Planner

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 R. Fillio to vote for S. Benson, A. Chiampa to vote for M. Soares, and P. Commerford to vote for C. Davies. ** Members J. Butler and P. Commerford arrived after the regional impact determination vote.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES: N/A

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

1. Application for design review of a subdivision plan to subdivide one lot into three, Six Harvey Road, Map 11 Lot 93, Zoned AR-1, John G. and Elaine H. Tadiello (Owners) and DHB Homes (Applicant)
2. Application for design review of a lot line adjustment and subdivision plan to create one new residential lot, 83 Litchfield Road, Map 11 Lot 85, Zoned AR-1, Steven Saulnier (Owner) and 81 Litchfield Road, Map 11, Lot 86, Zoned AR-1, Allen O. & M.T. Madeline Saulnier (Owners & Applicants)
3. Application for design review of a subdivision plan to subdivide one lot into three, 37 Mammoth Road, Map 1 Lot 52, Zoned AR-1, Sean LeBlanc (Owner & Applicant)

Town Planner Mailloux recommended that the Board find that these projects are not developments of regional impact as they do not meet the criteria set forth by the Southern New Hampshire Regional Planning Commission.

A. Sypek made a motion to find that these projects are not of regional impact.

R. Brideau seconded the motion.

The motion was granted, 6-0-0. The Chair voted in the affirmative.

C. DISCUSSIONS WITH TOWN STAFF:

Town Planner Mailloux informed the Board that there is a Capital Improvements Plan (CIP) meeting on August 9, 2018.

III. OLD BUSINESS

A. Application for formal review of a subdivision plan to create 28 residential lots, Woodmont Commons, sub-areas WC-4 and WC-5, 15 Pillsbury Road & Gilcreast Road, Map 10 Lot 41, Zoned PUD-1, Pillsbury Realty Development, LLC (Owner) and DHB Homes, LLC (Applicant)

Chairman Rugg read the case into record J. Trotter stated that there are no outstanding checklist items and that Staff recommended that the application be accepted as complete.

P. Commerford made a motion to accept the application as complete per the Staff's Recommendation Memorandum dated August 1, 2018.

A. Sypek seconded the motion.

The motion was granted, 8-0-0. The Chair voted in the affirmative.

Chairman Rugg noted that the 65-day time clock had started.

Jeff Kevan, TFMoran, Inc., 48 Constitution Drive, Bedford, NH addressed the Board. J. Kevan stated that these are WC-4 and WC-5 noted in the Woodmont Commons development parcel, which is adjacent to Gilcreast Road. He stated that they would be subdividing out 19.8 acres to Greatest Residential Subdivision, which will be subdivided into 28 single family residential lots with 1500 feet of roadway. He stated that this falls within the requirements of the PUD for Woodmont Commons. He pointed out an open space lot that is 2.8 acres, road of 1.8 acres, and a 50 foot buffer around the PUD that is 3.7 acres, which is land that would not be disturbed. He noted that they will be preserving 2 rows of apple trees and add a third row required by the PUD. He stated that the road is going to be 22 feet wide with an 8 foot grass strip on either side and a 6 foot sidewalk on either side of the roadway. He stated that they would be on municipal sewer and extending the sewer up Gilcreast Road approximately 1000 feet from the south to the north. He stated that water will be serviced by Pennichuck Water. He stated it would be a closed drainage system with wet pond storm water treatment facilities that is discharged to Duck Pond. He noted that there is a Conditional Use Permit (CUP) to work within the outer 50 feet of the 100 foot buffer to Duck Pond. He stated that there would be yard areas plus a cut-off swale within the CUP area. He also stated that there are two waiver

requests as well. He stated that he provided the Board with the covenants for the association, which would state it is a private road with the association being responsible for taking care of the roadway, drainage system, sewer pump station, lights, maintaining the apple trees and any open space. He stated there would be a trail system as well. He read the traffic report, which stated the trip generation for the subdivision to be 22 vehicles during AM peak, 28 vehicles during PM peak and noted it to be insignificant to the background traffic that is already out there now.

Chairman Rugg opened it up to questions from the Board. J. Trottier stated that the applicant is requesting two waiver requests from Section 3.08.G.2 and Section 3.08.G.3. He stated that Staff supports granting the two waiver requests. He reviewed the precedent conditions with the Board. Town Planner Mailloux reviewed the CUP with the Board, which is requesting a reduction in the Overlay District from 100 feet to 50 feet. She noted that the Conservation Commission has recommended denial of the CUP, citing due to turf within the buffer and lack of signs along the buffer edge. She stated that this application is seeking them to allow the turf and they have added appropriate CO district signage to the plan. She stated that under the PUD there was a modification to the CO District that allows them to seek buffer reduction to as little as 0 feet to the edge of the wetlands and by preserving the 50 foot buffer, it demonstrated they met the criteria; therefore Staff supports granting the CUP. A. Chiampa asked what the trail system would consist of. J. Kevan stated he thought it would be crushed stone as the surface. A. Chiampa asked if the trails would be open to the public. J. Kevan stated the trails would be open to the public. A. Chiampa asked if the road in the open space area would be accessible to the public. Town Planner Mailloux explained that in order to comply with the PUD requirements, all the open space is publically accessible. R. Fillio asked if the pump system would have a backup. J. Kevan stated it would be on a backup generator. L. Reilly asked about the CUP, stating that in her opinion, a reasonable alternative would be to not make the lot as long as it is and make it wider, and questioned if the first criteria had been met. J. Kevan asked for a plan that showed the houses on it and explained a few scenarios in which the houses can only be built as shown or the lot is not developable. He stated that they have maintained the tree line, which is the inner 50 feet along Duck Pond, and are asking to work within the outer 50 feet. L. Reilly stated that she did not understand how it would work because as she looks at it, the houses would not be allowed any yard, as they are in the buffer. Town Planner Mailloux clarified that the CUP is asking for instead of the normal 100 foot buffer line, they are asking for a 50 foot buffer. She stated that the Town Attorney is currently reviewing the language to make sure that this information, if granted, is in the deed and the home owners association, so that the homeowner is more than aware of the 50 foot buffer. L. Reilly asked if the trail would be allowed in the buffer. J. Kevan stated that a trail is permitted within the wetlands conservation district.

Chairman Rugg opened it up to the public.

Abutter Jeffrey Newell, 104 Gilcreast Road, addressed the Board. He asked if the

Board could put up the map of the property and pointed out where his property is in relation to the subdivision. He stated that all he has heard for the last two years is the sound of a construction vehicle backing up, but he is for this project and feels it is good for the town. He expressed concern along his property line regarding the 50 foot buffer where he has trees, a wall and a natural barrier, and does not want that land affected. J. Kevan stated that land will be undisturbed. J. Newell also expressed concern about his property line with the driveway. J. Kevan stated that they have provided an easement to Jeffrey Newell stating that the property will remain unchanged. J. Newell asked if a row of apple trees could be kept near the edge of his property in the backyard, as there is no natural barrier there. J. Kevan stated that the 50 foot buffer is attached to their property line and that area cannot be disturbed. J. Newell asked who would maintain the apple trees, if one of them where to die or become overgrown. J. Kevan stated that he would have to look into who would maintain them. J. Newell asked if there would be a buffer from his yard to the trail. J. Kevan stated that they would work with J. Newell to pull the trail away from his property, but would have to stay out of the wetlands.

Marge Badois, Chairperson Conservation Commission, 189 Litchfield Road, addressed the Board. She asked if there was a way to reduce the buffer by only 25 feet, thus keeping a 75 foot buffer. J. Kevan explained that the cut-off swale, which would intercept any run-off from yard area, road, etc., takes up half of the area, which is in turn why they are asking for a 50 foot reduction.

Ray Breslin, Three Gary Drive, addressed the Board. His concern is regarding the traffic. He asked if the sidewalks would be on Gilcreast. J. Kevan stated that the sidewalks would only be in the subdivision, not on Gilcreast. R. Breslin asked what the pre-treatment is for the drainage. J. Kevan stated that in the street there are sumps that catch the sediment, which is discharged back into a fore-bay before going into a wet pond. R. Breslin asked if it was gravity or filtering. J. Kevan stated it is gravity. He stated that in his opinion, putting in 28 houses on less than 600 acres would place more burden on the traffic for Gilcreast.

Being no further public input, Chairman Rugg closed public input and brought it back to the Board. A. Chiampa asked if the homes along the road are on 1 acre of land. J. Kevan stated that they are between 0.5 acres and 1 acre along Gilcreast Road. A. Chiampa thought there was a condition that the houses abutting current residences would be a minimum of 1 acre. J. Kevan stated that there are larger lots that would be similar to what is currently now on Gilcreast and the houses in the back towards Duck Pond have a higher density. L. Reilly stated that that is why several rows of apple trees where requested to be left to serve as a transition. Town Planner Mailloux stated that WC-4 and WC-5 are to provide for the transition, but does not have a set acreage. A. Chiampa asked about the CUP, specifically #5, in which it states the maximum building coverage in the outer 50 feet of buffer area shall be no greater than 50%. Town Planner Mailloux stated that the outer 50 feet is their 0% as they are not having any structures or building coverage. A. Chiampa asked if this passed tonight, could they put structures in the outer 50 feet. Town Planner Mailloux stated that she

would have to check with Richard Canuel, but the CUP was clearly stated for the turf for the drainage of the area. L. Reilly stated that M. Badois had come up early asking for a 25 foot outer buffer, which was turned down, and wanted to know what their plan B would be if turned down tonight. J. Kevan stated that if the CUP was not granted tonight, it is very difficult for him to say what he would do if units were taken away, as that changes the whole design, and it was already passed in the PUD.

A. Sypek made a motion to approve the applicant's request for two waivers to sections 3.08.G.2 and 3.08.G.3 to the Subdivision Regulations as outlined in Staff's recommendation memorandum dated August 1, 2018.

R. Brideau seconded the motion.

The motion was granted, 8-0-0. The Chair voted in the affirmative.

R. Brideau made a motion to grant the applicant's request for a conditional use permit per Staff's recommendation memorandum dated August 1, 2018.

J. Butler seconded the motion.

The motion was granted, 8-0-0. The Chair voted in the affirmative.

R. Brideau made a motion to grant conditional approval of the subdivision plan to create 28 residential lots, Woodmont Commons, sub-areas WC-4 and WC-5, 15 Pillsbury Road & Gilcreast Road, Map 10 Lot 41, Zoned PUD-1, Pillsbury Realty Development, LLC (Owner) and DHB Homes, LLC (Applicant) in accordance with plans prepared by TF Moran, Inc., dated February 13, 2018, last revised June 22, 2018 with the following precedent conditions to be fulfilled within two years and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated August 1, 2018.

A. Sypek seconded the motion.

The motion was granted, 8-0-0. 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/Tighe & Bond review memo dated August 1, 2018.
2. The Applicant shall provide the Owner's signature(s) on the plans.
3. Driveway, utility and drainage easements as well as homeowner association documents, including appropriate restrictions relating to the conservation overlay district, preservation of existing apple trees along Gilcreast Road, and maintenance of such shall be reviewed and approved by the Town.
4. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.
5. The Applicant shall provide a check for \$25 (made payable to the Rockingham County Registry of Deeds) for LCHIP.
6. The Applicant shall note all general and subsequent conditions on the plans.
7. Third-party review fees 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 two (2) years 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. 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.
2. 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.

3. No construction or site work for the subdivision may be undertaken until a pre-construction meeting with Town staff has taken place, filing of an NPDES – EPA Permit (if required), and posting of the site-restoration financial guaranty with the Town. Contact the Department of Public Works to arrange the pre-construction meeting.

4. 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.

5. Prior to issuance of a certificate of occupancy, all site improvements and shall be completed.

IV. New Plans/Non-Binding Conceptual Discussions -

A. Application for formal review of a site plan to construct a warehouse/office facility and associated site improvements, 49 Wentworth Avenue, Map 14 Lot 44-35, Zoned IND-II, BDRC Properties, II, LLC (Owner & Applicant)

Chairman Rugg read the case into record. J. Trottier stated there are no outstanding checklist items and staff recommends the application be accepted as complete.

R. Brideau made a motion to accept the application as complete per the Staff's Recommendation Memorandum dated August 1, 2018.

A. Sypek seconded the motion.

The motion was granted, 8-0-0. The Chair voted in the affirmative.

Chairman Rugg noted that the 65-day time clock had started.

Kevin Anderson, from Meriden Land Services, 31 Old Nashua Road, #2, Amherst, NH, addressed the Board stating he was here representing the applicant. K. Anderson stated that there are two commercial buildings proposed, the first being a 20,000 SF building and the second building being a 5,000 SF. He explained that this project is a phased project with the larger building being phase one and the smaller building being phase two. He noted that the applicant is intending on occupying half of the first building with his business of Underground Testing Services. He stated that the applicant primarily tests and inspects underground utilities and performs utility connections. He stated this building is designed to have trucks drive into it for storage purposes. He stated the remainder of the first building and the second building are tenant spaces and the intended occupants are contractors and

tradesman, such as plumbers. He stated the state permits and alteration of terrain permits have been submitted and are pending. He noted that the traffic analysis showed minimum impact from this development. He stated that storm water is conveyed by catch basins out to the cul-de-sac area where it is discharged into a pre-treatment swale and then into a large detention basin.

Chairman Rugg opened it up to questions from the Board. J. Trottier reviewed the DRC comments with the Board.

Chairman Rugg opened it up to the public and there was none.

A. Sypek Motion to grant conditional approval of a site plan to construct a warehouse/office facility and associated site improvements, 49 Wentworth Avenue, Map 14 Lot 44-35, Zoned IND-II, BDRC Properties, II, LLC (Owner & Applicant) in accordance with plans prepared by Meridian Land Services, Inc., dated May 15, 2018, last revised July 12, 2018 with the following precedent conditions to be fulfilled within 120 days and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated August 1, 2018.

R. Brideau seconded the motion.

The motion was granted, 8-0-0. 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/Tighe & Bond review memo dated August 1, 2018.
2. 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.
3. The Owner's signature shall be provided on the plans.
4. 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.

5. Third-party review fees shall be paid within 30 days of site plan approval.
6. Financial guarantees be provided to the satisfaction of the Department of Public Works and Engineering.
7. 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 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. 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.

B. Public hearing on a waiver request to Section 6.01.c of the Londonderry Site Plan Regulations to allow the issuance of a certificate of occupancy prior to the placement of the final wearing course; waiver request to Section 6.01.b to allow the plans to be signed prior to the posting of the financial guarantee for off-site improvements with the condition that the bond be posted before construction commences; and to extend the time to satisfy the conditions of approval from September 1, 2018 to November 15, 2018 for a previously approved site plan for the construction of an affordable elderly 102-unit age restricted (62+) apartment complex consisting of two buildings, 30 Sanborn Road, Map 15 Lot 83-2, Zoned R-III, Town of Londonderry (Owner) & Steven Lewis, Inc. (Applicant) conditionally approved by the Planning Board on November 1, 2017

Chairman Rugg read the case into record.

Steven Lewis, from Steven Lewis, Inc., 11 Main Street Atkinson, NH and Tim Kleiner, Property Manager from Steven Lewis Inc., addressed the Board. S. Lewis stated that he is here tonight with a dilemma because the federal government will not fund a project without a signed plan. He stated that his company cannot buy the property because the federal government will call this a choice limiting action that nullifies the whole project. He also stated that they are going to be building two buildings and they might need to request to not put the final paving on, as they might have to dig it up, before they are done building.

Chairman Rugg opened it up to questions from the Board. Town Planner Mailloux explained that the first request is a waiver request from Section 6.01.b, which Staff supports granting the waiver due to the unique circumstances. She stated that the second waiver request is from Section 6.01.c, which Staff also supports granting. She

reviewed the precedent conditions with the Board. A. Chiampa asked if there is a public hearing regarding the NH finance and authority. S. Lewis stated that it is a requirement for the NH finance and authority to let people know how much money the federal government is going to spend and will be on August 14, 2018 at 6 p.m. in the Moose Hill Conference room.

Chairman Rugg opened it up to the public and there was none.

A. Sypek made a motion to approve with the following conditions the Applicant's request for two waivers to sections 6.01b and 6.01c of the Site Plan Regulations as outlined in Staff's recommendation memorandum dated August 1, 2018.

- 1. The financial guarantee for off-site improvements shall be provided prior to the commencement of construction on or off-site, prior to issuance of a building permit and within one year.**
- 2. Appropriate financial guarantee is provided prior to the issuance of a CO to the satisfaction of the Department of Public Works to ensure installation of the wearing course of pavement and final pavement markings.**
- 3. All other required improvements shall be completed prior to the issuance of a CO, except for landscaping as permitted by the regulations.**

R. Brideau seconded the motion.

The motion was granted, 8-0-0. The Chair voted in the affirmative.

A. Sypek made a motion to extend the deadline for the Applicant to satisfy the conditions of the site plan, conditionally approved November 1, 2017, until November 15, 2018.

R. Brideau seconded the motion.

The motion was granted, 8-0-0. The Chair voted in the affirmative.

C. Conceptual hearing - redevelopment of 42 Nashua Road, Map 7 Lot 68-1, Zoned C-I, NH Six Realty Trust (Owner)

Chairman Rugg read the case into record noting that this is a conceptual discussion, which is nonbinding. L. Reilly excused herself from this discussion.

Doug MacGuire, Dubay Group, Inc., 84 Range Road, Windham, NH and Kevin Correia, from Dennis Mires, P.A., The Architects, 697 Union Street, Manchester, NH, addressed the Board. He stated that this parcel is currently a Citizens Bank, which

is an older design with many drive-through lanes, and now so much bank activity is done online so the banks do not need that many teller lanes anymore. He stated that there are six lanes there currently and there is also disjointed parking there now which is confusing. He explained that he is here tonight to present a redevelopment proposal that is in front of the Board tonight. He stated that it will be a 3,200 SF Citizens Bank building reduced to a single ATM lane with no teller lanes. He pointed out that there will also be a 5,100 SF urgent care facility in the front corner of the property as well as a 4,000 SF general retail building to the right. He noted that there is much improved access through the private way and better circulation with this design. He stated that the proposal in front of the Board tonight will meet the green space and building coverage requirements of the town. He stated that the bank wishes to stay open during the redevelopment, which is proposed with a modular temporary bank building in the upper corner of the plan. He stated that this would allow the bank to stay open while there is demolition of the old building and construction of the new bank and urgent care facility, which would be called phase one. He stated that the remaining parking area and the retail building would be built in phase two. He stated that the design plans are finalized and will be submitted to Staff for review and comments and then looking to come back before the Board with a formal application. K. Correia stated that he is the architect for this project and gave a brief overview of the three buildings proposed. A. Rugg asked if he had been before the Heritage Commission. K. Correia stated that they had back in May.

Chairman Rugg brought the discussion to the Board. P. Commerford stated that he is concerned with the exit entrance next to the private road to Michel's Way, which he felt is too close together with traffic going the opposite way. D. MacGuire stated that he can relate to P. Commerford's point, but they were more concerned with the old access to Michel's Way that has significantly more traffic on it, and the goal was to eliminate all access points on the northerly drive, where there is heavy traffic flow. He stated that this access is going to be a limited right turn in and right turn out with primarily access to this development only. A. Sypek asked about snow storage and a dumpster. D. MacGuire stated that they want to put a dumpster in the north to the right of the retail building and there may be supplemental parking to help with snow storage. A. Sypek asked if they would run into a parking problem with the retail space. D. MacGuire stated that they actually have more parking than they need because they used the highest possible scenario with the urgent care facility to allow for flexibility. A. Chiampa asked if there would be a bypass lane with the drive-through lane. D. MacGuire stated there would not be one, as there will not be a teller lane, just a drive-up ATM, and felt it was not necessary to have a bypass lane. A. Chiampa asked if the backing up of cars would be a tight fit. D. MacGuire stated that it was, as they have tried to maximize the parking spaces, and were thinking that some would just be employee only. Dave Sanderson from Convenient MD addressed the Board explaining that since the doctors are all emergency trained they can treat a higher acuity patient and stated maybe one ambulance will per day. P. Commerford recommended closing off the parking spaces that have been noted to be tight and close off the entrance that is right turn in and right turn out, and put parking spaces there instead giving a larger turning space. D. MacGuire stated he would look at that option, but did not like that the

parking would be dead-ended, meaning that once you drive down into that area you have no choice but to back up or do a three point turn. He stated that a traffic study was performed and he is going to request information on the private drive to see what the specific use is there and work with the traffic engineer. He stated that full circulation is usually always a plus from a fire safety standpoint and that could be what dictates the access and parking. He thanked the Board for their time and concluded the conceptual hearing.

D. Conceptual hearing - review of conditions of approval for a minor site plan for the construction of a 768 SF coffee and ice cream shop, batting cages and associated site improvements, Nine Buttrick Road, Map 7 Lot 33, Zoned C-1, JMMKC Corporation (Owner) and Don Charette (Applicant)

Chairman Rugg read the case into record noting that this is a conceptual discussion, which is nonbinding. L. Reilly returned to the Board at this time. Donald and Denise Charette, 20 Holden Circle, Londonderry, NH, addressed the Board. D. Charette stated that he is here to request to keep the current gravel driveway on the property and not put in asphalt paving for the driveway. He stated that they are concerned with run-off drainage that he believes will eventually end up in the pond on his property. He stated that he has spoken to a number of Boards in Londonderry and that the Conservation Commission is here tonight in support of his idea. He stated that they are starting the project late, therefore, do not want to plant trees or bushes late in the fall and have them just die. He stated that he has spoken to Planning Board members privately and is here requesting full support from the Planning Board. Denise Charette stated that they are a smaller, family run business and think the gravel driveway would help convey that. She asked for the Board's thoughts.

Chairman Rugg opened it to Staff and the Board for a discussion. J. Trottier stated that a detention pond is used for pre-treatment, which will help save the pond on D. Charrette's property. He stated that they are required to have 14 or 16 parking spaces and they will need to cut that material out and put it somewhere. He asked if D. Charette was going to take the gravel that is out there and put it in a big pile? D. Charette asked for clarification on what area J. Trottier was referencing. J. Trottier referenced a picture and stated there would be about a 70 foot cut in that area and if it needs to support a firetruck an additional foot and a half of gravel in there. He stated that the area would need to be reshaped so the storm water does not go into Buttrick. D. Charette stated that he did research and he would crest the property toward Karen Hutchinson's property. J. Trottier stated that he felt the driveway needed expansion for safe entry and egress from the site, as it is about 14 feet wide. He read from the regulations: "require a hard, durable surface that provides for safe pedestrian and vehicular travel, allow for safe delivery of supplies, allow for delineation of parking lot, parking spaces, parking isles, handicap spaces, loading spaces and assist with the maintenance of the lot itself." He stated that Public Works does not support the waiver request at this time. Town Planner Mailloux stated that the Fire Department had expressed concerns particularly related to the parking lot having the ability to bear the weight of a firetruck. J.

Butler asked if the Board could hear from the Conservation Commission since they were in the audience.

Marge Badois, Chairperson of the Conservation Commission, addressed the Board. M. Badois stated that the Commission is always in favor of reducing impervious surfaces, as it tends to speed up and increase run-off which causes erosion and infiltration in places where someone would not want it. She stated the Commission was in favor to leave it as gravel to preserve the natural environment.

Chairman Rugg brought the discussion back to the Board. J. Butler stated that he does not see why the applicant could not be granted a waiver to leave crushed stone there, as long as it is built up and can properly handle the weight of the firetrucks. He stated that the applicant is a small business that does not have a million dollar budget, so they are trying to do something nice and keep it within the characteristics of the town. He stated in his opinion, he does not have a problem granting the waiver. P. Commerford agreed with the Conservation Commission in trying to keep things as natural as possible, but also agreed with J. Trottier and the Fire Department being worried about a firetruck. He stated that if it was done right and could support the weight of a firetruck, he would not see why the waiver could be granted. He also stated that he did not agree with getting rid of the detention pond as it acts as a filter. D. Charette stated that where the detention pond would be is in an open space area and is not to be disturbed and there is an indentation in the front of their property that he thinks could be used as a swale and asked if anyone had done any calculations to see if it would be big enough to handle the drainage. P. Commerford pointed out that D. Charette needs to have an engineer look at his new plans and make sure that what D. Charette wants to do will work. D. Charette stated he wants to recycle what is already there and make new sections to match the old sections. P. Commerford asked how it would be recycled. D. Charette reviewed his plan for digging. P. Commerford stated that there are standards when building a roadway, with each layer tested to be able to withstand the forces that are used on this particular type of roadway, and he advised that D. Charette have what is currently there tested to make sure it is safe. Denise Charette asked if the previous business would have had this tested. A. Rugg stated that there were different regulations since the previous business. D. Charette asked if the old material would have to be tested. J. Trottier stated that was correct. A. Sypek asked J. Trottier if permeable pavement would be an alternative here. D. Charette stated that permeable pavement is three times the cost. He stated that his main goal is to decrease run-off to his pond on his property and second to keep Londonderry country. Denise Charette stated that they have researched many coffee and ice cream shops that have gravel driveways and questioned why the Board thinks it would be unsafe. A. Sypek stated he agreed with P. Commerford and advised the applicants to work with the Staff in town for a solution. L. Reilly stated that she is worried about setting a precedent and feels that the Staff in Londonderry are very valuable and advised the applicant to work with them. She gave an example of a business in Hampton where it is a hybrid driveway with asphalt and gravel. Denise Charette stated that she did not have an answer to her question regarding safety. L. Reilly stated that it is unknown and they would be changing an existing site and adding additional parking in a place where it does not

exist today. Denise Charette questioned if anyone had been to the property because she felt that the site works and has worked for a number of years without problems. D. Charette voiced his opinion, that when he met with J. Trottier, he never mentioned anything about safety, but instead was concerned about not having any lines for parking. He stated that feels like he cannot get anything done to help his business open. L. Reilly stated that if the applicants came before the Board with engineering worked out and stamps of approval, she would consider granting a waiver, but as of right now it is unknown. R. Brideau asked if his original plan was always to be gravel. D. Charette stated that the original plan was for asphalt, but started to question if had to be that way. R. Brideau advised to get an engineer to work with him and make J. Trottier agree that it would be a valid plan because J. Trottier is an engineer and the Board relies on him. D. Charette stated that this started with Kevin Smith, Town Manager, inquiring why small businesses are leaving Londonderry and going elsewhere. Denise Charette asked the Board if they got their engineer to go look over the plans and stamp his approval, would they grant the waiver. A. Rugg stated that he wants the engineer here. Denise Charette stated that it would cost a lot of money, but they could do it. R. Fillio reiterated what the other Board members has stated that the applicants can do a gravel road, but have to have an engineer come out to the site and thoroughly evaluate it. D. Charette asked what would be different with the current plan that calls for asphalt versus gravel. R. Fillio stated that gravel is different from asphalt and it would have to be evaluated. L. Reilly stated that she would also like some semblance of lines or where to park with a gravel driveway. A. Chiampa asked what the maintenance plan would be. D. Charette stated the maintenance plan if for the gravel as it would need to be kept up throughout the year. A. Rugg asked about the landscaping. Town Planner Mailloux clarified that there would be a waiver if the perimeter parking lot trees were not provided and also clarified that if the engineering for the gravel goes through there may be additional waivers, such as ADA requirements or sidewalk access. J. Trottier agreed that he thought there would be additional waivers. L. Reilly asked what has been done for previous business with weather affecting planting. Town Planner Mailloux stated that can be bonded and is not required. She stated that the town is required to provide ADA parking spaces and was not sure if gravel supports that. D. Charette asked J. Trottier if an engineer put a stamp on this would he support it. J. Trottier stated that he would probably not support the waiver, but he gives his opinion to the Board and they make the decision. The applicants thanked the Board for their time and the discussion concluded.

V. Other Business - N/A

VI. ADJOURNMENT

Member R. Brideau made a motion to adjourn the meeting at approximately 9:45 p.m. Seconded by R. Fillio.

The motion was granted, 8-0-0.

The meeting adjourned at approximately 9:45 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,



Name: Chris Davies
Title: Secretary

These minutes were accepted and approved on September 5, 2018 by a motion made by M. Soares and seconded by C. Davies.

STAFF RECOMMENDATION

To: Planning Board
From: Colleen P. Mailloux, AICP, Town Planner
John R. Trottier, PE, Assist. Dir. Of DPW

Date: August 1, 2018

Application: Application Acceptance and Public Hearing for formal review of a subdivision plan to create 28 residential lots, Woodmont Commons, sub-areas WC-4 and WC-5, 15 Pillsbury Road & Gilcreast Road, Map 10 Lot 41, Zoned PUD-1, Pillsbury Realty Development, LLC (Owner) and DHB Homes, LLC (Applicant)

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

Board Action Required: Motion to accept the application as complete per Staff's Recommendation Memorandum dated August 1, 2018.

- **Waivers:** The Applicant has requested the following two waivers to the Subdivision Regulations:
 1. The Applicant has requested a waiver from Section 3.08.G.2 of the Subdivision Regulations to allow drainage pipe velocities less than 2 feet per second for pipe from CB4 and CB3. Staff **supports** granting the waiver as the contributing area to these pipes will not generate enough flow to meet the minimum pipe velocity, the pipe size provided is the minimum allowable diameter, and steepening the pipe slope would create a tailwater effect on downstream pipe segments.
 2. The Applicant has requested a waiver from Section 3.08.G.3 of the Subdivision Regulations to allow drainage pipe cover less than three feet between CB13 and CB8. Staff **supports** this waiver as the existing grades and preservation of the existing topography and apple trees along Gilcreast Road restrict the elevation at which CB13 can be set, the section of pipe with less than the required coverage is outside of the road in a grass area, and will be insulated to prevent freezing in winter conditions.

Board Action Required: Motion to approve the Applicant's request for the above waivers to the Subdivision Regulations as outlined in Staff's recommendation memorandum dated August 1, 2018

- **Conditional Use Permit:** The Applicant is requesting a conditional use permit for a reduction in the conservation overlay district from 100 feet to 50 feet.

The Conservation Commission recommends denial of the permit due to the turf within the buffer and the lack of signs along the buffer edge. [The Applicant is seeking the Conditional Use Permit in order to allow the turf within the buffer, and CO district signage has been added to the plan].

Under the Woodmont Commons PUD Master Plan, a modification was approved to the Conservation Overlay District allowing disturbance in the CO district "as close as the edge of the jurisdictional wetland" as long as it demonstrates compliance with the following criteria:

- The structure for which the exception is sought cannot feasibly, after consideration of all reasonable alternatives, be constructed on a portion or portions of the lot which lies outside the CO District or the application of the CO District eliminates greater than 50% of the buildable area located on the parcel.
- The proposed structure and use must be consistent with the intent of the CO District, and provisions must be made to ensure the structure's drainage will not adversely impact any wetlands and be consistent with the purpose and intent of this section.
- There shall be no construction of parking areas within the area for which the conditional use permit is sought.
- The maximum building coverage in the outer-50 feet of the buffer area shall be no greater than 50%
- Best management practices must be demonstrated to the satisfaction of the Planning Board.

As a named wetland, Duck Swamp is subject to a 100' CO buffer. In accordance with the PUD, the Applicant is requesting a reduction in the buffer to 50' in order to allow grading for the proposed residential house lots and associated drainage. There are no structures proposed within the buffer and based on the information presented to date, Staff believes that the Applicant has demonstrated compliance with the above criteria and **supports** approving the Conditional Use Permit as requested, with condition that appropriate documentation be included in the restrictive covenants for the property, in addition to the notes currently provided on the plan, to ensure that future owners are aware of the 50' buffer to be maintained and that there be no additional encroachment into the buffer.

Board Action Required: Motion to grant the request for a conditional use permit per Staff's Recommendation Memorandum dated August 1, 2018.

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

Board Action Required: Motion to grant conditional approval of the subdivision plan to create 28 residential lots, Woodmont Commons, sub-areas WC-4 and WC-5, 15 Pillsbury Road & Gilcrest Road, Map 10 Lot 41, Zoned PUD-1, Pillsbury Realty Development, LLC (Owner) and DHB Homes, LLC (Applicant) in accordance with plans prepared by TF Moran, Inc., dated February 13, 2018, last revised June 22, 2018 with the following precedent conditions to be fulfilled within two years and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated August 1, 2018.

“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/Tighe & Bond review memo dated August 1, 2018.
2. The Applicant shall provide the Owner’s signature(s) on the plans.
3. Driveway, utility and drainage easements as well as homeowner association documents, including appropriate restrictions relating to the conservation overlay district, preservation of existing apple trees along Gilcrest Road, and maintenance of such shall be reviewed and approved by the Town.
4. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.
5. The Applicant shall provide a check for \$25 (made payable to the Rockingham County Registry of Deeds) for LCHIP.
6. The Applicant shall note all general and subsequent conditions on the plans.
7. Third-party review fees 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 two (2) years 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. 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.
2. 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.
3. **No construction or site work for the subdivision may be undertaken until a pre-construction meeting with Town staff has taken place, filing of an NPDES – EPA Permit (if required), and posting of the site-restoration financial guaranty with the Town.** Contact the Department of Public Works to arrange the pre-construction meeting.
4. 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.
5. Prior to issuance of a certificate of occupancy, all site improvements and shall be completed.

MEMORANDUM

To: Planning Board

Date: August 1, 2018

From: Planning and Economic Development
Department of Public Works & Engineering
Tighe & Bond, Inc.

Re: Map #: 10 Lot #: 41
Woodmont PUD Subarea WC-4 & WC-5
Formal Subdivision Application
Gilcreast Road

Owners: Pillsbury Realty Development, LLC

Applicant: DHB Homes, LLC

TFMoran, Inc. submitted plans and supporting information for the above-referenced project. The DRC and the Town's engineering consultant, Tighe & Bond, 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:

Design Review Items:

1. The Applicant has submitted a **Waiver Request** from Section 3.08, G.2. of the Subdivision Regulations to allow a drainage pipe with a cleansing velocity less than 2 fps (1.86 fps proposed.)
2. The Applicant has submitted a **Waiver Request** from Section 3.08, G.3. of the Subdivision Regulations to allow drainage pipe cover of less than three (3) feet.
3. Open space restrictive covenants have been submitted for review by the Town. Final open space documents should be provided to the satisfaction of the Town.
4. The Applicant should coordinate off-site improvements with the Town of Londonderry Public Works Department.
5. The Applicant should show wet pond access roads and associated grading on the plan set.
6. Design of the sewer system, including the pump station, is subject to review by the Town of Londonderry.
7. The Applicant should address the following comments relative to the Subdivision Plans, Sheets 5 and 6 of 28:
 - a. The proposed 20'-wide utility easements for the pump station and CB13 are not adequate; in both cases, the outlet pipes cross private lots before entering the right-of-way. The Applicant should revise the easements so all parts of the drainage and sanitary systems are contained therein.
8. The Applicant should address the following comments relative to the Road Plan and Profile, Sheets 9 and 10 of 28:

- a. Curb radii are missing near the intersection of Catesby Lane and Gilcreast Road in the area of station 15+50;
 - b. The proposed 20'-wide utility easements and the proposed 20'-wide access easement should be shown on the plans;
 - c. The proposed hydrant label is obscuring another label on Sheet 10 and should be adjusted.
9. The Applicant should address the following comments relative to the Landscape Plan, Sheet 13 of 28:
- a. There are several conflicts between proposed trees and road infrastructure, i.e. tree and curb conflicts at each end of Catesby Lane, and a conflict between a proposed tree and CB1A. It appears a shift in landscaping features has occurred relative to the roadway, and the plan should be corrected.
10. The Applicant should address the following comments relative to the Sight Distance Plan & Profile:
- a. Please identify the line surrounding the apple trees either with a callout or in the legend.
11. The Applicant should address the following comments relative to the Sewer Extension Plan & Profile:
- a. Stormwater crossings should be shown on the profile, as there appear to be potential conflicts near stations 68+75, 70+00, and 74+20;
 - b. The profile shows 8" water main crossings near 64+00, 65+50, 68+50, 70+00, and 71+50; however, the plan view shows the mains do not cross at those locations;
 - c. The full depth of the pump station should be shown in the profile view;
 - d. Buoyancy calculations for the pump station indicate the pump station manhole is to be 8' in diameter, but it is called out as 6' on the plans. Please clarify.
12. The Applicant should address the following comments relative to the Stormwater Management Report:
- a. The plans included with the Inspection & Maintenance Manual are out of date; they should be replaced with the most current version of the plans.
13. The Applicant should verify the DRC review comments for the project have been adequately addressed by providing written confirmation from each department as applicable.

Board Action Items:

1. The Applicant is requesting two (2) waivers to the Site Plan Regulations as noted on the plan set. The Board will need to consider each waiver under this application.

MEMORANDUM

To: Planning Board

Date: August 1, 2018

From: Planning and Economic Development
Department of Public Works & Engineering
Tighe & Bond, Inc.

Re: Map #: 14 Lot #: 44-35
U.T.S. Site Plan
Formal Site Plan Application
49 Wentworth Avenue

Owner: BDRC Properties II, LLC
Applicant: Underground Testing and Services, LLC

Meridian Land Services submitted plans and supporting information for the above-referenced project. The DRC and the Town's engineering consultant, Tighe & Bond, 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:

Design Review Items:

1. The Applicant should address the following comments relative to the Site Plan, Sheet SP-1:
 - a. Please call out the material and purpose of the pad to the north of proposed Building A;
 - b. The updated wetland delineation now places the proposed loading dock in the CO District, where minor accessory structures of 200 square feet or less are permitted. The Applicant should call out the dimensions and proposed material of the loading dock on the plans to confirm compliance with Section 3.6.3.3.B.10 of the Zoning Ordinance.
2. The Applicant should address the following comments relative to the Grading and Drainage Plan, Sheet SP-3:
 - a. Inlet protection should be called out on proposed catch basins;
 - b. The paved pull-off area and access drive for the Fire Department should be reviewed and approved in writing by both the Fire Department and the Department of Public Works and Engineering;
 - c. The proposed filter sock should be extended south and west to meet up with the silt fence;
 - d. Grading should be adjusted with constructability in mind. The driveway slope between spot grade elevation 326.40 and CB-100 appears to be approximately 0.08%.
 - e. The post-development subcatchment plan indicates there is a high point at the 326 contour where the driveway and parking lot meet, but the grading plan indicates a high

point approximately 20' north of that at spot grade elevation 326.40. The grading and/or subcatchment plan should be adjusted so the plans are consistent with each other.

3. The Applicant should address the following comments relative to the Sewer Force Main Plan, Sheet SP-5A:
 - a. The pump station inlet invert should be shown and called out on the profile;
 - b. The type and size of the outlet pipe from the pump station should be called out on the profile.
4. The Applicant should address the following comments relative to the Details, Sheets D-1-D-4:
 - a. The *Headwall – Precast Concrete* detail on Sheet D-2 should be revised to be project-specific if there is only one proposed on site, and it should meet the specifications in the *Londonderry Typical Details for Site and Roadway Infrastructure*;
 - b. The pump curve is missing from the *Pump Station Details* on Sheet D-3;
5. The Applicant should address the following comments relative to the Drainage Report:
 - a. The architectural renderings show a flat roof on Building A and B, but the drainage report indicates that runoff from the building will be routed directly to OP-1. Please clarify how this will be achieved.
6. The Applicant should verify that the following DRC comments have been adequately addressed:
 - a. Please verify that comments from the Planning Department have been adequately addressed with the Planning Department;
 - b. Please verify that comments from the Conservation Commission have been adequately addressed with the Conservation Commission;
 - c. Please verify that comments from the Fire Department have been adequately addressed with the Fire Department;
 - d. Please verify that comments from the Police Department have been adequately addressed with the Police Department;
 - e. Please verify that comments from the Sewer Division have been adequately addressed with the Sewer Division.

STAFF RECOMMENDATION

To: Planning Board
From: Colleen P. Mailloux, AICP, Town Planner
John R. Trottier, PE, Assist. Dir. Of DPW

Date: August 1, 2018

Application: Application for formal review of a site plan to construct a warehouse/office facility and associated site improvements, 49 Wentworth Avenue, Map 14 Lot 44-35, Zoned IND-II, BDRC Properties, II, LLC (Owner & Applicant)

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

Board Action Required: Motion to accept the application as complete per Staff's Recommendation Memorandum dated August 1, 2018.

- Waivers: There are no waivers requested for this project.
- Recommendation: Based on the information available to date, Staff recommends that the Planning Board **CONDITIONALLY APPROVE** this application with the Notice of Decision to read substantially as follows:

Board Action Required: Motion to grant conditional approval of a site plan to construct a warehouse/office facility and associated site improvements, 49 Wentworth Avenue, Map 14 Lot 44-35, Zoned IND-II, BDRC Properties, II, LLC (Owner & Applicant) in accordance with plans prepared by Meridian Land Services, Inc., dated May 15, 2018, last revised July 12, 2018 with the following precedent conditions to be fulfilled within 120 days and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated August 1, 2018:

“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/Tighe & Bond review memo dated August 1, 2018.
2. 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.

3. The Owner's signature shall be provided on the plans.
4. 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.
5. Third-party review fees shall be paid within 30 days of site plan approval.
6. Financial guarantees be provided to the satisfaction of the Department of Public Works and Engineering.
7. 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 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. 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.

STAFF RECOMMENDATION

To: Planning Board
From: Colleen P. Mailloux, AICP, Town Planner
John R. Trottier, PE, Assist. Dir. Of DPW

Date: August 1, 2018

Application: Sanborn Crossing Affordable Elderly Housing, 30 Sanborn Road, Map 15, Lot 83-2 Steven Lewis, Inc (Applicant), Town of Londonderry (Owner) – Request to waive Site Plan Regulation Sections 6.01b and 6.01c, and to extend the time to satisfy the conditions of approval for a previously approved site plan conditionally approved by the Planning Board on November 1, 2017.

- Background: This project was conditionally approved by the Planning Board on November 1, 2017 with extensions granted to allow until September 1, 2018 to satisfy the conditions of approval. The property is currently owned by the Town of Londonderry, and due to circumstances relating to project funding by the New Hampshire Housing Finance Authority (NHHFA), prior to transfer of the property to the Applicant, all conditions of approval must be met and plans must be signed. After the plans have been signed, the property will be transferred from the Town of Londonderry to the Applicant.

- Waivers: The Applicant has requested two waivers from the Site Plan Regulations as follows:
 1. Section 6.01b of the Site Plan regulations requires that a financial guarantee for off-site improvements be provided prior to plan signature. The Applicant is requesting a waiver to allow plans to be signed prior to posting of the financial guarantee, but prior to the commencement of construction. Staff **supports** this waiver request because of the unique circumstances of this project, the property ownership and the funding restrictions of NHHFA. Because the property is currently under Town ownership, the property cannot be used as collateral for the financial guarantee as would typically be required by a financial institution. Until the property is transferred, the bond cannot be posted, the property cannot be transferred until plans are signed, and without approval of the requested waiver, the plans cannot be signed. This is a unique circumstance, and Staff only support this waiver because of the specific conditions of this project, the ownership of the parcel and the restrictions imposed by NHHFA.

 2. Section 6.01c of the Site Plan Regulations requires that all site improvements be completed prior to issuance of a certificate of occupancy (CO). The Applicant requests that the project be allowed a CO prior to placement of the pavement wearing course on the site. As a condition of the waiver, the Applicant will establish an escrow account for the installation of the pavement wearing course and permanent pavement markings. Staff **supports** the waiver request due to the anticipated construction scheduling and the phased occupancy of the two buildings.

Requests such as this have been rare since the adoption of the revised Site Plan Regulations in 2001. The requirement for all improvements to be completed is an

important part of the approval and construction review process, and since the requirement was added to the regulations, it has nearly eliminated incomplete site improvements and greatly reduced issues of enforcement for the completion of improvements on approved site plans.

Staff supports waiver requests only in limited circumstances, when the consequences and circumstances of the project outweigh the risks inherent to the issuance of a Certificate of Occupancy.

- **Recommendation:** Based on the information available, Staff recommends that the Planning Board **GRANT** waivers 1 and 2 with the following conditions:
 1. The financial guarantee for off-site improvements shall be provided prior to the commencement of construction on or off-site, prior to issuance of a building permit and within one year.
 2. Appropriate financial guarantee is provided prior to the issuance of a CO to the satisfaction of the Department of Public Works to ensure installation of the wearing course of pavement and final pavement markings.
 3. All other required improvements shall be completed prior to the issuance of a CO, except for landscaping as permitted by the regulations.

Board Action Required: Motion to approve the Applicant's request for the above waivers to the Site Plan Regulations as outlined in Staff's recommendation memorandum dated August 1, 2018.

Board Action Required: Motion to extend the deadline for the Applicant to satisfy the conditions of the site plan, conditionally approved November 1, 2017, until November 15, 2018.