

**LONDONDERRY, NH PLANNING BOARD MINUTES
OF THE MEETING OF June 7, 2023, AT THE MOOSE HILL COUNCIL
CHAMBERS**

I. CALL TO ORDER

Members Present: Art Rugg, Chair; Al Sypek, Vice Chair; Jake Butler, Secretary; Lynn Wiles, Assistant Secretary; Ann Chiampa, member; Ted Combes, Ex-Officio – Town Council; Jason Knights, alternate member; Tony DeFrancesco, alternate member.

Also Present: Kellie Caron, Assistant Town Manager/Director of Economic Development; John Trottier, PE.

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 T. DeFrancesco to vote for J. Penta this evening.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Member A. Sypek made a motion to approve the minutes of May 3, 2023, as presented.

J. Butler seconded the motion.

The motion was granted, 6-0-1, with T. DeFrancesco abstaining. The Chair voted in the affirmative.

Member A. Sypek made a motion to approve the minutes of May 10, 2023, as presented.

J. Butler seconded the motion.

The motion was granted, 6-0-1, with A. Sypek abstaining. The Chair voted in the affirmative.

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

1. Review of a lot line adjustment to adjust a lot line between 39 South Road (Map 3 Lot 21-44-1, Zoned AR-1) and 41 South Road (Map 3 Lot 21-44-2, Zoned AR-1) Eugene and Judith Harrington (Owner & Applicant), Raymond and Brenda Dickey Family Revocable Trust (Owner & Applicant).
2. Review of subdivision plan to subdivide Map 10 Lot 41 into two lots. Pillsbury Road and Michels Way (Map 10 Lot 41, Zoned AR-1 & Woodmont Planned

Unit Development (PUD)), Pillsbury Realty Development, LLC (Owner) and WP East Acquisitions, LLC (Applicant).

Staff is recommending those two are not developments of regional impact.

3. Application for design review of a site plan for a 102,418 square foot manufacturing facility and associated site improvements at 55 Pettengill Road (Map 14 Lot 49-3, Heywood Business District NB Development Group, LLC (Applicant), One Pettengill Road Realty, LLC (Owner).

Staff recommends that this may be a development of regional impact, because it meets at least one of the criteria expressed in the regional impact guidelines suggested by Southern NH Planning Commission (SNHPC). The proposed development property line is approximately 1,000 feet away from the municipal boundary between Londonderry and Manchester. The New Balance site may also generate more than 500 vehicle trips per day into adjacent communities. It is anticipated, however, that traffic will be dispersed over a wide network of roadways, minimizing the impact to any single community. Traffic volume and distribution will be confirmed by a traffic study, which is under review.

Member A. Sypek made a motion to accept that the first two projects do not meet the standards for regional impact.

T. Combes seconded the motion.

The motion was granted, 7-0-0. The Chair voted in the affirmative.
For the third item, Chairman Rugg stated it meets the requirements that it is of regional impact.

Member A. Sypek made a motion to accept that the third project does meet the standards for regional impact.

L. Wiles seconded the motion.

T. Combes asked if this would impact the timing of this plan. K. Caron replied it is in design review, so going through the regional impact process should not impact the timing. K. Caron added she made the Applicant aware that this issue would be presented this evening and what the staff's recommendation was.

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

- C. Discussion with Town Staff: K. Caron informed the Board that she had an extension request on behalf of Pennichuck East Utility for a 60-day extension regarding their Booster Station Site Plan and Tank Site Plan, which would be August 6, 2023.

A. Sypek made a motion to extend the Booster Station Site Plan and Tank Site Plan until August 5, 2023.

J. Butler seconded the motion.

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

J. Butler thanked K. Caron for the information sent to the Board over the past week and stated that it has been a huge help.

Chairman Rugg said he met with K. Caron and Mike Malaguti. They will be setting up a non-meeting with the Board to meet the new attorney. J. Butler suggested scheduling the non-meeting before the Board meeting to allow for time for questions.

Chairman Rugg read a letter from Chief O'Brien to the Board regarding a correction from the May 10, 2023, meeting. A member of the public stated he had personally spoken to Chief O'Brien regarding a development slated for Young Road. He commented that the Fire Department was against the development. Chief O'Brien stated he has had no conversations with this individual or his wife. He also said the Fire Prevention Division sits on all plan reviews, during which any objections would be documented. There were no objections noted for this project. He also noted that he was unable to locate the standards referenced from the National Fire Protection Association nor the cited turnout times.

III. Old Business – n/a

IV. New/Conceptual Plans

- A. Public hearing on an application for Conditional Use Permit (CUP) for 3,856 square feet of temporary wetland impact for equipment access and work pad placement within the Conservation Overlay District for the proposed replacement of existing structures along the existing Transmission Line Right of Way (ROW), Public Service Company of New Hampshire d/b/a Eversource Energy (Owner/Applicant).

Chairman Rugg read the application into the record. K. Caron stated the staff is recommending the CUP application be accepted as complete.

Member A. Sypek made a motion to accept the application as complete per Staff Recommendation Memorandum dated June 7, 2023.

J. Butler seconded the motion.

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

Conor Madison of GZA on behalf of Eversource Energy addressed the Board. He is

requesting a Conditional Use Permit for temporary wetland impacts off Brewster Road on the 391 transmission line. This is a one-structure utility pole replacement, wood to steel, due to damage found on this pole. There is no tree clearing, the right-of-way will not be widened, no new lines will be added or lines replaced. The statutory wetland permit by notification through the state is pending. There is also an alternation of terrain permit for upland impact pending. Gravel will be added to the slopeside in addition to timber mats in the wetland area. The work area will be restored to a 30 x 60 work pad. For both permits, they are coordinating with New Hampshire Fish & Game and the Natural Heritage Bureau for any protected species. The project spans from Londonderry to Rochester and will begin in mid-July; he cannot predict when this pole will be replaced. It will be completed by winter 2024 at the latest.

K. Caron added that the Conservation Commission has recommended approval of the CUP. There were no questions from the Board.

Philip Sciandra, 17 Rear Brewster Road, questioned if no trees would be cleared on Brewster Road. He stated that the last time lines were installed, his trees were cut down. Chairman Rugg instructed the resident and C. Madison to address him as opposed to each other. C. Madison responded that Londonderry is one of the biggest hubs for Eversource and the Scobie substation is large, so he is not aware of the different projects. He verified this right-of-way has already been cleared, so there are no trees in the jurisdiction.

There was no further public input.

Member A. Sypek made a motion to grant approval of the Conditional Use Permit for 3,856 square feet of temporary wetland impact for equipment access and work pad placement within the Conservation Overlay District for the proposed replacement of existing structures along the existing Transmission Line Right of Way (ROW), Public Service Company of New Hampshire d/b/a Eversource Energy (Owner/Applicant).

J. Butler seconded the motion.

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

- B. Public hearing on an application for formal review of a lot line adjustment to adjust the lot line between 39 South Road, Map 3 Lot 21-44-1, zoned AR-1, and 41 South Road, Map 3 Lot 21-44-2, zoned AR-1, Eugene & Judith Harrington (Owner/Applicant) Raymond & Brenda Dickey Family Revocable Trust (Owner/Applicant).

Chairman Rugg read the application into the record. K. Caron reported that there are no outstanding checklist items. Staff is recommending the Board accept the application as complete.

Member A. Sypek made a motion to accept the application as complete per Staff Recommendation Memorandum dated June 7, 2023.

J. Butler seconded the motion.

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

Chairman Rugg noted that the 65-day time clock has started. Eric Mitchell of Eric C. Mitchell and Associates Inc. addressed the Board. This is a lot line adjustment. The existing well for the Dickey house is located on the Harrington property. The lot line is being adjusted so the well will be on the Dickey property. Two triangular pieces of property of 725 square feet are being swapped.

K. Caron stated there is an even swap of land occurring. Both parcels are over the required lot size. All structures are remaining within the required setbacks. Staff is supportive of conditional approval.

There was no public input.

Member A. Sypek made a motion to grant conditional approval of the lot line adjustment to adjust the lot line between 39 South Road, Map 3 Lot 21-44-1, zoned AR-1, and 41 South Road, Map 3 Lot 21-44-2, zoned AR-1, Eugene & Judith Harrington (Owner & Applicant) Raymond & Brenda Dickey Family Revocable Trust (Owner & Applicant) in accordance with plans prepared by Eric C. Mitchell & Associates dated April 18, 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, June 7, 2023.

J. Butler seconded the motion.

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

- C. Public hearing on an application for formal review of a subdivision plan to divide one lot into two, 190 Litchfield Road, Map 14 Lot 6, Zoned AR-1, Diane M. & Martin P. Boucher (Owners & Applicants)

Chairman Rugg read the application into the record. J. Trottier informed the Board that there is one outstanding checklist item for which a waiver has been requested.

- 1. Checklist item 72 in Section 3.05 of the Subdivision Regulations to allow parcel 6-3 not to require underground utilities.

J. Trottier said staff does support the granting of the waiver, as utilities exist overhead along Litchfield Road and can serve the parcel. Additionally, this waiver

was granted previously for two other parcels that were subdivided out of the parent parcel. He reminded the Board to follow the waiver criteria from RSA 674:36 in the subdivision regulations in determining whether the waiver should be granted.

T. Combes said he was unable to open the plans and the rest of the Board agreed.

Member J. Butler made a motion to accept the application as complete.

A. Sypek seconded the motion.

Chair Rugg noted he looked at the plans on his home computer and everything appeared to be in place.

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

Chairman Rugg noted that the 65-day time clock has started. Eric Mitchell of Eric C. Mitchell and Associates Inc. addressed the Board. This is a two-lot subdivision with an existing single-family house on one lot. A lot of 1.64 acres is being cut off of the total parcel of 2.93 acres. This was approved as a subdivision in 2015 that created two additional house lots, with the existing house and two other lots. There was a double lot left with the existing house. Now, a house lot is being cut off the existing house lot. Waivers are being requested that were granted previously. He said there are two additional waivers. One is for the requirement that the sight line profile A meet the subdivision regulations, which is for the existing house. They meet sight line B for the existing house. The current criteria is different than when it was originally approved. The subdivision regulation required a 6-inch object being able to be seen, but now it's 2.5 feet, which they do comply with. There was an existing driveway with an existing house, so a waiver was requested and approved in 2015. The second waiver is for monuments along Litchfield Road. The edge of the existing right-of-way is at the edge of pavement, so monuments can't physically be put in. There is an existing easement that was established in 2015. There are monuments at the edge of the easement for the widening of the road. This waiver was also approved in 2015.

J. Trottier reiterated the Applicant is requesting a waiver for the sight distance. He noted that this is similar to the Walters subdivision and that the Board has taken the policy that they will look at existing driveways differently. He said staff supports this waiver request. He also noted that the Applicant has not provided monuments along the new lot, 6-3, and has submitted a waiver request. Staff supports this waiver request as it is along the edge of pavement and monuments would likely be destroyed. J. Trottier noted that item 3, Applicant should provide the inverts for the catch basin as shown in the topographic plans and lastly, verify the DRC comments with the Planning Department and the Assessing Department.

K. Caron noted that the outstanding design review comments are to note the waivers that were granted this evening and final confirmation of the parcel numbers for the subdivision from Assessing.

There was no public input.

Member A. Sypek made a motion to grant the Applicant's request for two waivers per Staff Recommendation Memorandum dated June 7, 2023.

J. Butler seconded the motion.

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

Chairman Rugg noted that the waivers have been granted.

Member A. Sypek made a motion to grant conditional approval of the subdivision plan to divide one lot into two, 190 Litchfield Road, Map 14 Lot 6, Zoned AR-1, Diane M. & Martin P. Boucher (Owners & Applicants) in accordance with plans prepared by Eric C. Mitchell & Associates dated August 15, 2022, last revised May 18, 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 June 7, 2023.

J. Butler seconded the motion.

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

- D. Public hearing on an application for formal review of a subdivision plan to subdivide Map 10 Lot 41 into two lots, Pillsbury Road & Michels Way, Map 10 Lot 41, Zoned AR-1 & Woodmont Planned Unit Development (PUD)), Pillsbury Realty Development, LLC (Owner) and WP East Acquisitions, LLC (Applicant).

Chairman Rugg read the application into the record. J. Trottier informed the Board that there were no outstanding checklist items. He said staff recommends that the Board vote to accept the application, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow the Board to make an informed decision.

Member A. Sypek made a motion to accept the application as complete per Staff Recommendation Memorandum dated June 7, 2023.

J. Butler seconded the motion.

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

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

K. Caron noted the next two agenda items are regarding the same project; however, the Board needs to act separately on the subdivision and the site plan.

Michael Malynowski of Allen & Major Associates, Inc. addressed the Board. The subdivision is for the development of a parcel of land that will encompass a 264-unit multifamily project located within the Woodmont Commons PUD. Waivers being requested are precedent based on previous plans.

J. Trottier reviewed the waiver requests as follows:

1. The Applicant has requested a waiver from Section 4.01c of the Subdivision Regulations to allow a plan scale greater than 1 inch = 40 for the subdivision and topographic plan sheets. He said the staff supports granting of the waiver, as the plans are legible with the scale as presented.

2. The Applicant has requested a waiver from Section 417 A 23 of the Subdivision Regulations to provide the existing conditions plan based on the development area rather than the total site. He said the staff supports granting of the waiver, as the Applicant submitted an existing conditions plan based on the current development area in the concurrent site plan submission.

3. The Applicant has requested a waiver from Section 416 of the Subdivision Regulations to not provide existing water, sewer, drainage, and utility information for the entire development area. He said the staff supports granting of the waiver, as the Applicant submitted the required information on the existing conditions plan based on the current development area in the concurrent site plan submission.

J. Trottier reviewed the design review items.

1. Provide the owner's signature.

2. Provide copies of relevant and proposed easement deeds or other legal documents.

3. Provide lot configuration details defined by meets and bounds descriptions in accordance with the regulations.

4. Add notes to the plan set in accordance with the site plan regulations.

- 5 & 6. Provide clarification on the subdivision plan, including completing notes, providing appropriate monumentation, and labeling the right-of-way and dimension of the pavement width.

Member A. Sypek made a motion to grant the Applicant's request for three waivers as presented.

J. Butler seconded the motion.

J. Butler requested adding to the motion that the waivers can be granted without substantial detriment to the public good. Chairman Rugg agreed.

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

There was no input from the public on these plans.

Member A. Sypek made a motion to grant conditional approval of the subdivision plan to subdivide Map 10 Lot 41 into two lots, Pillsbury Road & Michels Way, Map 10 Lot 41, Zoned AR-1 & Woodmont Planned Unit Development (PUD)), Pillsbury Realty Development, LLC (Owner) and WP East Acquisitions, LLC (Applicant) in accordance with plans prepared by Hayner/Swanson Inc. dated April 5, 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 June 7, 2023.

J. Butler seconded the motion.

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

- E. Public hearing on an application for formal review of a site plan for the proposed development of a 264 dwelling unit multi-family residential development with associated parking and amenities, Michels Way (Map 10 Lot 41, Zoned AR-1 & Woodmont Planned Unit Development (PUD)), Pillsbury Realty Development, LLC (Owner) and WP East Acquisitions, LLC (Applicant).

Chairman Rugg read the application into the record. J. Trottier informed the Board that there were no outstanding checklist items. He said staff recommends that the Board vote to accept the application, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow the Board to make an informed decision.

Member J. Butler made a motion to accept the application as complete per Staff Recommendation Memorandum dated June 7, 2023.

A. Sypek seconded the motion.

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

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

431 Mark Seck of WP East Acquisitions, LLC, addressed the Board. He reviewed the
432 project, reminding the Board they appeared before them informally in the fall. They
433 have met with the Heritage Commission and the Conservation Commission and
434 have solicited feedback from the Town's departments and third-party peer
435 reviewer. They have been working to address the concerns from the various
436 boards. WP East Acquisitions, LLC, will serve as the developer, the general
437 contractor, and the property manager. He introduced the various parties involved in
438 the project. The project is 11 three-story buildings containing 24 units and a
439 standalone amenity building with a courtyard, located between Governor Bell Drive
440 and Pillsbury Road. The unit and parking counts have not changed since their prior
441 appearance before the Board. He noted buildings have been moved in to create a
442 road and provide access for the Fire Department. Chairman Rugg asked about the
443 roadway to the north. M. Seck said there are plans for a road, but they are not the
444 owner of the parcel, so he cannot speak to this.

445
446 Michael Malynowski of Allen & Major Associates, Inc. addressed the Board. They are
447 the civil engineers and landscape architects for this project. He reviewed the
448 grading and drainage plans. There is a closed drainage network collecting
449 stormwater from surface and roof runoff. It is being sent to three existing detention
450 basins that were part of the original master plan on the PUD. They have gone
451 through technical review with the Town's third-party review. They have addressed
452 comments from DPW. Comments relative to the drainage were regarding clerical
453 and clarification aspects of the plan. They meet the underlying spirit and intent of
454 the PUD for overall lot size, perimeter, walk paths between pedestrian connections.
455 They are making water and sewer connections to the existing Pennichuck water
456 system. Sanitary is collected onsite and discharged at two points. They have
457 submitted plans to the Londonderry Sewer Department. Bob Kerry has accepted the
458 plans. The only outstanding issue is the application fee for the sewer extension
459 permit. They have submitted the alteration of terrain permit, which is being
460 reviewed by DES.

461
462 Rob Del Savio of Embarc Studio, project architects, presented the typical floor plan
463 of the units. There are two building types, varying only in their length by about 10
464 feet. Every building has two entrances, residences and support/utility space. All are
465 single-stair walkups, 24 units in a cluster. Each stair serves 12 units. Through
466 meetings with the Heritage Commission, they concluded that applying stone and a
467 board and batten system to the exterior of the buildings is the best alternative to
468 enhance the appearance of the buildings. There are also clapboard and balconies.
469 The grade is about 4 feet below the first floor of the buildings. They tried to create
470 stoops but ran into an accessibility issue. This would require a 58-foot ramp to
471 access the stoops, which would eliminate the green space. They articulated the
472 insets with a door; however, residents will not be accessing the building through
473 these. There is a clubhouse in the center of the development, which will house
474 athletic spaces, meeting rooms, and a workspace.

475
476 M. Malynowski added in their previous meeting with the Board, there was a
477 preference to use brick instead of lap siding. They presented the Heritage
478 Commission with the brick and stone options, and the preference was for stone. A.

Chiampa noted there is a brick wall around Derry Medical Center across the street, so there will be a visual difference between the two sides of the street. She suggested beefing up the signage. M. Malynowski said they decided to keep the stone to match the building. They didn't think the brick and iron aesthetic worked in this application. Chairman Rugg clarified the Heritage Commission was looking for the aesthetics and how they complement each other.

A. Chiampa asked if there would be seating for the residents on Michels Way. M. Malynowski pointed out there is a significant slope in this location. A. Chiampa asked if the slope in the illustration was accurate and M. Malynowski noted it was a rendering, so is not 1:1. There are existing utilities in this space, so there is not a lot of flat area that would lend itself to benches, etc. She clarified she was asking as she has seen zero elevation at another project and it didn't show accurately the six or seven steps that would be needed to get into a building. M. Malynowski responded that they were similar, at about six steps. One of the initial presentations to the Heritage Commission had steps along the front, but this came up during the accessibility discussion and it was changed. Chairman Rugg asked A. Chiampa to wait until after the presentation to continue her questioning. M. Malynowski said they have addressed most, if not all, of the Town and the peer reviewer's comments into the plans.

M. Malynowski noted they are requesting nine waivers, as based on the staff recommendations. The first six are relative to site plan. The final three are relative to PUD performance.

1. The Applicant has requested a waiver from Section 4.01.c of the regulations to allow a plan scale greater than 1"=40' for the overall key and stormwater management plan sheets. Staff **supports** granting the waiver as the plans are legible at the scale presented.
2. The Applicant has requested a waiver from Section 2.04.b.4 of the Site Plan Regulations to provide an application fee based on the development area rather than the total site. Staff **supports** granting the waiver because the Applicant submitted a fee based on the current development area which is consistent with past Board practice of allowing a reduced fee based on the area of disturbance for projects located on large parcels.
3. The Applicant has requested a waiver from Section 3.06.a of the Site Plan Regulations to a limited portion of the private sewer lateral and main to have less than five feet of cover. Staff **supports** granting the waiver in one location (from Bldg A to SMH-02) due to pipe material being SDR-26 and insulated as shown on the revised plans.
4. The Applicant has requested a waiver from Section 3.07.b.11 to not provide additional water quality treatment devices for stormwater associated for this development beyond those previously constructed for the Woodmont Commons PUD. Staff **supports** granting the waiver because the treatment devices are provided for the development site area.

5. The Applicant has requested a waiver from Section 4.12 of the Site Plan Regulations to provide an Existing Conditions Plan based on the development area rather than the total site. Staff **supports** granting the waiver because the Applicant submitted a concurrent subdivision plan consistent with the area shown on the site plan, which is consistent with past Board practice.

6. The Applicant has requested a waiver from Section 4.12.c.13 of the Site Plan Regulations to use previously prepared soil plans for the Woodmont Commons PUD and not provide new SCS soils or site-specific soil data. Staff **supports** granting the waiver because the Applicant submitted the soil plan data for the Woodmont Commons PUD as shown on file in the Planning Department, which is consistent with past Board practice.

J. Trottier confirmed that staff does support the six waiver requests of the Site Plan Regulations. He noted that in addition to item 4 regarding water quality treatment, they also have 3-foot sumps onsite, which is a water quality feature.

Chairman Rugg clarified that the following three items are required by the PUD. K. Caron noted that she provided a supplementary document that reflects the PUD regulations specific to Section 2.1.3, Planning and Design Principles. The PUD Master Plan states that the Planning Board approval of a Compliance Alternative is discretionary, but shall not be unreasonably withheld if the Applicant has provided sufficient documentation to justify such request.

M. Malynowski read the following waivers:

7. The Applicant has requested a review and approval of a Compliance Alternative from PUD Section 2.4.2 Building and Lots to allow four of the twelve residential units to be placed internally on the development area whereas the requirement is the front façade of a structure must be between minimum and maximum front setback lines.

8. The Applicant has requested a review and approval of a Compliance Alternative from PUD Section 2.4.2 Building and Lots, Building Type: Multi-Family to allow multi-family buildings to be oriented to the street with an articulated primary entry.

9. The Applicant has requested a review and approval of a Compliance Alternative from PUD Section 2.4.2 Building and Lots, Building Type: Multi-Family to relieve the requirement that multi-family buildings have a Street Facing Entry.

Chairman Rugg requested that M. Malynowski note where they are not meeting the requirement.

R. Del Savio responded that the street-facing entries will not be on Michels Way, Governor Bell Drive, or Woodmont Avenue due to the grade. There are simulated

entrances on the street sides of these buildings. T. Combes asked if delivery drivers would be confused. M. Malynowski replied that all deliveries will have a central location and the main entrance will be indicated as being adjacent to the clubhouse. Mail will be dropped off at a central location at the clubhouse. J. Butler asked if the rear elevation indicated on page 16 is what will be visible from Governor Bell Drive. R. Del Savio said this is correct. J. Butler asked if the stone façade follows the Governor Bell Drive side of the buildings. R. Del Savio said it will only be on the building that turns up from the intersection of Michels Way and the clubhouse. J. Butler clarified that the buildings along Woodmont Avenue and the top building on Governor Bell Drive would not have stone on the street-facing side and R. Del Savio said this was correct. J. Butler said he feels everything should be the same aesthetically and there should be a consistent stone façade on anything visible from the road. The Board concurred. T. Combes said he would like to see both floors be stone and not just the endcaps. R. Del Savio clarified that anything that is gray on the picture, with the exception of the wall behind the balconies, should be stone and the Board agreed.

A. Chiampa asked about the parking garages facing General Stark Drive (the non-existent road). A member noted these suggestions would entail a total design change and that he prefers the variation of clapboard and stone as it is currently planned, as it presents architectural interest. The Board agreed that both sides of the buildings should look the same. A. Chiampa noted this is a high-end development. Chairman Rugg questioned the public and the residents having differing views of the buildings. A. Chiampa asked if there is a 10-foot drop from the building at the corner of Woodmont Avenue and General Stark Drive. R. Del Savio said there is an 8-foot differential between the buildings. She asked what the distance between the corner of the building and the sidewalk is and R. Del Savio responded it is probably 30 feet. A. Chiampa said she wants to ensure there is interest on the walkable side of the buildings. M. Malynowski replied there will be landscaping on that side of the buildings. He noted the grade needs to be adjusted to avoid having to use stone on the slope.

J. Butler asked what the garage building would look like that faces Woodmont Avenue. M. Malynowski said it will be clapboard siding. A. Chiampa noted that is the face to the public. J. Butler asked how far the garage is from the sidewalk. M. Malynowski said it would be 12 to 14 feet. J. Butler said all garages that face the roadways should have stone facades. T. DeFrancesco clarified three of the garages would need to be dressed up so the public is not seeing the back of a building. Chairman Rugg noted the Board is looking for continuity as the project is beautiful and looks upscale, so this should be adhered to.

M. Seck noted that brick or stone is not a requirement of the design guidelines. He does not believe the façade should be all stone; the buildings need articulation. He agreed it makes sense to add stone to the end caps on the amenity building and the building towards Governor Bell Drive and Michels Way. There will be landscaping around the garages, so a band of stone would be hidden. They are trying to balance the project. They view Michels Way as the focal point. They do not believe it makes sense to add brick to the non-visible side of the buildings. J.

Knights said he is okay with stone being on the outside of the buildings and not on the non-visible side. A. Chiampa said both sides need to be dressed up. M. Seck noted there is no back side of the buildings.

T. DeFrancesco noted this is a PUD, which technically is private, but open to the public. He noted Michels Way is turning into a major thoroughfare, so the back of the garages need to be dressed up. M. Seck said there will be vegetation at the back of the garages. T. DeFrancesco agreed this is a good start. A. Chiampa noted it will not help during the winter. M. Seck said the buildings are not ugly on either side. J. Butler clarified while it is not ugly, it does not fit the character of the project. He noted there is no real back side, but road side and development side. M. Seck reiterated they are going significantly above the design guidelines. He noted that there is not much traffic on Woodmont Avenue today. Chairman Rugg noted in the Master Plan, the area along Woodmont Avenue is designed to be a community center, with restaurants, retail, and a movie theater. A. Chiampa noted people will be visiting Londonderry because of Woodmont Commons.

K. Caron noted this project is within the design guidelines for the PUD Master Plan. She is hearing that the Board is strongly encouraging the Applicant to add stone to the buildings that are facing the road on the exterior of the site. She cautioned the Board that if and when they make a decision, about how they are basing that decision. Chairman Rugg clarified this is a discussion and no definite conclusions have been reached.

M. Seck said they are willing to put stone on the two buildings on Woodmont Avenue and one on Governor Bell Drive, which will be a total of seven buildings with a stone façade. He reiterated a band of stone on the garages would not make sense, as it would be hidden by vegetation. The back of the garages will be 8 feet tall. A. Sypek asked what the financial impact would be to put stone on both sides of the buildings. M. Seck said although he does not have a figure, costs have increased in the two years since this project was started. They are focusing on the residents' living experience as well as the appearance of the buildings. He said they have to decide where to expend funds, on the inside or the outside of the buildings.

A. Sypek asked if they would be comfortable financially adding stone to the three buildings and M. Seck replied that if that is what is needed for the Board to approve the project, they will do this. A. Chiampa verified that the backs of the buildings facing General Stark Drive will be clapboard, so part of the back of the garages should have a stone façade to add interest. The majority of the Board agreed vegetation would be adequate to dress up the garages and buildings facing General Stark Drive. A. Chiampa noted that vegetation takes more maintenance. A. Chiampa asked what the blue mass was on the plans and it was identified as a swimming pool.

J. Trottier noted it would be beneficial to highlight on the plans where the stone will be. M. Malynowski agreed the plans would be updated. K. Caron clarified vegetation would be added on the westerly side of the garages and to the garage on the northeast side of the site, and stone will be added to two buildings on Woodmont

Avenue and two on Governor Bell Drive.

J. Trottier asked if the Board was comfortable with the final two waiver requests and the Board concurred that no discussion was needed.

He reviewed the design review items:

1. Item 7, provide the legend that shows the describing symbols and abbreviation used on each sheet.
2. Item 8, requesting the max lines are labeled.
3. Item 9, show the appropriate benchmarks.
4. Item 10, add the approval block.
5. Item 11, comments related to the existing conditions plans, such as the owner's signature, labeling existing features out on the plan.
6. Item 12, comments to the layout and materials plan, such as providing adequate turnaround space in each dead-end parking lot per the regulations. Providing handicapped parking space with dimensions conforming to the Site Plan Regulations. Labeling the proposed bicycle parking. Review the parking summary chart showing the number of parking spaces per garage unit. Label the driveway throat to confirm the proposed driveway will match the proposed aisle widths on Woodmont Avenue, Michels Way, and Governor Bell Drive.
7. Item 13, provide a note explaining the timing and completion of the adjacent infrastructure.
8. Item 14, comments related to the grading and drainage plans. A has been made to riprap the 2:1 slope and they have indicated they will regrade that area. Provide a driveway apron detail clearly showing the grading supporting the drainage intent at the intersections with the streets to avoid puddling. Provide detail for the depicted outlets swale for flared end section number 1.

M. Malynowski noted there is no swale but this can be discussed later.

9. Item 15, comments to the utility plans insuring there is a minimum of 18 inches separation between the water, sewer, and drainage pipes.
10. Item 16, comments to the landscaping plan. There is a plant being proposed that is not allowed per the regulations. Applicant should verify that the proposed lighting does not conflict with the proposed landscaping. Comments related to the drainage report.
11. Traffic Generation Memorandum, the Applicant has adequately shown that there are still significant reserve trips available for future site proposals based

on the comparison of what was originally anticipated in the 2016 traffic analysis and what was already been built and is currently under construction. However, the Alta residential development will replace the original proposed 20 residential units with 15,775 square feet of retail. They're replacing that with 264 residential units, which is presumed to create a significant increase in generated trips by comparison. This increase in trips for this development block may require a reduction in development intensity in future blocks to balance the increased trips from what was anticipated in the latest PUD conformance plan. The Applicant has noted that the owner, Pillsbury Development, plans to perform a more comprehensive update to the traffic accounting of the broader PUD, which will provide a series of traffic counts and projections for remaining infill development, which this Applicant feels will provide the most accurate representation of the comparison of the actual trip rate for the PUD versus the previously calculated estimates.

J. Trottier clarified that when the traffic study was completed, based on the original PUD, they estimated what the traffic generation was. Due to the current changes, Woodmont will need to reanalyze the traffic counts.

K. Caron noted the following outstanding design review comments:

1. Providing any draft easement and legal documents, any signage will be subject to additional reviewing and permitting, primarily from the Building Department.

2. The Heritage recommended that three remaining buildings on Governor Bell and Woodmont Ave be faced with stone to match the buildings on Michels Way.

3. The Fire Department approves of the layout of the buildings on the western side. There are outstanding comments relating to the fire hydrants and they're within 100 feet of the Fire Department connection to the building.

A. Chiampa asks which road was General Stark Drive. It was identified as the non-existent road to the west of the development. T. DeFrancesco reiterated he believes this is as good as you can get in a densely populated area and a relatively small site plan. He asked if there was an age restriction for residents and Mr. Seck said there is not. He asked if it was market rate and M. Seck answered in the affirmative. He asked if the Fire Department is okay with the traffic flow. M. Malynowski said they provided a truck-turning movement so they can circumnavigate apparatus.

T. DeFrancesco asked if the fact that the Londonderry School District does not drive school buses on private roads had been addressed. He suggested contacting the school district to discuss this. Chairman Rugg noted he believes there are 14-15 students living in Woodmont. K. Caron said the New Hampshire Finance Authority recommends using 0.17 children per unit, which amounts to approximately 45 children for this development. T. DeFrancesco noted in other developments, there

have been disclosures given to incoming residents regarding buses not coming into developments.

L. Wiles asked J. Trottier if there were issues with sewer capacity. J. Trottier said there were not. A. Sypek said he feels it is a great project. T. Combes said he has reviewed their project list and found there are sites currently in development that are wrapped completely in brick or stone. He asked why this was not planned for the internal sides of the buildings. R. Del Savio said if a building is wrapped, it will lose having two different faces, which he believes is important. J. Knights stated this is a nice development and believes the stone on the road side of the three buildings is a fair compromise. J. Butler noted having dimension on the sides of the building is desirable. Chairman Rugg said he believes this will be a benefit to the Town and to Woodmont. T. Combes asked if there was a detailed design of the pool area and common green. M. Seck said it has not been designed, but it is an expansive courtyard. There will probably be lawn games, outdoor grills, and seating as well as dedicated green space and lounging areas. T. Combes asked if the cost of the amenities would be included in the rent and M. Seck said this would be the case.

Jim Butler, 5A Danbury Court, noted they are 20 years into the Woodmont Commons Master Plan. He suggested all buildings should have stone wrapping around the ends. He expressed concern over the street types surrounding the development and that once General Stark Drive goes in, what citizens will see when they travel the road. He believes the back of the buildings should be stone and the only reason it is not being done is due to the cost. He feels the stone samples they were shown were very mechanical looking, as it is not real stone. He suggesting requesting a field panel. He would like to see the landscape plan. He suggested the labels on the plans should be defined, as the public does not understand the current labels. A. Chiampa asked his opinion of the stone and Jim Butler responded that it looks mechanical. M. Seck disagreed and stated it is high-quality stone veneer. He offered to provide references of properties where it is being used. A. Chiampa asked if it was stone or concrete. M. Seck said he is not a mason and did not have an answer. Chairman Rugg stated it was time to move on to a different subject. K. Caron said there is a sample of the stone in the Planning Office.

There was no further public input.

Member A. Sypek made a motion to grant the Applicant's request for six waivers from the Site Plan Regulations as supported by the staff.

L. Wiles seconded the motion.

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

Chairman Rugg stated the six waiver requests were granted.

Member A. Sypek made a motion to grant the Applicant's request for three compliance alternative requests of the PUD.

L. Wiles seconded the motion.

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

Chairman Rugg stated the three compliance alternative requests were granted.

Member A. Sypek made a motion to grant conditional approval of the Site Plan for the proposed development of a 264 dwelling unit multi-family residential development with associated parking and amenities, Michels Way (Map 10 Lot 41, Zoned AR-1 & Woodmont Planned Unit Development (PUD)), Pillsbury Realty Development, LLC (Owner) and WP East Acquisitions, LLC (Applicant) in accordance with plans prepared by Allen & Majors Associates, Inc. dated November 7, 2022, last revised April 10, 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, including the conditions that we have added on the three buildings and the vegetation on the garages to be fulfilled as noted in the Staff Recommendation Memorandum dated June 7, 2023.

L. Wiles seconded the motion.

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

Chairman Rugg noted Jim Butler had good suggestions and noted that beauty is in the eye of the beholder.

F. Rezoning request by Page Rock, LLC (Owner & Applicant) to rezone 556 Mammoth Road, Map 15 Lot 236, from AR-1 (Agricultural-Residential) to Commercial II (C-II).

K. Caron stated the Applicant presented a rezoning request for this parcel and two abutting parcels on August 3, 2022. The Board recommended to the Town Council to rezone 556 Mammoth Road (Map 15 Lot 236, Zoned AR-1); Three Page Road (Map 15 Lot 235, Zoned C-II); and 295 Rockingham Road (Map 17 Lot 25, Zoned C-II) to Multi-Family Residential (R-III). The Applicant did not proceed with the request for formal approval from the Town Council, and has brought forward the below request. After several meetings with staff, the Applicant has decided to come forward with a rezoning request regarding one parcel at 556 Mammoth Road and to rezone that from AR-1 to C-II. This is in the G-3 Intended Growth Sector, as identified in the Master Plan, which states the Intended Growth Sector is assigned to areas that may support substantial mixed-use development due to proximity to existing or planned regional thoroughfares or transit. Future development should occur as complete communities in the form of activity centers.

Brad Westgate of Winer & Bennett of Nashua, New Hampshire, representing Applicant and property owner Page Rock, LLC, introduced himself, Paul Chisholm, P.E. of Keach-Nordstrom Associates, and the rest of the team. He reminded the Board they appeared last year seeking recommendation favorably for rezoning of three parcels owned by Page Rock, LLC. While the Board did recommend the rezoning, they didn't continue with this as there were initial potential negotiations with an abutter. If those were successful, the proposed rezoning would couple better with the adjacent property. However, these negotiations did not pan out. So, Page Rock is seeking to develop the property they presently own into a 40-unit apartment project. They are seeking to rezone the smallest lot at 556 Mammoth Road, which is over 1/3 of an acre. It would house parking and a portion of a building. They are seeking to rezone this parcel to be consistent with the zoning of the almost 11 acres of remaining property. The properties are serviceable by water and sewer.

A. Chiampa asked why they opted for C-II and not R-3 zoning. He explained that if they had been able to obtain the adjacent property, it would present more uniformity in development with the R-3 possibility. In August of 2022, the upper building was across the wetlands and into the upper portion of the site. This plan worked well within the R-3 approach, as the buffer requirements between the industrial zoned property next to them and R-3 would have mandated a 100-foot buffer area that would have made it impossible to locate the two buildings to avoid wetland impact. With C-II, there is a buffer mechanism that works better and enables the two properties to be closer and avoid impacting wetlands on the upper side. B. Westgate noted this area of town has a number of different zoning arrangements. The Master Plan contemplates this area as somewhat of a mixed use area.

P. Chisholm identified the parcels and described the makeup of the property, which is undeveloped and consists of woodlands and wetlands. One wetland serves as a drainage channel for the area. This area drains into a pipe and drainage channel under Page Road and discharges offsite. There is an existing single-family home on the property, which is on well and septic. He described the nature of the neighborhood, which includes single-family housing developments and industrial properties. Changing from R-3 to C-II allows for a more condensed site, which is beneficial, as it avoids wetland impact. The densely wooded area will also serve as a natural buffer for the neighborhood to the west of Rockingham Road. There will be two driveways. They will work with a traffic engineer as the project progresses. They are contemplating three CUPs, including wetland impact and multi-family use. The Applicant is proposing two buildings with 20 units each.

B. Westgate stated the small parcel doesn't lend itself to the goals of the AR zoning district of agriculture, forestry, and water preservation. C-II zoning allows for multi-family dwellings. The Master Plan supports the concept of rezoning this parcel.

K. Caron confirmed what the Applicant represented with regard to if the site plan were to move forward, there would be three CUPs relating to the wetland buffer

impact, the ability to do multi-family, and the density relating to that multi-family use. She clarified that the task of the Board this evening is to make a recommendation to the Town Council to formally ask.

A. Chiampa noted this is a very busy corner and the other properties on the corner are zoned AR-1. She is concerned that more cars will be squeezed toward this intersection and that it is a residential area. Chairman Rugg pointed out this is a zoning decision and not a site plan review, as there is not a concrete plan as to what will be put on the property.

J. Farrell, 4 Hancock Drive, asked for help orienting the property.

B. Mead, 555 Mammoth Road, expressed his concern that the intersection will become dangerous to residents and travelers, if a minimum of 40 cars are added to the traffic flow. Chairman Rugg acknowledge these were valid concerns and when they get to that point, they will be addressed.

There was no further public input.

Member A. Sypek made a motion to recommend to the Town Council approval of the rezoning request to rezone 556 Mammoth Road, Map 15 Lot 236, Page Rock, LLC (Owners) and Winer & Bennett, LLC (Applicant) from AR-1 (Agricultural-Residential) to Commercial II (C-II).

Chairman Rugg read a letter from Holton, LLC, 30 Sonar Drive, Woburn, MA, stating that they have no objection to the Page Rock, LLC, application to rezone.

J. Butler seconded the motion.

The motion was granted, 5-1-1, with A. Chiampa voting against. T. Combes abstained to reserve his vote as a member of the Town Council. The Chair voted in the affirmative.

- G. Public hearing on an application for formal review of a site plan for a proposed 75,000 SF warehouse building and associated site improvements, 13 Page Road (Map 17 Lot 27, Zoned C-II), Charles Evans (Owner) and Rhino Capital Advisors, LLC (Applicant).

Chairman Rugg read the application into the record. J. Trottier presented the waiver requests:

1. Checklist Item XI.5, the Applicant has not provided utility clearance letters for Water or Sewer service under this application. Staff notes these utility services are currently not available along Page Road. Staff would support the waiver request for acceptance purposes only.
2. Section 4.01.C of the regulations, the Applicant has not provided a scale of

1"= 40' for the sight distance plan nor has requested a waiver. Staff would support the waiver request for acceptance purposes only.

A. Sypek made a motion to accept the application as complete.

J. Butler seconded the motion.

The motion was granted, 6-0-0. L. Wiles was out of the room. The Chair voted in the affirmative.

Chairman Rugg noted that the 65-day time clock has started. Michael Cavanaugh of Rhino Capital Advisors addressed the Board. He introduced the other members of his team. He described the location of the site, which is zoned C-II, and gave a site overview. The site is 14 acres, 20% of which is wetlands. There are no wetland impacts. It is a vacant, pad-ready site. They will use the existing access. There are two existing stormwater basins.

Rich Whitehouse of VHB reviewed the proposed site conditions. They propose to erect a 75,000 square foot warehouse with four loading docks and 63 parking spaces. He reviewed the stormwater management system. There will be a mix of surface and subsurface stormwater detention and treatment. Vehicular access will be provided on three sides of the building. He reviewed the lighting plan for the site as well as site access and circulation.

Meredith Graham reviewed the traffic plans for the site. A traffic study was submitted to and reviewed by the Town. Using the ITE Trip Generation Manual, the peak hour anticipated volume for this project is 35; 100 vehicles per hour at an intersection is the threshold at which there is a noticeable change in traffic. The traffic impact study also examined site access. They coordinated with the Londonderry Police Department regarding safety and crash data. The sightlines exceed the Town's minimum sight distance requirements. It was determined they will have a negligible impact on traffic volumes.

M. Cavanaugh reviewed the architecture of the structure. The peak height of the building will be 38 feet. It will be located 400 feet from Rockingham Road and 130 feet from Page Road. He reviewed the landscaping plan, which includes trees and lilacs, plus pollinators and food generators. There is 69% green space as compared to the required 33%.

Tyler Murphy of Rhino Capital reviewed the offsite improvements of the project, including utility extensions. The water design has been approved by Manchester Water Department. He reviewed the sewer design, on which the Town has offered recommendations. They have received a will-serve letter from Liberty Gas. There will be roadway improvements completed to improve the flow of Page Road and meet current standards. He clarified that Hayner Swanson is working on the offsite improvements with the owner of the adjoining property that the utilities cross.

He noted that the economic climate has changed over the past year and obtaining

financing is difficult. The viability of the project is in question. They have been approached by a southern New Hampshire building materials supplier they are familiar with. They hope to seek a decision from the Board, with substantial conditions in place, that would allow them to use the decision to purchase the property and keep the tenant involved to keep the project viable.

Laura Gandia of Devine Millimet presented a way for the Board to grant conditional approval on the site plan. She reviewed Rhino Capital's background and involvement in local developments. She stated Rhino Capital has a clear path toward development, which could be done with the granting of conditional approval by the Board. The legislature has recognized the difficulties in navigating projects that involve offsite improvements. She noted a majority of the comments concern the offsite improvements. There are protections for municipalities when reviewing these types of projects. She outlined conditions the Board can set per the RSAs. She noted the Board has granted conditional approval in the past based on offsite improvements being done, such as Woodmont Commons, MacGregor Cut, and Cross Farm. She noted the offsite improvements come at no cost to the Town. She presented a staff memo that has been drafted for the Board's consideration with the standard conditions of approval as well as a broad condition of approval that the Applicant will address all the applicable comments in the Staff Recommendation Memorandum dated June 7, 2023.

T. Murphy noted that although a number of conditions could be put on the project due to the outstanding comments, they want to keep the project viable and retain the tenant. A conditional approval will allow them to obtain financing. They hope their history will show their commitment to working with the Town and completing outstanding conditions in a timely manner.

L. Gandia presented three waivers:

1. The Applicant has requested a waiver from Section 3.08.b.6 of the regulations to allow a driveway design width of approximately 50 feet with painted traffic islands. Section 3.08.b.6 of the regulations states the Planning Board can grant an exception up to 36 feet. They are asking for 50 feet due to the road configuration and safety concerns.
2. The Applicant has requested a waiver from Section 3.08.b.3 of the Site Plan Regulations to allow the proposed driveway location within 200 feet of an existing driveway along Page Road. Staff **supports** granting the waiver as the driveway has been located to avoid wetland buffer impacts and allow for safe access, egress, and sight distance.
3. The Applicant has requested a waiver from Section 4.12.c.4 of the Site Plan Regulations to not provide property monument at the northwesterly corner along Rockingham Road. Staff **supports** granting the waiver due to the location being within the wetland which appears to contain 1-2 feet of water and monument setting would require disturbance to the area.

L. Gandia asked that the Board grant these waivers. She referred to the Town Staff Recommendation Memorandum that outlined numerous outstanding conditions. She noted that as they have listed condition number 1, that the Applicant shall address all appropriate items from the 13-page Planning and Economic Development Department of Engineering and Environmental Services memo dated June 7, 2023, this shows that Rhino Capital is committed to addressing all of the Town's concerns. She stated they agree to address all conditions put forward by the Town staff. She has also included the standard conditions of approval that the Town typically requires. She stressed this project is a great opportunity for the Town to have water and sewer brought to an undeveloped area and road improvements performed.

J. Trottier presented the design review items:

1. Item 4, the Applicant has indicated the required permit list on sheet 1. However, the New Hampshire DES sewer discharge permit has not been submitted. This is because the Town will not submit a discharge permit to DES for no sewer. The Town has to certify that there is someplace for the wastewater to go. The package has not been submitted to DES. The DOT permit, as VHB indicated, Page Road to Rockingham Road is a Town driveway. So, any changes to that roadway, the Town has to apply as the Applicant.
2. Item 5, currently there are no utility services on Page Road to service the site. The Applicant has recently provide offsite improvement plans to extend the necessary utilities to the site. However, the offsite utility plans for those necessary utilities are incomplete.
3. Item 6, existing conditions plan indicates the existing paved road pavement width is 19 to 21 feet wide along the right-of-way to the site and beyond. Page Road has been deemed substandard by the Town. The necessary roadway improvement plans to serve the site are not complete as noted in the Review Memorandum dated June 7, 2023. There are a number of comments to item 7 to the site plan layout materials, grading, drainage, utilities, and erosion control plans related to retaining walls requiring Building Department approval, providing a riprap detail within the plan set. The revised design indicates site curbing extending into paved road. This needs to be gotten out of the right-of-way. It's unclear from the revised plan if the outdoor storage is completely enclosed as required by the Town. Item E, the Town is requesting that they provide additional information that demonstrates appropriate separation to the water table in their proposed depth to the ledge associated with the stormwater system.
4. Item 8 is related to construction details within the plan set. The stormwater system has changed with this latest submission, so there are a number of comments related to the revised design.

5. Item 9, the Town is requested that they update accordingly and verify the sewer profile design and supporting information is acceptable to the Sewer Division.
6. Item 10, there are comments related to the project drainage analysis.
7. Item 11 is regarding addressing the traffic review comments.
8. Item 12 is to verify the DRC comments for the project are adequately addressed.

He reiterated the project site currently does not have access to public water to serve the proposed development. An offsite extension to the public water starting from Mammoth Road near the intersection with Page Road across Rockingham Road, New Hampshire 28, and along Page Road to the site entrance is necessary for this development. The proposed offsite improvement design is currently incomplete, as noted in the June 7, 2023, letter. The Applicant did get approval from Manchester Water to extend the water main, but the design specifics need to be worked out. That portion is within the Town's right-of-way on Page Road.

He noted in Item 2, the project currently does not have access to public sewer to serve the proposed development. An offsite extension for private sewer service extension starting from Sanborn Road near the intersection with Rockingham Road and extending through the abutting lot 45, that being 14 Page Road, to Page Road and along Page Road to the site entrance is necessary for this development. The proposed offsite improvements design is currently incomplete.

He also noted in Item 3, project is located along Page Road in a section that is deemed substandard by the Town. The Town has requested the Applicant provide a design to bring the road to a Class V or better standard as required by the regulations for the development. The improvements to Page Road are part of the plans. The plans as presented are incomplete.

J. Trottier reviewed the waiver requests:

1. The Applicant has requested a waiver from Section 3.08.b.6 of the regulations to allow a driveway design width of approximately 50 feet with painted traffic islands. Section 3.08.b.6 of the regulations states the Planning Board can grant an exception up to 36 feet. He said staff does not have a position on this yet because the offsite improvement plans are not complete.
2. The Applicant has requested a waiver from Section 3.08.b.3 of the Site Plan Regulations to allow the proposed driveway location within 200 feet of an existing driveway along Page Road. Staff supports granting the waiver as the driveway has been located to avoid wetland buffer impacts and allow for safe access, egress, and sight distance.

3. The Applicant has requested a waiver from Section 4.12.c.4 of the Site Plan Regulations to not provide property monument at the northwesterly corner along Rockingham Road. Staff supports granting the waiver due to the location being within the wetland, which appears to contain 1-2 feet of water and monument setting would require disturbance to the area.

Based on the information available to date, staff recommends that the Planning Board continue this application to allow sufficient time to address outstanding comments and allow further refinement of the offsite improvements. He noted there are wetland impacts associated with the offsite improvements, being the sewer and roadway. The roadway improvements need to be discussed with DOT and examined to ensure they are being done correctly.

K. Caron noted the outstanding DCR comments include any future tenant signage being subject to review and permitting. The Conservation Commission made a recommendation to the Board to consider a reduction in the impervious, primarily focused on the parking. The Heritage Commission did recommend approval and also made a comment related to future signage coming back for review. She emphasized that given the waivers that were received today regarding waiving items for acceptance, staff's recommendation remains to accept it as complete; however, they are still standing with a continuance recommendation to allow addressing the outstanding offsite improvements.

L. Wiles asked if this needs to be reviewed by the Town legal team. K. Caron noted the Board is a jurisdictional body and has the authority to act how they choose. L. Wiles asked the Applicant what the timeline would look like to have the comments addressed satisfactorily. T. Murphy noted that nothing can be done on the site until the offsite improvements are completed. They are motivated to complete these improvements to be able to move forward on the project.

Earle Blatchford of Hayner Swanson discussed with J. Trottier the various factors pending, including the DOT approval. He noted there is no project for 14 Page Road, so it is not possible to predict a timeline. Hayner Swanson is involved with this for the infrastructure in support of the 13 Page Road project. Chairman Rugg noted the Board will need definite numbers and plans to make a decision. E. Blatchford said there are no definite plans. J. Trottier noted a utility study was done in 2005-6. The project sewer design is based on this study. E. Blatchford noted they created a conceptual plan based on this study, but this relates to sewer and not traffic. He said this is not a good basis to do road improvements. He suggested performing a traffic study when a real project is proposed. He said they propose the land will be available to widen the road when whatever determination is made in the future.

A. Sypek suggested voting on the two waivers the staff supports. Chairman Rugg said once they have received public input, they will vote on these waivers.

T. Combes noted the agenda and staff memo cite a 100,000 square foot building, but the plans show 75,000 square feet. K. Caron agreed it is 75,000 square feet.

J. Butler noted it is not uncommon for the Board to have precedent conditions. If the precedent condition is that they are to address everything on the staff recommendation, what is the Board's risk? K. Caron said there are significant outstanding comments they feel the public and Board should remain involved with before a decision is made. If the Board chooses to make conditional approval and add certain conditions, that is within their jurisdictional right. Chairman Rugg said he would want to be as transparent as possible, operating in a public forum with public input.

T. DeFrancesco asked J. Trottier if lot 13 is built out, and lot 14 wants to be built and there is not enough water or gas or sewer capacity, would the road have to be torn up and the utilities replaced or would the site be deemed unbuildable? J. Trottier answered in the affirmative. T. Francesco asked how is bigger bad, regarding the 50 foot wide driveway. J. Trottier said the issue is not knowing the configuration of the final taper at the east end of the road.

T. DeFrancesco noted the Board is being asked to conditionally approve. The Board could assign numerous conditions, including that it has to come back to allow for public comment. Chairman Rugg noted that once it is conditionally approved, it removes it from the public realm. K. Caron said she would not advise doing this. She advised conditionally approving it, as a conditional approval means the Applicant would work with the staff from that point on. T. DeFrancesco said he was surprised the Applicant had come before the Board with this number of comments, as they would usually be yelled at. K. Caron clarified the Applicant has gone through design review and met with staff several times. There have been candid and honest conversations about expectations. When the Applicant indicated they wanted to move forward with a formal submission, the staff was clear about what their recommendation would likely be.

L. Gandia clarified that when the Board conditionally approves a plan and they attach conditions to that approval, if those conditions are minor in nature, then staff can review those conditions and sign off on them. If the conditions are not minor in nature - and she believes this is in state's statute and the Town's regulations - those conditions require the Applicant to come back in front of the Board before they can be signed off on. Chairman Rugg noted that would entail another public hearing, which is the same as a continuance. L. Gandia noted it gives Rhino Capital the approval they are seeking. She reiterated that the comments are related to the offsite improvements, not the site plan itself. She said that this hearing was properly noticed, so if people had concerns regarding this project, they would have been present at this meeting.

Mark Fortin, 572 Mammoth Road, is an abutter to the north and is in full support of this project.

J. Farrell, 4 Hancock Drive, stated he is a Town Councilor and has served on the Planning Board. He believes this process could have been completed via legal document. He feels dealing with the outstanding comments will overwhelm the staff. He said there is a lot of work that needs to be done on Page Road. There are

traffic and drainage issues. He said the intersection in question is one of the most dangerous in southern New Hampshire. He is in favor of development; however, there is a tool to protect the Board and Town that has been used in development agreements in the past.

L. Gandia read a letter of support to the Board from Jane and Mark Fortin.

Bill Nintu (ph) represents the owner of 23 Page Realty, an abutter. His concerns are related to traffic. Otherwise, he fully supports this project.

There was no further public input.

T. Combes asked how much real time will it take to complete these items to be able to do the continuance. He asked if 90 days was reasonable. K. Caron said if it is conditionally approved, it is subject to a 120-day timeframe. Chairman Rugg noted if it goes over 120 days, the Applicant would have to request an extension. He said he feels the Board does not have all of the information they need to make a decision.

A. Sypek made a motion that the Board grant the waiver for number 2 and number 3.

T. DeFrancesco seconded the motion.

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

A. Chiampa asked why a 50 foot driveway is needed. T. Murphy said they have found that a wider entry creates a better line of sight and is thus safer. It also allows passenger vehicles and trucks to pass in a more natural manner. A. Chiampa asked if there is information to support this and T. Murphy agreed to provide this. She asked if this width was for the entire driveway or just the entrance. T. Murphy said it was for the point of egress.

T. Murphy said that keeping this process in the public realm makes sense. However, he noted the vast majority of the comments are very technical in nature. The public is usually interested in specific things, such as visual appeal, traffic, landscaping. Resolving these comments will not affect these issues.

A. Sypek noted that the Board is unable to grant an exception to the 50 foot driveway. A. Chiampa asked if there was a study that shows it is safer to have a wider entrance. K. Caron clarified that the Board does have the authority to grant a waiver of any site plan regulation.

A. Sypek made a motion to grant the waiver for 50 feet for the opening.

T. Combes seconded the motion.

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

K. Caron asked if the Board identified any of the waiver criteria. J. Butler added for all three waivers, "that it does not cause detriment to the public good."

L. Wiles made a motion to continue the application for formal review of the site plan for a proposed 75,000 SF warehouse building and associated site improvements, 13 Page Road (Map 17 Lot 27, Zoned C-II), Charles Evans (Owner) and Rhino Capital Advisors, LLC (Applicant) to July 12, 2023.

A. Chiampa seconded the motion.

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

Chairman Rugg noted that the application is continued until July 12, 2023, at 7 p.m.

V. Other

VII. Adjournment

Member J. Butler made a motion to adjourn the meeting at approximately 11:11 p.m. Seconded by T. Combes.

The motion was granted, 7-0-0.

The meeting adjourned at approximately 11:11 PM.

These minutes were prepared by Beth Hanggeli.

Respectfully Submitted,

Name: Jake Butler

Title: Secretary

These minutes were accepted and approved on July 12, 2023, by a motion made by _____ and seconded by _____