

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF APRIL 3, 2019 AT THE MOOSE HILL COUNCIL CHAMBERS

I. CALL TO ORDER

Members Present: Art Rugg, Chair; Mary Wing Soares, Vice Chair; Al Sypek, member; Giovanni Verani, Ex-Officio – Town Manager; Ted Combes, Town Council Ex-Officio; Jake Butler, member; Roger Fillio (alternate member); Ann Chiampa (alternate member) and Peter Commerford (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 to vote for P. Commerford to vote for C. Davies and A. Chiampa to vote for S. Benson.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Member A. Sypek made a motion to approve the minutes of March 3, 2019, as presented.

T. Combes seconded the motion.

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

Member M. Soares made a motion to approve the minutes of March 13, 2019, as presented.

T. Combes seconded the motion.

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

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

1. Application for design review of a site plan for the design and construction of a telecommunications facility, 11 Mohawk Drive, Map 6 Lot 35-3, Zoned C-I, Tahoe Realty Holding, LLC (Owner) & Bay Communications III, LLC and T-Mobile Northeast, LLC (Applicants)

2. Application for a design review of a site plan for the construction of a 9,560 SF manufacturing addition, parking lot expansion, and associated site improvements, Nine Ricker Avenue, Map 28 Lot 22-28, Zoned IND-II, Idlewild Realty, LLC (Owner & Applicant)
3. Application for design review of a lot line adjustment to adjust the lot line between Six Innovation Way, Map 28 Lot 17, Zoned GB, and 44 Rear Pettengill Road, Map 14 Lot 45, Zoned GB AND to subdivide the newly formed Map 14 Lot 45 into two lots, Ballinger Properties, LLC and Five N Associates, LLC (Owners) and Prosit, LLC (Applicant)
4. Application for design review of a site plan to construct a one story 141,765 SF warehouse/ distribution facility and associated site improvements, 44 Rear Pettengill Road, Map 14 Lot 45, Zoned GB, Ballinger Properties, LLC and Five N Associates General Partnership (Owners) and Prosit, LLC (Applicant)

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

M. Soares made a motion to find that all four projects are not of regional impact.

T. Combes seconded the motion.

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

C. DISCUSSIONS WITH TOWN STAFF: N/A

III. Old Business/Continued Plans- N/A

IV. New Plans -

- A. Application for formal review of a site plan for site preparation, grading and drainage improvements, 14 Page Road and 280 Rockingham Road, Map 17 Lots 454 and Map 17 Lot 45, Zoned IND-I, Evans Family Limited Partnership (Owner & Applicant)

Chairman Rugg read the case into the record. G. Verani recused himself for this case. Chairman Rugg appointed R. Fillio to vote for G. Verani. J. Trottier stated there are seven outstanding checklist items for which the applicant has requested waivers and if the Board grants the waivers, staff recommends the application be accepted as complete. J. Trottier reviewed the seven waiver requests with the Board.

M. Soares made a motion to approve checklist waivers 1 through 7 as outlined in Staff's recommendation memorandum dated April 3, 2019.

T. Combes seconded the motion.

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

M. Soares made a motion to accept the application as complete per Staff's recommendation memorandum dated April 3, 2019.

T. Combes 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.

Earle Blatchford, Senior project manager from Hayner Swanson Inc., 3 Congress Street Nashua, NH addressed the Board. E. Blatchford gave some background on the plan stating it is similar to a plan that was presented to the Board about a year and a half ago for a smaller lot on Jacks Bridge Road, which was approved. He said that they are requesting site preparation site plan approval pursuant to zoning ordinance Section 5.8.4.2, which allows excavation for the eventual nonresidential occupancy or use in compliance with approved site plan. He pointed out that the Evans family has owned this property for many years and has been marketing it for many years to date with no buyers. He said that they now wish to prepare the site for marketing by re-grading the site and making it more appealing for a larger industrial site development. He explained that the existing lot is 214 acres with most of it zoned IND-I and a small area zoned R-III multifamily, which is not part of this plan. He said the property has frontage on Page Road, Rockingham Road and Sanborn Road. He said that the wetlands on the site have been delineated. He noted the portion of the site tonight that is being requested is about 38 acres in the northwest corner of the site on the corner of Page Road and Rockingham Road. He said the proposed construction includes a single access drive up Page Road, which is designed to have all season sight distance. He stated that the plan includes storm water management, erosion control measures and grading of the site in phases. He said they are trying to achieve a 2-3% grade, which is much more conducive for an industrial site development. He said the regraded areas will be loamed and seeded. He noted that this will generate excess material to be hauled off site and they have submitted a traffic memo to the Board on this, which details the trucks that will be exiting and entering the closed site driveway on Page Road and going to the signal on Rockingham Road. He told the Board that a New Hampshire Department of Environmental Services (NHDES) Alteration of Terrain (AOT) permit has been applied for as well as a NHDES wetland permit that was applied for. He said that Bruce Gilday has been working with NHDES on the wetland permit and with the Conservation Commission as well. He told the Board that there is also a Conditional Use Permit (CUP) for the wetland buffer area, not associated with the wetland permit that is 740 SF that is necessitated by the construction of one of the storm water retention ponds.

Chairman Rugg opened it up to questions from the Board. Town Planner Mailloux apologized to the Board for not having the CUP language as part of the memo and said that Staff recommends approval of the CUP as presented. J. Trottier reviewed some design review comments with the Board. A. Chiampa voiced her concern about the width of Page Road and asked if this would be some off the off-site improvements that J. Trottier had talked about. J. Trottier stated she was correct and he will be meeting with E. Blatchford depending upon the outcome of this meeting. A. Chiampa asked if the days and times submitted of Monday through Saturday were typical of a work week for these trucks. J. Trottier said he thought Monday through Friday would be more typical. E. Blatchford said that it was typical for construction these days. He explained the traffic report stating that there would be an increase in five trips in either direction per hour on average, which is not considered to be a significant amount of traffic, but noted it is truck traffic. T. Combes asked what the Conservation Commission thought of the proposed mitigation. Town Planner Mailloux said that it is her understanding that they are waiting on the applicant to work out the details of the language of the conservation restriction being put on this land.

Chairman Rugg opened it up to the public.

William Blanchard, 28 Page Road, addressed the Board. W. Blanchard said that he has no concerns and thinks it would be great to have this land developed.

Giovanni Verani, 73 Page Road, addressed the Board. G. Verani asked what the estimated time frame would be for this project to be completed. E. Blatchford said he believes they would like to start this year, stating it would be tree cutting, putting the storm water management measure, erosion control measures and maybe off-site improvements. He said that the grading and removing material would most likely be started in the second year and thought the whole project might take four or five years. He noted that if a buyer were to come along for this site, then the process would be changed. G. Verani asked why the Board is not concerned about traffic going the other way, since Janusz Czyzowski; P.E, Director of Public Works and Engineering has said that Page Road is the worst road in town. J. Trottier said that they have given no indication that traffic will be turning right. G. Verani asked if signs could be placed regarding turning while under construction. J. Trottier stated that could be done. G. Verani said that the hairpin turn is very dangerous, as normally there are cars in your lane when trying to get around, and asked if the driveway to the site could be moved down out of the way. E. Blatchford said that location for the driveway is the safest location it can be.

John Wiegler, 62 Page Road, addressed the Board. J. Wiegler asked what the width of Page Road was where the driveway is to be constructed. E. Blatchford said that where the driveway would be constructed is 21-22 feet. J. Wiegler asked there were plans to widen Page Road as it is very narrow and thought this should be addressed

before construction were to begin. P. Commerford said that he felt it would make sense to widen the road and move the entrance of the driveway back from the middle of the corner.

Giovanni Verani, 73 Page Road, addressed the Board again. G. Verani said that since the applicant is prepping the site, serious consideration should be given to widening or prepping the road before construction begins to make the roadway safer. He noted that the project is going to be over four to five years, which can be very hard for the residents who live on this road with the additional traffic on an already narrow road.

M. Soares made a motion to approve the applicants request for the CUP as recommended by Staff.

T. Combes 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 the site plan for site preparation, grading and drainage improvements, 14 Page Road and 280 Rockingham Road, Map 17 Lots 45-4 and Map 17, Lot 45, Evans Family Limited Partnership (Owner & Applicant) in accordance with plans prepared by Hayner-Swanson, Inc., dated October 1, 2018, last revised February 26, 2019, with the precedent conditions to be fulfilled within 120 days of the approval and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum, dated April 3, 2019.

T. Combes 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 provide a note on the plans that any blasting to be performed within 100' of the Tennessee Gas Pipeline shall follow appropriate TGP safety protocols.

2. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Public Works & Engineering/Stantec review memo dated April 3, 2019.
3. The Owner's signature shall be provided on the plans.
4. Typographical errors in the Stormwater Operation and Maintenance notes in the drainage report and on Sheet 6 shall be corrected.
5. All required permits and approvals shall be obtained and noted on the plan.
6. The Applicant shall note all waivers granted on the plan.
7. 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.
8. Third-party review fees shall be paid within 30 days of conditional site plan approval.
9. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
10. 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. 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).

5. 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 a lot line adjustment between 23 Wilson Road, Map 16 Lot 9, Zoned AR-1/IND-I, Evans Family Limited Partnership (Owner) and 55 Wilson Road, Map 18 Lot 24-5, Zoned AR-1, Douglas B. & Maria F. Jones (Owners) AND subdivision to create 9 residential lots, 23 Wilson Road, Map 16 Lot 9, Zoned AR-1/IND-I, Evans Family Limited Partnership (Owner and Applicant)

G. Verani came back to the Board for this case. Chairman Rugg read the case into record. J. Trottier stated that there are two outstanding checklist items needed. J. Trottier gave some background information to the Board. He said that in 2006, the Town Council, at the recommendation of the Traffic Safety Committee, adopted Ordinance 2006-09 which limited Wilson Road north of Lance Avenue to one-way traffic only. This ordinance came as a result of concerns relating to traffic safety on Wilson Road after a number of incidents, including crashes involving school buses. This portion of Wilson Road is substandard and does not comply with the Town's road design standards. It is currently 19 feet wide, and the width is further reduced in the winter due to lack of snow storage, and does not have adequate stormwater drainage. In 2012 and 2013, the Applicant had conceptual discussions with the Planning Board (minutes attached) regarding subdivision of the subject parcel located on Wilson Road. At that time, Planning, Public Works, Fire Department, Police Department and School District Staff expressed concerns with the substandard condition of Wilson Road and safety concerns associated with approving additional development on such a road. The consensus of the Planning Board was that the subdivision of lots on the one-way portion of Wilson Road would require improvements of the road to meet Town standards. In 2015, the applicant came before the Board for a subdivision creating parcels on the two-way portion of Wilson Road, south of Lance Avenue. This subdivision was approved. The applicant is currently requesting approval of the remaining land north of Lance Ave on the one-way portion of Wilson Road. Per the previous discussions between the Planning Board, Staff and the Applicant, the section of Wilson Road providing access to the proposed lots is substandard and improvements are required in compliance with Sections 1.03A, 1.03E and 3.09A of the Subdivision Regulations. He said that Staff recommends that the Board defer action on this application until a complete application with off-site improvement plans is provided. Chairman Rugg said that before the Board can proceed with the application it needs to be complete and asked someone to speak on the completeness.

Paul DeCarolis, Esq., Gottesman & Hollis, 39 East Pearl Street Nashua, addressed the Board. P. DeCarolis said that Wilson Road has been a Class V Road for some time and the problems with Wilson Road have been well documented by the Planning Board, Budget Committee and Traffic Safety Committee. He noted that in 2006, the School Board when before the Traffic Safety Committee about the lack of safety on Wilson Road and the Town Council approved it as a one way street at that time. He said at that time, the engineering department noted that there was not enough money in the budget and additional land would need to be acquired by abutters to further improve the street. He said that it has been well documented that Wilson Road is a cut through street that has been well documented in Planning Board minutes. He explained that the law in New Hampshire to demand exactions, more or less an impact fee, that the applicant pay for the cost of off-site improvements is clear that there has to be a rational basis or nexus between the development and the need for that off-site improvement. He said that J. Trottier pointed out the need for improvement existed long before this project and therefore there is no basis to find that this applicant is the cause of the improvements for Wilson Road. He said that without this finding it is unconstitutional to demand that this applicant pay for off-site improvement costs. He said that it is clear that Wilson Road needs to be improved, but asking the applicant to pay 100% for the cost is not warranted. He noted that the applicant has offered in the current plan certain improvements to Wilson Road, such as improve shoulders, removing trees, providing sight distance, etc. He said that the applicant would like to come back before the Board and work with the town to reduce concerns and ask for direction from the Board that the applicant will not be responsible for 100% of the cost.

Chairman Rugg said that the Board wants to work with the applicant. Town Planner Mailloux said that the Board could pick a date to continue the case or continue the case indefinitely, which would require additional abutter notification and fees for advertising. M. Soares asked J. Trottier if he thought a plan might be formed with all parties coming together to work on it. J. Trottier said that he needs an actual geometry to the plan.

Charlie Evans, applicant, addressed the Board. C. Evans said that back in 2013 when they developed a section of the road they were given the same advice the Board is giving him tonight. He said the Board told him to get together with town staff to see what improvements could be made to the road. He noted that he called J. Trottier after the meeting, and J. Trottier told him to send him a plan and he would be good to go. He said that he does not want to end up in the same predicament as last time since he is here again before the Board with no further gain to the plan. He said that it is not realistic for him to make a full Class V road for improvements. J. Trottier said that C. Evans is absolutely right, that he met with C. Evans and they talked about a plan, but he has not sent him an actual concrete plan on paper. He pointed out that the town's consultant traffic engineer disagrees with their traffic engineer about it being a safe road. G. Verani said that he feels that it is going to cost C. Evans \$35,000 to \$40,000 just to have this conversation with the town and it still might not be enough. P. DeCarolis suggested the Planning Board table the case until the next meeting so they can try and work with the engineering department, and if it cannot be worked out, then the Board could vote

on the plan at that time.

M. Soares made a motion to continue the application until May 8, 2019.

T. Combes seconded the motion.

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

Chairman Rugg noted that the plan is continued until May 8, 2019, at 7 p.m. at the Town Hall and this would be the only formal public notice.

C. Rezoning request to rezone Six Tavern Hill Road, Map 2 Lot 27 Zoned C-II/AR- I and RTE 102 POD to AR-1 by Hickory Woods Condominium Association (Owner & Applicant)

Chairman Rugg read the case into the record.

Robert Medeiros, 37 Quarry Road, addressed the Board. R. Medeiros stated that he felt his was a straight forward corrective action as Hickory Woods is a residential area that is currently zoned C-II. He would like the zoning to be changed to an AR-I zone.

Chairman Rugg opened it up to the Board for questions. Town Planner Mailloux said that the current property is 60 acres, fully developed, 55+ community. She said there is an area that is zoned AR-I, as well as C-II in the Performance Overlay District (POD). She said this was brought to her attention when notices went out regarding the upcoming zoning changes in the town. She said that the request is for the parcel to be zoned AR-I in which 55+ communities are a permitted use. She pointed out an area in the parcel that she called a "shovel "that is a separate parcel of land where an existing cell tower is located that will not be part of the rezoning application. She said that the "shovel" type piece will be remaining C-II and POD. She told the Board that she discussed this with the town attorney who felt this was not spot zoning and was okay with this not. She said that Staff recommends the Board recommend the zoning change as requested to the Town Council. R. Medeiros presented a letter (Exhibit 1) of all the residents of Hickory Woods who had signed the petition for the rezoning request. Town Planner Mailloux addressed the concern regarding the change of zoning to AR-I where now it would add the 75 foot buffer requirement to any abutting commercial properties.

M. Soares made a motion to recommend to the Town Council that they approve the rezoning of 6 Tavern Hill Road, Map 2 Lot 27, currently zoned C-II/AR-I and RTE 102 POD to AR-1.

T. Combes seconded the motion.

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

D. Application for formal review of a lot line adjustment between 75 Litchfield Road, Map 11 Lot 89, Zoned AR-1 and 278 High Range Road, Map 11 Lot 81-4, Zoned AR-1, Jonathan Paul and Deborah A. & John O'Connell (Owners & Applicants)

Chairman Rugg read the case into record. G. Verani recused himself for this case. Chairman Rugg appointed R. Fillio to vote for G. Verani. J. Trottier stated that the applicant has requested a waiver and staff supports granting this waiver.

M. Soares made a motion to grant the checklist waiver per Staff's Recommendation Memorandum dated April 3, 2019.

A. Sypek seconded the motion.

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

M. Soares made a motion to accept the application as complete per Staff's recommendation memorandum dated April 3, 2019.

A. Sypek seconded the motion.

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

Chairman Rugg noted that the 65-day time clock had started. Town Planner Mailloux pointed out that the next item on the agenda is related and suggested they be presented together. Chairman Rugg said that the Board would take the cases together and render the judgements separately.

Eric Mitchell, addressed the Board. E. Mitchell explained that the applicant is taking about a half-acre of land in the back of the parcel, 84-1, and adding it to the 19 acre parcel, Lot 89, in the rear, which is owned by Jonathan Paul. He pointed out that there is a large wetland between the area that will be deeded and the house on High Range Road making it remote and not really usable by the house. He said that there is an existing shed in the front yard setback of Lot 84-1 that will be moved outside of the setback with the lot line adjustment.

Chairman Rugg opened it up to questions from the Board. J. Trottier said that the applicant has requested two waivers to the Subdivision Regulations. He explained the first waiver is to Section 4.01.C to permit a plan scale of 1 inch equals 100 feet and that staff supports granting this waiver as the plans are legible at the scale presented. He noted the second waiver request is from Section 3.09.F.2 to permit an existing driveway with less than the required 250 foot safe stopping sight distance, and noted that staff does not support this waiver request. He reviewed the design review comments with the Board. P. Commerford asked why they were requesting a waiver for an existing driveway. J. Trottier explained that when there is a change to the site the town will always try and make something conform that might be nonconforming at the time. E. Mitchell said that there are new requirements to ____, which is to look at a point two and a half feet high, not six inches, which is Londonderry's requirement

for which they meet with the driveway. J. Trottier said that the town has a more stringent requirement. T. Combes asked if the town will be changing the requirements. J. Trottier said the town is not changing requirements at this time. P. Commerford said he would like more time to look over the application. M. Soares said she was comfortable voting tonight to make an exception on the second waiver requests for both Case D and E, as she thought it would be more burdensome to the applicant to come into compliance. A. Sypek agreed.

Chairman Rugg opened it up to the public.

Bob McGuirk, 280 High Range Road, addressed the Board. B. McGuire asked for clarification on the existing shed move. E. Mitchell said that they were asked to move the shed because it will be in the front setback and will move it back about 10 feet towards the rear of the lot. B. McGuirk asked if the wetland was going to remain or would be changed with the house lots. E. Mitchell said that the wetland cannot be disturbed and would not be changed.

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

M. Soares made a motion to approve the Applicant's request for waiver #1 per Staff's Recommendation Memorandum dated April 3, 2019.

A. Sypek seconded the motion.

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

M. Soares made a motion to approve the Applicant's request for waiver #2 per Staff's Recommendation Memorandum dated April 3, 2019.

A. Sypek 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 lot line adjustment between 75 Litchfield Road, Map 11 Lot 89, Zoned AR-1 and 278 High Range Road, Map 11 Lot 81-4, Zoned AR-1, Jonathan Paul and Deborah A. & John O'Connell (Owners & Applicants) in accordance with plans prepared by Eric Mitchell & Associates, LLC dated October 5, 2018, last revised March 12, 2019 with the following precedent conditions to be fulfilled within two years and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated April 3, 2019.

A. Sypek seconded the motion.

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

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

PRECEDENT CONDITIONS

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

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

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Public Works & Engineering/Stantec review memo dated April 3, 2019.
2. The Applicant shall provide the Owner's signature(s) on the plans.
3. Required permits and permit approval numbers shall be noted on the plan.
4. The proposed road widening easements shall be reviewed for approval by the Town and shall be recorded concurrently with the final plan.
5. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.
6. The Applicant shall provide a check for \$25 (made payable to the Rockingham County Registry of Deeds) for LCHIP.
7. The Applicant shall note all general and subsequent conditions on the plans.
8. Outstanding third-party review fees, if any, shall be paid within 30 days of conditional site plan approval.
9. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
10. Final engineering review.

PLEASE NOTE – If these conditions are not met within two (2) years of the meeting at which the Planning Board grants approval, the Board's approval will be considered to have lapsed and re-submission of the application will be required. See RSA 674:39 on vesting.

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. **No construction or site work for the subdivision may be undertaken until a pre-construction meeting with Town staff has taken place, filing of an**

NPDES – EPA Permit (if required), and posting of the appropriate financial guaranty with the Town. Contact the Department of Public Works to arrange the pre-construction meeting.

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. Prior to issuance of a certificate of occupancy, all site improvements and off-site improvements, if any, shall be completed.

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.

E. Application for formal review of subdivision plan to subdivide 75 Litchfield Road, Map 11 Lot 89, Zoned AR-1 into eight residential lots, Jonathan Paul and (Owner & Applicant)

Chairman Rugg read the case into record. G. Verani recused himself for this case. Chairman Rugg appointed R. Fillio to vote for G. Verani. J. Trottier stated that there are no outstanding checklist items and staff recommends the application be accepted as complete.

A. Sypek made a motion to accept the application as complete per Staff's recommendation memorandum dated April 3, 2019.

T. Combes 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.

Eric Mitchell addressed the Board. E. Mitchell said that the proposed application is for an eight lot subdivision with seven new lots and the existing house will be on the eighth lot. He said the roadway is about 825 feet and comes off Litchfield Road. He stated that all the lots will be serviced by septic systems and wells. He pointed out that he asked for two waivers with the application and reviewed the requests with the Board.

Chairman Rugg opened it up to questions from the Board. J. Trottier said that the applicant is requesting two waivers to the Subdivision Regulations. He explained that the first waiver request is to Section 3.08 G to permit the velocity in certain pipes to be less than the required two feet per second, noting that staff supports granting this waiver as the contributing area does not generate enough flow to meet the minimum velocity. He stated that the second waiver request is from Section 3.09.S.8 to permit the proposed road to intersect Litchfield Road where the grade of Litchfield Road is more than 3%, noting that staff does not support granting this waiver. He explained that as the requirement is intended to provide safe access to traffic entering and leaving the road, and allowing a slope in excess of 3% poses a safety concern, particularly during winter travel conditions. He reviewed the design review comments with the Board. A. Chiampa asked about the slope of Litchfield Road. E. Mitchell said that the grade of Litchfield Road is the steepest at 7% and flattens to about 5%, noting that there is no place on the frontage to get close to 3%. He said that they placed the entrance at the 5% slope explaining that they feel with the limited amount of traffic entering and exiting, it will not be an unsafe condition. J. Trottier stated that staff is recommending improvements to the frontage perhaps, rather than the entrance at 5% because of the traffic on Litchfield Road.

Chairman Rugg opened it up to the public.

Fred Maloney, Six Castle Court, addressed the Board. F. Maloney asked how far down the hill would these new lots come. E. Mitchell reviewed the plans with F. Maloney noting that no house lots are going to be built behind the barn now.

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

M. Soares made a motion to approve the Applicant's request for waiver #1 per Staff's Recommendation Memorandum dated April 3, 2019.

A. Sypek seconded the motion.

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

M. Soares made a motion to approve the Applicant's request for waiver #2 per Staff's Recommendation Memorandum dated April 3, 2019.

A. Sypek seconded the motion.

The motion was granted, 6-2-0. The Chair voted in the affirmative.

M. Soares made a motion to grant conditional approval of the subdivision plan to subdivide 75 Litchfield Road, Map 11 Lot 89, Zoned AR-1 into eight residential lots, Jonathan Paul (Owner), Belize Real Estate Holdings, LLC (Applicant). In accordance with plans prepared

by Eric Mitchell & Associates, LLC dated October 5, 2018, last revised March 11, 2019 with the following precedent conditions to be fulfilled within two years and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated April 3, 2019.

A. Sypek seconded the motion.

The motion was granted, 6-2-0. 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 April 3, 2019 and the Stantec Traffic Review memo dated November 27, 2018.
2. The Applicant shall provide the Owner's signature(s) on the plans.
3. Required permits and permit approval numbers shall be noted on the plan.
4. The proposed road deed, easements and flowage rights shall be reviewed for approval by the Town and shall be recorded concurrently with the final plan.
5. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.
6. The Applicant shall provide a check for \$25 (made payable to the Rockingham County Registry of Deeds) for LCHIP.
7. The Applicant shall note all general and subsequent conditions on the plans.
8. Outstanding third-party review fees, if any, shall be paid within 30 days of conditional site plan approval.
9. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
10. Final engineering review.

PLEASE NOTE – If these conditions are not met within two (2) years of the meeting at which the Planning Board grants approval, the Board’s approval will be considered to have lapsed and re-submission of the application will be required. See RSA 674:39 on vesting.

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

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

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. Prior to issuance of a certificate of occupancy, all site improvements and off-site improvements, if any, shall be completed.

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.

F. Application for formal review of a subdivision plan to subdivide one residential lot into three, Four South Road, Map 3 Lot 25-2, Zoned AR-1, Burton Boone (Owner & Applicant)

Chairman Rugg read the case into the record. G. Verani came back to the Board for this case. J. Trottier said that there are no outstanding checklist items and staff supports granting the application to be accepted as complete.

M. Soares made a motion to accept the application as complete per Staff’s recommendation memorandum dated April 3, 2019.

T. Combes 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.

Eric Mitchell addressed the Board. E. Mitchell pointed out that the title of the plan has a typographical error in which Mammoth Road is listed at Route 188 instead of Route 28. He said that the plan is to subdivide eight acres into three lots. He pointed out that one lot would be 1.53 acres, the middle lot would be 1.2 acres and the remainder lot would be 5.78 acres. He said that all lots meet the requirements and they have not requested any waivers.

Chairman Rugg opened it up to questions from the Board. J. Trottier reviewed the design review items with the Board. Town Planner Mailloux pointed out that the Board has a letter in their packet from and abutter, Five Lilac Circle. T. Combes stated that he is concerned about traffic and asked if something could be done. Town Planner Mailloux said that the Board could recommend a shared driveway or easement onto the abutting lot. T. Combes said he would like an easement onto the abutting lot to bring the driveway further away from the intersection. Chairman Rugg said that common driveways can be problematic. A. Sypek said he agreed with T. Combes that something needs to be done such as an easement to help the traffic at that intersection. E. Mitchell said that they could move the driveway with an easement but did not like the idea of a common driveway. T. Combes said he never intended for a common driveway, but rather to move the driveway east with an easement.

Chairman Rugg opened it up to the public.

Steve Blank, 68 Mammoth Road addressed the Board. S. Blank said that he is concerned about water drainage, as he has water that encroaches on his property all summer long, and does not want any more water to be added from this subdivision. M. Soares said that the applicant cannot add any more water to his property. S. Blank asked what was being done to prevent the water from going to his property. E. Mitchell said that the water flows to the northeast and S. Blank's property is to the south and at a higher elevation than the applicant's property, so the water runs downhill from S. Blank's property to the applicant's property. He pointed out that all the grading goes either onto the applicant's property or downhill, noting none should go to S. Blank's property. S. Blank shared the same concerns with Board members regarding the driveway at the intersection being dangerous.

Corrine Blank, 68 Mammoth Road, addressed the Board. C. Blank said that she met with J. Trottier when they found out about the project and E. Mitchell was supposed to reach out to talk to them about the water. She said that E. Mitchell reached out

this afternoon and she felt frustrated as they have been trying to address the concerns about the water. She said she disagrees that the water will not come to the south. She asked if an AOT permit had been obtained. J. Trottier said an AOT permit would not be required as the applicant is not disturbing over 100,000 SF of land area. C. Blank said she spoke to someone at the state of New Hampshire and this person felt an AOT permit was necessary. Chairman Rugg asked to whom she spoke to. C. Blank said that it was Neil Bilodeau. E. Mitchell said that they are not disturbing anywhere close to 100,000 SF of land and disagreed based upon his experience that they would need an AOT permit. C. Blank showed pictures of her property to the Board at this time. Town Planner Mailloux requested that C. Blank email the pictures to her for the record. E. Mitchell said that because it is an open field the applicant could create a small berm at the edge of the trees, which would prevent water to flow towards their property, even though he does not think the water will flow onto their property.

Mario Vannini, 6 Lilac Circle, addressed the Board. M. Vannini said he was concerned that the water was going to be shifted to the east because he is on the east. He is concerned about the addition of more impervious surfaces with the new lots to the wetland and his well. He said that there was a subdivision to Lot 25-1 years ago in which he was told a house would be built equivalent to the neighborhood in style and cost, but a single wide mobile home is there instead, and wanted to know what types of properties would be built. E. Mitchell said that the purpose of the subdivision was for the highest and best use, so they would be three to four bedroom houses to go along with the market. M. Vannini said that there is conservation land there and asked what would be done to it. E. Mitchell said that all the conversation land will have signs put up to delineate that and no land will be disturbed. Town Planner Mailloux suggested that based upon the discussion tonight with the Board, she would recommend a condition of approval be added that the driveway serving Map 3, Lot 25-4, be located to the satisfaction of the Department of Public Works and the abutting lot easement language be provided for review. She said Section 3.0.9.b of the Subdivision Regulations require that each lot have a safe, independent direct access from a Class V or better road, and if access would be from the abutting lot, the Board should grant a waiver to that section.

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

M. Soares made a motion to grant conditional approval of the subdivision plan to subdivide one residential lot into three, 4 South Road, Map 3 Lot 25-2, Zoned AR-1, Burton Boone (Owner & Applicant) in accordance with plans prepared by Eric Mitchell & Associates, LLC dated December 4, 2018, last revised March 11, 2019 with the following precedent conditions to be fulfilled within two years and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated April 3, 2019 with the additional condition that the driveway be moved to the abutting lot and an easement be provided as well as waive the Section 3.0.9.b of the Subdivision Regulations.

T. Combes 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 April 3, 2019.
2. The Applicant shall provide the Owner's signature(s) on the plans.
3. Required permits and permit approval numbers shall be noted on the plan.
4. The proposed road widening and sightline easements shall be reviewed for approval by the Town and shall be recorded concurrently with the final plan.
5. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.
6. The Applicant shall provide a check for \$25 (made payable to the Rockingham County Registry of Deeds) for LCHIP.
7. The Applicant shall note all general and subsequent conditions on the plans.
8. Outstanding third-party review fees, if any, shall be paid within 30 days of conditional site plan approval.
9. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
10. Final engineering review.

PLEASE NOTE – If these conditions are not met within two (2) years of the meeting at which the Planning Board grants approval, the Board's approval will be considered to have lapsed and re-submission of the application will be required. See RSA 674:39 on vesting.

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

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

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. Prior to issuance of a certificate of occupancy, all site improvements and off-site improvements, if any, shall be completed.

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.

G. Application for formal review of a subdivision plan of one lot into 10 residential lots, 162 High Range Road, Map 9, Lot 5, Zoned AR-1, Belize Real Estate Holdings, LLC (Owner & Applicant)

Chairman Rugg read the case into the record. G. Verani recused himself from this case. Chairman Rugg appointed R. Fillio to vote for G. Verani. J. Trottier said that there are no outstanding checklist items and staff supports granting the application to be accepted as complete.

M. Soares made a motion to accept the application as complete per Staff's recommendation memorandum dated April 3, 2019.

T. Combes seconded the motion.

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

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

Eric Mitchell, addressed the Board. E. Mitchell said that the proposal is to subdivide the 17 1/2 acre parcel into ten lots. He said that one lot would be on Davis Drive, one lot on High Range Road and the remaining eight lots would be on the proposed

subdivision street called Braeburn Drive. He said all the lots would be serviced by septic systems and wells. He pointed out that they are seeking one waiver request for the horizontal curve requirement.

Chairman Rugg opened it up to questions from the Board. J. Trottier said that the applicant is requesting a waiver request to Section 3.0.9.R.2, regarding Horizontal Curves of the Subdivision Regulations to allow a 300 feet centerline road radius for a residential subdivision of eight lots, noting that staff supports granting this waiver due to the low traffic volume on the proposed cul-de-sac and because there is no potential for future extension of the road. He reviewed the design review comments with the Board. T. Combes asked if the driveway for the proposed house on Davis Drive could be moved in further. E. Mitchell said that he might be able to move it five to ten feet but not anymore. T. Combes said that would be helpful.

Chairman Rugg opened it up to the public.

Sue Jutress, High Range Road, addressed the Board. S. Jutress said she was saddened that all the trees were going to be cut and wanted to get a better picture of what she would be looking at out her backyard. E. Mitchell reviewed plans with S. Jutress.

Neil Dunn, 21 Sherwood Road, addressed the Board. N. Dunn asked if there would be an AOT permit needed for this. J. Trottier said that an AOT permit is not required. M. Soares said an AOT permit relates to the amount of disturbance not the size of the parcel. N. Dunn asked if during the survey there were any easements that were excluded from the plan. E. Mitchell said that they did not find any existing draining easements with their survey. He said the drainage they have proposed for the new road with any detention basins have to be put into easements, which are deeded to the town. N. Dunn asked about the 75 feet protected well radius, stating that Lot 9 5-2 and 5 overlap into adjacent properties, and did they evaluate for any septic systems in this area. E. Mitchell reviewed the plan noting that there is a wetland on Lot 5, so that area is precluded from septic system placement and the closest one could be would be 75 feet. N. Dunn said that he is asking about the houses that are there now and were built in the 1970s and 1980s if there septic is in the boundary and if that was checked. J. Trottier explained that if the 75 foot protective well radius overlaps the existing lot the builder/state will release the existing property owner of any liability. N. Dunn stated he did not think this was a good practice. He asked what the notation PD is on the plan. E. Mitchell stated this was in reference to the wetland, meaning Poorly Drained. N. Dunn asked if any of the wetlands could be changed/alterd. E. Mitchell said they could not. N. Dunn asked who does the monitoring of the detention ponds once a year in the easement. J. Trottier said that it would be a town's responsibility as it is a town easement to be observed yearly. N. Dunn said that he received a letter as an abutter in September regarding the design review process, but did not

see any public minutes regarding the process. Town Planner Mailloux said that the design review process is where the plans are circulated to the Police, Fire, Public Works, Building Department, Conservation Commission, Heritage Commission, Zoning Board of Adjustment, Assessing, Town Clerk and Tax Collector, and the files are kept in the Planning Department for review. She said the plan is also circulated to the third party engineering firm, Stantec for review as well. N. Dunn asked what is required for posting in newspapers. Town Planner Mailloux explained they are required to post in one newspaper for circulation, send notification to abutters and post it in two places at the Town Hall. She said that Londonderry sends out a first notice to abutters that is not required by statute to give the residents a heads up sooner to give them time to get information and questions answered. N. Dunn said that he had some questions related to the land that Manchester now owns as it was taken away by eminent domain from Londonderry residents long ago. He said he sent an email to the Town Council in May when he read the real estate transaction in the Londonderry Times and Mr. Farrell (Chair of Town Council) sent the email to Kevin Smith (Town Manager) and did not hear anything back until November noting the sale was a _____. He said that the noise level at his house now is higher than he believes it should be, as he has sound meter that he has recorded sound on. He told the Board that he believes that Belize Real Estate Holdings, LLC would be responsible for the noise problem as they now own the property and presented the deed to the Board. He said he would like the Board to continue the case and review the documents that he has presented them. He asked what the appeal process would be for a decision of the Planning Board. Chairman Rugg said that he would have 30 days to file a case with the Superior Court. A. Chiampa said that she thought there would be a reciprocal agreement on the land and that it would have been offered to the town first before going out for sale. N. Dunn stated that he asked this question in his email for which he never received an answer. M. Soares asked if it was possible for the Board to put a restriction for noise levels to be taken before and after. Town Planner Mailloux said she did not think the Board has the ability to put such a restriction on and was not sure what it would accomplish in the end. She pointed out that this property in this application is not part of the Noise Overlay District. N. Dunn said that the Manchester Airport handed the town a guidance on noise in 2010, but the town is still using a 1992 ordinance, and the FAA came out with new guidelines. He said that he felt that the clearing of the land was going to raise the noise level at his house and should be addressed by the Board. E. Mitchell informed the Board that when the land was sold to the City of Manchester they put the buyer on notice, which would be the developer in this case that they relinquish any responsibility for the noise in this area. E. Mitchell read a note from the plan to the Board regarding what he believes is the release of responsibility of noise at this property from the City of Manchester. P. Commerford said that this is not in the Noise Overlay District and the noise information now goes along with the deed, which carries over to the property owner, so he thinks the Board has no ability to put such a restriction on this plan.

Deborah Dunn, 21 Sherwood Drive, addressed the Board. D. Dunn said that she is concerned about the clearing of the wooded land that serves as a buffer to the sound for them now. She said that right now she cannot talk on the phone outside

on her deck or in her house without being disrupted by the airplanes. She asked if there was any thought that was going in to the current property owners and not just the new residents. P. Commerford asked if the developer was going to clear cut the whole property, as there are wetlands there. E. Mitchell said that he was correct and reviewed the plans noting that cutting was going to be minimized on this plan. T. Combes asked N. Dunn how long he had his noise monitoring machine. N. Dunn said he has had the machine since March. Town Planner Mailloux informed the Board that the Board has to follow the existing noise ordinance and not new information provided by N. Dunn. L. Gandia read from the deed that was presented by N. Dunn to the Board regarding the release of responsibility by the City of Manchester about the noise.

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

M. Soares made a motion to approve the applicant's request for a waiver to Section 3.09.R.2 of the subdivision regulations as outlined in the Staff recommendation memorandum dated April 3, 2019.

A. Sypek seconded the motion.

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

M. Soares made a motion to continue the case until the May 8, 2019 meeting.

A. Sypek seconded the motion.

The motion was granted, 7-1-0. The Chair voted in the affirmative.

Chairman Rugg noted that the plan is continued until May 8, 2019, at 7 p.m. at the Town Hall and this would be the only formal public notice.

E. Mitchell asked what the applicant had to do for the continuation and what the Board was going to do. Chairman Rugg said that the applicant did not need to do anything and that the Board was going to review all the information that was presented this evening. Town Planner Mailloux said that the applicant would be provided with all the information that was submitted this evening and she was going to have a discussion with the town attorney to see if the Planning Board has the ability to legally put restrictions related to noise.

V. Other - N/A

VI. Adjournment

Member M. Soares made a motion to adjourn the meeting at approximately 10:45 p.m. Seconded by T. Combes

The motion was granted, 8-0-0.

The meeting adjourned at approximately 10:45 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,



Name: Chris Davies

Title: Secretary

These minutes were accepted and approved on May 8, 2019, by a motion made by M. Soars and seconded by R. Briden.

STAFF RECOMMENDATION

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

Date: April 3, 2019

Application: Application Acceptance and Public Hearing for formal review of a site plan for site preparation, grading and drainage improvements, 14 Page Road and 280 Rockingham Road, Map 17 Lots 45-4 and Map 17, Lot 45, Zoned IND-I, Evans Family Limited Partnership (Owner & Applicant)

- **Completeness:** There are seven (7) outstanding checklist items for which the Applicant has requested waivers. If the Board grants the waivers, Staff recommends the Application be accepted as complete.
 1. Checklist Item XI.5 and Sections 3.04, 3.05, 3.06, 3.07 and 4.18.B of the Site Plan Regulations to provide utility clearance letters for gas, electric, cable and telephone. Staff **supports** granting this waiver as the plan is for site preparation only and there will be no utility service to the site. Staff has included a recommended condition of approval that should any blasting be required within 100' of the Tennessee Gas Pipeline (TGP) crossing the property, TGP shall be notified and their safety protocols followed.
 2. Checklist Item V.II and Section 3.10 of the Site Plan Regulations to provide a landscape plan. Staff **supports** granting this waiver as this plan is for site preparation only, upon completion of the work the site will be stabilized, loamed and seeded, and a landscape plan will be required for any future site plan approvals.
 3. Checklist Item VIII and Sections 3.13 and 4.16 of the Site Plan Regulations to provide a lighting plan. Staff **supports** granting this waiver as the proposed project does not include any proposed lighting.
 4. Section 3.11 of the Site Plan Regulations to provide soil & wetland identification for the entire parcel. Staff **supports** granting this waiver because of the significant sizes of the parcel and because soil and wetland delineation was provided on the area of the parcel proposed to be developed.
 5. Section 4.01c of the Site Plan Regulations requiring a maximum plan scale of 1" = 40". Staff **supports** granting this waiver as the plans are legible at the scale presented.
 6. Section 4.12.a and 4.12.c.3 requiring metes and bounds for the entire property be provided on the existing conditions plan. Staff **supports** granting this waiver as a recorded reference plan is on file with the metes and bounds provided.
 7. Section 2.04.b.4 to provide an Application fee based on the development area rather than the total site area. Staff supports granting the waiver because the Applicant submitted a fee based on the current development area and it is

consistent with past Board practice of allowing a reduced fee based on the area of disturbance for projects located on large parcels.

Board Action Required: Motion to approve checklist waivers 1 through 7 as outlined in Staff's recommendation memorandum dated April 3, 2019.

Board Action Required: Motion to Accept the Application as Complete.

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

Board Action Required: Motion to grant conditional approval of the site plan for site preparation, grading and drainage improvements, 14 Page Road and 280 Rockingham Road, Map 17 Lots 45-4 and Map 17, Lot 45, Evans Family Limited Partnership (Owner & Applicant) in accordance with plans prepared by Hayner-Swanson, Inc., dated October 1, 2018, last revised February 26, 2019, with the precedent conditions to be fulfilled within 120 days of the approval and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum, dated April 3, 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 provide a note on the plans that any blasting to be performed within 100' of the Tennessee Gas Pipeline shall follow appropriate TGP safety protocols.
2. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Public Works & Engineering/Stantec review memo dated April 3, 2019.
3. The Owner's signature shall be provided on the plans.
4. Typographical errors in the Stormwater Operation and Maintenance notes in the drainage report and on Sheet 6 shall be corrected.

5. All required permits and approvals shall be obtained and noted on the plan.
6. The Applicant shall note all waivers granted on the plan.
7. 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.
8. Third-party review fees shall be paid within 30 days of conditional site plan approval.
9. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
10. 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. 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).

5. 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: April 3, 2019

Application: Application for formal review of a lot line adjustment between 75 Litchfield Road, Map 11 Lot 89, Zoned AR-1 and 278 High Range Road, Map 11 Lot 81-4, Zoned AR-1, Jonathan Paul and Deborah A. & John O'Connell (Owners & Applicants)

- Completeness: There is one checklist item for which the Applicant has requested a waiver:
 1. The Applicant has requested a waiver from Section 3.10 to not require HISS mapping on Lot 89 which is over 5 acres and is increasing in size. Staff **supports** granting this waiver as there is sufficient soils mapping provided on the lot which is decreasing in size to confirm that it complies with the Zoning Ordinance requirements for minimum lot size.

Board Action Required: Motion to grant the checklist waiver per Staff's Recommendation Memorandum dated April 3, 2019.

Board Action Required: Motion to accept the application as complete per Staff's Recommendation Memorandum dated April 3, 2019.

- Waivers: The Applicant has requested the following two waivers to the Subdivision Regulations:
 1. The Applicant has requested a waiver from Section 4.01.C to permit a plan scale of 1 inch equals 100 feet. Staff **supports** granting this waiver as the plans are legible at the scale presented.
 2. The applicant has requested a waiver from Section 3.09.F.2 to permit an existing driveway with less than the required 250 foot safe stopping sight distance. Staff **does not support** this waiver request.

Board Action Required: Motion to approve the Applicant's request for waiver #1 per Staff's Recommendation Memorandum dated April 3, 2019.

Board Action Required: Motion to deny the Applicant's request for waiver #2 per Staff's Recommendation Memorandum dated April 3, 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 substantially as follows:

Board Action Required: Motion to grant conditional approval of a lot line adjustment between 75 Litchfield Road, Map 11 Lot 89, Zoned AR-1 and 278 High Range Road, Map 11 Lot 81-4, Zoned AR-1, Jonathan Paul and Deborah A. & John O'Connell (Owners & Applicants) in accordance with plans prepared by Eric Mitchell & Associates, LLC dated October 5, 2018, last revised March 12, 2019 with the following precedent conditions to be fulfilled within two years and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated April 3, 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 memo dated April 3, 2019.
2. The Applicant shall provide the Owner’s signature(s) on the plans.
3. Required permits and permit approval numbers shall be noted on the plan.
4. The proposed road widening easements shall be reviewed for approval by the Town and shall be recorded concurrently with the final plan.
5. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.
6. The Applicant shall provide a check for \$25 (made payable to the Rockingham County Registry of Deeds) for LCHIP.
7. The Applicant shall note all general and subsequent conditions on the plans.
8. Outstanding third-party review fees, if any, shall be paid within 30 days of conditional site plan approval.
9. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.

10. Final engineering review.

PLEASE NOTE – If these conditions are not met within two (2) years of the meeting at which the Planning Board grants approval, the Board's approval will be considered to have lapsed and re-submission of the application will be required. See RSA 674:39 on vesting.

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. **No construction or site work for the subdivision may be undertaken until a pre-construction meeting with Town staff has taken place, filing of an NPDES – EPA Permit (if required), and posting of the appropriate financial guaranty with the Town.** Contact the Department of Public Works to arrange the pre-construction meeting.
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. Prior to issuance of a certificate of occupancy, all site improvements and off-site improvements, if any, shall be completed.
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.

STAFF RECOMMENDATION

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

Date: April 3, 2019

Application: Application for formal review of a subdivision plan to subdivide one residential lot into three, 4 South Road, Map 3 Lot 25-2, Zoned AR-1, Burton Boone (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 April 3, 2019.**

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

Board Action Required: **Motion to grant conditional approval of the subdivision plan to subdivide one residential lot into three, 4 South Road, Map 3 Lot 25-2, Zoned AR-1, Burton Boone (Owner & Applicant) in accordance with plans prepared by Eric Mitchell & Associates, LLC dated December 4, 2018, last revised March 11, 2019 with the following precedent conditions to be fulfilled within two years and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated April 3, 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 memo dated April 3, 2019.
2. The Applicant shall provide the Owner’s signature(s) on the plans.
3. Required permits and permit approval numbers shall be noted on the plan.

4. The proposed road widening and sightline easements shall be reviewed for approval by the Town and shall be recorded concurrently with the final plan.
5. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.
6. The Applicant shall provide a check for \$25 (made payable to the Rockingham County Registry of Deeds) for LCHIP.
7. The Applicant shall note all general and subsequent conditions on the plans.
8. Outstanding third-party review fees, if any, shall be paid within 30 days of conditional site plan approval.
9. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
10. Final engineering review.

PLEASE NOTE – If these conditions are not met within two (2) years of the meeting at which the Planning Board grants approval, the Board’s approval will be considered to have lapsed and re-submission of the application will be required. See RSA 674:39 on vesting.

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. **No construction or site work for the subdivision may be undertaken until a pre-construction meeting with Town staff has taken place, filing of an NPDES – EPA Permit (if required), and posting of the appropriate financial guaranty with the Town.** Contact the Department of Public Works to arrange the pre-construction meeting.
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. Prior to issuance of a certificate of occupancy, all site improvements and off-site improvements, if any, shall be completed.
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.

STAFF RECOMMENDATION

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

Date: April 1, 2019

Application: Application for formal review of subdivision plan to subdivide 75 Litchfield Road, Map 11 Lot 89, Zoned AR-1 into eight residential lots, Jonathan Paul and (Owner), Belize Real Estate Holdings, LLC (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 April 3, 2019.**

- Waivers: The Applicant has requested the following two waivers to the Subdivision Regulations:
 1. The Applicant has requested a waiver from Section 3.08 G to permit the velocity in certain pipes to be less than the required two feet per second. Staff **supports** granting this waiver as the contributing area does not generate enough flow to meet the minimum velocity.
 2. The Applicant has a requested a waiver from Section 3.09.S.8 to permit the proposed road to intersect Litchfield Road where the grade of Litchfield Road is more than 3%. Staff **does not support** granting this waiver as the requirement is intended to provide safe access to traffic entering and leaving the road, and allowing a slope in excess of 3% poses a safety concern, particularly during winter travel conditions.

Board Action Required: **Motion to approve the applicant's request for waiver #1 as noted in the Staff recommendation memorandum dated April 3, 2019.**

Motion to deny the Applicant's request for waiver #2 as noted in the Staff recommendation memorandum dated April 3, 2019.

- Recommendation: Should the Board deny waiver #2, Staff recommends that the Application be continued to allow the Applicant time to revise the proposed plan to comply with the Subdivision Regulations.

Board Action Required: **Motion to continue the Application to the May 8, 2019 Planning Board Meeting** (or other date as deemed appropriate by the Board).

- Recommendation: Should the Board approve waiver #2, Conditional Approval may be granted with a Notice of Decision to read substantially as follows:

Board Action Required: Motion to grant conditional approval of the subdivision plan to subdivide 75 Litchfield Road, Map 11 Lot 89, Zoned AR-1 into eight residential lots, Jonathan Paul (Owner), Belize Real Estate Holdings, LLC (Applicant). in accordance with plans prepared by Eric Mitchell & Associates, LLC dated October 5, 2018, last revised March 11, 2019 with the following precedent conditions to be fulfilled within two years and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated April 3, 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 memo dated April 3, 2019 and the Stantec Traffic Review memo dated November 27, 2018.
2. The Applicant shall provide the Owner’s signature(s) on the plans.
3. Required permits and permit approval numbers shall be noted on the plan.
4. The proposed road deed, easements and flowage rights shall be reviewed for approval by the Town and shall be recorded concurrently with the final plan.
5. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.
6. The Applicant shall provide a check for \$25 (made payable to the Rockingham County Registry of Deeds) for LCHIP.
7. The Applicant shall note all general and subsequent conditions on the plans.
8. Outstanding third-party review fees, if any, shall be paid within 30 days of conditional site plan approval.

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

PLEASE NOTE – If these conditions are not met within two (2) years of the meeting at which the Planning Board grants approval, the Board's approval will be considered to have lapsed and re-submission of the application will be required. See RSA 674:39 on vesting.

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. **No construction or site work for the subdivision may be undertaken until a pre-construction meeting with Town staff has taken place, filing of an NPDES – EPA Permit (if required), and posting of the appropriate financial guaranty with the Town.** Contact the Department of Public Works to arrange the pre-construction meeting.
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. Prior to issuance of a certificate of occupancy, all site improvements and off-site improvements, if any, shall be completed.
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.