

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF MARCH 6, 2019 AT THE MOOSE HILL COUNCIL CHAMBERS

I. CALL TO ORDER

Members Present: Art Rugg, Chair; Rick Brideau, Ex-Officio – Town Employee; Al Sypek, member; Giovanni Verani, Ex-Officio – Town Manager; Scott Benson, Assistant Secretary; Ted Combes, Town Council Ex-Officio; Jake Butler, member; Ann Chiampa (alternate member); Peter Commerford (alternate member) and Roger Fillio (alternate member)

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

Chairman Rugg called the meeting to order at 7:00 PM, explained the exit and emergency procedures, and began with the Pledge of Allegiance. He appointed A. Chiampa to vote for M. Soares and P. Commerford to vote for C. Davies.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Member A. Sypek made a motion to approve the minutes of February 6, 2019, as presented.

T. Combes seconded the motion.

The motion was granted 5-0-4, with A. Chiampa, P. Commerford, R. Brideau and S. Benson abstaining. The Chair voted in the affirmative.

Member A. Sypek made a motion to approve the minutes of February 19, 2019, as presented.

R. Brideau seconded the motion.

The motion was granted 5-0-4, with S. Benson, G. Verani, R. Brideau and P. Commerford abstaining. The Chair voted in the affirmative.

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

- 1. Application for design review of a subdivision plan for a lot line adjustment between 26 Perkins Road (Map 13 Lot 24-4, Zoned AR-1) and 32 Perkins Road (Map 13 Lot 24-1, Zoned AR-1), Leigh & Marcia Currier and Richard & Deborah Currier (Owners), and Reginald A.**

Ronzello, Jr. & Christine C. Ronzello (Owners) and Reginald & Christine Ronzello (Applicants)

2. **Application for design review of a site plan to construct a two building multifamily residential housing facility with a total of 10 two bedroom units, 244 Nashua Road, Map 3 Lot 135, Zoned C-III, Londonderry Church of the Nazarene (Owner) and Leonard Vigeant (Applicant)**

She stated noted that both projects do not meet the criteria set forth by the SNHPC for developments of regional impact.

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

R. Brideau seconded the motion.

The motion was granted, 9-0-0. The Chair voted in the affirmative.

C. DISCUSSIONS WITH TOWN STAFF: N/A

D. Lot Merger request: 42 Clark Road (Map 15 Lot 93-3, Zoned AR-1) and Seven Symmes Drive (Map 15 Lot 98, Zoned IND-I), Coca-Cola Bottling Company of New England, Inc. (Owner)

Associate Planner Gandia read the lot merger request noting the request for the authorization for the Chair to sign it. A. Chiampa voiced her concern about the merger with two different zones, but stated she was happy that lot would stay residential. G. Verani asked what the two different zones were. Town Planner Mailloux reviewed the lots on the screen for the Board noting the action of the lot merger does not change the zoning and both the AR-1 and IND zones will stay intact. She said that the Board's action this evening does not have any potential zoning changes. G. Verani asked what zone would control the overall lot for this parcel. Town Planner Mailloux said she would need to verify the zoning ordinance and get back to him.

A. Sypek made a motion to authorize the Chair to sign the lot merger request.

R. Brideau seconded the motion.

The motion was granted, 9-0-0. The Chair voted in the affirmative.

III. Old Business/Continued Plans- N/A

IV. New Plans

A. Application for formal review of site plan for a car wash and associated site improvements, Two Roundstone Drive, Map 14 Lot 49-4, and 10 Roundstone Drive, Map 14 Lot 49-5, Zoned GB, CHD 603, LLC (Applicant) and Access Road, LLC (Owner)

Chairman Rugg read the case into the record. J. Trottier stated that there is no outstanding checklist items and Staff recommends accepting the application as complete.

A. Sypek made a motion to accept the application as complete per Staff's recommendation memorandum dated March 6, 2019.

R. Brideau seconded the motion.

The motion was granted, 9-0-0. The Chair voted in the affirmative.

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

Nicole Duquette, MHF Design Consultants, Inc., 44 Stiles Road, Salem, New Hampshire, Heather Monticup, P.E., GPI, 181 Ballardville Street, Wilmington, Massachusetts, Alex Vailas, Access Road LLC and Jeff Arimento from the car wash introduced themselves to the Board. N. Duquette reviewed where the property is with the Board. She noted that the parcels are separated by a right-of-way. She noted that they are proposing is a two bay attendant free car wash with four car vacuum islands. She said there will be a little office space there too and said they included 10 parking spaces. She said they have designed the drainage on the site for both local and Alteration of Terrain (AOT) regulations, as they are disturbing 101, 000 SF. She stated that they will be using deep sump catch basins within the pavement to catch the run off and there will be a trench drain on the southern part to collect any water that is not collected in the car wash building itself. She said that all the water drains to a sediment forebay to an infiltration basin. She pointed out that TFMoran designed a utility extension from Brown Ave to the driveway of the site. She said that there are they have a domestic sewer line and two trench drains with sediment traps to catch any sediment that gets washed off the cars in the car wash building. She said the traps then run into a 1500 gallon oil/water separator for further treatment before it runs into the sewer line. Chairman Rugg asked what they are going to do with the sediment. N. Duquette said it has to be pumped out according to state regulations. She said that the site is on a controlled access right-of-way on Roundstone Drive and they have received preliminary approval of the driveway location from New Hampshire Department of Transportation (NHDOT). She noted that they had submitted an application with a lot line adjustment plan that was reviewed administratively and not by the Board. She said that in the future the applicant would like to relocate the right-of-way to where the proposed driveway is. She stated that the driveway has been designed according to Londonderry town standards in an event that this does get changed over to the future right-of-way location, it will meet all local requirements. She explained that they cannot move the right-of-way unless they have site plan approval, so at this point they are requesting approval of a

driveway knowing in the future there will most likely be a lot line adjustment plan with a right-of-way location. She said that NHDOT is aware of this plan and has written a letter acknowledging they are in agreement with this new location. She said they are asking for one waiver request. She stated that they have submitted an AOT application on February 5, 2019, and expect to see comment letters in the next couple of weeks. Heather Monticup, traffic engineer for the project, introduced herself to the Board. H. Monticup explained the short traffic analysis to the Board noting that during the AM peak hour there are 15 trips expected and the PM peak hour 40 trips and Saturday 46 peak hour trips. She said that that correlates to traffic increases of anywhere from 2 to 17 vehicle trips or 1 additional vehicle every 3 to 3-1/2 minutes in the peak period. She said that they exceed the sight distance requirements. She performed a capacity and que analysis as well with results noting that this site does not generate a lot of traffic with less than a second delay in any movement. She pointed out that the que analysis showed that it will be beneficial to move the driveway as it will be best to get it as far away from the signal light as possible.

Chairman Rugg opened it up to questions from the Board. Town Planner Mailloux said that Staff supports granting the waiver to Transportation Demand Management techniques because traffic generation is relatively low for the proposed operation and the nature of the use does not allow for carpooling, transit service use, or flex-time work schedule opportunities. She said that Staff also supports the waiver to LEED certification because the developer is incorporating a number of the elements of LEED certification into the building and the site construction, though the development will not be able to meet with "Certified" level of LEED. John Trottier reviewed the DRC items with the Board. N. Duquette asked about a waiver for the catch basins with grass. J. Trottier stated that other applicants have done this before and was approved by the New Hampshire Department of Environmental Services. A. Chiampa asked if there was going to be a fence on one side of the property as there was a residence with a play area. N. Duquette said that there is not a fence nor is there a fence being proposed noting there is a piece of land between their site and the play area. P. Commerford asked if this was an automated car wash. Jeff Arimento, Harold's Car Wash Equipment, introduced himself to the Board noting this is a fully automated car wash. P. Commerford asked if it would be open 24 hours. J. Arimento said he was not sure. N. Duquette stated that the applicant does not wish to have it open 24 hours and said the hours would be from 6 a.m. to 11 p.m. P. Commerford asked what the frequency would be for pumping out the bays. N. Duquette said her guess would be they would pump them out when they need to and as frequently as the catch basin's fill up. She said that it is truly all dependent on how many cars go through the car wash.

Chairman Rugg opened it up to questions from the public.

Ray Breslin, 3 Gary Drive, addressed the Board. R. Breslin said that his concern is regarding water. He asked what chemicals are in the detergent used in the car wash. He said that this has been a problem with car washes in other parts of New Hampshire referencing PFOA's. Chairman Rugg said that this particular car wash has everything handled by the sewer and would need to list their chemicals with the state noting it would be state jurisdiction. J. Trottier said that the oil, greases and grit will be

handled in the 1500 oil/water separator, which will then be discharged into the municipal sewer system. He said that this is the first he has ever heard of PFOA's being associated with a car wash and said that if it were to be identified the town would be notified and the applicant would be the responsible party involved. J. Arimento said that he is not aware of any PFOA's and they service all of New England and New York. He said that this particular car wash has proposed using an extremely low amount of water and soap typical to most car washes. Chairman Rugg suggested that R. Breslin and J. Trottier sit down outside of the meeting to discuss this issue.

Mike Byerly, 1 King Charles Drive, addressed the Board asking for clarification regarding the driveway proposal. N. Duquette said that the driveway has been proposed to meet Londonderry road standards, which are much stricter than driveway standards, so in the future the applicant could switch the driveway over to a road. M. Byerly asked if the intent was to move the driveway. Town Planner Mailloux explained that the applicant is designing the driveway to meet road standards as the right-of-way may move to accommodate the driveway in the future as a road.

Chairman Rugg brought it back to the Board as there was no further public comment.

A. Sypek made a motion to approve the waiver per Staff's recommendation memorandum dated March 6, 2019.

R. Brideau seconded the motion.

The motion was granted, 9-0-0. The Chair voted in the affirmative.

A. Sypek made a motion to grant conditional approval of a site plan for a for a car wash facility and associated site improvements, 2 Roundstone Drive, Map 14 Lot 49-4, and 10 Roundstone Drive, Map 14 Lot 49-5, Zoned GB, CHD 603, LLC (Applicant) and Access Road, LLC (Owner), in accordance with plans prepared by MHF Design Consultants, Inc. dated May 6, 2018, last revised February 14, 2019 with the following precedent conditions to be fulfilled within 120 days of the approval and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated March 6, 2019.

R. Brideau seconded the motion.

The motion was granted, 9-0-0. The Chair voted in the affirmative.

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

PRECEDENT CONDITIONS

All of the precedent conditions below must be met by the Applicant, at the expense of the Applicant, prior to certification of the plans by the Planning Board.

Certification of the plans is required prior to commencement of any site work, any construction on the site or issuance of a building permit.

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Public Works & Engineering/Stantec review memos dated March 6, 2019.
2. If granted, the waiver shall be noted on the plan.
3. The Applicant shall provide the Owner's signature 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. Any outstanding third-party review fees shall be paid within 30 days of conditional site plan approval.
6. Financial guarantees shall 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

1. All of the conditions below are attached to this approval.
2. 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.
3. 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.
4. 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.

5. All site improvements must be completed prior to the issuance of a certificate of occupancy.
6. As built site plans must to be submitted to the Public Works Department prior to the release of the applicant's financial guaranty.
7. 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.

V. Other - N/A

VI. Adjournment

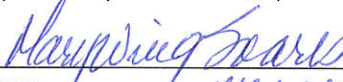
Member A. Sypek made a motion to adjourn the meeting at approximately 8:00 p.m. Seconded by R. Brideau

The motion was granted, 9-0-0.

The meeting adjourned at approximately 8:00 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,


Name: Mary Wing Soares
Title: Vice Chair

These minutes were accepted and approved on April 3, 2019, by a motion made by M. Soares and seconded by T. Combes.

STAFF RECOMMENDATION

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

Date: March 6, 2019

Application: Application for formal review of site plan for a car wash and associated site improvements, 2 Roundstone Drive, Map 14 Lot 49-4, and 10 Roundstone Drive, Map 14 Lot 49-5, Zoned GB, CHD 603, LLC (Applicant) and Access Road, LLC (Owner)

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

Board Action Required: **Motion to accept the application complete per the Staff Recommendation memorandum dated March 6, 2019.**

Waivers: The Applicant is requesting the following waiver:

- Section 4.5.2.E of the Londonderry Zoning Ordinance requiring the incorporation of Transportation Demand Management techniques in the operation of the proposed facility and that the proposed development should meet the “Certified” level of LEED (Leadership in Energy and Environmental Design). The ordinance allows the Planning Board to waive both requirements of this section where it is shown that the standards impose an unreasonable burden on development of the property within the GB district. Staff supports **granting** the waiver to Transportation Demand Management techniques because traffic generation is relatively low for the proposed operation and the nature of the use does not allow for carpooling, transit service use, or flex-time work schedule opportunities. Staff also supports the waiver to LEED certification because the developer is incorporating a number of the elements of LEED certification into the building and the site construction, though the development will not be able to meet with “Certified” level of LEED.

Board Action Required: **Motion to grant the Applicants’ request for a waiver to as outlined in the Staff Recommendation Memorandum dated March 6, 2019.**

- **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 as follows:

Board Action Required: **Motion to grant conditional approval of a site plan for a for a car wash facility and associated site improvements, 2 Roundstone Drive, Map 14 Lot 49-4, and 10 Roundstone Drive, Map 14 Lot 49-5, Zoned GB, CHD 603, LLC (Applicant) and Access Road, LLC (Owner), in accordance with plans prepared by MHF Design Consultants, Inc. dated May 6, 2018, last revised February 14, 2019 with the following precedent conditions to be fulfilled within 120 days of the approval and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff**

Recommendation Memorandum dated March 6, 2019.

“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 memos dated March 6, 2019.
2. If granted, the waiver shall be noted on the plan.
3. The Applicant shall provide the Owner’s signature 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. Any outstanding third-party review fees shall be paid within 30 days of conditional site plan approval.
6. Financial guarantees shall 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

1. All of the conditions below are attached to this approval.
2. 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.

3. 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.
4. 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.
5. All site improvements must be completed prior to the issuance of a certificate of occupancy.
6. As built site plans must to be submitted to the Public Works Department prior to the release of the applicant's financial guaranty.
7. 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.

STAFF RECOMMENDATION

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

Date: March 6, 2019

Application: Application for formal review of site plan for a car wash and associated site improvements, 2 Roundstone Drive, Map 14 Lot 49-4, and 10 Roundstone Drive, Map 14 Lot 49-5, Zoned GB, CHD 603, LLC (Applicant) and Access Road, LLC (Owner)

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

Board Action Required: **Motion to accept the application complete per the Staff Recommendation memorandum dated March 6, 2019.**

Waivers: The Applicant is requesting the following waiver:

- Section 4.5.2.E of the Londonderry Zoning Ordinance requiring the incorporation of Transportation Demand Management techniques in the operation of the proposed facility and that the proposed development should meet the “Certified” level of LEED (Leadership in Energy and Environmental Design). The ordinance allows the Planning Board to waive both requirements of this section where it is shown that the standards impose an unreasonable burden on development of the property within the GB district. Staff supports **granting** the waiver to Transportation Demand Management techniques because traffic generation is relatively low for the proposed operation and the nature of the use does not allow for carpooling, transit service use, or flex-time work schedule opportunities. Staff also supports the waiver to LEED certification because the developer is incorporating a number of the elements of LEED certification into the building and the site construction, though the development will not be able to meet with “Certified” level of LEED.

Board Action Required: **Motion to grant the Applicants’ request for a waiver to as outlined in the Staff Recommendation Memorandum dated March 6, 2019.**

- **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 as follows:

Board Action Required: **Motion to grant conditional approval of a site plan for a for a car wash facility and associated site improvements, 2 Roundstone Drive, Map 14 Lot 49-4, and 10 Roundstone Drive, Map 14 Lot 49-5, Zoned GB, CHD 603, LLC (Applicant) and Access Road, LLC (Owner), in accordance with plans prepared by MHF Design Consultants, Inc. dated May 6, 2018, last revised February 14, 2019 with the following precedent conditions to be fulfilled within 120 days of the approval and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff**

Recommendation Memorandum dated March 6, 2019.

“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 memos dated March 6, 2019.
2. If granted, the waiver shall be noted on the plan.
3. The Applicant shall provide the Owner’s signature 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. Any outstanding third-party review fees shall be paid within 30 days of conditional site plan approval.
6. Financial guarantees shall 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

1. All of the conditions below are attached to this approval.
2. 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.

3. 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.
4. 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.
5. All site improvements must be completed prior to the issuance of a certificate of occupancy.
6. As built site plans must to be submitted to the Public Works Department prior to the release of the applicant's financial guaranty.
7. 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.