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2 **LONDONDERRY, NH PLANNING BOARD MINUTES OF**  
3 **THE MEETING OF April 5, 2023, AT THE MOOSE HILL COUNCIL**  
4 **CHAMBERS**

5  
6 **I. CALL TO ORDER**

7  
8 Members Present: Art Rugg, Chair; Al Sypek, Vice Chair; Jake Butler, Secretary;  
9 Lynn Wiles, Assistant Secretary; Giovanni Verani, Ex-Officio – Town Manager; Ann  
10 Chiampa, member; Ted Combes, Ex-Officio – Town Council (arrived at 8:40 p.m.);  
11 Bruce Hallowell, Ex-Officio – Administrative; Jason Knights, alternate member; and  
12 Roger Fillio, alternate member

13  
14 Also Present: Kellie Caron, Assistant Town Manager/Director of Economic  
15 Development; and Beth Morrison, Recording Secretary

16  
17 Chairman Rugg called the meeting to order at 7:00 PM, explained the exit and  
18 emergency procedures, and began with the Pledge of Allegiance. He appointed R  
19 Fillio to vote for J Penta this evening.

20  
21 **II. ADMINISTRATIVE BOARD WORK**

22  
23 **A. APPROVAL OF MINUTES:**

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25 **Member A. Sypek made a motion to approve the minutes of March 8,**  
26 **2023, as presented.**

27  
28 **J. Butler seconded the motion.**

29  
30 **The motion was granted, 6-0-2, with B. Hallowell and G. Verani**  
31 **abstaining. The Chair voted in the affirmative.**

32  
33 **B. REGIONAL IMPACT DETERMINATIONS:** K. Caron informed the Board that she  
34 had three projects for their consideration this evening.

- 35  
36 1. Application for design review of a site plan amendment for the re-tenanting of  
37 commercial suites, parking lot upgrades and associated site improvements, 33  
38 Londonderry Road, Map 10 Lot 87 (Zoned C-II), Fawcett Properties, LLC  
39 (Owner & Applicant)
- 40  
41 2. Application for formal review of a subdivision plan to divide one lot into two,  
42 55 Pettengill Road, Map 14 Lot 49-3, Zoned Gateway Business District, One  
43 Pettengill Road Realty, LLC (Owners & Applicant).
- 44  
45 3. Application for design review of a site plan to construct a two building  
46 condominium development with a total of eight units and associated site  
47 improvements, 14 Mohawk Drive, Map 6 Lot 35-8, Zoned C-I, First View, LLC  
48 (Owner) and Derosa Development Company, LLC (Applicant)

49  
50 **Member A. Sypek made a motion to accept that these projects are**  
51 **not of developmental impact.**  
52

53 **J. Butler seconded the motion.**

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

- 55  
56  
57 C. Discussion with Town Staff: K. Caron informed the Board that she has two  
58 extension requests for them this evening. She started with the first request  
59 from Outdoor Pride Landscaping Site Plan (Map 17 Lot 5), which was approved  
60 on December 7, 2022. She said that they have requested an extension until  
61 July 6, 2023. Chairman Rug asked if she believed they would be ready by that  
62 date. K. Caron replied that she believed they would be.

63  
64 **A. Sypek made a motion continue the application of site plan for the**  
65 **construction of a proposed 5,984 SF warehouse/repair/office**  
66 **building for commercial snow and landscape management and**  
67 **associated site improvements, Two Kitty Hawk Landing, Map 17 Lot**  
68 **5, Zoned IND-I, Outdoor Pride Landscaping, Inc (Applicant) and**  
69 **SWCE Holdings, LLC (Owner) until July 6, 2023.**

70  
71 **J. Butler seconded the motion.**

72  
73 **The motion was granted, 8-0-0. The Chair voted in the affirmative.**

74  
75 She went on to the second request, noting it is for both Pennichuck projects, both  
76 the Water Tank Site Plan (Map 10 Lot 142) and the Booster Station Site Plan  
77 Amendment (Map 10 Lot 41). She noted that both projects were conditionally  
78 approved in December of 2022. She said that they are requesting and extension  
79 request until June 6, 2023.

80  
81 **A. Sypek made a motion continue Pennichuck Water Tank Site Plan**  
82 **(Map 10 Lot 142) and the Pennichuck Booster Station Site Plan**  
83 **Amendment (Map 10 Lot 41) until June 6, 2023.**

84  
85 **J. Butler seconded the motion.**

86  
87 **The motion was granted, 8-0-0. The Chair voted in the affirmative.**

88  
89 Chairman Rugg informed the board that they have two lot line mergers this evening.  
90 He said that the first one is for 174 Rockingham Road and 178 Rockingham Road and  
91 the second for 7 Constance Drive and 14 Constance Drive.

92  
93 **A. Sypek made a motion to allow the Chair to sign the two lot line**  
94 **merger requests this evening.**

95  
96 **J. Butler seconded the motion.**

97  
98 **The motion was granted, 8-0-0. The Chair voted in the affirmative.**

99  
100 **III. Old Business – n/a**

101  
102 **IV. New/Conceptual Plans**

- 103  
104 A. Request for removal and trimming of trees by Eversource along Adams Road,  
105 a designated scenic road pursuant to RSA 231:158.

Chairman Rugg read the application into the record noting that this meeting is because Adams Road is a designated scenic road. Alison Marcotte, 7 Ross Drive, regional arborist, from Eversource addressed the Board. A. Marcotte explained that Eversource is doing maintenance trimming on Adams Road, noting there are roughly six dead trees and two declining trees along Adams Road. She added that all abutters have been notified. Chairman Rugg asked if the trees in question are marked on the map on the screen. A. Marcotte replied that the map illustrates Adams Road. Chairman Rugg mentioned that the Board has received notification of which trees are to be trimmed or taken down, so that prior to the hearing the Board can go out and view the trees for themselves. A. Marcotte replied that she sent a spreadsheet with a list of which trees they would be taking down, but did not know she should have also marked them on the map. J. Butler asked if A. Marcotte might be able to point the trees out using the town's GIS map. A. Chiampa asked if the trees in question are the one with the blue ribbons tied around them. A. Marcotte replied that is correct. A. Chiampa stated that it would be nice to inform the Board of this for the future. Chairman Rugg asked if the Board could go out this week to view the trees and provide any comments they have to K. Caron. J. Butler asked for them to be pointed out on the GIS map. A. Marcotte reviewed the trees they would like to remove with the Board. A. Chiampa noted that she went out to look at the trees and she agrees with A. Marcotte. Chairman Rugg asked when they would start. A. Marcotte replied that after the Board has gone out to look at the trees. She added that she is happy to meet any Board members out there.

**A. Sypek made a motion to approve the request to conduct trimming and removing trees and brush near Eversource power lines along Adams Road within the Adams Road right of way for the purpose of improving electric service reliability, per the request filed by Eversource Energy, dated February 9, 2023, in accordance with the Staff Recommendation Memorandum dated April 5, 2023.**

**J. Butler seconded the motion.**

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

- B. Public Hearing on an application for formal review of a condominium conversion at Nine Button Drive, Map 7 Lot 132-22, Zoned AR-1, Brenda Kiss & Doreen Fugere (Owners & Applicants).

Chairman Rugg read the application in to the record. K. Caron informed the Board that there are no outstanding checklist items and the application can be considered complete.

**A. Sypek made a motion to accept the application as complete per Staff Recommendations Memorandum dated April 5, 2023.**

**J. Butler 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 has started. Joel Connolly, LLS from the Dubai Group, 136 Harvey Road, Building B101, Londonderry, NH, addressed the Board. J. Connolly explained that the property currently has an existing duplex and

the proposal is to change this to condominiums. He noted that there are no physical changes to the duplex, just a change in ownership. He reviewed the waiver request with the Board.

Chairman Rugg opened the discussion up to the Board. K. Caron reviewed the waiver request as follows:

1. The Applicant has requested a waiver from Section 3.05 of the Subdivision Regulations to not provide utility clearance letters as required. She said that staff supports the waiver request, the structure shown on the plans is existing and no new utilities are proposed or requested.

She said that staff is recommending conditional approval at this time.

Chairman Rugg asked for public input and there was none.

Chairman Rugg brought the discussion back to the Board.

**A. Sypek made a motion to approve the applicant's request for the above waiver as outlined in Staff's recommendation memorandum dated April 5, 2023.**

**J. Butler seconded the motion.**

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

**A. Sypek made a motion to grant conditional approval of the condominium conversion at Nine Button Drive, Map 7 Lot 132-22, Zoned AR-1, Brenda Kiss & Doreen Fugere (Owners & Applicants) in accordance with plans prepared by The Dubay Group, Inc., dated May 31, 2022, last revised January 30, 2023, with the precedent conditions to be fulfilled within two years and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum, dated April 5, 2023.**

**J. Butler 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. All outstanding DRC comments shall be addressed.
2. The Owner's signature shall be provided on the plans.



3. An executed copy of the condominium declaration shall be provided to be recorded at the Rockingham County Registry of Deeds, concurrent with the recording of 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 Subdivision Regulations.

5. The Applicant shall provide checks for LCHIP and recording fees, made payable to the Rockingham County Registry of Deeds.

6. The Applicant shall note all general and subsequent conditions on the plan sheet to be recorded.

7. Final planning 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. **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 an application for formal review of subdivision plan and site plan for a 21-unit single detached residential development, 22 Young Road (Map 6 Lot 53, Zoned R-III, Edgar & Winnifred Pitts, Trustees, Owners) and 20 Young Road (Map 6 Lot 58-2, Zoned R-III, Cedar Crest Development, Owner) and Cedar Crest Development (Applicant).

Chairman Rugg read the application in to the record. K. Caron informed the Board that there are ten outstanding checklist items, of which she just received a waiver request letter from the applicant relating to these 10 items. She noted that staff recommends the application not be accepted as complete. She reviewed the 10 outstanding checklist items with the Board as follows:

1. Checklist item II.7 and XI.2. A Stormwater Management Report was absent from the submission per section 3.07 of the Site Plan Regulations and items II.7 and XI.2 of the Site Plan Application Checklist.

2. Checklist item II.8 and X.3. A Stormwater Management Report was absent from the submission per section 3.08 of the Subdivision Regulations and items II.8 and X.3 of the Subdivision Application Checklist.

3. Checklist item V.10 and Vi.10. The designation of each proposed lot by Map & Lot #s as provided by the Assessor was absent per sections 4.12.C.10 and 4.17.A.10 of the Subdivision Regulations and items V.10 and Vi.10 of the Subdivision Application Checklist.

4. Checklist item V.19.a and VI.19.c. The location of existing septic systems was absent per sections 4.12.C.19.iii and 4.17.A.18.iii of the Subdivision Regulations and items V.19.a and VI.19.c of the Subdivision Application Checklist.

5. Checklist items VIII.8.c and Vi.10. The detention basin outlet structure details are absent per sections 3.07.H and 4.14.C.8.iii of the Site Plan Regulations and items VIII.8.c and Vi.10 of the Site Plan Application Checklist.

6. Checklist items VIII.8.c and Vi.10. The detention basin outlet structure

317 details are absent per sections 3.08.H and 4.16.D.8.iii of the Subdivision  
318 Regulations and items VIII.8.c and Vi.10 of the Subdivision Application  
319 Checklist.

320  
321 7. Checklist items XI.13.d. A construction detail for the proposed gas line is  
322 absent from the submission per section 4.14.c.13.iv of the Site Plan  
323 Regulations and items XI.13.d of the Site Plan Application Checklist.

324  
325 8. Checklist items VIII.13.d. A construction detail for the proposed gas line is  
326 absent from the submission per section 4.16.D.13.vi of the Subdivision  
327 Regulations and items VIII.13.d of the Subdivision Application Checklist.

328  
329 9. Checklist items XI.9. The submitted roadway cross sections do not indicate  
330 the underdrains per 3.09.Q and 4.16.E.8 of the Subdivision Regulations and  
331 item IX.9 of the Subdivision Application Checklist.

332  
333 10. Checklist items IV.1.n. The Applicant indicates improvements within the  
334 Conservation Overlay District (COD) will occur on sheet 10 noted as Phase 2.  
335 We note the revised overall site plan – sheet 4 and project notes on sheet 2 do  
336 not address phasing per Section 4.11.N of the regulations and item IV.1.n of  
337 the checklist.

338  
339 Chairman Rugg asked for the applicant to go through each checklist item with the  
340 Board. He noted that there are new statutes and the applicant has to give a valid  
341 reason for waiving the items. has to prove. Jeffrey Brem, P.E., from Meisner Brem  
342 Corp., 202 Main Street, Salem, NH, addressed the Board. J. Brem stated that the  
343 stormwater report was submitted, so he does not know why it was marked absent,  
344 noting he has a letter from Stantec. Chairman Rugg asked when the report was  
345 submitted. J. Brem replied it was submitted on December 19, 2022. K. Caron  
346 commented that it is her understanding that there was an incorrect stormwater  
347 report submitted and there was question regarding the receipt of the correct  
348 stormwater report. J. Brem mentioned that they submitted for a formal review on  
349 March 16, 2023, and they did not receive any memos from staff, as that is the  
350 process the town uses. Chairman Rugg pointed out that they can stay in design  
351 review and continue to work with staff to have back and forth dialogue. J. Brem  
352 stated that they have had a couple design review meetings with staff. He commented  
353 that he did submit a stormwater report that had a volume that was incorrect in  
354 October of 2022 and then they resubmitted the correct stormwater report in  
355 December of 2022. K. Caron interjected that the stormwater report was not received  
356 as part of their formal submission. J. Butler remarked that the applicant submitted  
357 one in design review, but it was not on the formal checklist itself. He went on stating  
358 that since staff received the stormwater report, read the report, sounds like it was  
359 conversed with staff and Stantec, but was not submitted the checklist. K. Caron  
360 replied that he is correct. received one, read one, had comments, but did not  
361 receive it for the checklist. J. Brem pointed out that the checklist indicated that the  
362 stormwater report was submitted. J. Butler expressed his opinion that since staff has  
363 a stormwater report it seems like housekeeping item at this point, but just did not  
364 make it on the checklist. Chairman Rugg cautioned about what the Board waives in  
365 terms of setting precedent. J. Brem went on to item #3, stating the the lots have to  
366 be merged, but before he will receive lot numbers for Assessing they have to be  
367 merged. He noted that this is why they have requested a waiver for this. J. Butler  
368 asked for more clarification. J. Brem replied that this will be done before the project  
369 is recorded at the registry, but this is for purposes of acceptance. J. Butler asked for



a copy of the waiver request letter. J. Brem presented the Board with a waiver request letter, Exhibit 1, which is attached hereto. B. Hallowell asked if staff agreed. K. Caron replied that she has seen the lot merger request along with the submission as it gives the opportunity to assign the lot numbers in advance. She stated that this is not the case in this instance. A. Sypek remarked that the waiver request letter is a blanket request for all outstanding checklist items. Chairman Rugg asked if the ownership needs to be clarified. J. Brem replied that there are two owners that need to be merged into one and that cannot happen until the project is approved and transferred into one owner. J. Butler noted that this sounds very simple and does not know why staff is not recommending this. J. Knights remarked that K. Caron noted that there is a process that is normally followed and was not for this application. A. Sypek asked if the Board waived these items and it turns out they cannot meet this condition; the subdivision would not go forward. K. Caron replied that is correct. She reiterated that if the Board waives and items, it would be for acceptance purposes only and the applicant would still need to fulfil the requirements. J. Butler asked if a precedent condition of approval could be that all the checklist items would be completed. Chairman Rugg replied that he thought that would be not be prudent. R. Fillio asked if this cannot be done until both owners become one and asked if it can be done another way. Aaron Orso, from Cedar Crest Development, explained that they have closed on 20 Young Road and 22 Young Road is still under agreement with the seller, and the contract is based on the approval of the subdivision. He said that this is why he is asking for these. A. Sypek said that he is seeing the waiver requests this evening and is hard to decide. G. Verani and J. Butler interjected that the Board always views the waivers the night of the meeting. A. Orso mentioned that he believes they are not asking for anything outrageous and would normally be conditions of approval for a site like this. J. Brem went on to the fourth item, stating that the wells are seen by the surveyors, but the septic systems are not seen and they do not know where they are. A. Sypek commented that there is a note from staff that they have not had time to work through the waiver requests and make a recommendation. J. Butler asked if the Board could exercise a little forward thinking, as it is just a recommendation from staff. Chairman Rugg said that if J. Butler would like to waive the items, he will have to come up with the legal reasons for doing so. K. Caron explained that the Board has the ability to go against staff recommendation and grant waivers, which she would recommend it would only be for acceptance purposes this evening. She mentioned that staff cannot confirm the information in the stormwater report is not consistent with the current plan set. She noted that they have a design review application that they have been reviewing and a stormwater report associated with that design review application. She went on stating that they received a formal application, which is a revision of the design review application and therefore should have received a revised stormwater report. J. Butler asked how the Board can get through this tonight. Chairman Rugg replied that he thought it was better to have real information and not make a hasty decision. B. Hallowell remarked that even if there is an inconsistency between the design review application and formal application, and the Board waived the items today, staff can go back to the developer and ask for these. K. Caron replied that they can always inform the developer that they are not meeting a regulation or a requirement, but is unsure of the magnitude of this as she normally does not review the stormwater report, as it is more engineering. G. Verani asked for clarification on if she did not have time to review the stormwater report or if she has received a stormwater report. K. Caron replied that she does not have a stormwater report associated with the formal submission from the applicant. J. Brem remarked that if there is any blame to be placed, they could place it on him for not making two copies of the stormwater report to go along with the formal submission. He added that the

stormwater report did not change from the design review submission. R. Fillio asked if the applicant made a change to the report. J. Brem replied that the stormwater report is still valid. R. Fillio said that the Board is here tonight because he did not submit this. J. Brem reiterated that he should have made the two copies to submit with his formal submission. R. Fillio stated that those are the town's regulations. J. Butler said that the Board is awaiting a review of the process for submitting applications and thought this points out what is wrong with the current process. Chairman Rugg interjected that the Board has to work with the current regulations. B. Hallowell commented that they should just make a motion and see if there is support from the Board to use their brains instead of just following blindly. J. Butler asked if they knew where the septic systems are. J. Brem replied that it would be impossible for them to find out. Chairman Rugg asked why it was impossible. J. Brem replied that the only thing he could say is the general direction of where the pipes leave in the basement, but would not show where the exact septic system would be. J. Butler asked if J. Brem would do anything different if he had the comments a week ago. J. Brem replied that he received this comment a while ago, but if he knew that it would be a problem with accepting the application, he probably would have gone to the site and tried to find them. K. Caron stated that they could have requested a waiver. J. Brem replied that is correct. J. Brem went on to number five and six of the checklist items noting that the town has a detention basin outlet structure than different than his company's outlet structure. He stated that it should not be listed as absent, as he has an outlet structure on the plan. He commented that the town has requested that he use their outlet structure, which is different from any other town he has worked with. K. Caron pointed out that it is not town standard and that is why it is being reviewed as an absent checklist item. J. Brem remarked that it is more complicated than that, as it is a recommendation and not a requirement, and they have agreed to accept Stantec's recommendation. He went on to the seventh checklist item, which deals with the gas company. He read a letter from Liberty that he received in March, Exhibit 2, which is attached hereto. Chairman Rugg asked if there is an approximate location of the gas line. J. Brem replied that is shown on the plan. G. Verani asked if Liberty then works with the town. J. Brem replied that once plans are approved, the developer will take the plans to Liberty and also give them a CAD file. G. Verani mentioned that this where he would like to see the town to be flexible, as it seems like it is out of their hands, as it is a utility company. K. Caron noted that staff has not stated that a waiver cannot be requested for this. J. Brem stated that checklist eight is the same as the seventh. He went on to the ninth checklist item and said that the town wants to see the exact locations of the drains and they have no problem with this being a condition. He went on to the tenth checklist item stating that they met with the Conservation Commission twice regarding the Conditional Use Permit (CUP). He explained that there is a wetland on their land that is isolated, but connected to a bigger wetland through a pipe, and the Conservation Commission wants them to reconnect the smaller wetland the larger wetland. He pointed out that the timing of this was a question for the Conservation Commission and they told him they did not care, so he wants to do his work first and then connect the wetlands in phase two. He said that the plan illustrates this that they will request a CUP after the fact. Chairman Rugg remarked that the CUP is done either before the plan or with the plan. J. Brem interjected that this is a separate CUP the Conservation Commission requested, as he wanted to keep the driveway for another access point. Chairman Rugg said that plan would not be approved until the CUP is done. J. Brem stated that is not correct. Chairman Rugg reiterated that the plan will not be signed until the CUP is completed. J. Brem said that they told the Conservation Commission that this would be done two years from now and they had no objections. G. Verani expressed his opinion that it seems like bureaucracy getting



in the way of goodwill. J. Brem stated that it is not a requirement of the subdivision. K. Caron explained that the applicant has worked with the Conservation Commission to remove this area in order to connect the wetlands, but the plan also shows impacts to the Conservation Overlay District (COD), for which a CUP is required. She added that if the Board approved the plan showing the area of the COD being disturbed or impacted, and they do not submit a CUP, it is not meeting the regulations. J. Butler asked if they accept the checklist items could staff speak to the waivers. K. Caron replied that she can speak to some, but some are specific engineer waivers that would require an engineer. A. Chiampa voiced her opinion that she would be more comfortable to have an engineer here to discuss with the Board. J. Butler asked for the Board's consensus. J. Knights voiced his concern with accepting all waivers with this plan and setting a precedent.

**B. Hallowell made a motion to waive Checklist item II.7 and XI.2. A Stormwater Management Report was absent from the submission per section 3.07 of the Site Plan Regulations and items II.7 and XI.2 of the Site Plan Application Checklist for acceptance purposes only.**

**J. Butler seconded the motion.**

L. Wiles voiced his opinion that he thought the Board should take all the checklist items rather than one by one. B. Hallowell withdrew this motion. J. Butler withdrew his motion.

**J. Butler made a motion to waive all checklist items this evening for acceptance purposes only.**

**B. Hallowell seconded the motion.**

**The motion failed, 2-5-1, with A. Rugg, A. Sypek, L. Wiles, A. Chiampa and R. Fillio voting against and B. Hallowell abstaining.**

**A. Sypek made a motion to grant continue the Public Hearing on an application for formal review of subdivision plan and site plan for a 21-unit single detached residential development, 22 Young Road (Map 6 Lot 53, Zoned R-III, Edgar & Winnifred Pitts, Trustees, Owners) and 20 Young Road (Map 6 Lot 58-2, Zoned R-III, Cedar Crest Development, Owner) and Cedar Crest Development (Applicant) until May 10, 2023.**

**R. Fillio seconded the motion.**

J. Butler asked if staff would allow this to be on the next week's meeting. Chairman Rugg pointed out that next week's meeting is also busy. K. Caron replied that she is unsure if the applicant can address everything in time. A. Orso replied that he is confident that they can do this in one weeks' time. G. Verani mentioned that he took three plans out this evening to make the meeting shorter, but was not apprised that other plans had issues as well. K. Caron remarked that she emailed all applicants on regarding the length of the agenda and how to continue their application if they wanted to.

**The motion was granted 6-0-2, with B. Hallowell and J. Butler abstaining as they do not feel that much time is needed. The Chair**

**voted in the affirmative.**

Chairman Rugg noted that the application is continued until May 10, 2023, at 7 p.m., and this would be the only formal public notice.

D. Public Hearing on an application for formal review of a subdivision plan to divide one lot into two, 55 Pettengill Road, Map 14 Lot 49-3, Zoned Gateway Business District, One Pettengill Road Realty, LLC (Owners & Applicant).

Chairman Rugg read the application in to the record. K. Caron informed the Board that there are 11 outstanding checklist items as follows:

1. Checklist item III.1. The Applicant's submitted topographic plans are at a scale of 1"=50 feet and do not comply with section 4.01.C of the regulations - maximum scale 1"=40 feet or item III.1 of the checklist.

2. Checklist item III.2.j. The address of the Applicant in the title block information was absent for the submission per section 4.02.J. of the regulations and item III.2.j of the checklist.

3. Checklist item IV.f. The proposed use in the notes was absent from the submission per section 4.11.F of the regulations and item IV.f of the checklist.

4. Checklist item V.5 and VI.5. The zoning of the abutters was absent from the submission per sections 4.12.C.5 and 4.17.A.5 of the regulations and items V.5. and VI.5 of the checklist.

5. Checklist item V.16. The Owner's signature was absent from the boundary plans per section 4.12.C.16 of the regulations and item V.16 of the checklist.

6. Checklist items VII.2.b.i and b.4. The proposed sanitary sewer to be provided to lot 49-3 was absent from the submission per sections 3.07. A and 4.16. B.2 and 2.i and 2.iv of the regulations and items VII.2.b.i and b.4 of the checklist. In addition, a Londonderry Sewer Permit for service to the lot was absent from the submission per item X.7.f and XI.9 of the checklist.

7. Checklist item VII.2.d. The proposed water service to be provided to lot 49-3 was absent from the submission per sections 3.06 and 4.16.B.4 of the regulations and items VII.2.d of the checklist. In addition, a utility clearance letter for the proposed water service for the project was absent from the submission per item X.7.e of the checklist.

8. Checklist item VII.2.f. The proposed gas lines to be provided to lot 49-3 was absent from the submission per sections 3.05 and 4.16.B.6 of the regulations and items VII.2.f of the checklist. In addition, a utility clearance letter for the proposed water service for the project was absent from the submission per item X.7.d of the checklist.

9. Checklist item VII.3.a.11. A proposed driveway to serve each lot was absent from the submission per sections 3.09.B and 3.09.F of the regulations and item VII.3.a.11 of the checklist including a driveway sight distance plan for each driveway per Exhibit D3 of the regulations.

10. Checklist item X.7.a, X.7.b, X.7.c. Utility clearance letters for the proposed electric, telephone, and cable TV for the project were absent from the submission per section 3.05 of the regulations and item X.7.a, X7.b, and X.7.c of the checklist.

11. Checklist item X.4. The Applicant has not provided a traffic impact analysis per item X.4 of the Subdivision Application & Checklist.

She added that staff recommends the application not be accepted as complete as there have been no waivers with justification received.

Kevin Smith, a Londonderry resident, addressed the Board. K. Smith said that Robert Duval, PE from TF Moran, Inc., 48 Constitution Drive, Bedford, NH, was also in attendance this evening. He noted that 55 Pettengill Road is 21 acres, in the Gateway Business District around the airport. He explained that this is a subdivision application to subdivide the 21 acres into two parcels, of which one is four acres and the other would be 17 acres. He added that the current owners of the property would retain the four acres for ownership and the 17 acres is going to help facilitate a multimillion dollar manufacturing development, approximately 200,000 SF at full buildout with 500 employees. He said that the Board will be seeing the site plan for this development hopefully very soon, pointing out the site plan is contingent upon the subdivision approval. He mentioned that the developer has tight time frames, which is why they submitted a formal application first without design review. He said that they are requesting waivers, of which most are technical in nature and can be as a condition of approval. He added that most are related to the site plan application and are not germane to the subdivision application. R. Duval reviewed each checklist item with the Board. He started with the first checklist item noting that it was more appropriate on two sheets versus four sheets, but said they would be more than happy to have four sheets if the Board made this a condition of approval. He went on to the second checklist item stating that the address of the applicant is on the plan. He commented that it is vacant land for checklist item number three, so there is currently no use for the property now. He remarked that all the zoning of all abutters is the Gateway Business District for the fourth checklist item. He said that the owner's signature is missing, but included in the application is an affidavit from the owners to sign on their behalf for the fifth checklist item. He pointed out that for checklist items six, seven, eight and ten are all about utility clearance letters and there are no proposed services shown on the plan as it is a simple subdivision plan. He stated that checklist number nine and eleven are similar to the utilities are that they do not know where the driveways will be at this time. He added that they do not know what the traffic is going to be at this time, as they do not know what is being built. K. Caron reviewed all the options the Board has at this time, such as not accepting the application as complete, accepting the application as complete or waive all the checklist items for acceptance purposes only.

**B. Hollowell made a motion to accept the application as complete with all eleven checklist items waived for acceptance purposes only as the applicant has stated that this not a typical residential subdivision but rather an industrial subdivision.**

**J. Butler seconded the motion.**

L. Wiles asked what design review item number one means and how it affects this. R.

Duval replied he believes there is 100-feet of lot line length between the proposed lots in the cul-de-sac and questioned if the comment was accurate. L. Wiles asked K. Caron if she could explain the comment about the angles. K. Caron reviewed the plan on the screen with the Board. L. Wiles asked if this would require a change in plans. K. Caron replied that staff would want the lot line to come into compliance. A. Sypek pointed out that there has been no official justification letter made to the Board this evening. Chairman Rugg asked for a written waiver request. K. Smith remarked that the applicant would be more than happy to provide a written request to the Board after the meeting. L. Wiles asked if this would be the complete list. K. Caron reiterated that the Board can waive the checklist items for acceptance purposes only. J. Butler noted that they have granted the first checklist item or waived it in the past and asked why it is different this time. J. Knights replied that in the past it has been a waiver request versus a checklist item. R. Fillio asked if this was just about subdividing the land and when they decide how to develop it, the applicant will have to come back before the Board. Chairman Rugg replied that is correct. R. Duval said that usually the subdivision and site plan go together, but the purchase and sale dictated that the subdivision be approved before the site plan.

**The motion was granted, 6-2-0, with A. Sypek and L. Wiles against as there was no written waiver request. The Chair voted in the affirmative.**

Chairman Rugg noted that the 65-day time frame has started. R. Duval reiterated that this is a two-lot industrial subdivision. He noted that the smaller lot will be retained by the current owner and the bigger parcel will be developed by a site plan. He reviewed the plan noting that they meet all the zoning requirements. He said that he is confused about design review item number one as he thought he met the 100-foot requirement. He reviewed the other design review items with the Board. (Ted Combes arrived at the meeting, 8:40 p.m. and Chairman Rugg noted that he would make the ninth voting member at this time). He expressed his opinion that these are all minor and can be done.

Chairman Rugg opened the discussion up to the Board. K. Caron noted that if this is conditionally approved the Board condition it on the items outlined in the April 5, 2023, Staff Recommendation memo.

Chairman Rugg asked for public input and there was none.

Chairman Rugg brought the discussion back to the Board.

**J. Butler made a motion to approve the subdivision with the condition that it is subject to all the items in the April 5, 2023, staff recommendation memo.**

**R. Fillio seconded the motion.**

**The motion was granted 8-1-0, with A. Sypek voting against. 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 dated April 5, 2023.
2. The Owner's signature shall be provided on the plans.
3. The proposed Map and Lot numbers be verified with Assessing and updated on the plan, if necessary.
4. Draft easements shall be provided to the Town, reviewed for acceptance by the Town and shall be recorded at the Rockingham County Registry of Deeds, concurrent with the recording of the plans.
5. 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.
6. The Applicant shall provide checks for LCHIP and recording fees, made payable to the Rockingham County Registry of Deeds.
7. The Applicant shall note all general and subsequent conditions on the plan sheet to be recorded.
8. The Applicant shall note the approval of all waivers on the plans.
9. Outstanding third-party review fees, if any, shall be paid within 30 days of conditional approval.
10. Financial guarantee to be provided to the satisfaction of the Department of Engineering & Environmental Services.
11. Final planning and 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. **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 appropriate financial guaranty with the Town.** Contact the Department of Public Works to arrange the pre-construction meeting.



- 741  
742 2. The project must be built and executed as specified in the approved application  
743 package unless modifications are approved by the Planning Department &  
744 Department of Public Works, or, if Staff deems applicable, the Planning Board.  
745  
746 3. All of the documentation submitted in the application package by the applicant  
747 and any requirements imposed by other agencies are part of this approval unless  
748 otherwise updated, revised, clarified in some manner, or superseded in full or  
749 in part. In the case of conflicting information between documents, the most  
750 recent documentation and this notice herein shall generally be determining.  
751  
752 4. It is the responsibility of the applicant to obtain all other local, state, and federal  
753 permits, licenses, and approvals which may be required as part of this project  
754 (that were not received prior to certification of the plans). Contact the Building  
755 Division at extension 115 regarding building permits.  
756  
757 5. Prior to issuance of a certificate of occupancy, all site improvements and off-site  
758 improvements, if any, shall be completed.  
759

760 E. Public Hearing on an application for formal review of a site plan for a  
761 proposed 100,000 SF warehouse building and associated site improvements,  
762 26 Jack's Bridge Road (Map 15 Lot 103, Zoned IND-I), Charles Evans (Owner)  
763 and Rhino Capital Advisors, LLC (Applicant).  
764

765 Chairman Rugg read the application in to the record. G. Verani recused himself from  
766 this application. K. Caron informed the Board that there are no outstanding checklist  
767 items and the application can be considered complete.  
768

769 **J. Butler made a motion to accept the application as complete per**  
770 **Staff Recommendations Memorandum dated April 5, 2023.**  
771

772 **B. Hallowell seconded the motion.**  
773

774 **The motion was granted, 8-0-0. The Chair voted in the affirmative.**  
775

776 Chairman Rugg noted that the 65-day time clock has started. Michael Cavanaugh,  
777 from Rhino Capital Advisors, LLC, addressed the Board. M. Cavanaugh gave an  
778 overview to the Board about Rhino Capital noting that they are a Boston based realty  
779 developer specializing in industrial asset class. He added that they are new to  
780 Londonderry, stating that last fall they purchased Woodmont Commons. He noted  
781 that he has Rich Whitehouse and Jason Plourde from VHB in the audience this  
782 evening as well. He explained that the site is right off Exit 5 and is a little over eight  
783 acres, with no wetlands, but they do have some easements. He reviewed the  
784 easements with the Board on the plan.  
785

786 Rich Whitehouse, Project Manager with VHB, 2 Bedford Farms Drive, Bedford, NH,  
787 told the Board that the development would be 100,000 SF warehouse building, with  
788 5,000 SF of office space, 100 parking spaces including electric charging, 24 loading  
789 docks, subsurface water detention and treatment, a retaining wall and other  
790 associated utility and landscaping improvements. He noted that vehicle access is  
791 provided all the way around the building with the only limited access around the cell  
792 tower. He stated that with the exception of the parking spots, the site layout  
793 accommodates 67 delivery vehicles and the towns design for the fire apparatus. He

commented that the cell tower access is currently via a gravel road that bisects the site and is being relocated to the southern right driveway. He said that this will be an improvement for the cell tower. He mentioned that the access to the sewer easement will be maintained in the existing location. He said that they are requesting two waivers and reviewed those with the Board. He reviewed the grading and drainage and stormwater management plan with the Board. He noted the lighting with the Board. He discussed the vehicular site layout with the Board noting that they are accommodating an 18-wheeler.

Jason Plourde, traffic engineer with VHB, addressed the Board. J. Plourde explained that they met with town staff in March of last year to discuss what type of traffic study they should prepare. He noted that the estimated trips do not meet the town's threshold in the site plan regulations for a full traffic study, but as part of the site plan regulations, the Planning Department has the right to ask for a full traffic study under special conditions. He reviewed the specific conditions noting that Jack's Bridge Road goes to Symmes Drive which then enters state highway Route 28. He said that all the traffic for this site has to come in and out of the state's highway system. He added that when they met with staff, they wanted a full traffic analysis at the Route 28/Symmes Drive/Vista Ridge Drive, which they did. He added that they coordinated with Brian Desfosses, from the New Hampshire Department of Transportation (NHDOT), and his response was that they do not need a full scoping meeting. He pointed out that the Town has to be the applicant for any type of driveway access permit with the state. He said that John Trottier would be the applicant to account for the additional traffic to the state highway system. He mentioned that they submitted the traffic study in October of 2022, and Stantec reviewed this and put together comments. He commented that they met on Jan. 12th and Jan 27<sup>th</sup> with Stantec and staff to make sure that they had the specific concerns. He added that he really likes the way the town's process works. He reviewed their results with the Board, noting that the development is not going to be generating a lot of traffic, but it is important to keep track of how much traffic will be placed onto the state's highway system. M. Cavanaugh discussed the architectural and landscaping with the Board. Chairman Rugg asked if there are any purple lilacs. M. Cavanaugh replied that they do not, but they can look into this. A. Chiampa voiced her concern regarding the landscaping along the fence on I-93. She asked for them to add something to the backside. M. Cavanaugh replied that this is the sewer easement and there were trees there, but they have been taken out. He asked if someone could see a tree from the highway. R. Whitehouse mentioned that the retaining wall is an issue, the sewer easement is an issue and where the area opens up there is a section that is predominantly wooded. He added that in his opinion any plantings would not be seen from the highway. A. Chiampa asked if there could be any hanging items. R. Whitehouse replied that they can look into this. Chairman Rugg asked about signage. M. Cavanaugh replied that right now they do not have a tenant, so when they do, it will be addressed.

Chairman Rugg opened the discussion up to the Board. K. Caron noted that there are two waiver requests as follows:

1. The Applicant is requesting a waiver from section 3.08.b.3 of the site plan regulations to allow construction of the proposed driveway within 200 feet of the abutting property's existing driveway. Staff supports the granting of the waiver as the proposed site driveway has been located to provide safe access and egress with appropriate sight distance.

- 847 2. The Applicant is requesting a waiver from section 3.08.b.6 of the site plan  
848 regulations to allow a driveway greater than 24 feet in width where only 36  
849 feet are allowed by an exception approved by the Planning Board. Staff  
850 supports the granting of this waiver due to the configuration of the site and for  
851 allowing trucks and other vehicles to access the site.  
852

853 She reviewed the remaining design review items with the Board. She said that there  
854 are three outstanding checklist items, however, it was not part of the formal  
855 submission, but staff has not reviewed those at this time. David Debaie, Stantec  
856 traffic engineer, said that Jason Plourde summed it up. D. Debaie noted that there is  
857 a memo that has not had responses yet. T. Combes asked about snow storage. R.  
858 Whitehouse showed the Board where the snow storage might be located on the plan.  
859 T. Combes asked about height. K. Caron replied. A. Chiampa asked if any 18-  
860 wheelers can be parked on Jack's Bridge Road. K. Caron replied that they cannot and  
861 it would be a police issue.  
862

863 Chairman Rugg asked for public input.  
864

865 Deb Paul, 118 Hardy Road, addressed the Board. D. Paul said that she does not  
866 understand how a traffic study can accurately be depicted if they do not have a  
867 tenant at this time. She said that there is a huge difference between and 18-wheeler  
868 and a car and the damage they can have on the road. J. Plourde noted that they  
869 used the Institute of Traffic Engineers (ITE) trip generation manual for a warehouse.  
870 He said that they identified the number of trucks in the traffic study. He said that the  
871 ITE trip generation is a database collected and counted in different towns. He said  
872 that if this was different type of use versus a warehouse the numbers would have to  
873 be re-evaluated.  
874

875 Giovanni Verani, 73 Page Road, addressed the Board. G. Verani pointed out that this  
876 project is right down the street from the gas station at Symmes Drive, and he  
877 remembers a year of traffic studies and all the discussions about the traffic that this  
878 would cause at this intersection. He expressed his opinion that he does not  
879 understand what is different with this, for the town's traffic engineer to not really  
880 have many comments on it. D. Debaie explained that the ITE manual is always being  
881 added to and even if you know who the tenant will be, you will still use the ITE  
882 manual. He pointed out that you can clearly state that a gas station is going to be  
883 generating more traffic than a warehouse. He remarked that the gas station had  
884 many changes to their proposal, so that would require more time being spent on it,  
885 but both projects have had an adequate review of the traffic.  
886

887 Chairman Rugg brought the discussion back to the Board.  
888

889 **A. Sypek made a motion to grant the applicant's request for two**  
890 **waivers as outlined in the Staff Recommendation Memorandum**  
891 **dated April 5, 2023.**  
892

893 **J. Butler seconded the motion.**  
894

895 **The motion was granted 8-0-0, The Chair voted in the affirmative.**  
896

897 **A. Sypek made a motion to grant conditional approval of a formal**  
898 **review of a site plan for a proposed 100,000 SF warehouse building**  
899 **and associated site improvements, 26 Jack's Bridge Road (Map 15**

**Lot 103, Zoned IND-I), Charles Evans (Owner) and Rhino Capital Advisors, LLC (Applicant) in accordance with plans prepared by VHB, dated October 13, 2022Cjao last revised March 16, 2023 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 April 5, 2023 and traffic memo dated March 13, 2023.**

**J. Butler 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 Engineering & Environmental Services/Stantec review memo dated April 5, 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.

F. Public Hearing on an application for formal review of a subdivision plan to subdivide 11 Sargent Road (Map 9 Lot 42, Zoned AR-1) into 13 single family residential lots, Bruce L. Mackay & Peter Wright (Owners) and DHB Homes, LLC (Applicant).



Chairman Rugg read the application in to the record. K. Caron informed the Board that there are no outstanding checklist items and the application can be considered complete.

**A. Sypek made a motion to accept the application as complete per Staff Recommendations Memorandum dated April 5, 2023.**

**T. Combes seconded the motion.**

**The motion was granted, 8-0-0, as J. Butler had left the room momentarily. The Chair voted in the affirmative.**

Chairman Rugg noted that the 65-day time clock has started. George Chadwick, P.E., from Bedford Design Consultants, 592 Harvey Road, Manchester, NH, addressed the Board. G. Chadwick told the Board that he was here before them about a month ago for a conceptual discussion and since then they have gone before the Conservation Commission, Heritage Commission and submitted plans for design review. He explained that this is a subdivision at 11 Sargent Road, with an approximate 1000-foot road, terminating in a cul-de-sac with 13 homes to be built. He said that there will be a closed drainage system directed to a detention basin. He added that all the drainage from the roadways and homes have been accounted for. He pointed out that each home plan has a certain percentage of impervious surface that is allotted. He noted that there are two detention basins for this project and reviewed those with the Board. He mentioned that there is either a decrease in run off to all the surrounding properties or there is no drainage directed to those properties initially. He said that the road is a typical town roadway with granite curb and a sidewalk that connects out through Sargent Road up to the town parcel. He pointed out that he has addressed all design review comments. He discussed the waivers with the Board. He pointed out that he has all state permits at this time.

Chairman Rugg opened the discussion up to the Board. K. Caron informed the Board that there are two waivers requested as follows:

1. The Applicant is requesting a waiver from section 3.09.E Table 1 of the subdivision regulations to allow construction of the proposed roadway not in compliance with the proper horizontal design for a 35MPH roadway in accordance with AASHTO.

2. The Applicant is requesting a waiver from section 3.09.K of the regulations to slopes graded at 3H:1V. Staff supports the granting of this waiver as the requirement of a 4H:1V slope would result in wetland impacts which otherwise could be avoided.

She reviewed the remaining design review items with the Board. A. Chiampa pointed out if the drainage ditch was an original town road. J. Knights asked if they are keeping the house that is there now. G. Chadwick replied that if it is at all possible they will keep it, but they have to go in and determine if it structurally sound. L. Wiles asked if it has been confirmed that the town does not own the discontinued road shown on the plan for Lot 42-11. G. Chadwick replied that it has been discontinued formally by the town and he does not believe that the town has any rights, except flowage rights to discharge stormwater through this, which they are maintaining. L. Wiles asked if there had been any legal advice on this. K. Caron

replied that it has been confirmed the road has been discontinued. A. Sypek asked how far they are out of compliance for the 35 mph roadway. G Chadwick replied that the town requires based on AASHTO the road be designed for 35 mph speed limit and they have designed a road for 30 mph. Chairman Rugg pointed out that if the Board approves the waiver, there should be a sign posted for 30 mph. He added that the only way speed limits are changed is through Town Council. G. Chadwick mentioned that he would like the conditions to state, if allowed by Town Council it be posted for 30 mph, because he does not want to come back to the Board if the Town Council does not approve it. B. Hallowell noted that he happy about the sidewalk.

Chairman Rugg asked for public input. He read a letter from an abutter into the record, Exhibit 3. Chairman Rugg asked if they were aware of a walking path. G. Chadwick replied that he is unsure. A. Chiampa said that if the stonewall is the boundary of the property, then it does not. Chairman Rugg asked about natural vegetation. G. Chadwick replied that he is unsure of additional vegetation that he can offer at this point. He said that back of their property is wet, so the land is what it is. L. Wiles asked for the depth of the lots. G. Chadwick replied that the only area they would need to cut would be where the pond is.

Chairman Rugg brought the discussion back to the Board.

**A. Sypek made a motion to grant the applicant's request for two waivers as outlined in the Staff Recommendation Memorandum dated April 5, 2023.**

**J. Butler seconded the motion.**

**The motion was granted 8-1-0, with the Chair voting against.**

**A. Sypek made a motion to grant conditional approval of a subdivision plan to subdivide 11 Sargent Road (Map 9 Lot 42, Zoned AR-1) into 13 single family residential lots, Bruce L. Mackay & Peter Wright (Owners) and DHB Homes, LLC (Applicant) in accordance with plans prepared by Bedford Design Consultants, dated September 28, 2022 last revised January 27, 2023 with the precedent conditions to be fulfilled within two years 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 April 5, 2023.**

**J. Butler seconded the motion.**

**The motion was granted 9-0-0, 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 April 5, 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.

- 1158 5. It is the responsibility of the applicant to obtain all other local, state, and  
1159 federal permits, licenses, and approvals which may be required as part of this  
1160 project (that were not received prior to certification of the plans). Contact the  
1161 Building Division at extension 115 regarding building permits.  
1162
- 1163 6. Prior to issuance of a certificate of occupancy, all site improvements and off-  
1164 site improvements shall be completed in accordance with the plan approved  
1165 by the Planning Board. In accordance with Section 6.01.d of the Site Plan  
1166 Regulations, in circumstances that prevent landscaping to be completed (due  
1167 to weather conditions or other unique circumstance), the Building Division  
1168 may issue a certificate of occupancy prior to the completion of landscaping  
1169 improvements, if agreed upon by the Planning Division & Department of  
1170 Engineering & Environmental Services, when a financial guaranty (see forms  
1171 available from the Engineering Department) and agreement to complete  
1172 improvements are placed with the Town. The landscaping shall be completed  
1173 within 6 months from the issuance of the certificate of occupancy, or the Town  
1174 shall utilize the financial guaranty to contract out the work to complete the  
1175 improvements as stipulated in the agreement to complete landscaping  
1176 improvements. No other improvements shall be permitted to use a financial  
1177 guaranty for their completion for purposes of receiving a certificate of  
1178 occupancy.  
1179
- 1180 7. As built site plans must to be submitted to the Department of Engineering &  
1181 Environmental Services prior to the release of the applicant's financial  
1182 guaranty.  
1183

1184 G. Public Hearing on an application for formal review of a subdivision plan to  
1185 subdivide one residential lot into three lots, 86 High Range Road, Map 6 Lot  
1186 106, Zoned AR-1, Belize Real Estate Holding, LLC (Owner & Applicant).  
1187

1188 Chairman Rugg read the application in to the record noting the applicant has  
1189 requested a continuance until the May 10, 2023, Planning Board meeting.  
1190

1191 **A. Sypek made a motion to continue the public hearing on an**  
1192 **application for formal review of a subdivision plan to subdivide one**  
1193 **residential lot into three lots, 86 High Range Road, Map 6 Lot 106,**  
1194 **Zoned AR-1, Belize Real Estate Holding, LLC (Owner & Applicant)**  
1195 **until May 10, 2023.**  
1196

1197 **B. Hallowell seconded the motion.**  
1198

1199 **The motion was granted, 7-0-1, with G. Verani abstaining. The Chair**  
1200 **voted in the affirmative.**  
1201

1202 Chairman Rugg noted that the application is continued until May 10, 2023, at 7 p.m.,  
1203 and this would be the only formal public notice.  
1204

1205 H. Public Hearing on an application for a conditional use permit per  
1206 Londonderry Zoning Ordinance section 6.3.11.C and Use Table 4.1.2 to allow a  
1207 multi-family residential use in the Route 28 Performance Overlay District, 215  
1208 Rockingham Road, Map 15 Lot 23-2, Zoned C-II and RTE 28 POD and 217  
1209 Rockingham Road, Map 15 Lot 22-1, Zoned C-II and RTE 28 POD, V&W  
1210 Investment Group, LLC (Owner & Applicant)



Chairman Rugg read the application in to the record noting the applicant has requested a continuance until the May 12, 2023, Planning Board meeting.

**A. Sypek made a motion to continue the public hearing on an application for a conditional use permit per Londonderry Zoning Ordinance section 6.3.11.C and Use Table 4.1.2 to allow a multi-family residential use in the Route 28 Performance Overlay District, 215 Rockingham Road, Map 15 Lot 23-2, Zoned C-II and RTE 28 POD and 217 Rockingham Road, Map 15 Lot 22-1, Zoned C-II and RTE 28 POD, V&W Investment Group, LLC (Owner & Applicant) until May 12, 2023.**

**J. Butler seconded the motion.**

**The motion was granted, 7-0-1, with G. Verani abstaining. The Chair voted in the affirmative.**

Chairman Rugg noted that the application is continued until May 10, 2023, at 7 p.m., and this would be the only formal public notice.

I. Public Hearing on an application for a site plan and conditional use permit to merge two existing lots (Map 15 Lot 22-1 and Map 15 Lot 23-2) and construct a 16-unit multifamily residential building with associated site improvements, 215 Rockingham Road, Map 15 Lot 23-2, Zoned C-II and RTE 28 POD and 217 Rockingham Road, Map 15 Lot 22-1, Zoned C-II and RTE 28 POD, V&W Investment Group, LLC (Owner & Applicant)

Chairman Rugg read the application in to the record noting the applicant has requested a continuance until the May 12, 2023, Planning Board meeting.

**A. Sypek made a motion to continue the public hearing on an application for a site plan and conditional use permit to merge two existing lots (Map 15 Lot 22-1 and Map 15 Lot 23-2) and construct a 16-unit multifamily residential building with associated site improvements, 215 Rockingham Road, Map 15 Lot 23-2, Zoned C-II and RTE 28 POD and 217 Rockingham Road, Map 15 Lot 22-1, Zoned C-II and RTE 28 POD, V&W Investment Group, LLC (Owner & Applicant) until May 12, 2023.**

**B. Hallowell seconded the motion.**

**The motion was granted, 7-0-1, with G. Verani abstaining. The Chair voted in the affirmative.**

Chairman Rugg noted that the application is continued until May 10, 2023, at 7 p.m., and this would be the only formal public notice.

#### **V. Other**

#### **VII. Adjournment**

**Member A. Sypek made a motion to adjourn the meeting at approximately 9:56 p.m. Seconded by J. Butler.**

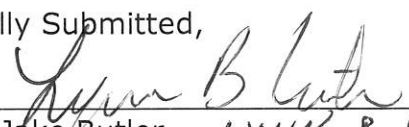


1264  
1265       **The motion was granted, 9-0-0.**

1266  
1267       **The meeting adjourned at approximately 9:56 PM.**

1268  
1269       These minutes were prepared by Beth Morrison.

1270  
1271       Respectfully Submitted,

1272         
1273       \_\_\_\_\_  
1274       Name: Jake Butler LYNN B. WILES

1275       Title: Secretary ASST SECRETARY

1276  
1277       These minutes were accepted and approved on May 3, 2023, by a motion made by

1278       A. Syper and seconded by J. Butler