

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF SEPTEMBER 5, 2018 AT THE MOOSE HILL COUNCIL CHAMBERS

I. CALL TO ORDER

Members Present: Art Rugg, Chair; Mary Wing Soares, Vice Chair; Giovanni Verani, Ex-Officio – Town Manager; Chris Davies, Secretary; Al Sypek, member; Jim Butler, Town Council Ex-Officio; Scott Benson, Assistant Secretary; Peter Commerford (alternate member); Roger Fillio (alternate member); Ann Chiampa (alternate member)

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

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

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Member M. Soares made a motion to approve the minutes of August 1, 2018, as presented.

C. Davies seconded the motion.

The motion was granted 7-0-1, with C. Davies abstaining. The Chair voted in the affirmative.

Member M. Soares made a motion to approve the minutes of August 8, 2018, as presented.

C. Davies seconded the motion.

The motion was granted 8-0-0, with C. Davies abstaining. The Chair voted in the affirmative.

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

1. Application for design review of a condominium conversion of Six Litchfield Road, Map 12 Lot 68-2, Zoned AR-1, Scott & Kathy J. Canella (Owners & Applicants)

Town Planner Mailloux recommended that the Board find the project not a development of regional impact as it does not meet the criteria set forth by the Southern New Hampshire Regional Planning Commission.

M. Soares made a motion to find this project is not of regional impact.

C. Davies seconded the motion.

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

C. DISCUSSIONS WITH TOWN STAFF: Chairman Rugg informed the Board that there has been a Town Pool Study Committee formed and asked for a volunteer from the Planning Board to serve on this committee. He read the Town Pool Study Committee charge to the Board.

III. OLD BUSINESS -N/A

IV. New Plans/Non-Binding Conceptual Discussions

A. Application for formal review of a site plan for the construction of a 5,840 SF, two-story salon, spa and office, and associated site improvements, Six Mohawk Drive, Map 6 Lot 37, Zoned C-I, Maillet & Associates, LLC (Owner & Applicant)

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

M. Soares made a motion to accept the application as complete per ~~Staff's recommendation memorandum dated September 5, 2018.~~

C. Davies seconded the motion.

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

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

Matt Routhier, from Bedford Design Consultants, 177 E Industrial Park Dr, Manchester, NH, introduced himself to the Board. M. Routhier explained that they are proposing to use the current access from 8 Mohawk Drive for the two-story salon/spa on the 1.05 acre lot that is currently vacant. He stated that they are intending to use the existing detention ponds, draining on both 6 and 8 Mohawk. He noted that back in May a variance was granted by the Zoning Board of Adjustment to encroach into the buffer. He stated that the salon will occupy the first floor of the building and the second floor will have an office as well as massage/spa area. He stated that the proposed plan includes a cross access easement between the two properties. He

stated that they will maintain 13 parking spaces for the existing building and have a total of 30 for the new proposed salon/spa. He stated that based on the review and traffic analysis done there would be no impact to the surrounding area with this new proposal. He noted that they are proposing to do extensive landscaping along Granite Street. He stated that there will also be a proposed trash space along Granite Street that will be screened by a stockade fence. He concluded his presentation and opened it up to questions from the Board.

Chairman Rugg opened it up to questions from the Board. J. Trottier stated that the applicant is requesting six waiver requests from Sections 4.01.c, 3.08.B.4.1.A, 3.97.G.1, 3.07.G.3, 3.07.H and 4.14.c.4. He noted that Staff recommends that the Planning Board take no action on the first two waivers, as they are not required. He stated that Staff supports the granting of the third, fourth and fifth waiver, but does not support granting the sixth waiver, which is for a wooden guardrail. He reviewed the design review comments and the precedent conditions with the Board. A. Chiampa asked about the traffic rotation around the island on the plan. M. Routhier noted the rotation was to allow a truck to gain access to the dumpster area and for deliveries. A. Chiampa asked about the two entry points to the building. Laura Maillet, owner of the salon/spa introduced herself to the Board. L. Maillet stated that the first floor entrance is for the salon/spa and the second entrance would be for the rental units upstairs. P. Commerford asked if the parking lot would have lighting. M. Routhier stated that it will. C. Davies asked what the wooden guardrail would be for. M. Routhier stated it would be to prevent anything from falling into the pond. M. Soares asked what the signage for the salon looks like. M. Routhier stated that they presented the sign to the Heritage Commission and they are going back to show the Commission how the sign looks on the building for final approval. L. Maillet noted that she currently has an existing sign on her current building, which is located in Londonderry, and hopes to use it with the approval of the Heritage Commission. G. Verani asked why J. Trottier would not recommend a wooden guardrail. J. Trottier stated that a wooden guardrail does not meet the town standards. A. Sypek asked about snow storage. M. Routhier stated that there are areas adjacent to the landscaping they can use and if those are filled, they will be trucking the snow out.

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

M. Soares made a motion to grant waivers 3, 4 and 5 to the Site Plan regulations as outlined in the Staff Recommendation Memorandum dated September 5, 2018.

C. Davies seconded the motion.

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

M. Soares made a motion to deny waiver 6 to the Site Plan regulations as outlined in the Staff Recommendation Memorandum dated September 5, 2018.

C. Davies seconded the motion.

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

M. Soares made a motion to grant conditional approval of a site plan for the construction of a 5,840 SF, two-story salon, spa and office, and associated site improvements, Six Mohawk Drive, Map 6 Lot 37, Zoned C-I, Maillet & Associates, LLC (Owner & Applicant) in accordance with plans prepared by Bedford Design Consultants, Inc., dated May 18, 2018, last revised July 20, 2018 with the following precedent conditions to be fulfilled within 120 days and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated September 5, 2018.

C. Davies seconded the motion.

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

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

PRECEDENT CONDITIONS

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

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Public Works & Engineering/Tighe & Bond review memo dated September 5, 2018.
2. All required permits and approvals shall be obtained and noted on the plan. The Applicant shall indicate the permit approval numbers on the cover sheet and provide copies of all permits for the Planning Division files.
3. The Owner's signature shall be provided on the plans.
4. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Site Plan Regulations.
5. Final approval by the Heritage Commission of the architectural elevations.
6. Easements shall be approved by the Town and final, executed easement documents be provided to the Town for recording.
7. Third-party review fees shall be paid within 30 days of site plan approval.

8. Financial guarantees be provided to the satisfaction of the Department of Public Works and Engineering.
9. Final engineering review.

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

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

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

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

7. As built site plans must to be submitted to the Public Works Department prior to the release of the applicant's financial guaranty.

B. Application for formal review of a site plan to construct a 2,000 SF building addition with connector drives, display areas and associated parking and site improvements, 3, 5 and 7 Tracy Lane, Map 2 Lots 34, 34-4, and 34-5, Zoned C-II & Rte 102 POD, AND 3,5,7 Tracy Lane, Hudson, Map 101, Lots 14, 15 and 17, Zoned B-Business, SMT 7 Tracey Lane, LLC & SMT Tracey Lane Holdings, LLC (Owner) and Reeds Ferry Sheds (Applicant)

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

M. Soares made a motion to accept the application as complete per Staff's recommendation memorandum dated September 5, 2018.

C. Davies seconded the motion.

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

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

Laurie Blanchette, Director of Operations at Reeds Ferry Shed, 3 Tracy Ln, Hudson, NH and Jason Hill, from TFMoran, Inc., 48 Constitution Dr, Bedford, NH introduced themselves to the Board. J. Hill reviewed some of the work that has been done between both Hudson and Londonderry for this site with the Board. He stated that they have been granted a conditional site plan approval from Hudson. He noted that the Heritage Commission is in support of the plans. He reviewed the proposal with the Board again, noting that the former tenants of the buildings have left, which can now accommodate the growth of Reeds Ferry Shed's business. He stated that they want to construct a 2,000 SF addition to the former gymnastics facility, as well as a new storage rack system, connect all three parcels with a two way connector driveway and lastly to construct 18 parking spaces for delivery drivers/trucks. He noted there would be some improvements to the current drainage and septic systems. He stated that because of the change in use, the traffic study shows a reduction in traffic. He stated they are looking to get into site work in the fall and

hopefully pour foundation in the winter. He concluded his presentation and opened it up to questions from the Board.

Chairman Rugg opened it up to questions from the Board. J. Trottier stated that the applicant is requesting three waiver requests from Sections 3.11.3.g.1.iii, 3.11.3.g.3 and 3.13.1. He stated that Staff recommends granting all three waivers. He reviewed the design review comments with the Board. J. Butler asked how emergency services handle calls when the business is in both Londonderry and Hudson. A. Sypek stated that there is a mutual aid agreement and the boxes are wired the same.

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

M. Soares made a motion to grant the waivers to the Site Plan regulations as outlined in the Staff Recommendation Memorandum dated September 5, 2018.

C. Davies seconded the motion.

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

M. Soares made a motion to grant conditional approval of a site plan to construct a 2,000 SF building addition with connector drives, display areas and associated parking and site improvements, 3, 5 and 7 Tracy Lane, Map 2 Lots 34, 34-4, and 34-5, Zoned C-II & Rte 102 POD, SMT 7 Tracey Lane, LLC & SMT Tracey Lane Holdings, LLC (Owner) and Reeds Ferry Sheds (Applicant) in accordance with plans prepared by TF Moran, Inc., dated June 22, 2018, last revised August 16, 2018 with the following precedent conditions to be fulfilled within 120 days and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated September 5, 2018:

C. Davies seconded the motion.

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

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

PRECEDENT CONDITIONS

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

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Public Works & Engineering/Stantec review memo dated September 5, 2018.
2. All required permits and approvals shall be obtained and noted on the plan. The Applicant shall indicate the permit approval numbers on the cover sheet and provide copies of all permits for the Planning Division files.
3. The Owner's signature shall be provided on the plans.
4. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Site Plan Regulations.
5. Third-party review fees shall be paid within 30 days of site plan approval.
6. Financial guarantees be provided to the satisfaction of the Department of Public Works and Engineering.
7. Final engineering review.

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

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

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

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

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

6. Site improvements must be completed in accordance with the approved plan prior to the issuance of a certificate of occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstance), the Building Division may issue a certificate of occupancy prior to the completion of landscaping improvements, if agreed upon by the Planning Division & Public Works Department, when a financial guaranty (see forms available from the Public Works Department) and agreement to complete improvements are placed with the Town. The landscaping shall be completed within 6 months from the issuance of the certificate of occupancy, or the Town shall utilize the financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. **No other improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving a certificate of occupancy.**

7. As built site plans must to be submitted to the Public Works Department prior to the release of the applicant's financial guaranty.

C. Conceptual Discussion - Review of conditions of approval for a minor site plan for the construction of a 768 SF coffee and ice cream shop, batting cages and associated site improvements, 9 Buttrick Road, Map 7 Lot 33, Zoned C-1, JMMKC Corporation (Owner) and Don Charette (Applicant)

Chairman Rugg read the case into the record noting this was a conceptual discussion only.

Don Charette, applicant, introduced himself to the Board. He passed out a handout (Exhibit 1) to the Board at the start of the presentation. He stated that he is here again tonight to follow up on some issues that were raised last time he was before the Board. He read from an estimate he received from NH Landscapes, LLC stating they would "excavate parking lot 18 inches, add 12 inches of crushed bankrun gravel and 6 inches of 1 1/2 inches of crushed gravel in preparation of pavement." He read from a statement from Keach-Nordstrom Associates Inc. (Exhibit 1). He stated that he is trying to stop run-off from entering the pond by using gravel instead of asphalt and keep more of a community atmosphere with the gravel as well. He noted that both the Conservation Commission and Heritage Commission support his plan for gravel. He gave examples around town of gravel parking lots, such as Mack's and the Londonderry High School. A. Rugg asked if the number one reason for not putting down asphalt would be aesthetics. D. Charette stated it would be to prevent run-off from entering the pond on the property. A.

Rugg stated the purpose of a detention pond is to mine the toxic soils and run-off. D. Charette stated that with the asphalt all of the run-off will be directed at the detention pond, but with the gravel only some of the run-off will go there and prevent polluting the pond. He asked for questions from the Board.

Chairman Rugg opened it up to questions from the Board. J. Trottier stated that Staff's opinion had not changed since the last conceptual discussion, which is not supporting the gravel parking lot. Janusz Czyzowski; P.E., Director of Public Works and Engineering stated that the plans were reviewed by all the departments and approved with the asphalt parking lot. He stated that the asphalt is an important structural support for the parking lot. He noted that when the Site Plan Regulations were developed twenty years ago, both himself and the Planning Board were instrumental in getting away from gravel roads and parking lots and switching to asphalt for better structural support. He noted that it is very difficult to control traffic on a gravel parking lot. He pointed out that he felt this could set a precedent in town for incoming business that he does not feel is appropriate. D. Charette stated that the asphalt is not a weight-bearing surface and it is the sub-base that withstands the weight. A. Rugg noted that it is all part of a system that has been made to provide the best outcome. A. Chiampa asked for D. Charette to bring the pictures he brought over to her so she could see them better. A. Chiampa pointed out that the gravel parking lots he has pictures of are for overflow parking for businesses that have primary asphalt parking lots. A. Chiampa asked what D. Charette is proposing for handicap access or a ramp for wheelchair bound people. D. Charette stated that there will be a concrete walkway. A. Chiampa stated that it appears as though there is a rock wall or step up someone would have to get around before the walkway. D. Charette stated that he is unsure if a ramp is proposed and stated the pictures A. Chiampa is looking at were an initial drawing and should not be in the package. J. Trottier stated that a ramp is proposed in the conditionally approved site plan. P. Commerford asked if he is going to be open during the winter. D. Charette stated that they would. P. Commerford asked how someone in a wheelchair would get around on gravel. D. Charette stated that they would combat the ice with ice melt or something else. P. Commerford stated that gravel freezes over faster than pavement and makes it more difficult to manage, which would make it much more difficult for someone in a wheelchair. He stated that in his opinion, he disagrees with D. Charette that the asphalt has no weight-bearing properties, and thinks that the sub-base will deteriorate quicker if there is just gravel on top. He stated that he believes the asphalt is more important than D. Charette is leading everyone to believe. R. Fillio stated that there is a gravel parking lot at the Historical Society, which may be acceptable for a historical building, but does not think a gravel parking lot is acceptable for a commercial building. A. Chiampa stated that the gravel parking lot at the Historical Society was just redone by the Boy Scouts and is a hassle to take care of. C. Davies stated that he would defer to Staff's recommendations and agrees with the other Board members' comments regarding wheelchair access and winter time problems. M. Soares stated she was also in agreement with her colleagues' statements tonight. G. Verani stated he thinks that the driveway should be paved and believes there will be economical advantage in doing so. D. Charette stated that it will take over twenty years to make up for the cost of asphalt, as it is a huge expense. A. Sypek

stated that he feels that D. Charette should listen to the experts and pave the driveway. S. Benson stated that he has talked with D. Charette about this issue and has gone back and forth. He does not want to set a precedent for other businesses in town. He explained that he just paved his parking lot and understands how this can be financially strapping. He stated that the downside to a gravel driveway could be potential lawsuits in the wintertime with the freezing, high-low spots, etc. He stated that he believes D. Charette should pave the parking lot. J. Butler stated that he, personally, does not have a problem with the gravel parking lot, but with all the facts presented tonight, feels it would be best for D. Charette to pave the parking lot. D. Charette asked the Board if his business grows and he buys the neighbors lot, would those new parking spaces have to paved as well. M. Soares stated that if D. Charette does expand, she would encourage him to talk to his neighbors to see if he could use some of their parking spaces. D. Charette stated that he has been talking with Shaffer Mortgage about this. S. Benson asked Town Planner Mailloux if D. Charette needed more parking and the neighbors agreed, could he keep it gravel for temporary or seasonal parking, or would this come back before the Planning Board and have to be paved. Town Planner Mailloux stated that if there was going to be an expansion onto neighbor parking, it would come back before the Planning Board for review for site plan approval or if just needed for overflow parking it would be a waiver request from the Board. She stated that it would still be setting a precedent as it has not been done before. Town Planner Mailloux clarified that if D. Charette would be using the existing parking at Shaffer Mortgage it would not come before the Planning Board, as those spots already exist, and would be an agreement between D. Charette and Shaffer, but if D. Charette would be expanding onto a lot that is currently not developed that would be back to the Planning Board for site plan approval. D. Charette stated that he heard what the Board members were saying and was disappointed and hoped it would not stifle business. He thanked the Board members for their time.

V. Other Business - A. Rugg stated that next week would be discussion about zoning and Capital Improvement Plan. Town Planner Mailloux stated that there would also be discussion on the Water Resource Study with a representative from the Conservation Commission.

VI. ADJOURNMENT

Member M. Soares made a motion to adjourn the meeting at approximately 8:40 p.m. Seconded by S. Benson

The motion was granted, 8-0-0.

The meeting adjourned at approximately 8:40 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,



Chris Davies, Secretary

These minutes were accepted and approved on October 3, 2018 by a motion made by M. Seares and seconded by A. Sypek.

STAFF RECOMMENDATION

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

Date: September 5, 2018

Application: Application for formal review of a site plan for the construction of a 5,840 SF, two-story salon, spa and office, and associated site improvements, Six Mohawk Drive, Map 6 Lot 37, Zoned C-I, Maillet & Associates, LLC (Owner & Applicant)

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

Board Action Required: **Motion to accept the application as complete per Staff's Recommendation Memorandum dated September 5, 2018.**

- Waivers: The Applicant has requested the following six waivers of the Site Plan Regulations:
 1. Section 4.01.c to allow a plan scale of 1" = 40' for the Boundary Plan/Title Sheet and a scale of 1"=30' or 1' = 20' for the rest of the plans. This waiver is not required, as the plans meet the *minimum* plan scale of 1" = 40', and the plans comply with the regulations as presented. Staff recommends that the Planning Board take no action on this waiver request as it is not needed.
 2. Section 3.08.B.4.1.A for sight distance on joint use driveways. This waiver is not required as the site is served by an existing driveway that was permitted by a previous 2007 site plan and included a Sight Distance Plan and Profile and a waiver was granted in the 2007 approval. Staff recommends that the Planning Board take no action on this waiver request as it is not needed.
 3. Section 3.97.G.1 to allow a drainage pipe with a diameter of less than 15 inches. Staff *supports* this waiver request as it is limited to a roof drain to an existing pond and is sized appropriately to handle the stormwater volume from the roof.
 4. Section 3.07.G.3 to allow drainage pipe cover of less than 3 feet. Staff *supports* this waiver request as the pipe being proposed requires a minimum of 1 foot of cover and 1.83 feet is being proposed. Additionally, by allowing less than 3 feet, the pipe will free flow and not be submerged at its discharge point.
 5. Section 3.07.H to allow the use of Nyoplast drainage basins rather than the town standard drainage structure. Staff *supports* this waiver to allow Nyoplast structures as it is limited to the roof drain system and is rated for H-20 loading.
 6. Section 4.14.c.4 to allow the use of a wood guardrail. Staff *does not support* this waiver request. Where the site design requires the placement of guardrail to prevent vehicular incursions, the Town-standard guardrail should be provided to ensure safety.

Board Action Required: Motion to grant waivers 3, 4 and 5 to the Site Plan regulations as outlined in the Staff Recommendation Memorandum dated September 5, 2018.

Motion to deny waiver 6 to the Site Plan regulations as outlined in the Staff Recommendation Memorandum dated September 5, 2018.

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

Board Action Required: Motion to grant conditional approval of a site plan for the construction of a 5,840 SF, two-story salon, spa and office, and associated site improvements, Six Mohawk Drive, Map 6 Lot 37, Zoned C-I, Maillet & Associates, LLC (Owner & Applicant) in accordance with plans prepared by Bedford Design Consultants, Inc., dated May 18, 2018, last revised July 20, 2018 with the following precedent conditions to be fulfilled within 120 days and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated September 5, 2018:

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

PRECEDENT CONDITIONS

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

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Public Works & Engineering/Tighe & Bond review memo dated September 5, 2018.
2. All required permits and approvals shall be obtained and noted on the plan. The Applicant shall indicate the permit approval numbers on the cover sheet and provide copies of all permits for the Planning Division files.
3. The Owner’s signature shall be provided on the plans.
4. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Site Plan Regulations.

5. Final approval by the Heritage Commission of the architectural elevations.
6. Easements shall be approved by the Town and final, executed easement documents be provided to the Town for recording.
7. Third-party review fees shall be paid within 30 days of site plan approval.
8. Financial guarantees be provided to the satisfaction of the Department of Public Works and Engineering.
9. Final engineering review.

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

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

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

6. Site improvements must be completed in accordance with the approved plan prior to the issuance of a certificate of occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstance), the Building Division may issue a certificate of occupancy prior to the completion of landscaping improvements, if agreed upon by the Planning Division & Public Works Department, when a financial guaranty (see forms available from the Public Works Department) and agreement to complete improvements are placed with the Town. The landscaping shall be completed within 6 months from the issuance of the certificate of occupancy, or the Town shall utilize the financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. **No other improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving a certificate of occupancy.**
7. As built site plans must to be submitted to the Public Works Department prior to the release of the applicant's financial guaranty.

STAFF RECOMMENDATION

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

Date: September 5, 2018

Application: Application for formal review of a site plan to construct a 2,000 SF building addition with connector drives, display areas and associated parking and site improvements, 3, 5 and 7 Tracy Lane, Map 2 Lots 34, 34-4, and 34-5, Zoned C-II & Rte 102 POD, AND 3,5,7 Tracy Lane, Hudson, Map 101, Lots 14, 15 and 17, Zoned B-Business, SMT 7 Tracey Lane, LLC & SMT Tracey Lane Holdings, LLC (Owner) and Reeds Ferry Sheds (Applicant)

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

Board Action Required: **Motion to accept the application as complete per Staff's Recommendation Memorandum dated September 5, 2018.**

- Waivers: The Applicant has requested the following three waivers of the Site Plan Regulations:

1. Section 3.11.3.g.1.iii to provide the required 5% interior landscape area within the parking lots at 7 Tracy Lane. Staff **supports** granting this waiver as it is necessary to accommodate truck maneuvering for tractor trailer trucks on the site, there is limited visibility of the parking lot from the street and adjacent properties, and the property meets the overall minimum green space requirement.

2. Section 3.11.3.g.3 to provide one tree per 15 parking spaces in the internal parking lot landscaping area. Staff **supports** granting this waiver, as stated above, to accommodate truck maneuvering on the site, and because the Applicant has provided the required trees as perimeter plantings to supplement the overall landscaping plan.

3. Section 3.13.1 to allow proposed lighting at the property line that exceeds the maximum of 0.2 lumens. Staff **supports** this waiver request as the site, though remaining separate parcels, is designed as an overall site with driveway connectivity between each parcels, lighting is low-level security lighting that illuminates the driveways and interconnected parking areas, and the fixtures are full cut-off LED that does not spillover beyond the subject parcels.

Board Action Required: **Motion to grant the waivers to the Site Plan regulations as outlined in the Staff Recommendation Memorandum dated September 5, 2018.**

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

Board Action Required: Motion to grant conditional approval of a site plan to construct a 2,000 SF building addition with connector drives, display areas and associated parking and site improvements, 3, 5 and 7 Tracy Lane, Map 2 Lots 34, 34-4, and 34-5, Zoned C-II & Rte 102 POD, SMT 7 Tracey Lane, LLC & SMT Tracey Lane Holdings, LLC (Owner) and Reeds Ferry Sheds (Applicant) in accordance with plans prepared by TF Moran, Inc., dated June 22, 2018, last revised August 16, 2018 with the following precedent conditions to be fulfilled within 120 days and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated September 5, 2018:

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

PRECEDENT CONDITIONS

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

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Public Works & Engineering/Stantec review memo dated September 5, 2018.
2. All required permits and approvals shall be obtained and noted on the plan. The Applicant shall indicate the permit approval numbers on the cover sheet and provide copies of all permits for the Planning Division files.
3. The Owner’s signature shall be provided on the plans.
4. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Site Plan Regulations.
5. Third-party review fees shall be paid within 30 days of site plan approval.
6. Financial guarantees be provided to the satisfaction of the Department of Public Works and Engineering.
7. Final engineering review.

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

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

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

7. As built site plans must to be submitted to the Public Works Department prior to the release of the applicant's financial guaranty.